

Board of Zoning Appeals Members

District 1: Beverly Williams
District 2: Kemesha Lowery
District 3: Keye Jones
District 4: Miller DeVenny
District 5: Sheresa Ingram
District 6: Mike Couch
District 7: Frances Liu, Chair

**County Attorney**

John K. DuBose III

Clerk to Board of Zoning Appeals

Jennifer Bryan

Development Services Director

Rox Burhans

August 3, 2021

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY BOARD OF ZONING
APPEALS**

**County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

AGENDA

- 1. Call to Order Regular Meeting - Chair**
- 2. Roll Call**
 - a. Election of Officers 2021-2022
Election of Officers 2021-2022
- 3. Approval of the Agenda - Board of Zoning Appeals**
- 4. Citizen's Comments**

[Lancaster County welcomes comments and input from citizens who may not be able to attend meetings in person. Written comments may be submitted via mail to ATTN: Jennifer Bryan, Post Office Box 1809, Lancaster, SC, 29721, by email to Jennifer Bryan at jbryan@lancastersc.org or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancastersc.org/>. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

5. Approval of Minutes

- a. April 6, 2021 BZA Minutes

6. Public Hearing Items

- a. VAR-2021-1623, Hanson
Application by Haydee and Donald Ray Hanson, requesting a variance from Unified Development Ordinance Section 2.4, footnote 1. The subject property is located at 3068 Arches Bluff Circle, Lancaster, SC (TM# 0019J-0A-343.00) in the Medium Density Residential (MDR) District.
- b. VAR-2021-1624, Roney
Application by Lori O. and James D. Roney, requesting a variance from Unified Development Ordinance Section 5.2.7.C.2. The subject property is located at 0 Cedar Pines Lake Road, Lancaster, SC (TM# 0063-00-054.01) in the Manufactured Housing (MH) District.

7. **New Business**

- a. Withdrawal of VAR-2021-0490
Withdrawal of VAR-2021-0490 Chick-Fil-A

8. **Adjourn**

Please note that the Board of Zoning Appeals makes the final decision on all items.

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Board of Zoning Appeals agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org

*Meetings are live streamed and can be found by using the following link:
<https://www.youtube.com/channel/UCgSlMrcYjcYcu1m-e6TV54w>*

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/3/2021

Issue for Consideration:

Points to Consider:

Recommendation:

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/3/2021

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description

April 6, 2021 BZA Minutes

Upload Date

7/27/2021

Type

Exhibit

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

APRIL 6, 2021, 6:00 PM

1. Call to Order

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

2. Roll Call

Board Members present:

Frances Liu	Mike Couch	Miller DeVenny
Keye Jones	Kemesha Lowery	

Absent: Beverly Williams

*No appointment has yet been made to replace Darrell Reid for District 5.

Staff: Robert Tefft, Planner

Jennifer Bryan, Administrative Assistant acted as Clerk and Recording Secretary

Council Clerk Sherrie Simpson was present in an advisory capacity.

Others Present:

County Attorney Dubose

Arthur Porter (representing applicant Chick-Fil-A)

Hunter Thompson (in support of applicant)

Members of the press were not present. All adjacent property owners were notified by certified mail. A notice was published in the local newspaper to include meeting place, date, time and the agenda and a copy on file.

3. Approval of Agenda

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

4. Citizen's Comments: No citizens signed in to speak. No written comments were submitted.

5. Approval of Minutes from March 2, 2021

Chair Frances Liu asked if there were any comments, changes or corrections to the Minutes of the March 2, 2021 meeting. Mike Couch moved to approve minutes as written, seconded by Kemesha Lowery. Keye Jones abstained as not being present for the March 2 meeting.

The remaining four Board members voted unanimously to approve and adopt the March 2, 2021 minutes.

6. Public Hearing Items

a. VAR-2021-0490 Chick-Fil-A

Application by Esencia Architecture requesting a variance from Unified Development Ordinance Section 2.4. The subject property is located at 10032 Charlotte Highway, Indian Land, SC (TMS 0005-00-102.06) in the Regional Business (RB) District.

Staff presentation: Robert Tefft, Senior Planner

Applicant: Chick-Fil-A (Indian Land) statement signed by applicant Arthur Porter

Speaking For: Arthur Porter (Indian Land franchisee).

Hunter Thompson (Lancaster franchisee)

Speaking Against: None

Discussion concerning technical questions on possible architectural changes to plan led to applicant requesting that further discussion be deferred to a future meeting when architects could be present.

Mike Couch moved to continue item to May 2021 meeting. Motion seconded by Miller DeVenny. The motion was approved by unanimous consent.

[Note: May and June Board of Zoning Appeals Meetings were cancelled. The item was deferred to July 2021 by request of applicant; and application was ultimately withdrawn. See attached email]

7. New Business

No new business was presented, other than deferral of Chick-Fil-A variance to May meeting.

8. Adjournment:

With there being no further business, Mike Couch moved to adjourn; motion seconded by Kemesha Lowery. The motion was approved by unanimous consent.

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/3/2021

Issue for Consideration:

Points to Consider:

See Staff Report.

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	7/15/2021	Planning Staff Report
Ex 1: Application	7/7/2021	Exhibit
Ex 2: Location / Zoning Map	7/7/2021	Exhibit
Ex 3: Property Report	7/7/2021	Exhibit
Ex 4: Deed	7/7/2021	Exhibit
Ex 5: Public Comment - Steve Patton	7/27/2021	Exhibit
Ex 6: Public Comment - Tree Tops HOA	7/27/2021	Exhibit

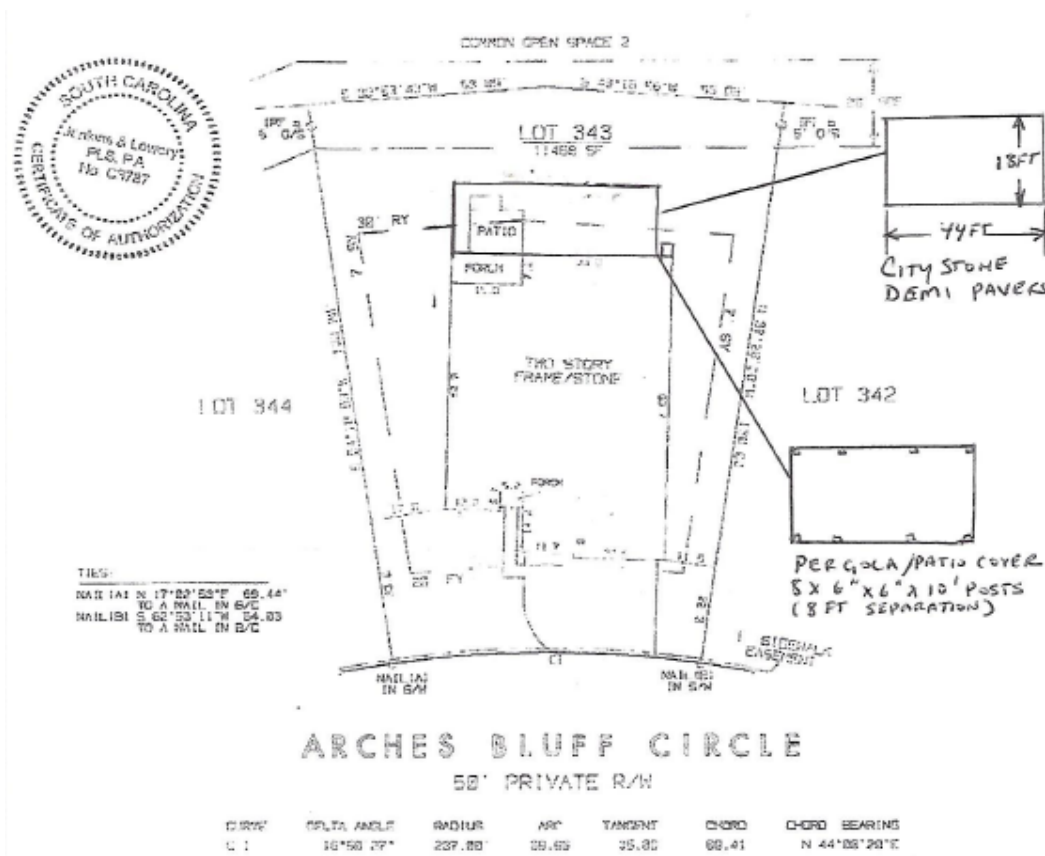
REQUEST:	Application by Haydee and Donald Ray Hanson, requesting a variance from Unified Development Ordinance Section 2.4, footnote 1.
PROPERTY LOCATION:	3068 Arches Bluff Circle, Lancaster, SC
TAX MAP NUMBER:	0019J-0A-343.00
ZONING DISTRICT:	Medium Density Residential (MDR) District; Cluster Subdivision Overlay (CSO) District
AGENT:	Morton & Gettys, LLC (J. Nathaniel Pierce, Esq.)

OVERVIEW:

Background

The subject property is approximately 0.263 acres in size and is located on the south side of Arches Bluff Circle, approximately 80 feet east of Acadia Falls Lane within the Tree Tops subdivision. The property (and subdivision) is zoned Medium Density Residential (MDR) District and was developed under the Cluster Subdivision Overlay (CSO) District provisions. The subject property consists of a 3,087 square foot residence with a porch/ pergola at the rear of the residence which is presently under construction.

On December 16, 2020, the property owners applied for a building permit (#202004373) to construct an 18' x 44' pergola/patio (depicted below). This permit was issued on December 30, 2020.



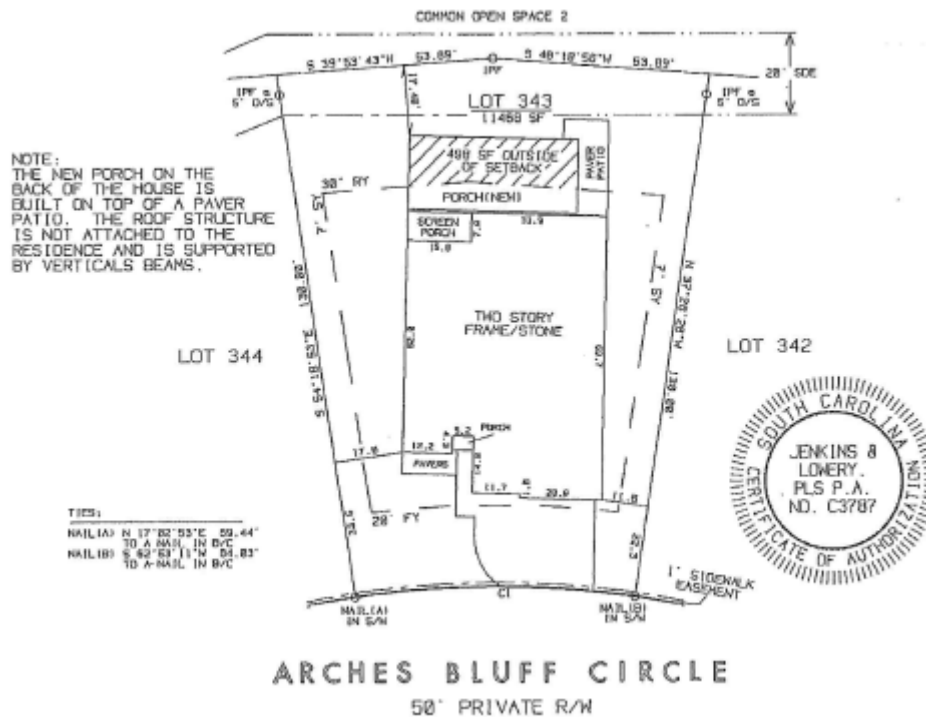
On May 25, 2021, the County issued a Notice of Violation (NOV) to the property owners with the following summarized violation:

Violation Summary: Setbacks due to the size of the structure is larger than what was submitted on the application.

Subsequently, Lancaster County Zoning and Building Department staff met with the property owners to discuss the code issue. It was noted that the application and plan review did not reflect what the property owner had built on site. It was suggested by County staff that the structure be scaled back to meet minimum setback requirements as over 400 extra square feet had been built from what the permit stated and the roof was solid not a staggered pergola roof.

Following this meeting, the property owner submitted a variance application in order to finish construction/maintain this porch/pergola. According to the drawings submitted as part of this application, the porch/pergola, as currently constructed, measures 18' x 44' (792 square feet) and is located 17.4' from the rear property line (depicted below).

Pursuant to Unified Development Ordinance (UDO) Section 2.4, footnote 1, accessory structures over 600 square feet must comply with the principal setback requirement. Therefore, the porch/pergola is required to meet the 30' principal rear setback requirement for the Cluster Subdivision Overlay (CSO) District; however the structure is 12.6' within this setback. The property owners are seeking a variance from UDO Section 2.4, footnote 1, to not have to comply with the 30' rear setback requirement for the principal structure, but instead have to comply with the 5' rear setback for accessory structures as also set forth in UDO Section 2.4



Summary of Adjacent Zoning and Uses

	Zoning District	Use
North	MDR	Single-Family Detached Dwelling
South	MDR	Open Space
East	MDR	Single-Family Detached Dwelling
West	MDR	Single-Family Detached Dwelling

Public Comment:

Staff has received two emails in opposition to this variance request. Copies of these emails are attached to this staff report.

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section 2.4, District Development Standards

STANDARD	Medium Density Residential (MDR)
3. PRINCIPAL BUILDING	
A. Principal Front Setback (min)	30 ft
B. Street Side/Secondary Front Setback (min)	15 ft
C. Side (from adjacent lot) Setback (min)	10 ft
D. Rear Setback (min)	25 ft
E. Other Standards	n/a
4. ACCESSORY STRUCTURE	
A. Side Setback	5 ft
B. Rear Setback	5 ft
C. Other Standards	See Below (1, 2)

1. Accessory structures over 600 sf must comply with principal setback requirement.
2. No accessory structures may be located on corner lots between the street and wall line of the principal structure.
3. No accessory structures may be located on corner lots between the street and wall line of the principal structure, unless front setback requirements are provided on both streets.
4. For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.
5. Any development/subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.

UDO Section 4.4.1, Cluster Subdivision Overlay District (CSO)

E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback shall be 20 feet. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

UDO Section 9.2.12.A, Purpose/Limitations

1. **Purpose:** The variance process administered by the Board of Zoning Appeals is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.
2. **Financial Hardship Not Sufficient Ground for Variance:** It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development.
3. **Use Variances Not Permitted:** In no event shall the Board of Zoning Appeals grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question. Nor shall the Board grant a variance which would allow the establishment of a use set forth herein as requiring certain conditions or standards under conditions or standards less than those minimums.
4. **Authority Limited to this Ordinance/ Conflicts with other Laws Prohibited:** In no event shall the Board of Zoning Appeals grant a variance which would conflict with the International Building Code, as amended, or any other state code unless otherwise authorized by duly enacted applicable laws and regulations.

UDO Section 9.2.12.C.2, Standard of Review

- a. **General Variance Requests:** The Board of Zoning Appeals shall not grant a variance unless and until it makes all of the following findings:
 - i. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance;
 - 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;
 - 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;
 - iv. That the variance will not materially diminish or impair established property values within the surrounding area;
 - 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;
 - vi. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit;
 - vii. That the variance is the minimum necessary to afford relief; and
 - viii. That the public health, safety and general welfare have been assured and substantial justice has been done.
-

ATTACHMENTS:

1. Variance Application
2. Location / Zoning Map
3. Property Report
4. Deed
5. Public Comment – Steve Patton
6. Public Comment – Tree Tops HOA

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net | 803-416-9394



**BOARD OF ZONING APPEALS
VARIANCE APPLICATION**

IF YOU REQUIRE ASSISTANCE WITH THIS APPLICATION, PLEASE CONTACT OUR OFFICE AT 803-416-9777. THE COMPLETED APPLICATION, THE APPLICATION FEE OF \$325.00, AND ALL ADDITIONAL MATERIALS ARE REQUIRED TO BE SUBMITTED.

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

PROPERTY INFORMATION:

TAX MAP NUMBER: 0019J-0A-343.00
STREET ADDRESS: 3068 Arches Bluff Circle
CITY/ STATE/ ZIP CODE: Lancaster, South Carolina 29720
LOT DIMENSIONS/ LOT AREA: 1.0 Acre PLAT BOOK/PAGE: Plat Book 2016, Page 280
CURRENT ZONING CLASSIFICATION: MDR: Medium Density Residential

PROPERTY OWNER OF RECORD:

NAME: Donald Ray Hanson and Haydee Hanson
ADDRESS: 3068 Arches Bluff Circle
CITY/STATE/ZIP CODE: Lancaster, SC 29720 TELEPHONE/FAX NUMBER: 1-949-374-4198
EMAIL ADDRESS: _____
SIGNATURE OF OWNER/ DATE: _____

**I HAVE APPOINTED THE INDIVIDUAL OR FIRM LISTED BELOW AS MY REPRESENTATIVE IN CONJUNCTION WITH THIS MATTER
RELATED TO THE BOARD OF ZONING APPEALS.**

AGENT OF OWNER:

NAME: Morton & Gettys, LLC; J. Nathaniel Pierce, Esq.
ADDRESS: 331 E. Main Street, Suite 300
CITY/STATE/ZIP CODE: Rock Hill, SC 29730 TELEPHONE/FAX NUMBER: (803) 984-0966
EMAIL ADDRESS: nate.pierce@mortongettys.com
SIGNATURE OF AGENT/ DATE: *J. Nathaniel Pierce* 7/2/21
SIGNATURE OF OWNER/ DATE: *Donald R. Hanson* 7/2/21 / *Haydee Hanson* (7/2/21)

VARIANCE APPLICATION

DATE FILED: _____ APPLICATION NO. _____

1. APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FOR A VARIANCE FROM THE STRICT APPLICATION TO THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) OF THE FOLLOWING PROVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE:

See addendum attached.

SO THAT A ZONING PERMIT MAY BE ISSUED TO ALLOW USE OF THE PROPERTY IN A MANNER SHOWN ON THE ATTACHED PLOT PLAN, DESCRIBED AS FOLLOWS:

See addendum attached.

FOR WHICH A ZONING OFFICIAL HAS DENIED A PERMIT ON THE GROUNDS THAT THE PROPOSAL WOULD BE IN VIOLATION OF THE CITED SECTION (S) OF THE UNIFIED DEVELOPMENT ORDINANCE.

See addendum attached.

2. THE APPLICATION OF THE ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND THE STANDARDS FOR A VARIANCE SET BY STATE LAW AND THE ORDINANCE ARE MET BY THE FOLLOWING FACTS:

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

See addendum attached.

- 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;

See addendum attached.

- 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;

See addendum attached.

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

See addendum attached.

- 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;

See addendum attached.

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

See addendum attached.

- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND

See addendum attached.

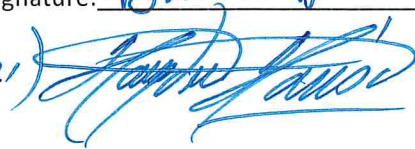
- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE

See addendum attached.

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS APPLICATION: (A PLOT PLAN MUST BE SUBMITTED) Exhibits A, B, C, and D, referenced above.
-

Date: 7/2/21

Applicant Signature: _____


(7/2/2021) 

Addendum to Lancaster County Board of Zoning Appeals Variance Application

Donald & Haydee Hanson

3068 Arches Bluff Circle, Lancaster, South Carolina 29720

1. The applicants appeal to the Board of Zoning Appeals (“BZA”) for a variance from the strict application of Section 2.4, footnote 1 of the Lancaster County Unified Development Ordinance (“UDO”).

The applicants seek to use their property in the manner depicted on the attached plot plan, attached to this Application as Exhibit A. Responding further, the applicants seek to construct, or to maintain an already constructed, porch/ pergola. The applicants applied for and received a building permit with Lancaster County and constructed the porch/ pergola according to the submitted plans. It was not until after substantial completion of the construction that the applicants were made aware of any issue regarding the setbacks enumerated in Section 2.4 of the UDO.

The applicants received the Notice of Violation, attached as Exhibit B, from Jeff Mullis of Lancaster County Code Enforcement. While Section 2.4 of the UDO is not specifically referenced, the noted violation is described as “[s]etbacks due to the size of the structure is larger than what was submitted on the application.”

2. (i) There are practical difficulties and unnecessary hardships in the way of carrying out the strict letter of this ordinance. The applicants have substantially completed the porch/ pergola and, due to inflated material prices, have spent a great deal of money to do so – approximately \$56,000.00. The applicants filed for and received a building permit from Lancaster County. The applicants’ application for their building permit is attached as Exhibit C. On two separate documents in their application, the applicants referenced the dimensions of their proposed structure as 18’ x 44’. On one of these documents, the contractor hired by applicants noted the square footage as “580 approximate sf.” However, a simple calculation of the stated dimensions shows this structure would exceed 600 square feet. Despite this, Lancaster County issued a permit and went through five physical inspections before noting any issue with the rear setback. In order to comply with the strict letter of the ordinance, the applicants will be required to completely tear down and rebuild the porch/ pergola. Given the applicants’ compliance with the building procedures, it would be inequitable, impractical, and unduly burdensome to require the removal of the porch/ pergola at this time.
- (ii) If applicants comply with section 2.4, they will be denied the reasonable use of their property. As referenced above, the applicants have followed the prescribed Lancaster County procedures in constructing the porch/ pergola. In order to comply with section 2.4, the applicants will either need to tear down and re-build the porch/ pergola or reduce the

square footage of the porch/ pergola by approximately 203 square feet, at an estimated cost of \$15,000.00. It is not reasonable to deny the applicants the full use of their porch/ pergola due to an administrative oversight in the permitting phase of this construction project.

(iii) There exist special conditions and circumstances which are peculiar to this structure at issue that are not, upon information and belief, applicable to other structures located in the same development district. While this structure does not comply with section 2.4 of the UDO, it was constructed pursuant to Lancaster County approval. A permit was issued and Lancaster County inspectors visited the property five times prior to any setback issue being raised. This constitutes a special circumstance that does not exist in the same development district.

