

**MINUTES OF THE LANCASTER COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING**

**February 11, 2025 at 6:00 PM**

**1. Roll Call/Call to Order**

Board Members present: Quorum is present ( 4 Board Members)

Gary Alden                      Mark Boland  
Charles Deese                James Faulkenberry

Absent: 0

Staff: April Williams, Planning Director  
Allison Hardin, Development Services Director  
Aimee Sholar, Recording Secretary

Members of the press were notified in advance but were not present. All adjacent property owners were notified by mail. A notice of public hearing was published in the Lancaster News at least 15 days prior to the meeting. The agenda was posted on the County website, and posted in the lobby of the administration Building one week prior to the meeting. A copy of the agenda is on file.

THE FOLLOWING IS A SUMMARY ONLY; IT IS NOT A VERBATIM TRANSCRIPT.

Chairman Deese called the meeting to order at 6:02 p.m.

**2. Approval of Agenda**

Gary Alden moved to Approve the Agenda; 2nd by James Faulkenberry. The motion was approved by unanimous consent.

**3. Public Hearing Items**

**a. VAR-2025-0022 Worldwide Premier Investments**

Application by Erica Simpson on behalf of Worldwide Premier Investments LLC for a Variance from UDO Sec.5.2.7.B Manufactured Homes: Age Limit to allow permitting for a mobile home at 2086 Santa Barbara Drive (TM # 0103D-0C-023.00)

STAFF PRESENTATION: Allison Hardin for Planning and Zoning:  
**See Staff Report.**

QUESTIONS FOR STAFF: Gary Alden asked: I am curious about the comments from code enforcement folks- if it was fixed it could pass.

April Williams commented: There are no doors or windows.

Garry Alden: So, all that means is that they need to bring their own power source and power tools.

Charles Deese asked: There are two addresses, which is the accurate address? I see 2115 Pinta Drive and I also see 2086 Santa Barbara Drive. They both share a tax map number.

April Williams commented: That would be an addressing issue that I would have to verify.

APPLICANT STATEMENT: Erica Simpson **For Worldwide Premier Investments Inc/Erica Simpson:** She brought pictures to show the property. The back door is gone and was vandalized. I agree with the inspector that it can be fixed. If we were granted a permit, we can make this property affordable housing. Rental property.

James Faulkenberry asked: When you moved the property until now why did you wait four years?

Erica Simpson commented: Because of covid.

James Faulkenberry asked: Did you purchase it in October 2020?

Erica Simpson commented: yes

Gary Alden asked: When you purchased this property did you replace it with this one?

Erica Simpson commented: Two ownerships prior there was a mobile home. The last owner never connected the utilities. It conforms with the neighborhood that there are more mobile homes around there, and it would help with the beautification of the neighborhood. Families will be given stability and education will come with that stability by giving someone a home. It will help with the shortage that we have with affordable housing. There are people that are interested in this property so that it will not continue to sit vacant.

James Faulkenberry asked: Does the property need to be repaired first?

April Williams commented: Yes, they will have to get a certificate of occupancy before a tenant could move in, meaning they would have to get the work done first.

Mark Boland asked: What are the utilities we are talking about is its public water and sewer or is it septic and well?

April Williams commented: I don't currently know.

Gary Alden asked: Who does the septic tank?

April Williams commented: That is with DHEC

Questions: Gary Alden asked Charles Deese: I have a concern about the septic tank. Is that beyond the purview of what we are considering? So, does it matter?

Charles Deese commented: That would be between the owner and the occupant and DHEC.

Gary Alden asked: Is there a mechanism that we can tell the homeowner before we can agree to the variance getting granted, before being occupied?

Charles Deese commented: They will have to get it inspected before they get a CO. So, it will get inspected a couple of times.

PUBLIC HEARING: [See attached sign-in sheet] No one signed in to speak.

CALL FOR A MOTION:

Gary Alden made a Motion to Approve to bring to a vote on Criteria; Seconded by James Faulkenberry.

