



Staff Report

Author: Kimberly Barlett, Senior Planner
Department: Development Services
Subject: Variance
Meeting Date: April 21, 2026
Application: VAR-26-13

Existing Zoning: AR-1 (Agricultural – Residential, 5 acres or more)

Map & Parcel: 296-51

Parcel Size: 0.43 acres

Applicant: Gloria Durrance
306 Shirley Drive
Guyton, GA 31312

Owner(s): G & Rodney Durrance
306 Shirley Drive
Guyton, GA 31312

Commissioner District: Third District

Location: Floyd Ave
Guyton, GA 31312

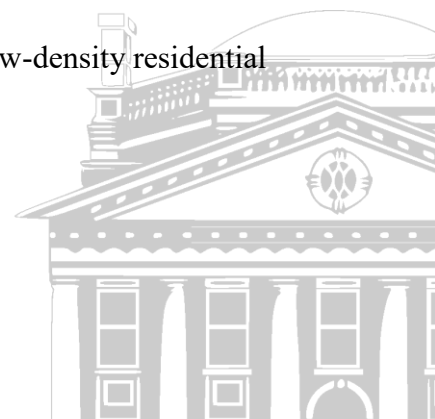
Existing Land Use and Zoning:

The subject parcel is located on **Floyd Avenue** and is currently a vacant lot, as confirmed by the Effingham County Tax Assessor’s database. Access to the property is provided via Floyd Avenue.

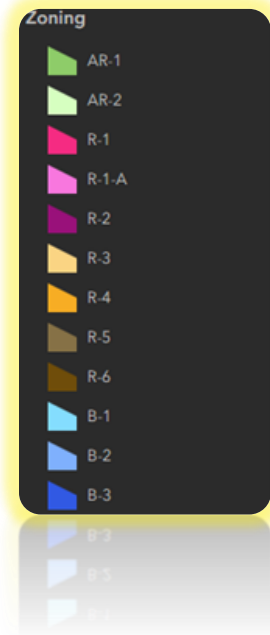
The parcel is a legal nonconforming lot of record. It was created prior to the adoption of the current AR-1 zoning district standards, which require a minimum lot size of five (5) acres. The existing parcel contains approximately 0.43 acres and therefore does not meet the current minimum lot size requirement.

Surrounding properties are predominantly zoned AR-1 and are characterized by low-density residential and agricultural uses:

- **North:** AR-1 (Agricultural–Residential, 5 acres or more)
- **East:** AR-1 (Agricultural–Residential, 5 acres or more)



- **West:** R-1 (Single-Family Residential)
- **South:** AR-1 (Agricultural-Residential, 5 acres or more)



The Proposed Request:

This **variance** request seeks to modify the required building setbacks to allow the applicant to construct a home on the property. The proposed home would not meet the required 25-foot side setbacks. Instead, the structure is proposed to be located approximately 19 feet from each side property line, necessitating a variance.

Required AR-1 Setbacks

- **Front:** 50 feet (no change requested)
- **Sides:** 25 feet required → 6 feet requested → 19 feet proposed
- **Rear:** 50 feet (no change requested)

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|--|----------|
| Minimum lot area | 5 acres |
| A maximum of two residential units are permitted per lot. These may consist of two principal dwellings, or one principal dwelling, and one accessory dwelling unit (ADU) | 2 units |
| Minimum lot road frontage | 100 feet |
| Minimum lot width at building line | 150 feet |
| Minimum front yard setback | 50 feet |
| Minimum rear yard setback | 50 feet |
| Minimum side yard (interior) setback | 25 feet |
| Minimum side yard (street/road easement) setback | 50 feet |

Facts and Findings:

Site Characteristics

The subject parcel contains **0.43** acres and is currently vacant. Access is provided directly from Floyd Avenue. The parcel is rural in character and does not contain any identified **wetlands, floodplain, or environmental constraints** based on County GIS mapping.

Surrounding Development Pattern

The area surrounding the parcel consists primarily of rural residential homesteads and agricultural tracts. Development intensity remains low, with lot sizes predominantly ranging from less than 0.50 acres or more.

