

VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
Staff Report - MEETING DATE: September 12, 2017

VAR-2017-13
Herring Property

The applicant is requesting a Variance of two-fold to Chapter 4.04.04 of the ULDC as it pertains to the Family Ties Land Division provision. The subject property is located at 7040 Herring Road, Lake Park, Georgia, in an E-A (Estate Agriculture, 5 acres) zoning district.

The Lowndes County Unified Land Development Code (ULDC) Family Ties provision allows a parcel to be subdivided and conveyed to a grandparent, parent, spouse, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild. It is the applicant's intent to subdivide their parcel and convey 6.789 +/- acres (parent parcel) to their niece and convey the remnant portion of 1.458 acres (new parcel created) to themselves (Willie Albert and Mary Herring). Secondly, the Lowndes County Unified Land Development Code (ULDC) Family Ties provision requires sixty (60') feet of road frontage on a public right-of-way. It is the applicants' intent to relocate from the property but they intend to allow family members the opportunity to utilize the existing accessory structure on the 1.458 acres parcel for recreational use when desired. **(1) Therefore, a Variance to the provisions for family ties land division (conveyance); and (2) a Variance to the minimum design standards for lots (road frontage).** The property will be accessed via an existing recorded 20' feet access easement.

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.*