

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

MARCH 2, 2021

Members Present: Frances Liu, Darrell Reid, Beverly Williams, Kemesha Lowery, Miller DeVenny, Mike Couch. A quorum of Lancaster County Board of Zoning Appeals was present for the meeting.

Members Absent: None

Others Present: Robert Tefft, Senior Planner; Mika Garriss, Zoning Secretary; John DuBose, County Attorney.

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.

Call Meeting to Order

Chair Liu called the meeting to order at 6:01 PM.

Approval of Agenda

Member Reid moved to approve the agenda, which was seconded by Member Williams. Motion passed by 6-0.

Approval of Minutes from February 2, 2021

Member Couch moved to approve the minutes, which was seconded by Member Williams. Motion passed by 5-0 (Member DeVenney abstained).

Public Hearing Items

VAR-2021-0014

Application by Lucy and William Lane, requesting a variance from Section 12, Setbacks and Yards, of Lancaster County Ordinance No. 2015-1346. The subject property is located at 1048 Castle Road, Indian Land, SC (TM# 0010N-0A-126.00) in a Planned Development District (PDD).

Robert Tefft, Senior Planner, provided an overview of the variance request consistent with the staff report.

William Lane, applicant/homeowner, discussed with the Board the revisions made following the discussions at last month's hearing.

Member Couch discussed with Mr. Lane the current setbacks of the house and the resulting setbacks for the proposal.

Member Reid asked Mr. Lane if they commissioned the survey/plat. Mr. Lane responded that it was provided by the builder/developer.

Chair Liu discussed with Mr. Lane the difficulty with hardship and tweaks that could be made (adjusting to be parallel to setback line).

Chair Liu discussed with Mr. Lane the issue of burden of proof and variance criteria ii. regarding the use of land if variance is not granted.

Mr. Lane noted to the Board that he spoke with several of his neighbors regarding his proposal and that there were none in objection.

Chair Liu asked Mr. Tefft about the setbacks for the pool which was previously a part of the proposal. Mr. Tefft noted that setbacks for pools are different from those for the proposed porch and, as was previously proposed, did not require a variance.

Member Couch discussed with Mr. Lane the revisions to the proposal and impact upon the prior proposed pool.

Member Couch discussed having the width of the addition reduced to comply with setbacks, but also extended along the full width of home so that it would be long and narrow.

Member Reid commended applicant on the redesign of the proposal.

Chair Liu called for a motion.

Member Williams made a motion to approve the variance, which was seconded by Member Reid.

Chair Liu discussed motion procedures with County Attorney DuBose.

The Board reviewed the application against the variance criteria, and determined that the application failed to meet the following variance findings:

- i. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance (vote of 3-3);
- 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 (vote of 1-5); and
- vii. That the variance is the minimum necessary to afford relief (vote of 1-5).

On suggestion of County Attorney DuBose, no vote was taken on criterion viii.

Motion failed. The Board agreed that the above criteria were not met. The variance is denied.

Mr. Lane expressed to the Board his disappointment in their decision and that he is upset that his time and effort was wasted addressing the discussion which occurred at the prior month's meeting.

Chair Liu stated for the record that the Board had indicated to the applicant at the prior month's meeting that there was no guarantee of an outcome based upon making adjustments.

VAR-2021-0256

Application by Donna Zielinski, St. Clair Signs, requesting a Variance from Unified Development Ordinance Section 7.4.5.A. The subject property is located at 9990 Charlotte Highway, Indian Land, SC (TM# 0005-00-101.01) in the General Business (GB) District.

Robert Tefft, Senior Planner, provided an overview of the variance request consistent with the staff report.

Member Couch asked if there is any other signage on the Charlotte Highway facing building façade. Mr. Tefft responded that he was uncertain.

Morgan Cox, applicants' representative, addressed the Board on the need/requirement for the proposed variance.

Chair Liu discussed with applicant the changes proposed to be made to the freestanding sign and that language will include "food market."

Member Couch asked the applicant if there is any signage along the Charlotte Highway facing building façade. The applicant responded that there is none.

Member Couch asked the applicant if there is any signage on the north façade. The applicant responded that there is none, and that there is only signage at the southeast corner of the building.

Member Couch asked the applicant why there is no signage facing Charlotte Highway or north. The applicant responded that it is to maintain consistency with branding standards for Lidl.

Member Couch stated his opinion that the Charlotte Highway façade would be a better location for visibility.

Chair Liu and Mr. Tefft discussed whether the requirement for parking at the rear of the building resulted in the building being oriented away from Charlotte Highway.

Member Williams asked Mr. Tefft if the maximum signage is per building or per building façade, and then asked if signage was on west elevation would a variance be needed. Mr. Tefft responded that the maximum signage is per building façade and that if the proposed signage was on west elevation, given the applicants assertion that there is no existing signage, that a variance would not be needed.

Member Lowery asked the applicant why the sign is not proposed to be located on the west facade. The applicant responded that the location of the sign is for branding consistency.

Chair Liu and the applicant discussed issues of need for food market signage and location of signage.

Member Williams stated her opinion that the existing monument is out of place and should be on other side of the drive in order to draw better attention.

Chair Liu noted that she agreed with the opinion of Member Williams.

Chair Liu asked the Board if they had any thoughts on tabling the application so that the applicant could take the Board's thoughts into account as part of a redesign.

Member Couch stated that if the applicant was to take the Board's thoughts into account they would not need to return.

Chair Liu and County Attorney DuBose discussed thoughts on making a motion.

Applicant asked a general question regarding the color of the letters on other elevation. Mr. Tefft indicated that letter color would not be an issue.

Chair Liu called for a motion.

Member Williams made a motion to approve the variance, which was seconded by Member Lowery.

The Board reviewed the application against the variance criteria, and determined that the application failed to meet the following variance findings:

- i. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance (vote of 0-6);
- ii. That if the applicant complies with the provisions of the ordinance, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property (vote of 0-6);
- 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 (vote of 0-6); and
- 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 (vote of 2-4).

On suggestion of County Attorney DuBose, no vote was taken on criteria vi., vii., and viii.

Motion failed. The Board agreed that the above criteria were not met. The variance is denied.

Applicant asked if a sign could be installed anywhere on the west façade, or if it would be limited to that portion of the façade consisting of brick.

Member Williams responded that anywhere on the façade is permissible.

New Business:

Mr. Tefft provided an update on next month's agenda to include a request for a Special Exception permit for a campground at 5897 Goldmine Highway, and a variance from side setback requirements for the Chick-Fil-A at 10032 Charlotte Highway.

Mr. Tefft and the Board welcomed new member Miller DeVenny. Member DeVenny introduced himself to the Board.

Adjournment:

With there being no further business, Member Reid moved to adjourn the meeting, which was seconded by Member Lowery. Motion passed unanimously. The Board of Zoning Appeals adjourned at 7:04 PM.

CHAIR

ZONING OFFICIAL