

LANCASTER COUNTY  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
APRIL 12, 2016  
MINUTES

Members Present: Harvey Carnes, Frances Liu, Terry Graham, LaVilla Brevard.

Others Present: - Penelope Karagounis, Planning Director; Elaine Boone, Planner II; Nick Cauthen, Planner I; Judy Barrineau, Secretary; Amy Bowers, Zoning Officer; Gavin Witherspoon, Zoning Officer; John Weaver, County Attorney;

Others Absent: Reid Rushing, Board Member; Don Brouwer, Board Member; District 6 – Vacant Seat; Kenneth Cauthen, Zoning Official; Dwight Witherspoon, 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**

LaVilla Brevard made a motion to approve the agenda and Terry Graham seconded the motion.

VOTE:                      UNANIMOUS                      MOTION CARRIED

**Approval of the Minutes**

Terry Graham made a motion to approve the March 2016 minutes and LaVilla Brevard seconded the motion.

Frances Liu 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.

Frances Liu – 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.

Frances Liu – 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 Shelby Snipes. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.2: Residential Density of the Lancaster County Unified Development Ordinance. BZA-016-006**

Nick Cauthen – Presented the statement of matter.

Frances Liu – If the applicant agrees with the statement of matter as read please sign. If an amendment is needed then correct the document and sign.

Frances Liu – 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?

Shelby Snipes – Yes. My address is 2573 Lynwood Drive, Lancaster SC. My telephone number is (803) 28304548. I've been living here for 7 years since my dad passed away. Before my mother passed away my two nephews' father passed away, so they live in the house and I live right behind him them in the mobile home. I take care of them.

Frances Liu – You live in which part?

Shelby Snipes – I live in the mobile home that is right behind the house.

Frances Liu – So it would need to be approved in order to stay there.....and the nephews?

Shelby Snipes – My nephews are Dustin and Dillon Snipes, one is eighteen and the other one is twenty. The twenty year old has a job and the eighteen year old is still in school and I take care of them. I cook and clean for them, I do everything. I have a daughter and a granddaughter and the house is just not big enough for all of us to live in.

Frances Liu – I will now proclaim the public portion of our meeting closed.

Frances Liu – Have we received any calls or letters?

Nick Cauthen – We received a few calls asking what the variance was for. The only opinion we received was the letter that was passed out by Judy before the meeting. The letter stated they were against the variance.

Frances Liu – Has a site check been done?

Amy Bowers – Yes.

Frances Liu – Have all the measurements been verified?

Amy Bowers – Yes.

Terry Graham – I'm a little confused because the letter comes from the property owner of 2575 and the location shown on this piece of paper also has 2575. You said you live at 2573.

Shelby Snipes – The house is 2573. When I moved into the mobile home I had to get my own address and everything even though we are all right there on the same property.

Elaine Boone – It's a separate residence.

Shelby Snipes – I had to get hooked up to Lancaster County Water and Sewer which cost me around \$2,000.00.

Terry Graham – This letter is from the owner of the property, James Reppart.

Nick Cauthen – The address they put on the letter is incorrect.

Terry Graham – Ok, that explains that. I was trying to figure out how two people owned the same property.

Elaine Boone – What address is the mobile home?

Shelby Snipes – The mobile home is 2575 and the house is 2573.

Nick Cauthen – The Reppart's is 2583. His mom lives there.

Penelope Karagounis – So the letter that was sent is basically on behalf of his mother.

Harvey Carnes – How long have you lived there?

Shelby Snipes – It will be seven years in December.

Terry Graham – Even if we grant the variance there still has to be a rezoning, is that correct?

Penelope Karagounis – That is correct.

Frances Liu – Was there permission needed to use it as a temporary dependent care residence?

Elaine Boone – She would have taken documentation from a physician to the zoning department. It is usually up to a year and then increments of every three months. Tell me if I'm wrong Amy.

Amy Bowers – You need a letter from the doctor once a year. The letter would state that the person needs care all of the time so that is why she was able to put a mobile home there temporarily; even if it is seven to ten years. When the person they are caring for passes away then you have to move the mobile home.

Frances Liu – So the permission given was never met to permanently have another residence on this lot.

Penelope Karagounis – The Unified Development Ordinance allows that type of relief for someone that is caring for an elderly parent or a child. This is a temporary use and as Mrs. Bowers stated, sometime temporary could be eight years and now what Ms. Snipes wants to do is to be able to keep her mobile home at that site. Before we can take it before Planning Commission for a rezoning she needs a variance for the lot dimensions in order to apply for a rezoning.

Elaine Boone – We did have something similar; I think it was a pastor and his wife. They also had to get approval for a variance and then petition to get the property rezoned. The property was on 10<sup>th</sup> street off of Highway 200. It was just within the last year. He had to get a variance first from the minimum lot size because they didn't have enough property. Then he petitioned to get it rezoned to allow the mobile home. It was a little different situation but you still granted a variance on the minimum lot size for that.

Frances Liu – At that point though there was someone needing dependent care, correct?

Elaine Boone – Yes.

