

Staff Report

Subject: Variance (First District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: November 19, 2024

Item Description: **Kevin Souza** requests a **variance** from ordinance Section 6.2.3, to allow for the reduction in accessory structure setbacks. Located at 105 Share Lane, zoned R-1-A. **[Map# 326A Parcel# 6]**

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 Section 6.2.3, to allow for the reduction in accessory structure setbacks.
- Per the Effingham County Code of Ordinances, **Part II – Official Code, Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.3 – Accessory Structures in Residential Districts:**
 - (a) Maximum height: One and one-half story or 15 feet above finished grade in the R and PD-R districts; 35 feet in AR-1 and AR-2 districts.*
 - (b) An accessory structure shall not be less than five feet from the 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.*
 - (d) Not more than two accessory structures, including a detached garage, shall be located in any R or PD-R district, on one lot.*
- Per the applicant, the accessory structure is 7 feet from the primary dwelling.
- This variance will be for 3 feet.
- The Future Land Use Map (FLUM) has this parcel designated as Agricultural-Residential.

Determination

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

1. A Building Permit shall be obtained and shall adhere to all regulations set forth by the International Building Code.

Department Review: Development Services

FUNDING: N/A

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