

# LANCASTER COUNTY BOARD OF ZONING APPEALS

September 13, 2016  
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

<b>Approve Agenda</b>	<b>Chairman</b>
<b>Communications:</b>	
<b>Approve minutes – June 2016</b>	<b>Chairman</b>
Variance application of Sign World, Inc. The applicant is requesting a variance from Chapter 10 Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional sign area for a new Hobby Lobby. BZA 016-009 pgs. 1-16 Part of Tax Map 13, Parcel 115	<b>Nick Cauthen</b>
Variance application of Sign World, Inc. The applicant is requesting a variance from Chapter 10 Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional signs for a new Hobby Lobby. BZA 016-010 pgs. 17-31 Part of Tax Map 13, Parcel 115	<b>Nick Cauthen</b>
Variance application of Lisa Outen. The applicant is requesting a variance from Chapter 5 Density and Dimensional Regulations, Section 5.1 Minimum lot size requirements of the Lancaster County Unified Development Ordinance in order to subdivide her property. BZA 016-011 pgs. 32-45 Tax Map 114, Parcel 59.01	<b>Nick Cauthen</b>
Variance application of Moseley Real Estate Advisors. The applicant is requesting a variance from Section 2.1.5, subsection 7 Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the parking requirements for a proposed Freddy's Frozen Custard restaurant. BZA 016-012 pgs. 46-62 Part of Tax Map 8, Parcel 15	<b>Nick Cauthen</b>

Variance application of Sign World, Inc. The applicant is requesting a variance from Chapter 10 Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional sign area for a new Hobby Lobby.  
BZA 016-009 pgs. 1-16  
Part of Tax Map 13, Parcel 115

**Nick Cauthen**

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

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

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**I. Facts**

A. General Information

*Proposal:* This is a variance application of Sign World Inc. The applicant is requesting a variance from Chapter 10 Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional sign area for a new Hobby Lobby.

*Location:* East side of Charlotte Hwy. ±1,300 ft. north of Jim Wilson Rd.

*Legal Description:* Part of Tax Map 13, Parcel 115

*Zoning Classification:* PDD-20 (Wallace Tract)

*Description of Plan:* The applicant wants to increase the maximum signage area from 250 sq. ft. to 277.2 sq. ft. in order to make “Hobby Lobby” appear larger. The sign will exceed the maximum total signage by 27.2 sq. ft. The applicant does not feel that the current restrictions on signs will make the building readily visible due to the size of their building and their distance from Highway 521. Also, this is their national standard for Hobby Lobby stores.

B. Site Information

*Site Description:* The property is located across from Sun City and is located near the northeast corner of the intersection between Charlotte Highway and Jim Wilson Road. The property is currently vacant and partially wooded.

C. Vicinity Data

*Surrounding Conditions:* Much of the surrounding property is zoned PDD-20 (Wallace Tract), PDD-18 (Sun City Carolina Lakes) is located across Hwy. 521, the Groves and other residential properties are located to the north and east of the subject property.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Sign Proposal
5. UDO – Section 10.10 Maximum sign surface area
6. Findings Required for Granting Variances
7. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: Chapter 10, Signs

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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

Date Filed: 10.22.16 Application No: 016-009

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: Sign World, Inc Address: 200 Foster Ave. Charlotte

Telephone: 704-529-4440 Work: \_\_\_\_\_

Interest: Sign Contractor Owner(s): Hobby Lobby

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

Owner(s) If other than applicant: RL BB-SC CLR VI, LLC, a South Carolina limited liability company

330 SW 2nd Street, Suite 111, Fort Lauderdale, FL 33312  
Address: \_\_\_\_\_ Telephone: 919.610.2583

Work: 919.337.0224 Other Information: \_\_\_\_\_

Property address: TBD; NEC US Hwy 521 & Jim Wilson Rd; 125 Jim Wilson Road is an existing address for one lot

Lot Area/Acres: 82.745 Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Part of 0013 00-115-00

Tax Map #: See Below Plat Book: 2006 Page: 944

Lot Size or Dimension: Varies Zoning Classification: PDD-20 (Tract A-1)

Use of Surrounding Properties: North - Vacant Land; South - Jim Wilson Rd, retail and office uses and vacant commercially zoned property; East - Town homes; West - US 521, grocery anchored shopping center

