

LANCASTER COUNTY  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
MAY 10, 2016  
MINUTES

Members Present: Harvey Carnes, Frances Liu, Don Brouwer, Reid Rushing.

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

Others Absent: LaVilla Brevard, Board Member; Terry Graham, Board Member; District 6 – Vacant Seat; Dwight Witherspoon, Zoning Officer; Amy Bowers, Zoning Officer; No members of the press were present.

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

**Approve the Agenda**

Harvey Carnes made a motion to approve the agenda and Don Brouwer seconded the motion.

VOTE:                      UNANIMOUS                      MOTION CARRIED

**Approval of the Minutes**

Frances Liu made a motion to approve the April 2016 minutes and Harvey Carnes seconded the motion.

Reid Rushing called the meeting to order.

Staff introduced themselves and Judy Barrineau swore them in.

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

Staff – Yes.

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

Nick Cauthen – Yes.

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

**Variance application of S.C. Department of Disabilities & Special Needs Department. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.4, Principal building setback requirements of the Lancaster County Unified Development Ordinance. BZA-016-008**

Nick Cauthen – Presented the statement of matter.

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

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

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

Sheila McWaters – Yes, The address is 1126 Camp Creek Road, Lancaster SC. I am the Executive Director of the Chester-Lancaster Board. We have a picnic table shelter that we would like to put beside our building in memory of Terry Ledbetter which is Janice Steele's daughter; who on Saturday it will be a year since she passed away. She went to our work activity center for 22 years. We took care of her and her family for that many years. We had a committee that came together and we did a lot of fund raising and we actually raised some money to be able to build this picnic shelter. We are hoping that other people will come forward with us and be able to help us with this cause. It is not only important for us but it is important for the consumers. We have 555 people we serve in our agency, some in Lancaster and some in Chester. We have 100 that can come to the work activity center in Lancaster and we have 65 in Chester. We are asking for a setback exemption so that we can have picnic tables for those even in wheelchairs. This way they have a place to eat their meals or a snack; or just to be outside. We have no place in our agency to do that. Janice has so graciously chosen us as the recipient of this money and we would just ask that you allow us this variance request.

Renee Phillips – Yes, The address is 1126 Camp Creek Road, Lancaster SC. I've worked with Lancaster Disabilities since 1989 and we started out on Main Street in the old Duke Energy building and now we are in the building on Camp Creek Road. Since then the program has grown, the program that I am over is the program that 100 people attend everyday. There is no where we can load up all of those people and give them an opportunity to get out and get fresh air everyday. That is what's important. Even if you try and load 10 up and go to AJ State Park, by the time you get those loaded and get back, you have defeated the purpose. You have people who are tube fed and so on. Janice has worked so hard to raise all this money and I knew her daughter before she ever came to the program. It would be a great thing and I think we are the type of agency that can get lost. We need somewhere for our people to be able to enjoy the fresh air.

Janice Steele – Yes, My address is 1826 Tara Trail, Lancaster SC. I am Janice Steele, Terry's mom. Of course you can imagine how important this is to me because she has friends there. She attended this program for 22 years. She did not have a place to go outside for those 22 years. I would be very important for me because Terry's friends would be able to go outside and do activities outside which they can't do now. I would appreciate your sincere consideration.

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

Reid Rushing – Have we received any calls or letters?

Nick Cauthen – No sir.

Reid Rushing – Has a site check been done?

Kenneth Cauthen – I've been out there 3 times. If you look at page 8 in your packet, most of these lots in that industrial section were built back in the late 70's and 80's by Mike Williams, William Harper, Gene

Melton, ect. That particular lot is not as deep as the other lots. You can see on the West side there is not enough room and on the rear of the building there is even less room. On the East side is where the parking and delivery area is and you can't put the shelter there. In front of the building you have a canopy that was added on to the industrial building at a later date. The only place to put this shelter is in the biggest patch of green space you see right in front of the building. They need a variance of 40 feet so that means this building will be 30 feet off the right of way. I know the new UDO hasn't passed yet but we've been fighting a battle with this 75 foot front setback for years and years. Right before the UDO was passed it was 25 feet and then for some mysterious reason it was changed to 75 feet and nobody could ever document why so we've had trouble with the 75 foot setback for years. On the new proposed zoning, the front setback for general commercial and this is what this will be zoned to when this UDO is passed is the same as the present B-3. That proposed front setback is 30 feet and that is what this building will be, 30 feet. They want to get this constructed so they can use it all summer long. It could be late summer or even the fall before the new UDO is passed. That is why they are here tonight.

Reid Rushing – Have all the measurements been verified?

Kenneth Cauthen – Yes.

Reid Rushing – You are going to be 30 foot off the right of way. Have you given any consideration as to what is going to happen in that area due to traffic and that close to the highway?

Sheila McWaters – We are going to put up a fence to keep them from running anywhere near the traffic.

Renee Phillips – There is also staff outside with them and we would never let anyone go out that likes to run. We do have people like that but we don't let them go outside.

Frances Liu – If there is going to be a fence built, would that be further into the setback?

Reid Rushing – Yes it would have to be. But I don't know that a fence has anything to do with that.

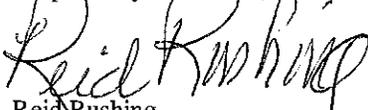
Kenneth Cauthen – No a fence does not count on a setback.

Don Brouwer made a motion to approve due to the authorization of this 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; Frances Liu seconded the motion.

VOTE: 4 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

New Business: Change of Meeting Dates for June and November 2016. The BZA meeting date for June will be changed to June 16, 2016 due to elections being held. We will affirm the new November meeting date at a later time.

Respectfully Submitted,

  
Reid Rushing  
Chairman

  
Elaine Boone  
Planner II