

**LANCASTER COUNTY  
BOARD OF ZONING APPEALS**

**June 10, 2014  
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**

**Approve minutes – May 2014**

**Chairman**

**Variance application of Lancaster County for a variance from  
Chapter 4, Conditional and Special Exception Uses, Section 4.1.7  
Convenience Centers. BZA 014-~~000~~ pgs. 1-22  
Tax Map 13, Parcel 48.01      009**

**Elaine Boone**

**New Business:**

**Old Business:**

## **BOARD OF ZONING APPEALS - STATEMENT OF MATTER**

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### **I. Facts**

#### **A. General Information**

*Proposal:* Variance application of Lancaster County for a variance from Chapter 4, Conditional and Special Exceptions Uses, Section 4.1.7 Convenience Centers. The applicant is requesting a variance on the separation requirements as shown on the enclosed site plan. There will be one variance needed for the proposed Convenience Center 1) a structure to a residential zone 500 foot.

*Location:* U.S. Highway 521 North – adjacent to Indian Land Recreation Center

*Legal Description:* Tax Map: 13, Parcel 48.01

*Zoning Classification:* B-3, General Commercial District.

*Description of Plan:* Same as stated in the proposal.

#### **B. Site Information**

*Site Description:* Vacant 7.0 acre tract of property adjacent to the existing Indian Land Recreation Center. Lancaster County does own the property.

#### **C. Vicinity Data**

*Surrounding Conditions:* Properties located adjacent to the site are commercial with the exception of property located at the rear property line which is zoned R-15P.

#### **D. Exhibits**

1. Variance Application
2. Location Map
3. Site Plan – enclosed
4. Lancaster County Tax Inquiry Sheet
5. Lancaster County Comprehensive Plan
6. UDO – Chapter 4 Section 4.1.7 – Convenience Centers
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

### **II. Findings**

Code Considerations: UDO –Unified Development Ordinance of Lancaster County – Chapter 4, Conditional and Special Exception Uses, Section 4.1.7, Convenience Centers. This use is allowed in the B-3, General Commercial District as a conditional use provided all conditions are met.

Date of Meeting: \_\_\_\_\_  
 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: 5/13/14 Application No: B2A-014-009

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: Lancaster Cty Address: 101. North Main Street

Telephone: 803-283-2101 Work: \_\_\_\_\_

Interest: \_\_\_\_\_ Owner(s): \_\_\_\_\_

Other: \_\_\_\_\_

Owner(s) if other than applicant: Same As Above

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Work: \_\_\_\_\_ Other Information: \_\_\_\_\_

**PROPERTY INFORMATION**

Property address: Eastside Charlotte Hwy behind Indianland Rec Center

Lot Area/Acres: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Lot Size or Dimension: 1.0 acres Zoning Classification: B3

Use of Surrounding Properties: B3 - R15.P



**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: 5-13-14 Applicant Signature(s) [Signature]

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 5/13/14 Application No. B2A - 014-009

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 4.1.7 so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: To construct a County Convenience Center to provide the Indian Land Community with an on site Recycling and Solid Waste Facility. 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: At the present time Lancaster County does not have any other location options for the proposed Recycling/Solid Waste Facility for Indian Land. This property is zoned B3, General Comm. Dist and owned by Lancaster County. The property is a 7.0 acre \*
- b) These conditions do not generally apply to other property in the vicinity as shown by: these conditions would apply if adjacent properties would be developed as a Convenience Center or Solid Waste Facility.

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 (Lancaster County) would be unable to construct the proposed Convenience Recycling/Solid Waste Facility at the location.

a) \* tract located adj to the Lancaster County Recreation Center -  
Cont'd. Indian Land. The County proposes a split level type design for this site.

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: 1) Applicant/County will require 500 FT. variance on rear property line. 2) No Residential Uses are located within a 500 FT. Radius, 3) the proposed Recycling Convenience/Solid waste facility will not be seen from the Road.

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

Site plan

Date: 5-13-2014

\_\_\_\_\_  
\* Steve Wallin

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, Steve Willis, County Administrator have signed that I am aware of the Zoning Board of Appeals hearing date.

June 10, 2014 (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.

