



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1
KEMESHA LOWERY, DISTRICT 2
KEYE JONES, DISTRICT 3
, DISTRICT 4
SHERESA INGRAM, DISTRICT 5
MIKE COUCH, DISTRICT 6
FRANCES LIU, DISTRICT 7

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

November 1, 2022 at 6:00 PM

1. Call to Order

Chair Frances Liu called the meeting to order at 6:00 p.m.

2. Roll Call

Board Members present:

Beverly Williams	Mike Couch	Frances Liu
Keye Jones	Kemesha Lowery	Sheresa Ingram

Staff: Ashley Davis, Senior Planner
Matthew Blaszyk, Planner

Jennifer Bryan, Clerk

Staff members Ashley Davis and Matthew Blaszyk were placed under oath.

Others Present:

County Attorney: Daniel Plyler, Smith Robinson Law

Billy Mosteller, County Council; Charles Deese, Planning Commission; Dennis Marstall, County Administrator.

Members of the press were not present. All adjacent property owners were notified by first class mail. A notice was published in the local newspaper to include meeting place, date, time and the public hearing items; a copy was posted in the lobby of the Administration Building; and a copy is on file.

3. Approval of Agenda

Kemesha Lowery moved to Approve the Agenda; 2nd by **Mike Couch**. The motion was approved by unanimous consent.

4. Approval of Minutes from October 4, 2022

Chair Frances Liu asked if there were any comments, changes or corrections to the Minutes of the October 4, 2022 meeting. **Keye Jones** moved to approve minutes as written, seconded by **Mike Couch**. Frances Liu and Sheresa Ingram abstained as absent from the meeting of 10/04/2022. The remaining Board members voted unanimously to approve and adopt the October 4, 2022 minutes.

5. Public Hearing Items

Chair Frances Liu yields the chair to **Vice Chair Beverly Williams** to moderate the continuation of the Scharpenberg Exception.

HEARING WAS HELD OCTOBER 4, 2022. Board deferred the vote and decision at that time. Chair Francis Liu and Board Member Sheresa Ingram absent themselves from continuation of hearing, as they were not present for the October 4 hearing and may not vote on the item.

a. SE-20221556 Scharpenberg: Campground Exception

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM# 0147-00-001.00) in the Agricultural Residential (AR) District.

Vice Chair **Williams** asked if any members wished to question Mr. Scharpenberg, or continue discussion of the facts of the case.

- **Keye Jones** stated that Mr. Scharpenberg had answered all of his questions. He would like to hear the other Board members' thoughts about the information provided by Mr. Yarborough at the October 4th hearing [see attachments: Letter from Benjamin Yarborough and excerpts from NC regulations].
- **Beverly Williams**: states that in her opinion, the campground usage is compatible with the surrounding area, contrary to Mr. Yarborough's contention; Mr. Yarborough made claims about people drinking and bringing guns to the campsite which do not make sense given that Mr. Yarborough is using the adjacent land for hunting with firearms. She is more concerned about the safety of campers near the hunters.
- **Beverly Williams** asked about buffering in proximity to the hunting club leased land. Scharpenberg responded that the designed buffer is fifty feet per code, but the actual distance from property line to campers is 100 feet.
- **Ms. Williams** wants to make sure that Mr. Scharpenberg is aware of the hunting and trapping, and may want to include more safety measures to protect campground visitors in future design revisions.

Mr. Yarborough interjected from the audience. Counsel Plyler noted that if Board wished to hear additional comments from the public, they would have to re-open the public hearing. **Mr. Jones** stated that he did not wish to re-open the public hearing; **Ms. Williams** concurred.

- **Ms. Williams** stated that the campground use seems appropriate given the nearby development of the Whitewater Center at Great Falls, it would be a positive impact.
- **Keye Jones** referred to the documents submitted by Mr. Yarborough on October 4; Jones feels the campground use is compatible with the surrounding area; both campground and hunting are outdoor recreational activities. The traffic issues were thoroughly discussed and it is apparent that SCDOT is looking closely at the design. SCDHEC is addressing environmental concerns. To make a claim of “offensive or noxious uses,” borders on insult to camping enthusiasts. It will not impede development of surrounding properties; and the statement of “risk of safety and lawlessness” in the area is without merit. The applicant has addressed reasonable safety measures; the primary responsibility for gun safety is with the hunt club, not the campground.

Vice-Chair **Williams** called for a motion.

Motion to Approve by **Keye Jones**; Motion to approve with condition of stated 60 day stay limit followed by 30 days interim by **Mike Couch**.

Staff and Counsel advised on procedural issues for motions.

Keye Jones’ motion to approve seconded by **Kemesha Lowery**; **Mike Couch** moved to amend to include conditions on length of stay and interim; seconded by **Keye Jones**.

Vote on Amendment with condition for length of stay: 4:0. Amendment approved unanimously.

Vote on Approval as Amended: 4:0. Motion with conditions approved unanimously.

Chair **Frances Liu** and Board Member **Sheresa Ingram** were recalled for remaining items.

b. VAR-2022-2006 Wilson Family

Application by the Wilson Family for a variance from UDO Section 6.4.1.D.1: Number of lots accessing off cul-de-sac. Location of subject property: 7843 Green Pond Road, Indian Land SC 29707 (TM# 0014-00-007.00).

Staff Presentation: **Ashley Davis**, Senior Planner, presented the application consistent with the report attached to agenda. [See also Agenda slideshow presentation attached].

Sworn In:

- Larry Honeycutt (Lancaster SC) in support of the Wilson Family
- Maryann Wilson (Applicant, Green Pond Road, Lancaster)
- **Larry Honeycutt:** Mrs. Wilson wants to donate land to her granddaughter to build a house. She is a widow; the family has not been able to fully use the property. There are sufficient turn-offs for fire engines on the road. Mrs. Wilson needs family close by to help care for her.

- **Maryann Wilson:** She and her husband established their home in 1973. They raised their family on the 10-acre tract. The property has been in her husband's family for 5 generations. When her husband passed in 2000, she kept the land to pass on to her children and grandchildren. Her granddaughter is graduating from nursing school and wants to live on the property. Mrs. Wilson would like her granddaughter to be nearby. They found out about the ordinance when they inquired about subdividing the land. No one else on the road knew it either. She has been paying ever-increasing taxes on the land, but the land is devalued, there is nothing she can do with it if she wants to sell. In the future, if her children inherit it, it will be a tax burden and unusable. She is hoping the Board will approve the request for a variance so her granddaughter can build a home.
- **Larry Honeycutt:** It is beautiful land, and the homes there are beautiful.

Keye Jones: Mrs. Wilson, looking at number two on your application, where does the reference to "waiting two more years for a new UDO" come from?

Wilson: It is her understanding from speaking to staff that the County is revising the UDO, and there is no way to know if a change will be made to this ordinance. Granddaughter needs to make a decision soon.

Fran Liu: Referring to the same section of the application, you say that without this variance, your land is rendered useless?

Wilson: If I were to try and sell, which I don't want to do, no one would want to buy property that they can't subdivide. A nearby property of 7 acres has had the same problem marketing their land, no one wants to buy it if they can't divide it.

Mike Couch: Agrees that the property is beautiful, it's nice of you to consider your grandchildren. Where on the property would you make the new lot?

Wilson: just before my driveway, on the left, is another driveway that goes to existing homes behind ours. She would locate her lot accessing this driveway. No additional driveway would be needed.

In reference to the road being narrow, I've lived there close to 50 years, the road is in better condition now than it's ever been. If you live there, you learn how to drive on it. I've never had an accident.

Fran Liu: I think the concern is for emergency responders who are not familiar with the road, having to speed to someone's aid and navigate a road that's barely bigger than their vehicle.

Wilson: I think that's a good point, but Indian Land has an amazing fire department, and those volunteers are familiar with the area.

Keye Jones: I have a question for Ashley.

Fran Liu: Mrs. Wilson, thank you for your comments, we may recall you if we have more questions. The public [hearing] portion of the meeting is now closed. Do Board Members have any questions for staff.

Senior Planner Ashley Davis recalled to podium.

Ashley Davis: A point of clarification: existing lots on the road can still pull building permits. We're not stopping building permits on Green Pond, we are not allowing a new lots to be created. This parcel already has a home on it, so the issue is building a second home. They could build an accessory dwelling, but there are restrictions on square footage for the accessory structure, which would not allow the home they want to build.

Keye Jones: Is this a County-maintained road?

Davis: Yes, it is, until you get to the last three houses – the gravel portion is a private drive, there is an “end of County maintenance” sign there.

Keye Jones: In the report it mentions 50 or more homes already access off of Green Pond or it's tributaries?

Davis: No, there are over 50 parcels that access; that does not mean there are 50 homes. We count parcels because we cannot stop an owner from pulling a building permit for an existing lot.

Beverly Williams: I understand the applicant's frustration, I would be upset too if I could not subdivide; I also understand the purpose of the ordinance, because if everyone subdivided their lot we'd go from 50 to 100 lots overnight. Is there not some way to grandfather these homeowners who were established before the UDO went into effect, something that Council can do? Or will we have to decide this on a case by case basis?

Davis: There is a process for Text Amendment of the UDO, changing the actual ordinance, it is about a four-month process. If you wanted to recommend that to Council, we would be happy to pass that on to them. It would be difficult to track individual parcels, but we could take the approach that County roads existing prior to the 2016 ordinance could be exempted. Otherwise, yes, we would be seeing this on a case-by-case basis.

Fran Liu: My concern is with all of the existing parcels, if we start doing case-by-case, how do we determine criteria? The code is silent on familial relations vs. someone who wants to sell and profit.

Davis: That is a fair concern. Also, this is not the only road with this issue. We have a list of roads that are tapped out, for example River Road.

Sheresa Ingram: How long has this ordinance been in effect?

Davis: The UDO was adopted in 2016, this ordinance was part of it.

Sheresa Ingram: I don't understand why this can't be grandfathered in.

Davis: If it had been subdivided prior to ...

Ingram: That's not the answer I'm looking for.

Davis: That's how the Ordinance is written.

Ingram: They already owned the land, now you're telling me there's no point in having private property because you can't do what you want to do. That's not fair.

Beverly Williams: That's what we're up against. I think we need to carefully consider this, and also take this to Council, because people are not able to make use of their property. As a landowner, I understand, but there has to be some sort of grandfathering.

Keye Jones: There is a parcel out there that's 34 acres. So that landowner can only build one home?

Davis: Per our current ordinance, that is correct.

Jones: On the Wilson's plat, there is one acre cut out, is that lot owned by the Wilsons?

Davis: That is not owned by Mrs. Wilson.

[unclear conversation from audience.]

Davis: That lot was cut out for Mrs. Wilson's daughter in 2001.

Jones: It is surrounded on all sides by Wilson's property? How is it accessed?

Mike Couch: That's the driveway we were talking about, that goes behind Mrs. Wilson's house.

Counsel Plyler: Madame Chair, regarding the term "grandfathered," I want to make sure we're all on the same page. An example would be if someone operated a business on a property, and a new zoning overlay were instituted, we could not stop them from continuing to operate that business. That's an example of grandfathering.

On this property, not requiring owners to break up the length of the road to comply with the length ordinance is essentially grandfathering. Allowing existing lots over the ordinance limit of 20 is grandfathering.

Fran Liu: So the property was already subdivided once, when the one acre lot was created. We will have to vote on the variance criteria, without reference to family relationships, considering only the facts. Before we vote on that, could staff explain how we would go forward with a text amendment?

Davis: We won't need a vote, we'll just need an acknowledgement from the majority of the Board that they would like to see an amendment, and what specifically they are recommending for example no limits on number of lots.

Fran Liu: Should we advise the family to withdraw pending a text amendment? Or just vote on the variance?

Davis: The family can withdraw at any time; if you vote to approve there's no need for a text amendment; if you vote to deny, there's nothing preventing them from coming back again with a request. There's no benefit either way to withdrawing.

Fran Liu: Would they have to wait to apply again?

Davis: I know there's a waiting period for rezoning, but I'd have to check the ordinance to see if there's a waiting period for variance application.

Keye Jones: If we vote no, would that prohibit taking a text amendment to Council?

Davis: No. No matter what decision is made on the variance, it would not prevent a text amendment from going forward.

Keye Jones: So there is a procedure the family could go to if they are denied here.

Davis: Yes. Any landowner can apply for a text amendment.

Liu: If we recommended the text amendment to Council, the family would not have to apply for it themselves?

Counsel Plyler: If Council approves a text amendment, the family would not need to take any other action, there would be nothing to appeal.

To clarify an earlier point about reapplying for a variance: if there was no change in the circumstances, the eight criteria that are considered for a variance, they might not be able to reapply. Otherwise people would just keep submitting the same application. They can appeal it elsewhere.

Beverly Williams: I agree, my understanding is if we vote no, that's pretty much it.

Counsel: Unless there's a change in circumstance, or the UDO changes.

Beverly Williams: It's very difficult to get a change to the UDO, the wheels grind slow. This might light a fire.

Fran Liu: I think Council has great respect for the Board, and if we find that this ordinance is hampering what is best for the County and its citizens, they will listen. I think we're ready for a vote on the questions.

[List of Variance Criteria are distributed.]

[Procedural advice by Counsel on the options for form of motion]

Chair F. Liu calls for a motion on case VAR 2022-2006 Wilson Family

Motion to Approve by Mike Couch; Second by Sheresa Ingram.

- i. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE;
FL: No. MC: Yes BW: Yes KL: Yes SI: Yes KJ: Yes
VOTE: 5:1
- 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;
FL: No MC: Yes BW: Yes KL: Yes SI: Yes KJ: No.
VOTE: 4:2
- 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;
FL: No MC: Yes BW: Yes KL: Yes SI: Yes KJ: No.
VOTE: 4:2
- iv. THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;
FL: Yes MC: Yes BW: Yes KL: No SI: No KJ: No
VOTE: 3:3
- 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;
FL: No MC: Yes BW: Yes KL: Yes SI: Yes KJ: Yes
VOTE: 5:1
- vi. THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;
FL: No MC: Yes BW: Yes KL: Yes SI: No KJ: No
VOTE: 3:3
- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND
FL: No MC: Yes BW: Yes KL: No SI: No KJ: No
VOTE: 2:4
- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE
FL: Yes MC: Yes BW: Yes KL: Yes SI: Yes KJ: No
VOTE: 5:1

The motion fails on 3 counts. The variance is denied.

The Board requests that County Council consider an amendment to the UDO to address this situation. Counsel and staff advise that the language of the ordinance concerns the type of road, and the definition of dead-end and cul-de-sac. Staff can draft the amendment with help from John DuBose.

Rox Burhans: We will bring your concern to County Council; only certain entities can bring an amendment to Council. There may also be a concern by Council not to make changes while a re-write of the UDO is being undertaken.

Fran Liu: We just want Council to be aware of our concern.

Keye Jones: The road has been in existence for decades, and emergency services has managed so far. I understand the concern, but something needs to be done for these families. I understand the constraints the County is under, but they could have addressed widening this road before this.

c. VAR-2022-2164 Continental Tire

Application by Continental Tire the Americas, LLC for a variance from UDO Section 7.4.5: maximum size of wall signs. Location: 1749 MacMillan Park Drive, Fort Mill SC 29707 (TM# 0007-00-008.07).

Staff Presentation: Matthew Blaszyk, Planner, presented the application consistent with the staff report attached to agenda. [See also attached slide show presentation].

Sworn In:

- Scott Barnette (Continental Tire: 1830 MacMillan Park Drive, Fort Mill, SC 29707)
- Steve Knighten (Continental Tire: same address)

Scott Barnette: Thank you for the opportunity to speak tonight. It is a privilege for us to operate our headquarters in South Carolina. We are building a home campus, historically we have leased; our board has asked us to build a campus for the next 50 years.

We have images here of the proposed sign, it is not solid, and not illuminated. It is not a burden to the community, because we have surrounded it with forest. These pictures were taken recently.

The location is designed to feel like it is in the middle of the woods. The sign would not be visible from the road. There are wetlands and trees around us, much of it will not be developed. The County has worked with us to make this project happen; we are investing here for the long term. Most importantly, we just want to say thank you.

Fran Liu: Are there any questions for the applicant?

Sheresa Ingram: Thank you for being in Lancaster County. If the sign is not visible from the road, why is it needed?

Steve Knighten: We bring our customers here from all over the world. We're proud of our logo; we don't want to have a headquarters with [an inadequate] sign on it. We see other businesses with larger signs like Lowe's, that are not headquarters just sales locations. We don't have the things that larger communities like Asheville have. What we do have is the outdoors. The sign is not a massive solid object; it's mostly glass; it is proportional to the building and suits the location. We will be adding to the building later, and the smaller sign would be even more out of proportion. We think what we're asking for is reasonable. Our goal was a unique, quality facility with green engineering, sensitive to the location. Even if what we are asking for doesn't fit the ordinance exactly, we think it is reasonable.

Fran Liu: "Doesn't fit exactly" is an understatement; [the request] is 333% larger. We are thrilled you came to Lancaster, having you here is a plus. Would you lose any revenue if you did not have an 18 x 18 sign?

Steve Knighten: I'll be honest: if you go down the list of criteria, and ask if we meet every one, the answer is no. That's why we're here asking. We can't afford to wait for a change in the UDO, we're building now. The design is ready, we have people asking if we can make it. It will cost \$80,000. The brackets are already in the wall.

Fran Liu: Were you aware of the restrictions of the UDO when you put the brackets up?

Knighten: Of course not. We wouldn't have come to that battle later.

Fran Liu: I just want to confirm that the purpose is cosmetic, it is not to direct customers to the property; if you're bringing visitors they know what it is.

Sheresa Ingram: [to staff] How big is the Lowe's sign?

Fran Liu: Which was approved before this UDO.

Matthew Blaszyk: The examples provided such as Lowe's and Red Ventures were all approved before the current UDO. I'd have to dig into past records to see what the dimensions are.

Steve Knighten: The current building that we lease at the end of the cul-de-sac, that sign and has way more square footage. Here we're building a glass palace on the hill in the woods, and we're being told we have to have an itty bitty sign.

Fran Liu: You're being told that we have a Unified Development Ordinance that everyone has to follow, that was put in for a reason in 2016 as our County developed. We can only deal with what we have now, we must consider the criteria, if it does not pass, then we cannot grant a variance.

Steve Knighten: I listened to the previous case and I thought this pitiful old woman, if her case is not heard, they can't find a rule or find a way, then we don't have a chance.

Fran Liu: Our job is not to find a rule or find a way, our job is to consider the criteria and make sometimes painful decisions. We cannot vote on "pitiful old women," we can vote on cases. The hardest thing to do is to only vote on facts.

Are there any other questions for staff or the applicant? Hearing none, I will accept a motion to bring the matter to the floor.

Motion to Approve by Beverly Williams; second by Mike Couch.

[List of Variance Criteria are distributed.]

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

FL: No MC: No BW: No KL: No SI: No KJ: No

VOTE: 0:6

- 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;

FL: No MC: Yes BW: No KL: No SI: No KJ: No

VOTE: 1:5

- 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;

FL: No MC: No BW: No KL: No SI: No KJ: No

VOTE: 0:6

- iv. THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;

FL: Yes MC: Yes BW: Yes KL: Yes SI: Yes KJ: Yes

VOTE: 6:0

- 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;

FL: No MC: No BW: No KL: No SI: No KJ: No

VOTE: 0:6

- vi. THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;

FL: No MC: No BW: No KL: No SI: No KJ: No

VOTE: 0:6

vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND
FL: No MC: No BW: No KL: No SI: No KJ:No
VOTE: 0:6

viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN
ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE
FL: No MC: No BW: No KL: No SI: No KJ:No
VOTE: 0:6

The motion fails on seven of the eight criteria. The variance request is denied.

6. New Business

- **Next Month's agenda:**
- No cases have been submitted for next month's agenda.
- **Other:** Clerk will contact Board members with possible dates for a group CE session.

7. Adjournment:

With there being no further business, **Kemesha Lowery** moved to adjourn; motion seconded by **Mike Couch**. The motion was approved by unanimous consent. **Adjourned at 7:40 PM.**



Board of Zoning Appeals Public Hearing Sign In Sheet

Item 5a: SE-2022-1556 Scharpenberg (Campground)

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM# 0147-00-001.00) in the Agricultural Residential (AR) District.

NOTE: Hearing was held on Tuesday, October 18, 2022. It will be at the discretion of the Board whether they wish to re-open the Public Hearing to hear any additional evidence.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, November 1, 2022

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

PLEASE PRINT

1.	Ann Bass
2.	Ben Yarbrough

3.	Rachael Rosenstein
4.	Edward Zito
5.	John Reid
6.	Joe Coleman
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	



Board of Zoning Appeals Public Hearing Sign In Sheet

Item 5b: VAR-2022-2006 The Wilson Family

Application by the Wilson Family for a variance from UDO Section 6.4.1.D.1:
Number of lots accessing off cul-de-sac. Location of subject property: 7843
Green Pond Road, Indian Land SC 29707 (TM# 0014-00-007.00).

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, November 1, 2022

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PLEASE PRINT

1.	Larry Honeycutt
2.	Maryanne Wilson
3.	
4.	



Board of Zoning Appeals Public Hearing Sign In Sheet

Item 5c: VAR-2022-2164 Continental Tire

Application by Continental Tire the Americas, LLC for a variance from UDO Section 7.4.5: maximum size of wall signs. Location: 1749 MacMillan Park Drive, Fort Mill SC 29707 (TM# 0007-00-008.07).

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, November 1, 2022

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

PLEASE PRINT

1.	Scott Barnettte
2.	Steve Knighten
3.	
4.	

**Benjami A. Yarbrough
1641 Queens Roud West
Charlotte, NC 28207**

Board of Zoning Appeals
Administration Building
101 N. Main Street
PO Box 1809
Lancaster, SC 29720

RE: SE-2022-1556 Scharpenberg Campground

Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM# 0147-00-001.00) in the Agricultural Residential (AR) District. SE-2022-1556 Scharpenberg Campground

I am writing in opposition to the above-referenced request for a special exemption to establish an RV campground for 166 sites on 78 acres on highway 97.

I have leased the adjacent property on the south side of the proposed site for approximately four years as well as participate in a hunting club in the immediate area with over 2,000 acres under lease, including additional adjacent parcels.

Based on my experience and knowledge of the immediate area of the proposed campground, the establishment of the proposed campground on Highway 97 presents considerable challenges and does not fit the requirements for the special exemption, including:

- (1) It does not conform to the fundamental nature and character of the surrounding community and neighborhood,
- (2) It may present traffic issues and dangers,
- (3) It lacks adequate utilities including those necessary to safeguard the environment,
- (4) It may give rise to offensive and noxious uses of the site,
- (5) It will impede the orderly development and improvement of surrounding property for uses permitted within the land development district,
- (6) It will be detrimental to or endanger the public health, safety or general welfare, and
- (7) It may increase risks of safety and lawlessness in the area.

Neighborhood Character. The proposal dramatically increases the density in the neighborhood in terms of people, vehicles, activity, and structures. The current density is approximately 1

residence per 157 acres. The proposal of 166 campsites on 78 acres requests an exemption to allow 1 campsite for every 0.47 acres, representing over a 33,000% increase in the current neighborhood density.

See **Appendix A** for additional details on neighborhood parcels and relative density.

Traffic Hazards. The proposed special exemption introduces a risk of a considerable increase in traffic. Highway 97 is regularly cruised by motorcycle hobbyists and others touring the countryside. What does Lancaster County, Great Falls and Chester County anticipate in terms of increased traffic with the new white-water facility? These anticipated changes in connection with the curved road entrance should not be ignored in connection with any consideration of this proposal for the special exemption.

Utilities. The proposed special exemption contemplates 166 campground sites, or more, that could result in nearly 1,000 people residing on-site. In addition, the roads, camp sites and other impervious areas will generate considerable water run-off, waste and other impacts. RV campers are routinely challenged with disposing of waste, including gray water, wastewater and solid waste. The advent of full time living in RV campers has elevated this waste disposal to an entirely new level. The county must contemplate the extreme amounts of discharged solid and liquid waste from all temporary residents. Such amounts likely greatly exceed the amounts contemplated at the time when the original ordinance was adopted. Adequate precautions and investments must be made to ensure the site can accommodate all of the solid and liquid waste from such a massive amount of people and vehicles.

See **Appendix B** regarding illustrative requirements for RV campground waste-water treatment. While no expect, a careful comparison should be made to the preliminary information by the applicant.

Noxious or Offensive Use. The aggregation of up to 1,000 people in a rural setting is highly likely to result in noxious and offensive use of the site compared to the typical neighborhood activities, in the absence of adequate safeguard measures and regular policing. Any consideration of a campground of this size and magnitude must consider the possibility of disorderly or unlawful behavior, drunkenness, drugs, guns, fires, smoke, noise, concerts, unregistered guests, and similar outcomes or behavior. Please note the inclusion of an amphitheater is certain to increase the likelihood of excess noise from the site. Additionally, note that such outdoor venue has not otherwise been approved and is subject to added approval requirements per the ODU.

Development of Surrounding Property. The proposed exemption will substantially impede the orderly development and improvement of surrounding property for uses permitted within the land development district. The site is ideally situated for a wide variety of uses consistent with the current nature and character of the neighborhood, including single family estate or rural development on large multi-acre parcels. However, the approval of the proposed use for the special exemption of a campground will extinguish interest in that compatible use.

Public Health, Safety & General Welfare. The establishment, maintenance and operation of the proposed use will be detrimental and endanger the public health, safety, or general welfare of the community. The use of traps invariably presents elevated risks for unexpected trespassers and their pets.

- **Trespassing** – any crossing onto private property on adjacent or nearby properties by the campground visitors will create a significant risk of conflict and danger as those properties are actively utilized for hunting. Failure to control pets will lead to escalated trespassing.
- **Fire** – the campground will significantly increase the risk of fire for adjacent and surrounding properties. Fire represents a significant threat and hazard for adjacent landowners who grow timber.
- **Hunters** – the surrounding properties are actively used by hunters on a year-round basis. The introduction of a campground with up to 1,000 visitors will generate considerable risks. Visitors and their pets are likely to cross property lines creating dangerous and untenable situations.
- **Trapping** – Adjacent properties may engage in lawful trapping, especially with the escalation of issues with coyotes and other nuisance predators. The use of traps presents elevated risks for unexpected trespassers and their pets.
- **Guns and alcohol in the park** – An environment of up to 1,000 temporary inhabitants living in close quarters has a high likelihood for conflict. The presence of guns and alcohol (or even drugs) is bound to create dangerous situations for all involved.
- **ATVs** – introducing ATVs to the area increase the risk of fire, accident, violating DNR regulations, trespassing and contentious interactions with neighboring properties.

General Compliance of Laws. The proposed special use may become a haven for nuisance behavior and criminal activity in the absence of adequate controls and active policing by Lancaster County law enforcement. Highway 97 is seldom visited by members of law enforcement. This significant increase in population of up to 1,000 persons at the same time in such close proximity will likely have a significant need for increased presence of law enforcement to ensure peace and tranquility and minimize conflicts.

The site is proposed to be built in close proximity to an emerging world class, once in a generation public works project. For more details see the references and materials in **Appendix C Background on the Great Falls-Dearborn Development "Whitewater" Project.**

For background on current trends and challenges for communities with RV parks

Appendix D - Background on current state of affairs and trends in RV Camping and Campgrounds. The references and materials recite trends on the increasing growth of RV as permanent lifestyle which could circumvent tradition zoning decisions, the big business of RV parks, and the increasing position communities are taking to reject proposals for RV parks.

On **Exhibit E - Existing Campgrounds in the Area,** I have provided a sampling of nearby RV parks and campgrounds.

On Exhibit F **Exhibit F - Proposed Uses Outside of Scope of Campground,** I have provided foundational arguments for elements of the proposal which should not be permitted under Campground special exemption, including renting RVs or RV trailers, Storing RVs or RV trailers, or building, operating using or maintain an amphitheater or other outdoor performance facility; all of which are included in the proposed application.

In the event the Board elects to issue an approval, please recognize the standards in the ODU are minimum standards. Therefore, any approval should contain substantial limitations or restrictions to minimize the impact on the neighborhood and ensure the property use should remain conforming. For a proposed list of frequently imposed restrictions on RV parks aimed to align neighboring interests, see **Appendix G.**

The most important of any such restriction will be to limit the number of campsites to no more than the current density of the neighboring sites. Considering only the occupied parcels, including those under common ownership. The relevant level should be 1 campsite per 2 acres at a minimum. This would limit the campsites to 39 assuming 78 acre parcel.

Sincerely,

Benjamin A. Yarbrough
ben.yarbrough@calyptix.com
(704) 236 - 7594

Appendix A
Density Review

Row	Acreage	Owner	Residence Count
1	19.0	Janie B. Coleman	0
2	8.2	Elizabeth S. Coleman	1
3	5.0	Elizabeth S. Coleman	1
4	1.0	Sheli White	0
5	1.2	Joe C. Coleman	1
6	1.0	Janie Reid	1
7	2.1	Edward Coleman	2
8	5.0	Elizabeth Coleman	0
9	11.2	Roderick & Sharon Bowers	1
10	1.8	Roderick & Sharon Bowers	1
Total	55.5		8
	Average	6.93	acres per Residence
	Median	2.1	Acres per residence
11	646.1	SC DNR	0
12	222.6	Dalon & Ann Bass	0
13	219.73	Dalon & Ann Bass	0
14	115.4	Wateree	0
	1203.83		0
Grand Total	1,259.33		8
	Average	157.41125	Acres per One (1) Residence
15	78	Proposed Campsite	166
	0.47		acres per campsite
Pro Forma	1,337.33	7.69	acres pers site/residence
			174

Appendix B
Representative Wastewater Requirements

See attached

Background on RV Utilities and Wastewater Requirements

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC HEALTH
(North Carolina)

MEMORANDUM

DATE: October 20, 2017

FROM: NC DHHS DPH EHS OWPB

RE: Permitting and Design Guidance for Wastewater Treatment and Dispersal Systems for
Recreational Vehicle Parks - REVISED

<https://ehs.dph.ncdhhs.gov/oswp/docs/design/RV-ParksGuidance-10202017.pdf>

Appendix C

Background on the Great Falls-Dearborn Development "Whitewater" Project

More than a year from completion, Great Falls whitewater park is progressing on time

BY TOBIE NELL PERKINS UPDATED APRIL 18, 2021 9:48 AM

<https://amp.heraldonline.com/news/business/article250693014.html>

"The project, called the Great Falls-Dearborn Development, has broken ground. It is backed by the town of Great Falls and Duke Energy."

The Great Falls-Dearborn Development will be a welcome rebirth for Great Falls, said Glinda Price Coleman, executive director of the Great Falls Home Town Association, a nonprofit that focuses on the town's economy. Plans to bring nature-based tourism to Great Falls began in 2000, Coleman said.

A new license from the Federal Energy Regulatory Commission has allowed Duke Energy to provide enhancements to water quality, giving the green light to this project, Crawford said. Duke can now control the flow of water to the channels.

In 2003, Great Falls and the Great Falls Home Town Association were named as stakeholders in the re-licensing process. For Duke Energy to utilize the town's resources (which include 3 dams and 5 power plants) for commerce, the company agreed to give back to the community -- which included providing recreation.

While planning began in 2006, the licensing for the project was not complete until 2015. "And the clock didn't really start ticking on the process until 2017," Coleman said.

Duke Partnering With SC To Develop Massive New Whitewater Center For Charlotte Region

By Charlotte Stories June 23, 2021

<https://www.charlottestories.com/duke-partnering-with-sc-to-develop-massive-new-whitewater-center-for-charlotte-region/>

Duke Energy's new multi-million dollar project, called the Great Falls-Dearborn Development, will completely revision Dearborn Island, including building a massive pedestrian bridge to the 650-acre island, install three canoe and kayak launches, restructuring water channels into class 2,3 and 4 whitewater rapids, and partnering with South Carolina to develop an entirely new state park.

Duke Energy will be working with S2O Design, designer of Charlotte's U.S. National Whitewater Center, and HDR Engineering to build 2 new bypass channels, with the longest one being about 1 1/2 miles.

Great Falls Catawba Releases Delayed Until Next Spring (SC)

Posted: 05/10/2022 By: Kevin Colburn American Whitewater

https://www.americanwhitewater.org/content/Article/view/article_id/k5txZzh2n7TRJIfu_tbmEh/

"This is a game-changer, obviously for Great Falls," said S.C. Sen. Mike Fanning.

Return of whitewater: Chester County, SC town hopes new park, rapids bring needed growth

BY TRACY KIMBALL JUNE 27, 2022 12:11 PM

<https://amp.heraldonline.com/news/business/article262838248.html>

"I would bet in the country, it's pretty one-of-a-kind," Churchill said. "It's like an engineered system to enhance the natural experience."

Dam Modification Spawns New Whitewater Park on S.C.'s Catawba River

By Eugene Buchanan JULY 23, 2022

<https://paddlinglife.com/destinations/dam-modification-spawns-new-whitewater-park-on-s-c-s-catawba-river/>

In Chester County, S.C., near the North and South Carolina border—an hour's drive south of the U.S. National Whitewater Center in Charlotte, N.C.—a new project is taking shape that will also attract paddlers and other river enthusiasts throughout the region, while bringing water to a section of river that hasn't seen flows since 1907.

Appendix D

Background on current state of affairs and trends in RV Camping and Campgrounds

"RV park owner throws in the towel. The business has changed, even shockingly"

By RV Travel June 5, 2021

<https://www.rvtravel.com/andy1003/>

"The campground biz, as long-time campers already know, is becoming increasingly commodified: more corporate, more Disney-fied, less attuned to the very things that once separated camping from other forms of transient lodging. What is "glamping" if not a campground form of gentrification? What are the proliferating rows of "cabins" — really just downsized cottages — if not a suburbanized version of a Motel 6, one long building chopped up into individual units, at some campgrounds with just an alleyway between them? Slap on some faux logs and stick a fire ring out front and voila! It's back to nature."

"Shenandoah Acres, a 522-site campground within spitting distance of Walnut Hills, sold last year to a holding company for \$3 million—which then turned around and sold it this past February (that's right—less than a year later) for \$17 million."

"Small Country Campground, a 150-acre property about a 40-minute drive from us in Louisa, sold 18 months ago for approximately \$4 million. The sellers, Bill and Ruth Small, built the campground from scratch starting 45 years ago. Our campground, a bit smaller at 43 acres and only 150 sites, nevertheless went for \$3.1 million. That's not \$3.1 million going into our pockets, of course — there are mortgages and loans to pay off, not to mention a hefty tax bite — but there will be enough to see us through a modest retirement."

"RV PARK INVESTMENTS: WHAT INVESTORS SHOULD KNOW"

<https://cxre.co/houston/rv/rv-park-investors-information>

"Generally, RV parks offer a higher ROI than most other types of commercial properties. According to most sources, you can expect anywhere from a 10% to 20% return on your initial RV park investment. As a result, investors who are hoping to maximize their investment dollars should consider RV park investment a lucrative option."

Growing Trend in 2021: Own your Campsite!

Mike Wendland May 29, 2021

<https://rvlifestyle.com/own-your-campsite/>

"Have you heard about the fast-growing trend to own your own campsite? It's another result of the huge boom in RV and camper sales. RV developments are being built all across the country to tap into what is becoming a pretty lucrative market. "

How Much Does It Cost to Live in an RV Park?

<https://www.silverspurrvpark.com/post/how-much-does-it-cost-to-live-in-an-rv-park>

Dec 11, 2019

"Whether you are looking to live a more adventurous lifestyle, travel the country, experience the great outdoors, retire, save money, or just downsizing, living in an RV park full-time is an incredible option and a one-of-a-kind experience. Today, there are more than 1 million Americans living in their RVs for these reasons and many more.

This article will help you explore the benefits and costs of full-time RV living, and determine if this exciting, unique way of life is right for you."

IS IT COST EFFECTIVE TO LIVE IN AN RV? – RV LIVING COSTS WHEN TRAVELING FULL TIME

RV Travel

<https://csginger.com/rv-living-costs/>

CAMPGROUND COST

Total Cost – \$1,656

Our lodging cost was the easiest to determine before leaving and as we started making reservations. We had almost all our lodging plans made before we left on our trip. Our lodging costs ranged from free to staying in San Francisco for \$130 per night. ...

Another great way to save money on where you are staying is by joining a discount camping club like Passport America.

[Zoning board says no to proposed RV Park near Milton | Santa Rosa Press Gazette \(srpressgazette.com\)](https://srpressgazette.com/zoning-board-says-no-to-proposed-rv-park-near-milton/)

<https://srpressgazette.com/zoning-board-says-no-to-proposed-rv-park-near-milton/>

January 18, 2022 | Ben Johnson Santa Rosa Press Gazette

The board, in total opposition, recommended to the Board of County Commissioners denial without objection. One of the primary concerns is environmental problems as the project would require septic tanks due to the location near Big Coldwater Creek.

The winter of their discontent: Many proposed RV parks facing stiff public opposition

The winter of their discontent: Many proposed RV parks facing stiff public opposition - RV Travel

<https://www.rvtravel.com/andy-zipser-winter-of-their-discontent-1035b/>

By Andy Zipser January 15, 2022 RVtravel

Two public hearings held Jan. 11, one in Maggie Valley in North Carolina and one in Hinton, Mass., resulted in adverse decisions for deep-pocketed developers with ambitious ideas. The Maggie Valley board of aldermen approved a six-month moratorium on new campgrounds and RV parks within town limits, jeopardizing plans for revitalizing a mothballed tourist attraction. Hinton's zoning board of appeals, meanwhile, rejected a special permit application from Northgate Resort Ventures to build a 317-site RV resort on property currently used as a family-owned summer camp for kids.

Other significant, pending RV campground applications include a proposed 300-site resort proposed for the shores of Lake Anna in Virginia, as well as a 304-site RV resort next to the Foxwoods Casino in Connecticut. A planning commission hearing on the Lake Anna proposal, continued from December because of the sheer volume of opposing comments that had yet to be heard, was scheduled for Jan. 5 but was postponed to Jan. 19 because of snow. Once that hearing is concluded, the commission will make its recommendation to the Spotsylvania County board of supervisors—and a possible second round of hearings may follow.

RV parks squeezed by housing costs

Andy Zipser Posted on February 23, 2022

<https://renting-dirt.com/2022/02/23/rv-parks-squeezed-by-housing-costs/>

It may not be immediately obvious that an explosion in home prices will increase campground costs, but that's because our understanding of this niche real estate market gets channeled by that "camp" prefix. "Camping" means recreating which means getting away from it all, leaving little mental room for other considerations. **Yet campgrounds increasingly are a key residential resource, offering affordable housing options to itinerant workers as well as those priced out of more conventional housing.** And as the cost of that housing goes up, so does demand for RV sites.

Existing Campgrounds in the Area

See <https://www.hikercentral.com/campgrounds/110479.html>

See [Park Finder | South Carolina Parks Official Site
https://southcarolinaparks.com/park-finder](https://southcarolinaparks.com/park-finder)

Wateree Lake Campground, Liberty Hill
[Campground | Wateree Lake RV Park | United States \(watereecamping.com\)
https://www.watereecamping.com/](https://www.watereecamping.com/)

We are a family-oriented RV-Park and offer 74 Campsites for RV's & Tents on a nightly, weekly, or monthly basis.

<https://southcarolinaparks.com/park-finder?category=RV%20Camping>

ANDREW JACKSON State Park
196 ANDREW JACKSON PARK RD
LANCASTER, SC 29720
<https://southcarolinaparks.com/andrew-jackson>

Camping Information: Each site has individual water and electrical hookups. Five paved sites accommodate RVs up to 36 feet, while 20 gravel sites accommodate RVs up to 30 feet. The campground is convenient to restrooms with hot showers.

KINGS MOUNTAIN State Park
1277 PARK RD
BLACKSBURG, SC 29702
[Kings Mountain | South Carolina Parks Official Site
https://southcarolinaparks.com/kings-mountain](https://southcarolinaparks.com/kings-mountain)

Camping Information: Each site is packed gravel and includes individual water and electrical hookups. Several sites accommodate RVs up to 40 feet. The campground is convenient to restroom facilities with hot showers. While tent campers may use the main camping area, the park offers a designated tent site area which includes central water.

Standard Sites with Elec. & Water: 115 sites

Designated Tent Sites: 10 tent sites with no water and electricity

CHESTER State Park
759 STATE PARK DR
CHESTER, SC 29706

Camping Information: Each site is packed gravel and has individual water and 50 amp electrical hookups. All sites also include fire rings, lantern holders, picnic tables and picnic pads. Some sites accommodate RVs up to 33 feet, others up to 28 feet, while three sites are pull-through. The campground is convenient to restrooms with hot showers.

Standard Sites with Elec. & Water: 25 sites

Primitive Group Area: The primitive group camping area is ideal for organized groups up to 50 people. (An organized group is defined as "a group that holds regular meetings and has a lead officer or elected/appointed officials".)

The area includes picnic tables, central water, fire ring and is located 100 yards from the restroom.

LAKE WATEREE State Park

881 STATE PARK RD

WINNSBORO, SC 29180

<https://southcarolinaparks.com/lake-wateree>

Camping Information: Each site is paved and has individual water and electrical hookups, and picnic table. 28 campsites have 50 amp electrical, water and sewer hookups. The campground is convenient to restroom facilities with hot showers. 50 sites can accommodate RVs up to 40 feet, others up to 35 feet. Eight sites are pull-through, while 23 are waterfront.

Standard Sites with Elec. & Water: 72 campsites

Full Hookup Sites with Elec, Water, Sewer: 28 campsites

Primitive Group Area: The Primitive camping area is an ideal spot for organized groups up to 50. An organized group is defined as a group that holds regular meetings and has a lead officer or elected official.

Lake Wateree State Recreation Area, Winnsboro

Lake Wateree | South Carolina Parks Official Site

<https://southcarolinaparks.com/lake-wateree>

Camping Information: Each site is paved and has individual water and electrical hookups, and picnic table. 28 campsites have 50 amp electrical, water and sewer hookups. The campground is convenient to restroom facilities with hot showers. 50 sites can accommodate RVs up to 40 feet, others up to 35 feet. Eight sites are pull-through, while 23 are waterfront.

Charlotte Fort Mill KOA Campground in Fort Mill, South Carolina

940 Gold Hill Road

Fort Mill, South Carolina, 29708

<https://koa.com/campgrounds/charlotte/>

Crown Cove Campground in Fort Mill, South Carolina

8332 Regent Parkway

Fort Mill, South Carolina, 29715

<https://www.crowncovervpark.com/>

We offer 126 sites arranged amid mature trees and green grass, with a feel of the country in the midst of a thriving residential area.

Ridgeway Campground

7210 State Highway 34 East

Ridgeway, South Carolina, 29130

Little Cedar Creek Campground in Ridgeway, South Carolina

6140 East Peach Road

Ridgeway, South Carolina, 29130

<http://www.littlecedarcreekcampground.com/>

52 RV sites & 5 Cabins

Wateree Recreation Area, Ridgeway

Shaw AFB, Sumter, SC

<https://www.militarycampgrounds.us/south-carolina/wateree-recreation-area>

Type of site	Spaces	Hook-ups
RV Sites	22	W/20,30,50A/S
Tent	Unlimited	None
Cabins	16	Full
Cabins	16	Full

Sharolyn Motel & Campground in Sumter, South Carolina

4244 Broad Street

Sumter, South Carolina, 29154

Exhibit F -

Proposed Uses Outside of Scope of Campground

The following activities are proposed in the request for special exemption that appear to be expressly covered by other separate regulations and requirements in the Unified Development Ordinance.

(1) RV Rentals are not permitted

RV Rentals are not permitted under the provisions of the Unified Development Ordinance applicable to Campgrounds.

See Section 10.3 definition of Campground.

CAMPGROUND A lot, tract, or parcel of land upon which campsites for trailers, tents, or RV's are permitted for the purpose of temporary habitation for the travelling or vacationing public.

See 5.3.3 CAMPGROUND [AR, RR, OSP]

- A. Campground Use: Campgrounds are limited to temporary occupancy by travel trailers, tents, and recreational vehicles (RVs) used by campers, vacationers, tourists, visitors, or the traveling public.

The language expressly states both the lodging (trailer, tent & RV) and the visitor (camper, vacationer, tourist & visitor) must be traveling.

Additional Support.

The rental of RVs is more akin to vehicle and heavy equipment leasing and rental that are expressly covered by other provisions of the Unified Development Ordinance and are not permitted in zoning AR.

- Section 2.5.3 Table of Uses
 - "Vehicle Rental/Leasing/Sales" – not permitted in AR.
 - "Heavy Equipment/Manufactured Home Rental/Sales/Repair" is also not permitted in AR.
- Section 5.8.3 HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES [RB, LI, HI] - Not permitted in AR.
- Section 5.8.4 PARKING LOT/STRUCTURE – PRINCIPAL USE [GB, RB, INS, LI, HI, MX, IMX] - not permitted in AR.
- Section 5.8.5 VEHICLE RENTAL/LEASING/SALES [RUB, GB, RB, MX, IMX] - not permitted in AR.

Comparably, provided a prefabricated trailer or RV as a short term rental is more similar to a lodging reflected under Section 5.3.1 for bed and breakfast, however such use is prohibited for structures constructed after the effective date of the ordinance.

5.3 LODGING USES

5.3.1 BED AND BREAKFAST HOMES [AR, RR, RN, RUB, LDR, PB, NB, INS, UR, HDR, MX, IMX] AND

INNS [NB, INS, UR, MX, IMX]

A. The bed and breakfast shall be operated in a principal structure constructed before the effective date of this ordinance and not in any accessory structure.

(2) Outside Storage and Servicing of RV Vehicles is not permitted

The rental of RV trailers expressly contemplates they be maintained, serviced and stored at the proposed site. Storage of RVs, trailers and vehicles is expressly prohibited by the terms of the enabling language in Section 5.3.3. Additionally, such activities and uses are expressly controlled by other sections of the Unified Development Ordinance.

See 5.3.3 CAMPGROUND [AR, RR, OSP]

A. Campground Use: Campgrounds are limited to temporary occupancy by travel trailers, tents, and recreational vehicles (RVs) used by campers, vacationers, tourists, visitors, or the traveling public.

The language expressly states **both the lodging (trailer, tent & RV) and the visitor (camper, vacationer, tourist & visitor) must be traveling.**

Maintaining RVs and trailers for service for rent on the site are not compatible with the uses permitted under Section 5.3.3 for a Campground.

Additional Support.

The storage of RVs, trailers and vehicles is more self-storage, parking and other similar activities covered expressly by other sections of the Unified Development Ordinance and **are not permitted in zoning AR.**

- See 5.9.11 STORAGE – SELF-SERVICE [GB, RB, LI, HI] – not permitted in AR.

Note, pursuant to Section 2.5.1 Use category, there are a separate categories for Automotive (including Storage) as well as general Storage, RVs and trailers would seem to be vehicles under the UDO as they are regulated further by the SC Department of Transportation for operation on public roadways.

See Section 2.5.1

G. Automotive: Uses and premises accessed predominately by or dedicated to the sale, maintenance, servicing and/or storage of automobiles or similar vehicles.

H. Manufacturing/Wholesale/Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.

See also Section 2.5.3 Table of Uses

Storage – Outdoor Storage Yard – not permitted in AR.

Storage – Self Service (Mini) – not permitted in AR.

(3) Use of the site consistent with use of Amphitheater is not permitted

The proposed amphitheater and anticipated related activities are not permitted under the provisions of the Unified Development Ordinance applicable to Campgrounds.

See section 5.3.3 which provides expressly permitted auxiliary uses.

"Auxiliary uses, including retail store for guests, laundry, **recreational facilities**, snack shop, office, and security watchmen structure are also permitted. One office modular or site built office building may be allowed within the campground to be used as an office for the persons responsible for the operation and maintenance of the campground."

- An amphitheater is not a recreational facility, nor it is otherwise expressly permitted as an auxiliary activity or structure for a campground.
- An amphitheater is expressly contemplated in Section 2.5.3 Use Table of the UDO. While permitted in AR, any such approval requires "Permitted with Review."
- The addition of an amphitheater is certain to cause excessive noise and contravene necessary findings of fact under section 9.2.
- Any such use requires further demonstrated compliance with Section 5.5.13 THEATER, OUTDOOR [AR, RUB, RB, INS, OSP].
- Any such use of the site as an amphitheater must be limited to onsite registered guests per Section 5.3.3.
- Increased use, noise, waste, density and other related factors associated with an amphitheater introduces a host of new concerns including.

Exhibit G -
Proposed Limitations and Restrictions

For sistance see <https://southcarolinaparks.com/rules-regulations>

- The density of the RV park should be match the surrounding occupied neighborhood, providing for no more than 1 campsite per 2 acres (maximum of 39 sites).
- The maximum occupancy in terms of guests should be limited at all times to less than 100 guests.
- All fires must be confined to designated grills or areas and any such areas should be carefully constructed in coordination and approval of the fire marshal and best practices.
- All RV campsites should be paved to prevent risk of fire and environmental issues.
- A 10 foot fence and visual barrier should be erected around the entire site to minimize impact on neighborhood, prevent trespassing and reduce the risk of accidents.
- Roadside parking should be prohibited.
- Parking on unoccupied campsites should be prohibited.
- Campers are allowed either a maximum of one trailer/RV or two tents per campsite site.
- No more than four persons (or one family up to 6 persons) may be permitted to occupy the same camp site.
- Maximum length of stay on a particular site should be limited to 7 days during any 45 days successive period.
- No RVs, RV trailers, or tents (or associated vehicles) may be left unoccupied, or associated with unoccupied campsites, overnight.
- Pets must be leashed or physically restrained at all times.
- No tiny homes or other structures on trailers (e.g. all RVs and RV trailers must be registered with the SC Department of Transportation as vehicles or RV trailers).
- No hunting on the site nor using the camp site to access adjacent areas, including the SC DNR property, to hunt.
- No possessing, using, or firing any firearm, air gun, explosive or firework except by duly authorized law enforcement officers.
- No operating or using any audio device, including radio, television, musical instruments, or any other noise-producing devices, such as electrical generators, and equipment driven by motor engines, in such a manner and at such times as to disturb other persons.
- No person shall operate or use any public address system, whether fixed, portable or vehicle mounted.
- No engaging in, soliciting or operating any business within the site, other than the business of the camp site.
- A prohibition of expansion without additional conditions imposed by the Board.
- No business may operate inside the RV park other than the RV park itself.
- No permanent structural addition to any recreational vehicle shall be permitted.

- No part of the RV park shall be used for the parking or storage of any heavy equipment or trucks exceeding one-ton capacity, except those used by the owner or management for park maintenance and it must be sheltered and screened.
- Permitted accessory uses for commercial services and parking areas serving such accessory uses shall only serve the trade or service needs of travelers or guests patronizing the RV park
- A private water system should be required and shall be such that it can supply at least 100 gallons of water per day to each recreational vehicle space.
- Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets.
- All refuse containing garbage shall be collected and disposed of at least four times each week.
- Fire hydrants shall be installed throughout all RV Parks in accordance with the specification of the Fire Department. There shall be one (1) hydrant at the entrance to the development, and additional hydrants at a distance not to exceed 500 ft between hydrants.
- All utilities, including electrical power and telephone lines, shall be installed underground.
- Every recreational vehicle space shall be provided with a weatherproof electrical connection supplying 110 volts.
- Every recreational vehicle space shall be paved.
- Every recreational vehicle space shall be provided with an individual connection (or service hydrant) to the recreational vehicle park's water system.
- All lighting shall be downcast and recessed into the fixture and not create glare onto adjoining properties.
- Internal streets shall be paved and designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times. An adequate turning radius shall be required on all curves, to allow access by emergency vehicles.
- No outside drivers or deliveries are allowed on the property for any reason. This includes Uber/Lyft, Grubhub/DoorDash, or any service that uses a personal vehicle.
- Trailer storage, including boats, ATVs and other recreational equipment, is not allowed.

Board of Zoning Appeals Agenda

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approve Minutes
 - a. October 4, 2022 (Regular Meeting)
5. Public Items
 - a. SE-2022- 1556 Scharpenburg Campground
 - b. VAR-2022-2006 Wilson Family
 - c. VAR-2022-2164 Continental Tire
6. New Business
7. Adjourn

STANDARDS FOR CONDUCT OF QUASI-JUDICIAL HEARINGS: Competent Evidence

- The term "competent evidence," shall not include the opinion testimony of lay witnesses as to any of the following:
 - The use of property in a particular way would affect the value of other property.
 - The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
 - Matters about which only expert testimony would generally be admissible under the rules of evidence.

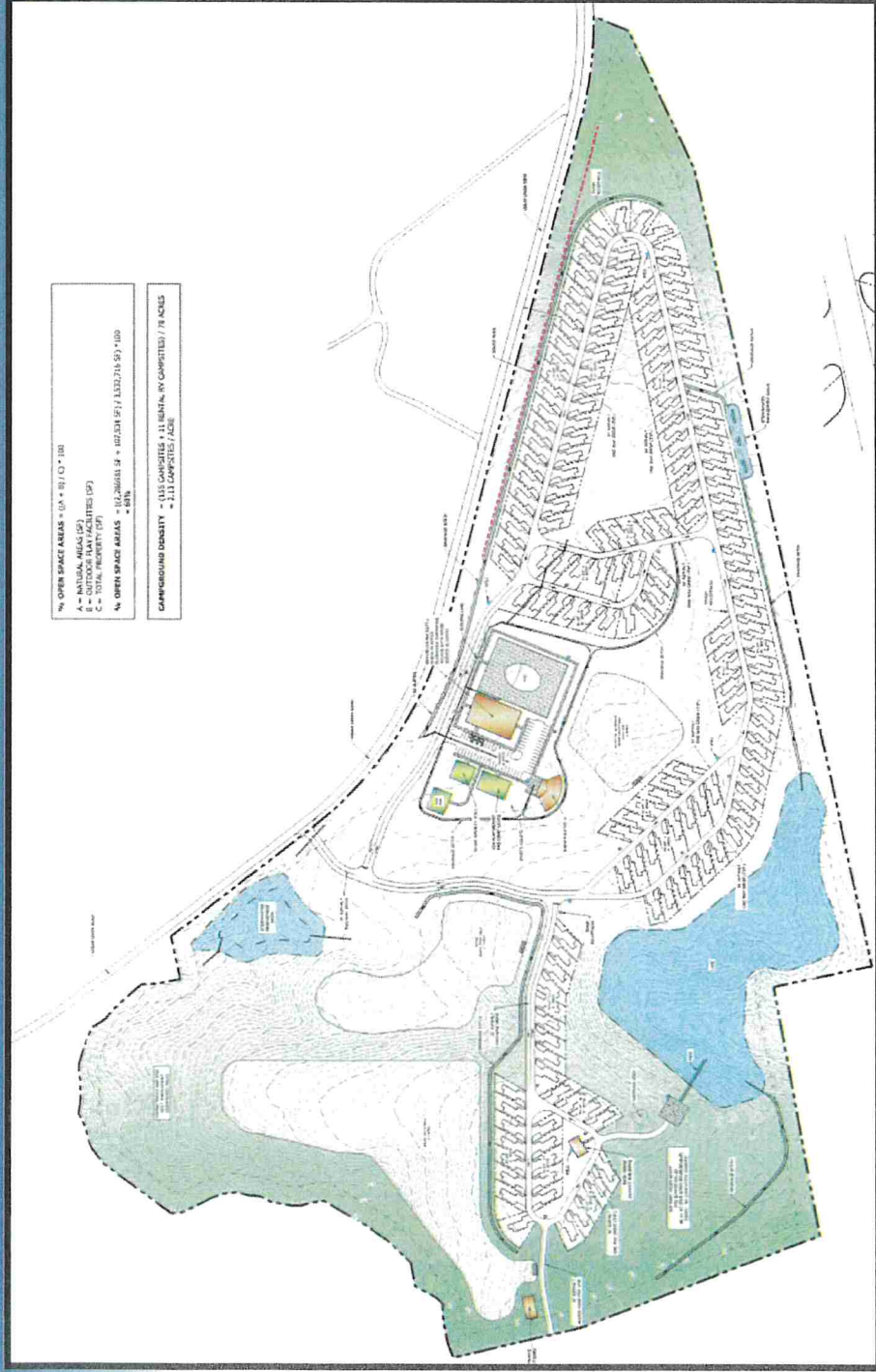
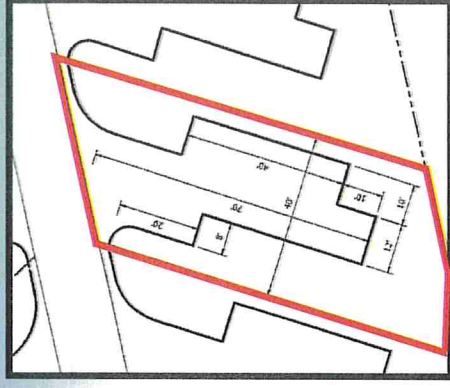
5. Public Items

a. Sharpenburg Campground

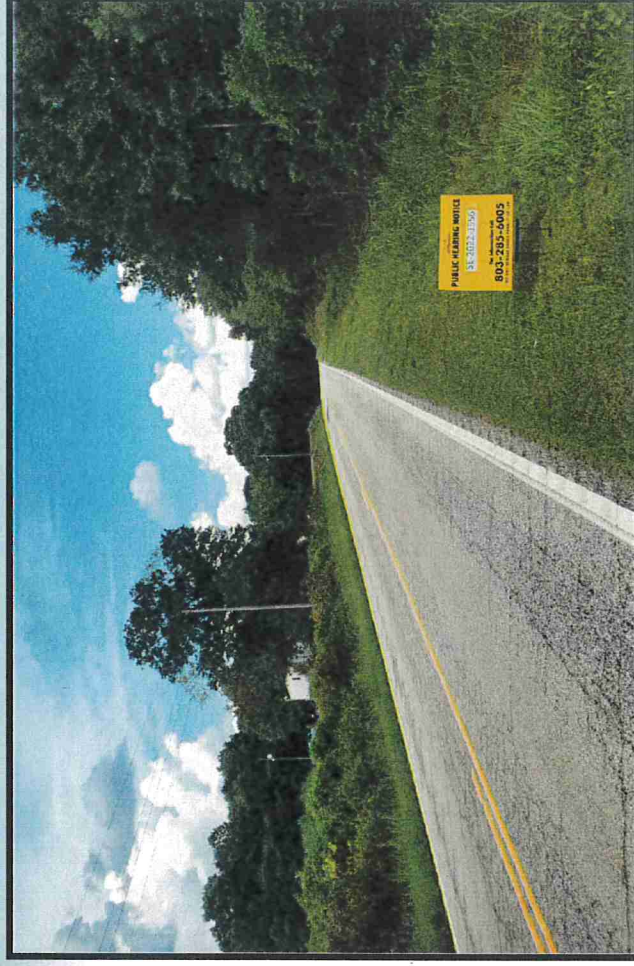
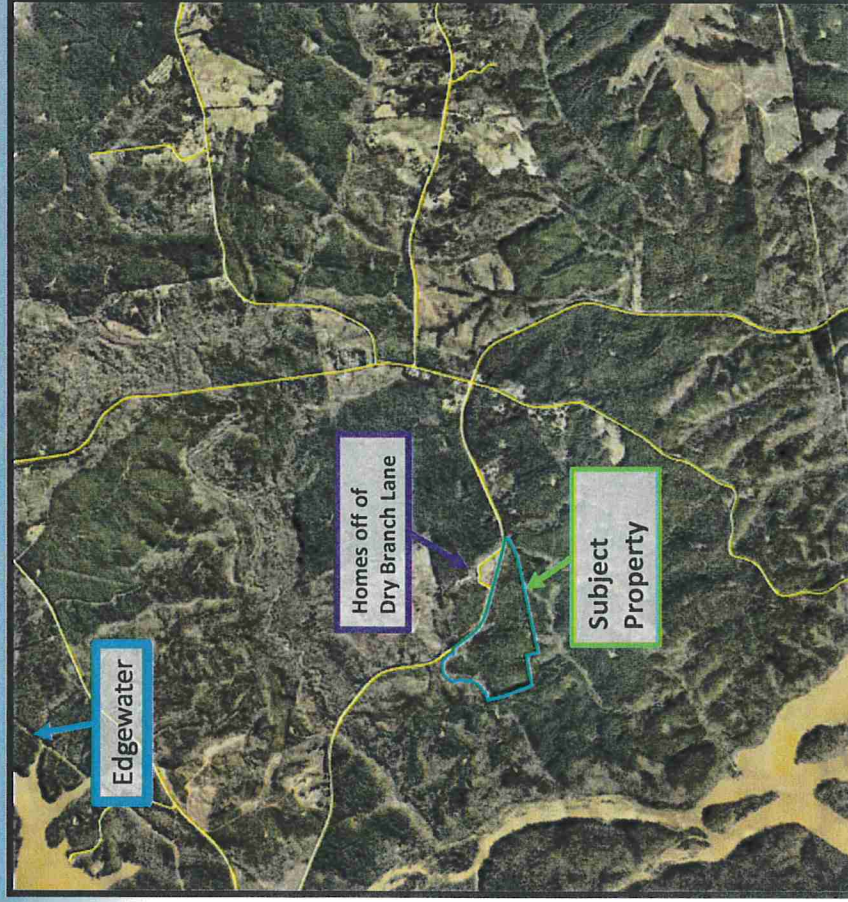
Application by Jeremy Scharpenberg, requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of land located on Cedar Creek Road, approximately 2 miles south of intersection with Great Falls Hwy (TM#0147-00-001.00) in the Agricultural Residential (AR) District

Concept Plan

Lancaster
County
South Carolina



Location Photos



Looking East on Cedar Creek Road
(Subject parcel on the right)

Recommended Conditions

1. That a revised conceptual plan be prepared and submitted to the Planning Department which addresses all of the outstanding Technical Review Committee comments;
2. That the overall maximum length of stay be 30 days; with a 60 day period required between stays;
3. That the Domestic Water calculations provided be updated to reflect the Fire Marshal's requirement for an alternate water supply.
4. That more information regarding the 11 "Rental RV sites" be provided for staff review to determine if these are allowed under the current code.

5. Public Items

b. Wilson Family

Application by the Wilson Family for a variance from UDO Section 6.4.1.D.1: Number of lots accessing off cul-de-sac. Location of subject property: 7843 Green Pond Road, Indian Land SC 29707 (TM# 0014-00-007.00).

Overview

Proposal

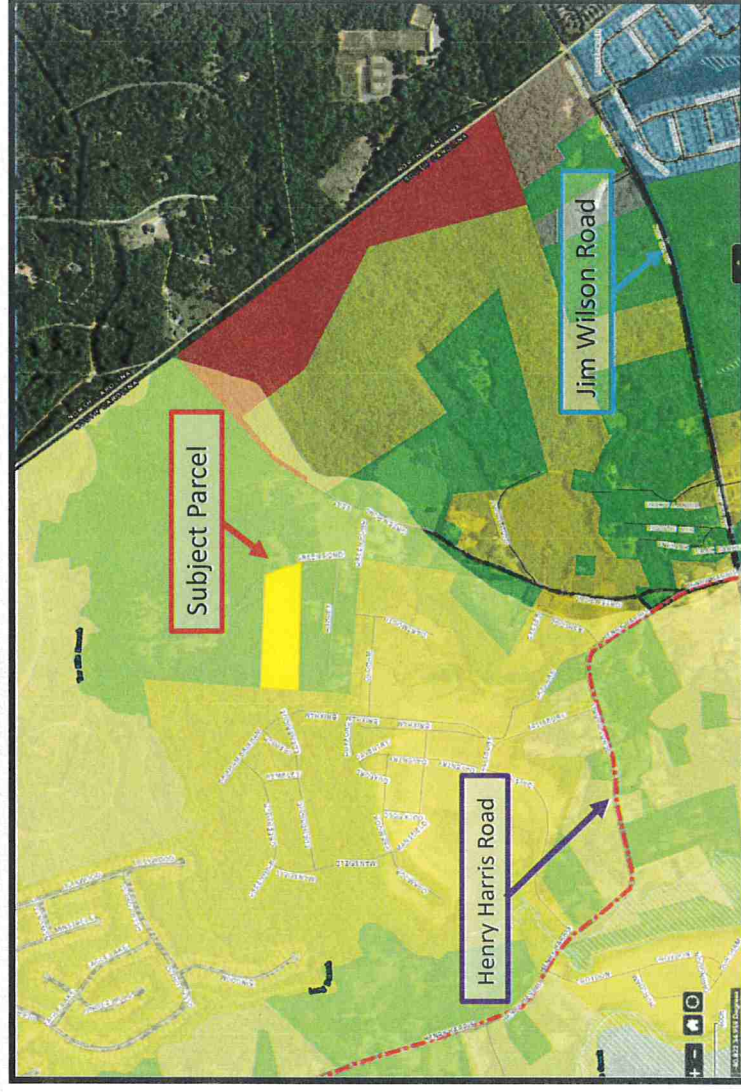
- Variance from Unified Development Ordinance Section 6.4.1.D.1 (Max. lots off of a dead end road)

Zoning District

- Rural Neighborhood

Applicant

- Maryanne, Robert, and Joshua Wilson



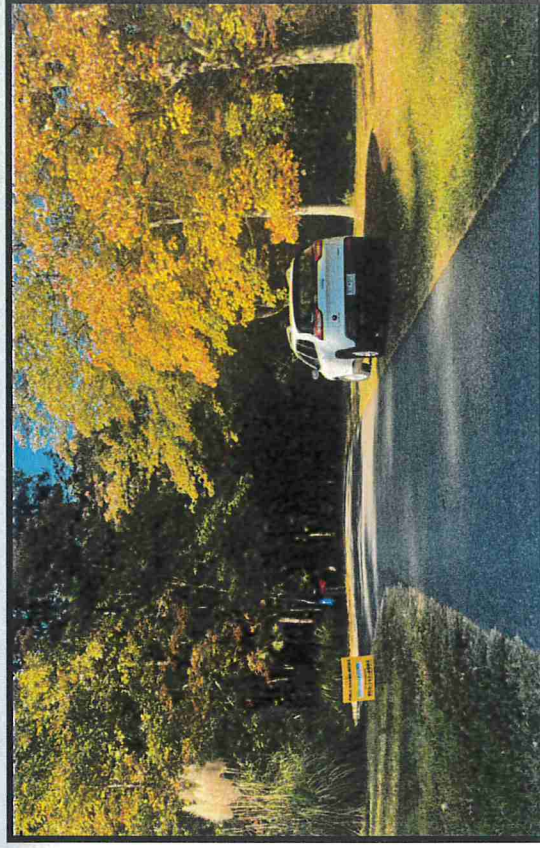
UDO Criteria and Site Information

- UDO Section 6.4.1.D.1:

Maximum Length: 800 feet, measured from the point of street centerline intersection to the center point of the cul-de-sac, and no more than 20 lots.

- *Parcels accessed via Green Pond Road: 51 parcels*
- *Length of Green Pond Road: 5,580 Feet (1.06 Miles)*

Location Photos



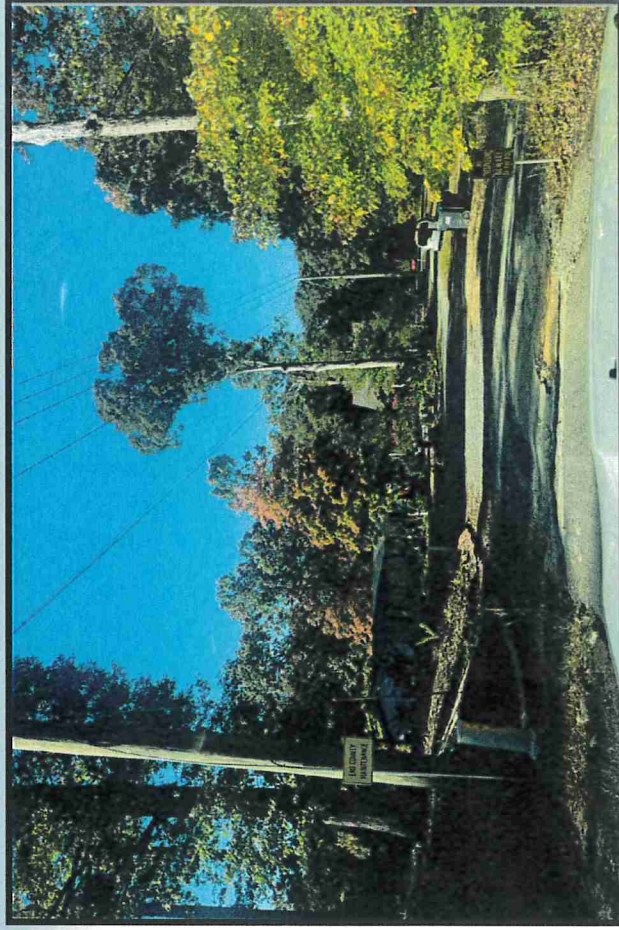
Looking East on Green Pond Rd.
(Subject parcel on the right)

Site Analysis



- **Road Width: Varies**
 - Locations measured on site: 10' 6" and 12'
- **Width of Fire Truck Including Mirrors: 10'**
- **Width of Average Car: 5'8"**
- **Width of an F150: 6'7"**

Location Photos



5. Public Items

c. Continental Tire

Application by Continental Tire the Americas, LLC for a variance from UDO Section 7.4.5.A: maximum size of wall signs. Location: 1749 MacMillan Park Drive, Fort Mill SC 29707 (TM# 0007-00-008.07).

Overview

Proposal

- Variance from Unified Development Ordinance Section 7.4.5.A (Max. size of wall signs)

Site Information

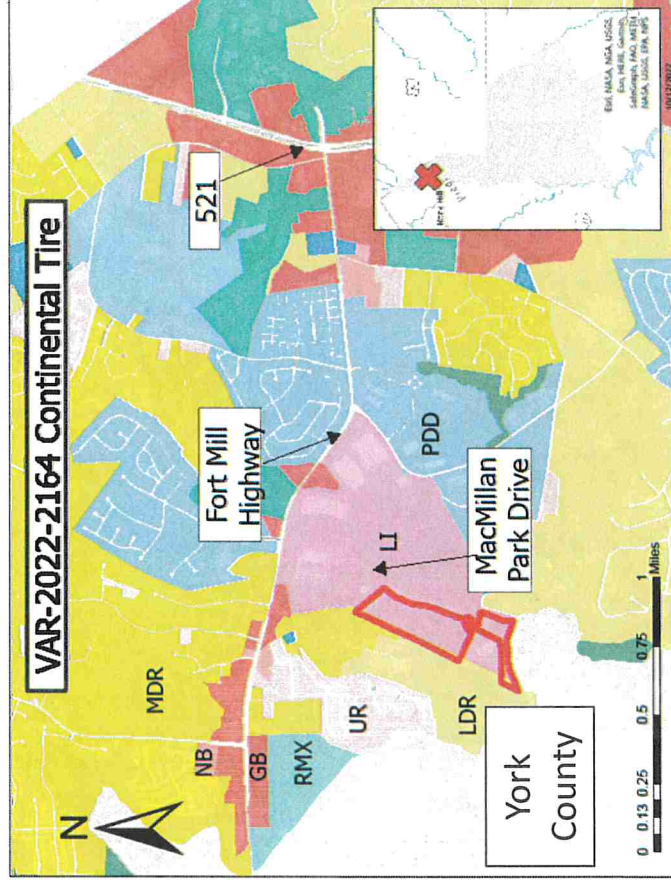
- Located on 1749 MacMillan Park Drive
- Property is approximately 32.8 acres

Zoning District

- Light Industrial Zoning District

Applicant/Owner

- Continental Tire



Current Sign Area Requirements

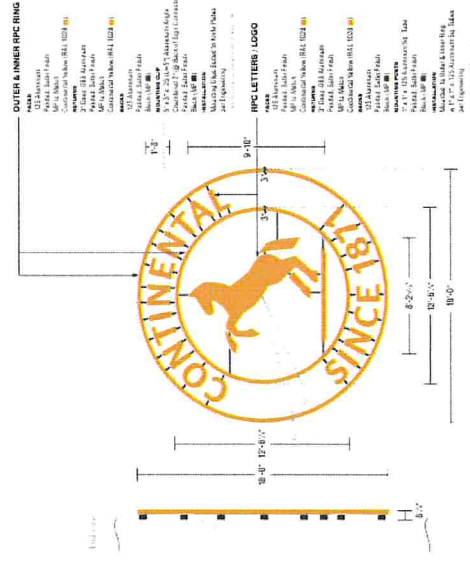
• (UDO) Section 7.4.5.A

A. ATTACHED SIGN STANDARDS

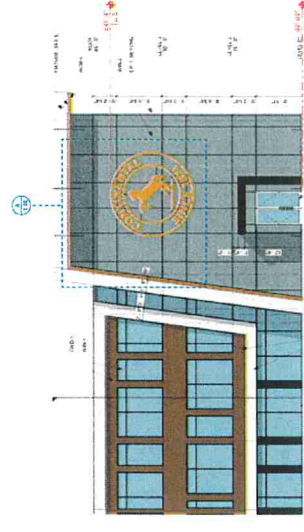
A. Wall Signs	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number
	AR, RR, RN, LDR, MDR, HDR, UR, RUB, PB, HDR (non-residential uses only, but not Home Occupations)	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum	No sign shall extend above the roofline	12 inch maximum protrusion	None. May not exceed maximum calculated square footage on any wall (cannot move allotment from one wall to another)
	NB, INS, RMX, MX, IMX	30 sq ft OR 1 sq ft per linear ft of building wall, whichever is greater. 50 sq ft building maximum.			
	LI, HI, GB, RB	50 sq ft OR 1sq ft per linear ft of building wall, whichever is greater. 75 sq ft building maximum.			

Proposed Variance

- The subject property is eligible for a 75 Sq Ft. area sign size.
- Proposed sign would measure, approximately 18 feet by 18 feet (325 Sq Ft.)
- 333% increase in maximum sign area in the LI zoning district.
- Building height from ground to the roof is 45 feet
- The total length of the building front is 226.5 feet
- Angled portion of the building front that the sign would rest upon is 83.25 feet



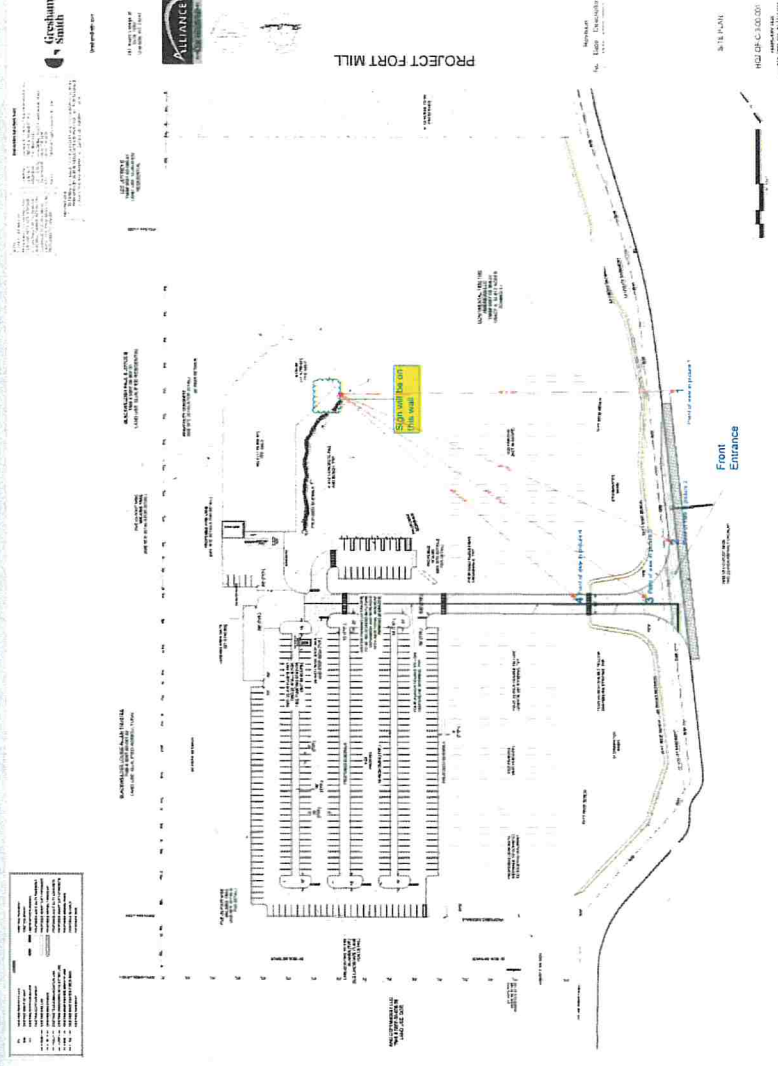
75 Sq Ft Sign Representation



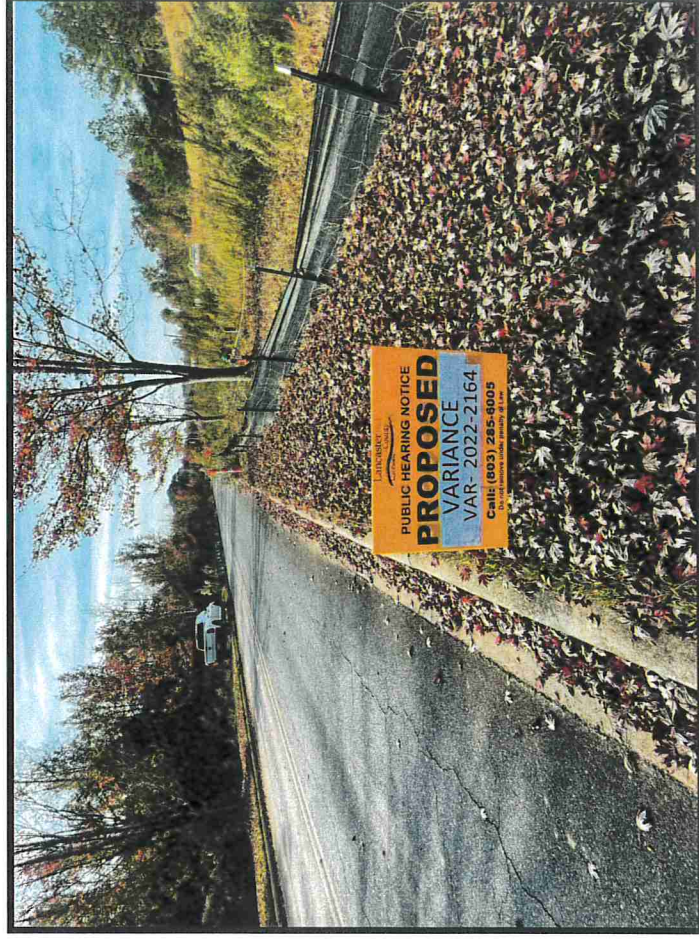
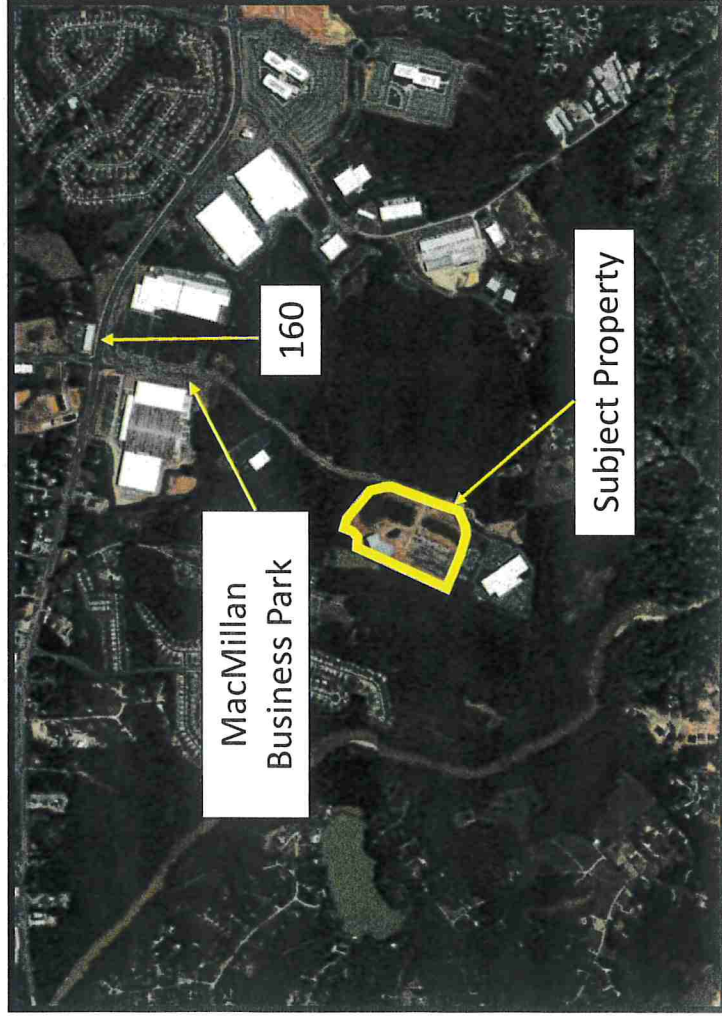
Architectural rendering of the building facade showing the proposed sign placement on the roof. The sign is a large, circular, illuminated sign with a horse logo and text. The building is a modern, multi-story structure with large windows and a flat roof.

Proposed Variance

- Building is 500 feet away from MacMillan Park Road
- Currently under construction for development of a 30,600 Sq Ft. building and related improvements.

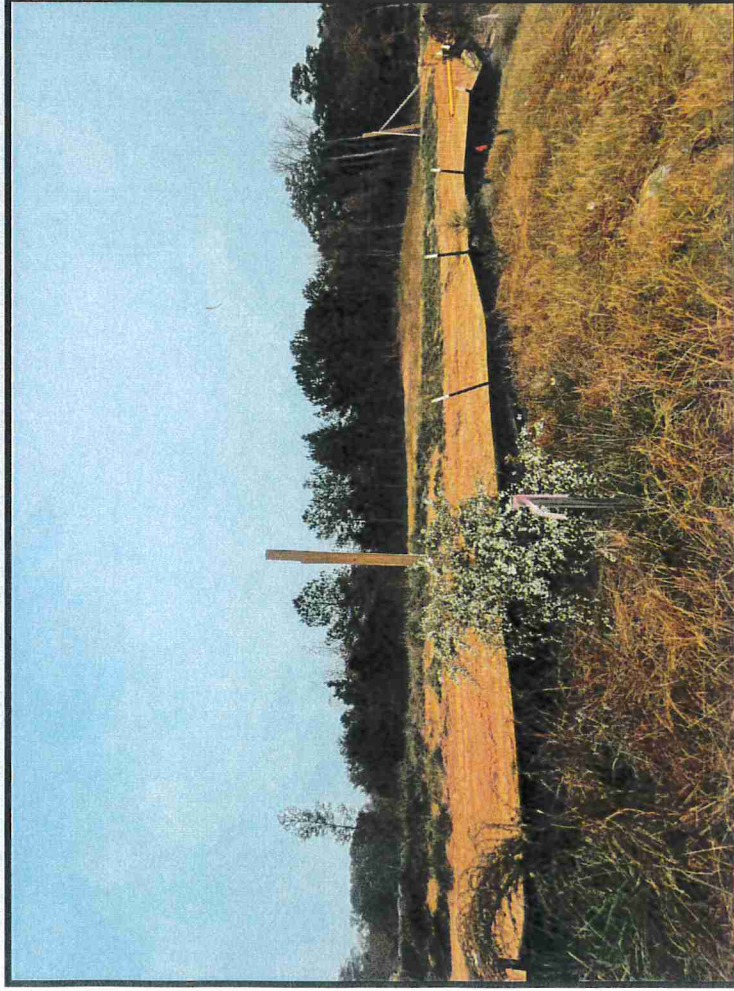


Location Photos



Facing South on MacMillan Road

Location Photos



Subject Property from MacMillan Road



Project site and proposed sign location

Visibility

- Supporting documents provided by the applicant displays the sign location is not visible from MacMillan Park Road
 - Only visible from when you enter the future parking lot area
 - Outlined in the photos 1-4
 - Confirmed by staff
- Visibility of the site from MacMillan Park Road will change once the tree coverage is removed with construction of the proposed parking lot and storm water basins

6. New Business

- a. Overview of Next Month's Agenda
- b. Other

7. Adjourn