G. Alden: 2:2 M. Boland 2:2 C. Deese: 2:2 J Faulkenberry 2:2

**Vote Tally: 2:2** . Motion moves forward

### **CALLED VOTES: VARIANCE CRITERIA**

Agree (A) or Disagree (D)

- i. THAT THERE ARE EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO THE PARTICULAR PROPERTY

G. Alden: D M. Boland D C. Deese: D J Faulkenberry D

0:4

- ii. THAT THESE CONDITIONS DO NOT GENERALLY APPLY TO OTHER PROPERTY IN THE VICINITY

G. Alden: A M. Boland A C. Deese: A J Faulkenberry A

4:0

- iii. THAT BECAUSE OF THESE CONDITIONS, THE APPLICATION OF THE ORDINANCE TO THE PARTICULAR PROPERTY WOULD EFFECTIVELY PROHIBIT OR UNREASONABLY RESTRICT THE UTILIZATION OF THE PROPERTY

G. Alden: D M. Boland D C. Deese: D J Faulkenberry D

0:4

- iv. THAT THE AUTHORIZATION OF A VARIANCE WILL NOT BE OF SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY OR TO THE PUBLIC GOOD, AND THE CHARACTER OF THE DISTRICT WILL NOT BE HARMED BY THE GRANTING OF THE VARIANCE

G. Alden: A M. Boland A C. Deese: A J Faulkenberry A

4:0

**The following criteria are satisfied . ii and iv Remaining two criteria are not satisfied**

**The Variance is DENIED.**

**b. VAR-2024-0108 Bass**

Application by Harold Bass on behalf of Evaristo Falcon Reyes and Karina Guerrero Hernandez for a Variance from UDO 1.4.7.B Accessory Structures: Location to allow for an alternate location for a garage due to lot constraints, at 254 Giles Lane (TM # 0002-00-008.01)

**STAFF PRESENTATION: Allison Hardin for Planning and Zoning:  
See Staff Report.**

**QUESTIONS FOR STAFF:** Mark Boland asked: Is Giles Lane a public roadway?

Charles Deese commented: It's private. The county puts up green signs. State puts up black signs on top of stop signs. Private roads are blue signs.

**APPLICANT STATEMENT: Harold Bass from F and G Construction for owners Evaristo Reyes and Karina Hernandez**

The applicants hired me to build a garage on the client's property. (Brought presentation and it's not to scale) The garage would be 40X30. The home is close to the property line to the east of the property line, it doesn't give enough room for the structure or for the setbacks. On the other side it slopes down, and septic tank and the septic field is on the west side of the property. So, if we could build it in the proposed location then it would be a good spot to put the garage, it would only be 1200 square feet on the property and the unique layout of this property, and its location would prohibit being anywhere else. If we put it on the side, it would interfere with the septic tank and its field. We believe that we meet the standards for the variance that we meet the standards for the variance. The clients want to enjoy their property.

**Questions to Applicant:** Gary Alden asked: Can you orient me with this map?

Harold Bass commented: The top where the parcel is, is the north and the bottom is the south, to the right is the east and to the left is the west.

Charles Deese commented: The paperwork I have read, this is the best spot to use the property. Why does he need a two-story garage? Is he planning to rent upstairs?

Harold Bass commented: For storage. Not planning to rent it, but by the time he put in HVAC and other things, it wouldn't be feasible.

Mark Boland asked: Is there a survey to show the septic tank from DEHEC to show the location?

Charles Deese commented: The owner would have that in the closing papers.

Mark Boland asked: What is that improvement in the back?

Harold Bass commented: A patio and a firepit.

Mark Boland asked: Could that be the location for the garage?

Harold Bass commented: We didn't consider that, but I don't have a way to show you that.

Charles Deese commented: The tank wouldn't be there; it would be within 10 foot of the house.

Charles Deese asked: Is that a 3-bedroom home?

Harold Bass commented: Yes

Charles Deese commented: It would have at least 275 foot around it or possibly more. 125-foot lines, three of them probably and that would be far enough away from there that you would be far enough away from the patio. But it would not be coming up the hill where he is planning that garage.

James Faulkenberry asked: In between there and the dwelling and the subdivision to the south, what is that barrier? Is there a direct view to the subdivision?

Harold Bass commented: There are bushes and trees there, you can see the other homes, but it is hard, it's not a direct view.

Charles Deese commented: It's just a natural tree buffer.

Mark Boland asked: The orientation of the front of this property where the garage would meet would be on Giles Lane?

