

**JASPER COUNTY
BOARD OF ZONING APPEALS**

May 18, 2023

Case Number: 2023-V-003
Name of Applicant: Chris Allen
Name of Owner: Andrea Hill
Address of Property: 571 E Mourning Dove Ct
Tax Parcel: 019C 278
Commissioner District: 4 (Four)

Request: Variance Request for a reduction a side setback on the southern property line from 15' to 11.5' to construct a home.

Size of Property: 0.41 acres

Present Zoning: Residential

Present Use: Under construction for a single-family home

Potential Effects

On County: No negative effect anticipated.

Applicable Standards: (Chapter 119 - Zoning Ordinance)

Section 119-224 Development standards—Agriculture and residential districts. (Chapter 119 - Zoning Ordinance)

Item	RES
Minimum side yard	30 ft.

AND

ARTICLE III. - GENERAL PROVISIONS

Sec. 119-121. - Nonconforming uses, structures and lots.

(d) *Nonconforming lots.*

- (1) *Nonconforming lots, defined.* A lot lawfully existing at the effective date of the ordinance from which this chapter is derived (and not created for the purpose of evading the requirements of this chapter or chapter 105, development standards and regulations) but which fails by reason of the adoption or amendment of the ordinance from which this chapter is derived to conform to the present requirements for area, dimensions, or location of the zoning district.

- (2) *Continuation of nonconforming lots.*

- a. Where the owner of a lot at the time of the adoption of the ordinance from which this chapter is derived or the owner's successor in title thereto does not own sufficient land to enable such person to conform to the dimensional requirements of this chapter, either:
 1. Such lot may be used as a building site for a single-family residence in a district where residences are permitted; or
 2. Such lot may be used as a building site for any other use permitted in the zoning district; provided that said lot requirements or building setbacks are not reduced below the minimum specified in the appropriate district by more than 50 percent; and provided that the minimum requirements of the county board of health can be met for lots on septic systems.
- b. Lot dimensional reductions greater than the 50 percent maximum reduction set forth in this section may be approved upon appeal, provided that:
 1. The reduction is approved as a variance under the appeals procedure.
 2. The decreased requirements conform as closely as possible to the required dimensions.

BACKGROUND:

On January 17, 2023 a building permit, BP2023-01-09, was issued for a new residential home at 571 E. Mourning Dove Ct. There was approval from Turtle Cove A&E and the permit information met the ordinance criteria for setbacks. One of the requirements for new home construction in the RES (Residential) Zoning district is to have a Box Check Survey completed to show the exact setbacks on the property. When the Box Check Survey was submitted to the office for acceptance the southern property line showed 11.5 feet. The other property line setbacks complied with the ordinance. The builder applied for a Variance to the southern property line to seek a Variance to allow that side setback to be 11.5 feet.

Staff Analysis:

As per Section 119-421 of the Jasper County Zoning Ordinance, such variances may be granted in individual cases of practical difficulty or unnecessary hardship upon a finding by the Board that the following exists. Staff has provided the criteria below for your reference.

1. **That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.**
2. **That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.**
3. **That the condition from which relief or a variance is sought did not result from action by the applicant.**