**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.

RL BB-SC CLR VI, LLC, a South Carolina limited liability company;  
By: SC 521 INDIAN LAND RESERVE, LLC, a Delaware limited liability company, its Sole Member;  
By: LENNAR COMMERCIAL, LLC, a Delaware limited liability company, its Sole Member;  
By: Michael Cohn, Vice President:

Date: June 8, 2016

Mike Cohn  
55C2FD58A88A406...  
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: 6.22.16 Applicant Signature(s) [Signature]

Tax Map#: 0013-00-115.01, 0013-00-115.00, 0013-00-118.00, 0013-00-114.00, 0016-00-020.00, 0016-00-022.00, 0013-00-113.00, 0013-00-113.01, 0016-00-023.00, 0013-00-116.00, 0013-00-117.00

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 8-9-16 Application No. BZA 016-009

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: \_\_\_\_\_ so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:

To allow the maximum sq.ft. to be exceeded by 10% from 250 sq.ft. to 277.2 sq.ft. for Hobby Lobby

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: Due to this large store front, and and to keep their signage in proportion to the building as it has been designed for this location, along with keeping this store front the same as their national standard their wish to increase the maximum to 277 square foot.

b) These conditions do not generally apply to other property in the vicinity as shown by: Variance have been granted to other companies in the area for similar reasons: Publix, Lowes, Wal-mart, CVS, Harristeeter, and Food Lion

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 this variance, Hobby Lobby would have to deviate from their standard store front, plus reduce the visibility from US 521 due to the great distance we set back off the road.

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: \_\_\_\_\_

The signage on the storefront will be within proportion to the build the same as other businesses in the same area, and will not take away from other businesses in the community

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

Site plans and building elevations

Date: 8-9-16

Sean World Inc  
Jerry L. McKern  
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, Andrea Chesser, have signed that I am aware of the Zoning Board of Appeals hearing date.

9/13/16 (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.

[Signature]

(Property owner / Applicant's signature)

10.22.14

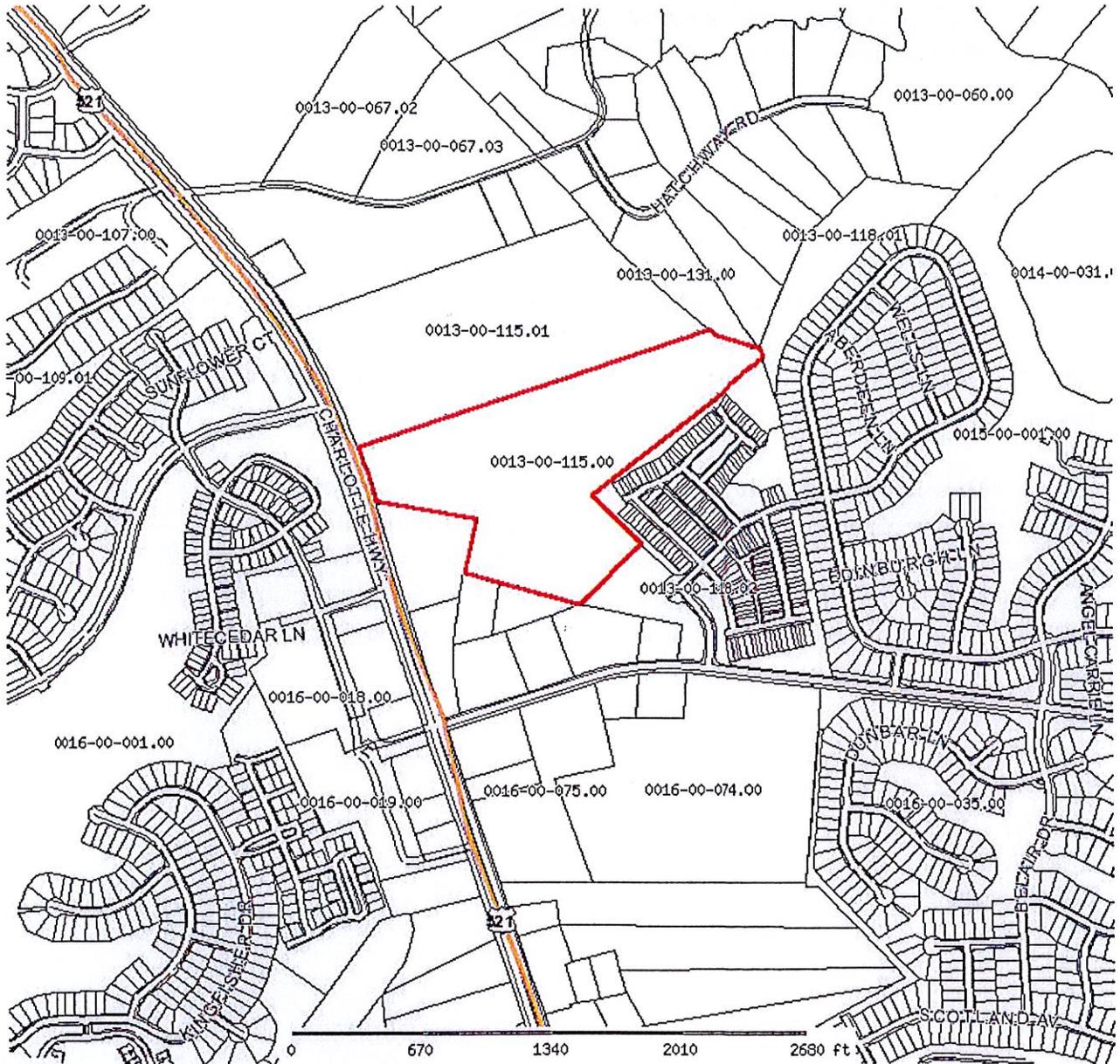
(Date)

