LANCASTER COUNTY
BOARD OF ZONING APPEALS

March 10, 2015
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 – December 2014	**Chairman**	
Variance application of Mr. Jerry Catledge to request a variance from Chapter 4, Conditional and Special Exception Uses, Section 4.1.12, Manufactured Homes (5b) of the Lancaster County Unified Development Ordinance regarding the addition of a manufactured home to the property. BZA 015-001 pgs. 1-17 **Tax Map 81I, Block A, Parcel 3**	**Nick Cauthen**	
Variance application of Zero Waste Recycling LLC. On July 12, 2011 the subject property was granted a special exception with stipulations (BZA Case#011-008) from Chapter 4, Conditional and Special Exception Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage Yards as stated in the Lancaster County Unified Development Ordinance. The applicant is requesting a variance from those stipulations to increase the amount of cars allowed on the site at any given time. BZA 015-002 pgs. 18-37 **Tax Map 82L, Block E, Parcel 1.03**	**Nick Cauthen**	
New Business: Continuing Education Classes		
Old Business:		

Variance application of Mr. Jerry Catledge to request a variance from Chapter 4, Conditional and Special Exception Uses, Section 4.1.12, Manufactured Homes (5b) of the Lancaster County Unified Development Ordinance regarding the addition of a manufactured home to the property. BZA 015-001 pgs. 1-17 **Tax Map 81I, Block A, Parcel 3**	**Nick Cauthen**

Discussion:

Conclusions:

Action items:	Person responsible:	Deadline:

Date of Meeting: 3-10-15
__ Approved __ Denied __ No Action

BOARD OF ZONING APPEALS - STATEMENT OF MATTER

I. FACTS

A. GENERAL INFORMATION

Proposal: This is a variance application of Mr. Jerry Catledge to request a variance from Chapter 4, Conditional and Special Exception Uses, Section 4.1.12, Manufactured Homes (5b) of the Lancaster County Unified Development Ordinance regarding the addition of a manufactured home to the property.

Location: 1109 Tenth St., Lancaster, S.C.

Legal Description: Tax Map 81I, Block A, Parcel 3

Zoning Classification: R15

Description of Plan: The applicant wants to place a manufactured home on the property in addition to the current site built home so that he is able to care for his mother. The minimum acreage in order to achieve this is 1.5 acres, therefore the applicant is requesting a 0.75 acre variance. If the variance is granted, the applicant will apply to rezone the property since manufactured homes are not allowed in the current zoning district.

B. SITE INFORMATION

Site Description: The property is approximately 0.75 acres and is located at 1109 Tenth St. Adjacent property behind the home is located in a designated flood zone because of Bear Creek.

C. VICINITY DATA

Surrounding Conditions: The surrounding properties are zoned R15 and B3. First Pentecostal Holiness Church is located across the street from the subject property.

D. EXHIBITS

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Ch. 4 Section 4.1.12 "Manufactured Homes" of the UDO
5. Photos of the Property
6. Letter Regarding Variance
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

Date of Meeting: 3-10-15
__ Approved __ Denied __ No Action

II. FINDINGS

CODE CONSIDERATIONS: Chapter 4, Conditional and Special Exception Uses, Section 4.1.12, Manufactured Homes (5b)

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: 2/9/15 Application No: BZA-015-001

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: Jerry R. Catledge Address: 2048 Nations Ford Rd. - 29730

Telephone: 803-366-7788 Work: cell - 803-487-2883

Interest: _____ Owner(s): _____

Other: _____

Owner(s) If other than applicant: Ruby D. Catledge

Address: 1109 Tenth St, Lanc. 29720 Telephone: 803-283-4300

Work: _____ Other Information: _____

PROPERTY INFORMATION

Property address: 1109 Tenth St. Lancaster, S.C. 29720

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

Tax Map #: 0081I-0A-003.00 Plat Book: _____ Page: _____

Lot Size or Dimension: .78 Zoning Classification: R-15

Use of Surrounding Properties: Adj- Residential, Northside Mobile Homes, Bowers 4 sitebuilt homes-south of property. 1st Pen. Holiness Church, parsonage + Ballfield Used Cars & Parts, Church located across the street, Rescue Squad- Lancaster County

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: 2-9-15

*Ruby Catledge

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: 2-9-15 **Applicant Signature(s)** Jerry R. Catledge

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION – FORM#3

Date Filed: 2-9-2015 **Application No.** BZA-015-001

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:** Chapter 4 (Sec) 4.1.12 5(b) **so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:** Applicant cannot meet the 1.50 minimum acreage for a site built and manufactured home to be on the same pc of property. **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:** Applicant cannot purchase property in rear because all property is located in a designated Flood zone. (Bear Creek)

b) **These conditions do not generally apply to other property in the vicinity as shown by:** These conditions would not apply to other homesites situated on 10th Street. (1109)

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:** without the granting of the variance the applicant would not be able to place a manufactured home on the property.
Note: the applicant will be applying for a rezoning for the property on March 17, 2015.

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:** there are (3) mobile homes located ~~adjacent~~ adjacent to the property. The Rescue Squad does have a SWMH located on their pro ~~per~~ property also.

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

_____

_____

Date: 2-9-2015

Jerry R. Cottledge

_____

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, Jerry R. Cattledge **, have signed that I am aware of the Zoning Board of Appeals hearing date.**

March 10, 2015 **(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.