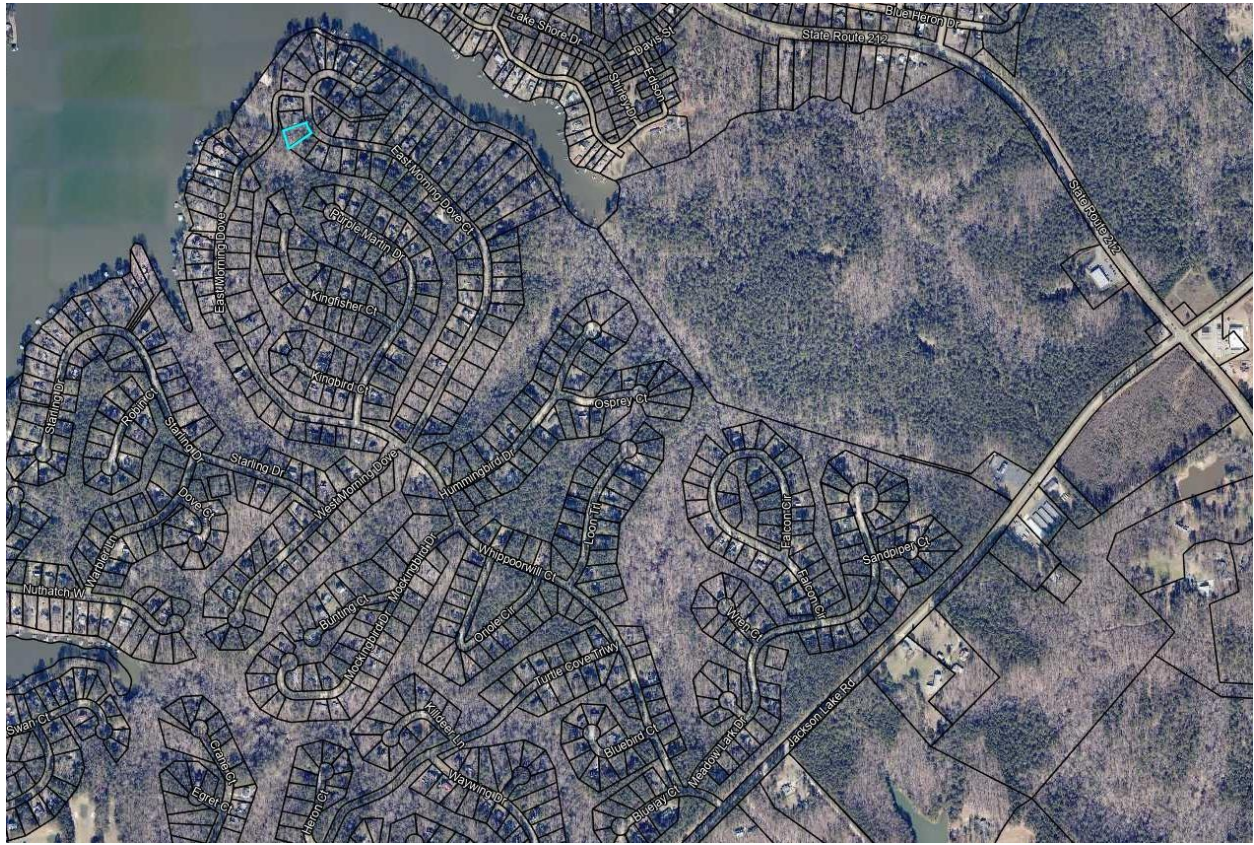
4. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the county.
5. That the granting of the variance will be in harmony with the general purpose and intent and policies of the comprehensive plan.
6. That the granting of the variance will not allow a structure or use in a district in which that structure or use is prohibited.

