



# City of Clemson

PC

## PLANNING & CODES ADMINISTRATION

1250 Tiger Blvd, Suite 4 • Clemson, SC 29631-2662 • (864) 653-2050 • Fax (864) 653-2057 • www.cityofclemson.org

### PLANNING COMMISSION

### NOTICE OF APPEALS FOR A VARIANCE FROM LAND DEVELOPMENT REGULATIONS

Please complete in ink and return to the Planning and Codes Administration Department with required information. Appeals applications require a designation of agent if owner is not the applicant. **Both sides of this application must be completed; incomplete applications will not be accepted.**

File no.: S - - PIN: 4043-16-74-5489 Date submitted: 3/24/2015 Planning Commission meeting date:    /   /

#### OWNER(S) INFORMATION

Last name: KF4 LLC First: \_\_\_\_\_ Middle: \_\_\_\_\_ Interest:  Sole owner  Co-owner

Mailing address: 403 OAK ST. City: CLEMSON State: S.C. ZIP Code: 29631

Daytime phone no.: (864) 304 5125 Fax no.: \_\_\_\_\_ E-mail: Tom Kearse@Yahoo.com

#### APPLICANT INFORMATION

To be completed only if Owner is not Applicant:

Applicant's last name: KEARSE First: THOMAS Middle: SUMNER

Mailing address: 403 OAK ST. City: CLEMSON State: S.C. ZIP Code: 29631

Daytime phone no.: (864) 304 5125 Fax no.: \_\_\_\_\_ E-mail: Tom Kearse@Yahoo.com

#### PROPERTY INFORMATION

Property address: 108 FORT RUTLEDGE ROAD Property dimensions: 300' x 139' Property area: 41659

#### DESIGNATION OF AGENT

To be completed by Owner(s) only if Owner is not Applicant. All owners must sign.

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this appeal for a variance.

Owner name	Owner signature	Date
Owner name	Owner signature	Date

To be completed by Applicant:

I certify that the information in this request is correct.

<u>THOMAS SUMNER KEARSE</u>	<u>Thomas Sumner Kearse</u>	<u>3/23/2015</u>
Applicant name	Applicant signature	Date

TOPS 14 14 2484 3 24 248

TOPS 14 14 2484

2484

2.C.

STEWART

TOPS 14 14 2484

TOPS 14 14 2484

Tom Stewart@stewart.com

STEWART

STEWART

STEWART

2484

2.C.

STEWART

TOPS 14 14 2484

TOPS 14 14 2484

Tom Stewart@stewart.com

41121

2484

TOPS 14 14 2484

2484

STEWART

STEWART

## REQUIRED INFORMATION

### 1. Request for Variance

Applicant hereby appeals to the Planning Commission for a variance from the strict application for the property described on this application from the following provisions of the Land Development Regulations Section(s):

IT APPEALS FOR A 5' VARIANCE FOR REQUIRED RIGHT OF WAY AS DESCRIBED IN SECTION 503 OF THE LAND DEVELOPMENT REGULATIONS FOR 50' RIGHT OF WAY ON RESIDENTIAL STREET. (INSTEAD OF 15' ADDITIONAL ROW, I AM REQUESTING 10' ROW ON SHORT STREET

So that the appropriate permit may be issued to allow the use of the property in a manner shown on the attached survey with supporting documents and described as follows:

SUBDIVISION APPLICATION IS TO CONSTRUCT HOME ON THIS 20,000 SQUARE FOOT LOT IN AN R20 DISTRICT.

For which a permit has been denied by a planning or zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Land Development Regulations.

SECTION 503 OF CITY OF CLEMSON LAND DEVELOPMENT REG.

### 2. Justification for Variance

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Set Law and the ordinance are met by the following facts:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

THIS PROPERTY MEETS ALL LEGAL REQUIREMENTS AND SETBACK TO BE SUBDIVIDED AS FLAG LOTS AS REQUIRED BY LAND DEVELOPMENT AND ZONING REGULATIONS. IT HAS DOUBLE FOOTAGE (SHORT & FORT RUTLEDGE) AND IS LOCATED NEAR INTERSECTION OF LEWIS ROAD.

- b. These conditions do not generally apply to other properties in the vicinity as follows:

NO. THERE ARE FEW LOTS WITH FRONTAGE ON SHORT AND FORT RUTLEDGE WITH ENOUGH LAND TO CREATE TWO 20,000<sup>SF</sup> LOTS AND ALSO HAVE ACCESS TO LEWIS ROAD. SEVERAL LOTS ALREADY HAVE BEEN SUBDIVIDED ON FORT RUTLEDGE AND SHORT AS WELL AS LEWIS AND SHORT STREET

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

WITH ADDITIONAL 5' OF ROW GIVEN TO SHORT STREET, THE PROPERTY WOULD BE APPROXIMATELY 19,500<sup>SF</sup>, 500<sup>SF</sup> SHORT OF THE 20,000<sup>SF</sup> REQUIREMENT. APPLICANT IS GIVING AN ADDITIONAL 10' WHICH MAKES SHORT STREET ROW WIDTH THE SAME AS EXISTING ON FORT RUTLEDGE (40 FEET WIDE)

- d. The authorization of the variance will not be of substantial detriment to adjacent properties or the public good, and the granting of the variance will not harm the character of the district as follows:

THIS VARIANCE WILL HELP MAINTAIN THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD THAT COULD BE CHANGED BY FLAG LOT. OTHER LOTS ON FORT RUTLEDGE AND SHORT ST. HAVE BEEN SUBDIVIDED BUT PRIOR TO CURRENT LAND DEVELOPMENT REGULATIONS. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

### 3. Documents provided

The following documents with a sealed survey are submitted to support this appeal:

