



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1
KEMESHA LOWERY, DISTRICT 2
, DISTRICT 3
GARY WAYNE ALDEN, DISTRICT 4
SHERESA INGRAM, DISTRICT 5
, DISTRICT 6
FRANCES LIU, DISTRICT 7

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

December 3, 2024 at 6:00 PM

1. Roll Call

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

Gary Alden Beverly Williams
Sheresa Ingram James Faulkenberry

Absent: Frances Liu, Kemesha Lowery

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.

2. Call to Order

Chair Liu called the public meeting to order at **6:10 p.m.**

3. Approval of Agenda

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

4. Approval of Minutes

Minutes of October 1, 2024

Vice Chair Beverly Williams requested a Motion to approve the minutes of October 01, 2024 . Sheresa Ingram moved to Approve; Seconded by Gary Alden.

Vote: 4:0. Motion is approved.

5. Public Hearing Items

a. VAR-2024-2214 Costco: Building Materials

Deferred from 10/29/2024:

Application by Jeremy Sinckler on behalf of Costco Wholesale Corp., requesting a variance from Unified Development Ordinance Section 4.3.2.F.4.a. (Highway Corridor Overlay: General Requirements: Building Materials), to allow use of an alternative material not defined under the Ordinance. Location: 8800 Charlotte Highway (TM# 0010-00029.00)

STAFF REPRESENTATIVE: **Allison Hardin for Planning and Zoning:**

QUESTIONS FOR STAFF: Gary Alden asked: Is the metal considered to be finished on this particular system?

Allison Hardin commented: You may have to talk to the applicant about that for sure. The way we understand it is this will be an exterior wall, and our code says metal shall be prohibited on the exterior walls. If there was a metal wall and they were applying stucco plaster to it, we would approve it because stucco would be the exterior façade. Metal is absolutely allowed for support metal is allowed for trim around windows, doors and some accent points. Again, this is where is this an extra step or not, you know, it is something where we needed the appointed boards input because we have something that could easily be one or the other. This is where you get to make that call for us.

Sheresa Ingram asked: Why can't you have the metal under the stucco? The metal would be on the inside and it would give it the look of a stucco building.

Allison Hardin commented: I'll let the applicant answer about the process of putting stucco onto a metal finish like this, yeah my experience of expertise is not in the actual building of buildings, but when you're looking at how stucco is assembled for this that it typically goes on a mesh frame and a wire mesh or some kind of lathe that holds the plaster up.

Gary Alden asked: Is that stucco material applied on site or does that system come through with the stucco already on it?

APPLICANT STATEMENT: **Eric Bran Director of Real Estate Development for Costco based in Sterling Virginia:** So, the Costco prototype that we prefer is a steel panel building. That's the prototype we try to get wherever we go, obviously here the UDO and the code do not allow the metal panels on the exterior of the building, so we have a couple of options their masonry and or stucco. This is our stucco coated panel, so it is a steel panel and an insulated metal panel system. The exterior of the wall is the stucco coating the interior. This is what you would see when you came to shop inside Costco. This would be the interior of our wall, so we've done three steps, we've got our exterior finish exterior wall insulation and then an interior finish on the panel. The panel comes from the factory. It is coated at the factory it is not a site applied stucco finish it is applied at the factory, but it is a true stucco finish it is a pumas and glue and paint- I don't know what is all included in it but it is a true stucco finish.

Questions to Applicant: Sheresa Ingram asked: So where would the metal be?

Eric Bran commented: The metal is actually the skin behind the stucco and for argument sake we brought a sample of a drive it product which is what most of the buildings in the area that have a stucco finish it is a drive it product which again is a substrate that is attached to a metal stud and then it's typically a Styrofoam type because it's easily shaped they can make all kinds of different shapes and everything and then three layers of stucco finish. That is the stucco finish, so it's basically the same product we've just applied to a metal substrate.

Gary Alden asked: I assume it conforms to all the wind load factors.

Eric Bran commented: The product was developed by Costco when we started building buildings in Canada. We had to come up with a way that we could put up a building and meet the energy codes, so the insulation value of these walls is R30 which is far more than what most insulation walls are insulated to. It is a very durable finish. We get a 25-year warranty on the finish, and you will never see the metal behind this stucco, it does not wash off it does not peel off it is a very stable finish, and we've had very good success with it.

Gary Alden asked: UV stabilized and all that good stuff I assume.

