

Staff Report

Subject: Variance (Fourth District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: October 15, 2024

Item Description: **Jordan Harbison** requests a **variance** from ordinance Section 3.41.3, to allow for the reduction in in minimum pool setbacks. Located at 138 Greystone Drive, zoned R-1. **[Map# 395A Parcel# 29]**

Executive Summary/Background

- Pursuant to Appendix C-Zoning Ordinance, Article VII-Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:
 - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and*
 - That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*
- The applicant requests a variance from Section 6.2.3 to allow for the reduction in accessory structure setbacks.
- Per the Effingham County Code of Ordinances, **Part II – Official Code, Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.41.3 – Location:**
 - “It may not be located closer than ten feet from water’s edge to any property line of the property on which it is located, and ten feet from any dwelling. Swimming Pools are prohibited in the front yard of any Agricultural and/or Residential Zoning District.”*
- Based on the size of the lot, the applicant cannot meet the required setbacks necessary for the inground pool. On the plot plan submitted with the application; the pool will be 10 feet from the home, 53.7 feet from one property line, 24.9 feet from the other side property line, but only 5.6 feet from the back property line.
- The variance is for 4.4 feet to the rear property line.

Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance.

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Variance Application 2. Aerial Photograph 3. Deed