April Williams comments: Yes, that's the address and that's where it fronts. It also kind of dead ends there.

Gary Alden asked: looking at the drawing and driveway connection. Will the driveway be connected to the garage, but not planned to connect with Giles?

April Williams comments: I am not that familiar with the area, but typically with the newer subdivisions the requirement is for a stub out or a connection, but I don't think that that one is, so my gut would be to tell you no there are no current plans to extend that road. But that is not written in stone and could change at the whim of counsel if it comes up in the future. But as of right now no sir.

Harold Bass commented: No.

James Faulkenbury asked: It's required to meet setbacks is that correct?

April Williams commented: yes, and that's why you can't put it on that side of the house because of setbacks and it would cross the property lines and be too close.

Mark Boland asked: You are talking about the west side vs the east side?

April Williams commented: Yes sir

Charles Deese commented: The stacks I could see are basically passing that area off the right a way far enough that I am not sure but I think it could be considered the stub out. I know there is a pretty good size boat parked there, and the road continued down a fair amount before it ended if that helps.

Gary Alden question for applicant: Are they having a road built or is it going to be a gravel road?

Harold Bass commented: It's going to be a gravel road.

Mark Boland commented: I want to discuss this about Giles, is it just a driveway then a road? Is this a right away or an easement?

April Williams commented: It's a moot point. It's a driveway. You can't take away a road unless you go to court. There are two houses. They could not close Giles Lane.

Gary Alden asked: What will happen to Giles Lane in the future?

Charles Deese commented: That is beyond my scope, I probably won't be here before Lancaster County takes another road in.

Mark Boland commented: I would like to ask the board this: since there isn't a good survey about where the septic system is, well we believe it is, but we really don't have that information.

Charles Deese commented: The survey must be there before the CO is issued, future people can't move in there without it. And at that time DEHEC inspected it.

Mark Boland commented: Because they can't put the structure any further back because of the septic tank.

Charles Deese commented: You can always amend the motion and request a copy of the septic tank, and that's all you can do.

James Falkenberry commented: Or you can defer this till next time and ask for the DEHEC permit to be presented.

**PUBLIC HEARING: VAR-2025-0108** (see sign-in sheets) No one signed in.

CALL FOR A MOTION:

James Faulkenberry made a Motion to Approve to bring to a vote on Criteria; Seconded by Charles Deese.

James Faulkenberry made a Motion to Rescind the Motion to Approve; Seconded by Charles Deese.

Mark Boland made a Motion to Defer to March 4, 2025 Meeting Pending the Receipt of the Permit of Septic Tank from DHEC; Seconded by Gary Alden.

**4. Other Business: Allison Hardin:**

Allison Hardin commented: Thanks everyone for being here.

Gary Alden commented: I just wanted to say that was one of the best discussions I have been in.

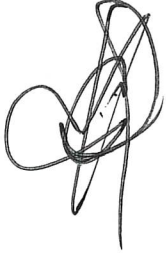
**5. Adjournment:**

With there being no further business, James Faulkenberry moved to adjourn; motion seconded by Gary Alden. The motion was approved by unanimous consent. **Adjourned at 7:18pm.**

**SIGN IN ONLY IF YOU WISH TO SPEAK**

# Lancaster County

South Carolina



## Board of Zoning Appeals Public Hearing Sign In Sheet

**Item 3a: VAR-2025-0022: Worldwide Premier Investments Inc**

Application by Erica Simpson on behalf of Worldwide Premier Investments LLC for a Variance from UDO Sec.5.2.7.B Manufactured Homes: Age Limit to allow permitting for a mobile home at 2086 Santa Barbara Drive (TM # 0103D-0C-023.00)

Council Chambers  
101 N. Main Street, Lancaster South Carolina  
***Tuesday, February 11, 2025***

Citizens are allowed 3 minutes per person to speak. Everyone speaking before the Commission will be required to do so in a civil manner. The Commission will not tolerate personal attacks on individual Commissioners, County Staff or any person or group. Racial slurs will not be permitted. The Commission's number one priority is to conduct business for the citizens of this county.

