



**BOARD OF ZONING APPEALS
VARIANCE APPLICATION**

IF YOU REQUIRE ASSISTANCE WITH THIS APPLICATION, PLEASE CONTACT THE PLANNING OFFICE AT 803-285-6005. THE COMPLETED APPLICATION, THE APPLICATION FEE OF \$275.00 SF RESIDENTIAL/ \$375.00 COMMERCIAL AND ALL ADDITIONAL SUPPORTING DOCUMENTS ARE REQUIRED TO BE SUBMITTED.

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

PROPERTY INFORMATION:

TAX MAP NUMBER: 0014-00-007.00

STREET ADDRESS: 7843 Green Pond Road

CITY/ STATE/ ZIP CODE: Indian Land SC 29707

LOT DIMENSIONS/ LOT AREA: 8.13 Acres PLAT BOOK/PAGE: 0097/0164

CURRENT ZONING CLASSIFICATION: Rural Residential

PROPERTY OWNER OF RECORD:

NAME: Maryanne W Wilson/Robert J Wilson/Joshua A Wilson

ADDRESS: 7843 Green Pond Road

CITY/STATE/ZIP CODE: Indian Land SC 29707 TELEPHONE 803-984-4835

EMAIL ADDRESS: mwhickerwilson@gmail.com

SIGNATURE OF OWNER/ DATE: Robert J Wilson 9/9/2022

**I HAVE APPOINTED THE INDIVIDUAL OR FIRM LISTED BELOW AS MY REPRESENTATIVE IN CONJUNCTION WITH THIS
MATTER RELATED TO THE BOARD OF ZONING APPEALS.**

AGENT OF OWNER:

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP CODE: _____ TELEPHONE: _____

EMAIL ADDRESS: _____

SIGNATURE OF AGENT/ DATE: _____

SIGNATURE OF OWNER/ DATE: _____

VARIANCE APPLICATION

DATE FILED: 9/9/2022 APPLICATION NO. _____

1. APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FOR A VARIANCE FROM THE STRICT APPLICATION TO THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) OF THE FOLLOWING PROVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE:

See Attached - Variance Application Responses

SO THAT A ZONING PERMIT MAY BE ISSUED TO ALLOW USE OF THE PROPERTY IN A MANNER SHOWN ON THE ATTACHED PLOT PLAN, DESCRIBED AS FOLLOWS:

See Attached - Variance Application Responses

FOR WHICH A ZONING OFFICIAL HAS DENIED A PERMIT ON THE GROUNDS THAT THE PROPOSAL WOULD BE IN VIOLATION OF THE CITED SECTION (S) OF THE UNIFIED DEVELOPMENT ORDINANCE.

See Attached - Variance Application Responses

2. THE APPLICATION OF THE ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND THE STANDARDS FOR A VARIANCE SET BY STATE LAW AND THE ORDINANCE ARE MET BY THE FOLLOWING FACTS:

- i. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE;

See Attached - Variance Application Responses

- 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;

See Attached - Variance Application Responses

- 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;

See Attached - Variance Application Responses

- iv. THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;

See Attached - Variance Application Responses

- 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;

See Attached - Variance Application Responses

- vi. THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;

See Attached - Variance Application Responses

- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND

See Attached - Variance Application Responses

- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE

See Attached - Variance Application Responses

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS APPLICATION: (A PLOT PLAN MUST BE SUBMITTED)
See Attached Plot
-

Date: 9/9/2022

Applicant Signature: Robert J Wilson

Variance Application Responses

1. APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FOR A VARIANCE FROM THE STRICT APPLICATION TO THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) OF THE FOLLOWING PROVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section 6.41D1. Our request for a variance to build an additional residence for a granddaughter on our 8.13-acre tract of land. Currently there is only 1 home on this tract of land. This request will allow us to gift 1 acre of the 8.13 tract so that a granddaughter can start construction of her new residence.

SO THAT A ZONING PERMIT MAY BE ISSUED TO ALLOW USE OF THE PROPERTY IN A MANNER SHOWN ON THE ATTACHED PLOT PLAN, DESCRIBED AS FOLLOWS:

A 1-acre tract will be subdivided from the existing 8.13-acre tract and a residence for a granddaughter will be constructed. FOR WHICH A ZONING OFFICIAL HAS DENIED A PERMIT ON THE GROUNDS THAT THE PROPOSAL WOULD BE IN VIOLATION OF THE CITED SECTION (S) OF THE UNIFIED DEVELOPMENT ORDINANCE.

