

Staff Report

Subject: Variance (First District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: August 6, 2024

Item Description: **Walter Ochoa** requests a **variance** from ordinance Section 74.8, to allow for commercial truck parking at the driver's residence. Located at 362 East Deerfield Road, zoned AR-1. [Map# 377A Parcel# 25E]

Summary Recommendation

Staff has reviewed the application and recommends **approval** of the request for a **variance** from ordinance Section 74.8 to allow commercial truck parking at the driver's residence.

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 74.8, to allow for commercial truck parking at the driver's residence.
- The applicant met with Staff in April of 2024 for a Technical Review Committee Meeting. At that meeting, the variance process, buffers, fencing, access management, and truck routes were discussed.
- The applicant explained that they have four (4) **dump trucks** currently parked on the property that they use for business operations.
- Section 74.8(d) of the Effingham County Code of Ordinance states that an exception to the commercial vehicles prohibited on certain streets is:
 - (4) Bobtail truck, defined as only the tractor with no trailer and/or chassis attached, going to or from, and parking at, the driver's residence located on the street governed by this section.*
- At the July 9, 2024, Planning Board meeting, Mr. Ryan Thopson motioned to deny the variance. Mr. Brad Smith seconded the motion, which carried unanimously.

Alternatives

- Approve** the request for a **variance** from ordinance Section 74.8, to allow for commercial truck parking at the driver's residence with the following conditions:
 - A privacy fence shall be placed around the area of truck parking to create screening.
 - Hours of operation shall be from 6am to 7pm, then the trucks shall be parked.
- Deny** the request for a **variance** from ordinance Section 74.8, to allow for commercial truck parking at the driver's residence.

Recommended Alternative: 2

Other Alternatives: 1

Department Review: Development Services
Attachments: 1. Conditional Use application

FUNDING: N/A
2. Aerial photograph 3. Deed