



**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: 0003-00-001.00

STREET ADDRESS: HARRISBURG ROAD

CITY/ STATE/ ZIP CODE: INDIAN LAND, SC 29707

LOT DIMENSIONS/ LOT AREA: 146.901 ACRES PLAT BOOK/PAGE: P/2187

**CURRENT ZONING**

CLASSIFICATION: MDR

**PROPERTY OWNER OF RECORD:**

NAME: TOLL SOUTHEAST LP COMPANY INC (ROBERT PRICE, VP LAND DEVELOPMENT)

ADDRESS: 9130 KINGS PARADE BLVD.

CITY/STATE/ZIP CODE: CHARLOTTE, NC 28273 TELEPHONE 980.722.6715

EMAIL ADDRESS: RPRICE1@TOLLBROTHERS.COM

SIGNATURE OF OWNER/ DATE:  05.14.2024

**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: CHRIS TODD, PE (TIMMONS GROUP)

ADDRESS: 610 EAST MOREHEAD STREET, SUITE 250

CITY/STATE/ZIP CODE: CHARLOTTE, NC 28202 TELEPHONE: 704.602.8600

EMAIL ADDRESS: CHRIS.TODD@TIMMONS.COM

SIGNATURE OF AGENT/ DATE:  05.14.2024

SIGNATURE OF OWNER/ DATE:  05.14.2024

# VARIANCE APPLICATION

DATE FILED: \_\_\_\_\_ 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:

Minimize the requirement for a 50' buffer along Harrisburg Road to  $\pm 26'$  to allow for a gravel access road to the property owner of PID 0002-00-019.00.

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  $\pm 7,655$  SF graveled access road to the parking area of PID 0002-00-019.00.

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.

Section 4.4.1.1.8.d, "A 50-foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens".

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;

The difficulties for carrying out a variance to the ordinance are financial. The owner of PID 0002-00-019.00, removed existing trees within the approved buffer of Harrisburg Road from our property, mistaking it for their own. The requirement of replanting the buffer would be a huge financial burden to the mosque and their congregation.

- 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;

No monetary gain would come from this variance. The property in question would not be able to be developed in the future and the gravel path would remain to help with congestion to access the parking lot.

- 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;

This area of the property would be the only location where the mosque could provide relief of congestion to the access of parking lot. The approved subdivision will provide the required 50' landscape buffer as required in all other areas of the development.

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

The removal of these trees and addition of the gravel access path will have no effect to the property values of the proposed development or existing developments in the 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;

The special conditions and circumstances referenced above resulted from an adjacent property owner removing trees from our property.

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

The approved subdivision will provide the required 50' landscape buffer as required in all other areas of the development. The gravel area within the buffer will still be surrounded by trees which meet the intent and spirit of the ordinance.

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

This variance would only affect the  $\pm 7,655$  sf of gravel access path for the mosque. No additional variances or adjustments to the variance would be required.

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

The gravel path would provide relief of the parking area for the mosque and would allow for better access to the site if an emergency would occur.

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS APPLICATION: (A PLOT PLAN MUST BE SUBMITTED)  
The Pines - Landscaping Plan Sheet with Encroachment.pdf

Date:

5/14/24

Applicant Signature:



