

LANCASTER COUNTY
BOARD OF ZONING APPEALS
REGULAR MEETING
FEBRUARY 09, 2016
MINUTES

Members Present: Reid Rushing, Harvey Carnes, Don Brouwer, Terry Graham.

Others Present: - Elaine Boone, Planner II; Nick Cauthen, Planner I; Judy Barrineau, Secretary; Kenneth Cauthen, Zoning Officer; Dwight Witherspoon, Zoning Officer; Gavin Witherspoon, Zoning Officer; John Weaver, County Attorney;

Others Absent: Penelope Karagounis, Planning Director; Frances Liu, Board Member; LaVilla Brevard, Board Member; District 6 – Vacant Seat; Amy Bowers, Zoning Officer; No members of the press were present.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: Lancaster News, York Observer, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, WRHM Radio, and the local Government Channel.

Approve the Agenda

Terry Graham made a motion to approve the agenda and Harvey Carnes seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Approval of the Minutes

Harvey Carnes made a motion to approve the January 2016 minutes and Don Brouwer seconded the motion.

Reid Rushing called the meeting to order.

Staff introduced themselves and Judy Barrineau swore them in.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Staff – Yes.

Reid Rushing – Have all the adjacent property owners and the applicant been made aware of tonight’s meeting including place, date, and time and advertised in the paper including a copy on file?

Nick Cauthen – Yes.

Reid Rushing – The zoning board of appeals duties are within three specific areas: A) Administrative review is an appeal of an order, requirement, decision, or determination of the Administrator that has alleged error. B) The power to grant variances when strict application of the zoning ordinance would not cause an unnecessary hardship and the granting of variances would not cause substantial detriment to adjacent property or the public good. C) Special exceptions are permitted when uses require a public hearing prior to granting authorization. The public hearing is conducted to review comments and information both for and against a proposed application. During the public hearing portion of the meeting all interested parties will be given the opportunity to speak and give factual information or present factual documentation. All people speaking will be placed under oath. All persons wishing to speak must sign the proper registry prior to speaking. Anyone speaking will come forward to the podium, speak into the microphone, state your name, address, and your telephone number. We must record all information for the record. Applicant will speak first, all opponents second, the proponents next. The applicant will also have an opportunity for a rebuttal. Please, a 5 minute limit will be placed on each speaker.

Variance application of Robbie Branstrom. The applicant is requesting a variance from Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5 Overlay Districts, Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the parking requirements. BZA-016-004

Nick Cauthen – Presented the statement of matter.

Reid Rushing – I will now proclaim the public portion of our meeting open.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Ruth Chamness – Yes, My address is 144 Dogwood Trail Lane, Indian Land SC 29707. My concern is and we don't know but we were told that when these businesses go in that it would cause a 1,000 foot easement which would involve our property line. Is there any truth to that? Our property backs up to that strip where those two businesses are going in. I think my property is the one that you said was B-3. I had it zoned commercial because several years ago I had a flower shop. Is there going to be any restrictions on our land?

Elaine Boone – There would not be any restrictions on your land pertaining to this.

Ruth Chamness – We wanted to sell it so we will be able to do that with no problem, right?

Elaine Boone – Yes, this variance request is just dealing with this piece of property.

Ruth Chamness – Thank You.

Judy Barrineau - Do you solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

John Lambert – Yes, My address is 1935 Brunswick Avenue, Charlotte NC 28287. I am the broker for the applicant. This is a hardship to us by placing the parking on the non street side; so Ridgeline Lane is the road we are discussing with SCDOT and enters in to the Food Lion. As you enter off Ridgeline Lane the only way to adjust our Taco Bell site plan is with parking; street side which is restricted with the 521 Overlay. So, what we are asking for is a variance on that side yard, street side parking; so we can layout that Taco Bell. If we were on the alternate corner, meaning the site plan was flip flopped. We would be in keeping with the 521 Overlay and we would not be having our parking on the street side. We have had ongoing conversations with SCDOT to address their concerns for the Highway 521 traffic issues. So there are ongoing conversations with where we will locate our curb cut on Ridgeline Lane. SCDOT is working with us regarding where to place that so that we do not affect Highway 521 traffic. There are other parcels along 521 and our studies and research that do have similar layouts as us. The closest comparable that we could find was the Bojangles just North of our site. It is an out parcel of the Publix shopping center. We are asking to do exactly what the Bojangle's did with parking.

