

Letter of Explanation Re: Loch Laurel Club, Inc. Application for Variance

The Loch Laurel Club, Inc. (hereinafter "Club") property was purchased by six individuals in the 1890's. A deed/agreement confirming the purchase and intended use of the property was recorded at the Clerk's office in 1899. The property includes a natural, spring-fed lake ("Loch Laurel") which is a little less than 200 acres and some surrounding land of about 150 acres. The Club was incorporated in 1982 and has continued to function as a non-profit corporation since then. A deed transferring the property into the Loch Laurel Club, Inc. is provided with this application.

The agreement between Club members has always been to use the property for fishing, swimming, and related activities. Members have always had a right to build houses on the property (in exchange for a yearly "lot lease" fee paid to the Club). There are currently a total of nine houses on the property. No new houses have been built in well over 30 years. The use of the property has not changed since the original purchase and all recreational features and property lines established in the original purchase have not changed to date.

Since the original purchase of the property, Lowndes County has adopted a Unified Land Development Code ("ULDC") and has made changes to that code. According to the Zoning Administrator, since the changes to ULDC in 2006, the Club property has been zoned as Residential Agricultural ("RA") and given a land use designation of "Outdoor Recreation" under Section 4.03.23 of the ULDC. Apparently, this use designation is the closest category the county has available to apply to the Club property.

Recently, a Club member decided to re-model his lake house, including a small expansion of the original footprint. When his building permit was submitted for approval, the Zoning Department concluded that the Club property was technically non-compliant with the applicable zoning requirements. Specifically, it was determined that the Club property was non-compliant with the minimum setback requirement found for outdoor recreation usage under Section 4.03.23. That section provides that outdoor recreation areas shall have a minimum setback of 150 feet from any property line. The Zoning Department determined that the lake is considered a "recreation area", and because certain portions of the lake are less than 150 feet from the property line, the Club property is technically non-compliant. An aerial photograph "site map" is included with this application, showing the "non-compliant" portions of the lake highlighted in red.

Because of the literal non-compliance with the setback requirement, the Club member's building permit was initially denied. Ultimately, after discussions with the Administrator, the Club member was allowed to proceed with securing a building permit for improvements to his existing residential structure. However, a letter to the Club from the County Manager, Joseph Pritchard, indicated that the permission to proceed with the improvements was contingent upon the Club's continued discussions with the Zoning Administrator, along with eventual completion of the Variance procedural process. The letter stated that without success of the Variance, the Club would not be able to secure any future building permits for any future improvements. A