

**GLPC AGENDA ITEM # 3**  
**MAY 31, 2016**

**Variance Request by Cheryl Godfrey**  
**File #: HA-2016-02**

Cheryl Godfrey is requesting Variances from Section 6-1 of the Hahira Zoning Ordinance as they pertain to minimum front yard and rear yard building setback requirements in Single-Family Residential (R-10) zoning. The subject property consists of 0.43 acres located at 803 West Park Street, which is along the south of the street between Blakely Street and Washington Street. The property has 3 street frontages and contains a single-family home on the eastern portion of the property. The applicant is proposing to construct a new single-family home (26'x47') on the western portion of the property. It is proposed to encroach 5' into the required minimum front yard setback, and encroach 12' into the required minimum rear yard setback. After construction, the applicant is proposing to demolish the older single-family home.

The subject property is unusual in that it is more than sufficiently large for development (18,700-sf), but it is rather wide with shallow depth and has 3 street frontages. \*\* Please refer to attached site plan. The front yard faces north along West Park Street, with the 2 side streets to the east and west being designated as side yards, and the designated rear yard faces the southern property line. The required minimum setback from the northern property line is 35' (60' from the street centerline). The existing home is only about 10' from the northern property line. The home pre-dates Hahira's zoning regulations and thus it is grandfathered-in legal nonconforming in terms of setbacks. The applicant's new home on the western part of the property is proposed to have its main front wall be 36' from the property line (which complies with setback requirements) but its proposed front porch is 6' feet deep – thus making it only 30' from the property line. It would therefore project 5' into the front setback area. The applicant is proposing the rear wall of the house to be 18' from the south property line. Because the minimum rear setback in R-10 zoning is 30', this would be a 12' encroachment. There are no issues whatsoever in terms of meeting minimum side yard setbacks.

In preparing this Variance application, the applicant met several times with staff and has sought to follow the spirit and intent of the City's setback regulations. The main front wall of the proposed home will meet the minimum setback requirements, and it is only the covered front porch that will project a few feet into the setback area. Therefore the proposed front yard of the new home will still be fairly similar to a typical front yard in R-10 zoning. The rear yard of the proposed home abuts the "side yard" of a vacant residential lot. A future home on this abutting property would only need to observe a 10' setback distance from the common property line (as a side yard setback). The applicant is proposing the rear wall of their home to be 18' from this same property line. If the applicant's property only had one street frontage along Blakely Street (like the adjacent lot), then this setback distance would only need to be 10' as well. Therefore the applicant's proposed 18' more than meets the "intent" of the minimum setback regulations and would maintain the rhythm of building spacing along Blakely Street.

Variances are reviewed and approved based on a demonstrated hardship that is unique and peculiar to the property or is the result of extraordinary conditions related to a specific situation. In this particular case, the hardship lies with the 3 street frontages and the shallow depth of the lot with an irregular shape. It is true that the eastern portion of the property (where there is the existing home) contains a larger buildable area, but this difference is very slight. Staff is supportive of the applicant's desire to replace the older single-family home with a new home, and remain living in the older home until the new home is complete, and then demolish the old home afterward. (R-10 zoning does not allow more than one home on a lot at one time, and the lot is not quite large enough to split into 2 lots). Although the demolition of the old home upon completion of the new home would automatically be included as part of the new building permit, this should still be included as a stated condition of approval for any Variance that is granted here.

Additionally, the applicant's site plan is rather tight in terms of citing the proposed home in between the proposed front and rear yard setback distances. Therefore as part of the approval, staff would like to grant 2' of additional setback relief to the rear yard setback so that there will be a little more flexibility for the contractor in physically citing the house on the property.

**Staff Recommendation**

Find the Variance request consistent with the Variance Review Criteria, and recommend approval to the Hahira City Council, subject to the following conditions:

- (1) Variances shall be approved for a reduced front yard setback of 30' from the north property line, and a reduced rear yard setback of 16' from the south property line.
- (2) The existing home on the subject property shall be vacated and demolished by the applicant within 30 days of completion and successful final inspection of the new home by the City.

**Variance Review Criteria**

*Pursuant to Section 12-3 of the Hahira Zoning Ordinance, Variances may be authorized in situations in which “a literal enforcement of provisions of the Ordinance, will in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.” Variances may be granted in situations where there are unusual circumstances, strict application of the zoning ordinance would cause undue hardship, or relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance. Section 12-3 of the Hahira Zoning Ordinance identifies the following factors for consideration of a variance. Staff responses to these items are listed below.*

<b>(1) There are extraordinary and exceptional conditions pertaining to this property due to its size, shape, or topography.</b>
Yes. The property has 3 street frontages with unusually shallow lot depth for R-10 zoning, and it is mostly consumed by minimum setback areas – thus preventing the siting of a house that meets setback requirements.
<b>(2) The application of all dimensional standards and development requirements to this particular piece of property would render the particular property unusable.</b>
Yes. Meeting all minimum setback requirements would leave only about 15’ of buildable area in the center of the lot.
<b>(3) Such conditions are peculiar to the particular piece of property involved, or, in the alternative, that such conditions are due to the location of existing utilities, etc...</b>
Yes. This is the only lot in the area with 3 street frontages and shallow depth.
<b>(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance; requests for rezoning, the authority for such rezoning of property being solely reserved for the Hahira City Council.</b>
No. The proposed relief would not cause any detriment to the immediately surrounding properties.