(iv) The variance will not materially diminish or impair established property values within the surrounding area. The applicants' applied for and received approval for their porch/ pergola from the Tree Tops Homeowners Association, Inc. ("HOA") on November 19, 2020. A copy of the approval letter is attached as Exhibit D. In the letter, the HOA states the project was "granted on the aesthetics" Further, the HOA thanks the applicants for "adhering to the architectural guidelines of the community." Further, the addition of the porch/ pergola should have a positive effect on the values of the surrounding homes, as the value of the Hanson's house has almost certainly increased.

(v) The special conditions that exist with regard to the porch/ pergola do not result from the actions of the applicant. While this structure does not comply with section 2.4 of the UDO, it was constructed pursuant to Lancaster County approval. A permit was issued and Lancaster County inspectors visited the property five times prior to any setback issue being raised. The applicants relied on their contractor and the County officials they dealt with in deciding to proceed with the construction of the porch/ pergola. Had the applicants been aware from the outset they were in violation of the setback requirement, they would have altered course.

(vi) The requested variance is in harmony with the general purpose of the ordinance and preserves its spirit. Setback requirements exist, primarily, to maintain safe and comfortable distance between homes. The rear property line of the applicants' lot, the setback from which is at issue here, backs up to a tree-covered berm that runs along a road. There is no home on the other side of the rear setback line whose footprint will be encroached upon. Further, the porch/ pergola does not violate the side setbacks, and it does not expand the lateral footprint of the home. The spirit and purpose of Section 2.4 is preserved.

(vii) The requested variance is the minimum necessary to afford relief. The applicants built their porch/ pergola to the dimensions that initially represented to Lancaster County in their permit application. The structure as built sits approximately 8 feet inside the rear setback line. Applicants seek only such a variance as necessary to bring their completed porch/ pergola into compliance.

(viii) As described above the requested variance does not negatively impact the public health, safety, or general welfare. The spirit of Section 2.4, intended to promote safety and general welfare, is preserved given the property abutting the applicants' rear property line. The HOA, the entity tasked with protecting the welfare of the neighborhood, has signed off on the porch/pergola. Substantial justice would be done by granting the requested variance, as the applicants endeavored from the start to adhere to the policies and procedures in place in Lancaster County and were approved to proceed with the construction of the porch/pergola.

3. Exhibits A, B, C, and D, referenced above.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

P: TT343

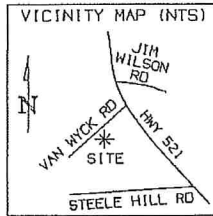
SIGNED

T. Anson Jenkins

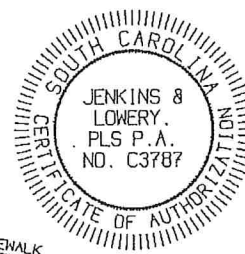
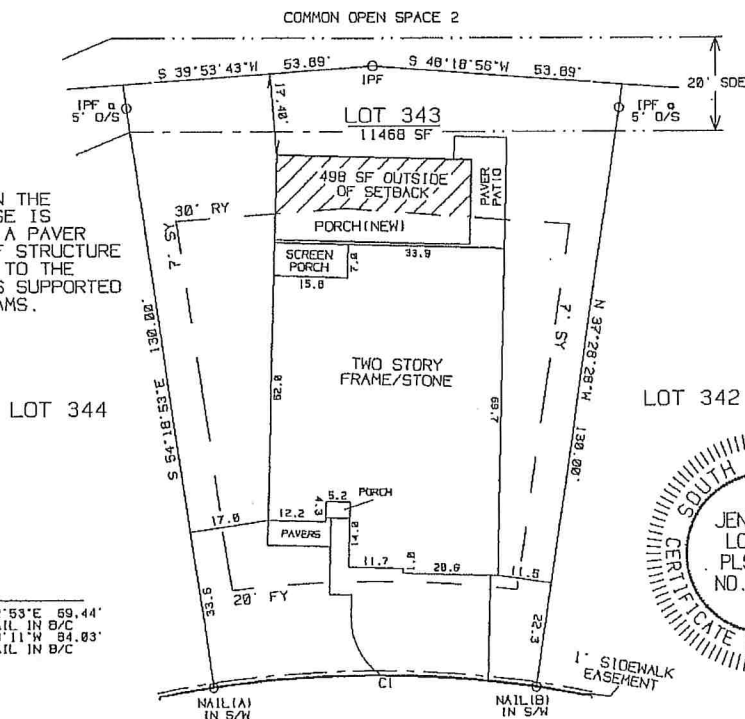
T. ANSON JENKINS SCPLS NO. 26601

DATED: JUNE 14TH, 2021

NOTE: TO CLERK OF COURT
THIS SURVEY CREATES NO NEW
LOTS OR PROPERTY LINES.



NOTE:
THE NEW PORCH ON THE
BACK OF THE HOUSE IS
BUILT ON TOP OF A PAVER
PATIO. THE ROOF STRUCTURE
IS NOT ATTACHED TO THE
RESIDENCE AND IS SUPPORTED
BY VERTICALS BEAMS.



TIES:
NAIL(A) N 17°02'53"E 59.44'
TO A NAIL IN B/C
NAIL(B) S 62°53'11"W 94.83'
TO A NAIL IN B/C

ARCHES BLUFF CIRCLE

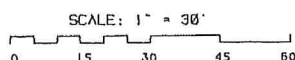
50' PRIVATE R/W

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	16°50'27"	237.80'	69.66'	35.08'	69.41'	N 44°06'28"E

NOTE: UTILITY EASEMENTS
5' EACH SIDE OF ALL LOT LINES.

NOTE: U.G. UTILITIES IN AREA
SERVING OTHER PROPERTIES
THIS PROPERTY MAY BE SUBJECT TO ANY
EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.
SEE RECORD MAP FOR FURTHER NOTES.

IPF - IRON PIN FOUND
IPS - IRON PIN SET
B/C - BACK OF CURB
O/S - OFFSET
PSDE - PUBLIC STORM DRAIN
EASEMENT
S.T. - SIGHT TRIANGLE
FY - FRONT YARD
SY - SIDE YARD
RY - REAR YARD
FPE - FLOOD PROTECTION ELEVATION



MAP RECORDED IN BOOK 2016
AT PAGES 280-284

PHYSICAL SURVEY

OF
3068 ARCHES BLUFF CIRCLE
LOT 343 OF TREE TOPS PHASE 1A PARTIAL MAP 1
INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C.
PROPERTY OF DON HANSON

JENKINS & LOWERY PLS. P.A.
P.O. BOX 1949
INDIAN TRAIL, NC 28079
PHONE: (704) 821-3350

EXHIBIT

tabbies

A

Lancaster County

South Carolina

May 25, 2021

Donald Hanson

3068 Arches Bluff Cir

RE: Notice of Violation (NOV)

Dear Mr. Hanson

Lancaster County Zoning Department was made aware of the porch/ pergola permitted. After a physical inspection of the site, Lancaster County has confirmed you are in violation of the Unified Development Ordinance (UDO) and the adopted International Building Code. The following will provide you with a summary of identified violations, however please be advised this is not intended to be an exclusive list as more violations may be identified as additional information becomes available.

Violation Summary: Setbacks due to the size of the structure is larger than what was submitted on the application.

UDO chapter 9 affords you the opportunity to request a hearing with the Administrator within the time prescribed for correction of the violations. You may also file an Appeal to this Notice of Violation/Order with the Board of Zoning Appeals within the same timeframe. You have thirty (30) days from the date of this letter to contact our office.

The fine for this could be up to 500.00 per day for everyday in violation. Please feel free to contact me using the information below should you have any questions regarding this NOV, if you wish to request an administrative hearing, and/or if you wish to file an appeal. Lancaster County Zoning staff also welcomes the opportunity to meet with you to help clarify the NOV.

Kindest regards,

Jeff Mullis

Jeff Mullis

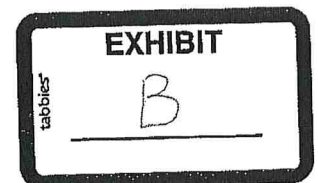
Lancaster County Code Enforcement

803-416-9449 direct

803-416-9777 office main

E mail: jmullis@lancastersc.net

Lancaster County Government | Development Services Division
101 N. Main Street, P.O. Box 1809, Lancaster SC 29721-1809
Phone: (803)416-9777
www.mylancastersc.org



Lancaster County

South Carolina
DEVELOPMENT SERVICES

101 N. MAIN STREET, P O BOX 1809, LANCASTER SOUTH CAROLINA, PHONE (803) 285-1969 EMAIL PERMITS@LANCASTERCOUNTYSC.NET

RESIDENTIAL PERMIT APPLICATION

Date: 12/14/2020

Permit Type (Please Check All that apply):						
Building w/zoning ☒	Demo ☐	Zoning Only ☐	Gas ☐	Plumbing ☐	Mechanical ☐	Electrical ☒
Interior Remodeling only ☐	Pool ☐	House Move ☐	Job Cost \$ approx. \$20,000			

- New building must provide well/septic approval or tap fee verification.

Address of Construction Location: 3068 Arches Bluff Circle Lancaster, SC 29720

Description of work: Freestanding covered wood pergola with cement footings per SC R403 - 20" deep - 8 (6"x6") wood posts in cement footings

Subdivision: Tree Tops - Lennar Homes Lot Number: 343 Parcel ID: 0019J - 0A-343.00

Other structure on property Main Home

Property Owner(s): Haydee and Donald Hanson Phone #: 949-374-4198

Mailing Address: 3068 Arches Bluff Cir Lancaster, SC 29720

Email: dhanson2120@gmail.com

Contractor: Owner SC Contractors License #: STATE LICENSE EXEMPTION REQUEST ATTACHED

Phone # _____ Address: _____

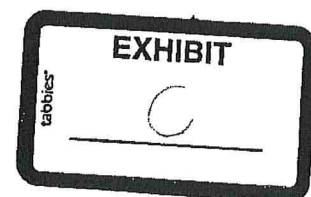
Email: _____

Electrical Sub: _____	SC License #: _____
Mechanical Sub: _____	SC License #: _____
Plumbing Sub: _____	SC License #: _____
Water provider: <u>LCWSD</u>	Electrical Provider: <u>York Electric Coop</u>
Sewer provider: <u>LCWSD</u>	Gas Provider: <u>LCNGA</u>

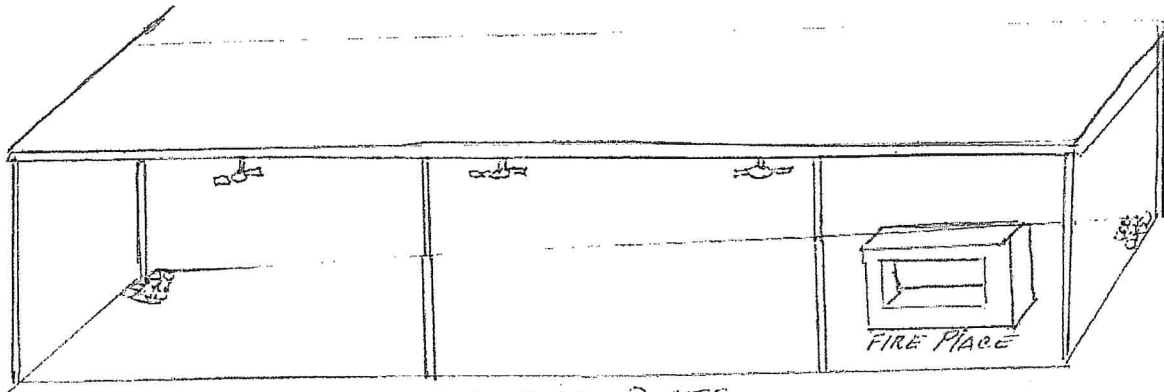
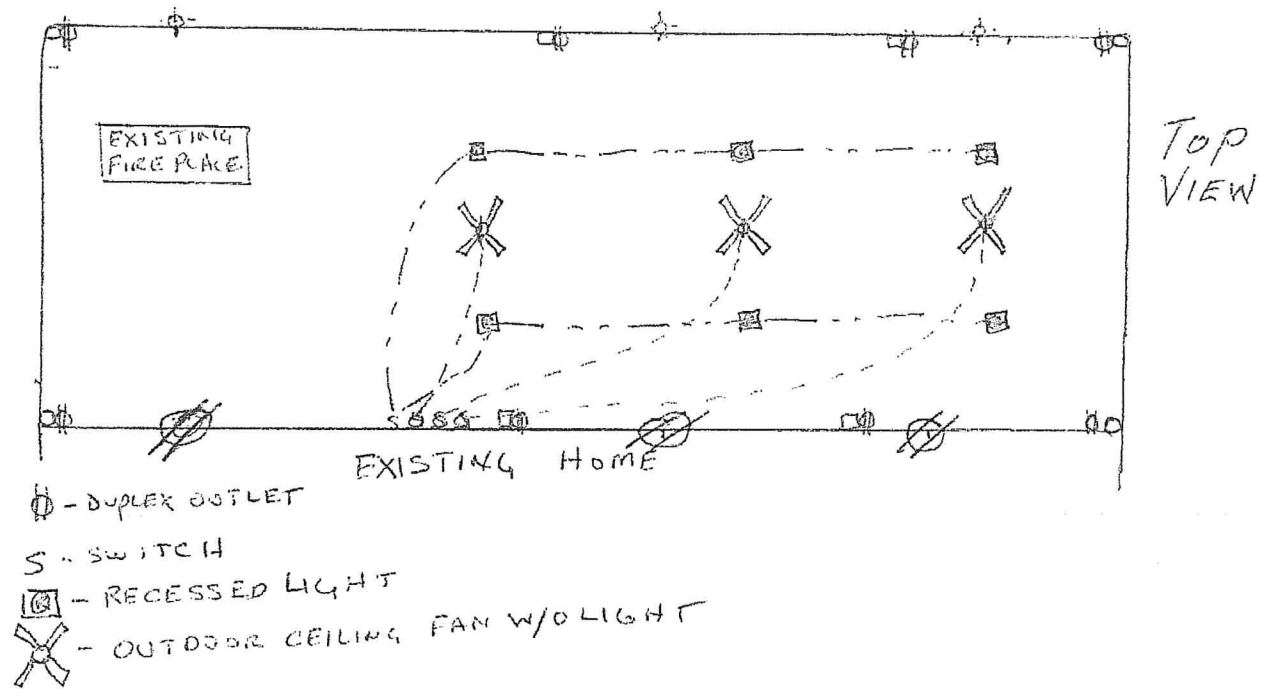
Heated Sq Ft _____	Unheated Sq Ft _____	Basement Sq Ft _____	Garage Sq Ft _____
Porch Sq Ft _____	Deck Sq Ft _____	Number of stories _____	Number of Bedrooms _____
Bathrooms _____	Heat source _____	Gas _____ (half pound or two-pound system)	Electric source _____
Water Type _____	Sewer Type _____		

Is this a part of a Homeowner Association? Yes/No, if yes please provide letter of approval.

***Acknowledgement of SC 6-29-1145: IS THIS TRACT OR PARCEL OF LAND RESTRICTED BY ANY RECORDED COVENANT THAT CONFLICTS WITH OR PROHIBITS THE ACTIVITY YES/NO?



ELECTRICAL WORK



8 - 6X6 WOODEN VINYLE CLAP POSTS

8 - CEMENT FOOTINGS PER SC R403
(20 INCHES DEEP FOOTING / BELOW FROST LINE)

OWNER / CONTRACTOR

Don R Ham 12/16/2020



State License Exemption Request For Homeowners
Lancaster County, South Carolina

Owner Builder Form To Act As Builder

State law requires residential construction in excess of two hundred dollars (\$200.00) in labor and material to be done by licensed builders and specialty contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of the property, to act as your own builder even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence. The building must be for your own use and occupancy. It may not be built for sale or rent. If you sell or rent a building you have built yourself within two years after construction is complete, the law will resume that you built it for sale or rent, which is a violation of this exemption. You may not hire an unlicensed person as your residential builder or specialty contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

To qualify for this exemption, you as the owner of the residential building or structure must promptly file as a matter of public record a notice with the Register of Deeds, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder. Failure to do so revokes the statutory exemption. By signing this form, you acknowledge receiving the "Disclosure Statement" required to be filed, your responsibility as outlined and will abide by all applicable laws, ordinances, building code and zoning code regulations.

Description of work: Installation of freestanding covered pergula

Address: 3068 Arches Bluff Circle Lancaster, SC 29720 TMS#

Owner(s) signature: _____

Printed Name(s): Haydee and Donald Hanson

Witness 1: _____

Witness 2: _____

Printed Name: Kathryn Easton

Printed name: Leigh Shipman

State of South Carolina

County of Lancaster

The foregoing instrument was acknowledged before me this date: 12-15-2020

By: Donald Hanson

(name of person acknowledged)

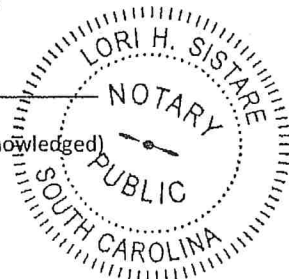
Sworn and subscribed before me this 15th day of December 2020

Lori H. Sistare

Notary Public for South Carolina

(Seal)

My Commission Expires: 12-31-2023



Acknowledgement of Asbestos RegulationsFederal and State Asbestos regulations require responsible parties to have SCDHEC licenses building inspector inspect regulated structures for the presence of asbestos and to obtain SCDHEC required project licenses. Please ensure that these requirements are met prior to conducting any abatement, renovations or demolition activities. Contact the SCDHEC Asbestos Section if you have any questions.

The homeowner acting as his/her own contractor assumes all risks, liability and the responsibility for the structural integrity of this structure and agrees to live in the home and not offer it for rent for a period of two years per the South Carolina Homeowner exemption. I further understand that the Development Services Department will not intervene in any dispute between the homeowner and contractor.

I understand that if this statement is found to be false then the permit issued pursuant to this application will be rendered null and void and the sole recourse of any one relying upon this permit in purchasing the property or in providing goods or services to the applicant or for the benefit of the property shall be against the applicant and not against Lancaster County who, pursuant to South Carolina Code 6-29-1145 is issuing the permit in reliance of this statement by applicant.

Any information provided on this document may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

X Haydee and Donald Hanson
Contractor/Agent Signature

X Haydee and Donald Hanson
Print

X Haydee and Donald Hanson
Property Owner Signature

X Haydee and Donald Hanson
Print

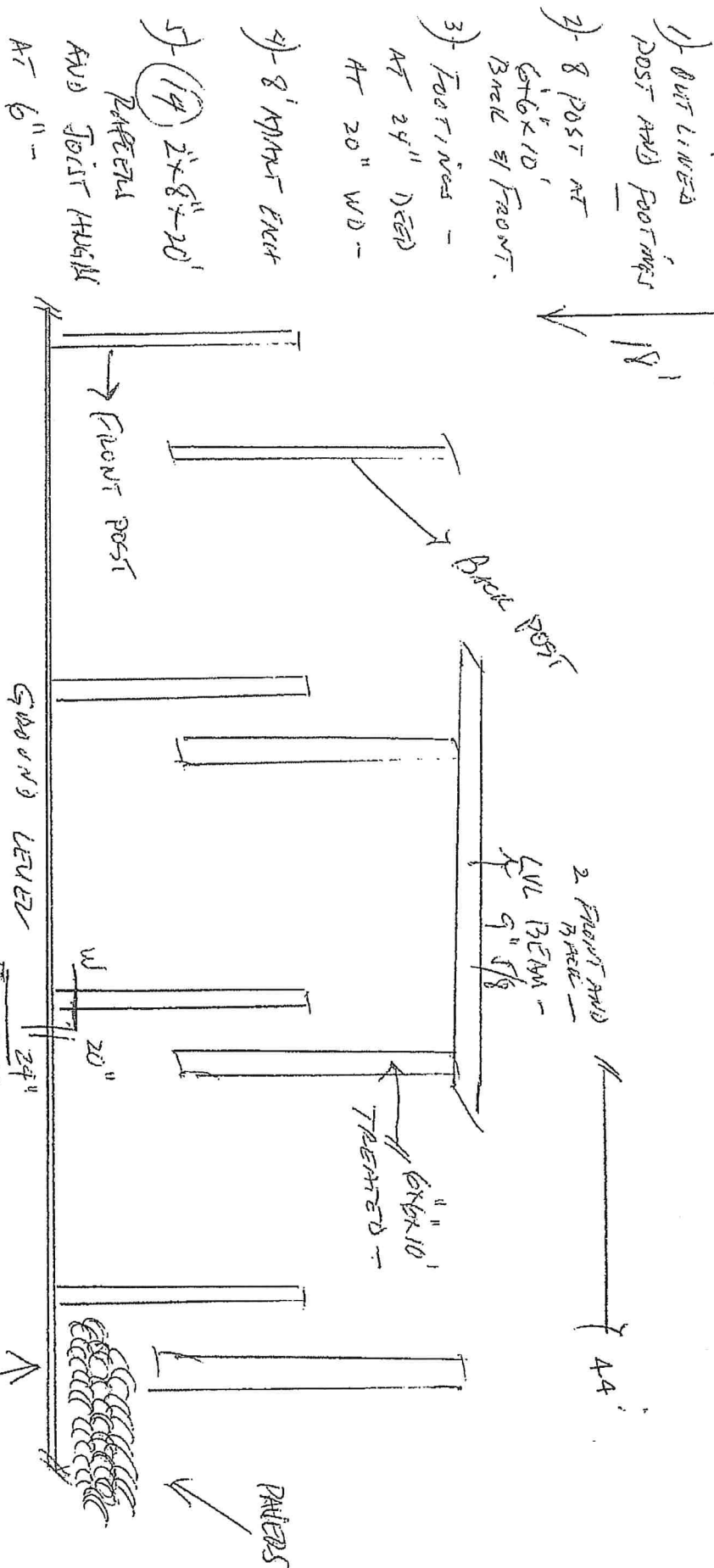
CONTRACTOR: JAMES ROORIGUES JR HOME RENOVATIONS HOUSE

EXISTING WALL

POB: DOB AND HAYRIDE
SOUTH CALIFORNIA

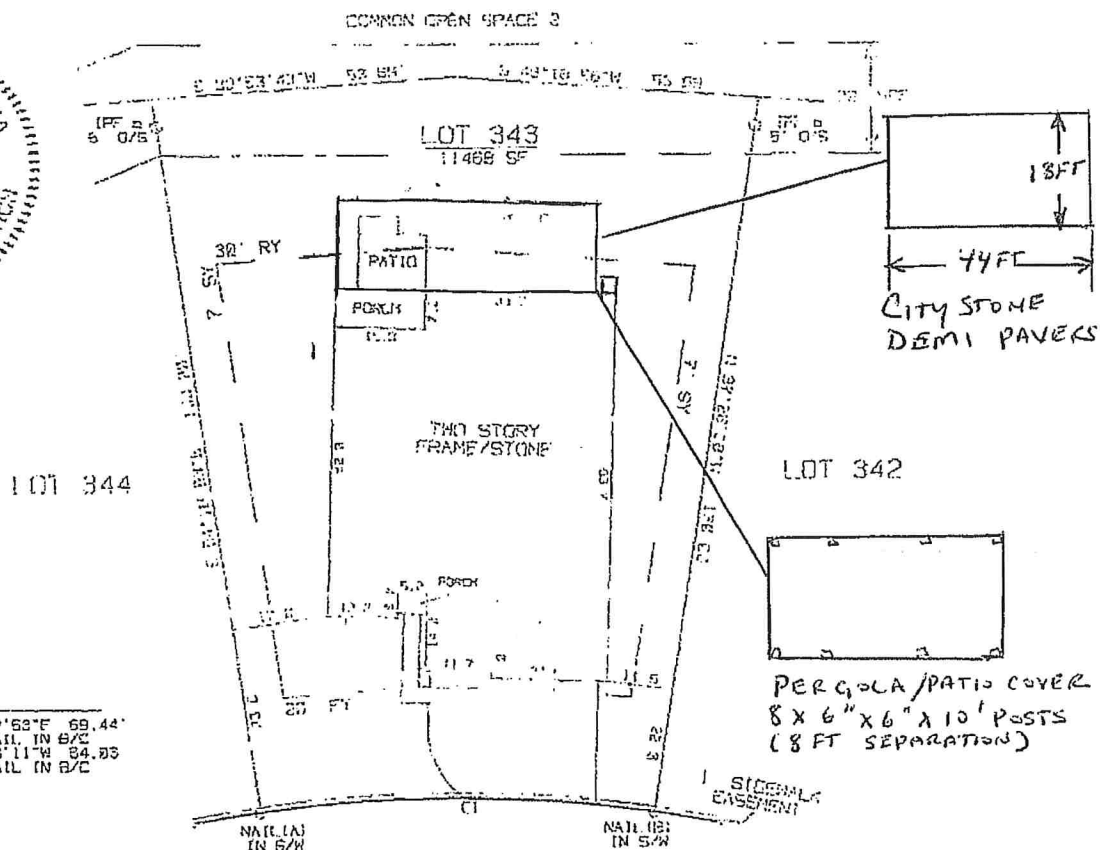
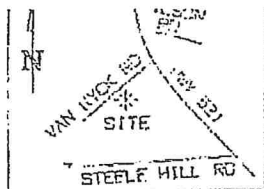
1441 WYLER RD - 944.374-4198

18' x 44' = 580 APPROXIMATE SF.



- 1) BUT LINES POST AND FOOTINGS
- 2) 8 POST AT 6' x 10' BACK OF FRONT.
- 3) FOOTINGS - AT 24" DEEP AT 20" WD -
- 4) 8' H/M/T ENCL
- 5) (14) 2' x 8' x 20' RAFTERS AND JOIST HULL AT 6" -
- 2) 3/2 LVL ON STRAIGHT STEEL NO JOINS JUST DOUBLE SCREWED 1/2"

- 6) PAVERS ON GROUND AND A CONCRETE WALL AT EDGE LEVELLED FOR SUPPORTIVE ALL PAVERS IN EDGE



TIES:
 NAIL (A) N 17°22'53"E 69.44'
 TO A NAIL IN B/C
 NAIL (B) S 62°33'11"W 84.93
 TO A NAIL IN B/C

ARCHES BLUFF CIRCLE

50' PRIVATE R/W

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
(1)	10°50'27"	237.88'	59.65	35.82	63.41	N 44°05'20"E

NOTE: UTILITY EASEMENTS
 5' EACH SIDE OF ALL LOT LINES

NOTE: U.G. UTILITIES IN AREA
 SERVING OTHER PROPERTIES
 THIS PROPERTY MAY BE SUBJECT TO ANY
 EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD
 SEE RECORD MAP FOR FURTHER NOTES.

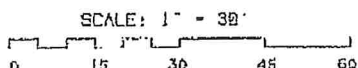
IPF - IRON PIN FOUND
 IPS - IRON PIN SET
 B/C - BACK OF CURB
 O/S - OFFSET
 PSDE - PUBLIC STORM DRAIN
 EASEMENT
 S.T. - SIGHT TRIANGLE
 F.Y. - FRONT YARD
 S.Y. - SIDE YARD
 R.Y. - REAR YARD
 FPE - FLOOD PROTECTION ELEVATION

PHYSICAL SURVEY

OF
 3068 ARCHES BLUFF CIRCLE
 LOT 343 OF TREE TOPS PHASE 1A PARTIAL MAP 1
 INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C.
 PROPERTY OF DON HANSON

MAP RECORDED IN BOOK 2016
 AT PAGES 280-284

JENKINS & LOWERY PLS. P.A.
 P.O. BOX 1949
 INDIAN TRAIL, NC 28079
 PHONE: (704) 821-5350



Tree Tops Homeowners Association, Inc.
1515 Mockingbird Lane
Charlotte, NC 28209

Donald Ray & Haydee Hanson
3068 Arches Bluff Circle
Lancaster, SC 29720

ARC APPROVAL

Reference: 3068 Arches Bluff Circle, Lancaster, SC 29720 | Request #: XN13676309

November 19, 2020

Dear Donald Ray & Haydee Hanson,

Your Request for an Architectural Modification on your property at 3068 Arches Bluff Circle has been approved by the Architectural Review Committee (ARC) of Tree Tops Homeowners Association, Inc. Specifically, you have approval to proceed with the following request as submitted:

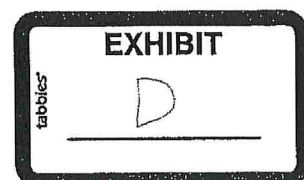
- Installation of CityStone Demi pavers in back of house in patio area. Installation of pergola/patio cover in back of house that will be freestanding and not attached to house.

Please note that the ARC may perform a final inspection once work is completed to ensure that your project is compliant with all CC&R's and that the Architectural Design Standards are applicable to your neighborhood. Please notify CAMS when work is completed to schedule the final inspection.

This approval is granted on the aesthetics of your project. The ARC does not take responsibility for, or infer by its approval, the project's structural soundness or that it meets any restricting state or local codes. Where applicable, all local building codes and setback requirements must be followed. If a building permit is required, applications must be submitted to your local planning and inspections department.

Thank you for adhering to the architectural guidelines of the community.

Sincerely,
Tree Tops Homeowners Association, Inc.



Location Map

Map Date: July 7, 2021

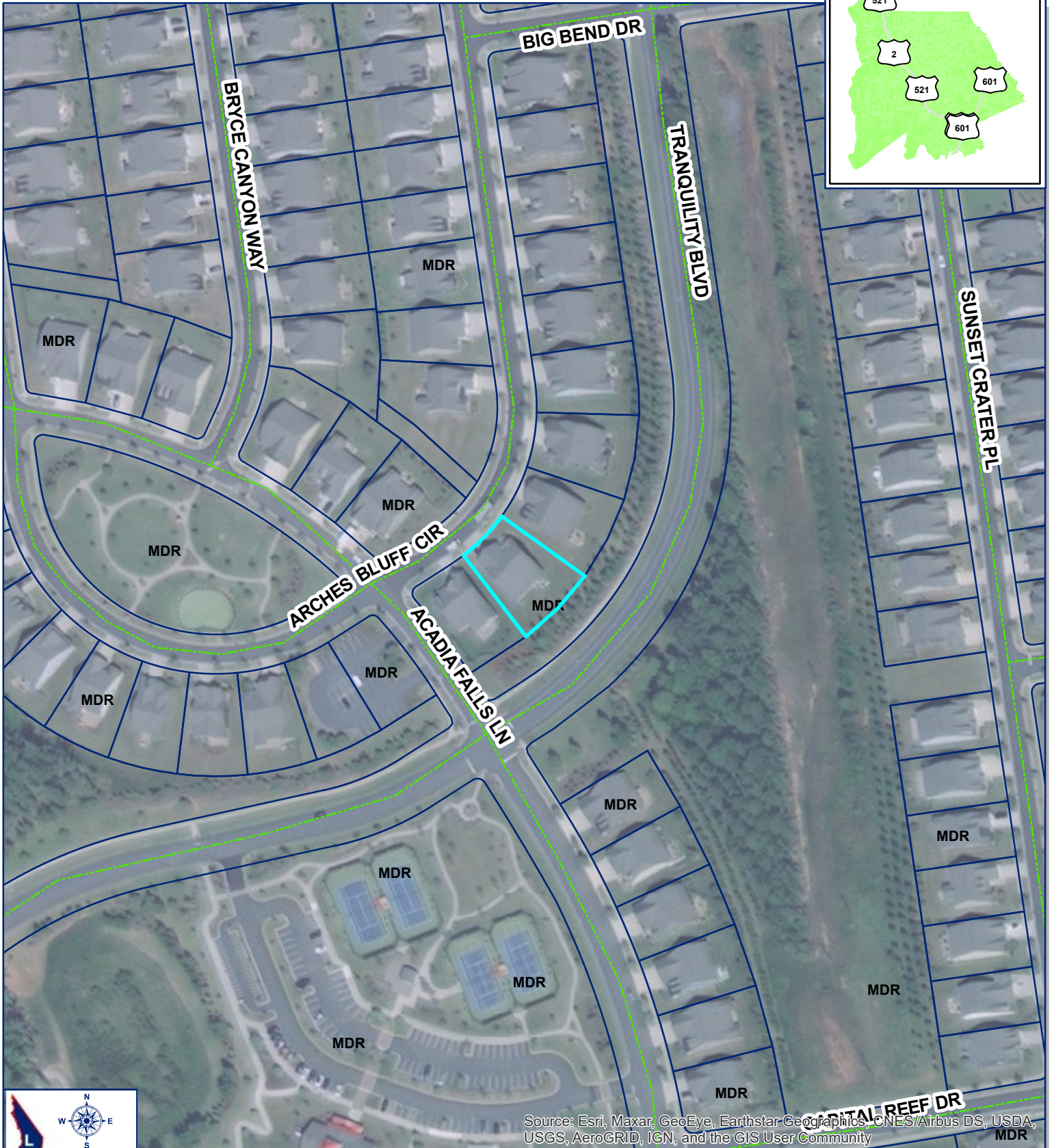
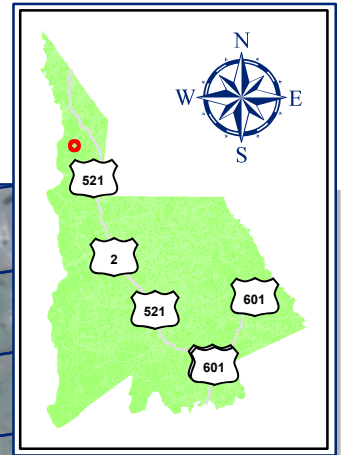
Map Created by: RT

Case Number: VAR-2021-1623

Proposal: Variance from UDO Section 2.4, footnote 1

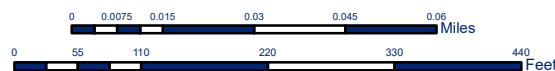
Tax Map #: 0019J-0A-343.00

Applicant: Haydee and Donald Ray Hanson



Source: Esri, Maxar, GeoEye, Earthstar-Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.





qPublic.net™ Lancaster County, SC

Parcel Summary

Parcel ID 0019J-0A-343.00
Account # 94080
Millage Group 01 - County - County
Land Size 1 AC
Location Address 3068 ARCHES BLUFF CIR
 Lancaster 29720
Zoning MDR : Medium Density Residential
Neighborhood 72
Property Use Code Qualified Residential (QR)
Plat Book 2016
Plat Page 280
Block# PH 1A MAP 1
Lot# 343



Scanned Property Card

Property Card

Note: Property Cards are current as of 4/1/2020 and are no longer updated

Owner Information

HANSON DONALD RAY
 3068 ARCHES BLUFF CIR
 LANCASTER SC 29720

HANSON HAYDEE
 3068 ARCHES BLUFF CIR
 LANCASTER SC 29720

Land Information

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth	AgUse Value
QualRes (QR)	1.00	LOT	SITE	0	0	\$0

Building Information

Building ID 55947
Style Single Family Dwelling / 37
Gross Sq Ft 4,053
Finished Sq Ft 3,087
Stories 1.5 Story
Condition Average
Interior Walls DRY WALL
Exterior Walls Hardi-Plank with 10% Stone
Year Built 2019
Garage
Porch
Effective Year Built 2019
Foundation Continuous Slab
Roof Type Gable
Roof Coverage Composition
Flooring Type Hardwood with 20% Hard Tile
Heating Type Reverse Cycle Pump
Bedrooms
Full Bathrooms 3
Half Bathrooms 1
3/4 Bathrooms 0
Grade B+10
Grade Description
Number of Fire Pl 0
Unit Description

Rooms

Bedrooms

Code	Description	Sketch Area	Finished Area	Perimeter
06	COVERED PRCH	20	0	18
FUS	FIN UP STORY	700	700	128
17	FL SCR N PRCH	112	0	46
13	FRM GAR FIN	714	0	110
50	ONE STORY	2,387	2,387	410
47	PAVER PATIO	120	0	44
TOTAL		4,053	3,087	756

Sales Information

Sale Date	Sale Price	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
5/29/2019	\$445,829	DEED	1239	282	Qualified	Improved	LENNAR CAROLINAS LLC	HANSON DONALD RAY
6/10/2015	\$9,250,000	DEED	881	193	Qualified	Improved	THOMPSON CHILD & FAMILY FOCUS	LENNAR CAROLINAS LLC

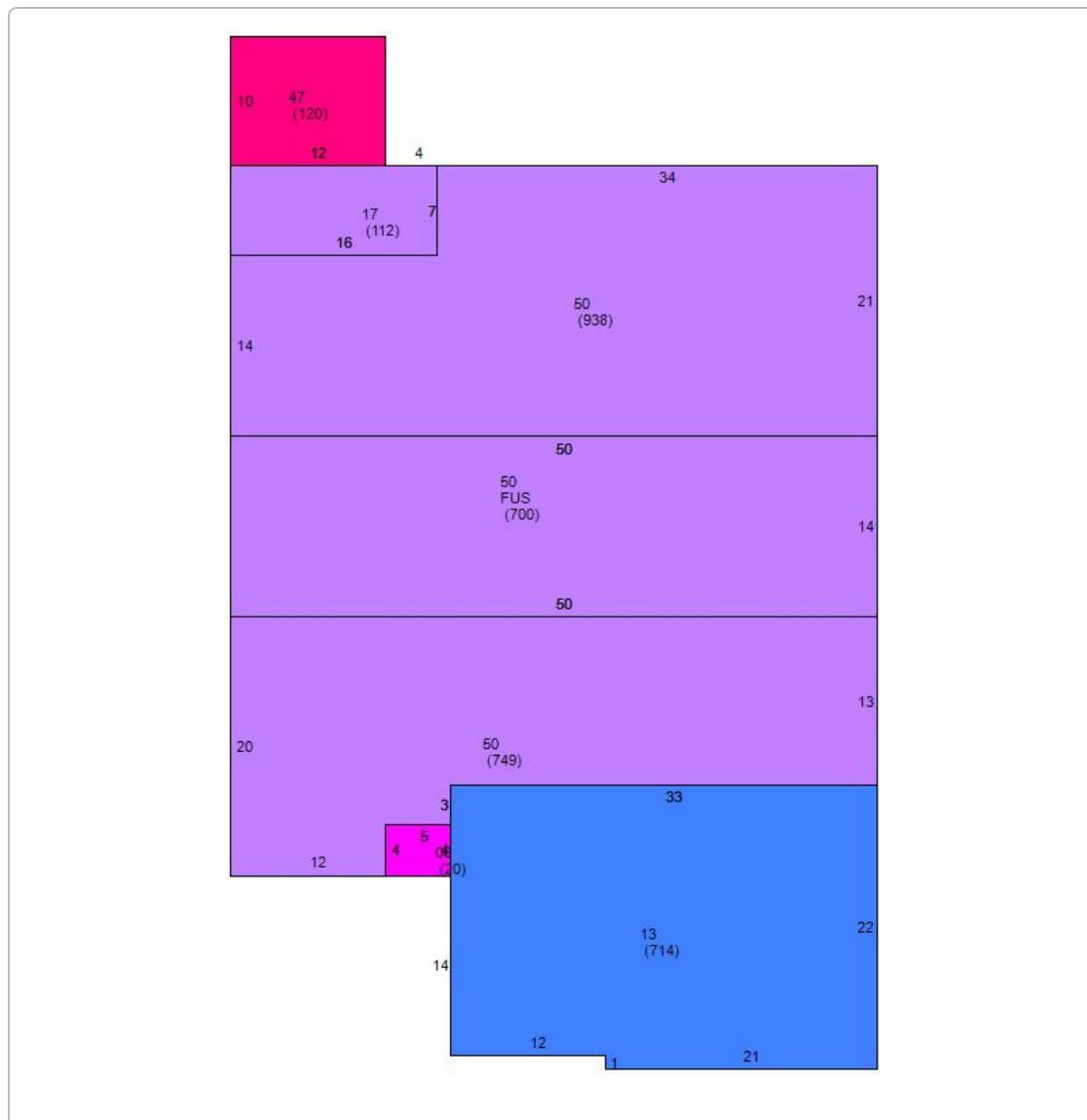
Assessed Values

	2020	2019	2018	2017
Market Land Value	\$75,000	\$24,600	\$24,600	\$24,600
+ Market Improvement Value	\$371,800	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
= Total Market Value	\$446,800	\$24,600	\$24,600	\$24,600
Taxable Land Value	\$75,000	\$24,600	\$24,600	\$24,600
+ Taxable Improvement Value	\$371,800	\$0	\$0	\$0
+ Taxable Misc Value	\$0	\$0	\$0	\$0
- Ag Credit Value	\$0	\$0	\$0	\$0
= Total Taxable Value	\$446,800	\$24,600	\$24,600	\$24,600
Assessed Land Value	\$3,000	\$1,476	\$1,476	\$1,476
+ Assessed Improvement Value	\$14,872	\$0	\$0	\$0
+ Assessed Misc Value	\$0	\$0	\$0	\$0
= Total Assessed Value	\$17,872	\$1,476	\$1,476	\$1,476

Photos



Sketches



No data available for the following modules: Commercial Building Information, Mobile Home Information, Accessory Information.

The data contained on this site is intended for information purposes only. It is based on the best information available at the time of posting and is not warranted. The data may not reflect the most current records.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 7/7/2021, 1:24:08 AM](#)

Developed by
 **Schneider**
 GEOSPATIAL

Version 2.3.128

2019008162

RECORDED THIS 12th DAY
OF JUNE, 2019
IN BOOK 00 PAGE 00

Susan D. Hunter McFall

Auditor, Lancaster County, SC

DEED
RECORDING FEES \$11.00
STATE TAX \$1159.60
COUNTY TAX \$490.60
PRESENTED & RECORDED:
06-11-2019 12:36 PM
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE PHILLIPS DEPUTY
BK: DEED 1239
PG: 282-286

PURSUANT TO SECTION 15-48-10, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THIS SHALL CONSTITUTE WRITTEN NOTICE THAT THIS DEED IS SUBJECT TO MANDATORY BINDING ARBITRATION PURSUANT TO EXHIBIT A OF THIS DEED.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that LENNAR CAROLINAS, LLC a Delaware limited liability company ("**Grantor**"), in consideration of **Four Hundred Forty Five Thousand Eight Hundred Twenty Nine DOLLARS (\$445,829.00)** the receipt and sufficiency of which are hereby acknowledged, have granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto **Donald Ray Hanson and Haydee Hanson, joint tenants with right of survivorship and not as tenants in common**, whose address is **3068 Arches Bluff Circle, Lancaster, SC 29720**, ("**Grantee**"), subject to the matters below, all that certain lot or parcel of land situated in Lancaster County, South Carolina, and more particularly described as follows (the "**Property**"):

All that certain piece, parcel, or lot of land, lying, being and situate in Lancaster County, State of South Carolina and being shown and designated as Lot 343 of the Tree Tops Phase 1A Map 1 shown on Plat recorded in Plat Book: 2016 Page: 280 in the office of the clerk of court for Lancaster County, SC, which plat is incorporated herein by reference, and having such metes, bounds, courses, and distances as by reference to said plat will more fully appear.

DERIVATION: Being a portion of property conveyed to Lennar Carolinas, LLC by deed recorded in Book 881 at Page 193 in the RMC Office for Lancaster County, South Carolina.

Property Address: 3068 Arches Bluff Circle, Lancaster, SC 29720

TOGETHER WITH, all and singular, the rights, members, hereditaments and appurtenances to the Property belonging or in any way incident or appertaining, including but not limited to, all improvements of any nature located on the Property and all easements and rights-of-way appurtenant thereto, and **SUBJECT TO** the following covenants, easements, reservations, conditions and restrictions which shall run with the land and be binding upon Grantee, Grantee's theirs, successors and assigns:

1. Subject to those Mediation and Arbitration Provisions as contained in Section 16 of the Purchase and Sale Agreement between Grantor and Grantee dated November 25, 2018 (the "Agreement") incorporated herein and attached as **Exhibit A**.
2. Subject to those exceptions incorporated herein and attached as **Exhibit B**.

TO HAVE AND TO HOLD, all and singular, the Property unto Grantee, Grantee's heirs, successors and assigns forever. And Grantor does hereby bind Grantor, Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto Grantee, Grantee's heirs, successors and assigns, against Grantor and Grantor's successors lawfully claiming or to claim the same or any part thereof, subject to the matters above and below.

GRANTOR'S WARRANTIES WITH RESPECT TO THE PROPERTY ARE LIMITED TO THOSE EXPRESS LIMITED WARRANTIES SET FORTH IN THE HOMEOWNER'S WARRANTY, WHICH GRANTEE ACKNOWLEDGES BY ACCEPTANCE OF THIS DEED HAS BEEN PROVIDED TO GRANTEE AT CLOSING (THE "LIMITED WARRANTY"). THE LIMITED WARRANTY (AND REMEDIES PROVIDED THEREIN) CONSTITUTES GRANTOR'S EXCLUSIVE WARRANTY (AND GRANTEE'S EXCLUSIVE REMEDIES) WITH RESPECT TO THE PROPERTY AND IS IN PLACE OF ALL OTHER GUARANTIES AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF WORKMANSHIP, MERCHANTABILITY, HABITABILITY, SUITABILITY AND FITNESS, WHICH ARE HEREBY DISCLAIMED BY GRANTOR AND WAIVED BY GRANTEE.

Grantee, by acceptance of this Deed, agrees for itself, and its heirs, personal representatives, successors and assigns, to observe and to be bound by all of the terms and conditions set forth in the documents identified above, all Exhibits attached thereto, and all future amendments thereof including, without limitation, the provisions of the Master Declaration (as defined in Exhibit B), Club Covenants (as defined in Exhibit B) and the Neighborhood Declaration (as defined in Exhibit B), if any, applicable to the Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized agent or representative as of this 29th day of May, 2019.

SIGNED, sealed and delivered in the presence of:

Lennar Carolinas, LLC

Kari Faron

Signature of First Witness

Kari Faron

Print Name of First Witness

Beth

Signature of Second Witness

Beth

Print Name of Second Witness

By:

Printed Name:

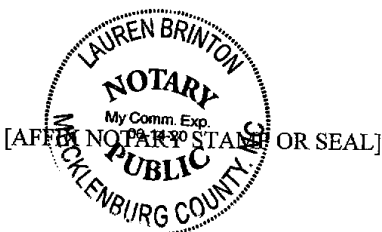
Its: Director of Sales

STATE OF NORTH CAROLINA)

COUNTY OF Mecklenburg)

Acknowledgment

The foregoing instrument was acknowledged before me this 29th day of May, 2019, by O. Veronica Perez of Lennar Carolinas, LLC, a Delaware limited liability company its Director of Sales on behalf of the company.



James Brinton
Notary Public for North Carolina
My commission expires: 6-14-2020

EXHIBIT A

Mediation and Arbitration Provisions

1. Grantor and Grantee specifically agree that this transaction involves interstate commerce and that any Dispute (as hereinafter defined) shall first be submitted to mediation and, if not settled during mediation, shall thereafter be submitted to binding arbitration as provided by the Federal Arbitration Act (9 U.S.C. §§1 et seq.) and not by or in a court of law or equity. "Disputes" (whether contract, warranty, tort, statutory or otherwise), shall include, but are not limited to, any and all controversies, disputes or claims (1) arising under, or related to, this Deed, the underlying purchase agreement, the Property, the community in which the Property is located or any dealings between Grantee and Grantor; (2) arising by virtue of any representations, promises or warranties alleged to have been made by Grantor or Grantor's representative; and (3) relating to personal injury or property damage alleged to have been sustained by Grantee, Grantee's children or other occupants of the Property, or in the community in which the Property is located. Grantee has accepted this Deed on behalf of his or her children and other occupants of the Property with the intent that all such parties be bound hereby.

(a) Any and all mediations commenced by Grantor or Grantee shall be filed with and administered by the American Arbitration Association or any successor thereto ("AAA") in accordance with the AAA's Home Construction Mediation Procedures in effect on the date of the request. If there are no Home Construction Mediation Procedures currently in effect, then the AAA's Construction Industry Mediation Rules in effect on the date of such request shall be utilized. Any party who will be relying upon an expert report or repair estimate at the mediation shall provide the mediator and the other parties with a copy of the reports. If one or more issues directly or indirectly relate to alleged deficiencies in design, materials or construction, all parties and their experts shall be allowed to inspect, document (by photograph, videotape or otherwise) and test the alleged deficiencies prior to mediation. Unless mutually waived in writing by the Grantor and Grantee, submission to mediation is a condition precedent to either party taking further action with regard to any matter covered hereunder.

(b) If the Dispute is not fully resolved by mediation, the Dispute shall be submitted to binding arbitration and administered by the AAA in accordance with the AAA's Home Construction Arbitration Rules in effect on the date of the request. If there are no Home Construction Arbitration Rules currently in effect, then the AAA's Construction Industry Arbitration Rules in effect on the date of such request shall be utilized. Any judgment upon the award rendered by the arbitrator may be entered in and enforced by any court having jurisdiction over such Dispute. If the claimed amount exceeds \$250,000.00 or includes a demand for punitive damages, the Dispute shall be heard and determined by three arbitrators; however, if mutually agreed to by the Grantor and Grantee, then the Dispute shall be heard and determined by one arbitrator. Arbitrators shall have expertise in the area(s) of Dispute, which may include legal expertise if legal issues are involved. All decisions respecting the arbitrability of any Dispute shall be decided by the arbitrator(s). At the request of any party, the award of the arbitrator(s) shall be accompanied by detailed written findings of fact and conclusions of law. Except as may be required by law or for confirmation of an award, neither a party nor an arbitrator may disclose the existence, content, or results of any arbitration hereunder without the prior written consent of both Grantor and Grantee.

(c) The waiver or invalidity of any portion of this Section 1 shall not affect the validity or enforceability of the remaining portions of Section 1 of this Exhibit A. Grantee and Grantor further agree (1) that any Dispute involving Grantor's affiliates, directors, officers, employees and agents shall also be subject to mediation and arbitration as set forth herein, and shall not be pursued in a court of law or equity; (2) that Grantor may, at its sole election, include Grantor's contractors, subcontractors and suppliers, as well as any warranty company and insurer as parties in the mediation and arbitration; and (3) that the mediation and arbitration will be limited to the parties specified herein.

(d) To the fullest extent permitted by applicable law, Grantor and Grantee agree that no finding or stipulation of fact, no conclusion of law, and no

arbitration award in any other arbitration, judicial, or similar proceeding shall be given preclusive or collateral estoppel effect in any arbitration hereunder unless there is mutuality of parties. In addition, Grantor and Grantee further agree that no finding or stipulation of fact, no conclusion of law, and no arbitration award in any arbitration hereunder shall be given preclusive or collateral estoppel effect in any other arbitration, judicial, or similar proceeding unless there is mutuality of parties.

(e) Unless otherwise recoverable by law or statute, each party shall bear its own costs and expenses, including attorneys' fees and paraprofessional fees, for any mediation and arbitration. Notwithstanding the foregoing, if a party unsuccessfully contests the validity or scope of arbitration in a court of law or equity, the non-contesting party shall be awarded reasonable attorneys' fees, paraprofessional fees and expenses incurred in defending such contest, including such fees and costs associated with any appellate proceedings. In addition, if a party fails to abide by the terms of a mediation settlement or arbitration award, the other party shall be awarded reasonable attorneys' fees, paraprofessional fees and expenses incurred in enforcing such settlement or award.

(f) Grantee may obtain additional information concerning the rules of the AAA by visiting its website at www.adr.org or by writing the AAA at 335 Madison Avenue, New York, New York 10017.

(g) Grantor supports the principles set forth in the Consumer Due Process Protocol developed by the National Consumer Dispute Advisory Committee and agrees to the following:

(h) Notwithstanding the requirements of arbitration stated in Section 1(b) of this **Exhibit A**, Grantee shall have the option, after pursuing mediation as provided herein, to seek relief in a small claims court for disputes or claims within the scope of the court's jurisdiction in lieu of proceeding to arbitration. This option does not apply to any appeal from a decision by a small claims court.

(i) Grantor agrees to pay for one (1) day of mediation (mediator fees plus any administrative fees relating to the mediation). Any mediator and associated administrative fees incurred thereafter shall be shared equally by Grantor and Grantee.

(j) The fees for any claim pursued via arbitration in an amount of \$10,000.00 or less shall be apportioned as provided in the Home Construction Arbitration Rules of the AAA or other applicable rules.

(k) Notwithstanding the foregoing, if either Grantor or Grantee seeks injunctive relief, and not monetary damages, from a court because irreparable damage or harm would otherwise be suffered by either party before mediation or arbitration could be conducted, such actions shall not be interpreted to indicate that either party has waived the right to mediate or arbitrate. The right to mediate and arbitrate should also not be considered waived by the filing of a counterclaim by either party once a claim for injunctive relief had been filed with a court.

2. Notwithstanding the Grantor and Grantee's obligation to submit any Dispute to mediation and arbitration, in the event that a particular dispute is not subject to the mediation or the arbitration provisions of Section 1 of this **Exhibit A**, then the Grantor and Grantee agree to the following provisions: **GRANTEE ACKNOWLEDGES THAT JUSTICE WILL BEST BE SERVED IF ISSUES REGARDING THIS DEED ARE HEARD BY A JUDGE IN A COURT PROCEEDING, AND NOT A JURY. GRANTEE AND GRANTOR AGREE THAT ANY DISPUTE, CLAIM, DEMAND, ACTION, OR CAUSE OF ACTION SHALL BE HEARD BY A JUDGE IN A COURT PROCEEDING AND NOT A JURY. GRANTEE AND GRANTOR HEREBY WAIVE THEIR RESPECTIVE RIGHT TO A JURY TRIAL. GRANTOR HEREBY SUGGESTS THAT GRANTEE CONTACT AN ATTORNEY OF GRANTEE'S CHOICE IF GRANTEE DOES NOT UNDERSTAND THE LEGAL CONSEQUENCES OF EXECUTING THIS DEED.**

EXHIBIT B

Specific Exceptions

1. The lien of real estate, ad valorem and non ad valorem taxes and/or assessments, including taxes or assessments of any special taxing or community development district (including assessments relating to capital improvements and bonds), for this and subsequent years not yet due and payable **[or depending upon the time of the year, "due and payable, but not yet delinquent.]**
2. All laws and restrictions, covenants, conditions, limitations, reservations, agreements, or easements affecting the Property and recorded in the public records for the county in which the Property is located, if any; but this provision shall not operate to re-impose the same;
3. All community development, recreation, water control, water conservation, watershed improvement or special taxing districts affecting the Property including, without limitation, the obligation to pay maintenance assessments, capital assessments and/or taxes in connection therewith, if any.
4. All Applicable zoning, land use, and subdivision ordinances, building codes, bulkhead laws, ordinances, regulations, and rights or interests vested in the United States of America or the State of South Carolina.
5. Validly existing rights of adjoining owners in any walls and fences situated on a common boundary, if any.
6. All provisions of the following documents which may include, without limitation, restrictions, covenants, conditions, easements, lien rights, obligations to pay assessments and architectural restrictions: (i) Declaration(s) governing the community at large in which the home is located (collectively, the "**Master Declaration**"); (ii) club covenants and/or a club plan for the community in which the Property is located (collectively, the "**Club Covenants**"); and (iii) Declaration(s) governing any subdivision of which the Property is a part (the "**Neighborhood Declaration**"), all as amended and modified from time to time.
7. All covenants, conditions and restrictions contained in this Deed are equitable servitudes, perpetual and shall run with the land, including, without limitation, the Mediation and Arbitration provisions contained in **Exhibit A**.
8. All utility easements, sewer agreements, telephone agreements, cable agreements, telecommunications agreements, monitoring agreements, restrictions and reservations common to any plat affecting title to the Property
9. All matters that would be disclosed by an accurate survey or inspection of the Property.
10. All standard, general printed exceptions contained in the owner's title insurance commitment issued for the Property, if any.
11. The following sections of the Agreement and Addenda, together with any other terms in the Agreement or Addenda that expressly so state, as well as any terms that may survive by operation of law, notwithstanding if the Section, Addendum, or term has a survival provision thereto, shall not be merged into this Deed and shall survive closing and the delivery of the Deed: Section 11, Closing and Title Matters; Section 13, Site and Substitutions; Section 16, Mediation/Arbitration of Disputes; Section 17, Other Dispute Resolutions; Section 18, Selling Agent and Cooperating Broker; Section 19, Construction Activities; Section 20, Dangerous Conditions; Construction Work; Section 35, Reservation of Easement; Section 5 of Rider B, Warranties; Section 2 of the Indoor Environmental Quality Disclosure; Cooperating Broker Addendum, in its entirety; and, Master Disclosure and Information Addendum to Purchase and Sale Agreement, in its entirety.

From: [Steve Patton](#)
To: [Jennifer Bryan](#)
Subject: Patio
Date: Wednesday, July 14, 2021 6:06:04 PM



The System couldn't recognize this email as this is the first time you received an email from this sender hbfoxhunter@yahoo.com

I don't feel they should get the variance as I'm sure the contractor knew the set backs like we all do. We all moved her because there are some rules that stop people from doing whatever they want around the house. I know of a builder the exceeded the setbacks on a house and had to remove all of the structure that was out of compliance. If this variance is granted then everyone in treetops will want their setbacks changed for bigger patios and swimming pools. As for the cost to the home owner I believe they knew what they were trying to do so it becomes part of the cost of the build. The person who had to change the house I mentioned was an honest mistake but still cost him near a hundred thousand dollars for all of the architects hours to redo plans and the demo.

Thank you
Steve Patton

Sent from my iPhone

Robert Tefft

From: Lori Sistare <lsistare@camsmgt.com>
Sent: Friday, July 23, 2021 3:42 PM
To: Robert Tefft
Subject: Public Hearing - August 3
Attachments: Hanson_07152021101533.pdf



The System couldn't recognize this email as this is the first time you received an email from this sender lsistare@camsmgt.com

Good afternoon Mr. Tefft,

I am emailing regarding the public hearing for 3068 Arches Bluff within Tree Tops HOA. If the HOA Board of Directors has a Representative attend the hearing, will he be allowed to speak on the Association's behalf?

Attached is a copy of the HOA Aesthetics Application as well as a copy of the appeal submitted from the owner to Lancaster County with notations from the HOA's ARC in red.

If you have any questions for me, you are welcome to call me at 803 554-1908.

Thank you for your time,
Lori

LORI SISTARE

Community Manager – Tree Tops Homeowners Association, Inc.

CAMS (Community Association Management Services), AAMC®

877-672-2267

Get access to community information, payment services and more on our [website!](#)

Tree Tops Homeowners Association, Inc.
1515 Mockingbird Lane
Charlotte, NC 28209

Donald Ray & Haydee Hanson
3068 Arches Bluff Circle
Lancaster, SC 29720

ARC APPROVAL

Reference: 3068 Arches Bluff Circle, Lancaster, SC 29720 | Request #: XN13676309

November 19, 2020

Dear Donald Ray & Haydee Hanson,

Your Request for an Architectural Modification on your property at 3068 Arches Bluff Circle has been approved by the Architectural Review Committee (ARC) of Tree Tops Homeowners Association, Inc. Specifically, you have approval to proceed with the following request as submitted:

- Installation of CityStone Demi pavers in back of house in patio area. Installation of pergola/patio cover in back of house that will be freestanding and not attached to house.

THIS WOULD ALLOW HOMEOWNER TO BUILD INTO THE REAR SETBACK. IF ATTACHED TO HOME COULD ONLY EXTEND APPROX 7'

Please note that the ARC may perform a final inspection once work is completed to ensure that your project is compliant with all CC&R's and that the Architectural Design Standards are applicable to your neighborhood. Please notify CAMS when work is completed to schedule the final inspection.

This approval is granted on the aesthetics of your project. The ARC does not take responsibility for, or infer by its approval, the project's structural soundness or that it meets any restricting state or local codes. Where applicable, all local building codes and setback requirements must be followed. If a building permit is required, applications must be submitted to your local planning and inspections department.

Thank you for adhering to the architectural guidelines of the community.

Sincerely,
Tree Tops Homeowners Association, Inc.

SCREENED IN BACK PATIO
WILL BE WHITE IN COLOR
BELOW IS EXAMPLE ONLY



4/26/21 2ND SUBMISSION TO ENCLOSE W/ SCREEN

109-6

3068 Arches Bluff Creek

PLEASE NOTE: Dwa NO TO SCALE

Shooting Approximate location

Pink Weeping
CHERRY

2005/04/12
JAPANESE MAPLE

Coral BARK
JAPANESE Maple

Looseleaf
JAPANESE Maple

Pink Weeping Cherry

CHEROKEE
BRAVE
Dogwood

7'2"x14' ACTUAL

5'6" x 12' K
Flag Stone

Falling WATER
CYPRESS

Small Shrubs

STONE Edge
PLANTER

19'3" Length
20'6" Wide

PATIO COVER

Outdoor
AREA

EXTENDS EVEN 18' BUILT
FURTHER PAST

Pink W
Ch

* All plants will be planted within required spacing from property line per given requirements

CHEROKEE
Dagwood

Request for Aesthetics Review & Approval Tree Tops HOA

Name: DONALD RAY AND HAYDEE HANSON

Property Address: 3068 ARCHES BLUFF CIRCLE

Lot #: 343

Mailing Address: 3068 ARCHES BLUFF CIR LANCASTER, SC 29720

Home Phone #: 949-374-4198

Work Phone #:

E-mail address: dhanson2120@gmail.com

A. Type of proposed modification:

- | | |
|--|---|
| ☐ Addition to House | ☐ Pool |
| ☒ Deck / Patio / Porch | ☐ Sports / Play Equipment / Etc. |
| ☐ Fence | ☐ Garage |
| ☒ Landscaping | ☒ Yard Ornamentation (STONE PLANTER AND OTHER SMALL PLANTERS IN FRONT OF HOUSE) |
| ☐ Tree Removal | ☐ Satellite/Antenna -Note Location of Installation |
| ☐ Painting (Exterior) | ☒ OTHER OUTDOOR BBQ AREA /PORTABLE FIRE PIT/FLAGSTONE BENCH AREA- IN FRONT OF HOUSE UNDER FRONT WINDOW (5'6" x 12') |

SCREEN IN EXISTING APPROVED PATIO COVER / PERGOLA

NO INTENT FOR PERGOLA

BUILT 7'2" x 14'

B. Estimated Start Date: 4/20/2021 Completion Date: 8/1/2021

C. Attach detailed descriptions of the proposed improvements, including:

1. Copy of property survey, with location of proposed changes and/or additions indicated
2. Size
3. Color
4. Material(s) being used
5. Contractor's name
6. Plans, drawings (elevation), specifications, pictures of other helpful descriptions

D. Submit the application, property survey, and all other supporting Documentation to:

Hanna Pate by email: hpate@camsmgt.com, upload to your portal on the CAMS website, or place in the drop box at the business cabin.

E. Please note that the committee may perform a final inspection once work is completed to ensure that your project is compliant with all CCR's and that the Aesthetics Design standards are applicable to your neighborhood. CAMS should be notified as soon as approved work is completed.

By submitting this application, you agree: 1. Project work must commence within 90 days of the date of the approval or a new application must be submitted. 2. To comply with all applicable federal, state and local laws, codes, regulations and requirements in connection with this work. 3. To obtain any necessary governmental permits and approvals for this work. Tree Tops Homeowners Association, its Board of Directors, and/or its agents have no responsibility with respect to such compliance and that the Board of Directors or Aesthetics Review Committee approval of this request shall not be understood as the making of any representation or warranty that the plans, specifications or work comply with any law, code, regulation or governmental requirement.

By submitting this application, you agree: That no work on this request shall commence until written approval of the Aesthetics Control Committee has been received. That the requested changes strictly conform to the community Design Guidelines and that these changes shall be made in strict conformance with the Design Guidelines. That applicant is responsible for complying with all governmental code and regulations. Neither the Tree Tops Homeowners Association, the Tree Tops Board of Directors, or the Tree Tops Aesthetics Control Committee nor their respective members, agents, representatives or employees shall be liable for damages or otherwise to anyone requesting approval of an architectural alteration by reason of mistake in judgment, negligence or nonfeasance, arising out of any action with respect to any submission. The Aesthetics Control Committee is directed toward review and approval of site planning, appearance and aesthetics. None of the foregoing assumes any responsibility regarding design or construction, including, without limitation, the structural integrity, mechanical or electrical design, methods of construction, or technical suitability of materials. Applicant hereby releases and covenants not to sue any of the foregoing from/for any claims or damages regarding this request or the approval or denial thereof.

Applicant's Signature: [Signature] Date: 4/19/2021

(Application will not be accepted without signature and date)

Do Not Write Below This Line:

Received By: _____ Date Received: _____
(Signature of Committee Member)

Approved By: _____ Denied By: _____ Date: _____

Comments _____

INDICATION OF J...
 JR HOME RENOVATIONS
 HOUSE

SOUTH CAROLINA
 VAN DYKE RD - 949.374-441

18' x 44' = 580 APPROXIMATE SF.

OUTLINED
 POST AND FOOTINGS

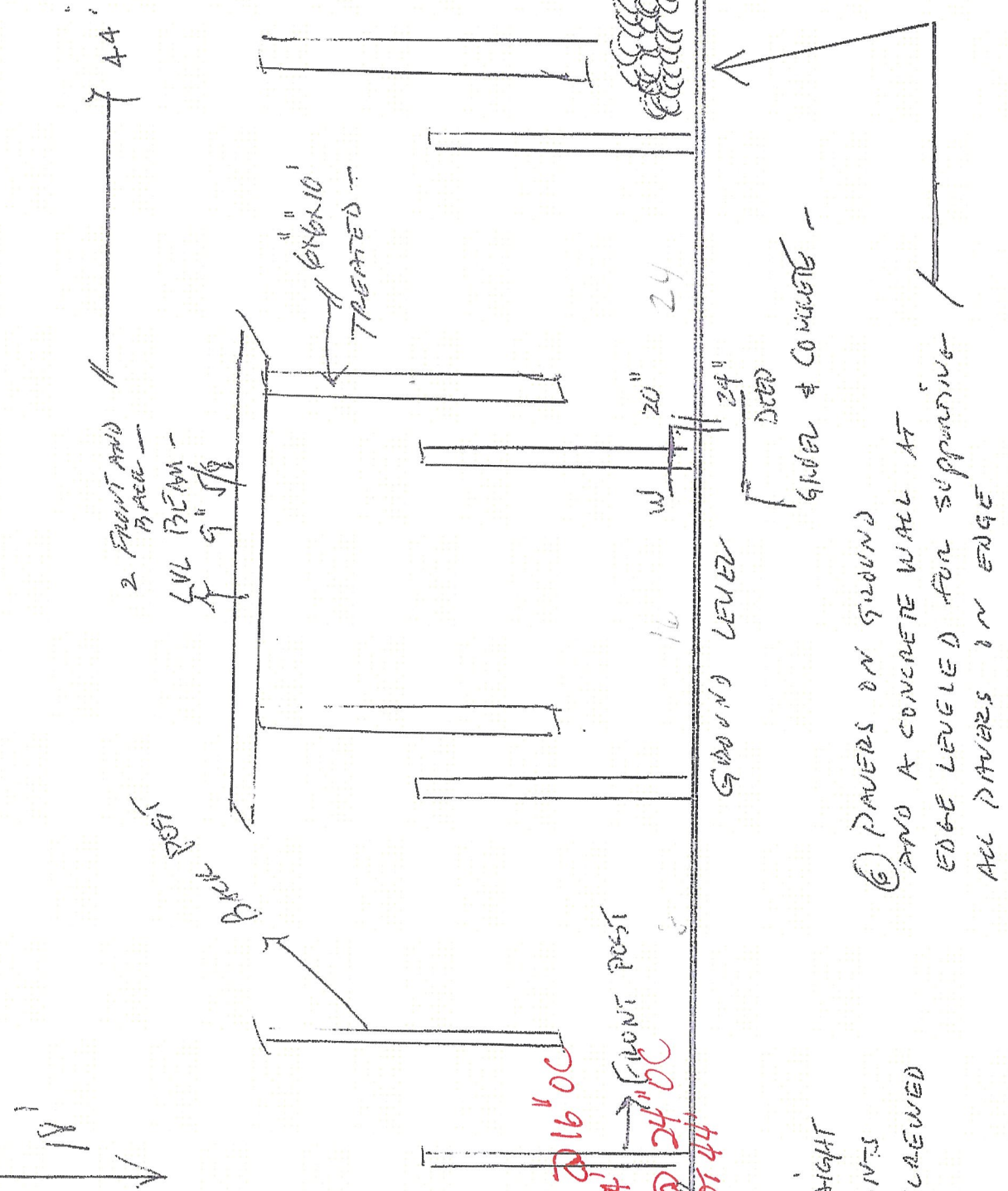
8 POST AT
 6'6" x 10'
 BACK OF FRONT.

FOOTINGS -
 24" DEEP
 AT 20" WD -

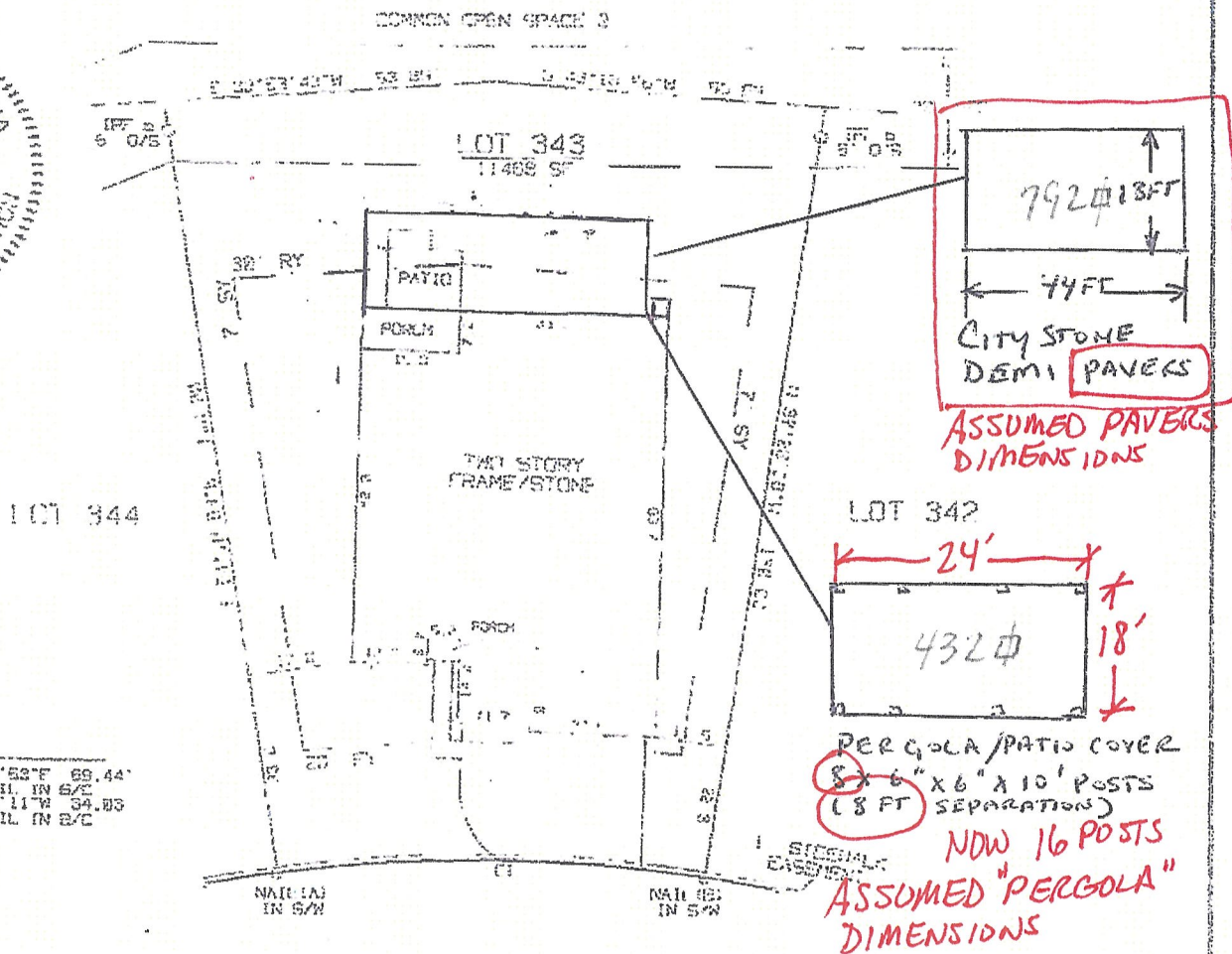
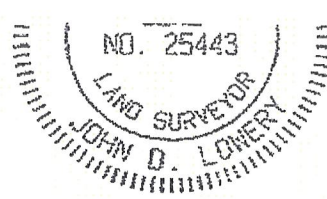
8' APART EACH

(14) 2' x 8' x 20'
 RAFTERS = 17'4" @ 16" OC
 NO JOIST HIGHER 24" OC
 26" STILL NOT 44'

192 LVL ON STRAIGHT
 STRETCH NO JOINTS
 JUST DOUBLE SCREWED
 1/2"



PAVERS ON GROUND
 AND A CONCRETE WALL AT
 EDGE LEVELED FOR SUPPORTING
 ALL PAVERS IN EDGE



TIES

NAIL (A) N 17°32'52"E 69.44'

TO A NAIL IN S/C

NAIL (B) S 62°53'11"W 34.03'

TO A NAIL IN S/C

ARCHES BLUFF CIRCLE

50' PRIVATE R/W

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	16°58' 77"	237.88	38.63	35.82	69.41	N 44°26' 28"E

NOTE: UTILITY EASEMENTS
5' EACH SIDE OF ALL LOT LINES

NOTE: U G UTILITIES IN AREA
SERVING OTHER PROPERTIES
THIS PROPERTY MAY BE SUBJECT TO ANY
EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD
SEE RECORD MAP FOR FURTHER NOTES.

- IPP - IRON PIN FOUND
- IPS - IRON PIN SET
- B/C - BACK OF CURB
- O/S - OFFSET
- PSDE - PUBLIC STORM DRAIN EASEMENT
- S.T - SIGHT TRIANGLE
- FY - FRONT YARD
- SY - SIDE YARD
- RY - REAR YARD
- FPE - FLOOD PROTECTION ELEVATION

PHYSICAL SURVEY

OF
3068 ARCHES BLUFF CIRCLE
LOT 343 OF TREE TOPS PHASE 1A PARTIAL MAP 1
INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C.
PROPERTY OF DON HANSON



MAP RECORDED IN BOOK 2016
AT PAGES 280-284

JENKINS & LOWERY PLS. P.A.
P.O. BOX 1949
INDIAN TRAIL, NC 28079
PHONE: (704) 821-3350



**BOARD OF ZONING APPEALS
VARIANCE APPLICATION**

IF YOU REQUIRE ASSISTANCE WITH THIS APPLICATION, PLEASE CONTACT OUR OFFICE AT 803-416-9777. THE COMPLETED APPLICATION, THE APPLICATION FEE OF \$325.00, AND ALL ADDITIONAL MATERIALS ARE REQUIRED TO BE SUBMITTED.

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

PROPERTY INFORMATION:

TAX MAP NUMBER: 0019J-0A-343.00
STREET ADDRESS: 3068 Arches Bluff Circle
CITY/ STATE/ ZIP CODE: Lancaster, South Carolina 29720
LOT DIMENSIONS/ LOT AREA: 1.0 Acre .287 Acre PLAT BOOK/PAGE: Plat Book 2016, Page 280
CURRENT ZONING CLASSIFICATION: MDR: Medium Density Residential

PROPERTY OWNER OF RECORD:

NAME: Donald Ray Hanson and Haydee Hanson
ADDRESS: 3068 Arches Bluff Circle
CITY/STATE/ZIP CODE: Lancaster, SC 29720 TELEPHONE/FAX NUMBER: 1-949-374-4198
EMAIL ADDRESS: _____
SIGNATURE OF OWNER/ DATE: _____

I HAVE APPOINTED THE INDIVIDUAL OR FIRM LISTED BELOW AS MY REPRESENTATIVE IN CONJUNCTION WITH THIS MATTER RELATED TO THE BOARD OF ZONING APPEALS.

AGENT OF OWNER:

NAME: Morton & Gettys, LLC; J. Nathaniel Pierce, Esq.
ADDRESS: 331 E. Main Street, Suite 300
CITY/STATE/ZIP CODE: Rock Hill, SC 29730 TELEPHONE/FAX NUMBER: (803) 984-0966
EMAIL ADDRESS: nate.pierce@mortongettys.com
SIGNATURE OF AGENT/ DATE: [Signature] 7/2/21
SIGNATURE OF OWNER/ DATE: [Signature] 7/2/21 / [Signature] (7/2/21)

VARIANCE APPLICATION

DATE FILED: _____ APPLICATION NO. _____

1. APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FOR A VARIANCE FROM THE STRICT APPLICATION TO THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) OF THE FOLLOWING PROVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE:

See addendum attached.

SO THAT A ZONING PERMIT MAY BE ISSUED TO ALLOW USE OF THE PROPERTY IN A MANNER SHOWN ON THE ATTACHED PLOT PLAN, DESCRIBED AS FOLLOWS:

See addendum attached.

FOR WHICH A ZONING OFFICIAL HAS DENIED A PERMIT ON THE GROUNDS THAT THE PROPOSAL WOULD BE IN VIOLATION OF THE CITED SECTION (S) OF THE UNIFIED DEVELOPMENT ORDINANCE.

See addendum attached.

2. THE APPLICATION OF THE ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND THE STANDARDS FOR A VARIANCE SET BY STATE LAW AND THE ORDINANCE ARE MET BY THE FOLLOWING FACTS:

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

See addendum attached.

- 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;

See addendum attached.

- 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;

See addendum attached.

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

See addendum attached.

- 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;

See addendum attached.

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

See addendum attached.

- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND

See addendum attached.

- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE

See addendum attached.

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS APPLICATION: (A PLOT PLAN MUST BE SUBMITTED) Exhibits A, B, C, and D, referenced above.
-

Date: 7/2/21

Applicant Signature: Don R H

(7/2/2021) [Signature]

Addendum to Lancaster County Board of Zoning Appeals Variance Application

Donald & Haydee Hanson

3068 Arches Bluff Circle, Lancaster, South Carolina 29720

1. The applicants appeal to the Board of Zoning Appeals ("BZA") for a variance from the strict application of Section 2.4, footnote 1 of the Lancaster County Unified Development Ordinance ("UDO").

The applicants seek to use their property in the manner depicted on the attached plot plan, attached to this Application as Exhibit A. Responding further, the applicants seek to construct, or to maintain an already constructed, porch/pergola. The applicants applied for and received a building permit with Lancaster County and constructed the porch/pergola according to the submitted plans. It was not until after substantial completion of the construction that the applicants were made aware of any issue regarding the setbacks enumerated in Section 2.4 of the UDO.

The applicants received the Notice of Violation, attached as Exhibit B, from Jeff Mullis of Lancaster County Code Enforcement. While Section 2.4 of the UDO is not specifically referenced, the noted violation is described as "[s]etbacks due to the size of the structure is larger than what was submitted on the application."

2. (i) There are practical difficulties and unnecessary hardships in the way of carrying out the strict letter of this ordinance. The applicants have substantially completed the porch/pergola and, due to inflated material prices, have spent a great deal of money to do so – approximately \$56,000.00. The applicants filed for and received a building permit from Lancaster County. The applicants' application for their building permit is attached as Exhibit C. On two separate documents in their application, the applicants referenced the dimensions of their proposed structure as 18' x 44'. On one of these documents, the contractor hired by applicants noted the square footage as "580 approximate sf." However, a simple calculation of the stated dimensions shows this structure would exceed 600 square feet. Despite this, Lancaster County issued a permit and went through five physical inspections before noting any issue with the rear setback. In order to comply with the strict letter of the ordinance, the applicants will be required to completely tear down and rebuild the porch/pergola. Given the applicants' compliance with the building procedures, it would be inequitable, impractical, and unduly burdensome to require the removal of the porch/pergola at this time.
- (ii) If applicants comply with section 2.4, they will be denied the reasonable use of their property. As referenced above, the applicants have followed the prescribed Lancaster County procedures in constructing the porch/pergola. In order to comply with section 2.4, the applicants will either need to tear down and re-build the porch/pergola or reduce the

square footage of the porch/ pergola by approximately 203 square feet, at an estimated cost of \$15,000.00. It is not reasonable to deny the applicants the full use of their porch/ pergola due to an administrative oversight in the permitting phase of this construction project.

(iii) There exist special conditions and circumstances which are peculiar to this structure at issue that are not, upon information and belief, applicable to other structures located in the same development district. While this structure does not comply with section 2.4 of the UDO, it was constructed pursuant to Lancaster County approval. A permit was issued and Lancaster County inspectors visited the property five times prior to any setback issue being raised. This constitutes a special circumstance that does not exist in the same development district.

(iv) The variance will not materially diminish or impair established property values within the surrounding area. The applicants' applied for and received approval for their porch/ pergola from the Tree Tops Homeowners Association, Inc. ("HOA") on November 19, 2020. A copy of the approval letter is attached as Exhibit D. In the letter, the HOA states the project was "granted on the aesthetics" Further, the HOA thanks the applicants for "adhering to the architectural guidelines of the community." Further, the addition of the porch/ pergola should have a positive effect on the values of the surrounding homes, as the value of the Hanson's house has almost certainly increased.

(v) The special conditions that exist with regard to the porch/ pergola do not result from the actions of the applicant. While this structure does not comply with section 2.4 of the UDO, it was constructed pursuant to Lancaster County approval. A permit was issued and Lancaster County inspectors visited the property five times prior to any setback issue being raised. The applicants relied on their contractor and the County officials they dealt with in deciding to proceed with the construction of the porch/ pergola. Had the applicants been aware from the outset they were in violation of the setback requirement, they would have altered course.

(vi) The requested variance is in harmony with the general purpose of the ordinance and preserves its spirit. Setback requirements exist, primarily, to maintain safe and comfortable distance between homes. The rear property line of the applicants' lot, the setback from which is at issue here, backs up to a tree-covered berm that runs along a road. There is no home on the other side of the rear setback line whose footprint will be encroached upon. Further, the porch/ pergola does not violate the side setbacks, and it does not expand the lateral footprint of the home. The spirit and purpose of Section 2.4 is preserved.

(vii) The requested variance is the minimum necessary to afford relief. The applicants built their porch/ pergola to the dimensions that initially represented to Lancaster County in their permit application. The structure as built sits approximately 8 feet inside the rear setback line. Applicants seek only such a variance as necessary to bring their completed porch/ pergola into compliance.

(viii) As described above the requested variance does not negatively impact the public health, safety, or general welfare. The spirit of Section 2.4, intended to promote safety and general welfare, is preserved given the property abutting the applicants' rear property line. The HOA, the entity tasked with protecting the welfare of the neighborhood, has signed off on the porch/pergola. Substantial justice would be done by granting the requested variance, as the applicants endeavored from the start to adhere to the policies and procedures in place in Lancaster County and were approved to proceed with the construction of the porch/pergola.

3. Exhibits A, B, C, and D, referenced above.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

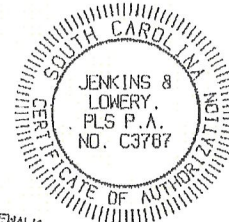
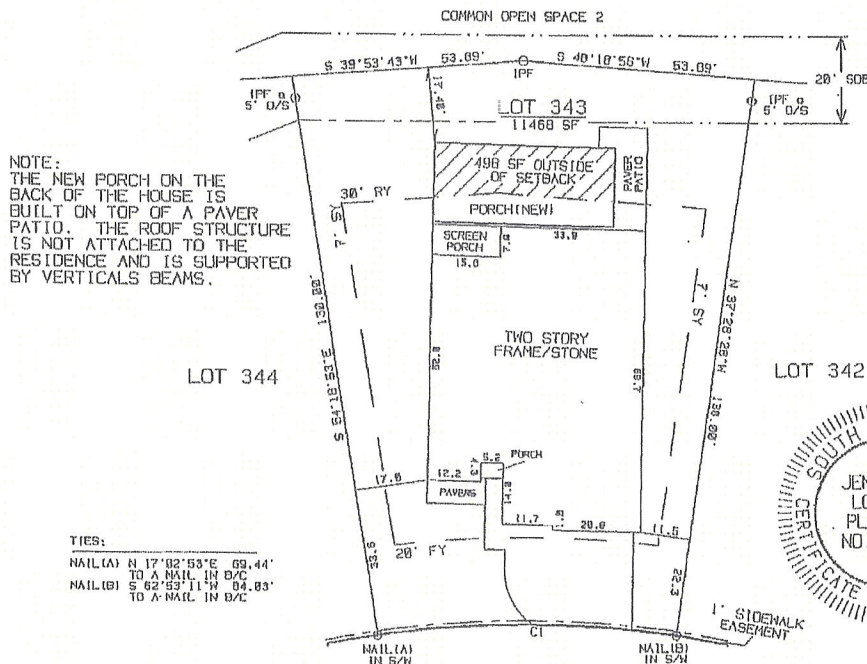
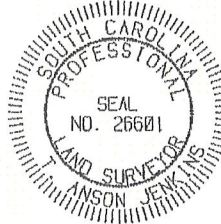
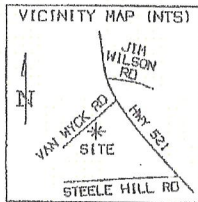
P:TT343

SIGNED

T. ANSON JENKINS SCPLS NO. 26601

NOTE: TO CLERK OF COURT
THIS SURVEY CREATES NO NEW
LOTS OR PROPERTY LINES.

DATED: JUNE 14TH, 2021



ARCHES BLUFF CIRCLE

50' PRIVATE R/W

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	16°50'27"	237.88'	69.66'	35.88'	69.41'	N 44°06'28"E

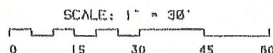
NOTE: UTILITY EASEMENTS
5' EACH SIDE OF ALL LOT LINES.

NOTE: U.G. UTILITIES IN AREA
SERVING OTHER PROPERTIES
THIS PROPERTY MAY BE SUBJECT TO ANY
EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.
SEE RECORD MAP FOR FURTHER NOTES.

- IPF - IRON PIN FOUND
- IPS - IRON PIN SET
- B/C - BACK OF CURB
- O/S - OFFSET
- PSDE - PUBLIC STORM DRAIN EASEMENT
- S.T. - SIGHT TRIANGLE
- FY - FRONT YARD
- SV - SIDE YARD
- RY - REAR YARD
- FPE - FLOOD PROTECTION ELEVATION

PHYSICAL SURVEY

OF
3068 ARCHES BLUFF CIRCLE
LOT 343 OF TREE TOPS PHASE 1A PARTIAL MAP 1
INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C.
PROPERTY OF DON HANSON



MAP RECORDED IN BOOK 2016
AT PAGES 280-284

JENKINS & LOWERY PLS. P.A.
P.O. BOX 1949
INDIAN TRAIL, NC 28079
PHONE: (704) 821-3350

EXHIBIT

A

THIS IS A CURRENT AS BUILT, NOT WHAT WAS SUBMITTED

Lancaster County

South Carolina

May 25, 2021

Donald Hanson

3068 Arches Bluff Cir

RE: Notice of Violation (NOV)

Dear Mr. Hanson

Lancaster County Zoning Department was made aware of the porch/pergola permitted. After a physical inspection of the site, Lancaster County has confirmed you are in violation of the Unified Development Ordinance (UDO) and the adopted International Building Code. The following will provide you with a summary of identified violations, however please be advised this is not intended to be an exclusive list as more violations may be identified as additional information becomes available.

Violation Summary: Setbacks due to the size of the structure is larger than what was submitted on the application.

UDO chapter 9 affords you the opportunity to request a hearing with the Administrator within the time prescribed for correction of the violations. You may also file an Appeal to this Notice of Violation/Order with the Board of Zoning Appeals within the same timeframe. You have thirty (30) days from the date of this letter to contact our office.

The fine for this could be up to 500.00 per day for everyday in violation. Please feel free to contact me using the information below should you have any questions regarding this NOV, if you wish to request an administrative hearing, and/or if you wish to file an appeal. Lancaster County Zoning staff also welcomes the opportunity to meet with you to help clarify the NOV.

Kindest regards,

Jeff Mullis

Jeff Mullis

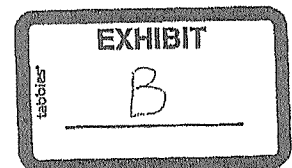
Lancaster County Code Enforcement

803-416-9449 direct

803-416-9777 office main

E mail: jmullis@lancastersc.net

Lancaster County Government | Development Services Division
101 N. Main Street, P.O. Box 1809, Lancaster SC 29721-1809
Phone: (803)416-9777
www.mylancastersc.org



Lancaster County

South Carolina

DEVELOPMENT SERVICES

101 N. MAIN STREET, P O BOX 1809, LANCASTER SOUTH CAROLINA, PHONE (803) 285-1969 EMAIL PERMITS@LANCASTERCOUNTYSC.NET

RESIDENTIAL PERMIT APPLICATION

Date: 12/14/2020

Permit Type (Please Check All that apply):						
Building w/zoning ☒	Demo ☐	Zoning Only ☐	Gas ☐	Plumbing ☐	Mechanical ☐	Electrical ☒
Interior Remodeling only ☐	Pool ☐	House Move ☐	Job Cost\$ <u>approx. \$20,000</u>			

- New building must provide well/septic approval or tap fee verification.

2(i) "due to inflated material costs? NOW \$56,000"

Address of Construction Location: 3068 Arches Bluff Circle Lancaster, SC 29720

Description of work: Freestanding covered wood pergola with cement footings per SC R403 - 20" deep - 8 (6"x6") wood posts in cement footings

Subdivision: Tree Tops - Lennar Homes

Lot Number: 343

Parcel ID: 0019J - 0A-343.00

Other structure on property Main Home

Property Owner(s): Haydee and Donald Hanson

Phone #: 949-374-4198

Mailing Address: 3068 Arches Bluff Cir Lancaster, SC 29720

Email: dhanson2120@gmail.com

Contractor: Owner

SC Contractors License #: STATE LICENSE EXEMPTION REQUEST ATTACHED

Phone # _____ Address: _____

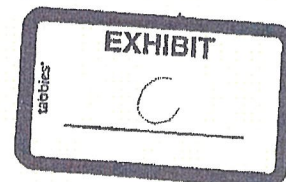
Email: _____

Electrical Sub: _____	SC License #: _____
Mechanical Sub: _____	SC License #: _____
Plumbing Sub: _____	SC License #: _____
Water provider: <u>LCWSD</u>	Electrical Provider: <u>York Electric Coop</u>
Sewer provider: <u>LCWSD</u>	Gas Provider: <u>LCNGA</u>

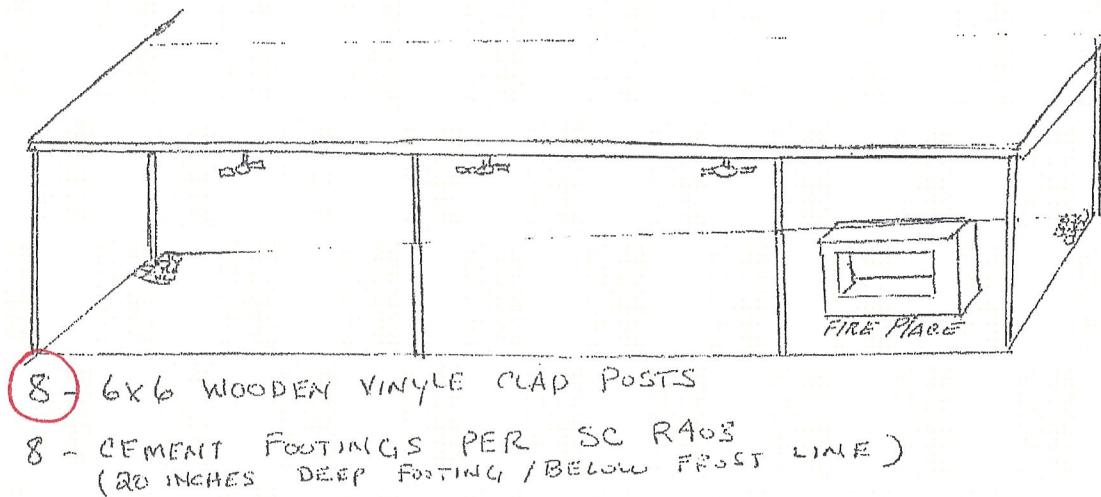
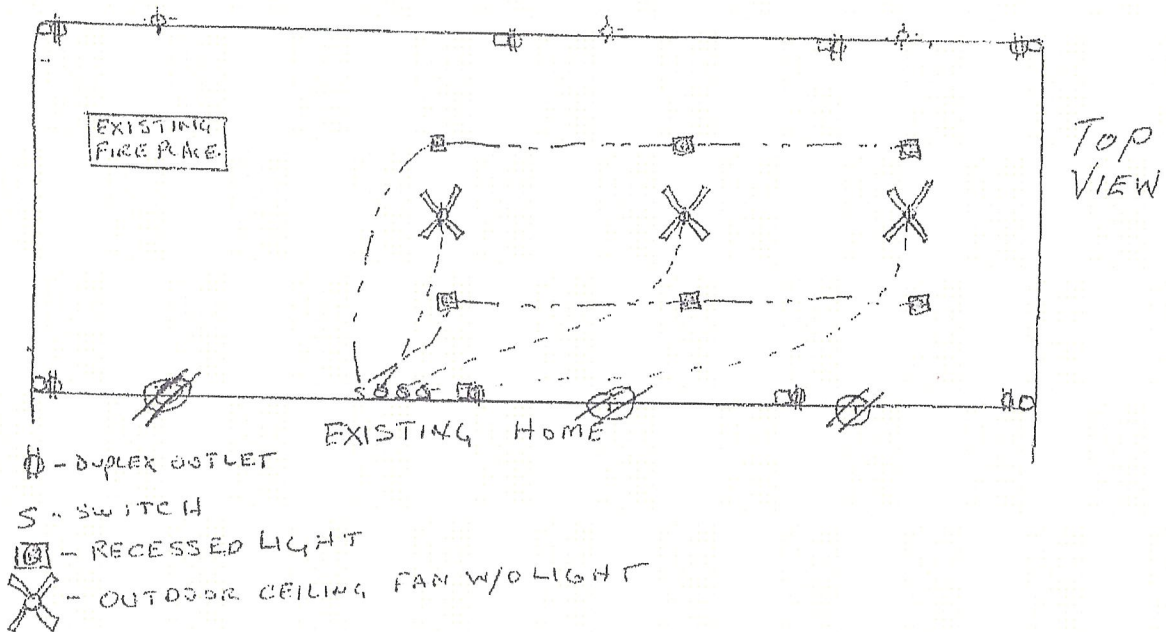
Heated Sq Ft _____	Unheated Sq Ft _____	Basement Sq Ft _____	Garage Sq Ft _____
Porch Sq Ft _____	Deck Sq Ft _____	Number of stories _____	Number of Bedrooms _____
Bathrooms _____	Heat source _____	Gas _____	(half pound or two-pound system) Electric source _____
Water Type _____	Sewer Type _____		

Is this a part of a Homeowner Association? Yes/No, if yes please provide letter of approval.

***Acknowledgement of SC 6-29-1145: IS THIS TRACT OR PARCEL OF LAND RESTRICTED BY ANY RECORDED COVENANT THAT CONFLICTS WITH OR PROHIBITS THE ACTIVITY YES/NO?



ELECTRICAL WORK

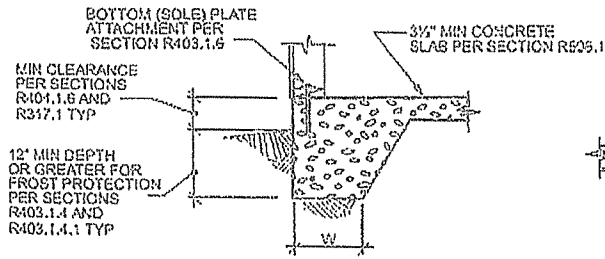


OWNER / CONTRACTOR

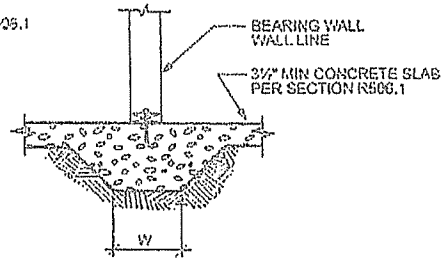
Don R. Ham 12/16/2020

- THIS DOCUMENT WAS NOT RECEIVED BY HOA
- SHOWS 8 POSTS TOTAL NOW 16 ARE INSTALLED

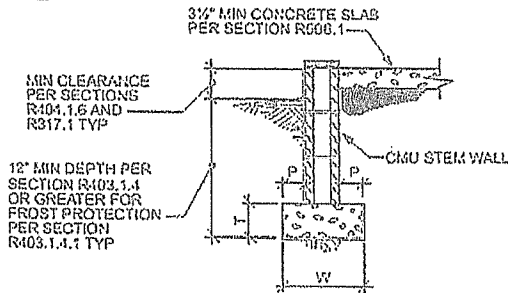
SC Footing (Code 403)



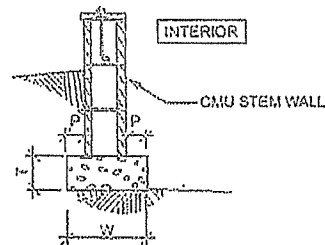
1 MONOLITHIC SLAB-ON-GROUND WITH TURNED-DOWN FOOTING
SCALE: NOT TO SCALE



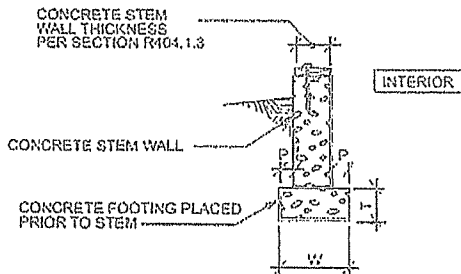
2 THICKENED SLAB-ON-GROUND FOOTING AT BEARING WALLS OR BRACED WALL LINES
SCALE: NOT TO SCALE



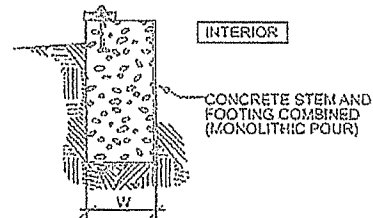
3 SLAB-ON-GROUND WITH MASONRY STEM WALL AND SPREAD FOOTING
SCALE: NOT TO SCALE



4 BASEMENT OR CRAWL SPACE WITH MASONRY WALL AND SPREAD FOOTING
SCALE: NOT TO SCALE



5 BASEMENT OR CRAWL SPACE WITH CONCRETE WALL AND SPREAD FOOTING
SCALE: NOT TO SCALE



6 BASEMENT OR CRAWL SPACE WITH FOUNDATION WALL BEARING DIRECTLY ON SOIL
SCALE: NOT TO SCALE



State License Exemption Request For Homeowners
Lancaster County, South Carolina

Owner Builder Form To Act As Builder

State law requires residential construction in excess of two hundred dollars (\$200.00) in labor and material to be done by licensed builders and specialty contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of the property, to act as your own builder even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence. The building must be for your own use and occupancy. It may not be built for sale or rent. If you sell or rent a building you have built yourself within two years after construction is complete, the law will resume that you built it for sale or rent, which is a violation of this exemption. You may not hire an unlicensed person as your residential builder or specialty contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

To qualify for this exemption, you as the owner of the residential building or structure must promptly file as a matter of public record a notice with the Register of Deeds, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder. Failure to do so revokes the statutory exemption. By signing this form, you acknowledge receiving the "Disclosure Statement" required to be filed, your responsibility as outlined and will abide by all applicable laws, ordinances, building code and zoning code regulations.

Description of work: Installation of freestanding covered pergula

Address: 3068 Arches Bluff Circle Lancaster, SC 29720 TMS#

Owner(s) signature: [Signature]

Printed Name(s): Haydee and Donald Hanson

Witness 1: [Signature]

Witness 2: [Signature]

Printed Name: Kathryn Easton

Printed name: Leigh Shipman

State of South Carolina

County of Lancaster

The foregoing instrument was acknowledged before me this date: 12-15-2020

By: Donald Hanson

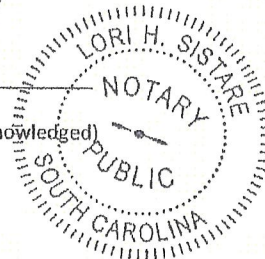
(name of person acknowledged)

Sworn and subscribed before me this 15th day of December 2020

[Signature]
Notary Public for South Carolina

(Seal)

My Commission Expires: 12-31-2023



JR HOME
RENOVATIONS?
LICENSED?

Acknowledgement of Asbestos RegulationsFederal and State Asbestos regulations require responsible parties to have SCDHEC licenses building inspector inspect regulated structures for the presence of asbestos and to obtain SCDHEC required project licenses. Please ensure that these requirements are met prior to conducting any abatement, renovations or demolition activities. Contact the SCDHEC Asbestos Section if you have any questions.

The homeowner acting as his/her own contractor assumes all risks, liability and the responsibility for the structural integrity of this structure and agrees to live in the home and not offer it for rent for a period of two years per the South Carolina Homeowner exemption. I further understand that the Development Services Department will not intervene in any dispute between the homeowner and contractor.

I understand that if this statement is found to be false then the permit issued pursuant to this application will be rendered null and void and the sole recourse of any one relying upon this permit in purchasing the property or in providing goods or services to the applicant or for the benefit of the property shall be against the applicant and not against Lancaster County who, pursuant to South Carolina Code 6-29-1145 is issuing the permit in reliance of this statement by applicant.

Any information provided on this document may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

X Haydee and Donald Hanson
Contractor/Agent Signature

X Haydee and Donald Hanson
Print

X Haydee and Donald Hanson
Property Owner Signature

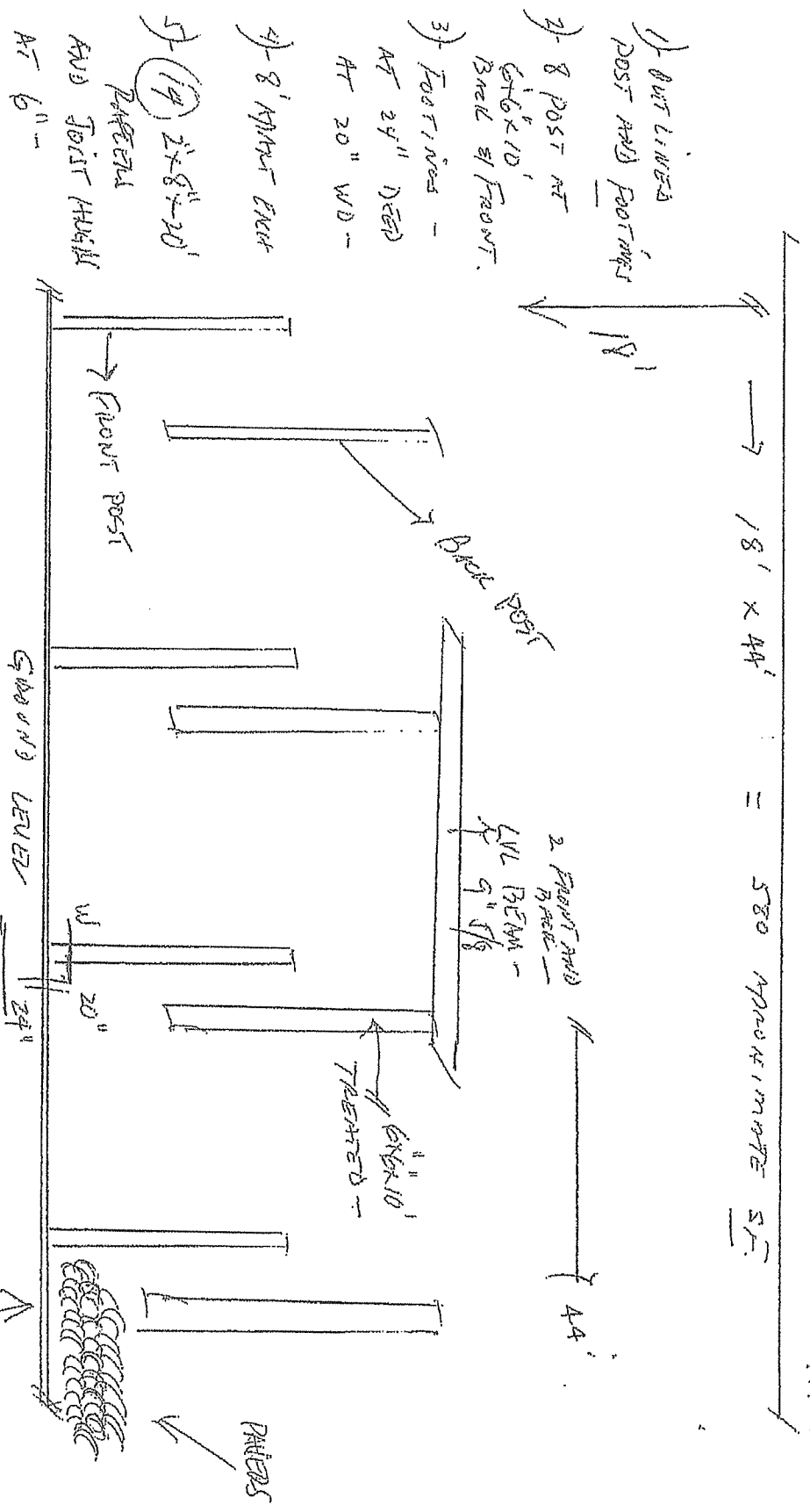
X Haydee and Donald Hanson
Print

CONTRACTOR: JAIME RODRIGUES
 JR HOME RENOVATIONS

HOUSE EXISTING WALL

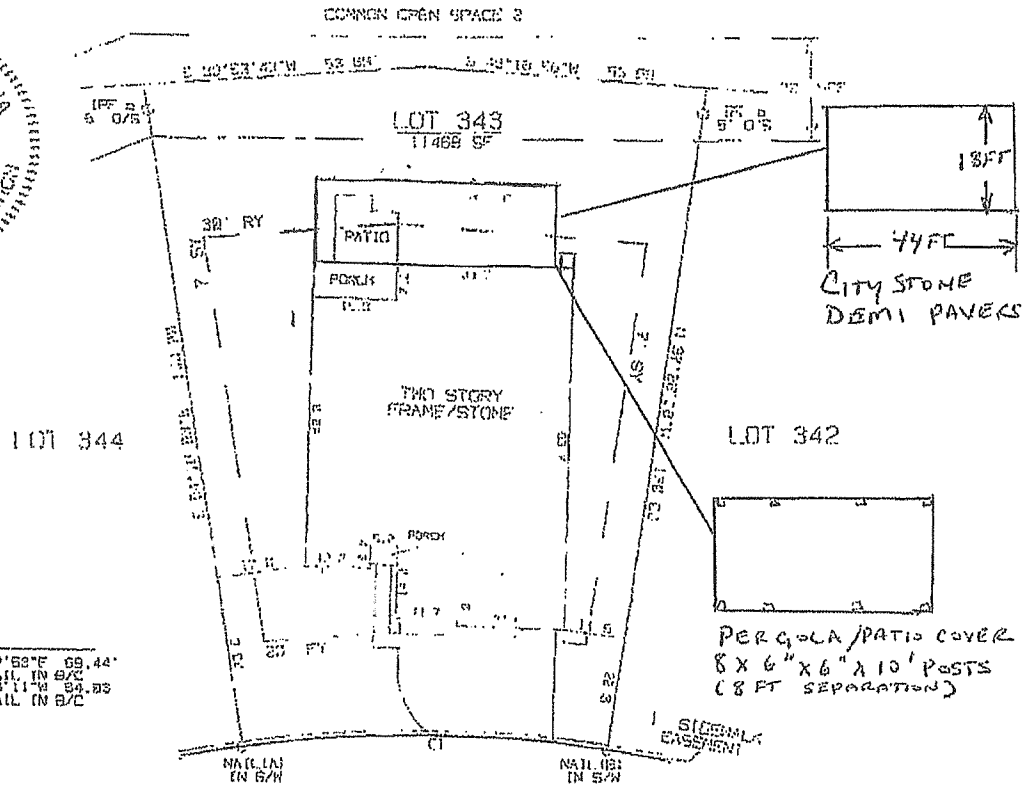
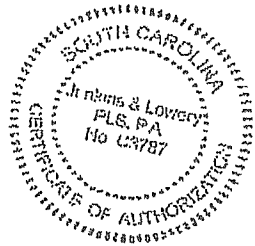
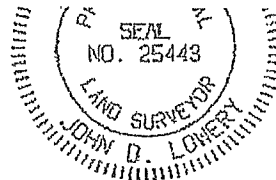
FOR DOOR AND HAPPADE
 SOUTH CAROLINA

1401 WYLER RD - 944.374-4198



- 1) OUTLINED POST AND FOOTINGS
- 2) 8 POST AT 24" X 10' BACK & FRONT.
- 3) FOOTINGS - AT 24" DEEP AT 20" WD -
- 4) 8' 1/2" HGT END
- 5) (14) 2x8x20' RAFTERS AND JOIST HANG AT 6" -
- 6) 3/2 LVL ON STRAIGHT SPEECH NO JOINTS JUST NAILS SCAWED 1/2"

- 7) PAVERS ON GROUND AND A CONCRETE WALL AT EDGE LEVELLED FOR SUPPORT ALL PAVERS IN EDGE



TIES:
 NAIL (A) N 17°02'53\"/>

ARCHES BLUFF CIRCLE

50' PRIVATE R/W

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	10°58'27"	227.88'	89.85	35.82	63.41	N 44°06'20"E

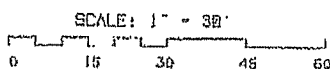
NOTE: UTILITY EASEMENTS
 5' EACH SIDE OF ALL LOT LINES

NOTE: U.G. UTILITIES IN AREA
 SERVING OTHER PROPERTIES
 THIS PROPERTY MAY BE SUBJECT TO ANY
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 SEE RECORD MAP FOR FURTHER NOTES.