RECOMMENDED CONDITIONS

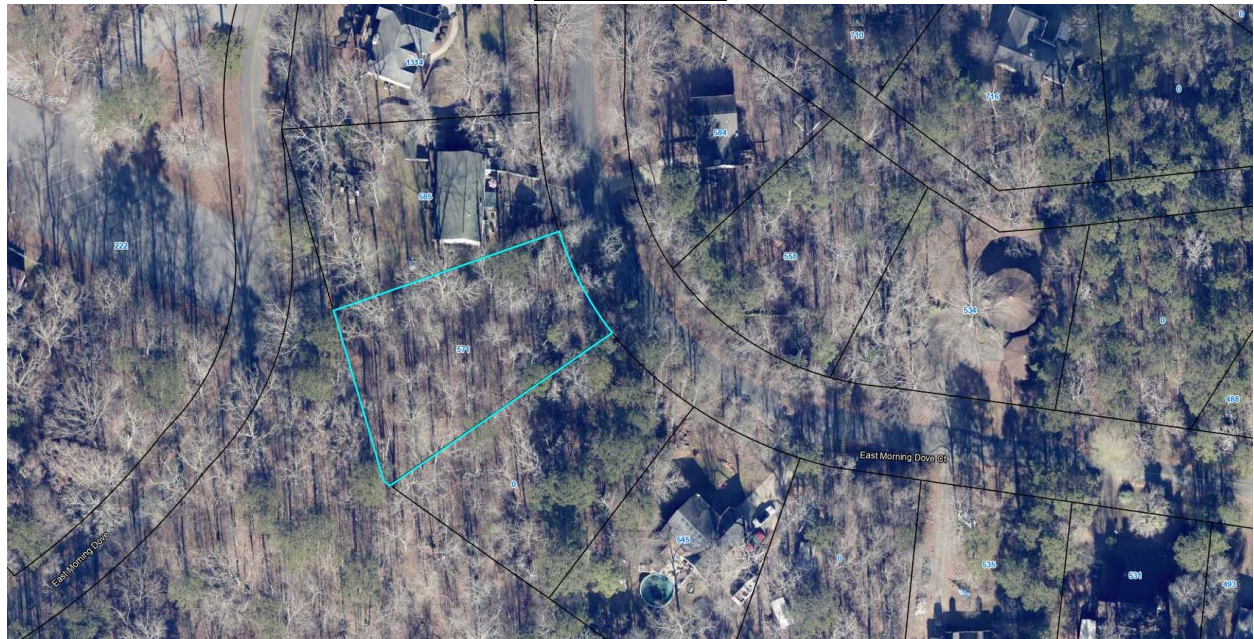
Should this petition be approved by the Jasper County Board of Appeals, it should be approved subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Appeals:

1. The structure shall not be any closer than 11.5' from the southern side setback line (abutting Tax Parcel 019C 279).
2. Variance 23-003 is for the home only.
3. The Variance is valid for a period of 2 years. If the structure is not completed within that time frame this Variance shall be considered void.
4. Any additional conditions the Appeals Board may feel necessary

LOCATION MAP



AERIAL MAP



SIGN



APPLICANT'S INFORMATION
VARIANCE APPLICATION
JASPER COUNTY ZONING ORDINANCE

DATE RECEIVED 04/10/2023 2023 VAR 003
ADDRESS/LOCATION OF TRACK 571 E mourning dove ct TAX MAP 019C278
ACRES .41 CURRENT ZONING RES

APPLICANT Chris Allen OWNER Andrea Hill
ADDRESS [REDACTED] ADDRESS [REDACTED] A
PHONE 770-317-2888 PHONE [REDACTED]
EMAIL Chris.allen@allen-terrell.com EMAIL [REDACTED]

THE FOLLOWING DOCUMENTS MUST BE ATTACHED BEFORE APPLICATION CAN BE ACCEPTED:

1. A PLAT OF PROPERTY SHOWING ITS LOCATION, AREA, EXISTING STRUCTURES, AND CURRENT ZONING DISTRICT OF THE PROPERTY AND ALL ABUTTING PROPERTIES.
2. A DEED WITH LEGAL DESCRIPTION SHOWING TITLE OF THE PROPERTY.
3. A LETTER OF INTENT DESCRIBING THE REASON FOR REQUEST.
4. FILING FEE OF \$500 PAYABLE TO JASPER COUNTY ZONING OFFICE.
5. A "DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND GIFTS" FORM.
6. IF PROPERTY OWNER AND APPLICANT ARE NOT THE SAME, AN AGENT AUTHORIZATION FORM.

I HEREBY AUTHORIZE THE JASPER COUNTY BOARD OF APPEALS AND STAFF TO INSPECT THE ABOVE-DESCRIBED PROPERTY. IN SIGNING THIS APPLICATION, I HEREBY STATE ALL INFORMATION GIVEN BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I AGREE TO ABIDE BY ALL LAWS AND ORDINANCES REGULATING USE OF PROPERTY IN JASPER COUNTY.

