

Subject: Variance (Second District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: June 11, 2024

Item Description: **Kurtis Bronston** requests a **variance** from ordinance Section 3.3.2, to allow for a swimming pool in a residential front yard. Located at 134 Lakewood Drive, zoned R-1. **[Map# 436B Parcel# 63]**

Summary Recommendation

Staff has reviewed the application and recommends **approval** of the request for a **variance** from ordinance Section 3.3.2, to allow for a swimming pool in a residential front yard.

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 3.3.2, to allow for a swimming pool in a residential front yard.
- When the application for the swimming pool permit was submitted, staff were initially under the impression that the swimming pool would be located in the side yard of the home. Once inspections began, it became apparent that the swimming pool was in the front yard of the residence.
- Due to the shape of the lot and the location of the wetlands on the property, a variance to the Effingham County Code of Ordinances, section 3.3.2, is appropriate. The swimming pool cannot be located in the rear yard due to the wetlands or the side yard of the lot due to the location of the septic and drainfields.
- The applicant is constructing a privacy fence around the pool per the Effingham County Code of Ordinances.

Alternatives

1. **Approve** the request for a **variance** from ordinance Section 3.3.2, to allow for a swimming pool in a residential front yard.
2. **Deny** the request for a **variance** from ordinance Section 3.3.2, to allow for a swimming pool in a residential front yard.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use application

2. Aerial photograph 3. Deed