We have been informed by the Lancaster County Planning and Development Department that Green Pond Road residents are not allowed to build new residences pursuant to UDO Section 6.41D1.

2. THE APPLICATION OF THE ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND THE STANDARDS FOR A VARIANCE SET BY STATE LAW AND THE ORDINANCE ARE MET BY THE FOLLOWING FACTS:

- i) THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE;

By carrying out the strict letter of this ordinance renders our land useless. The land has been in our family for over 6 generations and the current UDO does not give us the ability to allow children and/or grandchildren to use the land to build a residence. The flawed UDO has inadvertently caused undue hardship and waiting over 2 years for a new UDO to be created is not feasible due to the continued rise in cost of construction.

- ii) 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;

Our intention is to continue to keep the land within our family for future generations. However, by complying with the UDO, we cannot subdivide any land on the 8.13-acre tract for children and/or grandchildren to build a home. Current UDO Section 2.3 in Lancaster County allows 1.5 dwellings per acre under Low Density Residential and 1.0 dwellings per acre under Rural Residential, but we are not even allowed 2 homes per 8.13 acres.

- 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;

The subdivision variance request is not for the purpose to sell or profit. The sole purpose of the request is to subdivide so that a granddaughter, who has been a lifelong resident of Indian Land, can begin building her home upon graduation from Nursing School in December 2022. She is currently employed by MUSC Lancaster Hospital and will continue to work there upon graduation.

Variance Application Responses

- iv) THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;

The variance will not diminish or impair property values as the planned home will be built by licensed home builder with a projected cost of \$400,000.

- 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;

The current application of the Unified Building Ordinance does not allow us to build or subdivide land on Green Pond Road under UDO Section 6.141D1. It is important to note that Green Pond Road covers an area of approximately 200 acres with only 33 homes. That is an average of 1 home per 6 acres.

- vi) THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;

The variance preserves the spirit of the ordinance as it does not exceed the Rural District dwelling requirements of 1.0 acres per dwelling. Our request will have 2 dwellings on 8.13 acres.

- vii) THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND

The variance grants the ability to build an additional dwelling on our 8.13 tract that is currently not allowed based on the strict letter of the UDO. However, the current UDO Section 2.3 does allow Rural Residential to have 1 dwelling per acre, but this option is taken away due to UDO Section 6.141D1.