Zoning Context

The parcel is currently zoned **AR-1**, which requires a minimum lot size of five (5) acres. Surrounding properties are also zoned AR-1 & R-1, reflecting a transition from agricultural homesteads to lower-density residential development. The applicant intends to construct a residence on this conforming lot, which is less than five acres in size. As a result, the existing zoning standards cannot be maintained without the approval of a variance to reduce the required setbacks and achieve compliance.

Infrastructure and Services

The property is served by a **private well and septic**, consistent with surrounding development. Emergency access is adequate via Floyd Ave.

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:

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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 proposed reduction in setback requirements is not anticipated to create adverse impacts on public safety. The placement of the structure will still allow for adequate access for emergency services, including fire and rescue personnel.

The proposed dwelling will comply with all applicable building codes and safety regulations, ensuring structural integrity and safe occupancy.

Given the constraints of the nonconforming lot, the variance represents a reasonable accommodation that allows for the use of the property without posing a threat to the health, safety, or welfare of the public or surrounding properties.

(b) Unique Conditions

The subject property is characterized by unique physical conditions, including its narrow width and reduced overall size, which render it nonconforming under current zoning regulations. These conditions are inherent to the property and were not created by the current owner.

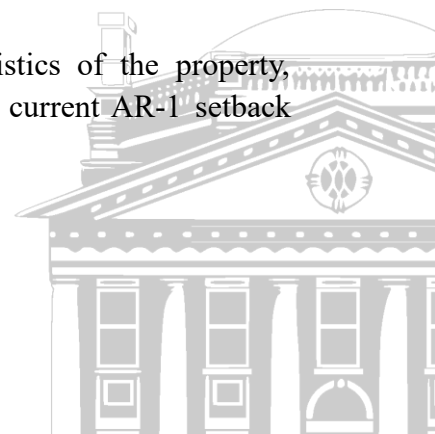
Due to these limitations, strict application of the required setback standards would significantly reduce the lot's buildable area, making it difficult to develop the property for permitted residential use. The narrow configuration of the parcel limits design flexibility and necessitates consideration of a variance to accommodate a dwelling.

(c) Hardship

The hardship associated with this request arises from the physical characteristics of the property, specifically its narrow width and limited size, which make it difficult to meet current AR-1 setback

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requirements. These conditions are not the result of any action taken by the applicant but are inherent to the lot.

Strict enforcement of the zoning ordinance would create a practical difficulty by limiting or preventing reasonable use of the property for a permitted residential purpose. Without the requested variance, the applicant would be unable to construct a home in compliance with the required setbacks.

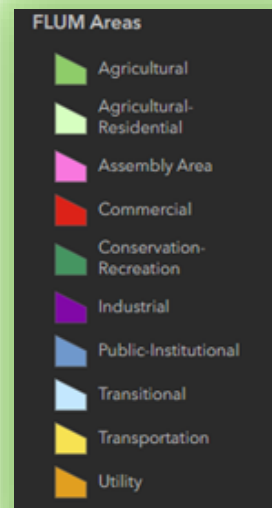
(d) Consistency with the Ordinance and Comprehensive Plan

The proposal is also consistent with the goals and policies of the Comprehensive Plan, which support residential development compatible with existing land-use patterns. The requested variance will allow for the reasonable use of the property while maintaining the character of the surrounding area.

Granting the variance will not undermine the intent of the zoning regulations or the Comprehensive Plan, but will instead provide a practical solution that balances regulatory standards with the property's unique conditions.

Comprehensive Plan:

The parcel is designated **Agricultural-Residential** on the **Future Land Use Map (FLUM)**. This category supports single-family and multifamily residential uses arranged within general net-density ranges. The intent is to ensure residential development patterns that are compatible with surrounding densities, building types, and established neighborhood character (Effingham County 2020-2040 Joint Comprehensive Plan, p. 37).



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Recommendation:

The request is consistent with the Future Land Use Map and aligns with the intent of the zoning district. The proposal is unlikely to adversely affect surrounding properties. Based on the evidence presented and 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 physical characteristics of the property, specifically its narrow width and limited size, which make it difficult to meet current AR-1 setback requirements.

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