



## Staff Report

Author: Kimberly Barlett, Senior Planner  
Department: Development Services  
Subject: Variance  
Meeting Date: April 7, 2026  
Application: VAR-26-9

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

Map & Parcel: 411A-1

Parcel Size: 4.596 acres

Applicant: Marilyn Leigh  
619 Rahn Station Road  
Rincon, Ga 31326

Owner(s): Marilyn Leigh  
619 Rahn Station Road  
Rincon, Ga 31326

Commissioner District: Fourth District

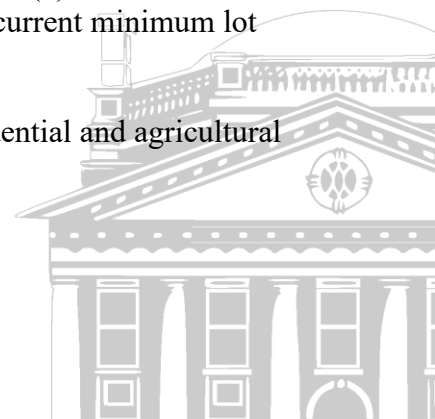
Location: 619 Rahn Station Road  
Rincon, Ga 31326

### Existing Land Use and Zoning:

The parcel is located at 619 Rahn Station Road. The parcel currently has a stick-built home, as confirmed through the Effingham County Tax Assessor’s database. Access to the property is provided via Rahn Station Road.

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 4.596 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 to allow the placement of a second dwelling unit on a non-conforming lot that does not meet the minimum five (5) - acre lot size requirement of the AR-1 district. The property is currently developed with a stick-built home, and the applicant proposes adding a second home on the same parcel. The property is in the Oak View Heights subdivision, which was established as an AR-1 subdivision with nonconforming lots.

The applicant is requesting a **variance from Section 3.25- Nonconforming lots** of the County ordinance:

*3.25.4 Dwellings on substandard lots. The county commissioners may authorize the issuance of a building permit for a single-family dwelling for a substandard lot only after it has been determined that remedies as set forth in this section cannot be complied with. The county commissioners may also grant variances to lot and building requirements in cases of hardship, if conditions detrimental to the public health, safety, and welfare are not caused.*

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Under the current Zoning ordinance, **5.1- AR-1 Agricultural residential districts**, the minimum acreage is five (5) acres, with a maximum of two residential units.

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

**Facts and Findings:**

**Site Characteristics**

The subject parcel contains **4.596 acres** and currently has a stick-built home on Rahn Station Road. Access is provided directly from Rahn Station Road. The parcel is rural in character and contains no known **wetlands, floodplain, or environmental constraints** based on County GIS 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 one acre or more.

**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 predominantly with some AR-2, reflecting a transition from agricultural homesteads to lower-density residential development. The applicant intends to construct an additional residence on this nonconforming lot, which is less than 5 acres in size. As a result, the existing zoning standards cannot be maintained without the approval of a variance to achieve compliance.

**Infrastructure and Services**

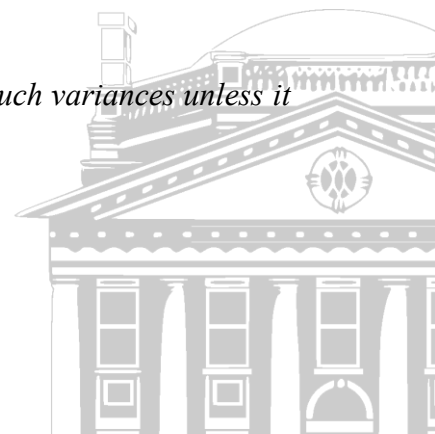
The property is served by a **private well and septic**, consistent with surrounding development. No public water or sewer is available in this area. Emergency access is adequate via Rahn Station Road.

*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:*

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*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**

### **(a) Public Safety and Welfare**

The proposed variance is not expected to adversely affect the public safety, health, or welfare of the community, provided that all applicable development standards and conditions are met. The addition of a second dwelling unit can be accommodated on the property provided adequate provisions are made for access and utilities.

### **(b) Unique Conditions**

The subject property possesses unique conditions in that it is a legally established nonconforming lot that predates current zoning regulations and does not meet the minimum lot size requirements of the district. The configuration and size of the parcel limit the ability to develop the property in a manner consistent with current standards.

As such, the request is based on circumstances specific to this parcel that do not generally apply to other properties within the zoning district.

### **(c) Hardship**

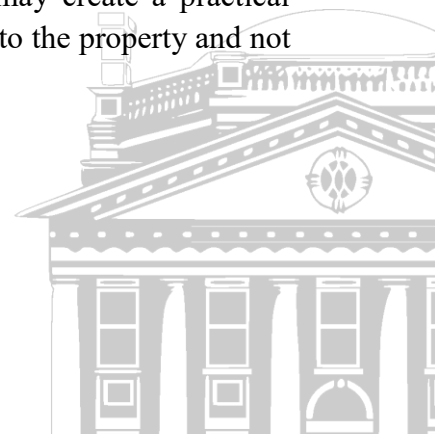
The hardship associated with the subject property arises from its status as a legally established nonconforming lot that does not meet current minimum dimensional requirements. Due to the lot's size and configuration, strict application of the zoning ordinance limits the reasonable use of the property in a manner consistent with evolving housing needs.

The inability to accommodate an additional dwelling unit without a variance may create a practical difficulty in utilizing the property to its fullest potential. This hardship is inherent to the property and not the result of actions taken by the current owner.

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Granting the variance would allow for reasonable use of the property while maintaining compliance with applicable safety and development standards.

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

The requested variance represents a deviation from the zoning ordinance; however, approval would not be inconsistent with the overall intent of the ordinance when considered in the context of this specific property. The ordinance allows for relief in cases where strict enforcement would result in practical difficulties due to unique property conditions.

The Comprehensive Plan designates the area as Agricultural Residential, which generally supports low-density residential/rural residential development. While the addition of a second dwelling unit increases density, the request remains compatible with the general character of the area.

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).



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**Recommendation:**

Staff recommends **APPROVAL**. 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 property is a legally established nonconforming lot with inherent limitations that restrict development under current zoning standards. The requested variance provides a reasonable accommodation of these conditions without substantially undermining the intent of the zoning ordinance.

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