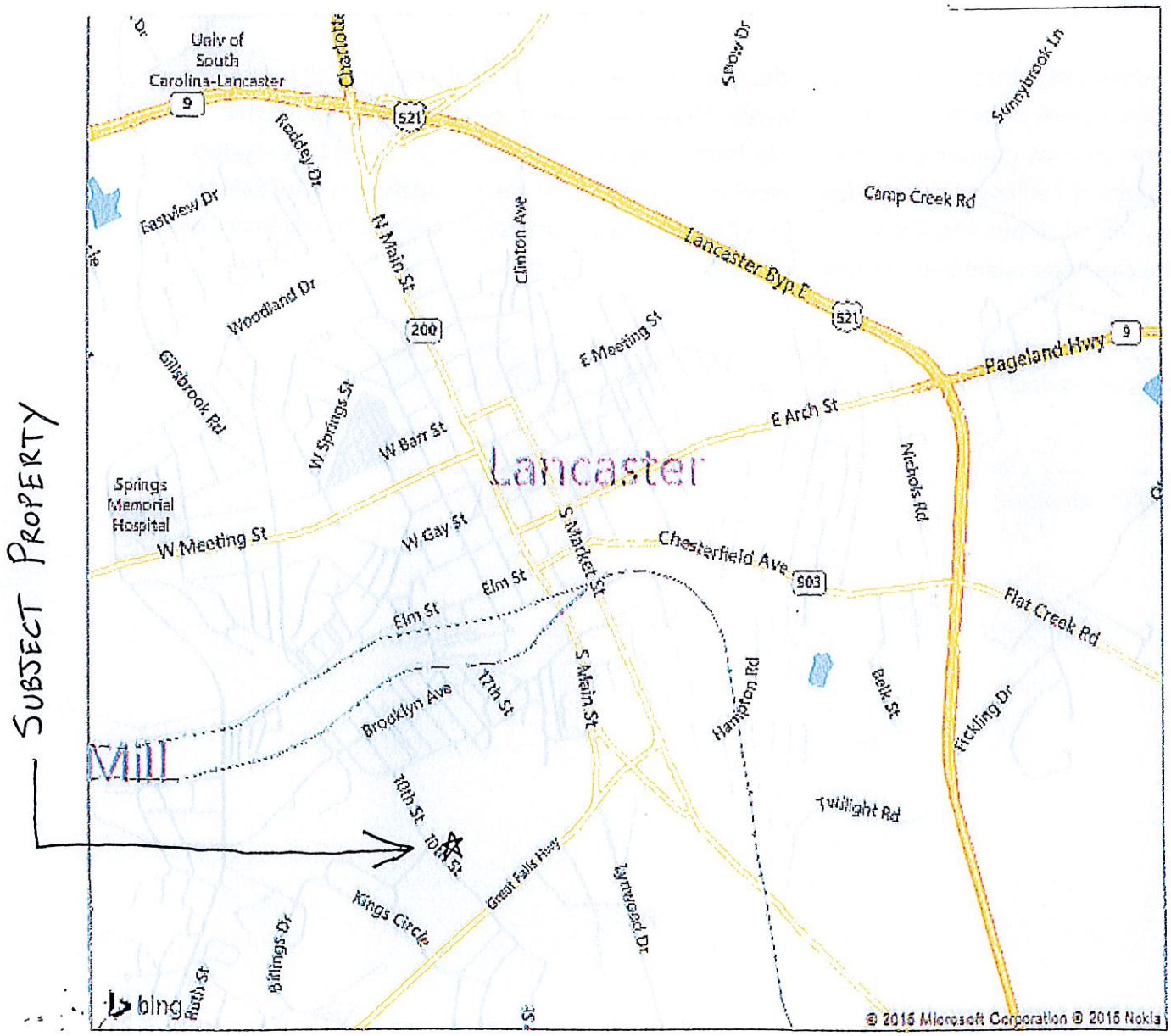
Jerry R. Cattledge — 2-9-15

(Property owner / Applicant's signature) **(Date)**

Judy Z. Boone — 2-9-15

(Staff's Signature) **(Date)**

LOCATION MAP



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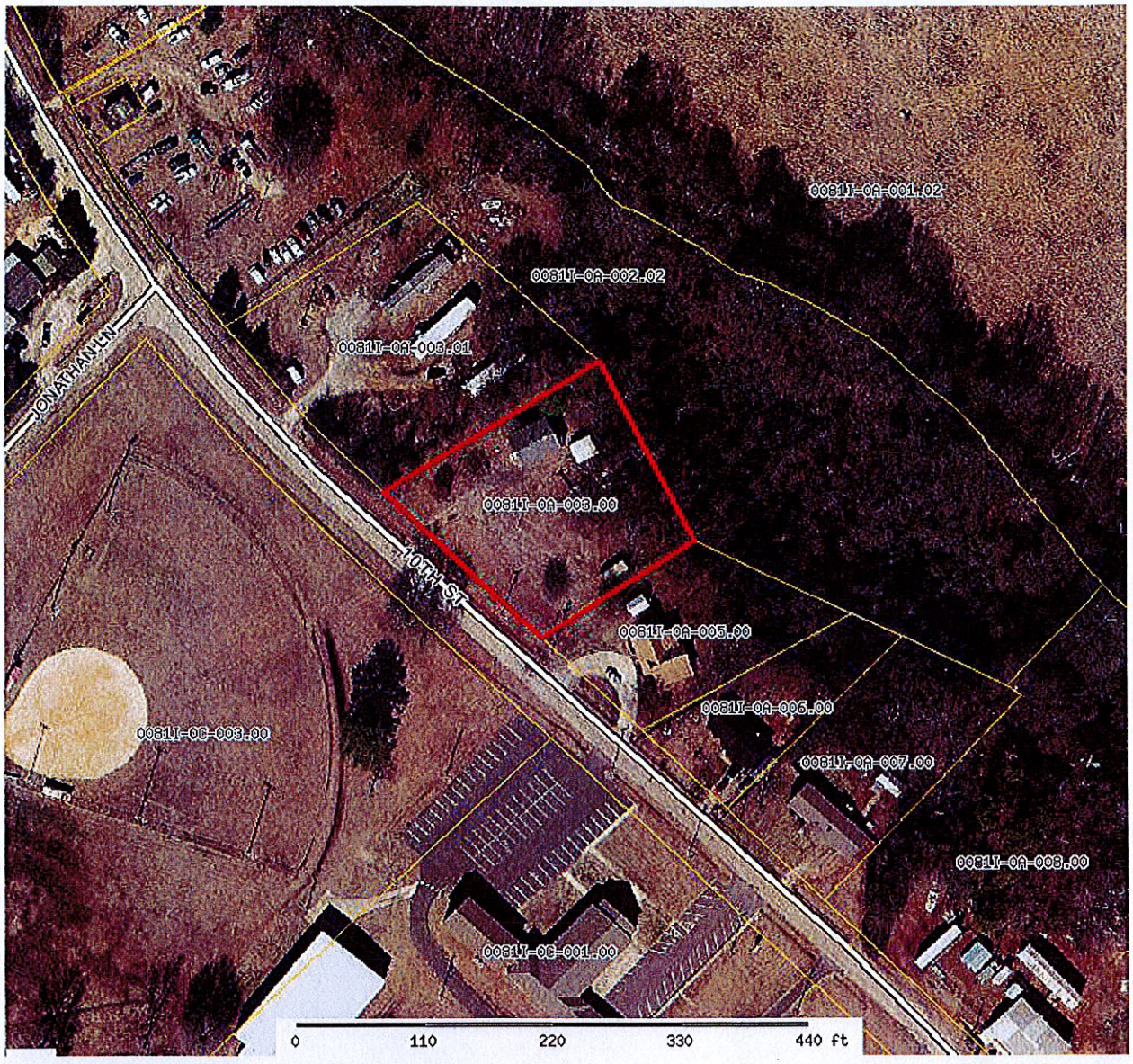


Lancaster County Assessor			
Parcel: 0081I-0A-003.00 Acres: 186			
Name:	CATLEDGE RUBY D	Land Value	$11,100.00
Site:	1109 TENTH ST	Improvement Valu	$23,100.00
Sale:	$$0 on 06-1957 Vacant= Qual=	Accessory Value	$800.00
Mail:	1109 TENTH ST LANCASTER, SC 29720-0000	Total Value	$35,000.00

The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 03/02/15 : 13:42:53

AssessPro 4.6.18/4618 - Lancaster2015 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By Parcel ID Card #

Parcel ID: 00811-0A-003.00 Card: 1/1

Account: 13753 District: 01 - County

Sticker #: Ent. Parcel Area: 186 - FF

Location: 1109 TENTH ST Lancaster

Land Use: QR - QualRes Neigh: 31 - 31

Owner #1: CATLEDGE RUBY D Own Type:

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	186.000	186.000	192X220X182X156
Full Market Value:	35,000	35,000	
Building Value:	23,100	23,100	
Yard Items:	800	800	
Land Value:	11,100	11,100	
Total Value:	35,000	35,000	
Assessed Value:	1,400	1,400	
Capped Total:	29,610	29,610	Reval / Market 03

Sales Information

Grantor:

Sale Price: 0 Validity:

Sale Date: 6/12/1957 Sold Vacant: No

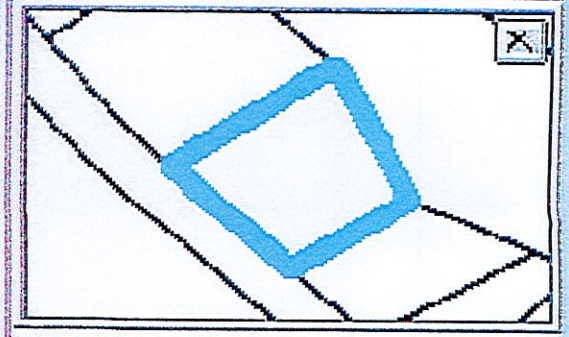
Legal Ref: P004-0535

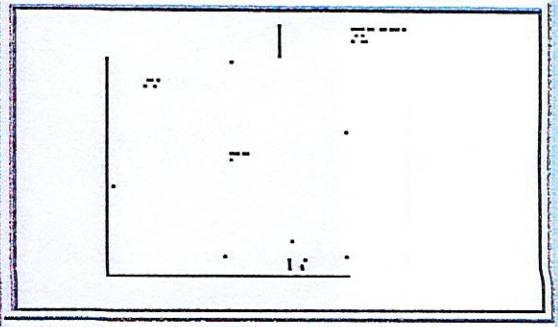
Office Notes Notes

Narrative Description

This parcel contains 186 FF of land mainly classified as QualRes with a Sing Fam Dw Building built about 1902, having primarily Wood Siding Exterior and 832 Square Feet, with 0 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

