

Staff Report

Subject: Variance (Fourth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 5, 2022
Item Description: **DR Horton** requests a **variance** from section 6.1, to eliminate the sidewalk requirement in a major subdivision. Located at 136 Ramsey Way, zoned **R-1**. **Map# 445C Parcel# 141**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **variance** from the sidewalk requirement for 136 Ramsey Way.

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.

- Applicant requests a waiver from the requirement to include a sidewalk at 136 Ramsey Way, due to topographical conditions.
- Ramsey Landing Architectural Review Guidelines (2012) note that sidewalks are not required on several lots, including #141. Effingham County is not party to these guidelines.
- Neighboring properties include sidewalks. Lots can be graded, or retaining walls added, to create a flat surface for sidewalks.
- A sidewalk was included on lot 142, contrary to the Architectural guidelines. It ends abruptly, with no transition to curb. This presents a safety issue for pedestrians, strollers, scooters, etc.
- Ramsey Landing is a gated, private subdivision; the County does not maintain these roads. The HOA is therefore responsible for construction, maintenance, and safety of the sidewalks.
- At the March 21 Planning Board meeting, Brad Smith made a motion to **approve** the request for a **variance** from the sidewalk requirement for 136 Ramsey Way.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. **Approve** the request for a **variance** from the sidewalk requirement.
2. **Deny** the request for a variance from the sidewalk requirement.

Recommended Alternative: 2

Department Review: Development Services
Attachments: 1. Variance application
2. Ownership Certification

Other Alternatives: 1

FUNDING: N/A
3. Deed
4. Aerial photography