

## Staff Report

**Subject:** Variance (Fourth District)  
**Author:** Chelsie Fernald, Planner II  
**Department:** Development Services  
**Meeting Date:** November 21, 2023  
**Item Description:** **Alex Long** requests a variance from Section 5.8.6, to allow for smaller lots in R-6 subdivision. Located on Blue Jay Road, zoned **R-6. [Map# 414 Parcel# 3]**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** from Section 5.8.6 to allow for smaller lots in a R-6 subdivision.

### 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.*
- At the January 15, 2019 Board of Commissioners meeting, this parcel was rezoned from AR-1 to R-6, with the following conditions:
  1. Lot shall meet the requirements of the R-6 zoning district.
  2. Site development plans shall comply with the Effingham County Water Resource Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts shall be permitted by USACE.
  4. Subdivision final plat shall be approved by the Effingham County Board of Commissioners
- The Sketch Plan was also approved at the January 15, 2019 Board of Commissioners meeting.
- Based on the 2019 R-6 ordinance, the lot widths need to be a minimum of 60 feet, with an area of 6,600 sq. ft.
- The applicant applied to go through the Final Plat process for Pine Brook Subdivision, however, some of the lots on the final plat draft are smaller than the 60' minimum required.
- Due to this oversight during engineering review and preliminary review, the applicant has moved forward with the sale of the lots. All lots with the exception of 11 have been sold, so reconfiguring the lots to achieve the 60' minimum is impractical.

### Alternatives

1. **Approve** the request for a **variance**.
2. **Deny** the request for a **variance**.

**Recommended Alternative: 1**

**Other Alternatives: 2**

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:**

1. Variance application	3. Site Plan	5. Deed
2. Ownership certificate/authorization	4. Aerial photograph	