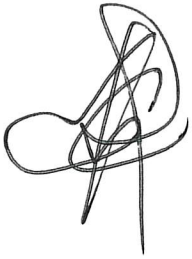
**PLEASE PRINT**

|      |               |           |
|------|---------------|-----------|
| ✓ 1. | Erica Simpson | APPLICANT |
| 2.   |               |           |
| 3.   |               |           |
| 4.   |               |           |

**SIGN IN ONLY IF YOU WISH TO SPEAK**

# Lancaster County

South Carolina



## Board of Zoning Appeals Public Hearing Sign In Sheet

**Item 3b: VAR-2025-0108: Bass**

Application by Harold Bass on behalf of Evaristo Falcon Reyes and Karina Guerrero Hernandez for a Variance from UDO 1.4.7.B Accessory Structures: Location to allow for an alternate location for a garage due to lot constraints, at 254 Giles Lane (TM # 0002-00-008.01)

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**PLEASE PRINT**

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## **Liability**

### **Tort**

Zoning officials and members of a planning commission, board of zoning appeals, or board of architectural review are government employees or government officials covered by the South Carolina Tort Claims Act. SC Code § 15-78-10, *et seq.* A tort is a negligent or willful action that causes loss or injury.

The Tort Claims Act gives immunity from suit and immunity from liability to a government employee or official who commits a tort while acting within the scope of his official duty. SC Code § 15-78-70. However, an employee or official does not have immunity from individual liability if it is proved that his “conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.” SC 73 Code § 15-78-70(b).

A person who suffers a loss caused by the negligence of a government employee or official discharging official duties may file a claim only against the governmental entity. The claim may be covered by liability insurance.

A local government is not liable for loss resulting from legislative, judicial or quasi-judicial action or inaction or for loss from discretionary action or inaction. SC Code § 15-78-60 (1) and (5). The governing body exercises legislative functions when adopting a comprehensive plan, zoning ordinance or land development regulations. The board of zoning appeals performs quasijudicial functions when hearing appeals. The zoning administrator and planning commission use discretion in making some administrative decisions.

### **Civil Rights**

Depriving a person of a right guaranteed by federal law or by the federal constitution can result in a claim for damages under the federal Civil Rights Act. 42 U.S.C. § 1983. Planning and zoning actions that violate equal protection and due process rights guaranteed by the federal constitution can be the basis for claims pursuant to 42 U.S.C. §1983 against both the responsible official individually and the local government.

Generally, a government official or employee has “qualified immunity” from monetary liability under 42 U.S.C. § 1983 for discretionary conduct that does not violate clearly established federal statutory or constitutional rights which would have been known to a reasonable person. *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). This principle of “qualified immunity” was applied to a zoning administrator who advised a developer that building permits would not be granted absent a certificate of compliance with conditions of a development permit. *Brickyard Holdings, Inc. v. Beaufort County*, 586 F. Supp. 2d 409 (D.S.C. 2007).

*Source: MASC Comprehensive Planning Guide*

# 254 Giles Lane

Request for Variance from Unified Development Ordinance 1:4:7:B

# Thank you for your time

- Hello, my name is Harold Bass, I work for F and G Construction, and I'm here tonight to ask for a variance to build a garage on my client's property.

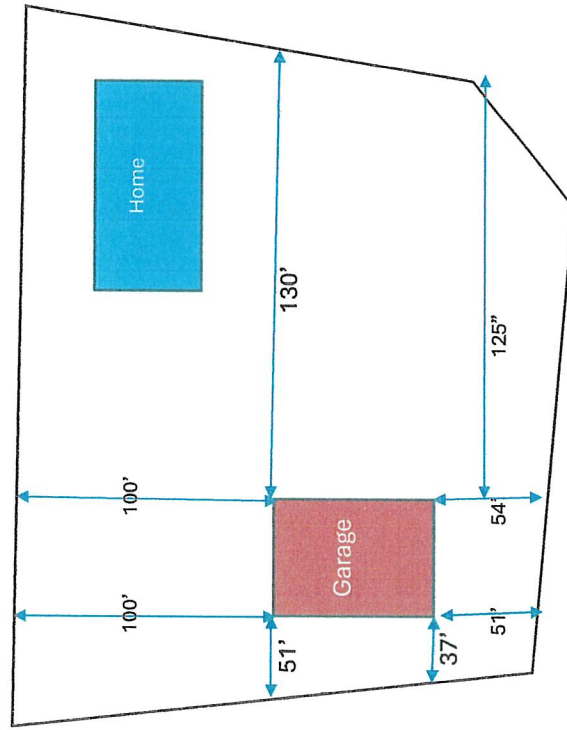


## 254 Giles Ln

- My clients purchased the home in 2018
- They have no plans to move anytime soon
- They would like to be able to build and use a garage on their property
- They also would like to thank you for your time and consideration on this matter