Eric Bran commented: Yes, sir UV stabilized we have the warranty which covers the finish the color and the adhesion of the texture.

Gary Alden asked: So, no fading.

Eric Bran commented: No fading.

Beverly Williams asked: That's the color?

Eric Bran commented: Yes, Costco tends to like beige because it's an easy color to maintain.

Beverly Williams commented: Yes, that's fine I mean.

Eric Bran commented: It is very close to the finished color, now it is available in about 20 or 30 different colors you can get it in, we stay away from the darker colors because you tend to fade with the darker colors and it's just another maintenance issue.

Beverly Williams asked: How does it piece together?

Eric Bran commented: That is the full width of one piece (referring to the sample that the commissioners are holding) it comes to the job site and then the pieces are, as you can see on one end you've got a tongue sticking out and then at the other end you've got grooves so they put that up against the metal studs one screws through the bottom on the far edge grooves and then they put the next piece up and it goes like that so there will be vertical joints in the finish and that's it.

Beverly Williams asked: Ok I can picture that so you will see the metal studs on the inside of the building?

Eric Bran commented: You won't see the metal on the outside and on the inside, you will see the metal studs. It is weather tight. The presentation is this- We are taking a stucco finish and applying it to metal. The UDO specifically mentions not using metal in the code and it's more of an exterior finish. As I said our prototype building is a straight metal stamped architectural steel panel. We feel like this complies with the UDO because it is a stucco finish, but the problem is that it is applied to the metal. So, it's not a traditional stucco finish. They have close to 75 buildings in Canada that we have this on they are all up and down the Northeast Coast and the Southeast and across the United States. The only complaint we've ever gotten from this material was at a grand opening our CEO snagged his sweater on it, so we were told to make it taller before we add the stucco finish, so it's been a very good material we get a great longevity out of it and again it helps simplify the construction of the building.

Sheresa Ingram asked: So absolutely no separation from the stucco from the metal?

Eric Bran commented: No there is no separation at all. The stucco is applied directly to the metal finish.

Gary Alden asked: The UDO says no metal finishes at all. Assuming that's a finished surface. What I am seeing here is that we have a stucco finished surface, I don't care what's underneath it respectfully. So, I am sitting here saying so what's the difficulty here we have a stucco finished surface.

James Faulkenberry asked: (Holding up a sample of a stucco finished wall) Is this approvable?

Allison Hardin commented: Yes, that's approvable. That's standard stucco right (asking the client) yes that's standard.

James Faulkenberry commented: (Looking at the sample) yes this is standard.

Allison Hardin commented: Yes, and if you had a metal butler building it would not be allowed but if you clad the metal butler building with a hearty plank or the like that met those requirements in the code then it would be approvable because the outside doesn't have metal. When we looked at this, this is new for our county we have never had a building proposed that has a metal outside with a thin veneer on top that simulates something else. We just didn't have experience with this, that's what kept us from saying yes right off the top. Because there was a very hairline decision here and we thought it would be better for you to help us with this rather than us to make a decision to allow for what we looked at as this is a metal building with what we thought was sprayed on or molding into the surface there and our definitions of stucco based on in the international code involved plaster. So, this is just a new product in our community and it would help to have your input on this.

Gary Alden asked: So international code just to clarify in my head- this doesn't meet international code, the stucco finishes you're saying.

Allison Hardin commented: When you're looking at stucco in international code it talks about the plaster the lathe and the setup for that so that's one of the references when we're looking at interpreting the code we're allowed to look at the international building code the residential code and the like. I am not saying this is or is not stucco, I am saying the metal outside of the building was a concern because we have a specific standard in the code. It is what it is, and we felt like we needed your input on this.

James Faulkenberry asked: Is there a cost difference between your panel here and say just the traditional stucco?

Eric Bran commented: Off the top of my head, I don't know the cost difference.

James Faulkenberry commented: Ok

Eric Bran commented: But I can tell you there is a huge difference in maintenance, the traditional stucco is a very high maintenance product, and we try not to use that on our buildings because we have had problems with leaks and expansion and cracks and everything. We have zero issues with this as far as concerned and the bottom line is I mean you know as my operator tells me we make our money pennies at a time and every penny we can save in maintenance and insulation and you know keeping the building cool and keeping the building warm in the winter. It's just that much better for the building.

Beverly Williams asked: Yeah, I was surprised when you say you use it in Canada. Is it thicker?