<u>X</u>	_____	_____
	(Property owner / Applicant's signature)	(Date)
	<u>J. Elanir Boone</u>	<u>5-13-14</u>
	(Staff's Signature)	(Date)



<b>Foundation</b>	<b>Roof Type</b>	<b>Roof Coverage</b>	<b>Flooring Type</b>	<b>Heating Type</b>	<b>Bathrooms</b>	<b>Grade</b>	<b>Number Fire Pl</b>	<b>Sketch</b>
00					0.0		0	NA

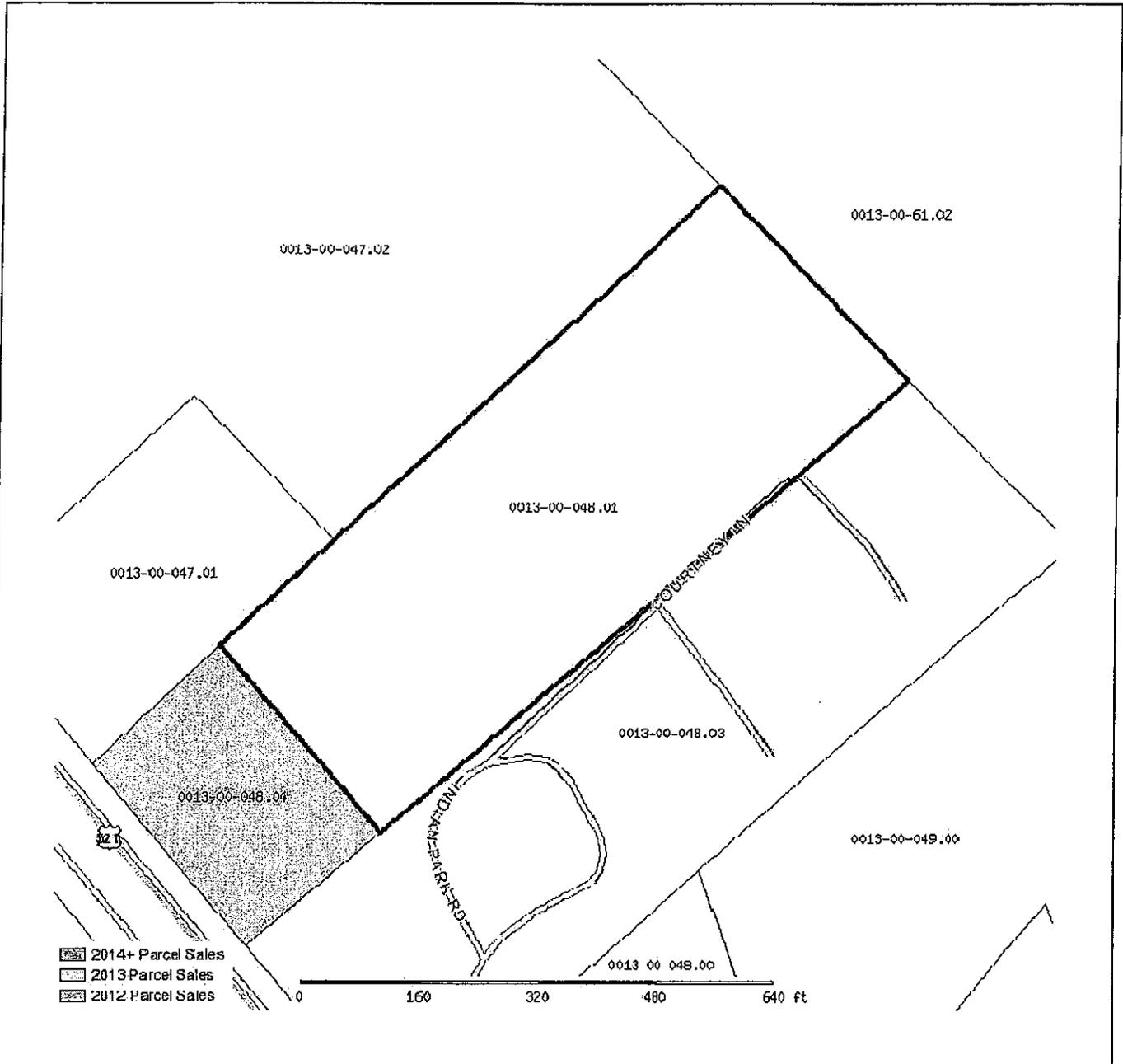
<b>Miscellaneous Information</b>			
<b>Building Type</b>	<b>Quantity</b>	<b>Units</b>	<b>Year Built</b>
No miscellaneous information available for this parcel.			