[Signature]

(Staff's Signature)

8-9-16

(Date)



Lancaster County Assessor			
Parcel: 0013-00-115.00 Acres: 30.62			
Name:	BB-SC CLR VI LLC % STRATEGIC PROPE	Land Value	\$1,712,600.00
Site:	HWY 521	Improvement Val	\$0.00
Sale:	\$0 on 11-2011 Vacant= Qual=6	Accessory Value	\$0.00
Mail:	14785 PRESTON RD STE 660	Total Value	\$1,712,600.00
	DALLAS, TX 75254		



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: 08/19/16 : 13:23:33

<b>Situs/Location Information</b> Location: HWY 521 City: Lancaster Zip: 29720		<b>Sales Information</b> Legal Ref: 643-59 Date: 11/30/2011 Price: \$0 Grantor: CORNERSTONE RETAIL LLC Validity: 6 LUC: NLN		Picture No image data #: <input type="text"/> Edit <input type="button"/> <input type="button"/> <input type="button"/> <input type="button"/>	
<b>Account Information</b> Parcel ID: 0013-00-115.00 Property ID: 1647 User Account: Property LUC: NCOM - Comm Primary Juris: 1 - 1 Assessed Size: 30.62100 District Group: 4 - 4 Council District:		<input type="checkbox"/> Closed <input type="checkbox"/> Locked Account Type: Imp/Nac/MI: Neighborhood: 01A - 01A Market Area: Unit Type: AC - ACRES District Code: 01 - County Appraisal Area: 01 - 01		Sketch No image data Last Modified: <input type="text"/> <input type="button"/>	
<b>Owner/Mailing Information</b> Owner Name: RL BB-SC CLR VI LLC Mailing Address: 14785 PRESTON RD STE 660, DALLAS, TX, 75...		<b>Valuation Information</b> Appraised: In Process Mkt Adj Cost Total Land: \$1,712,700 Ag Credit: Land: \$1,712,700 Building: Yard: Mkt Total: \$1,712,700 Total: \$1,712,700 Assessed: Land: \$102,756 Building: Yard: Total: \$102,756 Limited Total: Limited Taxable:		Last 2015 - FV Mkt Adj Cost \$1,712,600 \$1,712,600 \$1,712,600 \$1,712,600 \$102,756 \$102,756	
<b>Associated Parcels:</b> Enter Parcel ID: Validate & Add <input type="button"/>		Narrative - Click for Building Info... This Parcel contains 30.621 AC of land mainly classified as Comm. Legal Description			



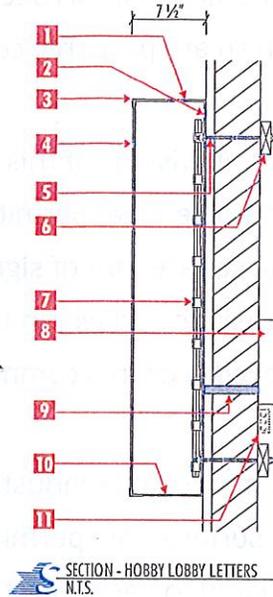
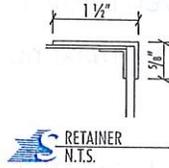