No Picture Available





Open | 2/10/2015 | 2:16 PM | 13753 | QuickList

a. Such structures shall be occupied as residences unless otherwise specified by this ordinance.

b. One (1) manufactured home and one (1) single-family detached home shall be allowed to occupy the same lot provided one (1) of the homes shall be owner occupied and each home shall have separate and independent utility (i.e., electric, gas, water, sewer) facilities situated on a minimum lot size of 1.5 acres (65,340 square feet). One of the two (2) units shall be maintained as an owner occupied unit and only one (1) of these two (2) structures shall be a manufactured home. At no time shall both units become rental units.

c. The manufactured home shall not be located within the required yard space of the single-family dwelling and at least 20 feet from the other dwelling or manufactured home.

d. All tires and rims shall be removed from the manufactured home. The only exception to this requirement shall be for a manufactured home which is used for a temporary dependent care residence, or for a temporary emergency, construction or repair structure. To receive this exemption, the conditions for either a temporary dependent care residence or a temporary emergency, construction, or repair structure shall be met prior to any permits being issued.

e. Manufactured homes shall be supported, properly tied down and underpinned as specified by the Uniform Standards Code for Manufactured Housing and Regulations (SC Code Ann. Section 40-29-10 et seq., at amended) and (23 SC Code Ann. Regs. 19-425 et seq.).

The manufactured home shall be completely underpinned at the time the last inspection is conducted and prior to the final power permit being issued. If this is not complete, the certificate of completion shall not be issued by the building and zoning department.

Manufactured homes shall be oriented on the site so that the front door faces the road from which the site has its access. This requirement shall apply to all lots located in manufactured home parks and subdivisions.

Exception to the above is:

f. Manufactured homes placed in the floodplain shall meet the floodplain ordinance requirements.

g. Properly constructed steps and landings with minimum dimensions of three (3) feet by three (3) feet of masonry or weather resistant material shall be installed at each entrance and exit (as per section 1012.1.6 or 1997 SBC). If a manufactured home is installed at a height that any portion of the land or deck is more than thirty (30) inches above finished grade, handrails and guardrails of weather resistant material must be provided with a minimum height of thirty-six (36) inches and no more than four (4) inches between pickets (as per 1997 SBC).

h. Manufactured homes shall be connected to properly installed sewage disposal systems, potable water supply, approved electric service supply as per the most recent edition of SCDHEC regulations, Standard Plumbing Code, National Electric Code, etc. All utilities shall be either overhead or underground.

i. All existing manufactured homes, including those that do not meet the formal definition of such, shall meet the requirements specified by this section within 180 days of the effective date of this ordinance.

j. Manufactured homes shall not be used for storage space.

2015/01/31

13
2015/01/31

14

Mackey Family Practice

www.MackeyFamilyPractice.com

Keith D. Shealy, M.D.
Steven Culp, M.D.
Frank Sharp, M.D.
Linda Daily, D.O.

David Robison, F.N.P.-B.C.
L. Caitlin Gerrald, P.A.-C
Guy Shealy, L.P.C.
Kerri B. Hatcher, Pharm D.

1025 WEST MEETING STREET
LANCASTER, SC 29720
TELEPHONE (803) 285-7414
FAX (803) 283-4329

8351 CHARLOTTE HIGHWAY
INDIAN LAND, SC 29715
TELEPHONE (803) 396-5333
FAX (803) 396-5350

Patient ID: 4518-RC
Patient Name: RUBY D CATLEDGE
Date of Birth: 03/27/1927

February 5, 2015

re: Ruby D. Catledge

Lancaster County Board of Zoning Appeals
Lancaster, S. C.

Dear Sir:

Please give consideration to changing the zoning of Mrs. Catledge's property from R15 to R155 to allow her family to place a mobile home beside their mother so that they can better provide care for their 87 year old mother.

Thank you for your consideration. If there are any questions, please do not hesitate to contact me.

Sincerely,

Keith D. Shealy, MD

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-015-001
Lancaster County
Meeting Date: Tuesday, March 10th, 2015

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:** The applicant cannot increase the size of the property because property behind the home is in a flood zone and unbuildable.

b. **These conditions do not generally apply to other property in the vicinity:** These conditions would not apply to other adjacent property because there are already other manufactured homes in the area.

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:** Without the granting of the variance the applicant would not be able to place a manufactured home 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 granting of the variance would not harm the surrounding properties. There are 3 manufactured homes located adjacent to the property.

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 dimensional requirements of the property but would not allow the establishment of a manufactured home. A rezoning would be required in order to allow that. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Variance application of Zero Waste Recycling LLC. On July 12, 2011 the subject property was granted a special exception with stipulations (BZA Case#011-008) from Chapter 4, Conditional and Special Exception Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage Yards as stated in the Lancaster County Unified Development Ordinance. The applicant is requesting a variance from those stipulations to increase the amount of cars allowed on the site at any given time. BZA 015-002 pgs. 18-37 **Tax Map 82L, Block E, Parcel 1.03**	**Nick Cauthen**

Discussion:

Conclusions:

Action items:	Person responsible:	Deadline:

Date of Meeting: 3-10-15
__ Approved __ Denied __ No Action

BOARD OF ZONING APPEALS - STATEMENT OF MATTER

I. FACTS

A. GENERAL INFORMATION

Proposal: This is a variance application of Zero Waste Recycling LLC. On July 12, 2011 the subject property was granted a special exception with stipulations (BZA Case # 011-008) from Chapter 4, Conditional and Special Exception Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage Yards as stated in the Lancaster County Unified Development Ordinance. The applicant is requesting a variance from those stipulations to increase the amount of cars allowed on the site at any given time.

Location: 511 Brooklyn Avenue, Lancaster, S.C.

Legal Description: Tax Map 82L, Block E, Parcel 1.03

Zoning Classification: I-1

Description of Plan: The applicant wants to increase the amount of cars allowed on the subject property at any given time from 30 to 500. Starting on September 1st of 2014, Zero Waste Recycling LLC. began operating at the property. They have gone from 5 employees to almost 40 full time employees since this time. The variance will allow the company to expand and continue to grow. None of the cars will be able to be seen from the road or from the surrounding property.

B. SITE INFORMATION

Site Description: The property is approximately 21.5 acres and is located at 511 Brooklyn Avenue. Zero Waste Recycling LLC is located at the front of the property and much of the property behind the operation is currently wooded.

C. VICINITY DATA

Surrounding Conditions: The surrounding properties include B-3, B-4, I-1, and R-15.

D. EXHIBITS

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Proposed Plan
5. BZA Case # 011-008 Information
6. Ch. 4 Section 4.2.1 of the UDO
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

Date of Meeting: 3-10-15
__ Approved __ Denied __ No Action

II. FINDINGS

CODE CONSIDERATIONS: Stipulations from BZA Case # 011-008

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: 2-10-15 Application No: BZA-015-002

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

(X) For a variance as stated on Form 3

( ) For a special exception as stated on Form 4

Applicant(s) Print:

Name: Zero Waste Recycling LLC Address: 511 Brooklyn Avenue

Telephone: 803-285-9376 Work: 704-778-2993 (cell)

Interest: William Simmons 40%, Joshua Rozsnik 30%, Thomas Selzer 30% OWNERS Owner(s): 511 Brooklyn Avenue LLC

Other: Property has same ownership as business operating on property

Owner(s) If other than applicant: _____

Address: _____ Telephone: _____

Work: _____ Other Information: _____

PROPERTY INFORMATION

Property address: 511 Brooklyn Avenue, Lancaster SC 29720

Lot Area/(Acres) 21.58 Block: _____ Subdivision: _____

Tax Map #: 0082L-0E-001.03 Plat Book: 628 Page: 345-346

Lot Size or Dimension: 21.58 acres Zoning Classification: I1

Use of Surrounding Properties: See attached maps.

#1 - Zoning #2 - Descriptions

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: _____ _____

_____

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: 2/10/2015 **Applicant Signature(s)** _____

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION – FORM #3

Date Filed: 2-10-15 **Application No.** BZA-015-002

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:** Section 4.2.1 **so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:**
   See attached # 1a

   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:** See attached 2a

   b) **These conditions do not generally apply to other property in the vicinity as shown by:** see attached 2b

   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:**
   See attached 2c

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:** _____

See attached 2d

The following documents are hereby submitted in support of this application: Maps #1 and #2, Attachment to Form #3, Screening picture along Brooklyn Avenue

Date: 2/10/15

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, Josh Rozsik **, have signed that I am aware of the Zoning Board of Appeals hearing date.**

March 10, 2015 **(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.

2/10/2015

(Property owner / Applicant's signature) **(Date)**

2/10/2015

(Staff's Signature) **(Date)**

Attachment to Form #3- Variance Application

1a: The property was approved in 2011 for operating under section 4.2.1 Automotive Wrecking, and/or, junk, and/or salvage yards under a stipulation that only 30 cars would be allowed on the property at one time. We would request a variance to allow up to 500 cars on the facility that would not be seen from any surrounding property or roads. This will allow us the time span needed for parts to be taken off cars and finally cut up on site to be shipped to the steel mills to the final stage of the recycling process.

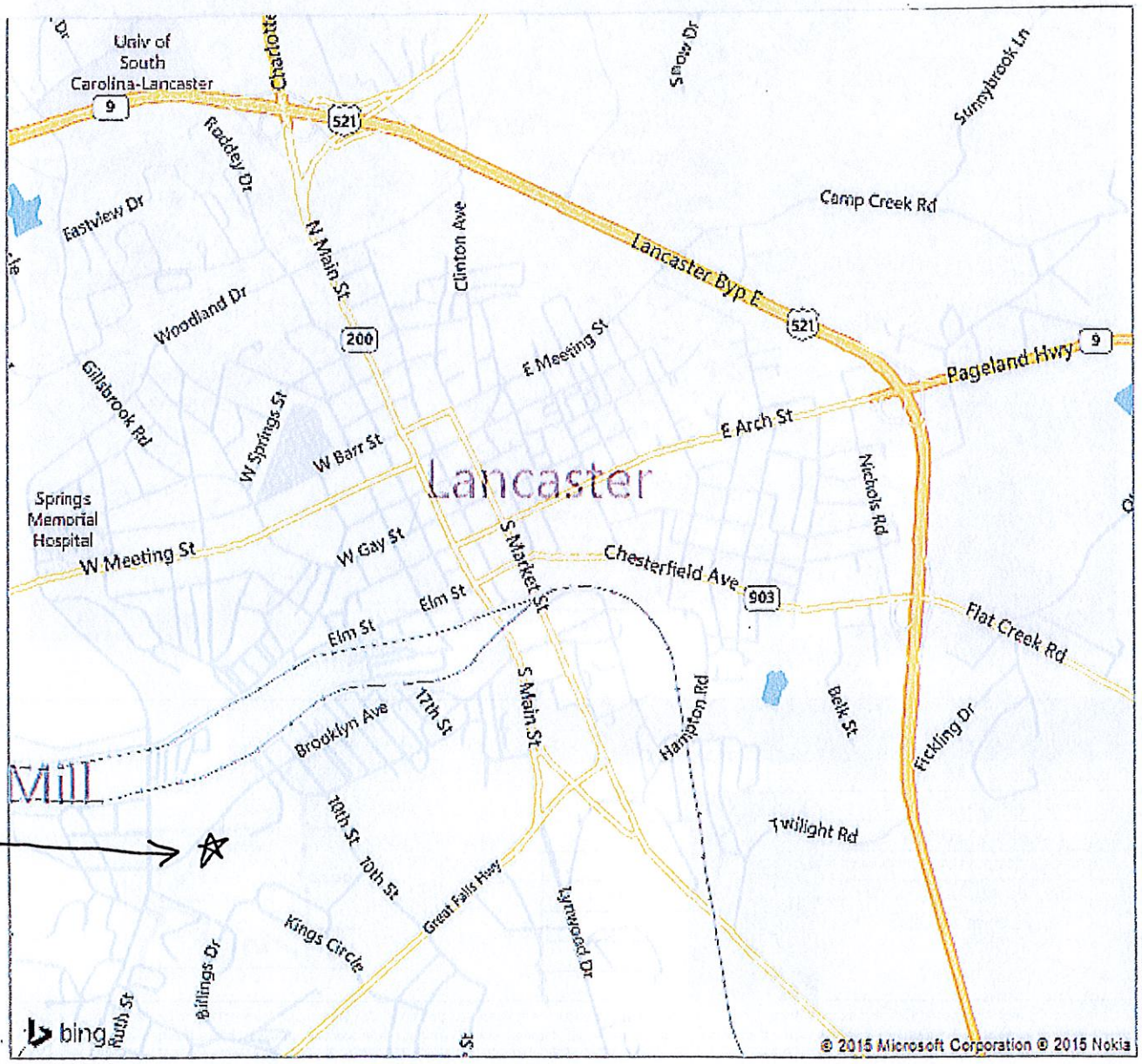
2a: Starting on September 1st of 2014, Zero Waste Recycling LLC began operating at the property. At the time, the company had 5 employees. We now have almost 40 full time employees and the variance for us to store more vehicles on the property will allow us to expand our operation and continue to grow. It will allow us to sell parts for retail and add to the economic development of Lancaster.