<b>Sales Information</b>			
<b>OR Book/Page</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Instrument</b>
K012/0030	1994-07-20	\$ 73,750	TRUE SALE (0)
			<b>Vacant/Improved</b>
			Vacant
			<b>Grantor</b>
			LANCASTER COUNTY
			<b>Grantee</b>
			LANCASTER COUNTY

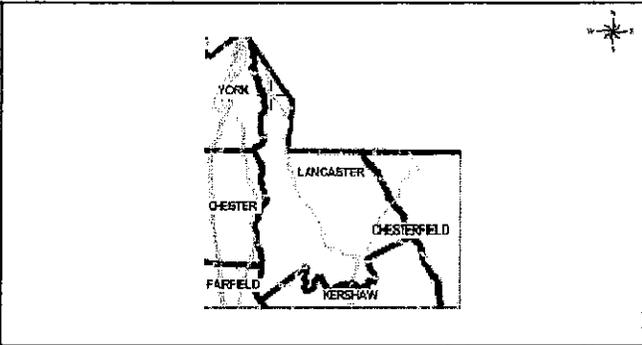
<b>Search Sales In Area</b>	<b>Previous Parcel</b>	<b>Next Parcel</b>	<b>Return to Main Search Page</b>	<b>Lancaster Home</b>

The Lancaster County Tax 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. All assessment information is subject to change before the next certified tax roll. Website Updated: June 1, 2014

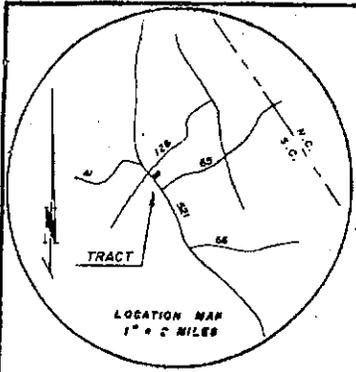
© 2008 by the County of Lancaster, SC | Website design by [qpublic.net](http://qpublic.net)



Lancaster County Assessor			
Parcel: 0013-00-048.01 Acres: 7			
Name	LANCASTER COUNTY	Land Value	\$1,461,900.00
Site	HWY 521	Improvement Val	\$0.00
Sale	\$873,750 on 07-1994 Vacant= Qual=0	Accessory Value	\$0.00
Mail	PO BOX 1809 LANCASTER, SC 29721-0000	Total Value	\$1,461,900.00



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: 06/02/14 : 16:09:25



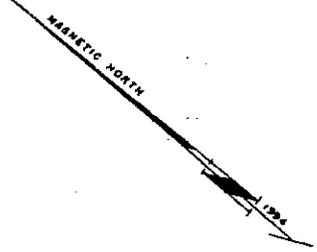
WACHOVIA BANK & TRUST CO.  
PLAT BK. 174 310

OLD 1" IRON PIPE

OLD 1/2" REBAR

340.66' S 40° 53' 23" E

FILED  
JUN 22 2 19 1964  
REGISTERED  
LANCASTER COUNTY, S.C.



LANCASTER COUNTY BOARD OF EDUCATION

B. 77 AC.

BLAKE, R.E.  
PLAT # 11970

REF: PLAT BY R.H. ISELEY DATED APRIL 5, 1990.

125.73' S 51° 23' 42" W

R/W

OLD 1" IRON PIPE

OLD 1/2" REBAR

H 36° 11' 18" W 327.65'

APPROX. 837' TO R/W OF S-28-65

U. S. HWY. 521 (FOUR LANE HWY.)

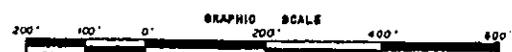
NOTES :

APPROVED FOR RECORDING  
*Charles Hendley*  
Lancaster County Register Commission

I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1"/15,000 AS SHOWN HEREON AND THE AREA WAS DETERMINED BY DMD METHOD.

