



## COUNTY OF LEXINGTON, SOUTH CAROLINA

Department of Community Development

County Administration Building (803) 785-8121

212 South Lake Drive, Suite 401 Lexington, South Carolina 29072

### PLANNING COMMISSION AGENDA APPLICATION

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APPLICANT NAME: \_\_\_\_\_

DAY TIME PHONE: (\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

CURRENT MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

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The Planning Commission meets the third Thursday of each month at 9:00 am, in the 2nd floor Council Chambers of the Lexington County Administration Building. This application must be accompanied by a letter to the Planning Commission explaining the request and addressing the five standards for variances.

PROPERTY LOCATION: \_\_\_\_\_ TMS#: \_\_\_\_\_

Is the tract or parcel of land restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed request? Yes or No Applicant Initials \_\_\_\_\_

\_\_\_ I plan to appear before the Planning Commission.

\_\_\_ I do not plan to appear before the Planning Commission

\_\_\_ My personal representative will attend the meeting. Name of representative: \_\_\_\_\_

**Private Road Policy Variance – The deadline for submittal is the second Friday of the preceding month.**

#### New Private Road

\_\_\_ I want to develop a new Private Road Subdivision and have submitted the following required documents:

1. \_\_\_ Engineering Drawings (sufficient for the Engineering staff to evaluate the proposed road and storm drainage systems (if applicable)).
2. \_\_\_ A Subdivision Plat (8½" x 11" sketch).
3. \_\_\_ A Road Maintenance Agreement (unsigned draft).

#### Existing Private Road

\_\_\_ I want to subdivide my property, which is accessed by an existing Private Road.

Name of Private Road \_\_\_\_\_ Owner(s) of Road property \_\_\_\_\_

The following documents are required:

1. \_\_\_ Plat showing proposed subdivision (8½" x 11" sketch)
2. \_\_\_ Recorded plats and deeds of all property involved
3. \_\_\_ Draft Road Maintenance Agreement (if one doesn't exist), OR  
\_\_\_ An Amendment to an existing Road Maintenance Agreement following any noted provisions

**Access Policy Variance – The deadline for submittal is the fourth Friday prior to the meeting.**

\_\_\_ I want to request an Access Policy Variance due to the following deficiency:

1. \_\_\_ Easement over more than one parcel.
2. \_\_\_ Easement to serve more than one landlocked parcel.
3. \_\_\_ Ingress/egress less than 20' wide (< 2 acre lot) or less than 50' wide (> or = 2 acre lot).
4. \_\_\_ Ingress/egress (> or = 2 acre lot) less than 150' from intersection.
5. \_\_\_ Flag lots improperly paired (multiple parcels).
6. \_\_\_ Flag lots separated by less than 100 feet.
7. \_\_\_ Driveway more than 2000 feet long.
8. \_\_\_ Other

The required document for a variance request is one 8½" x 11" sketch of proposal.

**If your proposed access or road is over property owned by another, you must provide written proof of their consent to the variance request.**

**All submittals require a Subdivision Variance Request fee in the amount of \$136 payable to the County of Lexington.**

## **Excerpt from the Subdivision Ordinance:**

### **5.70 Variance from the Requirements of this Ordinance**

A variance may be granted by the Lexington County Planning Commission where it can be shown that there are extraordinary hardships in the way of complete compliance with this Ordinance.

#### **5.71 Standards for Variances**

The following standards for variances must be considered by the Lexington County Planning Commission when deliberating a variance request:

- a. There are extraordinary and exceptional conditions pertaining to the property or properties.
- b. These conditions do not generally apply to other properties in the vicinity.
- c. Because of these conditions, the application of this Ordinance to the particular property or properties would effectively prohibit or unreasonably restrict the utilization of the property or properties.
- d. The authorization of this variance would not be a substantial detriment to adjacent property or the quality of life for the residents of the County.
- e. When deliberating a variance request, financial hardships, alone, cannot be considered for the basis of a variance.

#### **5.72 Extent of Relief Granted**

The Lexington County Planning Commission shall only hear variance requests associated with design criteria and may grant less relief when deliberating a variance request, but not more relief than formally requested by the applicant. The Planning Commission may also consider other design alternatives and/or considerations when deliberating variance requests.

#### **5.73 Resubmittal of Variance Requests**

A variance request which has been wholly or partially denied cannot be resubmitted within 12 months from the date of the previous corresponding application. Resubmittal means application for relief from the same or similar kinds of requirements for the same activity on the same property. The Lexington County Planning Commission may publicly discuss concerns and publicly direct the applicant to present revisions to address the concerns at a subsequent regularly scheduled Planning Commission meeting for further consideration.

### **5.80 Appeal of Staff Action**

Staff action(s), if such action(s) is authorized for either approval or disapproval of provisions contained within this Ordinance may be appealed to the Lexington County Planning Commission by any party of interest. The Planning Commission shall act on the appeal within 60 days of the request.

### **5.90 Application for Appeal or Variance**

A written application for an appeal or variance shall be filed with the Development Administrator, or his/her designee, by the property owner, his/her designated agent, or the aggrieved party. Copies of the application, and accompanying information, shall be transmitted to the Director of Planning and GIS to provide the Commissioners. A fee established by County Council shall accompany every application, if applicable.

### **5.100 Public Notice**

Fifteen (15) days prior to the scheduled Planning Commission meeting, property owners directly affected by a Private Road Policy variance request associated with an existing private road shall be notified by the Development Administrator, by standard mail, of the proposed variance request and the time, date, and place of the meeting. The public notices are limited to those residing on or legally accessing the existing private road.

### **5.110 Appeal of a Decision of the Planning Commission**

Any person or party with a substantial interest in a decision of the Lexington County Planning Commission regarding an appeal or variance of this Ordinance may appeal any decision of the Planning Commission to the Circuit Court. Such appeal shall be filed with the Circuit Court within 30 days after the final vote on the matter is taken during the Planning Commission meeting for which the appeal or variance is heard.