*The Planning Commission may recommend to the City Council such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.) as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value and use of property in the general neighborhood. Provided, that whenever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of this ordinance that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity.*

**Attachments**

- Zoning Location Map
- Aerial Map
- Letter of Intent  
of Authorization
- Proposed Site Plan

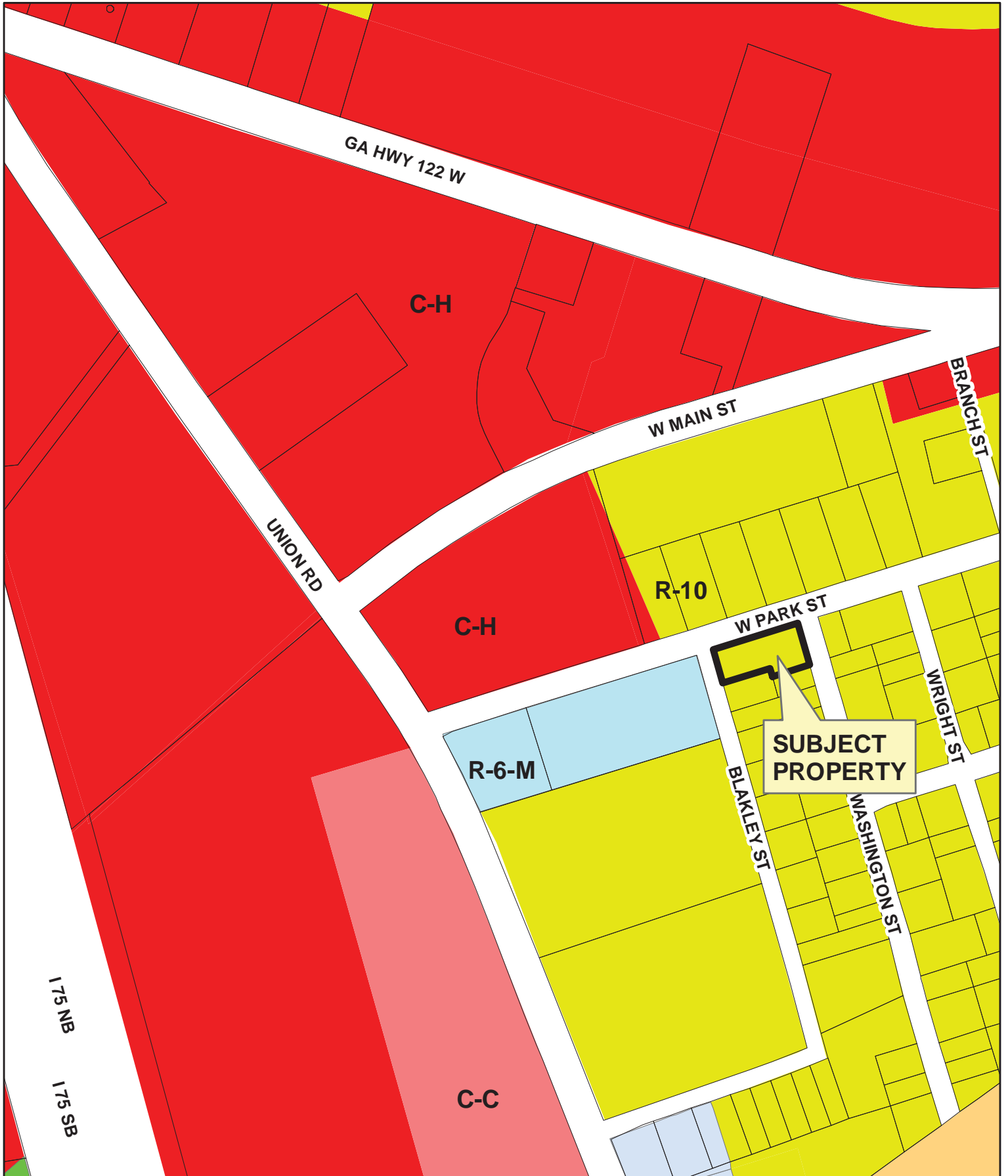


Cheryl Godfrey  
Variance Request

803 W. Park Street  
Tax Map: 0026 Parcel: 020



\*\* Map Data Source: VALOR GIS, May 2016







Cheryl Godfrey  
Variance Request

803 W. Park Street  
Tax Map: 0026 Parcel: 020



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To whom it may concern I Cheryl Godfrey  
am asking for a variance because of the  
the construction of a new home, because  
of the set back. Thank you  
Cheryl Godfrey 4-22-16