RLS S.C. 7876  
WILLIAM CHARLES HENDLEY, JR.  
*William Charles Hendley, Jr.*

RLS S.C. 7876 *Charles Hendley*



BOUNDARY SURVEY FOR

## LANCASTER COUNTY

LANCASTER COUNTY      SOUTH CAROLINA

TELEPHONE (803) 288-8230

### WM. CHARLES HENDLEY JR. LAND SURVEYING

101 WESTMORELAND DRIVE      LANCASTER      SOUTH CAROLINA

DRAWN BY WCH	SCALE 1" = 200'	COMPUTED BY WCH	REVISED
FIELD BOOK FILE	TAX MAP 13	APPROVED BY <i>Charles Hendley</i>	DATE 7/19/64
		MAP NUMBER 94-758	

INST. # 7862

81-40

State of South Carolina,  
County of Lancaster

FILED  
OFFICE OF CLERK OF COURT  
OF COUNTY

JUL 22 2 19 PM '94

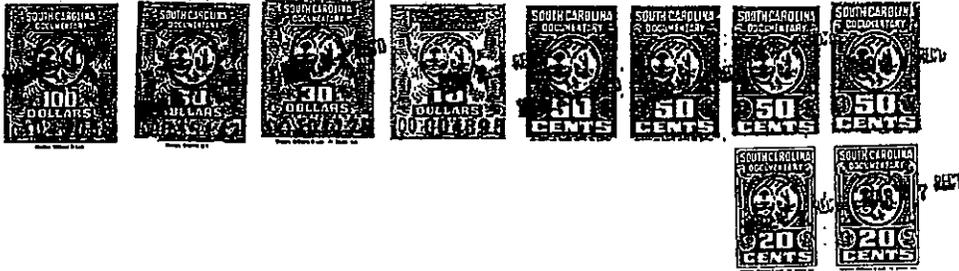
CLERK OF COURT  
LANCASTER COUNTY, S. C.

192-40

BOOK K-12 PAGE 30

COUNTY DOCUMENT STAMPS COLLECTED

Know All Men by These Presents, That I, James Z. Howey and Maureen Howey  
(hereinafter whether singular or plural the "Grantor")



in the State aforesaid, for and in consideration of the  
sum of Seventy Three Thousand Seven Hundred Fifty (\$73,750.00) Dollars  
to the Grantor paid by Lancaster County ~~Land Development~~ (hereinafter  
whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant,  
bargain, sell and release unto the said Grantee the following described property.

All that certain piece, parcel, or tract of land, lying, being, and situate in Indian  
Land Township, Lancaster County, South Carolina, on the East side of U.S. Highway  
521, containing 8.8 acres, more or less, fronting West on U. S. Highway 521, and  
having such courses and distances, metes and bounds, as shown on that plat of  
survey made by William Charles Hendley, Jr. Land Surveying, RLS, dated July 18,  
1994, entitled "Boundary Survey For Lancaster County", and recorded as plat  
number 1440 in the office of the Lancaster County Clerk of Court.

Being the identical property conveyed to James Z. Howey and Maureen Howey  
by deed of Georgia H. Howey dated August 10, 1992 and recorded in deed book V-10  
at Page 210 in the office of the Lancaster County Clerk of Court.

Grantee's Address:  
P. O. Box 1809  
Lancaster, South Carolina 29721

ASSESSOR'S OFFICE  
Received 7-22-94  
Tax P. p. Code 13-9801  
Or portion of \_\_\_\_\_

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,

their

Heirs and Assigns forever.

And the Grantor does hereby bind ~~themselves~~, and their Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and the Grantee's Heirs and Assigns, against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 20<sup>th</sup> day of July in the year of our Lord one thousand nine hundred and ninety four and in the two hundredth and seventeenth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

James Z. Howey  
Maureen Howey

James Z. Howey (SEAL)  
Maureen Howey (SEAL)  
James Z. Howey  
Maureen Howey

COLORADO  
STATE OF ~~SOUTH CAROLINA~~. }  
DENVER  
~~Lexington~~ COUNTY. }

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as the 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.

