

Oliver Family Timberlands, LLLP

track will be subdivided into larger lots of ~200+ acres in size for outdoor recreational use. Per the ULDC all development within 1,000 feet of existing county water and sewer utilities are required to connect to the public system at the expense of the developer. The applicant considers the above requirement an economic hardship and seeks relief through the Variance process to forego the ULDC's regulation and have each newly created lot served with individual wells and septic tanks. **Thus, a Variance request to Section 6.03.03 and 6.03.04 of the ULDC as it pertains to development of property within 1,000 feet of existing county water and sewer systems must connect to the existing utilities.**

TRC staff heard and considered this request during several scheduled meetings; the same resulted in a unanimous decision to oppose the developer's request as presented. Staff is of the opinion that the granting of a Variance in this case matter would not support the purpose and intent of the ULDC as it pertains to existing county utility services in this area of South Lowndes.

A variance may be granted upon a finding by the ZBA that one (1) of the following conditions has been met:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;*
- B. Such conditions are peculiar to the particular piece of property involved;*
- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;*
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;*
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;*
- F. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;*
- G. The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;*
- H. The special circumstances are not the result of the actions of the applicant;*
- I. The variance requested is the minimum variance that will make possible the legal use of the land or structure; and*
- J. The variance is not a request to permit a use of land or structures that are not permitted by right in the zoning district involved;*