



Staff Report

Author: Kimberly Barlett, Senior Planner
Department: Development Services
Subject: Variance
Meeting Date: June 2, 2026
Application: VAR-26-20

Existing Zoning: B-3 (Major Commercial)

Map & Parcel: 466C-6

Parcel Size: 4.84 acres

Applicant: Dietmar Lutte
323 Commerce Drive
Rincon, GA 31326

Owner(s): Dietmar Lutte as agent for Rippolinger LLC
323 Commerce Drive
Rincon, GA 31326

Commissioner District: Fifth District

Location: 323 Commerce Drive
Rincon, GA 31326

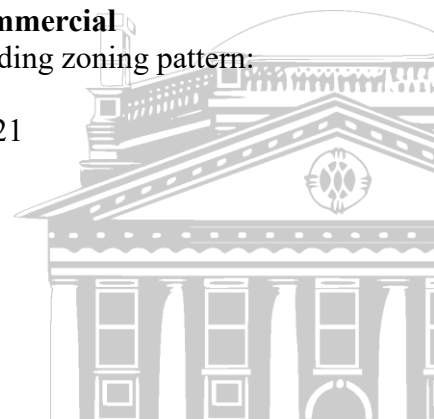
Existing Land Use and Zoning:

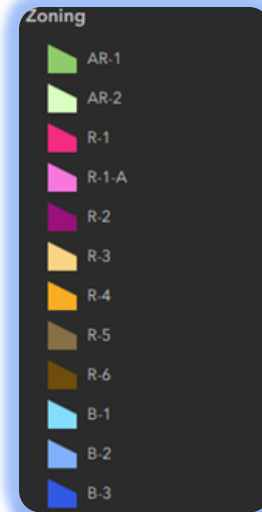
The applicant is requesting a **variance** related to buffering requirements associated with a proposed rezoning of approximately 4.84 acres from **B-3 (Major Commercial)** to **HI (Heavy Industrial)** to align with the zoning classification with an existing vehicle storage and export operation.

The property is currently developed with a warehouse building and outdoor storage areas, and has operated as a vehicle staging, storage, and export facility since approximately 2018.

The subject property is located within an area characterized by **industrial and commercial development**. The Effingham County zoning map indicates the following surrounding zoning pattern:

- **North:** I-1 (Light Industrial)
- **South:** PD (Planned Development) and commercial uses across Highway 21
- **East:** I-1 (Light Industrial)
- **West:** B-3 (Major Commercial) and industrial uses





Proposed Request:

This **variance** request seeks to modify the requirement for established vegetated buffers for the proposed **HI (Heavy Industrial)** to other commercial and industrial properties. The subject property contains pre-existing structures and ongoing operations that were established prior to the current zoning and buffering standards.

Due to the site's existing layout and development, the property cannot meet the vegetated buffer standards associated with the proposed HI (Heavy Industrial) zoning classification. If the rezoning is approved, the stricter buffering requirements applicable to HI districts would significantly limit the usable area of the site and constrain existing operations.

The property has an approximate width of ±260 feet. Under current regulations, a 150-foot vegetated buffer would be required. Implementing buffers of this size would consume a substantial portion of the property's width, significantly reducing the usable area, and constrain the continuation of existing operations.

According to Section 3.4 Buffers, of Effingham County Ordinance:

- A minimum 150-foot buffer is required where the property abuts commercial zoning districts.
- A 25-foot buffer is required where the property abuts proposed industrial zoning districts.

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Required HI Buffers

Front: Front: 25 feet required → Privacy fence proposed; no vegetated buffer proposed

Side: East → 150 feet required → no buffer proposed

**** If commercial property is developed with zero lot lines, then the buffer between parcels shall be eliminated. (as per the 3.4 Buffer ordinance)****

Side: West → 150 feet required → no buffer proposed

Rear: 150 feet required if property to the rear remains B-3, if property is rezoned to HI, the buffer requirement would be 25 feet → buffer requirement met with 150 feet established



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Buffer Chart

	AR-1	AR-2	AR-3	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	PD	I-1	LI	HI
AR-1	15 ft	15 ft	15 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	150 ft	300 ft
AR-2	15 ft	15 ft	15 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	150 ft	300 ft
AR-3	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	300 ft	150 ft	300 ft
R-1	30 ft	30 ft	30 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
R-2	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	20 ft	20 ft	15 ft	300 ft	150 ft	300 ft
R-3	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	20 ft	20 ft	15 ft	300 ft	150 ft	300 ft
R-4	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
R-5	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
R-6	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
B-1	30 ft	30 ft	30 ft	30 ft	20 ft	20 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	15 ft	150 ft	50 ft	150 ft
B-2	30 ft	30 ft	30 ft	30 ft	20 ft	20 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	15 ft	150 ft	50 ft	150 ft
B-3	30 ft	30 ft	30 ft	30 ft	20 ft	20 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	15 ft	150 ft	50 ft	150 ft
PD	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	20 ft	20 ft	20 ft	15 ft	15 ft	15 ft	10 ft	300 ft	150 ft	300 ft
I-1	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	150 ft	150 ft	150 ft	300 ft	25 ft	25 ft	25 ft
LI	150 ft	150 ft	150 ft	300 ft	150 ft	150 ft	300 ft	300 ft	300 ft	50 ft	50 ft	50 ft	50 ft	25 ft	50 ft	50 ft
HI	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	300 ft	150 ft	150 ft	150 ft	150 ft	25 ft	25 ft	25 ft

