

JCMS Development, LLC
102 Golden Wings Way
Greer, SC 29650

Greenville County Planning Department
ATTN: Chad Tumblin
301 University Ridge
Suite 400
Greenville, SC 29601

August 12, 2010

RE: Variance for Pebble Creek Village

Dear Sir:

I am writing on behalf of JCMS Development, LLC and submitting this as a necessary Letter of Request for a Variance concerning the sidewalks in the above-referenced subdivision.

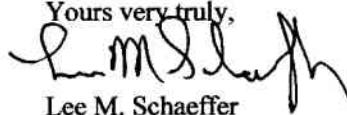
JCMS developed Pebble Creek Village after acquiring the land in October of 2007 and has been marketing the lots and finished homes through NVR, Inc dba Ryan Homes since April 2009. This small (46 lot) subdivision is an oval-shaped property with only one entrance and with low traffic and slow speeds throughout. The sidewalks in the subdivision were completed in November 2008 and are all located on the interior of the street; no sidewalks were required or built on the exterior section of the street. Our only experience with public sidewalks prior to their installation in Pebble Creek Village was personal experience with subdivisions such as Thornblade and several others where, in fact, the sidewalks were uniformly constructed adjoining the curbs without the two foot grass strip. Unfortunately, we were unaware at the time that the county had an ordinance or a Land Development Regulation in place requiring that there be a grassy strip two feet wide between the sidewalk and the back of the curb. The location of the sidewalks was apparently noted by the county in late 2008. We heard about it third hand when a CEPSCI inspector who overheard a conversation regarding the sidewalks reported it to an engineer at Freeland Associates, who, in turn, passed it along to JCMS via email. In our mind this did not constitute official notification by the County and work within the subdivision proceeded.

As of this date some 20 lots have been sold. Homes have been completed and sold with the mailboxes installed directly behind the sidewalk along the street, extensive landscaping to include some irrigation systems having been done and concrete driveways having been poured butting right up against the back of the sidewalk. Until June 23, 2010 we were not aware that the requirement of the Land Development Regulation could become an issue since the overall development had moved forward without any problem, and it was only when we applied for a reduction in our letter of credit that we officially learned of this issue. It is with this background that we are applying for a variance.

As the developer we understand the position of the county in these regards and the desirability of securing a uniform approach to developments in general, and we certainly have not intentionally done anything to place ourselves outside the regulations; simply stated, an error has been made. However, it should be noted that while the location of our sidewalks are not in strict compliance with the language of the regulation, they are perfectly functional nonetheless and present no safety issues or concerns. As noted above, this is a low density development with a single entrance, low traffic and slow speeds. Additionally, if we are required to remove and relocate the sidewalks, not only will the immediate cost be in excess of \$40,000.00 which, in our view, will be prohibitive and even punitive, but also there will be a dramatic disruption for the existing homeowners (all of whom are, essentially, innocent bystanders) and the significant alteration of their completed landscaping, irrigation systems, driveways and mailboxes. Further, the considerable impact of unnecessarily adding many tons of concrete to the landfill should not be disregarded.

We are hopeful that you will consider all of these factors in your review of this matter and will agree that leaving the sidewalks in place does not have any adverse impact on anyone. With this single exception the development of this subdivision has continued apace and been unremarkable, and we do not see how leaving the sidewalks in their present location within this enclosed, relatively small property could have any negative effects. We are respectfully requesting that we be granted a variance in this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Lee M. Schaeffer', written over the typed name below.

Lee M. Schaeffer
Managing Member

