



VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
Staff Report - MEETING DATE: May 2, 2017

VAR-2017-08

Greg Blais

Woodland Point, Valdosta, Georgia

This request is for a Variance to the minimum Side Yard setback requirement. The subject property is located within the Stone Creek Subdivision, and addressed as 4729 Woodland Point, Valdosta, Georgia. The subject property consists of 0.65 acres and contains a zoning classification of P-D (Planned Development).

Table 4.01.02 (E) contained in the Lowndes County Unified Land Development Code (ULDC) provides standards for Building Location and Heights. In this particular phase, the recorded subdivision survey plat depicts a Side Yard setback of fifteen (15') feet. The applicant is proposing an addition to the existing dwelling – the addition is proposed at ten (10') feet from the Side lot line along the west side of the subject property. **Therefore, a five (5') feet Variance is being requested to the minimum Side yard setback.**

The subject property is located in a Planned Development – a master planned residential/golf community. The Stone Creek Subdivision development began in the early 90s, and has continued to develop successfully as a residential community. The subject property is located within a Suburban Area Character Area on the Future Development Map of the Comprehensive Plan. The Suburban Area Character depiction indicates areas where typical suburban residential subdivision development have occurred OR where pressures for such type of development are greatest due to the availability of public water and/or sewer services.

After some discussion from the applicant's initial request, the Variance application has been amended and revised to a lesser Variance. According to the applicant, the proposed addition will be similar in design with the existing home, and consistent in character with other adjacent homes nearby. Staff reviewed this request and ultimately determined that the proposed ten (10') feet building setback will not cause substantial detriment to the public good or impair the purpose and intent of the ULDC. As such, the TRC is recommending approval of the revised Variance for the addition only.

The ULDC provides that variances may be granted upon a finding by the ZBA that one the following conditions have been met:

- A. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;*
- B. *Such conditions are peculiar to the particular piece of property involved;*
- C. *The application of this ULDC to this particular piece of property would create an unnecessary hardship;*
- D. *Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;*
- E. *A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;*
- F. *Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;*
- G. *The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;*
- H. *The special circumstances are not the result of the actions of the applicant;*
- I. *The variance requested is the minimum variance that will make possible the legal use of the land or structure;*
- J. *The variance is not a request to permit a use of land or structures which are not permitted by right in the zoning district involved;*
- K. *The extension of said nonconforming use will not further injure a permitted use on the subject property or on adjacent property;*
- L. *The design, construction, and character of the nonconformance is not suitable for uses permitted in a district in which the nonconformance is situated; and*
- M. *The nonconforming use is similar to the prior nonconforming use.*