

## Staff Report

**Subject:** Variance (Second District)  
**Author:** Chelsie Fernald, Senior Planner  
**Department:** Development Services  
**Meeting Date:** December 3, 2024

**Item Description:** **Luis Cintron** requests a **variance** from ordinance Section 6.2.3, to allow for a reduction in accessory structure setbacks. Located at 106 Bellevue Blvd. **[Map# 416D Parcel# 28]**

### 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 to allow for a reduction in accessory structure setbacks.
- The Effingham County Code of Ordinances, Part II – Official Code, Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.3.1(b) and (c) states:
  - (b) An accessory structure shall not be less than five feet from rear property line and not less than five feet from interior side setback lines.*
  - (c) An accessory structure shall not be less than ten feet from a principal structure.*
- The accessory structure is less than 1 foot from the principal structure and less than 1 foot from the side property line.
- This variance will be 9 feet to the primary dwelling and 4 feet to the side property line.
- This is an active Code Enforcement Case, and the structure has been built.

### Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance with the following conditions:

1. The building complies with the International Building and Fire Code Regulations.
2. All buildings will need to be permitted through the Effingham County Building Department.

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:** 1. Variance Application 2. Aerial Photograph 3. Deed