

Our plan

We live on a 12-acre farm that was subdivided into five properties. We live in the original farm house on a 2.7-acre piece of land at the back of this 12-acre tract. We would like to subdivide this property so that our daughter and son-in-law, who have a 14-month-old son, can build a small passive solar home near the woods that line the back of our property. The land has already been surveyed, and the Department of Health and Environmental Services has already approved the land for a septic system for a three-bedroom 1,800 square foot home. Our daughter and son-in-law want to build a green home that is between 1,350 and 1,600 square feet. They want three bedrooms, and no more. They also want to build an efficient, sustainable, and environment-friendly home. They are dedicated to using local builders who use local subcontractors; they have already contacted one builder in Chatham County who has been building small passive solar homes with state-of-the-art green building technologies and materials since the early 1990s.

Variance request

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

Answer: Our property is one of five properties that comprise a 12-acre subdivision that had been a farm years ago. Our property is at the rear of this larger 12-acre tract. And our house, the original farm house, sits toward the front of our 2.7 acres. Much of the rest of our property is lawn and woods. We believe that subdividing the land so that our daughter and son-in-law can build a small home is the only way for our family to live next to each other while retaining the integrity of the land and abiding by the spirit of the county ordinances. The proposed driveway for this new home would be a short continuation of the existing private road; it would not add congestion or confusion to the already very simple traffic pattern.

Moreover, we believe that subdividing the land as we propose would maintain the orderly layout of the entire 12-acre subdivision; another house would not crowd other houses, not even our own. The house that our daughter and son-in-law propose will be small. Neighbors will not even be able to see it due to trees and sightlines. They own one car, which would not add undue wear and tear to Baldwin Farm Road.

Also, we are under the impression that, typically, six homes can be built in a subdivision like this one if two of the properties extend along the right-of-ways on each side of the road. This is the case here: our property flags along one side of the road; our neighbor's land flags along the other side of the road. Yet, there are only five houses currently in this subdivision. In essence, we'd like our daughter and son-in-law to build the sixth home, a very modest house to the back of the entire 12-acre tract.

- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Answer: We have been told that we could build a 1,000 square foot guest house on our property without subdividing our land. But this is not as reasonable as building a slightly larger house that sits on its own lot. With a guest house, our children would essentially be renting from us; this would put an undue burden on them and, frankly, us. For them to agree to move near us, for our enjoyment as we approach retirement, they will need to live in their

own home on their own land. Also, whether we build a guest house or a small house on a subdivided lot, the reality is that the road will be affected the same way. Our daughter and son-in-law own one car, which would not harm the road or cause undue stress to our neighbors. In fact, when we bought this house, two of our kids lived with us. Each had a car. Now both are gone; essentially, we're bringing back one of these kids and her car.

- (3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.

Answer: The circumstances of our request are unique because our parcel is unique. It is slightly larger than the other properties on the 12-acre tract. Our land is located at the rear of the 12 acres. Also, our home sits on the front of our property. If we subdivide our land, any home built on the new plot would be, by definition, located at the rear of the entire 12-acre tract. Also, beyond our property, there is a long slope, a creek and then flatlands. Construction there is impossible, which means not only will this new subdivided plot not encroach on any other properties, but also the private road will only be extended a small distance. And we think that not subdividing our land would restrict our ability to use this land in a reasonable way for our entire family. Again, we plan to subdivide this land, but we plan to sell the land to our daughter and son-in-law. Together, we will design a home so that the integrity of the entire property—our 2.7 acres and the 12-acre subdivision—is maintained.

- (4) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

Answer: The homes in this 12-acre subdivision are spread apart quite well. There is much open space. None of our neighbors would be affected if we subdivide our land because the subdivision is to the back of our property; half of it is woods. Also, all property owners share and maintain Baldwin Farm Road, pay for its upkeep, and enjoy doing so. Subdividing our 2.7 acre lot would not harm the integrity of the 12-acre subdivision, nor would it harm the road. Also, our daughter and son-in-law have guaranteed us that they will not develop or build any other structures on the land other than their small house. If anything, subdividing the land would lessen the financial burden on the five other homeowners who now pay to maintain the road.

* Lastly, please let us say that extending our driveway for this new subdivision and house would be far better for the surrounding environment than any alternative. For instance, building a long second private road from Andrew's Store road to the proposed house, through one or possibly two other properties, would harm the surrounding environment in far worse ways than simply extending our driveway.