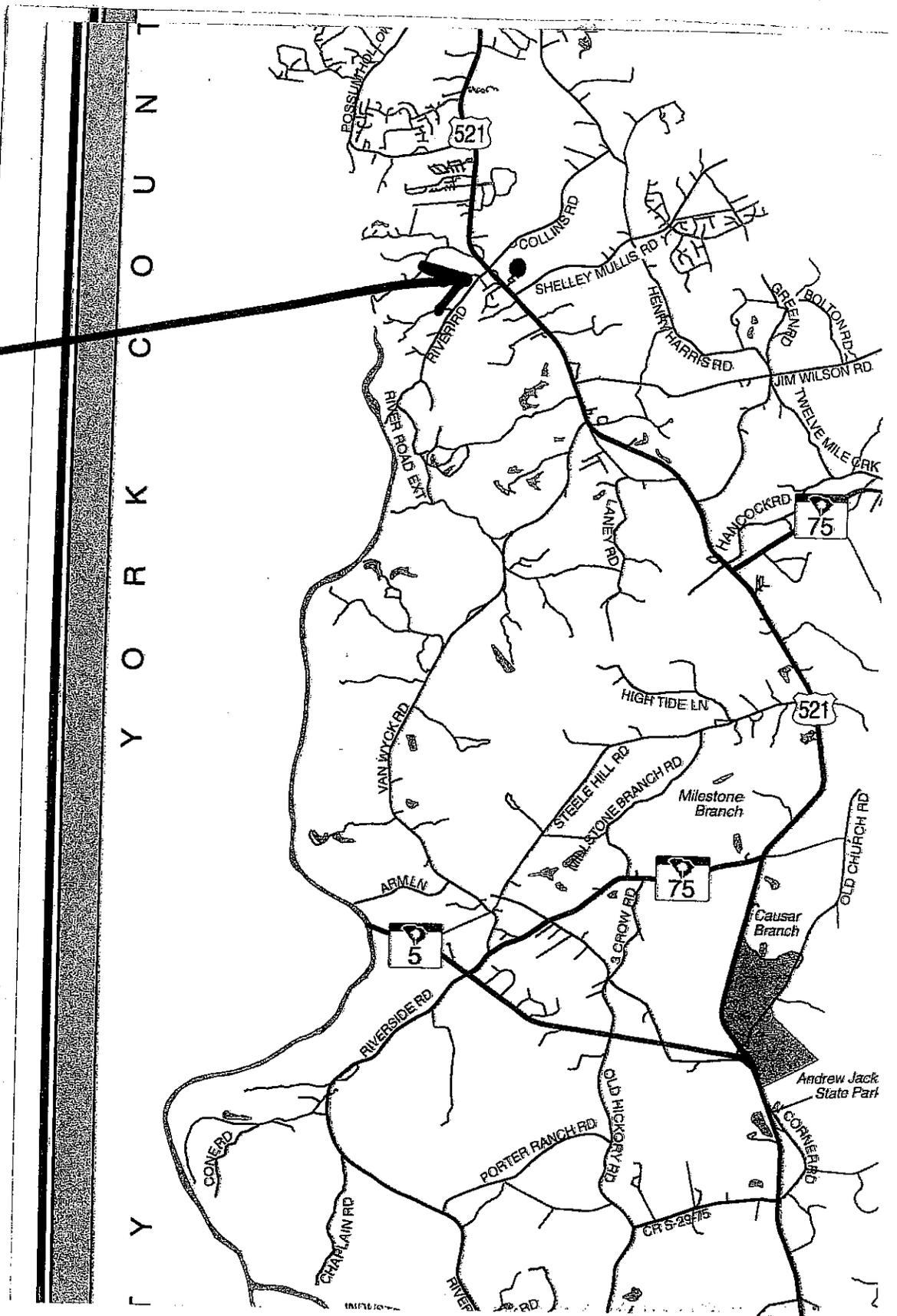
SWORN to before me this

day of July 20, '94  
John Cardace Carson  
Notary Public of Colorado  
My Commission Expires: March 29, 1998

John J. Smith  
Witness

LTTC/JA  
LOWRY AFB, CO 80230-5000

Proposed  
Site  
Location





### **Electric Service**

Adequate electric power is available throughout the county. Duke Power Company provides service to the majority of Lancaster County; serving nearly 24,000 residential, commercial, and industrial customers. Duke Power's service area is primarily the central-western portion of the county, some areas of the Panhandle, the City of Lancaster and the Town of Kershaw. Lynches River Electric Cooperative provides electrical service to approximately 5,000 customers. Lynches River primarily serves the south-central and south-eastern portions of the county as well as the Town of Heath Springs. A small area in the Panhandle from the intersection of U.S. 521 and S.C. 75 to the Blackhorse Run subdivision obtains electric service from York Electric Cooperative. All providers of electric service in Lancaster County note that they can meet current and future power demands without major modifications to current facilities.