**LED ILLUMINATED CHANNEL LETTERS**

DESCRIPTION
ALUMINUM RETURN PREFINISHED BLACK
ALUMINUM BACK
ALUMINUM RETAINER (SEE DETAIL)
2119 ORANGE TUFF GLASS HIGH IMPACT PLASTIC FACE
DEED ROD (MIN. 4 PER LETTER REQD.)
HORIZONTAL BLOCKING
1/8" GE TETRA MAX RED-ORANGE LED LIGHTING
1/2" E POWER SUPPLY
1/2" GAL PRIMARY THRU 1/2" SEALTITE - 12" WHIPS REQD.
4 HOLES FOR DRAINAGE
1 ON BOX (SUPPLIED BY STARLITE - 1 PER POWER SUPPLY)
ALL PENETRATIONS TO BE PROPERLY SEALED TO PREVENT WATER DAMAGE TO BLDG.

**NOTE:**  
ELECTRICAL TO BE RUN BELOW  
THE ROOF LINE OR ABOVE USING  
EXTERNAL CODE SUPPLIES



L.E.D. POWER SUPPLY  
PRIMARY WIRING CONNECTORS  
CONNECTED TO LINE VOLTAGE  
IN ACCORDANCE WITH  
NEC ARTICLE 600.

ANY CHANGES MADE TO CUSTOMER SPECS MUST BE PRE APPROVED BY PROJECT MANAGER PRIOR TO MANUFACTURING.

Section 10.10 - Maximum sign surface area for other than freestanding signs.

1. Unless otherwise provided in this section, the total surface area devoted to all signs (other than freestanding signs) on any lot shall not exceed the limitations set forth in this section, and all signs except exempt signs, section 10.6 and section 10.7, and temporary signs described in section 10.8 subsection (1) shall be included in this calculation.
2. Unless otherwise provided in this ordinance, the maximum sign surface area (other than freestanding signs) permitted on a lot in any residential district is four (4) square feet. Commercial businesses which are permitted in any residential district shall be allowed a sign based on the requirements of this section. However, because these commercial uses are not located in areas which are primarily commercial, the maximum sign surface area shall be equal to 32 square feet.
3. Subject to the other provisions of this section, the maximum sign surface area (excluding freestanding sign surface area) permitted on any building in a commercial or industrial zoning district shall be one square foot of sign surface area for each linear foot of frontage for each designated lease area located within the proposed commercial component, not to exceed 75 square feet per leased area in a commercial district or 100 square feet located in an industrial district.
4. If a building in a commercial or industrial zoning district has frontage on more than one street, then the total sign surface area permitted on that building shall be the sum of the sign surface area allotments related to each street (as determined in accordance with subsection 3.) on which the building has frontage. However, the total sign surface area that is oriented toward a particular street shall not exceed the portion of the building's total sign surface area allocation that is derived from frontage on that street.

For example, if a building, in a commercial district, has 75 feet of building frontage on Road "A" and 50 feet of building frontage on Road "B" then the maximum sign surface area for each sign shall be as follows: The sign surface area for the sign facing Road "A" shall not exceed 75 square feet. The sign surface area for the sign facing Road "B" shall not exceed 50 square feet. Under no circumstances shall any portion of the sign surface area for the sign facing Road "A" be allowed to be transferred to the sign facing Road "B" or vice versa. Additionally, no portion of the sign surface area from either of these signs can be used to allow a sign on a portion of the building which does not face either Road "A" or Road "B".

(Ord. No. 417, 3-13-01)

### **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-016-009

Lancaster County

Meeting Date: Tuesday, September 13<sup>th</sup>, 2016

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:** Due to this large store front, and to keep their signage in proportion to the building as it has been designed for this location, along with keeping this store front the same as their national standards, their wish is to increase the maximum to 277 sq. ft.
- b. **These conditions do not generally apply to other property in the vicinity:** Variances have been granted to other companies in the area for similar reasons: Publix, Lowes, Wal-Mart, CVS, Harris Teeter, and Food Lion.
- 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 this variance, Hobby Lobby would have to deviate from their standard store front, plus reduce the visibility from US 521 due to the great distance we set back off the road.
- 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 signage on the storefront will be within proportion to the build as businesses in the same area, and will not take away from the other business in the community.
- 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 zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Variance application of Sign World, Inc. The applicant is requesting a variance from Chapter 10 Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional signs for a new Hobby Lobby.  
BZA 016-010 pgs. 17-31  
Part of Tax Map 13, Parcel 115