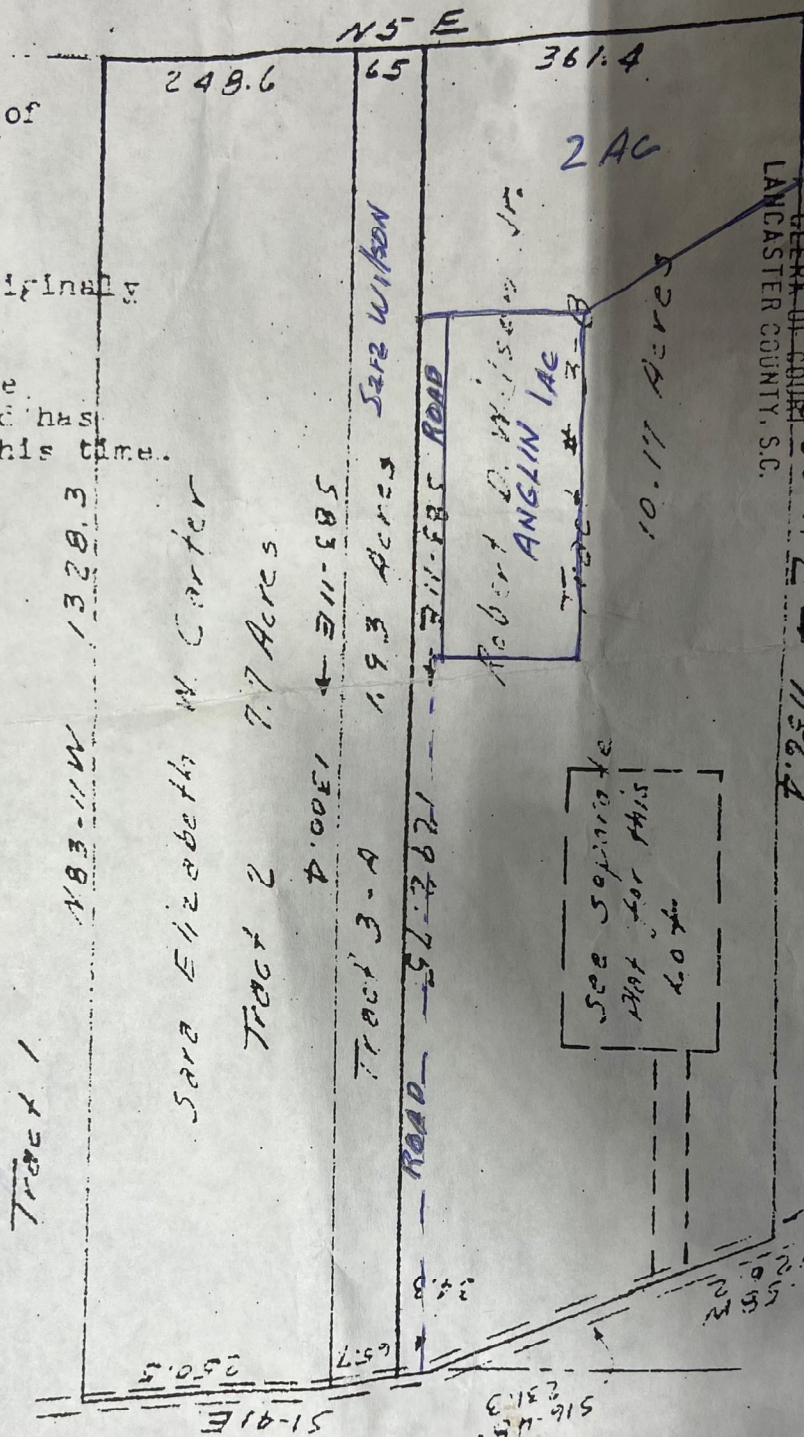
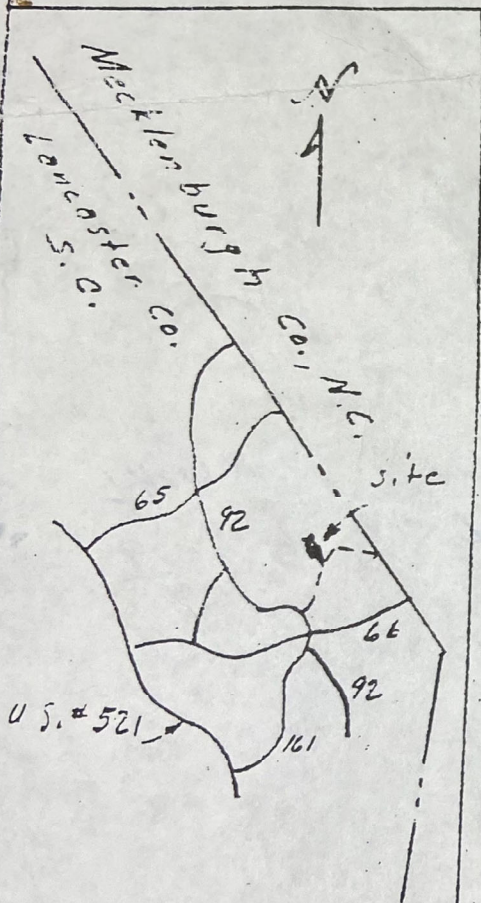
- viii) THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE

Adding an additional dwelling to 200 acres of land on Green Pond Road that currently has 33 homes will not deteriorate the safety, health, and general welfare of the residents of Green Pond Road and Lancaster County.

You probably Have A Copy of this Plat Made in 1973
 I sketched in The 1Ac & 2Ac Tract so You Can See
 Them in Relztion To your ~~Books~~ Wilson

This being shown as
 Tracts 2 and 3 on map of
 Property of Estate of
 R.M. Wilson, made by
 W.C. White and dated
 Oct. 17, 1962
 Note: Tract 3-A was originally
 part of Tract 3

This map drawn from the
 above mentioned map and has
 not been surveyed at this time.



FILED
 OFFICE OF CLERK
 OF COURT
 MAR 3 12 59 PM '97
 CLERK OF COURT
 LANCASTER COUNTY, S.C.

APPROVED FOR RECORDING

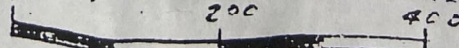
3-3-97
 Lancaster County Planning Commission

Map of Tracts 2 and 3 of

ESTATE OF R.M. WILSON LANDS
 Lancaster County, S.C.

April 17, 1973

Scale 1" = 200'



R.L.S. # 1033
 Rock Hill, S.C.