

**LANCASTER COUNTY
BOARD OF ZONING APPEALS**

**March 08, 2016
6:30 PM
ADMINISTRATIVE BUILDING
ROOM 224**

Type of meeting: Board Of Zoning Appeals/Public Hearing Facilitator: Planning Staff
Secretary: Judy Barrineau

Please read: Agenda Packet
Please bring: Agenda Packet

Approve Agenda	Chairman	
Communications:		
Approve minutes – February 2016	Chairman	
Variance application of Mr. Ken Faulkenberry. The applicant is requesting a variance from Chapter 5: Density and Dimensional Regulations, Section 5.4: Principal building setback requirements of the Lancaster County Unified Development Ordinance. BZA 016-005 Tax Map 86D, Block B, Parcel 11	Nick Cauthen	

BOARD OF ZONING APPEALS - STATEMENT OF MATTER

I. Facts

A. General Information

Proposal: This is a variance application of Mr. Ken Faulkenberry. The applicant is requesting a variance from Chapter 5: Density and Dimensional Regulations, Section 5.4: Principal building setback requirements of the Lancaster County Unified Development Ordinance.

Location: 1746 Great Falls Highway

Legal Description: Tax Map 86D, Block B, Parcel 11

Zoning Classification: B-3 (General Commercial District)

Description of Plan: The applicant wants to build an Ice Hut on the subject property. The variance would reduce the front setback requirement on the property from 75 feet to 45 feet. The applicant feels the drainage area that is located on the property would severely restrict the size of the building that could be built given the current setback requirements.

B. Site Information

Site Description: The lot is 0.28 acres and there is currently an ice machine located on the subject property. There is also a wooded drainage area located to the rear of the property.

C. Vicinity Data

Surrounding Conditions: All of the surrounding property is commercial and zoned B-3. Cauthen body shop is located beside the subject property.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Photo of the property
5. Findings Required for Granting Variances
6. Findings Required for Granting Variances – Planning

II. Findings

Code Considerations: Chapter 5, Density and Dimensional Regulations

Date of Meeting: 3-8-16

Approved Denied No Action

I agree that the facts and findings as stated above are true and correct.

Applicant signature(s)

Date

LANCASTER COUNTY BOARD OF ZONING APPEALS
APPLICATION FORM #1

GENERAL INFORMATION

Date Filed: 2-8-16 Application No: BZA-016-005

This form must be completed on a hearing on **appeal from action** of the Zoning Official, application for a **variance**, or application for a **special exception**. Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS (indicate one):

- () From action of Zoning Officials as stated on Form 2
- For a variance as stated on Form 3
- () For a special exception as stated on Form 4

Applicant(s) Print:

Name: Ken Faulkenberry Address: 3022 Mulberry Ln. - Lancaster

Telephone: 803-289-7425 Work: Same

Interest: None Owner(s): _____

Other: _____

Owner(s) if other than applicant: Will T Faulkenberry

Address: 3026 Mulberry Lane - Lancaster, SC 29720 Telephone: 803-289-7426

Work: Same Other Information: _____

PROPERTY INFORMATION

Property address: 1746 Great Falls Hwy

Lot Area/Acres: .28 Block: _____ Subdivision: _____

Tax Map #: 00860-DB-011.00 Plat Book: — Page: —

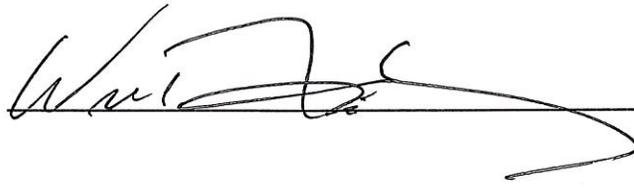
Lot Size or Dimension: 158x225.5x156 Zoning Classification: B-3

Use of Surrounding Properties: B-3 - Body Shop - S. Ctane Carpet

Designation Agent (complete only if owner is not applicant)

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: 2/8/16



Owner(s) Signature(s)

I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.