- IPP - IRON PIN FOUND
- IPS - IRON PIN SET
- B/C - BACK OF CURB
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- PSDE - PUBLIC STORM DRAIN EASEMENT
- S.T - SIGHT TRIANGLE
- FY - FRONT YARD
- SY - SIDE YARD
- RY - REAR YARD
- FPE - FLOOD PROTECTION ELEVATION

PHYSICAL SURVEY

OF
 3068 ARCHES BLUFF CIRCLE
 LOT 343 OF TREE TOPS PHASE 1A PARTIAL MAP 1
 INDIAN LAND TOWNSHIP, LANCASTER COUNTY, S.C.
 PROPERTY OF DON HANSON



MAP RECORDED IN BOOK 2016
 AT PAGES 280-204

JENKINS & LOWERY P.L.S., P.A.
 P.O. BOX 1949
 INDIAN TRAIL, NC 28079
 PHONE: (704) 821-3350

Tree Tops Homeowners Association, Inc.
1515 Mockingbird Lane
Charlotte, NC 28209

Donald Ray & Haydee Hanson
3068 Arches Bluff Circle
Lancaster, SC 29720

ARC APPROVAL

Reference: 3068 Arches Bluff Circle, Lancaster, SC 29720 | Request #: XN13676309

November 19, 2020

Dear Donald Ray & Haydee Hanson,

Your Request for an Architectural Modification on your property at 3068 Arches Bluff Circle has been approved by the Architectural Review Committee (ARC) of Tree Tops Homeowners Association, Inc. Specifically, you have approval to proceed with the following request as submitted:

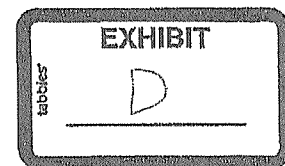
- Installation of CityStone Demi pavers in back of house in patio area. Installation of pergola/patio cover in back of house that will be freestanding and not attached to house.

Please note that the ARC may perform a final inspection once work is completed to ensure that your project is compliant with all CC&R's and that the Architectural Design Standards are applicable to your neighborhood. Please notify CAMS when work is completed to schedule the final inspection.

This approval is granted on the aesthetics of your project. The ARC does not take responsibility for, or infer by its approval, the project's structural soundness or that it meets any restricting state or local codes. Where applicable, all local building codes and setback requirements must be followed. If a building permit is required, applications must be submitted to your local planning and inspections department.

Thank you for adhering to the architectural guidelines of the community.

Sincerely,
Tree Tops Homeowners Association, Inc.



This Community is Professionally Managed By: CAMS | (704) 731-5560 www.camsmgt.com

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/3/2021

Issue for Consideration:

Points to Consider:

See Staff Report.

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	7/7/2021	Planning Staff Report
Ex 1: Application	7/7/2021	Exhibit
Ex 2: Location / Zoning Map	7/7/2021	Exhibit
Ex 3: Property Report	7/7/2021	Exhibit
Ex 4: Deed	7/7/2021	Exhibit
Ex 5: Public Comment - Jeven Williams	7/27/2021	Exhibit

REQUEST: Application by Lori O. and James D. Roney, requesting a variance from Unified Development Ordinance Section 5.2.7.C.2

PROPERTY LOCATION: 0 Cedar Pines Lake Road, Lancaster, SC

TAX MAP NUMBER: 0063-00-054.01

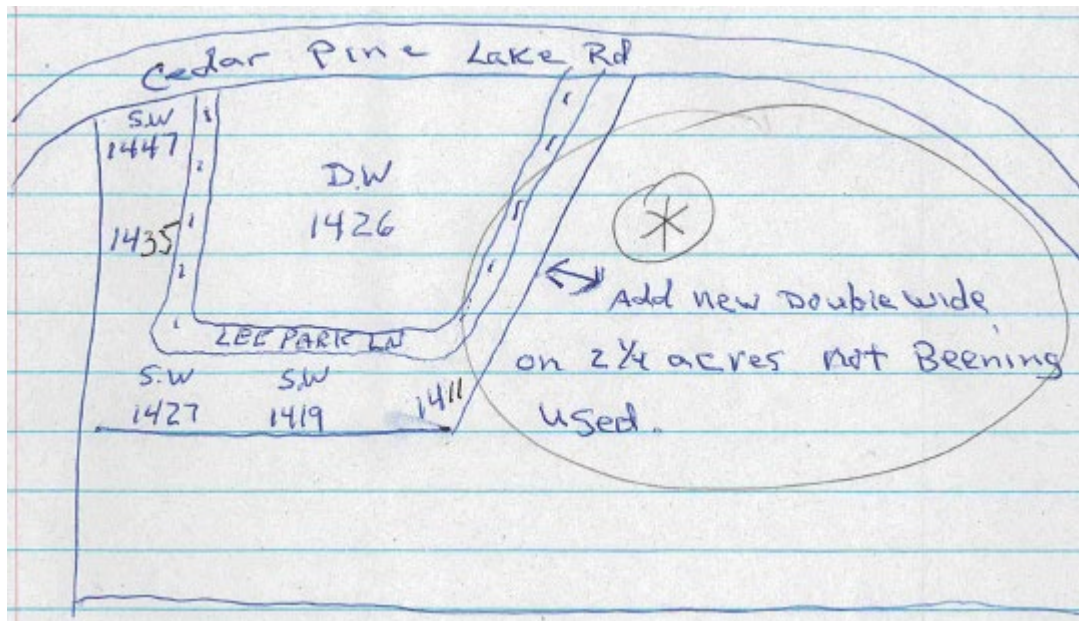
ZONING DISTRICT: Manufactured Housing (MH) District

OVERVIEW:

Background

The subject property is approximately 3.0 acres in size and is located on the south side of Cedar Pines Lake Road, approximately 2,700 feet east of Mungo Road. The property is zoned Manufactured Housing (MH) District and consists of Manufactured Home Park (Park) with six manufactured homes located along the private drive named Lee Park Lane. At this time, the property owners are seeking to locate a seventh manufactured home within the Park.

Pursuant to Unified Development Ordinance (UDO) Section 2.5.3, Use Table, Manufactured Home Parks are "permitted with review" in the MH District. UDO Section 5.2.7 outlines the standards for Manufactured Home Parks, and specifies that "no manufactured home park shall be approved for a site less than 5 contiguous acres under single ownership or control" [ref. UDO Section 5.2.7.C.2]. As the subject property is only 3.0 acres in size, it is a nonconforming use and cannot be expanded upon [ref. UDO Section 9.3.5]. The property owners have requested a variance to this requirement to reduce the minimum development size from 5.0 acres to 3.0 acres.



It is noted that while the applicant has requested the variance as referenced above, no variance from any other provision of UDO Section 5.2.7 has been requested and, based upon the information provided by the applicant, it is not possible to determine whether any additional variances may also be needed in order for the desired seventh manufactured home to ultimately be approved for the Park. Further, should the requested variance be approved, the applicant will still need to have drawings prepared that

demonstrate compliance with all of the applicable standards for mobile home parks prior to the issuance of any permits from the County.

Summary of Adjacent Zoning and Uses

	Zoning District	Use
North	LDR / HDR	Single-Family Detached Dwelling / Undeveloped
South	LI	Mobile Home (Nonconforming) / Undeveloped
East	LDR	Single-Family Detached Dwelling / Undeveloped
West	LDR	Single-Family Detached Dwelling

Public Comment:

Staff has received one email in opposition to this variance request. A copy of this email is attached to this staff report.

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section 5.2.7, Manufactured Homes [AR, RR, MH]

C. Standards for Manufactured Home Parks

1. All manufactured homes within a Manufactured Home Park must meet the Standards for All Manufactured Homes in Section 5.2.6.A and 5.2.6.B.
2. No manufactured home park shall be approved for a site less than 5 contiguous acres under single ownership or control.
3. The manufactured home park shall be screened from all adjacent property and street frontage with a Type C Buffer Yard (see Section 7.1.5). Only evergreen canopy and understory trees may be used, no deciduous trees.
4. The operator/manager of a manufactured home park shall designate and enforce a uniform type of underpinning of all manufactured homes in the community.
5. A minimum of two automobile parking spaces surfaced with 4 inches of gravel shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or public easement or within any street.
6. All streets within a manufactured home park shall comply with the standards set forth in Chapter 6 and Appendix C, Manual of Specification and Standard Details (MSSD), including the following:
 - a. Roadways in manufactured home parks shall have a minimum travel width of 22 feet exclusive of parking.
 - b. All roadways in manufactured home parks shall be paved.
 - c. All on-site roadway intersections shall be provided with a street light and one interior light shall be provided for each 400 feet of street length.
7. The maximum density for a manufactured home park shall not exceed 3 units per acre (43,560 square feet). Each lot or space within the park shall contain at least 14,520 square feet and shall be at least 80 feet in width. No more than one manufactured home shall be erected on one space. The maximum density allowed for a manufactured home park shall be based on the total acreage of the site minus the acreage required for recreational proposes.

8. Each manufactured home site shall be at least 30 feet from any other manufactured home or property line and at least 30 feet from the edge of any drive which provides common circulation. Accessory structures shall be at least 10 feet from any manufactured home other than the home to which the building is accessory and only one accessory structure shall be permitted per manufactured home.
9. Manufactured homes shall be permanently connected to local utilities or be served with an approved septic tank or well and provided screened refuse disposal facilities.
10. Each manufactured home stand and space/lot shall be graded to provide adequate storm drainage away from the structure.
11. Manufactured home sites shall only have direct access to internal park streets.
12. Existing trees and other natural site features shall, to the extent feasible, be preserved. Variations in the street pattern, block shapes, and location of manufactured home stands shall be employed as methods to preserve existing trees and other natural site features.
13. All manufactured home parks shall reserve and develop for recreational purposes a minimum of 15 percent of the park site.
14. No storage of unoccupied and/or damaged manufactured homes is permitted.
15. A permanent park identification sign displaying the name of the park and a permanent park directory sign displaying the address for and direction to each manufactured home in the park shall be erected at each entrance to the park. The required entrance and directory signs may be combined on one sign.
16. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch lettering.
17. Civic and open space shall be provided in accordance with Chapter 7.
18. No additions shall be added to any manufactured home except for those structures specifically designed for manufactured housing and those meeting the International Building Code.
19. Class C Manufactured Homes as defined in Chapter 10 are not permissible within any zoning district. No Class C Manufactured Home located in a park shall be replaced with another Class C Manufactured Home.

UDO Section 9.2.12, Variances

A. Purpose/Limitations

1. **Purpose:** The variance process administered by the Board of Zoning Appeals is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.
2. **Financial Hardship Not Sufficient Ground for Variance:** It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development.

- 3. Use Variances Not Permitted:** In no event shall the Board of Zoning Appeals grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question. Nor shall the Board grant a variance which would allow the establishment of a use set forth herein as requiring certain conditions or standards under conditions or standards less than those minimums.
- 4. Authority Limited to this Ordinance/ Conflicts with other Laws Prohibited:** In no event shall the Board of Zoning Appeals grant a variance which would conflict with the International Building Code, as amended, or any other state code unless otherwise authorized by duly enacted applicable laws and regulations.

C. Formal Review

2. Standard of Review

- a. General Variance Requests:** The Board of Zoning Appeals shall not grant a variance unless and until it makes all of the following findings:
 - i. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance;
 - 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;
 - 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;
 - iv. That the variance will not materially diminish or impair established property values within the surrounding area;
 - 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;
 - vi. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit;
 - vii. That the variance is the minimum necessary to afford relief; and
 - viii. That the public health, safety and general welfare have been assured and substantial justice has been done.

ATTACHMENTS:

1. Variance Application
2. Location / Zoning Map
3. Property Report
4. Deed
5. Public Comment – Jevan Williams

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net | 803-416-9394



**BOARD OF ZONING APPEALS
VARIANCE APPLICATION**

IF YOU REQUIRE ASSISTANCE WITH THIS APPLICATION, PLEASE CONTACT OUR OFFICE AT 803-416-9777. THE COMPLETED APPLICATION, THE APPLICATION FEE OF \$325.00, AND ALL ADDITIONAL MATERIALS ARE REQUIRED TO BE SUBMITTED.

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

PROPERTY INFORMATION:

TAX MAP NUMBER: 2015019314 0063-60-054.01
STREET ADDRESS: Lee Park Ln.
CITY/ STATE/ ZIP CODE: LANCASTER, SC 29720
LOT DIMENSIONS/ LOT AREA: 3 acres PLAT BOOK/PAGE: Plat Book 1, Page 161
CURRENT ZONING CLASSIFICATION: MH

PROPERTY OWNER OF RECORD:

NAME: James D. Roney and Lori Outen Roney
ADDRESS: 3085 University Dr. LANCASTER, SC 29720
CITY/STATE/ZIP CODE: LANCASTER, SC 29720 TELEPHONE/FAX NUMBER: (803) 235-2914
EMAIL ADDRESS: roneylori@yahoo.com
SIGNATURE OF OWNER/ DATE: James D. Roney / Lori Outen Roney

I HAVE APPOINTED THE INDIVIDUAL OR FIRM LISTED BELOW AS MY REPRESENTATIVE IN CONJUNCTION WITH THIS MATTER RELATED TO THE BOARD OF ZONING APPEALS.

AGENT OF OWNER:

NAME: _____
ADDRESS: _____
CITY/STATE/ZIP CODE: _____ TELEPHONE/FAX NUMBER: _____
EMAIL ADDRESS: _____
SIGNATURE OF AGENT/ DATE: _____
SIGNATURE OF OWNER/ DATE: _____

VARIANCE APPLICATION

DATE FILED: 07/02/21 APPLICATION NO. _____

1. APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FOR A VARIANCE FROM THE STRICT APPLICATION TO THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) OF THE FOLLOWING PROVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE:

permit to allow the placement of the double-wide home as attached - as denied by the 5 acre ordinance

SO THAT A ZONING PERMIT MAY BE ISSUED TO ALLOW USE OF THE PROPERTY IN A MANNER SHOWN ON THE ATTACHED PLOT PLAN, DESCRIBED AS FOLLOWS:

to place the home on the 2.25 acres remaining on this specific parcel (see parcel plan attached)

FOR WHICH A ZONING OFFICIAL HAS DENIED A PERMIT ON THE GROUNDS THAT THE PROPOSAL WOULD BE IN VIOLATION OF THE CITED SECTION (S) OF THE UNIFIED DEVELOPMENT ORDINANCE.

2. THE APPLICATION OF THE ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND THE STANDARDS FOR A VARIANCE SET BY STATE LAW AND THE ORDINANCE ARE MET BY THE FOLLOWING FACTS:

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

Don't have acreage necessary to qualify as to the current code

- 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;

I Don't agree with it

- 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;

This is already a mobile home park and we are only wanting to add an addition one on the 2-5 wooded lot next to these

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

will increase value of property and bring in extra revenue for Lancaster County

- 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;

The applicant doesn't feel that this will change the quality of the surrounding properties or neighborhood in any negative manner.

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

That this plan would be in accordance with other properties and follow all other rules and regulations described

- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND

would not disturb the current use or looks of the property, but would add to as well as revenue for Lancaster County.

- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE

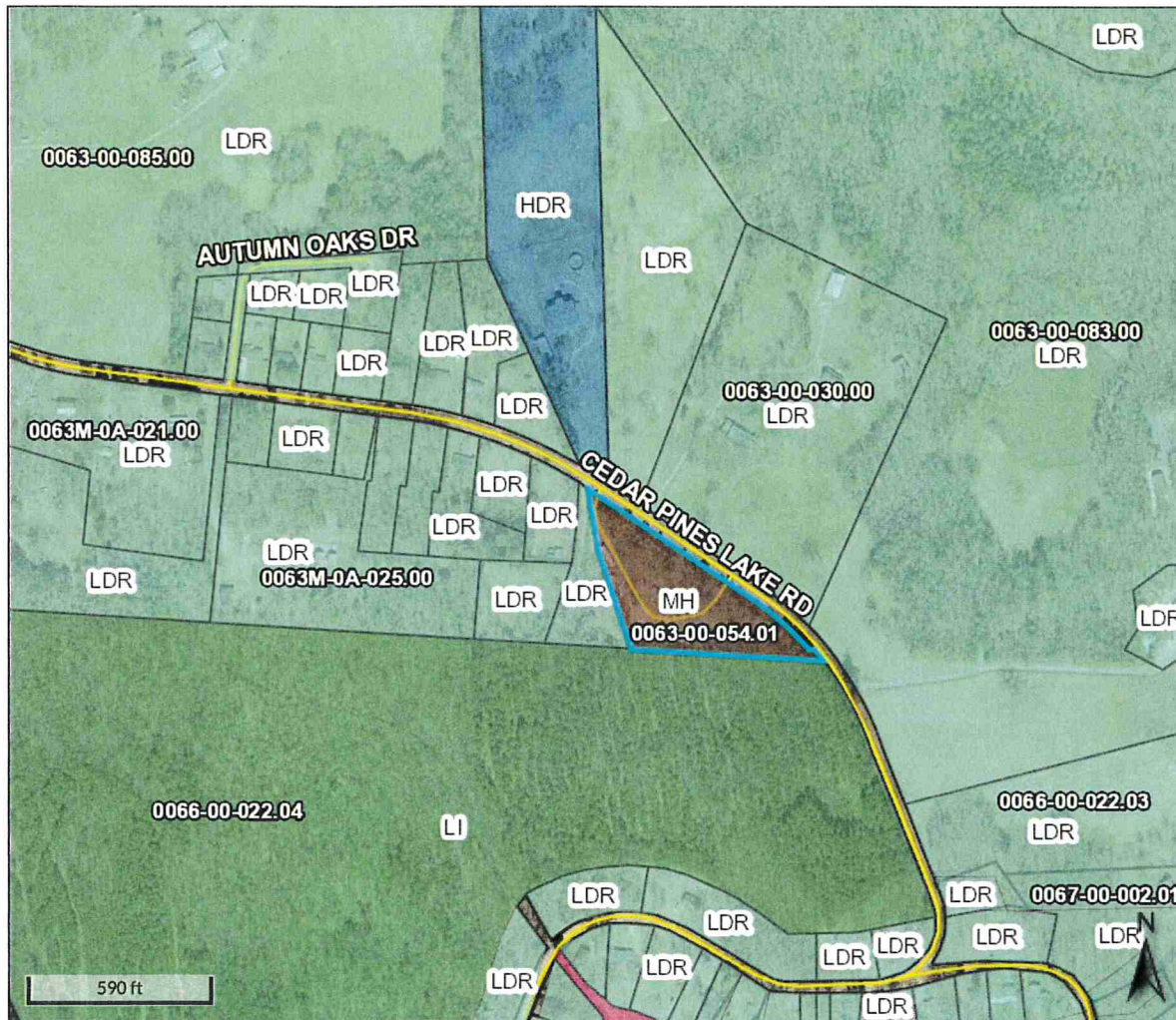
That the lack of the amount of land (5 acres) will not cause any detriment to the public or surrounding properties

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS APPLICATION: (A PLOT PLAN MUST BE SUBMITTED)

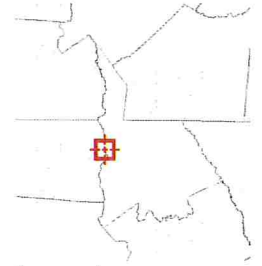
Date: 07/02/21

Applicant Signature:

James R. Remy



Overview



Legend

Zoning

- AR
- CITY
- GB
- HDR
- HI
- HSPRGS
- IMX
- INS
- KER
- LDR
- LI
- M
- MDR
- MH
- MX
- NB
- OSP
- PB
- PDD
- RB
- RMX
- RN
- RR
- RUB
- UR