### **Telephone**

Telephone service in Lancaster County is provided largely through the Comporium Group of companies. Members of the Comporium Group of companies are: Comporium Communications, Comporium Data Services, Comporium Long Distance, and Comporium Telecom. Under this concept, the Comporium Group is uniquely positioned to offer customers one-stop-shopping for all their communications needs. Comporium provides residential and commercial customers access to a broad range of communication services, including local telephone, long distance, wireless, cable TV, and Internet. Alltel which is based in Little Rock, Arkansas provides service to the Town of Kershaw.

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## **PUBLIC, INSTITUTIONAL AND CULTURAL**

### **Solid Waste Collection and Disposal**

Major changes have occurred in the past years in the operation of municipal solid waste collection systems as a result of the South Carolina Policy and Management Act of 1991. This act required counties to develop Solid Waste Management Plans, to adopt ambitious goals for waste reduction and recycling, and to change the way they dispose of solid waste. A number of items were banned from landfills, and the standards for landfill operations were significantly strengthened. Lancaster County developed a Solid Waste Management Plan to address waste reduction and disposal. As part of this process, Lancaster County determined that it did not have sufficient volume to justify the operation of a landfill under the new standards. The Lancaster County landfill was closed in July 1995 and replaced with a series of manned convenience centers and alternate hauling methods. A more long-term solution to the county's solid waste disposal would be entering into a multi-county landfill agreement. This type of arrangement should help to stabilize the cost of solid waste disposal.

The county has shifted its method of solid waste collection from a county operated sanitary landfill process to a system of 12 convenience centers which combine garbage collection with convenient opportunities for recycling. The convenience centers replaced the old "green box" system of waste collection, which did not provide for the opportunity to recycle. The current convenience centers are manned and provide receptacles for newspaper, aluminum, plastic, glass, used oil, paint, yard debris, batteries, corrugated cardboard, white goods, scrap metal, and electronic waste, and tires. The City of Lancaster recently implemented a voluntary curbside collection recycling program for residential properties. The City intends to expand the program to include commercial properties as the program matures.

Curbside household garbage collection is provided in the City of Lancaster, and the Towns of Heath Springs and Kershaw. Household waste is collected by municipal employees of all three sectors and transported out of the county for disposal. The City of Lancaster operates the only solid waste transfer station in Lancaster County. Lancaster County solid waste personnel collect waste from the convenience centers and transport to the City of Lancaster Transfer station for processing and transport for disposal. Future opportunities are available and under planning for private hauling and pickup of current recyclables by respective vendors. This will allow for quicker turnover response after processing and cost savings from more efficiency.

With continued increase of recyclable commodities and changing trends in the market, Lancaster County solid waste program will have to maintain strong demand from increased volume of materials collected at its present twelve convenience centers. This will include increases in personnel, equipment and a study of alternate methods of processing and transport. The locations of recycling centers and the transfer station are shown on Map 4.

# Map 4 Lancaster County Solid Waste

## Legend

### Convenience Centers

- ① Indian Land
- ② Race Track
- ③ Unity
- ④ Erwin Farm
- ⑤ Lynwood Drive
- ⑥ Heath Springs

- ⑦ Kershaw
- ⑧ Midway
- ⑨ Rich Hill
- ⑩ Tradesville
- ⑪ McGill
- ⑫ Fort
- ▲ Transfer Stations