2b: No surrounding property will be affected with the approval of this variance. Operations will continue within the proper setbacks associated with the property.

2c: We are only using an estimated 5 acres of our 21.58 acres. We would need to use an additional 3-4 acres of property on the rear side farthest from Brooklyn to store more cars. The majority of the property will remain wooded land unused for our operation. Property has already been approved for our use but the restriction of no more than 30 cars on the property prohibits growth.

2d: When the property was approved in 2011 under section 4.2.1, no screening along the road was required. We have since added wind fabric to the fence which blocks 85% visibility. With the approval of this variance allowing us to store up to 500 cars, we would add shrubs along the roadside of Brooklyn avenue. We would plant Leland Cypress trees every 5' staggered. After some growth, the trees would limit close to all visibility from Brooklyn Avenue. See attached picture for visual.

LOCATION MAP



SUBJECT PROPERTY

http://www.bing.com/maps/print.aspx?mkt=en-us&z=14&s=r&cp=34.718362,-80.763306&... 3/2/2015

Lancaster County Assessor			
Parcel: 0082L-0E-001.03 Acres: 21.58			
Name:	511 BROOKLYN AVENUE LLC	Land Value	$142,100.00
Site:	SPRINGDALE ROAD	Improvement Val	$0.00
Sale:	$$70,000 on 08-2011 Vacant= Qual=1	Accessory Value	$0.00
Mail:	PO BOX 49369 CHARLOTTE, NC 28277	Total Value	$142,100.00

The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 03/02/15 : 14:29:23

AssessPro 4.6.18/4618 - Lancaster2015 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By Parcel ID Card #

Parcel ID: 0082L-0E-001.03 Card: 1/1

Account: 86886 District: 01 - County

Sticker #: Ent. Parcel Area: 21.576 - AC

Location: SPRINGDALE ROAD Lancaster

Land Use: NCOM - Comm Neigh: 06 - 06

Owner #1: 511 BROOKLYN AVENUE LLC Own Type:

Market Adj Value	**Current**	**Year 2014**
Calc. Land Area:	21.576	21.576
Full Market Value:	142,100	142,100
Building Value:		
Yard Items:		
Land Value:	142,100	142,100
Total Value:	142,100	142,100
Assessed Value:	8,526	8,526
Capped Total:	142,100	142,100