Elaine Boone – I will tell you that there are some businesses in the Indian Land area that have that parking but most of those were allowed because it was requested before this was passed.

John Lambert – Correct, We understand that and our perspective is if you were standing on our out parcel looking across Highway 521; from that side of the street this site plan and layout would be in keeping with the overlay because our drive thru would work. The way the building would flip flop the driver side window would still work with that layout. The reason it doesn't work on our side is that if you push the building over to Ridgeline Lane the drive thru would no longer be on the drive side. It would be on the passenger side of the window.

Elaine Boone – You couldn't flip it and put the building to the 25 foot up front.

John Lambert – I've got some trace paper here that I would be happy to come over there and discuss. We have had an architect lay out several site plans knowing that this would be an issue and we wanted to try and avoid this variance request at all costs. We cannot layout the Taco Bell to work and this is the smallest prototype Taco Bell there is and we cannot layout anything differently; which is why we are here tonight.

Reid Rushing – How long have you been looking at this piece of property for a Taco Bell?

John Lambert – It has been several months.

Reid Rushing – How long has this overlay been in effect in Lancaster County?

Nick Cauthen – It has been in effect since November 2014.

Reid Rushing – So the overlay has been in effect a year and a half, two years, and you have been looking at this property for several months?

John Lambert – Yes sir.

Don Brouwer – What prevents you from taking that building and turning it 180 degrees and putting it near Ridgeline Lane so that people can use the drive thru?

John Lambert – That would mean that the building would be running parallel with 521, is that what you are saying?

Don Brouwer – It would still be perpendicular with 521. It would be parallel with Ridgeline Lane. You could take the building and turn it 180 degrees and move it to the upper left of that picture by Ridgeline Lane.

John Lambert – So then the drive thru lane would be parallel with Ridgeline, is that what you are suggesting?

Don Brouwer – Yes.

John Lambert – That would not work because it would be very difficult for our customers to make that U-turn from Ridgeline Lane. We are just trying to make it easy on the driving customer and that U-turn....

Don Brouwer – You could put the entrance at the other end of the property?

John Lambert – The existing curb cuts off Ridgeline, is that what you are talking about?

Don Brouwer – If you move that building 180 degrees and move the upper left and put your drive thru at the other edge of the property; that will allow you to bring the traffic in. I see the same thing on other properties around this area.

Applicant approaches board members with site plan for discussion.

John Lambert – The difficulty kept coming up with SCDOT on the curb cuts; the site plan that you have shows two curb cuts both of which will not be approved by SCDOT. SCDOT is not permitting a curb cut on our parcel. We have to straddle the property line with Anytime Fitness and access the property line by a shared access agreement at the middle of the property line. We are not able to stack enough cars and our drive thru to get through Taco Bell approval. I believe they need eight cars in the stacking line to be approved through corporate committee. Once we turn that building 180 degrees coming off that shared access that SCDOT is making us do; we were not able to get enough stacked cars in the drive thru there.

Don Brouwer – So you can't put the drive thru at the other end of the property?

John Lambert – Well it would cause the driver to come into the drive thru, order and pick up at the window and that would be right at the ingress point of the only curb cut we are getting. That would cause a fairly significant traffic issue right at the exit point of the drive thru as well as the ingress, egress, for the entire property.

Reid Rushing – I will now proclaim the public portion of our meeting closed.

Reid Rushing – Any telephone calls or letters received by staff?

Nick Cauthen – I received two telephone calls from citizens. They thought it was a rezoning and we just let them know it was a variance request for parking. We did pass out the letter from Mr. Ben Levine regarding his comments. He lives in Indian Land and is against the variance request.

Reid Rushing – Has a site check been done?

Kenneth Cauthen – It is just a vacant lot and there is really not anything to measure. You can refer to your site plan for information.

Don Brouwer made a motion to deny based on the fact that there is nothing to override the regulations in place; Terry Graham seconded the motion.

VOTE: 4 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

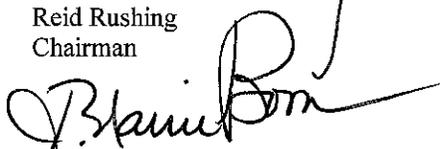
Reid Rushing adjourned the meeting.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Reid Rushing
Chairman



J. Elaine Boone
Planner II