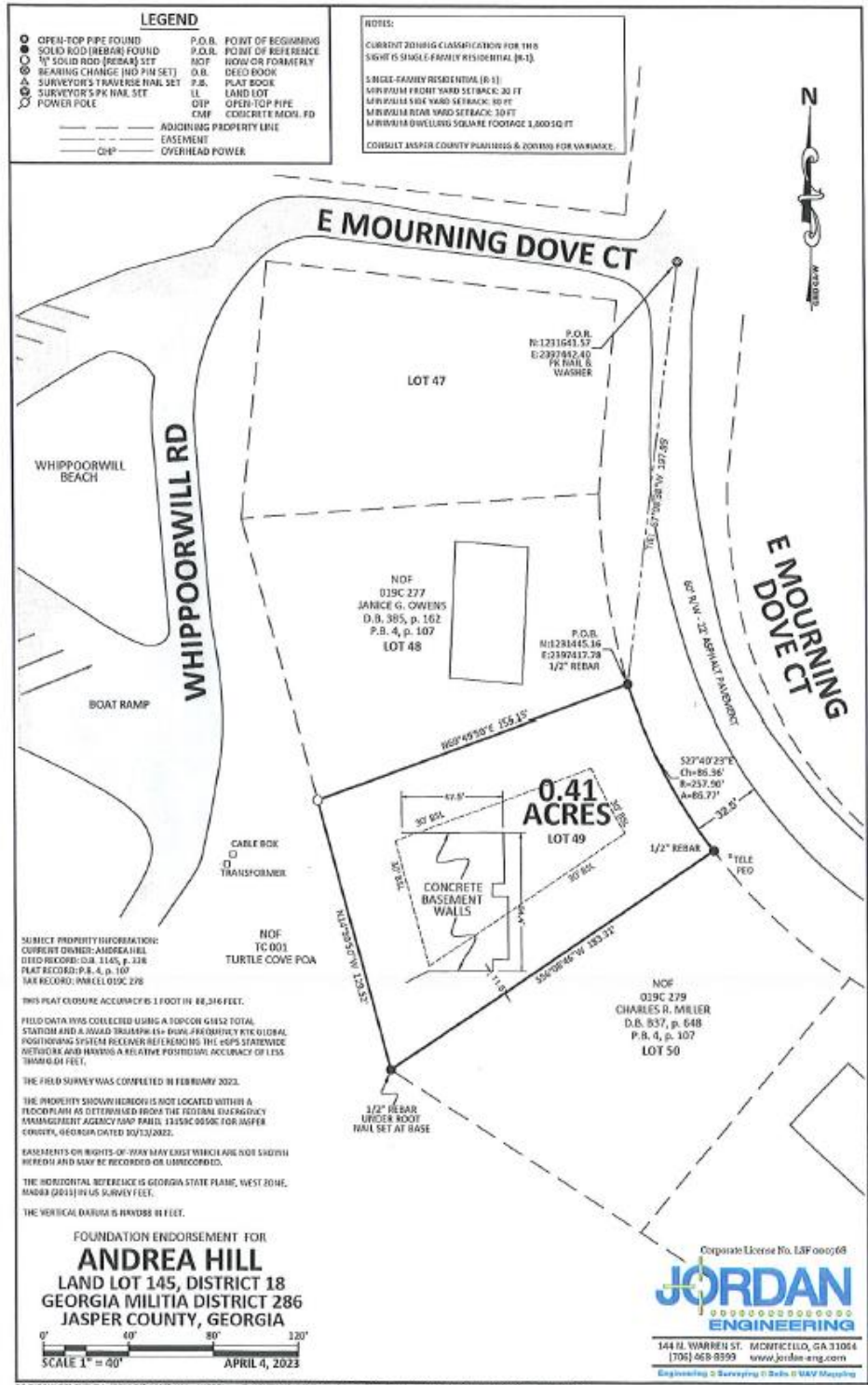
SIGNATURE OF APPLICANT [Signature] DATE 04/10/2023
PUBLIC HEARING BEFORE JASPER COUNTY BOARD OF COMMISSIONERS _____
RECOMMENDATION _____ CHAIRMAN/DATE _____
APPROVED _____ DENIED _____ CONDITIONS? _____

