



VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
Staff Report - MEETING DATE: July 2, 2019

VAR-2019-06
Emily Butler

The applicant is requesting a Variance to Section 5.02.01(E)(1) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to standards for accessory structures (location). The subject property is located at 7715 Enoch Lake Circle, Lake Park, Georgia, in a R-1 (Low Density Residential, 1 acre) zoning district.

Section 5.02.01(E)(1) of the (ULDC) provides that, *unless otherwise provided, accessory structures shall be located only in a side or rear yard of the lot on which the principal building is located*; the maximum lot width of the subject property is 69.75' feet. The ULDC requires that an accessory structure be located a minimum of twenty feet (20') off both side yard property lines (North and South Lot lines) and ten feet (10') off the rear yard property line (East Lot line) within a (R-1) zoning district. However, in this scenario, the rear yard setback will not apply as the rear property line extends into the waterbody approximately 1,110' feet. The landowner stated the rear yard is too narrow to situate her (10' x 20' = 200' square feet) accessory structure in the rear yard. The same would block her view of the lake and affect the aesthetics of her property. **Therefore, a Variance to Section 5.02.01(E)(1) of the ULDC is requested to the permitted location of an accessory structure in the front yard within a R-1 (Low Density Residential) zoning district.** The subject property is located in a well-established residential area – Enoch Cove Subdivision Sections I and II. The properties located in the immediate area average (98'-120') feet or more in lot frontage and lot width. Mrs. Butler's lot appears to be considerably narrow in comparison to other lots within the subdivision.

The TRC (Technical Review Committee) reviewed the Variance request and no negative comments were given. The Committee found that there might possibly be some hardship scenarios in this area as it is called for in the requirements for the granting of Variances.

A variance may be granted upon a finding by the ZBA that all 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; and*
- 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.*