

**VARIANCE**  
**728 E. Tinsley Street / 228 Morris Street**  
**Project No. 15-VAR-02**

**Applicant:** Russell Johnson  
**Owner:** Russell Johnson



<b>Current Land Use Classification</b>	Medium Density Residential
<b>Current Zoning</b>	Medium Density Residential (MDR)
<b>Proposed Variance</b>	Subdivide lot, creating two non-conforming lots
<b>Parcel Size</b>	0.31 +/- acres
<b>Map, Block &amp; Lot Number</b>	006 11013
<b>City Commission</b>	Tuesday, April 28, 2015
<b>District 2 Commissioner</b>	Cora Flowers
<b>Citizen Notification</b>	Legal Notice was run in the April 10, 2015 edition of the <i>Griffin Daily News</i> for the City Board of Commissioners Public Hearing. Signage was placed on the property illustrating the purpose, date and time of the meeting on April 10, 2015.

**Proposal/Site Location:**

The applicant, Russell Johnson, is requesting a variance to subdivide property located at 728 E. Tinsley Street and 228 Morris Street. The existing lot is approximately 0.31 +/- acres. The subdivision of the lot will create two (2) non-conforming lots with approximately 0.15 +/- acres and 0.16 +/- acres each. The applicant would like to sell the two properties to individual buyers and cannot unless the property is subdivided.



**Zoning Ordinance Sections applicable to this Application:**

The following sections of the Unified Development Code apply to this variance request:

- Article 410           Variances
- Article 505           Nonconforming Uses and Structures
- Article 708           Medium Density Residential (MDR)

**Article 410, Variance Standards for Review:**

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;**  
There are extraordinary and exceptional conditions pertaining to this particular piece of property in question; specifically, due to the fact that the lot has two (2) single family homes constructed on one parcel. The applicants' property consist of 0.31 +/- acres and has frontage along both East Tinsley Street and Morris Street.
  
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.**  
The application of these regulations to this particular piece of property would not create a practical difficulty or unnecessary hardship to the applicant as it relates to the continued use of the property. The applicant's property at 0.31 +/- acres is a legal conforming lot according to Section 708, MDR, of the City of Griffin Unified Development Code, which requires a minimum lot size of one-fourth of an acre or 10,890 square feet.

**3. Such conditions are peculiar to the piece of property involved.**

Planning Staff is aware of other properties within the zoning district with similar issues as this particular property. Within the area of Griffin, many lots are platted below the MDR required 10,890 square feet, due to the fact many were platted prior to the adoption of zoning in the City of Griffin.

**4. Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no Variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.**

Relief, if granted, will not cause substantial detriment to the public good; however, it will impair the purpose and intent of the regulations. Granting the variance will take a legal conforming lot according to our zoning regulations and create two (2) non-conforming lots. It is the intent of the Unified Development Code (UDC), Article 505, to eliminate non-conforming lots and structures when at all possible.

**5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same district are allowed.**

The literal interpretation of this ordinance would not deprive the applicant of rights that others in the same district are allowed; however, many properties within the MDR Zoning District in this geographic area of the city are platted as legal non-conforming lots according to the current requirements of the UDC.

**Planning Staff Comments:**

Planning Staff has reviewed the applicant's request for a variance with regards to the criteria listed above and the present condition of the property. Staff has found that there are extraordinary circumstances with regards to the applicant's property. However, approvals cannot be based on financial hardships or due to the presence of non-conformities in other existing buildings or structures in the zoning district or adjoining zoning districts. The intent of the zoning ordinance is to eliminate non-conforming lots and structures when possible.

However, after further research, it has been determined that a plat was recorded, on July 12, 1989, showing that the original parcel was subdivided into two parcels. Therefore, the variance request is null and void. A copy of the plat is attached for your review.

**Planning Staff Recommendation:**

Planning & Development Staff recommends **DISMISSAL** of the variance request (15-VAR-02) submitted by Russell Johnson to subdivide property located at 728 E. Tinsley Street/228 Morris Street.

**Submitted by:**

Toussaint M. Kirk, MURP, Director  
Planning and Development Services