
REQUEST: Application by Maryanne, Robert, and Joshua Wilson, requesting a variance from Unified Development Ordinance Section 6.4.1.D.1.

PROPERTY LOCATION: 7843 Green Pond Road, Indian Land, SC

TAX MAP NUMBER: 0014-00-007.00

ZONING DISTRICT: Rural Neighborhood (RN)

OVERVIEW:

Background

The subject property is approximately 8.13 acres in size and is located on the northern side of Green Pond Road. The property is zoned Rural Neighborhood District. There is currently a home on the subject property. There is also a parcel within this site which was subdivided out in 2001 (prior to the adoption of the current Unified Development Ordinance) but is entirely surrounded by the remnants of the subject parcel.

The applicant is requesting a variance from Unified Development Ordinance (UDO) Section 6.4.1.D.1 to allow further subdivision of the 8.13 acre parcel.

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section 6.4.1.D.

D. Cul-de-Sac:

In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicates that a through street is not essential at the location of the proposed cul-de-sac. In instances where permanent dead-end streets or cul-de-sacs are permitted, they must adhere to the following requirements:

1. **Maximum Length: 800 feet, measured from the point of street centerline intersection to the center point of the cul-de-sac, and no more than 20 lots.**
2. Turnaround Dimensions: The closed end of such streets shall be designed with turnaround dimensions in accordance with Appendix C, MSSD.
3. Cul-de-sac Connections: For the purposes of meeting the connectivity index requirements in Section 6.4.3.A, credit for 1 additional segment shall be given when a pedestrian/bicycle accessway is provided between the following:
 - a) Two permanent cul-de-sacs, or
 - b) A cul-de-sac and any school, shopping center, church, park, or transportation facility (such as a greenway, sidewalk, bike lane, etc.)

UDO Section 9.2.12.A, Purpose/Limitations

- 1. Purpose:** The variance process administered by the Board of Zoning Appeals is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.
- 2. Financial Hardship Not Sufficient Ground for Variance:** It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development.
- 3. Use Variances Not Permitted:** In no event shall the Board of Zoning Appeals grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question. Nor shall the Board grant a variance which would allow the establishment of a use set forth herein as requiring certain conditions or standards under conditions or standards less than those minimums.
- 4. Authority Limited to this Ordinance/ Conflicts with other Laws Prohibited:** In no event shall the Board of Zoning Appeals grant a variance which would conflict with the International Building Code, as amended, or any other state code unless otherwise authorized by duly enacted applicable laws and regulations.

UDO Section 9.2.12.C.2, Standard of Review

- a. General Variance Requests:** The Board of Zoning Appeals shall not grant a variance unless and until it makes all of the following findings:
 - i. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance;
 - ii. That if the applicant complies with the provisions of the ordinance, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property;
 - iii. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district;
 - iv. That the variance will not materially diminish or impair established property values within the surrounding area;
 - v. That the special conditions and circumstances referenced in iii, above, result from the application of this ordinance and not from the actions of the applicant;
 - vi. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit;
 - vii. That the variance is the minimum necessary to afford relief; and
 - viii. That the public health, safety and general welfare have been assured and substantial justice has been done.
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Site Analysis:

UDO section 6.4.1.D.1 does not allow more than 20 lots to access off of a street with one end permanently closed.

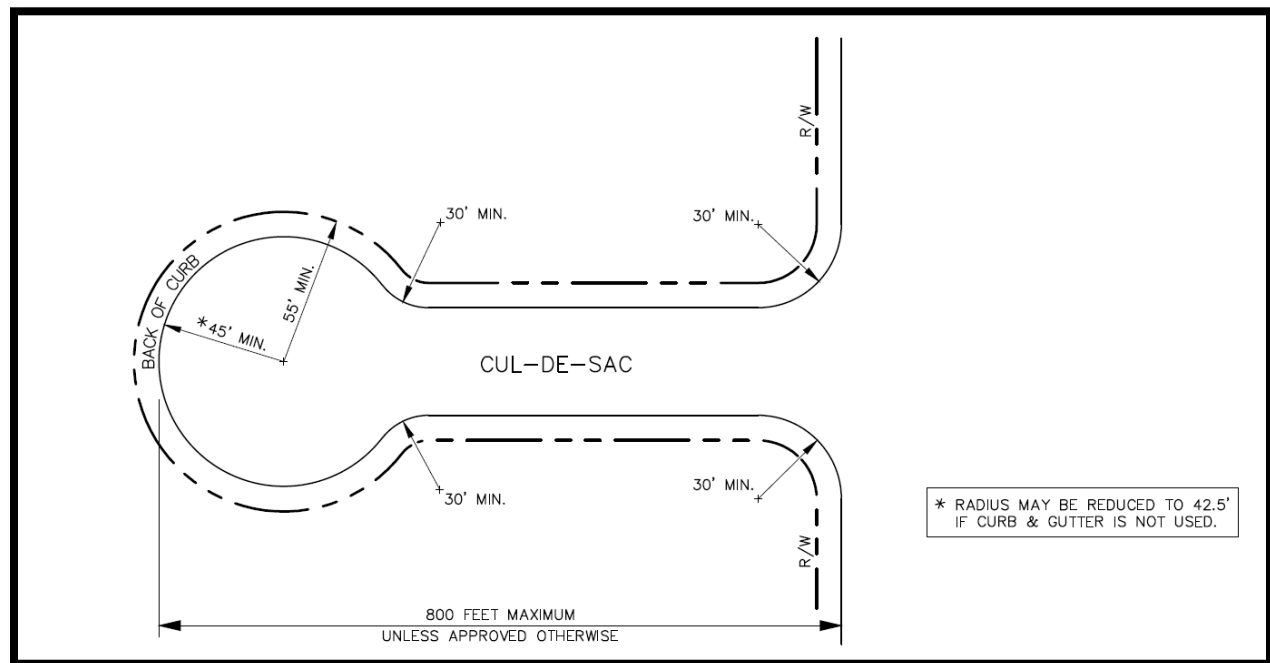
At this time there are 51 parcels which are accessed via Green Pond Road (this includes parcels off of John Short Road, Ashley Road, and Leaf Lane; as those roads may only be accessed from Green Pond Road).

UDO section 6.4.1.D.1 also prescribes a maximum length of 800 feet for all dead end streets.

Green Pond Road is approximately 5,580 feet in length.

UDO section 6.4.1.D.2 requires turnarounds consistent with turnaround dimension shown in Appendix C (see turnaround depiction from Appendix C below).

No turnaround meeting this requirement currently exist on Green Pond Road.



UDO section 6.14.1 "Road Design" states that the minimum pavement width on a Local (Rural) road is to be 22 feet wide.

When measured at multiple locations near the subject property along Green Pond Road pavement width was between 10' 6" wide and 12' wide. See photos below for reference:



Public Safety:

The fire truck which would respond to any events on this road is 97" wide (not including mirrors). Lancaster County has begun the process of purchasing new fire trucks for the fleet which will be 101" wide (not including mirrors). This would put primary responding trucks at about 8' 4" wide with approximately 10" added to each side for mirrors. This truck also has a turn radius of 46' 10".

For reference the average car is 5'8" wide and the average F150 Truck is 6'7" wide.

ATTACHMENTS:

1. Variance Application
 2. Location / Zoning Map
 3. Deed
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STAFF CONTACT:

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