



**VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS**  
**Staff Report - MEETING DATE: Tuesday, June 6, 2017**

**VAR-2017-09**

**Leslie L. and Mary H. Roe**  
**7040 Old Valdosta Road, Hahira, Georgia**

This request is for a Variance to the minimum Side Yard setback requirement. The subject property consists of 1.11 acres and is located at 7040 Old Valdosta Road, Hahira, Georgia, in an E-A (Estate Agriculture) zoning district.

Table 4.01.02 (E) contained in the Lowndes County Unified Land Development Code (ULDC) provides standards for Building Location and Heights. In this case, the applicant is seeking relief to the side yard setback, along the east lot line. While the existing stoop/steps appear to be on the property line, the existing wall of the home is seven (7') feet from the side property line; therefore, a Variance is being requested to the minimum side yard building setback to allow the structure to remain as it is currently located.

This Variance request is an attempt to record the subject property's first land survey. The recently completed land survey for the subject property, as well as for an adjacent property to the west, revealed some existing building encroachments that were unbeknown to the applicant. As per the applicant's letter of intent, their home was originally constructed in the 1940s, followed by some additions in the late 1970s. The side yard setback requirement in the late 1970s were believed to have been ten (10') feet. This Variance is an attempt to address the encroachment, adjust property lines (via land swaps), and to place on public record a land survey for both tax parcels.

The subject property is located in an Agricultural/Forestry Character Area on the Future Development Map of the Comprehensive Plan. This character depiction is for lands in open and/or cultivated states or sparsely settled. As per the Comprehensive Plan, moderately and high-density residential subdivisions are not encouraged and should be severely limited. While the ULDC does allow for some encroachments i.e. steps, fire escapes, and other architectural features, the existing structure exceed the standards. The applicant wishes to keep the structure as it is currently depicted on the survey.

The TRC reviewed this request and ultimately recommended for its approval as indicated in the table below (Vote 5-2). Considerations for approval is the length of time the structure has been in place, and that the structure's porch does not pose a threat due to its open-air design.

	<b>Planning</b>	<b>Zoning</b>	<b>Engineering</b>	<b>Utilities</b>
Division with Recommendation	Approval of 3' Variance*	Approval of 3' Variance*	Approval as presented	Approval as presented
	<b>Board of Health</b>	<b>Fire/Rescue</b>	<b>Inspections</b>	<b>Moody AFB</b>
	Approval as presented	Approval as presented	Approval as presented	n/a
Recommended Conditions with (Source)	<i>*Removal of the porch and steps</i>			
Other Comments with (Source)				

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;