Eric Bran commented: No that's the product we use in Canada that meets the codes the environmental and the codes in Canada as far as insulation value goes it's technically a refrigeration panel. You could make a refrigerator or freezer out of that.

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

DISCUSSION: Gary Alden commented: It looks like a good system to me; I don't see any red flags.

Beverly Williams commented: I don't see any harm to it.

Gary Alden commented: I don't see any objections to this at all it seems to be superior to the direct application. And we are talking about splitting hairs because we have a metal substrate, it's not a finish it's a substrate. The finish is stucco. I'm ready to vote.

CALL FOR A MOTION:

Sheresa Ingram made a Motion to Approve; Seconded by Gary Alden.

Vote: 4:0. Motion is approved.

CALL FOR A MOTION:

Gary Alden made a Motion to Approve to Vote on Variance Criteria.

Vote: 4:0. Motion is approved.

Sheresa Ingram asked: What is the name of the manufacturing company?

Eric Bran commented: Kingspan is the name of the company. They are based in California.

Sheresa Ingram commented: Ok I would like to look them up and see the process.

Motion to Approve by Gary Alden and **Seconded** by Sheresa Ingram to add this product to the UDO.

Vote: 4:0. Motion is approved.

CALLED VOTES: VARIANCE CRITERIA

- i. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE:

Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- ii. THAT IF THE APPLICANT COMPLIES WITH THE PROVISIONS OF THE ORDINANCE, THE PROPERTY OWNER SEEKING THE VARIANCE CAN SECURE NO REASONABLE RETURN FROM, OR MAKE NO REASONABLE USE OF HIS PROPERTY; Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- iii. THAT SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES OR BUILDINGS LOCATED IN THE SAME LAND DEVELOPMENT DISTRICT;

Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- iv. THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA; Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- v. THAT THE SPECIAL CONDITIONS AND CIRCUMSTANCES REFERENCED IN III, ABOVE, RESULT FROM THE APPLICATION OF THIS ORDINANCE AND NOT FROM THE ACTIONS OF THE APPLICANT; Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- vi. THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT; Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE: Agree (A) or Disagree (D)

B. Williams: _/_ G. Alden: _/_ S. Ingram _/_ J Faulkenberry _/_

4:0

The following criteria are satisfied . ALL

The Variance is _Granted_.

6. **Other Business: Allison Hardin:** BZA Reconstitution we have been in discussions with the Council to reconstitute the BZA and reduce the membership from 7 to 5. We have several boards that relate to construction that are 5 member boards we also have had challenges this year getting a quorum and by reducing the number of people who are on the board we reduce the number of people required for a quorum, it makes it easier for us to continue with meetings we've had an increased number of variance requests and special reviews because we're having an increased construction presence especially in the Indian Land area and we want to make sure that we can still provide those services as needed so in addition as part of the UDO rewrite which we are in the last stages we should be in the last 6 to 12 months on that we realize the enabling legislation which is the code that underlines everything that's in our County general code is where a lot of things are put in as said we allow this to happen and then if there's details we can put it in other books like the UDO like the Comprehensive Plan there was no enabling legislation in the county code for the BC at all you guys didn't exist in the general code which is a problem so we fixed that by using the standards that were recommended by the South Carolina Association of counties to do that. So, what you have that I gave you earlier is the copy of the Ordinance, the first page and a half which basically sets you up in the County General Code. It says that this is what the board will be like, this is how they'll be appointed, and you will have rules and procedures. In addition to that we're going through this ordinance and amending the UDO to reflect the new count of 5 members rather than 7 so instead of there being a member from each district there will be a member from each region. In the Comprehensive Plan we talked about the Panhandle region the Lancaster region and the Southern Region, so there will be one geographically from each and then the other two members will be at large from anywhere else in County and would hopefully focused in on development service in their experience, like a general contractor, designer a landscape architect a builder a real estate agent somebody that relates to the development community. So, they bring their knowledge to the table as well and it would help us in discussions to have that kind of background expertise at the dais so someone could say well, I work on this on a regular basis and here's my experience to help give the background to the BZA. So, we are amending it to do that, we've made it through two readings if it makes it through the third reading then the Council will reconstitute the board in January with 5 members. You will all be eligible to be reappointed. I would recommend that you reach out to your Council member if you do want to be reappointed. The bigger thing about this also is we are taking out those eight points that you just went through and reducing it down to 4 state law, state law only has 4 that have to be met and the eight that we look at there are 4 or 5 of them that can relate to that but they don't specifically say what the state law says and then they add additional requirements that are not in the state law and have sometimes in my experience when I watch the board it sometimes trips folks up. So I want to reduce it and to make it to just what the state law says and then there's three additional support statements on there also coming from state law is that you cannot grant a variance on a use meaning that if somebody came through in a residential zone and said I really think it'd be good to have a nice corner store here so I need you to give me a variance to put in a convenience store in this existing neighborhood. That's something that we don't provide for in the code so you should not be able to do as a variance. It prohibits you from making a variance based on the grounds of more profitability which is already a commonplace theme in variances that you're not supposed to consider the economic gain as a simple example for that and

