

## Staff Report

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

**Item Description:** **Matt Simon** requests a **variance** to allow for an additional use of state permitted surface mine. Located on Courthouse Road, zoned I-1. **[Map# 369 Parcel# 5]**

### 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 to recycle/crush concrete on the property.
- The parcel was zoned I-1 at the April 4, 2017, Board of Commissioners meeting for the use of a surface mine.
- The applicant has stated that this is a unique circumstance and has acquired the material and would like to make use of the material on projects in proximity to their property.

### Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance with the following conditions:

1. A Site Plan shall be approved by the Board of Commissioners
2. Site Development plans shall comply with the Effingham County Water Resources Protection Ordinance, the Stormwater Local Design Manual, and Chapter 34 – Flood Protection.
3. All wetland impacts shall be permitted by the USACE
4. Site development shall follow the requirements of Section 3.17 – Excavation, mining, ponds, and fills of land and/or state/federal jurisdiction waters or wetlands.

**Department Review:** Development Services

**FUNDING:** N/A

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