Frances Liu – So it was not the same situation where now the dependent has passed away and the dependent care has ended.

Elaine Boone – We did have one on Lynwood Drive and Amy may remember this one. It was an elderly lady and she passed away. It was the same thing with them, they had to come in and get a variance.

Penelope Karagounis – What is happening Mrs. Liu; there is a need for affordable housing and a mobile home is affordable housing for these areas. Based on the application and what she stated, she does have septic for the mobile home?

Amy Bowers – She is on Lancaster County Water and Sewer. We require any temporary dependent care resident to be hooked up to their own utilities. They have their own power meter and water and sewer. So they are basically stand alone and is considered temporary dependent care.

Shelby Snipes – I tried to tap in to the septic tank because of the money involved with Lancaster County Water and Sewer which is costly. Everything we have there is paid for; if I have to move it and at my age also.....

Harvey Carnes – Have there been any complaints regarding that mobile home being there?

Amy Bowers – We have not had any complaints at all.

Shelby Snipes – All my neighbors are great.

Terry Graham – You do realize this was a temporary residence.

Shelby Snipes – I realize that and I understand it.

Terry Graham – It is not an automatic renewal.

Harvey Carnes made a motion to approve and LaVilla Brevard seconded the motion.

VOTE: 2 AFFIRMATIVE 2 NEGATIVE MOTION FAILED

The two negative votes came from Terry Graham and Frances Liu.

Frances Liu – The application has been denied and you will receive a letter from the planning department.

Shelby Snipes – That means I will need to move?

Penelope Karagounis – Yes it does.

**Variance application of Mr. Thomas Biggs. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.2: Residential Density of the Lancaster County Unified Development Ordinance. BZA-016-007**

Nick Cauthen – Presented the statement of matter.

Frances Liu – If the applicant agrees with the statement of matter as read please sign. If an amendment is needed then correct the document and sign.

Frances Liu → 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?

Thomas Biggs – Yes, 3094 Des Praz Avenue, Indian Land SC. My telephone number is (704) 540-2228. I am a South Carolina licensed home builder and I've been contracted by the homeowner to help guide them through this process. I've been through it with Mecklenburg County a couple of times. We sent

letters to the adjacent homeowners and we got three of the four back. The three we received back were very encouraging and very nice. We didn't receive one letter back and we talked about it because it's a just a little tiny part of the property that adjoins the Lakatos's. Their house actually faces away from where we would be building this. It's a huge distance from where this porch would be over to their house; at least 150 feet. There is adequate distance to be able to construct a small screened porch. It is only 12 foot deep. The homeowner was hoping for 14 feet but we felt that was a little too much to ask for. The homeowners are long time residents of Lancaster County. Their last home had a screened porch on it. They bought this new home a year ago with a porch in absolutely in mind. They mentioned it to the sales person that sold them the house and it was well known that they were going to do this. They look and see that the property line is more than 50 feet from the house and they just want to build a small porch so the assumption was that there would be no problem; low and behold it has become a problem. We are hoping to get some relief to be able to enjoy a small screened porch.

Frances Liu – I will now proclaim the public portion of our meeting closed.

Frances Liu – Have you received any calls or letters?

Nick Cauthen – We received the three letters mentioned by the builder and are in front of you. We received one letter against that is on the adjacent corner and is in your packet.

Frances Liu – Has a site check been done by staff?

Amy Bowers – Yes.

Frances Liu – Have all measurements been verified?

Amy Bowers – Yes.

Terry Graham – You stated they have lived there for a year?

Thomas Biggs – Yes, a year ago and then they started thinking about the porch the beginning of this year after the holidays. Of course the first thing you do is ask to see the land survey and it was a surprise frankly, the size of the lot and there was a 45 foot setback. Of course I deal with setbacks all the time and generally only see these size setbacks on acre lots as a rule.

Terry Graham – As a homeowner wouldn't that be one of the first questions you asked?

Thomas Biggs – I think you will find with a new home sale like this it is not uncommon even for the homeowner to not receive a land plat from the developer unless they go out and get one themselves. Unfortunately based on the assurances from the sales person selling the property; they would be fine.

Frances Liu – When Nick read the report it stated there were other porches.

Thomas Biggs – Yes there is. One porch that was built on the street within the past year by a company called Exterior Additions. It was permitted correctly and inspected. It's about five or six houses down. Additionally right behind the house there is a huge in ground pool that comes up within a few feet of the property line. Of course that is not a problem, it's not a structure. So those people are enjoying their property and notice the kids and all that and nobody seems to be upset. It actually surprised us a lot because we didn't receive any response from the Ingram's other than the package that we received from you folks. I would be happy to go into depth with what they say in that but I think there is certainly an argument that could be made. The one argument is that they feel that their property value would be diminished. Well the person next door wrote a letter to us and felt just the opposite. I would like to point out that neither one of these people are real estate appraisers and are really not in any position probably to make a judgment.

Frances Liu – But they do have an investment in the largest purchase they will probably make.

Thomas Biggs – I would like to give equal weight to both people.

Frances Liu – On the other screened in porch, does it back up to another home?