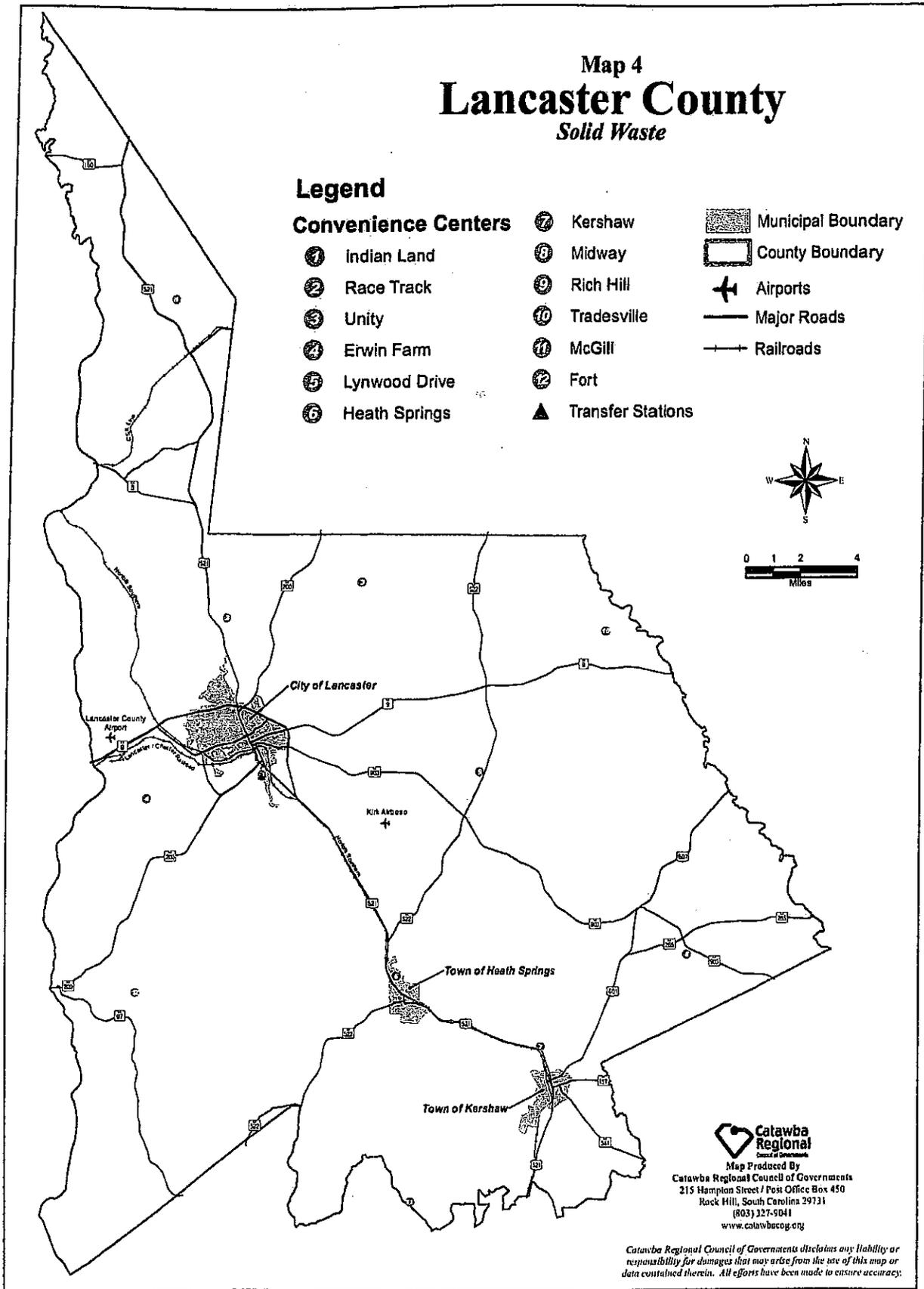
 Municipal Boundary

 County Boundary

 Airports

 Major Roads

 Railroads



Map Produced By  
Catawba Regional Council of Governments  
215 Hampton Street / Post Office Box 450  
Rock Hill, South Carolina 29731  
(803) 327-9041  
www.catawbaregion.org

*Catawba Regional Council of Governments disclaims any liability or responsibility for damages that may arise from the use of this map or data contained therein. All efforts have been made to ensure accuracy.*

- The entire play area is enclosed by a fence having a minimum height of at least four feet and constructed in such a manner that maximum safety to the children is ensured; and
3. No outside sign in excess of four square feet in area shall be permitted. The sign shall be non-illuminated; and
  4. The construction and operation of such facilities shall comply with all applicable federal, state or local codes; and
  5. An off-street dropoff/pickup area shall be provided.
  6. The center shall not have access to a local road.
  7. If located in an R-45A or R-45B District the requirements of section 4.1.4 apply to this use.

