

Staff Report

Subject: Variance (Fourth District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: July 16, 2024

Item Description: **Robert Crisp** requests a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks. Located at 156 Knotty Pine Circle, zoned R-1. **[Map# 428C Parcel# 150]**

Summary Recommendation

Staff has reviewed the application and recommends **denial** of the requests a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks.

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 5.1.4, to allow the reduction in the required building setbacks.
- This variance is to allow the accessory structure to be 3 feet from the home. The Effingham County Code of Ordinances requires that accessory structures be at least 10 feet from the primary dwelling.
- There is a 15' utility easement along the back portion of the property, however there is a building located within that easement.
- Per the Effingham County Code of Ordinances, **Appendix C, Article VI, Section 6.2.3 – Accessory Structures:**
 - An accessory structure less than ten feet from the principal structure must be connected thereto by a breezeway or similar structure and will be considered a component of the principal structure and comply with all yard setbacks for the principal structure.*
- At the June 11, 2024, Planning Board meeting, Mr. Alan Zipperer made a motion for approval, there was not a second and the motion died.
- Mr. Ryan Thompson followed with a motion for denial based on the staff's recommendation. It was Second by Mr. Peter Higgins. The vote was tied 2-2, as both Mr. Alan Zipperer and Chairman Dave Burns opposed.

Alternatives

1. **Approve** the request for a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks.
2. **Deny** the request for a **variance** from ordinance Section 5.1.4, to allow for the reduction in required building setbacks.

Recommended Alternative: 2

Other Alternatives: 1

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Variance Application

2. Aerial photograph

3. Deed