Thomas Biggs – Yes, it is very similar. The streets in there are lined down in such a way that you have a street and then you have another street with a cul-de-sac behind it and so there are about six or seven houses that will border back yards equal distance apart. This is the same situation. The streets as they come down the street, both streets are not perfectly parallel. Their house is very near the end of the street where they get a little closer so the houses at the beginning of the street have deeper back yards. We could build this if we were willing to build it seven feet deep. That is kind of a closet and I don't think that makes a lot of sense.

Terry Graham – Those other porches did not require a variance because they had a setback that allowed it?

Thomas Biggs – That is right because of the way the neighborhood is constructed. As the addresses get lower the lots get smaller or less deep; as they go down the street they get closer. If we looked at surveys their house might be the only one that couldn't build a screened porch.

Frances Liu – Is it correct in the CC&R's for the neighborhood that no building shall be placed nearer to the front side of rear setback line as required by Lancaster Zoning Ordinance?

Thomas Biggs – That is why we are here tonight. Once we have our variance we go to the HOA and get our approval. That is inaccurate to say the least. We are meeting the requirements of the HOA by getting the variance. We will have a zoning permit which is required.

Penelope Karagounis – We have experienced this before, not in this subdivision but in Fox Ridge off of Barberville Road. The issue back then with the property was it was zoned R-15, trying to preserve to have some open space within the lot. That is why there is a 45 foot rear setback. There have been no variances granted in this development. In the Fox Ridge they have granted variances based on the setback issue being 45 and also getting the variance first and going to the HOA for approval.

Frances Liu – Are lot sizes similar in Fox Ridge?

Penelope Karagounis – Yes, the only difference is, some of them were not abutting a residential house. There was an open space area I believe on the two that we granted.

Frances Liu – So they didn't have a neighbor behind them.

Penelope Karagounis – They didn't have a neighbor. Elaine, a lot of those because of the 45 foot rear setbacks.

Elaine Boone – Especially in Barber Rock, several in there.

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

VOTE: 4 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Penelope Karagounis – Just for the record, this property Chastain Village, is not a planned development district and there is no development agreement; currently the county is rewriting the Unified Development Ordinance. That property will probably be zoned medium density – residential; I have to look on the proposed maps. But there will be different setback requirements and I know if that gets adopted then maybe you could have some conversation with the zoning department to see if you meet the setbacks at that time. The new zoning will not be approved anytime soon. I would say call us back in August. You can contact the zoning department and ask for Amy Bowers. The telephone number is (803) 416-9777. We've had

previous discussions with the Board of Zoning Appeals with other cases. The chairman who is not here tonight asked that we look at changing those rear setbacks.

New Business: Nominate Board Member of the Year:

LaVilla Brevard made a motion to nominate Frances Liu and Terry Graham seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Penelope Karagounis – We do have a meeting next month.

Terry Graham – I have a previous engagement that night.

Penelope Karagounis – Is that your debate that night for County Council?

Terry Graham – Yes. The debate is at 7:00pm.

Frances Liu – Is there ever a chance to change the date? Or is that a huge process?

Penelope Karagounis – It is, or I can check and see if we could have it a little earlier.

John Weaver – Has it been advertised yet?

Penelope Karagounis – No, it's just on the yearly calendar.

John Weaver – The chairman has the prerogative of setting a different time if necessary to accommodate everyone.

Frances Liu – On the same date?

John Weaver – The same date.

Frances Liu – It might be hard for everyone to come earlier.

Terry Graham – What is the one case for that night?

Amy Bowers – It is a special needs and disability facility. They want to put a picnic shelter out front of the building and they need a variance. We spoke to Mr. Honeycutt about it because he is involved with it. It is money that is set aside to do special projects like this and this is one that they want to support. The money is set aside to buy all the materials so it is pretty much like a charity project. They just can't meet that front setback. This way people who go there don't have to stay in the building all day long.

Penelope Karagounis – I will talk to Mr. Reid Rushing about changing the time to 5:00pm.

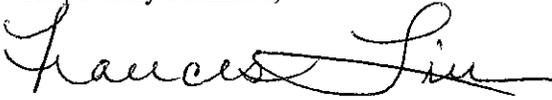
Brief Discussion regarding the time of 5:00pm and it was good for everyone on the board.

Penelope Karagounis – Judy will be sending out reminder emails so just make sure you let her know if you

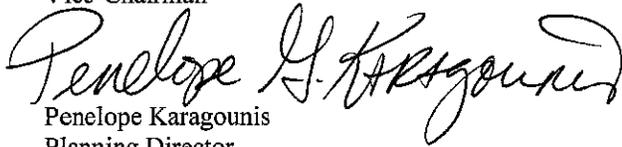
plan to attend the Webinar by May 3<sup>rd</sup>. This will be the only opportunity here in Lancaster to complete your continuing education class. It is from 9:00am to 12:30pm.

Harvey Carnes made a motion to adjourn meeting and Terry Graham seconded the motion.

Respectfully Submitted,



Frances Liu  
Vice-Chairman



Penelope Karagounis  
Planning Director