- The Unified Development Ordinance that I am asking a variance from is UDO 1:4:7:B
- Due to the size of the property, 1.11 acres, the ordinance limits accessory structures to the side or rear of the existing structure.

254 Giles Lane  
Fort Mill, SC



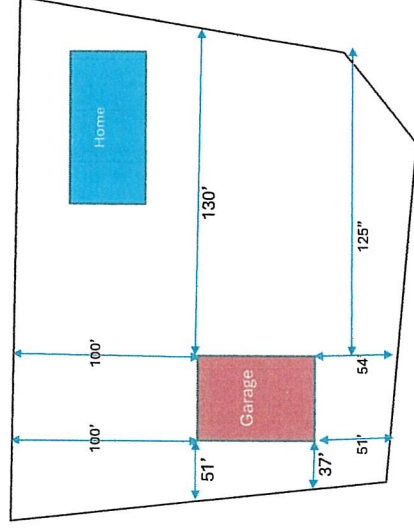
Drawing for proposed detached garage, drawing not to scale

Building to be 40' by 30', 2 story garage

Building to be set back approximately 37' from east boundary and 51' from south boundary

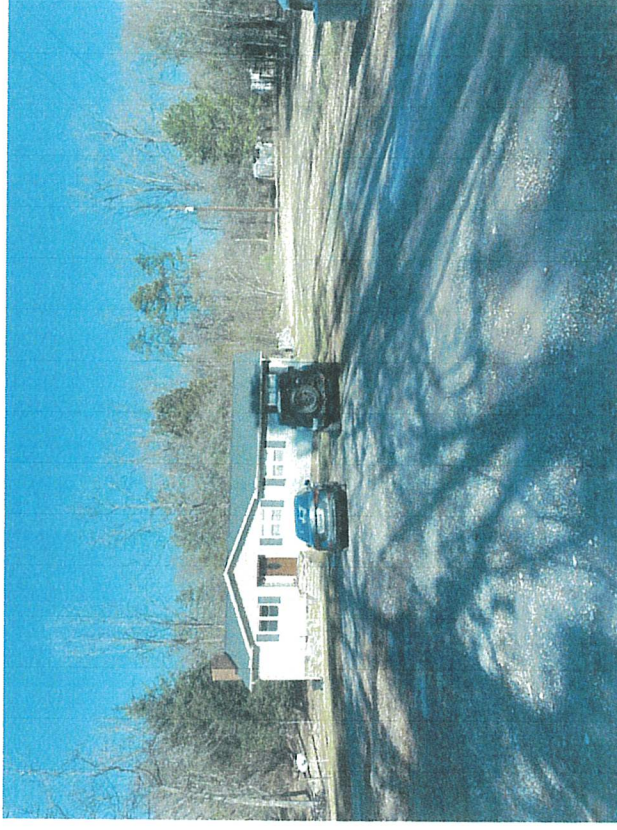
# East side of property

254 Giles Lane  
Fort Mill, SC



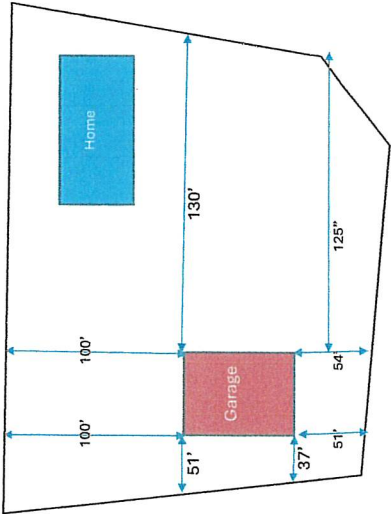
Drawing for proposed detached garage, drawing not to scale  
Building to be 40' by 30', 2 story garage  
Building to be set back approximately 37' from east boundary and 51' from south boundary