LETTER OF INTENT

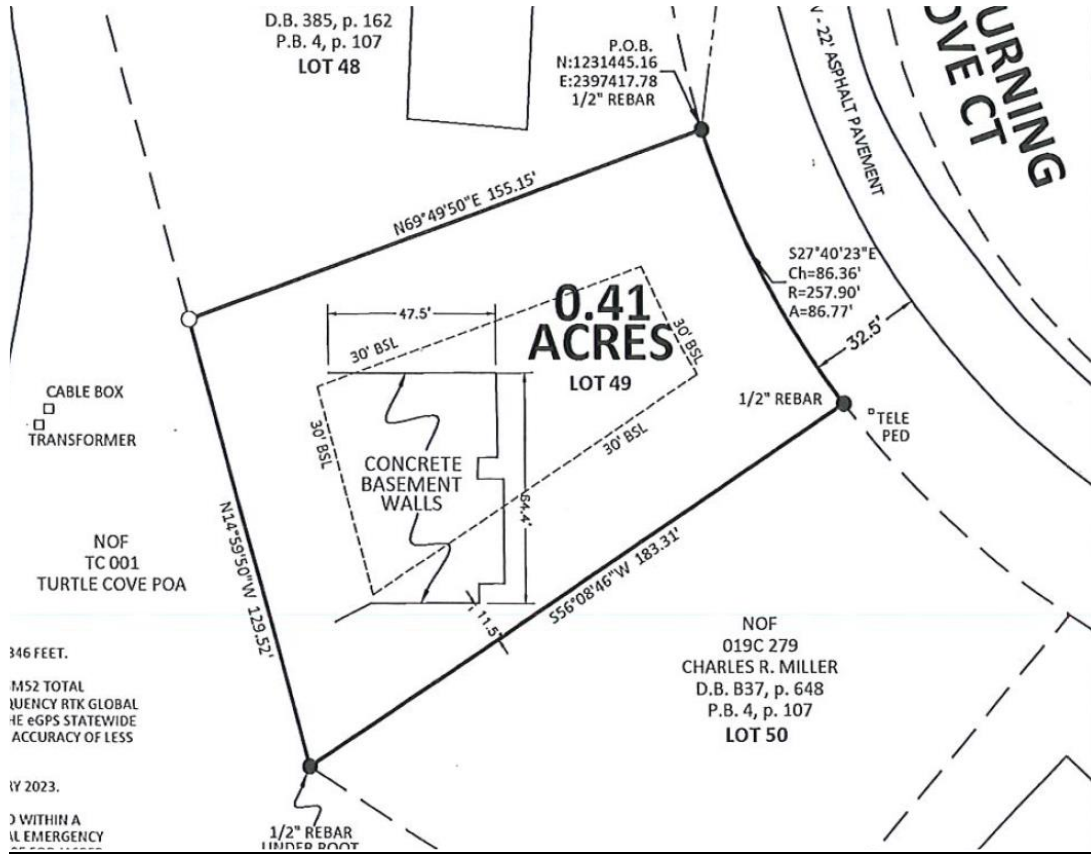
571 E Mourning Dove Ct Variance request

Good Morning, we are building a home for Ms. Andrea Hill of Monticello and are asking for a variance on the side setback only on the front left corner of her home. We have poured her basement walls and completed the box check survey. When our box check survey came back it states that we are 3-1/2 feet inside the setback. This is only pertaining to the front left corner of the home, the rest of the setbacks are good (See attached box check survey). We needed to get as close as we could on this side in order to leave enough room for her side entrance garage on the opposite side of the house. Please review and consider to make the allowances needed for us to proceed with construction. Thank you and have a blessed day.

SITE PLAN/Box Check Survey



SITE PLAN – just the lot with setback dimensions



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Model # 337202 - HE

3,800 sq. ft. (approx.)

3,800 sq. ft. (approx.)

3,800 sq. ft. (approx.)

3,800 sq. ft. (approx.)

