

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

VAR-2017-12
Vickers Property

The applicant is requesting a Variance to Table 4.01.01(G) of the ULDC as it pertains to the minimum Lot Area requirement. The subject property is located on Myers Bluff Road, Hahira, Georgia, in an E-A (Estate Agriculture, 5 acres) zoning district.

The Lowndes County Unified Land Development Code (ULDC) provides that the minimum Lot Area shall be five (5) acres. The applicant, Ms. Rudine Vickers wishes to sell the 4.95 acres tract to her Nephew, Carl Fulp, who also owns the adjacent property to the east. Mr. Fulp's purchase of the same is contingent upon approval of the minimum Land Area Variance requested. According to the applicant's professional agent, Rodney Tenery, Mr. Fulp has expressed the desire to utilize the lot for agricultural purposes and for it to remain in the tax assessors' conservation covenant program. In order that the survey plat is recorded, a Variance to the minimum Land Area requirement is required-the subject property will be accessed via Myers Bluff Road a forty (40+/-') right-of-way. **Therefore, a Variance of five hundredth (0.05') feet of an acre or (2,178 square feet) is being requested to the minimum Lot Area requirement** the subject property is located in a well-established agricultural/forestry character area.

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.*