## Electrical service connection

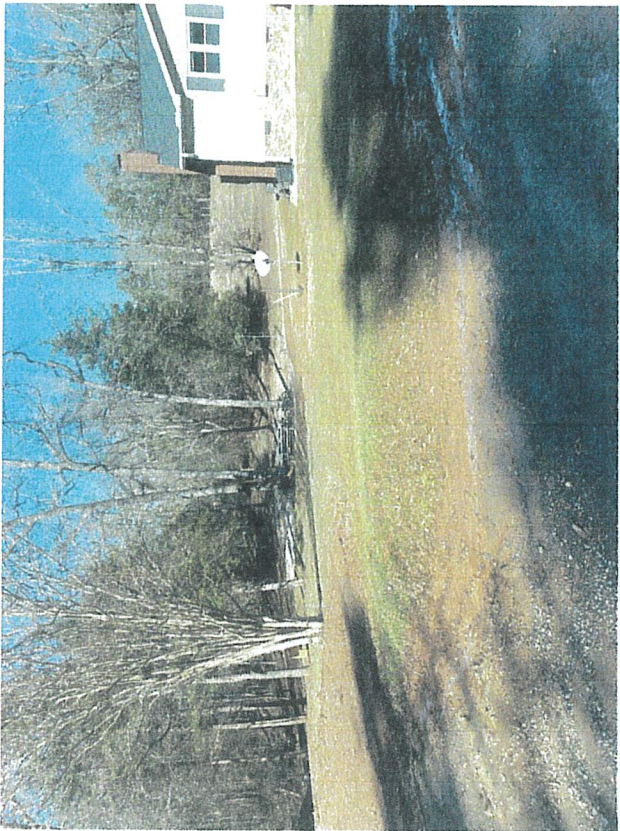


This side of the property slopes down and the septic tank and septic field are on this side of the home

254 Giles Lane  
Fort Mill, SC

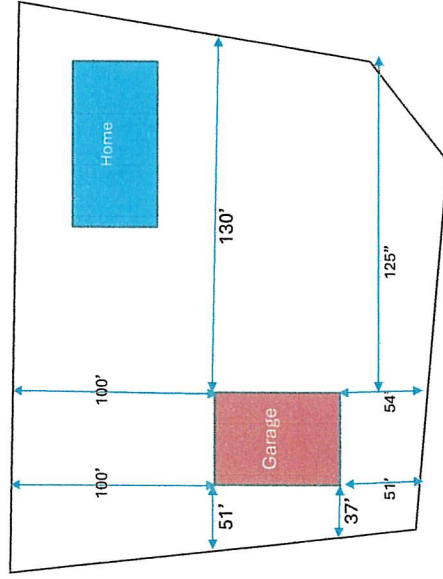


Drawing for proposed detached garage, drawing not to scale  
Building to be 40' by 30', 2 story garage  
Building to be set back approximately 37' from east boundary and 51' from south boundary



# Proposed garage location

254 Giles Lane  
Fort Mill, SC



Drawing for proposed detached garage, drawing not to scale

Building to be 40' by 30', 2 story garage

Building to be set back approximately 37' from east boundary and 51' from south boundary

Westside of property



- 1. The unique layout of this property and location of the existing home prohibit building a garage to the rear (north of the home) or east side of the home, due to insufficient space
- 2. Building a garage to the west side of the home would interfere with the septic field and the slope of the northwest corner of the property would cause additional building challenges, and the eastside has the electrical service connection, and the home is built to close to the property line
- 3. Other properties in the vicinity do not have this same home location or topography
- 4. We do not believe the building of a garage in our proposed location will cause any harm to the neighboring properties
- 5. West, North , and East side of the property is surrounded by one large lot with no home at this time.
- 6. South of property separated from the adjacent neighborhood by a fence and a line of tall trees

- In conclusion, we believe we have met the standards for review to be granted this variance, we hope the board does as well.
- We believe we have demonstrated the extraordinary and exceptional conditions for this property
- These conditions are unique to this property
- Without the Variance my clients will not be able to build and enjoy use of a garage
- We believe the building of the proposed garage will not cause any detriment to adjacent properties and will not change the character of the district.

THANK YOU VERY MUCH!!