Reval / Market 03

Legal Description

Sales Information

Grantor: MARAN INVESTMENTS LLC,

Sale Price: 70,000 Validity: 1

Sale Date: 8/19/2011 Sold Vacant: No

Legal Ref: 628-345

Narrative Description

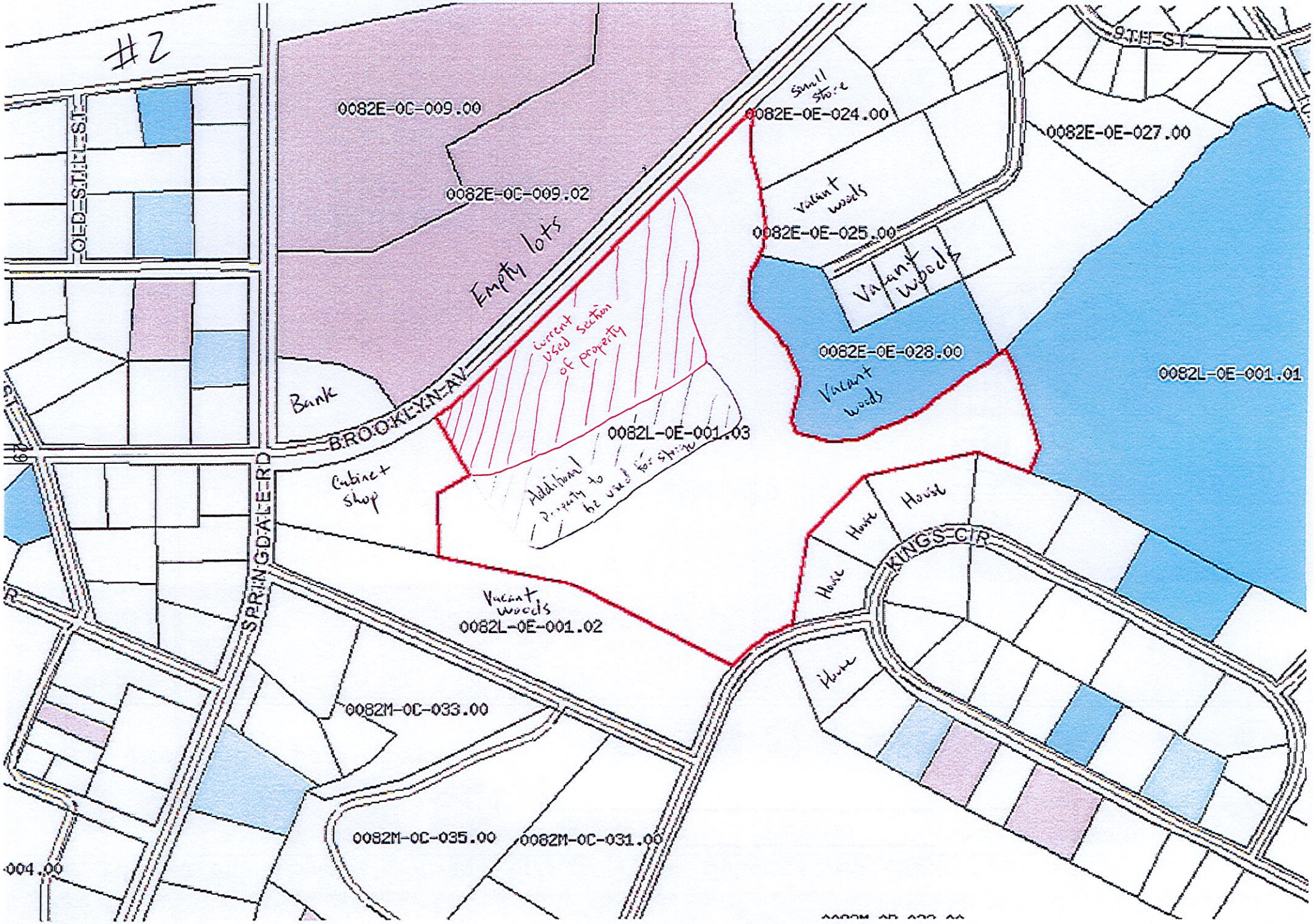
This Parcel contains 21.576 AC of land mainly classified as Comm.

☑ Office Notes ☐ Notes

No Picture Available

No Sketch Available

Open | 3/2/2015 | 2:32 PM | 86886 | QuickList


#2
OLD STATE ST
0082E-0C-009.00
0082E-0C-009.02
Empty lots
Bank
BROOKLYN AV
Current used section of property
Additional property to be used for shop
0082L-0E-001.03
Cabinet shop
SPRINGDALE RD
Vacant woods
0082L-0E-001.02
0082M-0C-033.00
0082M-0C-035.00
0082M-0C-031.00
Small store
0082E-0E-024.00
Vacant woods
0082E-0E-025.00
Vacant woods
0082E-0E-028.00
Vacant woods
0082E-0E-027.00
0082L-0E-001.01
House
House
House
House
KINGS CIR
9TH ST

Screening along Brooklyn Avenue

Lancaster County Board of Zoning Appeals
101 N. Main Street, Ste. 108
P. O. Box 1809
Lancaster, South Carolina 29721-1809

July 26, 2011

Telephone (803) 285-6005
Fax (803) 285-6007

Mr. Benjamin Brasington
4177 Fletcher Funderburk Road
Lancaster, S.C. 29720

Dear Mr. Brasington,

The Lancaster County Board of Zoning Appeals held a public hearing on **Tuesday, July 12, 2011** to consider your appeal for relief from **Chapter 4, Conditional and Special Exception Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage Yards** as stated in the Lancaster County Unified Development Ordinance (UDO) on the property located 511 Brooklyn Avenue, Lancaster County, SC (Tax Map: 82L, Block E, Parcel 1.03). This letter serves as official notification of the action taken by the Board of Zoning Appeals on this matter.

After consideration of the evidence presented at the above referenced public hearing, the Board of Zoning Appeals concluded that the request for relief from **Chapter 4, Conditional and Special Exception Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage Yards** should be **approved with the following stipulations:**

1. **No more than 30 cars on site at any given time.**
2. **Days of operation Monday thru Saturday.**
3. **Hours of operation 7:00a.m. – 7:00 p.m.**

The Board also approved the following variances:

1. **1250 ft from a Church**
2. **2371 ft from a residential zoning district**
3. **1480 ft from a school**

This is based on the finding of fact and conclusions stated in the order on the variance application issued by the Board of Zoning Appeals (see enclosed order). Keep this for your records.

The applicant should be aware that the Board's decision may be appealed, by any person with substantial interest in the decision, to the Circuit Court in and for the County of Lancaster within 30 days from the date of this letter. If the Board's decision is appealed to the Circuit Court and work authorized by this decision has begun, the County's Building and Zoning Department will place a "stop work order" on this site. This means all work related to the application will be required to stop until after the Circuit Court has made a decision on the appeal.

If you have any questions or concerns, please contact the Planning Department at 803/285-6005.

Sincerely,

J. Elaine Boone
Planner

FILE

LANCASTER COUNTY BOARD OF ZONING APPEALS
APPLICATION FORM 6
ORDER ON VARIANCE APPLICATION

Date Filed: June 24, 2011 Application No: BZA –011-008

The Lancaster County Board of Zoning Appeals held a public hearing on **July 12, 2011** to consider the appeal of **Mr. Benjamin Brasington** for a special exception permit approval from the strict requirement(s) of the Lancaster County Unified Development Ordinance as stated on the Variance Application (Form 3) **Chapter 4, Conditional and Special Exception Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage,** affecting the property described on the Notice of Appeal (Form 1) **511 Brooklyn Avenue.** After consideration of the evidence and comments presented, the Lancaster County Board of Zoning Appeals makes the following findings of fact and conclusions.

