

## Staff Report

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

**Item Description:** **MLRE Partners Land Company, Inc.** requests a **variance** from ordinance Section 75-55, to deviate from the use of required reuse lines in new development. Located on Noel C Conaway Road, zoned R-3. **[Map# 376 Parcel# 16]**

### 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 ordinance Section 75-55, to deviate from the use of required reuse lines in new development.
- Per the Effingham County Code of Ordinances, **Part II – Official Code, Chapter 75 – Utilities, Article II – Water and Sewer User Charges, Sec. 75-55 – Reuse water lines:**
  - “All new developments (defined as major subdivisions, commercial or industrial projects) proposed to be served by public or private sewage services shall install purple pipe reuse lines within the development.”*
- The applicant is asking to use standard irrigation lines and a standard water meter in the neighborhood for all irrigation needs in lieu of the purple pipe.
- The applicant has met with Staff and based on those discussions the following conditions shall be added for the variance to meet the criteria of the ordinance:
  - Irrigation shall be used in all common areas
  - A 4' berm shall be created between Highway 30 and the Townhomes.
  - Install and irrigate Elaeagnus on top of the above-mentioned berm.
  - A 4' chain link fence shall be installed around the detention pond in front of the neighborhood.

### Determination

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

1. Irrigation shall be used in all common areas
2. A 4' berm shall be created between Highway 30 and the Townhomes.
3. Install and irrigate Elaeagnus on top of the above-mentioned berm.
4. A 4' chain link fence shall be installed around the detention pond in front of the neighborhood.

**Department Review:** Development Services

**FUNDING:** N/A

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