**Nick Cauthen**

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

Discussion:		
Conclusions:		
Action items:	Person responsible:	Deadline:

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

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**I. Facts**

A. General Information

*Proposal:* This is a variance application of Sign World Inc. The applicant is requesting a variance from Chapter 10 Signs, Section 10.10 Maximum sign surface area for other than freestanding signs of the Lancaster County Unified Development Ordinance regarding additional signs for a new Hobby Lobby.

*Location:* East side of Charlotte Hwy. ±1,300 ft. north of Jim Wilson Rd.

*Legal Description:* Part of Tax Map 13, Parcel 115

*Zoning Classification:* PDD-20 (Wallace Tract)

*Description of Plan:* The applicant wants to add 185.5 additional sq. ft. of signage. The primary sign has taken up the allowed signage area so the variance requested is 185.5 sq. ft. This non-illuminated secondary signage is being requested in order to clarify what products Hobby Lobby offer. Without the variance, the applicant feels there will be confusion as to what services Hobby Lobby offers and this signage will be similar to other existing buildings in the area.

B. Site Information

*Site Description:* The property is located across from Sun City and is located near the northeast corner of the intersection between Charlotte Highway and Jim Wilson Road. The property is currently vacant and partially wooded.

C. Vicinity Data

*Surrounding Conditions:* Much of the surrounding property is zoned PDD-20 (Wallace Tract), PDD-18 (Sun City Carolina Lakes) is located across Hwy. 521, the Groves and other residential properties are located to the north and east of the subject property.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Sign Proposal
5. UDO – Section 10.10 Maximum sign surface area
6. Findings Required for Granting Variances
7. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: Chapter 10, Signs

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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



Date Filed: 10.22.16 Application No: 016-010

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: Sign World, Inc Address: 200 Foster Ave. Charlotte

Telephone: 704-529-4440 Work: \_\_\_\_\_

Interest: Sign Contractor owner(s): Hobby Lobby

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

Owner(s) If other than applicant: RL BB-SC CLR VI, LLC, a South Carolina limited liability company

330 SW 2nd Street, Suite 111, Fort Lauderdale, FL 33312  
Address: \_\_\_\_\_ Telephone: 919.610.2583

Work: 919.337.0224 Other Information: \_\_\_\_\_



Property address: TBD; NEC US Hwy 521 & Jim Wilson Rd; 125 Jim Wilson Road is an existing address for one lot

Lot Area/Acres: 82.745 Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Tax Map #: Part of 0013-00-115.00 See Below Plat Book: 2006 Page: 944

Lot Size or Dimension: Varies Zoning Classification: PDD-20 (Tract A-1)

Use of Surrounding Properties: North - Vacant Land; South - Jim Wilson Rd, retail and office uses and vacant commercially zoned property; East - Town homes; West - US 521, grocery anchored shopping center



**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.

RL BB-SC CLR VI, LLC, a South Carolina limited liability company;  
By: SC 521 INDIAN LAND RESERVE, LLC, a Delaware limited liability company, its Sole Member;  
By: LENNAR COMMERCIAL, LLC, a Delaware limited liability company, its Sole Member;  
By: Michael Cohn, Vice President:

Date: June 8, 2016

Mike Cohn  
55C2FD58AB8A406...  
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: 6.22.16 Applicant Signature(s) [Signature]

Tax Map #: 0013-00-115.01, 0013-00-115.00, 0013-00-118.00, 0013-00-114.00, 0016-00-020.00, 0016-00-022.00, 0013-00-113.00, 0013-00-113.01, 0016-00-023.00, 0013-00-116.00, 0013-00-117.00

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #5

Date Filed: 8-9-16 Application No. BZA 016-010

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: \_\_\_\_\_ so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: To allow us to use a total sq.ft. equal to 6.6% of the building store front.