(1) The Lancaster County Board of Zoning Appeals concludes that the Applicant X **does** have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property base on the following findings of fact:
The Board **approved with stipulations** the application of Mr. Benjamin Brasington for a special exception permit they are as follows: 1) No more than 30 cars on site at any given time, 2) Days of operation Monday thru Saturday, 3) Hours of operation 7:00 a.m. thru 7:00 p.m. The Board also approved the following variances: 1) 1250 ft. from a Church, 2) 2371 ft. from a residential zoning district, 3) 1480 ft. from a school.

(2) The Lancaster County Board of Zoning Appeals concludes that these conditions X do not generally apply to other property in the vicinity based on the following findings of fact:

(3) The Lancaster County Board of Zoning Appeals concludes that because of these conditions, the application of the ordinance to the particular piece of property X would effectively prohibit or unreasonably restrict the utilization of the property based on the following finding of fact: Without the granting of the variance the applicant would not be able to use a Junk/Salvage Yard.

(4) The Lancaster County Board of Zoning Appeals concludes that the authorization of the special exception permit X will not be of substantial detriment to adjacent property or to the public good, and the character of the district X will not be harmed by the granting of the variance based on the following findings of fact: Chapter 4, Conditional and Special Exceptions Uses, Section 4.2.1 Automotive Wrecking, and/or Junk, and/or Salvage Yards are allow in the I-1, Light Industrial District as a special exception permit. This property is adjacent to the property owned by Bower's Used Car's & Parts.

(5) The Lancaster County Board of Zoning Appeals concludes that the effect of the special exception permit X would not be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section *4.2.1* of the ordinance; _____ would X would not extend physically a non-conforming use of the land; and _____ would X would not change the

OVER>

Harvey Carnes made a motion to approve with the following stipulations: No more than 30 cars on site at any given time, Days of operation Monday thru Saturday, Hours of operation 7:00 am – 7:00 pm; John Neal seconded the motion. The board also approved the following variances: 1250 feet from a church, 2371 feet from a residential zoning district, 1480 feet from a school.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

John Neal made a motion to adjourn and Harvey Carnes seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,

Reid Rushing
Chairman

Reid Rushing

Christopher S. Karres
Planning Director

Christopher S. Karres

6-24-11

Elaine Boone
Lancaster County Board of Zoning Appeals
PO Box 1809
Lancaster, SC 29721

To Whom It May Concern:

Thank you for taking the time over the last couple of months to hear my case regarding the start up of a metal recycling facility on Brooklyn Avenue.

I am requesting that we have one final hearing regarding this matter. "New evidence" was brought to my attention after the last hearing was concluded. I was not aware that I could self-impose stipulations concerning the conditional zoning of the property, such as limiting the number of vehicles I can have on site at any given time, to improve my chances of gaining approval.

Therefore, I propose that you approve this zoning variance request with the stipulation attached that I will hold no more than 30 cars on site at any given time. It takes 15 cars to make a truck load. The 30 car limit will allow me to have a two (2) load cushion in case my trucks get backed up and will also prevent me or anyone else who may own the property in the future from creating a "junk yard" on the premises. I believe this will solve the major concerns that were brought up in the last meeting.

I can not operate my business at this location or any other in Lancaster County without a variance, and if it is the county's will to deny my request for this property (one that connects to an existing junk yard and is already properly zoned for this use), then I will have to take my business somewhere other than Lancaster County.

I want to thank you again for your time and your consideration and I look forward to working with you in the future.

Sincerely,

Benjamin C. Brasington

4177 Fletcher Funderburk Rd
Lancaster, SC 29720
912-536-9814

FILE
Received 6/24/2011
JB
original document lost

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Section 4.2.1 - Automotive wrecking, and/or junk, and/or salvage yards.

Due to the environmental consequences and potential negative impact, unregulated open storage of junk or salvage material shall be restricted to junk and salvage yards, as defined by this ordinance, and shall meet the following requirements:

1. Such uses shall be located no closer than 2,640 feet to any residential zoning district, religious institution, school, historical place, public park, or day care center, or 1,320 feet to an existing residential use not in a residential zoning district (a residential structure on the site is exempt from this requirement).
2. No material which is discarded and incapable of being reused in some form shall be placed in open storage.
3. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
4. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
5. All materials and activities not within fully enclosed buildings shall be screened with an opaque vegetative buffer yard equal to a Type 4 Buffer yard as defined in Chapter 12. The buffer yard shall contain plants which, when mature, shall buffer all parts of the site from public view. All plants used for the buffer yard shall be evergreens.
6. This use shall comply with the regulations of section 4.1.11 of this ordinance.

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-015-002
Lancaster County
Meeting Date: Tuesday, March 10th, 2015

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:** Starting on September 1st of 2014, Zero Waste Recycling LLC began operating at the property. They have gone from 5 employees to almost 40 full time employees since this time. The variance will allow the company to expand and continue to grow.

b. **These conditions do not generally apply to other property in the vicinity:** These conditions would not apply to other adjacent property because they are not operating under the current stipulations applied to the subject property.

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:** Without the granting of the variance the operation would be prohibited from any further growth. Only an estimated 5 acres of the property's 21.5 acres are currently being used. An additional 3-4 acres of property on the rear side furthest from Brooklyn Avenue would be used if the variance is granted. The majority of the property will remain wooded land unused for the operation.

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 granting of the variance would not harm the surrounding properties. When the property was approved in 2011 under section 4.2.1, no screening along the road was required. They have since added a wind fabric to the fence which blocks 85% visibility. With the approval of the variance allowing storage of up to 500 cars, shrubs along Brooklyn Avenue would be added. Leland Cypress trees every 5 ft. will also be added and after some growth the trees would limit close to all visibility from the road.

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 will not allow the establishment of a use not otherwise permitted. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.