



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

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

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

July 2, 2024 at 6:00 PM

1. Roll Call

Board Members present: Quorum is present (5 Board Members)

Frances Liu Keye Jones
Gary Alden Beverly Williams Sheresa Ingram

Absent : Kemesha Lowery

Staff: April Williams, Planning Director
Matthew Blaszyk, Planner
Aimee Sholar, Recording Secretary
Jennifer Bryan, Planning Technician

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

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

2. Call to Order

Chair Liu called the public meeting to order at 6:07 p.m.

a. ELECTION OF OFFICERS 2024-2025

Election of Chair and Vice Chair for the year 2024-2025

Chairman Liu yielded the floor to April Williams to moderate Officer Elections.

Nominations for Chair:

Keye Jones nominated FRANCES LIU for the office of Chair; Gary Alden seconded the nomination. No other nominations were put forward.

Vote: Frances Liu is affirmed by unanimous consent.

Nominations for Vice Chair:

Frances Liu nominated BEVERLY WILLIAMS for the office of Vice Chair; Keye Jones seconded the nomination. No other nominations were put forward.

Vote: Beverly Williams is affirmed by unanimous consent.

3. Approval of Agenda

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

4. Approval of Minutes

a. Minutes of April 2, 2024

Chair Frances Liu requested a Motion to approve the minutes of April 2, 2024 . . Motion to Approve by Keye Jones; Seconded by Gary Alden.

Vote: 5:0. Motion is approved.

5. Public Hearing Items

a. VAR-2028-0238 Toll Southeast LP Company/Sugar Creek Development

Application by Toll Southeast LP Company for a Variance from UDO Sec. 4.4.1.i.8.d Buffer Requirements, on the northernmost portion of TM 0003-00-001.00 facing Harrisburg Road.

STAFF REPRESENTATIVE: April Williams for Planning Department:

Ms. Williams presented the staff report (see attachment to Agenda.)

APPLICANT STATEMENT: Chris Todd, Alfred Peralta (Timmons Group, Toll Bros. Engineering- Representing Harrisburg Road project)- The neighboring property owner cut a new driveway and removed some trees on the applicant's property. The applicant recognizes this as an unintentional mistake and is seeking relief to avoid difficulties for both parties.

PUBLIC HEARING: [See attached sign-in sheet]

1. Alfred Peralta – Toll Brothers Inc. (see applicant statement above)
2. **Marlon Haniff**- Vice President of the Islamic Church. Relied on Zillow GIS rather than a surveyed measurement. Apologizes for the mistake.
3. **Farooq Husain** – no comment; supports Mr. Haniff.
4. **Chris Todd** – Timmons Group (see applicant statement above.)

Board member concerns:

The driveway is not gravel but mulch, can it be moved? Does the driveway affect the other adjacent property owner? Can the land be deeded to the Church?

APPLICANT REBUTTAL:

Applicant is willing to grant an easement for access to preserve the use of the driveway. It may not be possible to deed the property, as it is included in the open space calculated for the overall development. The relief requested is permission not to replant the trees that make up a very small area of the 50' buffer.

CALL FOR A MOTION:

Motion to Approve by Keye Jones; Second by Sheresa Ingram. See votes per each of 8 criteria below.

CALLED VOTES: VARIANCE CRITERIA

- i. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE: Agree (A) or Disagree (D)

F. Liu: D B. Williams: D G. Alden: D K. Jones: A S. Ingram: D

1:4 : DENIED

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

F. Liu: D B. Williams: D G. Alden: A K. Jones: A S. Ingram: A

3:2 AFFIRMED

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

F. Liu: D B. Williams: D G. Alden: D K. Jones: A S. Ingram: D

1:4 DENIED

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

F. Liu: A B. Williams: D G. Alden: A K. Jones: A S. Ingram: A

4:1 AFFIRMED

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

F. Liu: B. Williams: G. Alden: K. Jones: S. Ingram:

PASS

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

F. Liu: D B. Williams: D G. Alden: A K. Jones: A S. Ingram: A

3:2 AFFIRMED

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

F. Liu: D B. Williams: D G. Alden: A K. Jones: A S. Ingram: A

3:2 AFFIRMED

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

F. Liu: B. Williams: G. Alden: K. Jones: S. Ingram:

PASS



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The following criteria are not satisfied: i, iii. (No vote on v and viii)

The Variance is **DENIED**.

6. Other Business:

- a. Review of Next Month's agenda:
- Workshop on Rules & Procedures
 - No cases have been filed

7. Adjournment:

With there being no further business, Keye Jones moved to adjourn; motion seconded by Gary Alden. The motion was approved by unanimous consent. **Adjourned at 7:11PM.**



Board of Zoning Appeals Public Hearing Sign In Sheet

ITEM 5b: VAR-2018-0238 TOLL SOUTHEAST LP Co/Sugar Creek Development

Application by Toll Southeast LP Company for a Variance from UDO Sec. 4.4.1.i.8.d Buffer Requirements, on the northernmost portion of TM 0003-00-001.00 facing Harrisburg Road.

ONLY STATEMENTS OF FACT WILL BE CONSIDERED AS EVIDENCE. HEARSAY AND OPINION ARE INADMISSABLE.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, July 2, 2024

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

PLEASE PRINT

1.	Alfred Peralta - Toll Brothers
2.	MARLON HANIFF - ICCSC
3.	FAROOQ HUSAIN - ICCSC
4.	Chris Todd - Timmons Group

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