then to reiterate that in decision support when you grant a variance you may attach to it conditions regarding the location character or other features of proposed building structure or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health safety and general welfare that means you can add on extra buffer zones if there is a use that is coming in or a setback that's going to impact or you think may impact the general area you can say well you can lessen up the buffer zone. I mean lessen up the setback but you got to increase the buffer or make it more opaque or with the character of the area you know you can do this building but you have to make it look more like the ones around you, those are the kind of things that you can add to it again that's straight out of state law but it wasn't in our code, it wasn't referenced it wasn't given to you as an opportunity so we wanted to add that in.

Vice Chair Beverly Williams commented: Thank you for having the foresight and do all of that. A little quick question about going to 5 members. So, Francis and I live in the same district already with the redistricting.

Allison Hardin commented: So, if both of you were to be reappointed and living in the same area. One of you could come from the geographic region from that area and the other one could if you have anything relating to development experience like legal, real estate whatever it can be extrapolated to that it will be up to Council.

Beverly Williams asked: So, is the Council going to approach us?

Allison Hardin commented: I don't know that part yet, I think what's going to happen is if this makes it through 3rd reading that they will open to applications from the public but if you do want to be reappointed, I will contact your Council member and let them know that. Say I am interested in being reappointed. Because you have that opportunity to do that as a sitting board member.

Beverly Williams asked: The fact that we had to get together and meet because I saw the gray area that this went into. How would we approach the County Council to Amend the UDO to allow a product like this?

Allison Hardin commented: You can propose a text amendment to us. Everybody has the right to propose a text amendment. So, if you want to support a text amendment to the UDO you would have the ability to do that.

Beverly Williams asked: How do we do that? What's the process?

Allison Hardin commented: You would talk to staff and get together on a vote and say staff we would like for you to draft a text amendment to the UDO in support of this kind of material will be the supporting board and we will process it through. The other thing we could do is a longer delay but it will be a better way to put it into the system rather than having a whole long discussion about just one particular type of material we can put stuff that supports this type of material. Because this is more sustainable than masonry it takes fewer truck loads, there is less weight in those trucks that go on the road fewer trips back and forth to the site as part of a sustainability process that is being discussed as funneling.

Beverly Williams commented: Well, there are probably different ratings that they need to put a limit on.

Allison Hardin commented: I think the building code will do that. The building code says that you must have so much insulation and so much rating on that, but what the UDO talks about is the façade. Where it goes, how high it goes, what it looks like.

Sheresa Ingram commented: This could be done for businesses that will probably eventually be built near Costco that they must use the same type of materials for the outside.

Allison Hardin commented: It's outside of the staff's purview to do that, to suggest that they use something that they are not prepared to use.

Sheresa Ingram commented: I was trying to think about the County looking cohesive.

Gary Alden commented: Legally I would be concerned about that.

Gary Alden made a Motion for Board to Direct the Staff to Proceed with the appropriate verbiage such that, that type of material to the UDO process yes because we're actually right in the review process of building of architectural standards.

Allison Hardin commented: I will bring you the wording so you can vote on this. I will provide this to you by email and we'll put it on the agenda for the next official meeting to see if you want to add anything else to it. What I will also do is contact the material maker for that and find out if they have any specific or any kind of general language about the structure type and finish the way that they describe the finish being added to it rather being metal that there is a different type of finish on the outside. Because that's the hair split that we had that we couldn't approve of a metal façade.

Gary Alden commented: The point I was trying to make to you Allison is that is not a metal façade, that's a sub so I think the UDO wording is wrong at least how it was interpreted.

Allison Hardin commented: Yes, and that's all I have under other.

7. Adjournment:

With there being no further business, Gary Alden moved to adjourn; motion seconded by Sheresa Ingram. The motion was approved by unanimous consent. **Adjourned at 6:40pm.**