



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**

October 1, 2024 at 6:00 PM

1. Roll Call

Board Members present: Quorum is present (3 Board Members)
Frances Liu Gary Alden
Beverly Williams

Absent: Sheresa Ingram and Kemesha Lowery

Staff: April Williams, Planning Director
Allison Hardin, Development Services Director
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 **6:03 p.m.**

3. Approval of Agenda

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

4. Approval of Minutes

a. Minutes of September 3, 2024

Chair Frances Liu requested a Motion to approve the minutes of September 3, 2024 .
Beverly Williams moved to Approve; Seconded by Gary Alden.

Vote: 3:0. Motion is approved.

5. Public Hearing Items

a. VAR-2024-1844 Panda Express: Sign

Application by Ross McArthur on behalf of Panda Express/CFT NV Developments LLC regarding location 8474 Charlotte Highway (p/o TM 0013-00-016.05) for a variance from UDO Sec 7.4.5.A *Attached Wall Sign Standards*, to allow an increase in area of wall sign from maximum 50 square feet to 53.13 square feet.

STAFF REPRESENTATIVE: Allison Hardin for Planning and Zoning:

Property is part of the Arches development and zoned Regional Business with additional regulations of the Highway Corridor Overlay. Regional Business allows for wall signs under Section 7.4.5.A of the UDO which allows a maximum of 50 square feet per wall. The applicant has turned in a plan showing signage that measures 53.13 square feet on one side. This does not meet the code.

APPLICANT STATEMENT: Ross McArthur for Panda Express:

The property has a limited site line from the street. You need a proper site from the main road to the restaurant. The sign is slightly recessed into the wall. Also, there are trees in front of it. When you get into the left lane heading South it is hard to see. We have 1,100 restaurants but only 7 in South Carolina. I need the exposure. I am only asking for 0.3 percent more sign. Every sign is the exact same on every Panda Express, we only have these exact signs. The overhang is limiting the site of the sign.

Questions to Applicant

Gary Alden: Can the Panda Express sign be lowered and moved to the left?

Ross McArthur, Applicant: It is toward the street. Directly across the parking lot. It's in the recessed area. Have you seen this site? It's in the perfect place so it can be seen by people coming in.

Frances Liu: When will it be opened?

Ross McArthur, Applicant: Soon

Director Hardin: Our code is not set for any national standards.

Frances Liu: Is it possible to make one to fit the size?

Frances Liu: To Mrs. Hardin's point, we don't change the standards to conform to everyone else.

Frances Liu: Would people even notice a difference of 3 square feet?

Ross McArthur, Applicant: Yes, I am the compliance officer, they have to be able to see it even when and there is advanced tree growth.

Frances Liu: My husband and I turn their everyday.

Ross McArthur, Applicant: There are other stores with bigger signs.

Director Hardin: The UDO was changed and those signs are no longer allowed.

Frances Liu: I am having trouble finding hardship.

Ross McArthur, Applicant: So, if 53sq isn't allowed, you would still allow 50 sq?

Director Hardin: Yes

PUBLIC HEARING: [See attached sign-in sheet]

None Signed In.

CALL FOR A MOTION:

Motion to Approve by Beverly Williams **Seconded** by Gary Alden.

Vote: 3:0. Motion is Approved.

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: x B. Williams: x G. Alden: /x K. Jones: ___ S. Ingram ___ K. Lowery

0:3

- 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; Agree (A) or Disagree (D)

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

0:3

- 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: / B. Williams: x G. Alden: x K. Jones: ___ S. Ingram ___ K. Lowery

1:2

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

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

3:0

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

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

3:0

- 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: x B. Williams: x G. Alden: x K. Jones: ___ S. Ingram ___ K. Lowery

0:3

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

Agree (A) or Disagree (D)

F. Liu: x B. Williams: x G. Alden: x K. Jones:

0:3

- 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: x B. Williams: x G. Alden: x K. Jones: ___ S. Ingram ___ K. Lowery

0:3

The following criteria are not satisfied .

The Variance is DENIED.

b. VAR-2024-1738 Outen

(Deferred from 9/03/2024) Application by Amanda Outen for a Variance from UDO Section 5.2.7.B Age Limit (Mobile Homes), to allow mobile home to be moved to another property.

STAFF REPRESENTATIVE: Allison Hardin for Development Services:

The applicant has asked to move a mobile home approximately 750 feet down the road from her current location. Both the current site and proposed site are zoned AR and allow mobile homes. The mobile home was registered in 1987 and is more than 30 years old. UDO Section 5.2.7.B restricts movement of mobile homes over 30 years old within the county.

QUESTIONS TO STAFF:

Francis Liu: When was this provision created?

Director Hardin: 2016.

Francis Liu: Do you know if most communities have provisions such as this?

Director Hardin: I didn't do a full review of other jurisdictions. I know that some other jurisdictions have restrictions for the wind zone provisions that were implemented in 1995/1996.

Gary Alden: 1995/1996 is the wind zone for what?

Director Hardin: Beach areas.

Gary Alden: Did the staff do site visits?

Director Hardin: Yes

Gary Alden: Will we make it comply with current laws?

Director Hardin: It will have to pass inspection and will have to get a permit to move on the road.

Gary Alden: Moving a 30 year old mobile home, what are the ramifications of this?

Beverly Williams: I bought a piece of property with a mobile home older than that and it was moved miles away and it made it just fine.

APPLICANT STATEMENT: Amanda Outen

I just need to move my mobile home across the road to my land straight across from my cousin's land. I am super close to Kershaw.

Beverly Williams: Does it have axels?

Applicant, Mrs. Outen: Yes

Do you have a person to move it?
Applicant, Mrs. Outen: Yes
Do you already have a well or water?

Applicant, Mrs. Outen: We just had a perk test. There is a proposed site.

PUBLIC HEARING: [See attached sign-in sheet]

1. Clay Mitchell

Clay (Louis) Mitchell: I own the property around her and behind her. It used to be my parents' land. They are evicting her from the property. There is a well and I will pipe it in for her, we will share the well.

Beverly Williams: Do you own the land?

Applicant Amanda Outen: I own 2 acres.

Clay (Louis) Mitchell: She will be coming into 15 more acres.

Francis Liu: Will you deed her 15 acres?

Clay (Louis) Mitchell: Yes

Francis Liu: She could sale the land and move the trailer to Kershaw where there isn't a rule about 30 year old mobile homes.

Clay (Louis) Mitchell: We don't sale family land. It won't be sold.

Beverly Williams: The Question is the mobile home can she move it or not. That is the only question.

Francis Liu: She can move it somewhere else. She can move it to Kershaw just over the border.

Beverly Williams: She is moving it onto her own land. Moving it across the road, if she can't then it's a hardship for her.

CALL FOR A MOTION:

Motion to Approve by Beverly Williams **Seconded** by Gary Alden.

Vote: 3:0. Motion is Approved.

CALLED VOTES: VARIANCE CRITERIA

- ix. 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: / B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
3:0

- x. 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: x B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
2:1

- xi. 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: x B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
2:1

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

F. Liu: / B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
3:0

- xiii. 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: x B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
2:1

- xiv. 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: x B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
2:1

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

Agree (A) or Disagree (D)

F. Liu: / B. Williams: / G. Alden: / K. Jones:
3:0

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

F. Liu: x B. Williams: / G. Alden: / K. Jones: S. Ingram K. Lowery
2:1

All eight criteria are found to be satisfied

The Variance is APPROVED.

6. Other Business:

- The reason we no longer send out paper copies of packets, it's a cost savings and we are doing it for all board members. Beverly Williams, Francis Liu, and Gary Alden would all like to continue receiving paper copies and they can do so as long as they pick them up at the office.
- We talked about the new BZA member being sworn in soon.
- Attendance and giving 72-hour notice if you can not attend the board meeting.
- We talked about going over the rules and procedures at the following meeting.

7. Adjournment:

With there being no further business, Beverly Williams moved to adjourn; motion seconded by Gary Alden. The motion was approved by unanimous consent. **Adjourned at 7:30 PM.**