



# Bulloch County Departmental Review Planning and Zoning Commission

**Meeting Date: Thursday, March 09, 2006**

App. #: VR2006-019

Item #: 5

Variance

<b>Applicant:</b>	Estate of Laverne Nichols	<b>Current Zoning:</b>	AG-5
<b>Application Type:</b>	Variance	<b>Requested Zoning:</b>	
<b>Location:</b>	DELOACH CHURCH ROAD	<b>Current Use:</b>	Agriculture
<b>Map and Lot #:</b>	098 000022 000	<b>Requested Use:</b>	Single Family Dwelling
<b>Development Name:</b>		<b>Adjacent Use:</b>	farmland,scatt hses
<b>Acres in Request:</b>	1.29	<b>Futures Land Use:</b>	res,farmland,forest
<b># of Existing Lots:</b>		<b>Fire District\Distance:</b>	Nevils/3.5
<b># of Potential Lots:</b>		<b>EMS Distance:</b>	18
<b>Adjacent Zoning:</b>	AG-5	<b>Elem\Middle\High School:</b>	Nevils/SEB/SEB

**Purpose of Zoning Application:**

Dearl Deloach, as agent for the Estate of Laverne Nichols, has filed an application with the Bulloch County Zoning department requesting a variance to the setback requirements. The existing lot and septic tank were prior to zoning. The property consists of 1.29 acres and is located on Deloach Church Road.

**Directions to Property:**

Nevils, left at the 4 way. go 3 miles and turn right on Deloach Church Road. Property is just before branch on the left side.

<u>Standard</u>	<u>Additional Information</u>
1. A hardship would result if all of the requirements of this ordinance were applied stringently to a particular piece of property.	A hardship would exists if the variance was not approved. The shape of the subject property is unusual.
2. Medical Hardship: temporary placement of a manufactured home on the same parcel as the original principle dwelling to provide living quarters for a family member or certified / registered assisted living employee to aid in the care of one or more infirmed family members living in the principle residence.	N/A
3. Harship is not self-created such as: a) a lot purchased with knowledge of an existing restriction; b) a claim of hardship in terms of prospective sales; c) an expressed economic need requiring a variance, when such a need can be met in other ways not requiring a variance.	Hardship was not self-created. A manufactured home has been on this property in the past. They have lost grandfathering rights to place another back without a variance.
4. Does not cause substantial detriment to the public good or impair the purposes of this ordinance.	No substantial detriment is expected.
5. The spirit of the ordinance must be observed and the public safety and welfare secured. Variance is a permitted use in the zoning district in which the property is located.	The spirit of the ordinance would be observed.
6. Developer or owner requesting a variance has at least fifty-one percent ownership of the property or be the duly authorized agent of such a person.	Owner of the parcel of land.
7. Applicant is not in violation of the zoning ordinance.	No known violations.

PLANNING COMMENTS:

**Property values** for adjacent properties may be enhanced by the proposed development even if aesthetics restrictions are placed in private deed covenants, and, if enforcement of County land use and property maintenance regulations is applied.

The change appears to be **consistent with the spirit and intent of the Zoning Ordinance.**

There is no evidence that the proposed change in use will **injure or detract from the neighborhood.**

WATER/SEWER IMPACT:

All properties are subject to on-site water supply and septic tank installation approval as required by the County Health Department. Soil types and proposed lot sizes are compatible and adequate for septic tank installation.

TRAFFIC IMPACT:

**The capacity and general condition of the roads accessing the proposed development is good. Deloach Church Road is a county paved road.**

SCHOOL IMPACT:

No significant impact is expected on existing schools.

PARKING, ROAD AND DRAINAGE IMPACT:

Currently all drainage is natural with no known man-made improvements to the existing development other than roadside drainage ditches and culverts. The access way/driveways to the site should have property roadside drainage measures.

E-911 AND EMERGENCY MANAGEMENT IMPACT:

The proposed development poses no problems for E-911 communications.

LAW ENFORCEMENT IMPACT:

Response time would be inadequate. Response time from Bulloch County Sheriff's Department is twenty (20) minutes or less. However, depending on patrolling patterns and the location of deputies at a given time, this response may be greater or lesser.

SOLID WASTE IMPACT:

None expected.

**FINAL STAFF RECOMMENDATIONS:**

The subject property does appear suitable for the proposed change to allow for residential development on the property. The property provides a reasonable economic use as currently zoned, and is expected to continue providing a reasonable economic use if the variance is approved.

No overload or major change is expected on public services, such as schools, as the mere result of a rezone approval for the district/zone boundary.

A manufactured home and septic tank has previously been on this property. The grandfathering rights were lost by not replacing the manufactured home. They wish to go where the old manufactured home was located and use the existing septic tank.

**The staff recommends approval of the variance request.**

**Participants:**

**Tom Couch, County Manager; Andy Welch, County Planner; Cheryl Tatum, Zoning Administrator; Kirk Tatum, Public Works Director; Brad Wiggins, Bulloch County Health Department; and Bob Smith, Environmental Manager.**

<b>Planning and Zoning Commission</b>	
<b>Vote</b>	For                      Against:
<b>Conditions</b>	
<b>Issues</b>	
<b>Opposition</b>	