Facts and Findings:

Site Characteristics

The subject parcel contains **4.84** acres and includes an existing warehouse structure, outdoor storage areas, and a vehicle storage yard. Access is provided directly from Commerce Drive and Parkway Drive. The parcel does contain **wetlands**, with no identified **floodplain or environmental constraints** based on County GIS mapping.

Surrounding Development Pattern

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The surrounding area is predominantly industrial, consisting of warehouses, distribution, and logistics-related uses, with a mix of commercial operations. The proposed zoning classification is consistent with this established development pattern.

Zoning Context

The requested HI (Heavy Industrial) zoning classification would allow the existing operation to operate within a zoning district intended to accommodate higher-intensity industrial uses, including outdoor storage and logistics-related activities, as well as wrecked vehicle import and export, subject to approval of a Conditional Use Permit.

Infrastructure and Services

The property is served by **public water and sewer**, consistent with surrounding development. Emergency access is adequate via Commerce Drive and Parkway Drive.

Variance Criteria- Article IX- 9.1: The board of commissioners shall not grant such variances unless it finds based on the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property, and;*
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, and;*
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, and;*
- d. The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.*

Staff Analysis of Variance Criteria

(a) Public Safety and Welfare

The requested variance is not expected to adversely affect public safety or health, provided appropriate mitigation measures are in place. While the reduction in buffering may have some impact on visual and aesthetic conditions, these impacts can be reasonably addressed through alternative screening. Therefore, the request can be found consistent with the protection of public safety and general welfare, subject to conditions.

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The absence of full buffers does not inherently create a direct safety hazard; however, buffers can serve as a secondary layer of protection. The installation of alternative measures such as secure fencing, controlled access points, and adherence to fire code requirements can adequately mitigate safety risks.

(b) Unique Conditions

The combination of the property’s narrow width, preexisting use, and established development pattern constitutes a unique condition that justifies consideration of the requested variance. These factors create a hardship that is specific to the subject property and not generally applicable to other parcels in the district.

(c) Hardship

In this case, the subject parcel is constrained by a narrow configuration, limiting the ability to install the required buffers while maintaining adequate space for the existing operation. This physical limitation creates practical difficulty in achieving full compliance with the ordinance.

The wrecked vehicle import/export vehicle operation is a preexisting use. As a result, the site was not originally designed to accommodate these standards, and establishing the required buffers would significantly disrupt or reduce the functionality of the use.

Strict enforcement of the buffer requirements would impose an undue burden by limiting the property’s ability to reasonably function within the Heavy Industrial zoning district. This could effectively deprive the property of its reasonable use as currently developed and operated.

The hardship is not self-created; it arises from the property's inherent physical characteristics and changes in regulatory standards over time, rather than from any action taken by the applicant. Furthermore, the variance request appears to be the minimum necessary to allow continued operation, given the site constraints.

(d) Consistency with the Ordinance and Comprehensive Plan

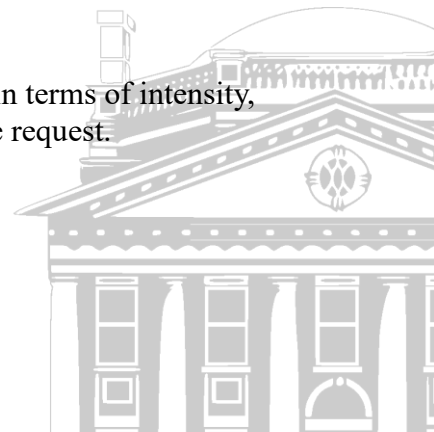
The intent of the buffering requirements within the zoning ordinance is to provide adequate screening, separation, and compatibility between differing land uses, while also promoting environmental quality and minimizing adverse impacts.

In the Comprehensive Plan, industrial areas are typically designated to support economic activity, employment opportunities, and the efficient use of land for higher-intensity operations. Allowing the continued use of this property for industrial purposes aligns with these broader goals. While buffering is an important tool for compatibility, the plan generally recognizes the need to balance development standards with existing conditions and economic viability.

While the request is not fully consistent with the Commercial FLUM designation in terms of intensity, the existing development pattern and corridor **context** support consideration of the request.

