



VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
Staff Report - MEETING DATE: August 6, 2019

VAR-2019-09

SolAmerica Energy, LLC (Tycor Farms, LLC)

Of Note: *The acting agent, SolAmerica Energy, LLC, has a land contract to lease ~31.7 acres from current property owners, Tycor Farms, LLC.*

The applicant is requesting Variances to the ULDC (Lowndes County Unified Land Development Code) as follows: (1) Section 4.07.04 as it pertains to General Landscape Standards; (2) Table 4.07.06(C) as it pertains to Buffer Area Standards; (3) Table 5.02.03(B) as it pertains to the location of a chain link fence in a front yard; and (4) Section 5.02.03(G)(3) as it pertains to the maximum height of a fence in a front yard. The subject property is located at 6530 Georgia Highway 376, Lake Park, Georgia, in an R-1 (Low Density Residential, 1 acre) zoning district.

The applicant is requesting a Variance to both Section 4.07.04 as it pertains to General Landscape Standards and Table 4.07.06(C) as it pertains to the minimum required Buffer standards. The minimum landscape and buffer requirements must encompass the applicable leased area only. The (ULDC) provides that *at least ten (10) percent of the total gross land area of a development site shall be landscaped and at least four (4) shade trees per acre shall be provided, which may include existing trees, trees required for buffers or trees required for parking lot landscaping.* The applicant will be leasing a land area of ~31.7 acres to establish a Solar Energy Generation Facility (“Solar Farm”). A commercial use of this nature will necessitate compliance to the general landscape requirements; specifically, a land area of 138,085 square feet of ground cover will be required as well as a minimum of 127 trees. Likewise, a 30 foot wide buffer will be required along the eastern and southern lot lines of the two existing lots on the eastern side of the leased area. The shared eastern lot line is a distance of 744.01 linear feet and requires a minimum of 30 trees and 186 shrubs per 100 linear feet. The south lot line of the second parcel (rear yard) is a distance of 455.66 linear feet and requires a minimum buffer yard of 18 trees and 114 shrubs per 100 linear feet. Subsequently, the ULDC will require a minimum of 25% of the required trees are canopy trees; thus, a total of 32 canopy trees and 95 shade trees are required and 300 shrubs.

The applicant is also seeking a Variance to Table 5.02.03(B) as it pertains to the location of a chain link fence in a front yard. This table within the ULDC stipulates that a chain link fence can be erected on the side yards and rear yard. However, the applicants desires to erect a chain link fence in the front yard parallel to Georgia Highway 376.

Additionally, the applicant is requesting a **Variance to Section 5.02.03(G)(3) as it pertains to the maximum height of a fence in a front yard.** This section of the ULDC provides that the maximum height of a fence in a front yard is six feet. The applicant is asking for a Variance of one foot in the front yard in order to erect a seven-foot fence around the entire leased area (front, sides and rear). The applicant desires to erect a seven-foot fence around the leased perimeter because the ULDC does not allow barbed wire to be placed on fencing in an R-1 zoning district.

In closing, while the ULDC does not require a buffer yard along the North lot lines (front yard), the applicant is proposing to establish an additional 30 feet wide buffer along the length of the front yard of the leased area to act as a shield/buffer from the traveling public on Georgia Highway 376 (North lot line). They are also proposing twenty-three (23) trees and one hundred forty-four (144) shrubs along the southeastern lot line. This

is a 228.34-acres tract utilized for agricultural/farming purposes, of which the applicant is proposing to lease ~31.7 acres to establish a Solar Farm.

The TRC (Technical Review Committee) reviewed the Variance request and recommended approval.

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.*