#### **Section 4.1.6 - Commercial kennels.**

Commercial kennels shall be sited to meet the following requirements:

1. Such uses shall be set back a minimum of 100 feet (measured in a straight line) from the property line on which the use is located.
2. Such uses shall be located a minimum of 500 feet (measured structure to structure) from any religious institution, school, historical place, park, residential use, or day care center.
3. To minimize any potential negative impacts from this type of use, noise abatement techniques shall be used in the construction of such facilities.
4. A Type 2 buffer yard, as defined in Chapter 12, shall be installed along all property lines. 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.
5. If located in an R-45A or R-45B District the requirements of section 4.1.4 shall apply.

#### **Section 4.1.7 - Convenience centers.**

1. *Reserved.*
2. Facilities shall be located a minimum of 500 feet away from any religious institution, school, historical place, public park, day care center, or existing residential use or district.
3. All buildings and structures involved in the operation of this type of facility shall be a minimum of 75 feet from the centerline of any public road. All recyclable materials shall be kept behind all buildings and structures involved in the operation. Such parcels shall have direct access to a collector or arterial street. Access roads/easements shall maintain a minimum travel surface of 18 feet and have a width of 30 feet at the entrance intersection with a collector or arterial street so as to accommodate truck traffic.
4. Facilities shall be screened by a Type 4 buffer yard, as defined in Chapter 12. Where the required buffer yard is to be installed adjacent to a residential district or use, all plants used to meet this requirement shall be evergreens.
5. All exterior storage of material shall be in sturdy containers or enclosures which are secured and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of nonflammable material. Materials such as woodchips or other large bulky items shall be exempt from having to be placed in containers or enclosures.
- 6.

Sites shall be maintained free of litter and all other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.

7. Space shall be provided on-site for customers to circulate, park and deposit recyclable materials and solid waste.
8. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
9. All applicable permits shall be obtained from the SCDHEC and any other permitting agency.

(Ord. No. 1073, § 1, 12-29-10)

#### **Section 4.1.8 - Home occupations.**

Home occupations shall comply with the following requirements:

1. Shall not have an adverse impact on the surrounding neighborhood.
2. Shall not display goods, stock in trade or other commodity outside of a fully enclosed structure.
3. The on-site retail sales of goods not produced on-site is prohibited.
4. No more than one (1) person who does not reside on the site shall be employed in the business.
5. The operation shall not create any objectionable noise, fumes, order, dust or electrical interference.
6. No more than 25 percent of the total gross floor area of the residential building shall be used for the home occupation or more than 1,000 square feet of gross floor area, (whichever is less).
7. Can only use vehicles which are primarily used as passenger vehicles in connection with the home occupation.

#### **Section 4.1.9 - Hotel/motel.**

Motels and hotels, provided that:

1. The lot size is a minimum of one acre;
2. The sole means of ingress and egress shall be via an arterial road;
3. The property shall have a minimum two-hundred foot (200) frontage on an arterial road;
4. Any building on the site must be a minimum of two hundred (200) feet from any residential district; and
5. When adjacent to residentially used or zoned property, outdoor lighting is required to be installed so that light shall not shine or reflect directly onto the adjacent property.
6. When adjacent to residentially used or zoned property a Type "3" buffer yard shall be installed along all property lines abutting a residentially used or zoned property.

#### **Section 4.1.10 - Livestock auction houses.**

Livestock auction houses shall be sited a minimum of 500 feet (measured in a straight line) from the property line on which the use is located.

### **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-014-009**

**Lancaster County**

**Meeting Date: June 10, 2014**

**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:** Lancaster County does not have any other options for the proposed Convenience Center, this property can be used to develop a split level type design for the proposed property.
- b. **These conditions do generally apply to other property in the vicinity;**  
These conditions would apply if the adjacent properties would be developed for a proposed Convenience Center.
- 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 variances the applicant Lancaster County would be unable to construct the proposed Convenience Center at the proposed location.
- 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 site will be regulated by SCDEC –South Carolina Department of Health & Environmental Control. The County as the applicant must obtain all permits required from SCDHEC prior to operation. The Convenience Centers are allowed in all zoning districts as a conditional use.
- 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.** The Convenience Centers are allowed in all zoning districts as a conditional use. This property is not a non-conforming use of land, nor will the district boundaries be changed.