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Overall, the requested variance can be considered consistent with the intent of the zoning ordinance and the Comprehensive Plan, provided that reasonable measures are taken to mitigate impacts and maintain compatibility with surrounding properties.

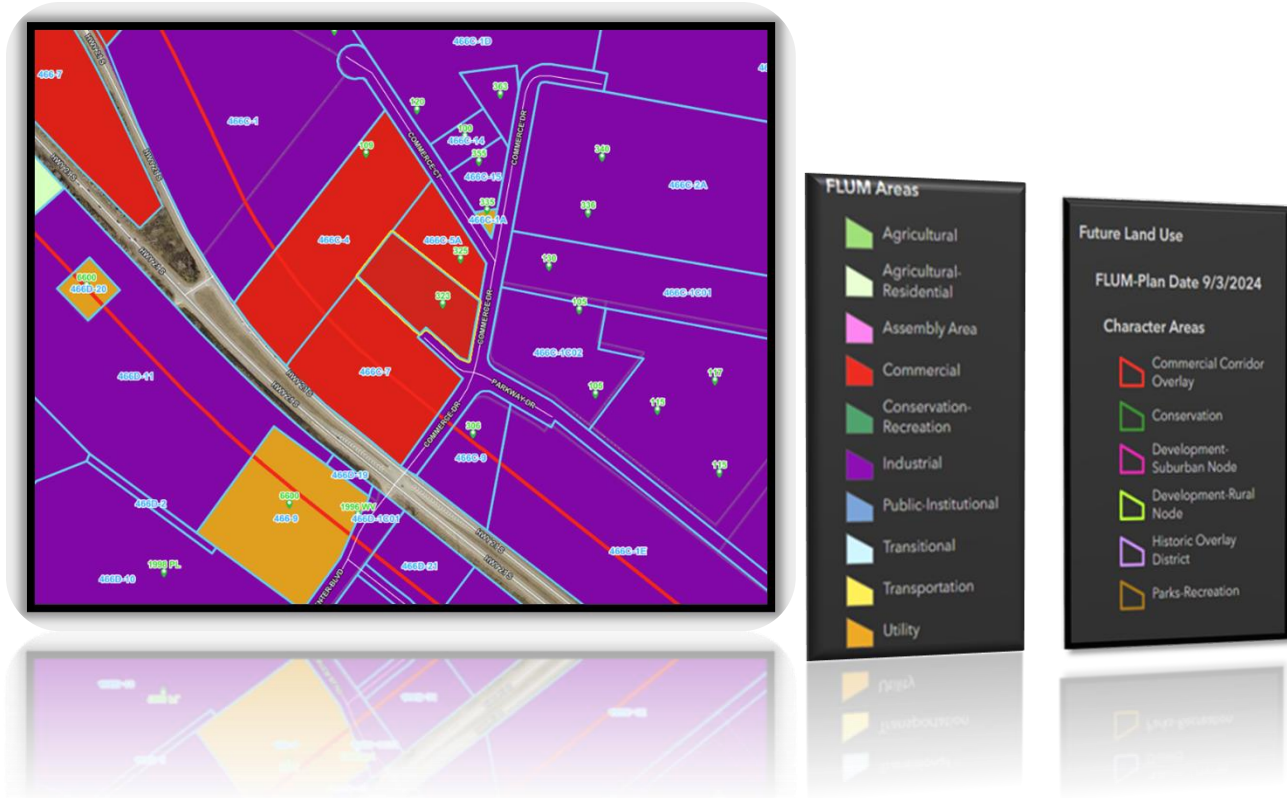
Comprehensive Plan:

The parcel is designated **Commercial Area** on the **Future Land Use Map (FLUM)**. This category supports land dedicated to non-industrial business uses. The intent is to ensure a harmonious relationship between commercial and non-commercial land uses. Uses are categorized by neighborhood commercial, General commercial, and Highway Commercial. Neighborhood Commercial provides locations for small-scale stores and serving residential areas. General Commercial provides locations for large, county-wide and regional businesses that tend to generate higher traffic volumes. Highway Commercial are more intensive uses such as wholesale operations and automotive sales and service. Commercial uses may be located as a single use in one building or grouped together in a shopping center or office building. (Effingham County 2020-2040 Joint Comprehensive Plan, pg. 36).

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Recommendation:

The Future Land Use Map designates the property as Commercial within the Commercial Corridor Overlay. While the requested zoning represents a higher-intensity classification than is typically envisioned under this designation, the existing development pattern, corridor function, and infrastructure availability are relevant considerations.

Based on the findings contained in this report, staff finds that the request satisfies the variance criteria contained in Article IX, Section 9.1 of the Effingham County Zoning Ordinance. The hardship associated with this request arises from the unique physical characteristics of a narrow lot and the preexisting industrial use.