Parcels

Roads

Railroad

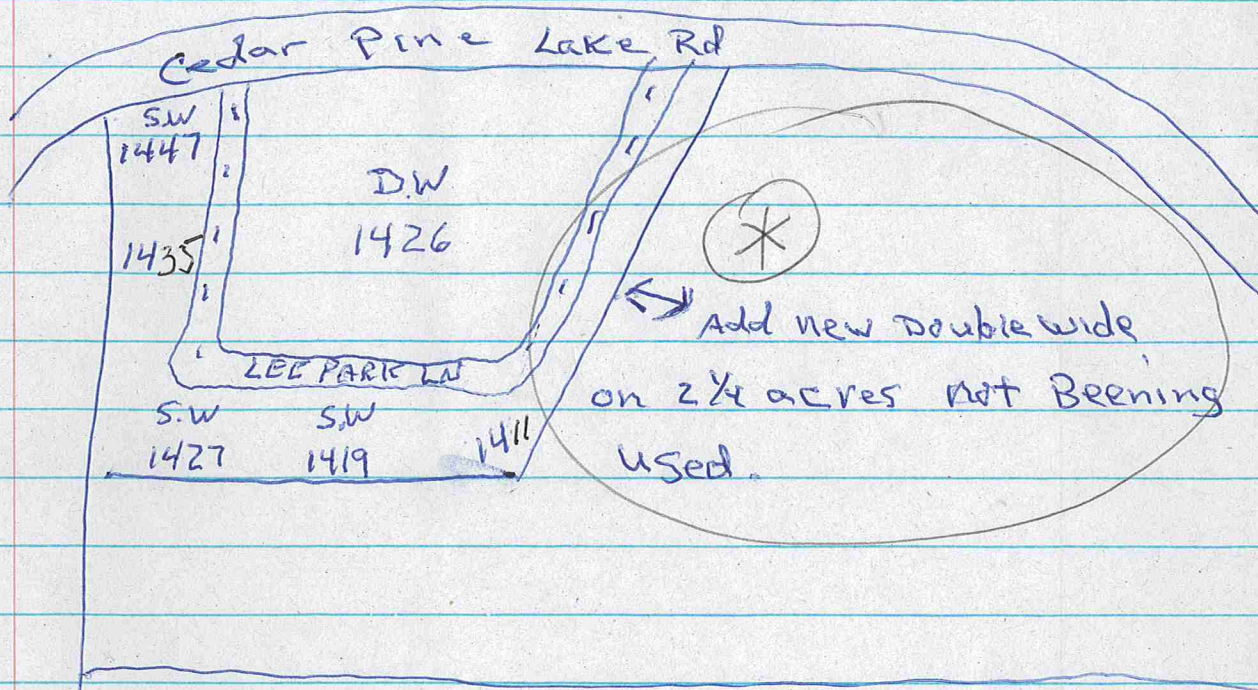
Parcel ID 0063-00-054.01
 Class Code Non Qualified Residential
 Taxing District County
 Lancaster
 Land Size 3

ACRES

Owner RONEY JAMES D
 RONEY LORI OUTEN
 3085 UNIVERSITY DR
 LANCASTER, SC 29720
 Physical Address CEDAR PINES LAKE RD
 Assessed Value

Last 2 Sales		Reason	Qual
Date	Price		
12/18/2015	\$69000	TRUE SALE	Q
6/15/1971	0	n/a	U

(Note: Not to be used on legal documents)



Park - 3 acres

Park beening used $\frac{3}{4}$ acres

Park Undeveloped $2\frac{1}{4}$ acres

Location Map

Map Date: July 7, 2021

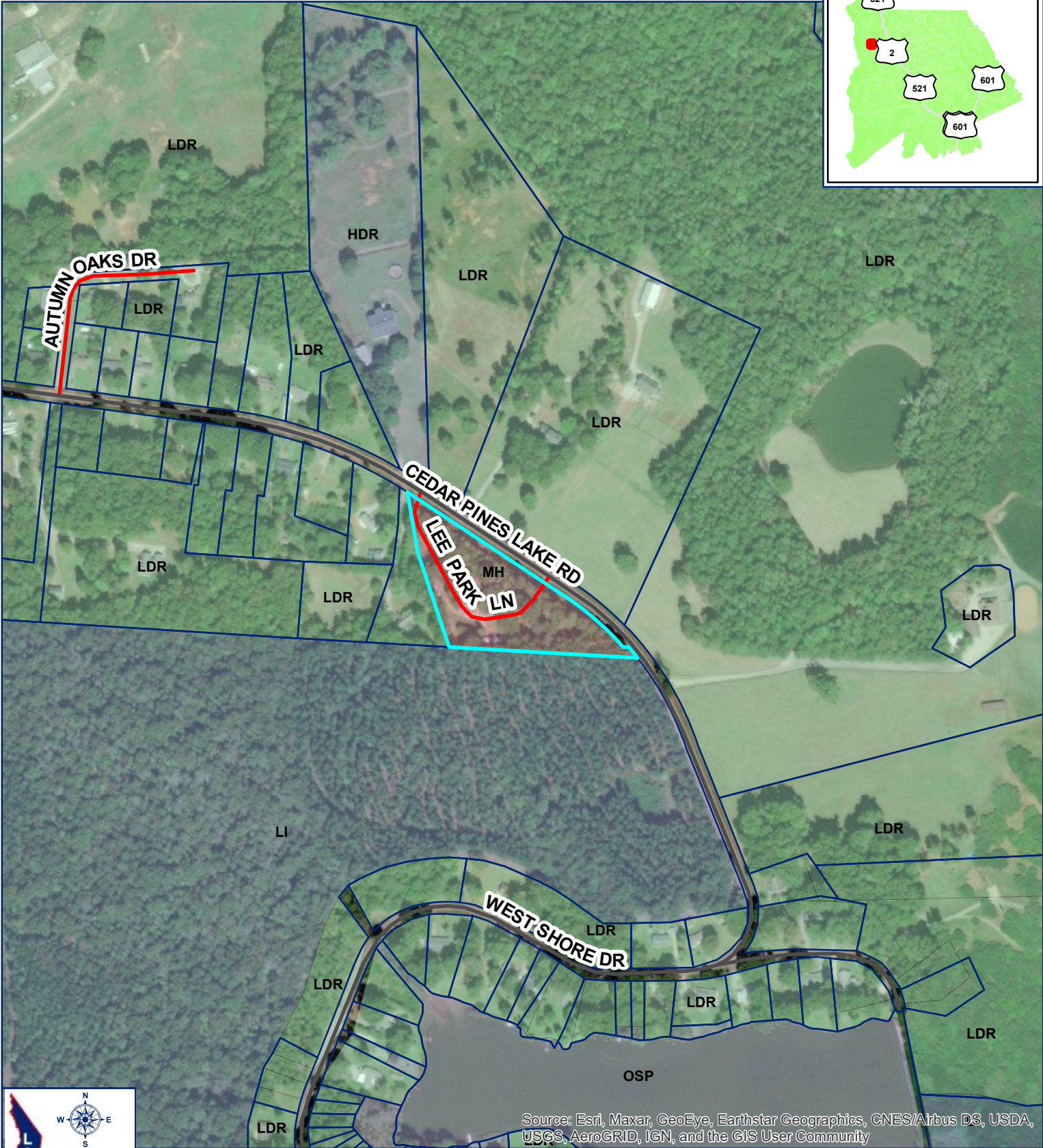
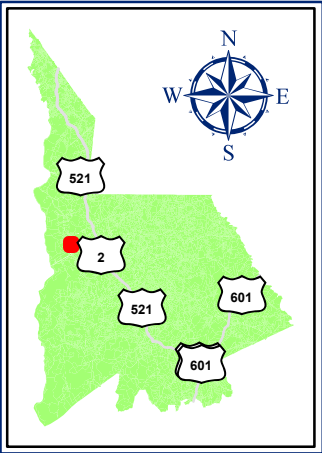
Map Created by: RT

Case Number: VAR-2021-1624

Proposal: Variance from UDO Section 5.2.7.C.2

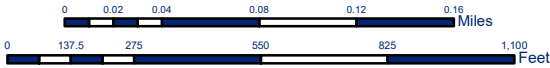
Tax Map #: 0063-00-054.01

Applicant: Lori O. and James D. Roney



The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





qPublic.net™

Lancaster County, SC

Parcel Summary

Parcel ID 0063-00-054.01
 Account # 7148
 Millage Group 01 - County - County
 Land Size 3 AC
 Location Address CEDAR PINES LAKE RD
 Lancaster 29720
 Zoning MH : Manufactured Home
 Neighborhood 12
 Property Use Code Non Qualified Residential (NRN)
 Plat Book 0001
 Plat Page 0061
 Block#
 Lot#

Scanned Property Card

Property Card

Note: Property Cards are current as of 4/1/2020 and are no longer updated

Owner Information

[RONEY JAMES D](#)

 3085 UNIVERSITY DR
 LANCASTER SC 29720

[RONEY LORI OUTEN](#)

 3085 UNIVERSITY DR
 LANCASTER SC 29720

Land Information

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth	AgUse Value
NQRes (NRN)	3.00	ACRES	SITE	0	0	\$0

Building Information

Building ID 6967
 Style /00
 Gross Sq Ft
 Finished Sq Ft
 Stories
 Condition Average
 Interior Walls
 Exterior Walls
 Year Built 0
 Garage
 Porch
 Effective Year Built 0
 Foundation
 Roof Type
 Roof Coverage
 Flooring Type
 Heating Type
 Bedrooms
 Full Bathrooms 0
 Half Bathrooms 0
 3/4 Bathrooms 0
 Grade
 Grade Description
 Number of Fire Pl 0
 Unit Description

Rooms

Bedrooms

Code	Description	Sketch Area	Finished Area	Perimeter
TOTAL				

Accessory Information

Description	Year Built	Out Building Type	Size	Quantity	Units	Grade
MH HKUP	0	MH HKUP (43)	0 x 0	6	1 SF	

Sales Information

Sale Date	Sale Price	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
12/18/2015	\$69,000	DEED	933	346	Qualified	Improved	EVANS JAMES M	RONEY JAMES D & LORI OUTEN
6/15/1971	\$0		A006	2744	Qualified	Improved		EVANS JAMES M

Assessed Values

	2020	2019	2018	2017
Market Land Value	\$25,000	\$25,000	\$25,000	\$25,000
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$9,000	\$9,000	\$9,000	\$9,000
= Total Market Value	\$34,000	\$34,000	\$34,000	\$34,000
Taxable Land Value	\$25,000	\$25,000	\$25,000	\$25,000
+ Taxable Improvement Value	\$0	\$0	\$0	\$0
+ Taxable Misc Value	\$9,000	\$9,000	\$9,000	\$9,000
- Ag Credit Value	\$0	\$0	\$0	\$0
= Total Taxable Value	\$34,000	\$34,000	\$34,000	\$34,000
Assessed Land Value	\$1,500	\$1,500	\$1,500	\$1,500
+ Assessed Improvement Value	\$0	\$0	\$0	\$0
+ Assessed Misc Value	\$540	\$540	\$540	\$540
= Total Assessed Value	\$2,040	\$2,040	\$2,040	\$2,040

No data available for the following modules: Commercial Building Information, Mobile Home Information, Photos, Sketches.

The data contained on this site is intended for information purposes only. It is based on the best information available at the time of posting and is not warranted. The data may not reflect the most current records.

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 **Schneider**
 GEOSPATIAL

[Last Data Upload: 7/7/2021, 1:24:08 AM](#)

Version 2.3.128

2015019314

DEED
RECORDING FEES \$10.00
STATE TAX \$179.40
COUNTY TAX \$75.90
PRESENTED & RECORDED:
12-18-2015 12:02 PM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: JOHN LANE REGISTER
BK: DEED 933
PG: 346-347

Title Prepared by:
RICK S. CHANDLER, JR.
ATTORNEY AT LAW

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that, I, **James M. Evans** ("Grantor"), in the State aforesaid, for and in consideration of the sum of **Sixty Nine Thousand and NO/100 (\$69,000.00)** Dollars, to the Grantor in hand paid at and before the sealing and delivery of these Presents, by the Grantee (the receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release unto **James D. Roney and Lori Outen Roney**, ("Grantee"), and Grantee's heirs, successors and assigns, the following described property, to wit:

All that certain piece, parcel or lot of land, together with improvements thereon, lying, being and situate about five miles Northwest of the town of Lancaster, Cane Creek Township, Lancaster County, South Carolina, containing three (3) acres, more or less and being bounded as follows: North and East by a road separating said tract from lands, now or formerly, owned by W. B. Williams; South by lands, now or formerly, owned by C. W. Mills and John M. Mills and West by lands, now or formerly, owned by L.S. Snipes and being that portion of the lands conveyed to W. B. Williams by M. L. Love that lies southwest of a dirt road shown on a Plat made by T. W. Secrest dated December 16, 1942 and recorded in the Office of the Register of Deeds for Lancaster County in Plat Book 1, at Page 161.

Being the identical property conveyed to Grantor herein by deed dated June 15, 1971 and recorded in the Office of the Register of Deeds for Lancaster County in Deed Book A-6, at Page 2744.

Also included are two mobile homes a 1973 PMTO serial number 24133261012 and a 1972 Wick Mobile home serial number 5844.

Grantee's Address: 3085 University Drive, Lancaster, SC 29720

The within described property is conveyed subject to existing easements and rights of way,

RECORDED THIS 13th DAY
OF JANUARY, 2016
IN BOOK 2015 PAGE R-1

1

Cheryl Morgan
Auditor, Lancaster County, SC

whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

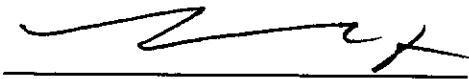
TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned, unto the said Grantee and Grantee's Heirs, Successors and Assigns forever.

AND the Grantor does hereby bind Grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and Grantee's Heirs, Successors and Assigns, against Grantor and whomsoever lawfully claiming, or to claim the same or any part thereof.

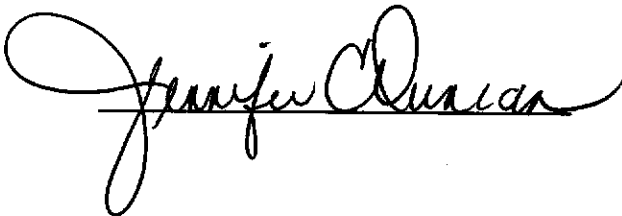
WITNESS the Grantor's Hand and Seal this 18th day of December, 2015, and in the two hundred fortieth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:




James M. Evans, Grantor

Grantor (Seal)



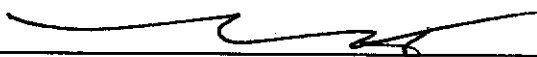
STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)
)
)
ACKNOWLEDGMENT

I, the undersigned notary public, do hereby certify that the above named Grantor personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 18th day of December, 2015.

 (Seal)

Rick S. Chandler, Jr.
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 2/2/2020

From: jevan.williams
To: [Jennifer Bryan](#)
Subject: VAR-2021-1624
Date: Monday, July 19, 2021 11:26:22 AM



The System couldn't recognize this email as this is the first time you received an email from this sender jevan.williams@yahoo.com

I am opposed to the granting of a variance that would allow an additional mobile home at Lee Park Lane. This mobile home park was established prior to zoning (grandfathered) in a community of stick built homes. There is no public sewer in the area. I would be surprised if DHEC would approve an additional septic system on such a small parcel with those already in place.

Furthermore, additional mobile homes depreciate the value of neighboring home owners' properties in the rest of the community including mine.

Sincerely,
C. Jevan Williams
1294 Cedar Pines Lake Road
Lancaster, S.C. 29720

TM# 0063-00-028.00

TM# 0063-00-028.01

Sent from my Verizon, Samsung Galaxy Tablet

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/3/2021

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Withdrawal of VAR-2021-0490	7/27/2021	Exhibit

From: [Robert Tefft](#)
To: [Jennifer Bryan](#)
Subject: FW: VAR-2021-0490, Chick-Fil-A
Date: Thursday, June 3, 2021 10:09:16 AM
Attachments: [image001.png](#)
[LCLogo_c716c29e-f766-46c0-a18c-7d20f2fc6ebd.png](#)

FYI



Robert . Tefft, Planner
Planning
Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720
P: (803) 285-6005 F: (877) 636-7963
rtefft@lanastersc.net

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From: Kat Alvarez <alvarez@esencia.org>
Sent: Wednesday, June 2, 2021 9:48 AM
To: Robert Tefft <rtefft@lanastersc.net>
Cc: Frank Gawdun <gawdun@esencia.org>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Yes, that is correct.

Thanks,
Kat

From: Robert Tefft <rtefft@lanastersc.net>
Sent: Wednesday, June 02, 2021 6:47 AM
To: Kat Alvarez <alvarez@esencia.org>
Cc: Frank Gawdun <gawdun@esencia.org>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Kat:

I just want to confirm that the CFA variance application has been withdrawn based upon a decision to go forward with a different site design. Is this correct?

Robert



Robert . Tefft, Planner
Planning
Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720
P: (803) 285-6005 F: (877) 636-7963
rtefft@lancastersc.net

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From: Kat Alvarez <alvarez@esencia.org>
Sent: Friday, May 21, 2021 3:09 PM
To: Robert Tefft <rtefft@lancastersc.net>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Great! We will contact permitting for the requirements.

Thanks,
Kat

From: Robert Tefft <rtefft@lancastersc.net>
Sent: Friday, May 21, 2021 12:07 PM
To: Kat Alvarez <alvarez@esencia.org>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Kat:

I you feel that the parking/landscaping requirement will be met, and the proposed structures will be outside of the applicable setback areas, then it would appear that the variance could be withdrawn and the next steps would be to proceed to permitting (Zoning reviews as a part of the permit review).

Robert

Robert . Tefft, Planner



Planning
Lancaster County Government
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rtefft@lancastersc.net

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From: Kat Alvarez <alvarez@esencia.org>
Sent: Friday, May 21, 2021 1:35 PM
To: Robert Tefft <rtefft@lancastersc.net>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Chick-Fil-A has decided to go with the dual lane canopy outside of the setback. They feel they can meet the parking and landscaping requirements. Do we have to submit to planning/zoning first?

Thanks,
Kat

From: Robert Tefft <rtefft@lancastersc.net>
Sent: Friday, May 21, 2021 10:10 AM
To: Kat Alvarez <alvarez@esencia.org>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Sorry, yes. County Council will have a public hearing on the ordinance June 14, 2021.



Robert . Tefft, Planner
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From: Kat Alvarez <alvarez@esencia.org>
Sent: Friday, May 21, 2021 1:08 PM
To: Robert Tefft <rtefft@lancastersc.net>
Subject: FW: VAR-2021-0490, Chick-Fil-A

No, sorry for the confusion. The parking ordinance. You mentioned this will be going in front of the council.

Kat

From: Robert Tefft <rtefft@lancastersc.net>
Sent: Friday, May 21, 2021 10:06 AM
To: Kat Alvarez <alvarez@esencia.org>
Subject: RE: VAR-2021-0490, Chick-Fil-A

County Council would not have any reason to see this request – variance or not.



Robert . Tefft, Planner
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From: Kat Alvarez <alvarez@esencia.org>
Sent: Friday, May 21, 2021 12:42 PM
To: Robert Tefft <rtefft@lancastersc.net>
Subject: RE: VAR-2021-0490, Chick-Fil-A

Our meeting with Chick-Fil-A is in 10 minutes. So really quick question. When does this change go in

front of the Council?

Kat

From: Robert Tefft <rtefft@lancastersc.net>

Sent: Friday, May 21, 2021 9:27 AM

To: Kat Alvarez <alvarez@esencia.org>

Subject: RE: VAR-2021-0490, Chick-Fil-A

Currently, parking for a restaurant is calculated at 1 per 250 square feet, so CFA would only be required to provide 19 total parking spaces. However, there is an ordinance going before County Council that would amend that requirement to 1 per 75 sf of indoor seating area, and 1 per 3 occupants of outdoor seating area, standing room only food/beverage areas, etc (per occupant load). I'm not certain how this change may ultimately impact CFA. Do you have details as to the size of the interior seating area?

Robert



Robert . Tefft, Planner

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From: Kat Alvarez <alvarez@esencia.org>

Sent: Friday, May 21, 2021 11:59 AM

To: Robert Tefft <rtefft@lancastersc.net>

Subject: RE: VAR-2021-0490, Chick-Fil-A

Thank you for the quick review. How would we handle the loss of parking? Would this be any more attainable than the variance?

Kat

From: Robert Tefft <rtefft@lancastersc.net>

Sent: Friday, May 21, 2021 8:38 AM

To: Kat Alvarez <alvarez@esencia.org>

Subject: RE: VAR-2021-0490, Chick-Fil-A

Kat:

Correct me if I am wrong here, but both of these designs would appear to locate the new canopy outside of the front setback area. If this is indeed the case, then there would no longer be a need for a variance and either option would be viable. The only concern that we would have is with regard to parking and landscape requirements continuing to be met; however those issues can be addressed with the Zoning Department during the permitting process.

Robert



Robert . Tefft, Planner

Planning

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From: Kat Alvarez <alvarez@esencia.org>

Sent: Friday, May 21, 2021 8:10 AM

To: Robert Tefft <rtefft@lancastersc.net>

Subject: RE: VAR-2021-0490, Chick-Fil-A

Robert, the team has given me a couple options for the site. Can you look them over and let us know if either design would be viewed more positively? We have a meeting this morning and would really love your input. Call me anytime.

Thanks,

Kat

602-526-4254

From: Robert Tefft <rtefft@lancastersc.net>
Sent: Monday, April 26, 2021 5:50 AM
To: Kat Alvarez <alvarez@esencia.org>
Subject: VAR-2021-0490, Chick-Fil-A

Good morning, Kat.

We have not received any revisions regarding this project following last month's BZA meeting. Are there updated variance criteria or plans you are wanting the Board to consider at their meeting next week? Packets to the Board go out tomorrow so if there is anything to update, I need to receive it today.

Robert



Robert . Tefft, Planner
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