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FRONT ELEVATION

RIGHT SIDE ELEVATION

ROOF PLAN

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
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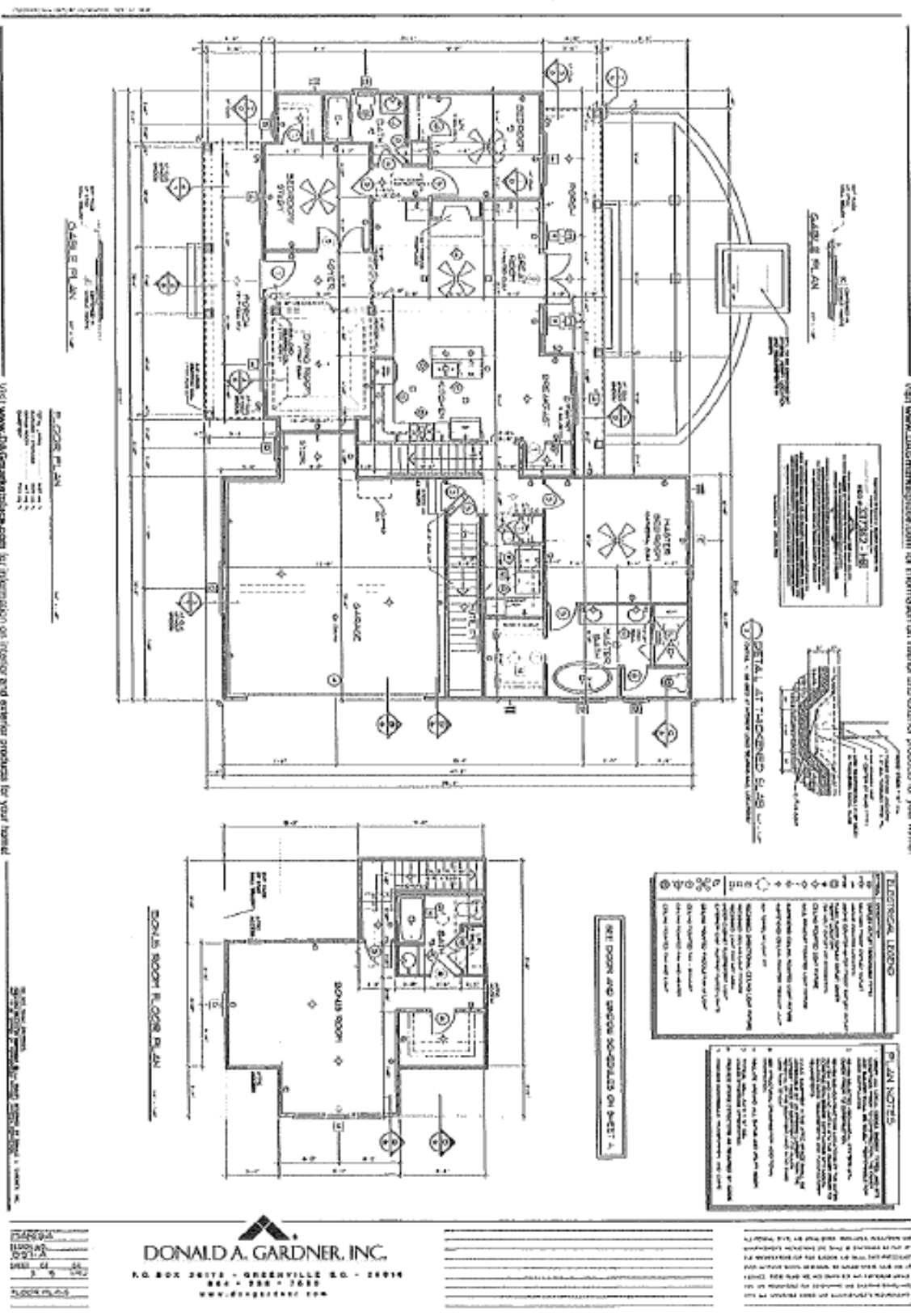
REAR ELEVATION

LEFT SIDE ELEVATION

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DATE	DESCRIPTION
11/11/11	ISSUED FOR PERMIT
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