I (we) certify that the information in this application and all other forms are true to content.

Date: 2-8-16

Applicant Signature(s) Ken Fandrey

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION – FORM#3

Date Filed: 2-8-16 Application No. BZA-016-005

1. Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance: Setback so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: to use 45ft. setback from Hwy 200

for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Property is triangle shaped and has a drainage going thru the property

b) These conditions do not generally apply to other property in the vicinity as shown by: County TAX MAPS

c) Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows: Severely limit the size of building that could be built on property

d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons:

PROPERTY ACROSS STREET AVERAGE ABOUT
31' SETBACK

The following documents are hereby submitted in support of this application: _____

COUNTY TAX MAP + PHOTOS

Date: 2-8-16


Applicant signature(s)

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, Ken Faulkenberry, have signed that I am aware of the Zoning Board of Appeals hearing date.

3-8-16 (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

Ken Faulkenberry 2-8-16
(Property owner / Applicant's signature) (Date)

Ann Cate 2-8-16
(Staff's Signature) (Date)

DEED DRAWN BY
BLACKWELL TRIMNAL MYERS, LLC



LANCASTER COUNTY ASSESSOR

Tax Map:
0086D 0B 011 00

2009015531

State of SOUTH CAROLINA)
)
County of LANCASTER)

TITLE TO REAL ESTATE

DEED RECORDING FEES \$10.00
STATE TAX \$11.70
COUNTY TAX \$4.95

PRESENTED & RECORDED:
12-04-2009 09:21 AM

Know All Men by These Presents, That

Lynn C. Blackmon and Emily Blackmon Knight,
f/k/a Emily Blackmon

hereinafter referred to as grantor for and in consideration of the sum of Four Thousand Four Hundred Sixty Two and 50/100ths (\$4,462.50) Dollars-----

to grantor paid by

Will Faulkenberry
PO Box 446
Kershaw, SC 29067

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE KIRKLEY DEPUTY
BK: DEED 542
PG: 233-234

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said 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 any and all improvements thereon, lying, being and situate in Cane Creek Township, Lancaster County, South Carolina, fronting on S. C. Highway No. 91, 158 feet running back on the north side 156 feet, and on the West side 225 1/2 feet, bounded on the north by lands of L. G. Dobson; east by lands now or formerly of Nelson Williams, South by S. C. Highway No. 93 and on the West by lands formerly of L. G. Dobson.

For derivation, see Deed of Distribution for the Estate of William L. Blackmon, Case No. 2006ES2900421 to Emily Blackmon dated December 3, 2009 and recorded December 4, 2009 in Deed Book 542 Page 231; see also deed to Lynn C. Blackmon recorded March 10, 2009 in Deed Book 507 Page 320, Register of Deeds Office for Lancaster County, South Carolina.

For reference only: TAM# 86D-B-11

RECORDED THIS 7th DAY
OF DECEMBER, 2009
IN BOOK O PAGE F-1

Auditor, Lancaster County, SC

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

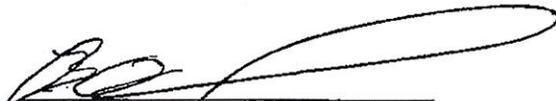
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

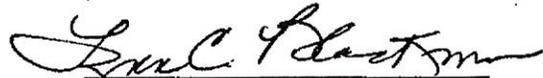
TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors and Assigns forever.

And 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.

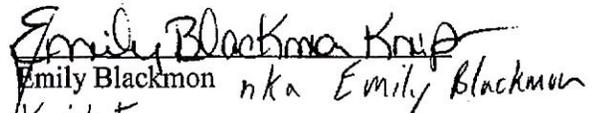
WITNESS the Grantor's Hand and Seal this 3rd day of December, 2009, and in the two hundred and thirty fourth of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of


Witness

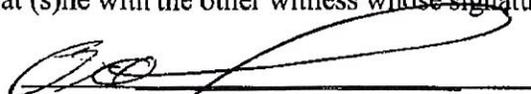

Lynn C. Blackmon


Witness

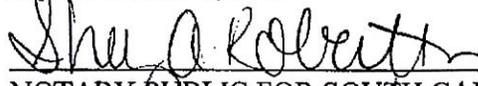

Emily Blackmon nka Emily Blackmon Knight

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Grantor sign, seal and as Grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he with the other witness whose signature appears above witnessed the execution thereof.


Witness

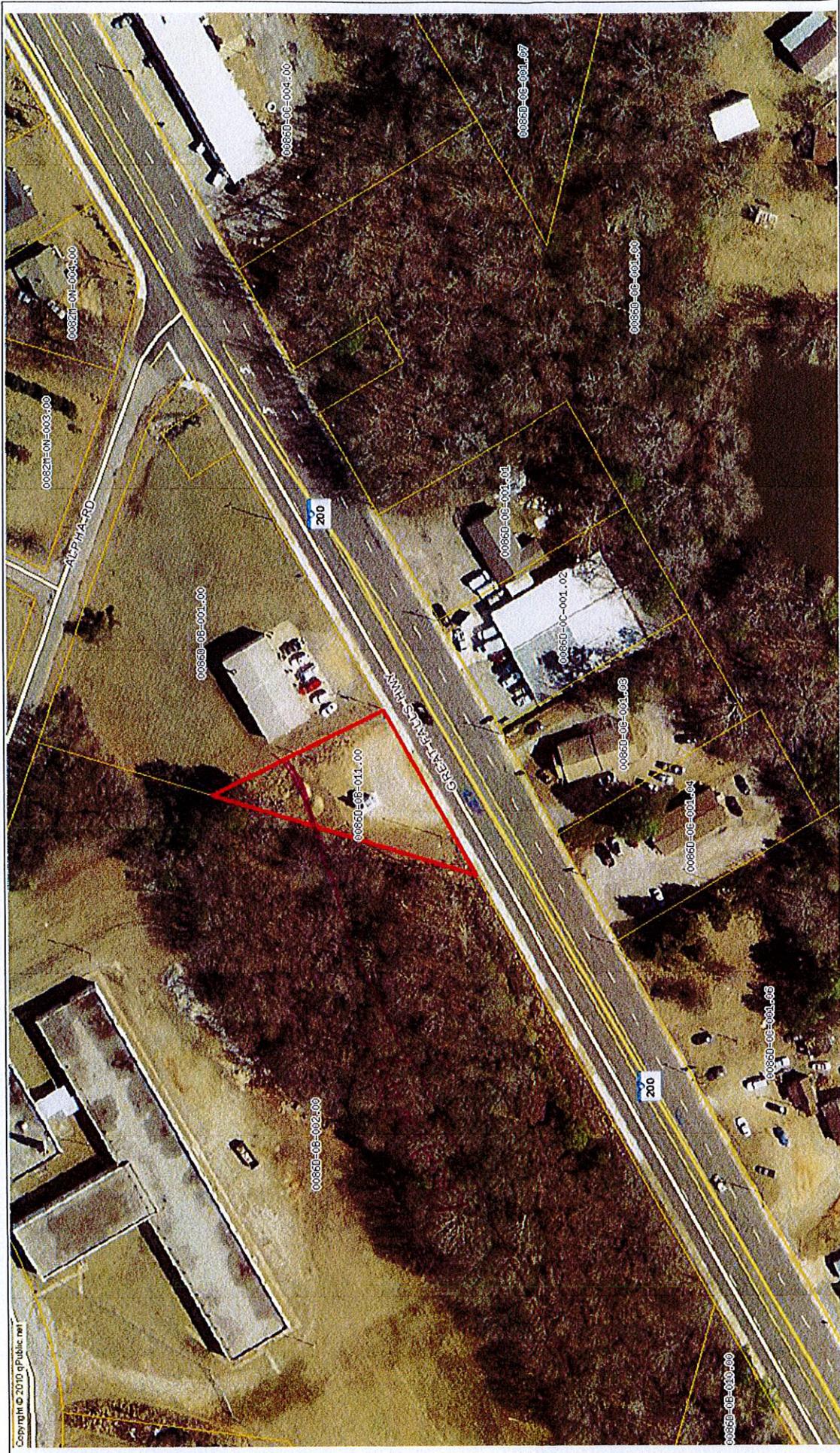
SWORN to before me this 3rd day of December, 2009


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 8/14/2018

FAULKENBERRY REALTY

AN EXCLUSIVE BUYER'S AGENCY

AERIAL PHOTOGRAPH



Disclaimer: The data contained here is for informational purposes only. The info is based on data gathered from Several Reliable GIS Data Bases and is not warranted by the owner and/or his agents. This data is only as current as the day it was created and then the data may not reflect the most current records on file. Any and all Potential Buyers, Buyers Agents, or any other party involved, should seek the advice of legal counsel and/or a SC registered Land Surveyor prior to making any decision regarding this subject property.

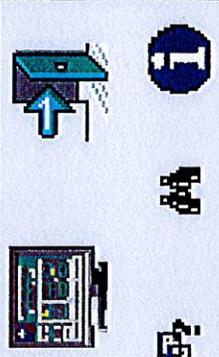
FAULKENBERRY REALTY

AN EXCLUSIVE BUYER'S AGENCY

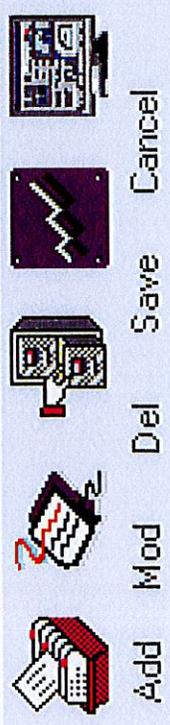
COUNTY TAX MAP



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Indexed By Parcel ID Card #



Parcel ID: 0086D-0B-011.00
 Account: 16446
 Sticker #:
 Location: HWY 200 Lancaster
 Land Use: NLN - LandOnly
 Owner #1: FAULKENBERRY, WILL

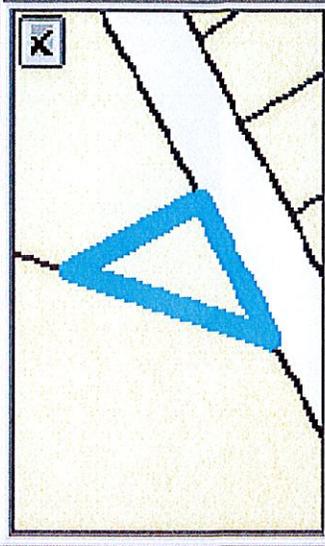
Card: 1/1
 District: 01 - County
 Ent. Parcel Area: 0.4 - AC
 Neigh: 15 - 15
 Own Type:

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	0.400	0.400	158X225.5X156 IR
Full Market Value:	5,000	5,000	
Building Value:		5,000	
Yard Items:		5,000	
Land Value:	5,000	300	
Total Value:	5,000	5,000	
Assessed Value:	300		
Capped Total:	5,000		

Sales Information
 Grantor: BLACKMON,LYNN C ETAL
 Sale Price: 4,462
 Sale Date: 1/25/2011
 Legal Ref: 542-233

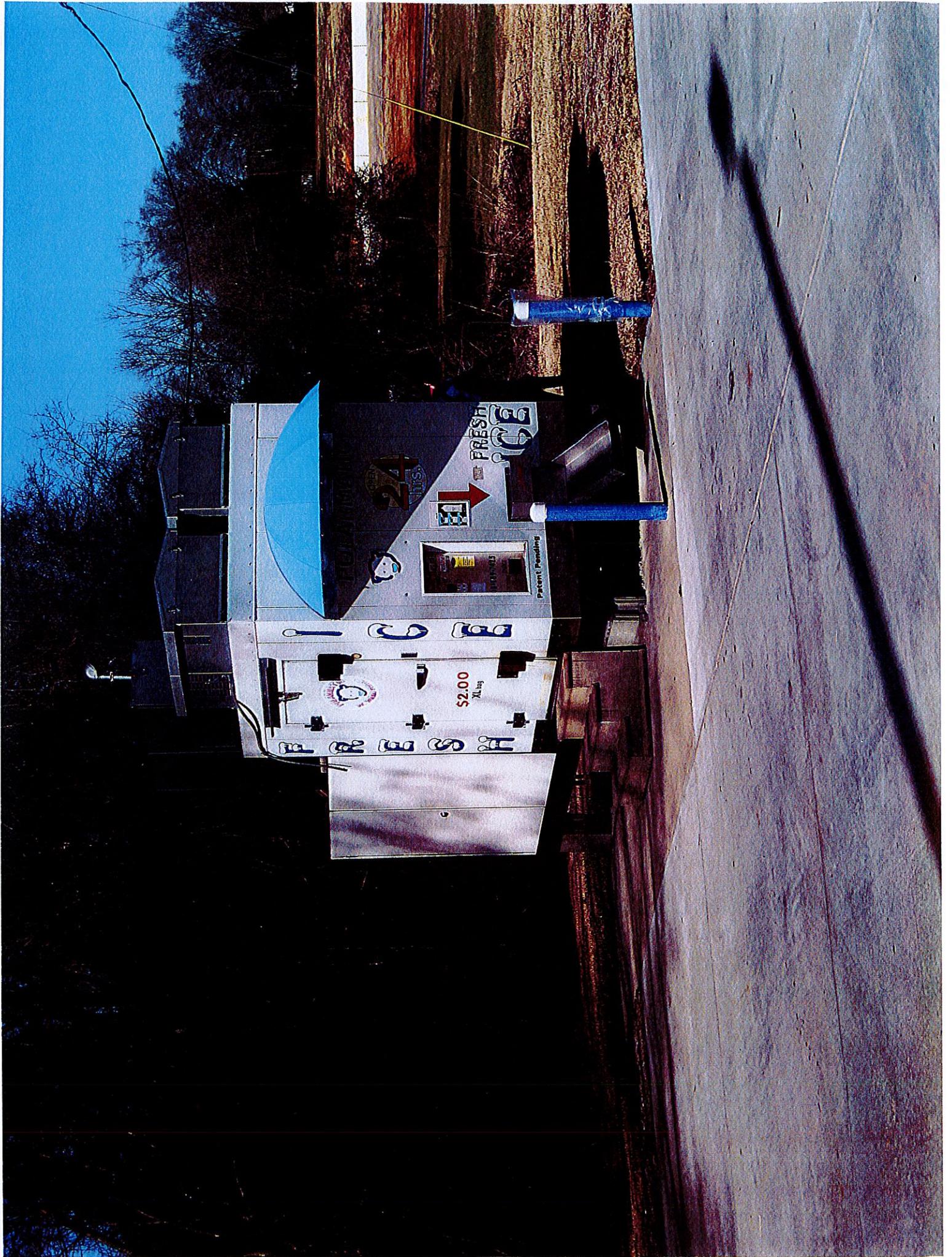
Narrative Description
 Reval / Market 03

No Picture Available



No Sketch Available

Office Notes Notes



Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
- b. These conditions do not generally apply to other property in the vicinity;**
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.**
- e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.**

Findings Required for Granting Variances

BZA-016-005

Lancaster County

Meeting Date: Tuesday, March 8th, 2016

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property:** Property is triangle shaped and has a drainage going thru it.
- b. **These conditions do not generally apply to other property in the vicinity:** This property is unlike any of the other adjacent properties.
- c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** It severely limits the size of the building that could be built on the property.
- d. **The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.** The property across the street averages about a 31 ft. setback.
- e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.