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: Hobby Lobby is new to this area and most people do not understand the services. The secondary signage describes, and clarifies what products they offer the public.
- b) These conditions do not generally apply to other property in the vicinity as shown by: The secondary sign is non-illuminated, sized, and space to match the appearance of the tenant signage.
- 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 this variance, there will be confusion as to services Hobby Lobby offers (They are not in the model train, or remote control plane business)

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: \_\_\_\_\_

The signage on the storefront will be within proportion to the build the same as other businesses in the same area, and will not take away from other businesses in the community

The following documents are hereby submitted in support of this application: \_\_\_\_\_  
Site plans and building elevations

Date: 8-9-16

Sign World inc  
Jerry Zink  
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, Andrea Chesser, have signed that I am aware of the Zoning Board of Appeals hearing date.

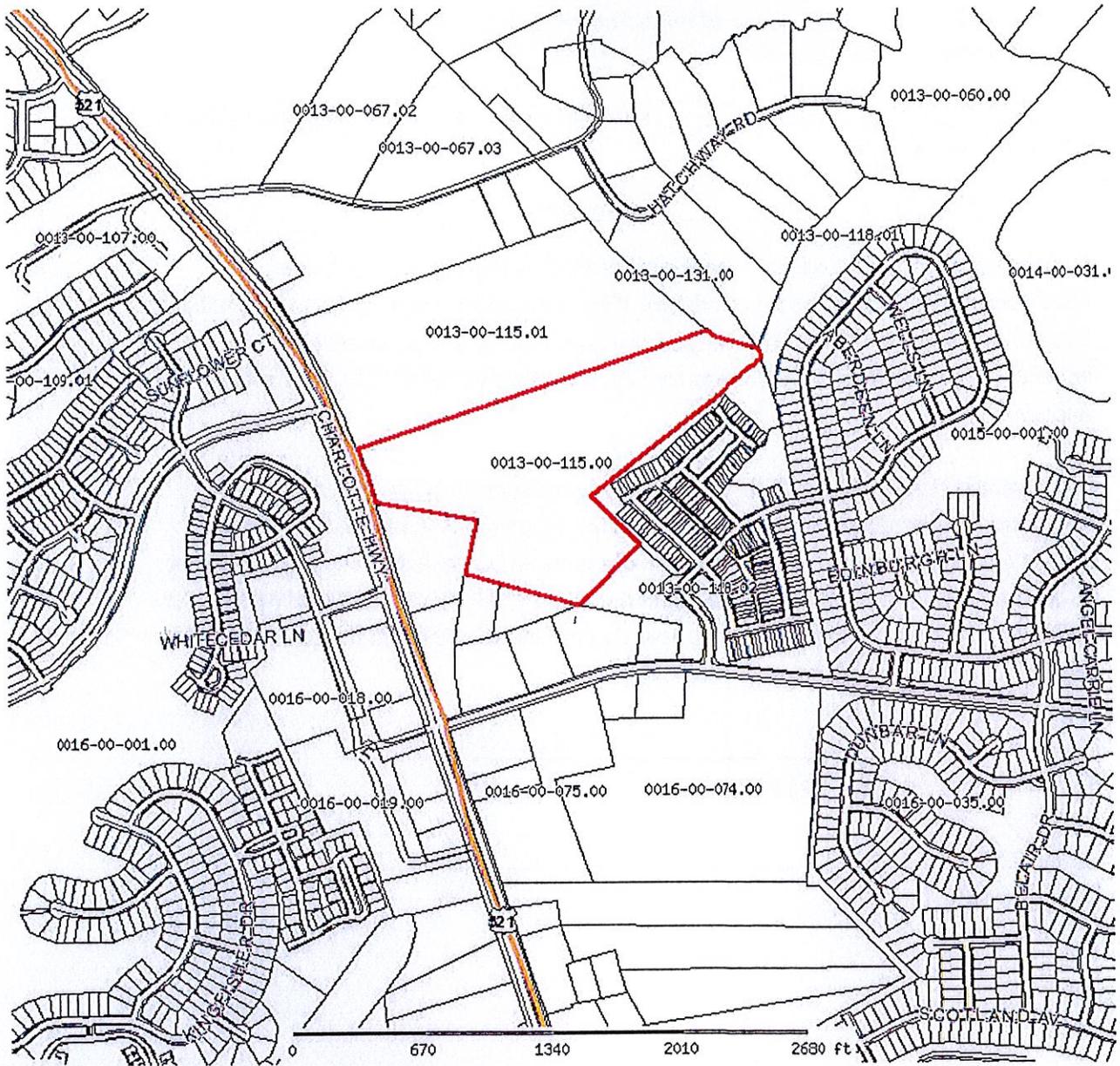
9/13/16 (Hearing Date)

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.

