



**VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS**  
*Staff Report - MEETING DATE: July 2, 2019*

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**VAR-2019-05**

**Josheua J. & Patricia L. Nealey**

The applicants are requesting a Variance to Table 5.02.01(D)(8) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to setbacks for an accessory building in a R-1 (Low Density Residential) zoning district. The subject property is 1.302 acres in size and located at 1704 Glenview Drive, Valdosta, Georgia.

The Lowndes County Unified Land Development Code (ULDC) provides that *for a corner lot, side yard setback requirements from the centerline of the right-of-way of abutting streets shall be equal to seventy-five (75) percent of that required for the front yard setback*. In this scenario, the Nealey's residence is located on two local, forty feet wide (40') right-of-ways, Glenview Drive and Ridgecrest Street. Glenview Drive, the primary front, requires a minimum setback distance of sixty feet (60') from the centerline of the right-of-way. Ridgecrest Street, the secondary front (side), requires seventy-five percent of the sixty feet (60'), thus resulting in a distance requirement of forty-five feet (45') from the centerline of Ridgecrest Street right-of-way and/or twenty-five (25') feet from the eastern property line.

Southeastern Surveying, Inc, submitted a Combination Survey Plat to Planning Staff for review and recordation on behalf of the Nealeys. Staff's official review denoted the existing accessory structure did not meet the ULDC minimum setback requirement for an accessory structure on a corner lot or a lot with multiple frontage. The applicant's and their land professional, Southeastern Surveying, Inc., agreed to seek relief through the Variance process. The accessory structure is currently situated 16.15 feet from the eastern property line (Ridgecrest Street); **thus, a Variance of 8.85 feet is being requested**. The Variance if granted will satisfy the necessitated requirements of the ULDC and allow for the recordation of the survey plat within the Superior Court Clerk's Office.

The TRC (Technical Review Committee) reviewed the Variance request and there were no adverse comments or conditions recommended. The Committee found that there was a substantial hardship as called for in the requirements for the granting of Variances.

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.*