



## Staff Report

Author: Kimberly Barlett, Senior Planner  
Department: Development Services  
Subject: Variance  
Meeting Date: March 17, 2026  
Application: VAR-26-5

Existing Zoning: AR-1 (Agricultural – Residential, 5 acres or more)

Map & Parcel: 465H-235A

Parcel Size: 0.29

Applicant: Alexander 3 Investments, LLC  
PO Box 1190  
Rincon, Ga 31326

Owner(s): Alexander 3 Investments, LLC  
PO Box 1190  
Rincon, Ga 31326

Commissioner District: Second District

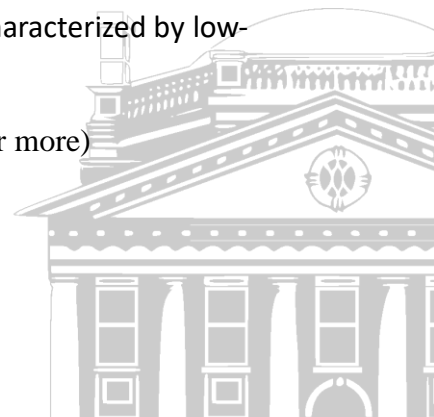
Location: Whitehall Ave  
Rincon, GA 31326

### Existing Land Use and Zoning:

The parcel is located on Whitehall Ave in the Westwood Heights Subdivision. The parcel is currently a vacant lot, as confirmed through the Effingham County Tax Assessor’s database. Access to the property is provided via Whitehall Ave.

The subject parcel is a legal nonconforming lot of record. The parcel was created prior to the adoption of the current AR-1 zoning district standards, which require a minimum lot size of five (5) acres. The existing parcel contains approximately 0.29 acres and therefore cannot meet the current minimum lot size requirement. Surrounding properties are zoned AR-1 and are characterized by low-density residential and agricultural uses:

- **North, South, East, and West:** AR-1 (Agricultural–Residential, 5 acres or more)





### The Proposed Request:

This variance request is intended to modify the current building setback requirements so that they align with the original setback standards outlined in the subdivision’s covenants. The goal is to create consistency across the subdivision and ensure that any future development is compatible with the neighborhood’s established design and layout. Based on the covenants of Westwood Heights subdivision, the variance would allow for a front setback of 25 feet and side setbacks of 5 feet.

### Required AR-1 Setbacks

- Front: **50 feet required → 25 feet requested**
- Side: **25 feet required → 5 feet requested**
- Rear: **50 feet required (no change requested)**

Minimum lot area	5 acres
A maximum of two residential units are permitted per lot. These may consist of two principal dwellings, or one principal dwelling, and one accessory dwelling unit (ADU)	2 units
Minimum lot road frontage	100 feet
Minimum lot width at building line	150 feet
Minimum front yard setback	50 feet
Minimum rear yard setback	50 feet
Minimum side yard (interior) setback	25 feet
Minimum side yard (street/road easement) setback	50 feet

## Planning and Zoning Services

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 (912) 754-2128  
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## Facts and Findings:

### Site Characteristics

The subject parcel contains **0.29 acres**, currently a vacant lot located on Whitehall Ave. Access is provided directly from Whitehall Ave. The parcel is rural in character and does not contain known wetlands, floodplain, or environmental constraints based on County mapping.

### Surrounding Development Pattern

The area surrounding the parcel consists primarily of rural residential homesteads and agricultural tracts. Development intensity remains low, with lot sizes predominantly ranging from less than 0.50 acres to one acre.

### Zoning Context

The parcel is currently zoned AR-1, which requires a minimum lot size of five (5) acres. Surrounding properties are also zoned AR-1. The subject parcel is significantly smaller than the minimum lot size required in the AR-1 district due to the subdivision being established prior to adoption of the current zoning standards. Because of the limited lot width and depth, strict application of the current setback requirements would leave an insufficient buildable area for a principal structure. This condition creates a practical hardship that is unique to the property and not generally applicable to other AR-1 parcels within the County.

### Infrastructure and Services

The property is consistent with the surrounding development. No County public water or sewer is available in this area. Emergency access is adequate via Whitehall Ave.

*Variance Criteria- Article IX- 9.1: The board of commissioners shall not grant such variances unless it finds based on the evidence presented to it in each specific case that:*

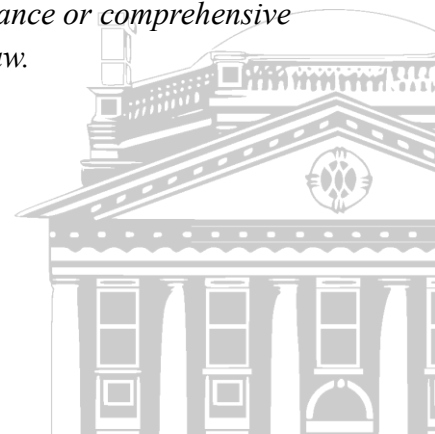
- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property, and;*
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, and;*
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, and;*
- d. The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.*

### Staff Analysis of Variance Criteria

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**(a) Public Safety and Welfare**

The requested reduction in setback requirements is not expected to negatively impact public safety, health, or welfare. The proposed setbacks are consistent with the development pattern within the Westwood Heights subdivision, where homes were originally designed with similar setback configurations. The variance will allow the property to develop in a manner compatible with surrounding residential properties.

**(b) Unique Conditions**

The subject property is part of an older platted subdivision containing residential lots that are significantly smaller than the minimum lot size required by the current AR-1 zoning district. This condition is unique to the property and other lots within the subdivision that were created prior to adoption of the current zoning standards. The limited lot size and dimensions restrict the ability to meet modern setback requirements.

**(c) Hardship**

Because of the parcel’s limited size and dimensions, strict application of the AR-1 setback requirements would significantly reduce the buildable area of the lot and make development of a principal structure difficult or impractical. This hardship results from the physical characteristics of the property and the historic subdivision layout, rather than any action taken by the applicant.

**(d) Consistency with the Ordinance and Comprehensive Plan**

The requested variance does not alter the permitted use of the property or conflict with the intent of the zoning ordinance. The request only seeks relief from dimensional standards necessary to allow reasonable residential use of a legally created lot. Approval of the variance would not vary the provisions of the Comprehensive Plan.

**Comprehensive Plan:**

The parcel is designated Agricultural–Residential on the Future Land Use Map (FLUM). This category supports single-family and multifamily residential uses arranged within general net-density ranges. The intent is to ensure residential development patterns that are compatible with surrounding densities, building types, and established neighborhood character (Effingham County 2020–2040 Joint Comprehensive Plan, p. 37).





### **Recommendation:**

Staff recommends **APPROVAL** of VAR-26-5. Based on the evidence presented and the findings contained in this report, staff finds that the request satisfies the variance criteria contained in Article IX, Section 9.1 of the Effingham County Zoning Ordinance. The hardship associated with the request results from the limited size and dimensions of the parcel and the historic subdivision pattern, which restrict the buildable area when the current AR-1 setback standards are applied. The requested variance will allow reasonable residential use of a legally created lot while remaining compatible with the surrounding neighborhood.

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## **Planning and Zoning Services**

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