



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1

KEMESHA LOWERY, DISTRICT 2

HARVEY CARNES, DISTRICT 3

DISTRICT 4

DARRELL REID, DISTRICT 5

MIKE COUCH, DISTRICT 6

FRANCES LIU, DISTRICT 7

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

JANUARY 5, 2021

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

Members Absent: Harvey Carnes

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 6:00 PM.

Approval of Agenda

Member Lowery moved to approve the agenda, which was seconded by Member Reid. Motion passed by 5-0.

Approval of Minutes from December 1, 2020

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

Public Hearing Items

VAR-020-2854

Application by Fun Outdoor Living on behalf of Donald J. Richburg, requesting a variance from Unified Development Ordinance Section 4.4.1.E, setbacks, reducing the rear setback from 30 feet to 18.7 feet. The subject property is located at 4013 Brandywine Terrace (TM# 00140-0A-045.00) in a Medium Density Residential (MDR) District / Cluster Subdivision Overlay (CSO) District.

Robert Tefft, Senior Planner, provided an overview of the variance request consistent with the staff report. Mr. Tefft also noted that staff has not received any calls on the matter, just those letters/emails provided by the applicant.

Chair Liu discussed specific variance criteria with the applicants.

Donald Richburg addressed the Board and stated that the reason for his request is medical in nature and that he recently moved here and wasn't aware of the zoning laws for Lancaster County.

Chair Liu question whether or not this would be a screened-in porch.

Mr. Richburg responded that it would be a screened-in porch.

Member Reid asked if they're any easements next to the property. He noted that they are buffers and a lot of open space at rear of property.

Mr. Richburg agreed that there was a lot of open space behind the property, but was unaware as to any easements.

Member Couch asked why they could not build the porch within the 7 feet outside of the setback area.

Mr. Richburg stated that it would be a tight fit for what they wanted to build and would like to have a larger porch for when family visits.

Member Williams asked if the applicant has a front porch on the house.

Mr. Richburg stated that the home only an overhang.

Chair Liu indicated her belief that this is a large request for this size of structure to try and give a minimum relief.

Member Reid stated that he feels this variance request does have a uniqueness to it because in the Bent Creek subdivision you have homes all around, yet Mr. Richburg's lot does not have homes behind him. There is a 10 acre common open space and nothing will be built in that area..

Chair Liu opened the public hearing and with there being no one to speak on the item, closed the public hearing and called for a vote.

Member Williams moved to approve the variance, which was seconded by Member Reid.

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 0-5);
- 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 0-5);
- iii. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district (vote of 0-5);
- iv. That the variance will not materially diminish or impair established property values within the surrounding area (vote of 0-5);
- vi. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit (vote of 0-5); and
- vii. That the variance is the minimum necessary to afford relief (vote of 0-5).

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

New Business:

Mr. Tefft provided an update on next month's agenda to include a variance for a rear yard setback for a single-family home in the Queensbridge neighborhood. Mr. Tefft also indicated that there would be training for the Board at the next meeting.

Adjournment:

With there being no further business to discuss, Member Williams moved to adjourn the meeting, which was seconded by Member Reid. Motion passed unanimously. The Board of Zoning Appeals adjourned at 6:42 PM.

CHAIR

ZONING OFFICIAL