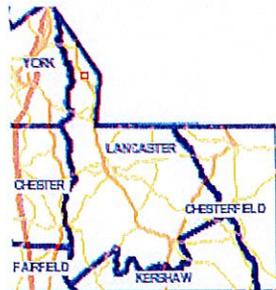
I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted 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.

[Signature] 10-22-14  
(Property owner / Applicant's signature) (Date)

[Signature] 8-9-16  
(Staff's Signature) (Date)



Lancaster County Assessor			
Parcel: 0013-00-115.00 Acres: 30.62			
Name:	BB-SC CLR VI LLC % STRATEGIC PROPE	Land Value	\$1,712,600.00
Site:	HWY 521	Improvement Val	\$0.00
Sale:	\$0 on 11-2011 Vacant= Qual=6	Accessory Value	\$0.00
Mail:	14785 PRESTON RD STE 660	Total Value	\$1,712,600.00
	DALLAS, TX 75254		



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: 08/19/16 : 13:23:33

<b>Situs/Location Information</b> Location: HWY 521 City: Lancaster Zip: 29720 <input type="button" value="Edit"/>		<b>Sales Information</b> Legal Ref: 643-59 Date: 11/30/2011 Price: \$0 Grantor: CORNERSTONE RETAIL LLC Validity: 6 LUC: NLN		<b>Picture</b> No image data <input type="button" value="Edit"/>	
<b>Account Information</b> Parcel ID: 0013-00-115.00 <input type="checkbox"/> Closed <input type="checkbox"/> Locked Property ID: 1647 Account Type: Vacant - Vacant User Account: Imp/Vac/NT: 01A - 01A Property LUC: NCOM - Comm Neighborhood: 01A - 01A Primary Juris: 1 - 1 Market Area: Assessed Size: 30.62100 Unit Type: AC - ACRES District Group: 4 - 4 District Code: 01 - County Council District: Appraisal Area: 01 - 01		<b>Valuation Information</b> Appraised: In Process Mkt Adj Cost Total Land: \$1,712,700 Ag Credit: Land: \$1,712,700 Building: Yard: Mkt Total: \$1,712,700 Total: \$1,712,700 Assessed: Land: \$102,762 Building: Yard: Total: \$102,762 Limited Total: Limited Taxable:		<b>Sketch</b> No image data <input type="button" value="Last Modified:"/>	
<b>Owner/Mailing Information</b> Owner Name: RL BB-SC CLR VI LLC Mailing Address: 14785 PRESTON RD STE 660, DALLAS, TX, 75... <input type="button" value="Edit"/>		<b>Associated Parcels:</b> Narrative - Click for Building Info... Enter Parcel ID: <input type="button" value="Validate &amp; Add"/> <input type="button" value="X"/>		<b>Legal Description</b> This Parcel contains 30.621 AC of land mainly classified as Comm.	



12'-1 1/2"  
24"  
**FRAMES**  
2'-0" x 12'-1 1/2" = 24.3 SQ. FT.

19'-9 1/2"  
24"  
**HOME DECOR**  
2'-0" x 19'-9 1/2" = 39.5 SQ. FT.

21'-2"  
24"  
**ART SUPPLIES**  
2'-0" x 21'-2" = 42.3 SQ. FT.

11'-9"  
24"  
**CRAFTS**  
2'-0" x 11'-9" = 23.5 SQ. FT.

11'-8"  
24"  
**FLORAL**  
2'-0" x 11'-8" = 23.3 SQ. FT.

16'-4"  
24"  
**SEASONAL**  
2'-0" x 16'-4" = 32.6 SQ. FT.

III-CF20X-HDS CHANNEL LETTERS  
SCALE: 1/4" = 1'-0"

SIX 24" DEPT. SIGNS = 185.5 SQ. FT.

b15.1c



Section 10.10 - Maximum sign surface area for other than freestanding signs.

1. Unless otherwise provided in this section, the total surface area devoted to all signs (other than freestanding signs) on any lot shall not exceed the limitations set forth in this section, and all signs except exempt signs, section 10.6 and section 10.7, and temporary signs described in section 10.8 subsection (1) shall be included in this calculation.
2. Unless otherwise provided in this ordinance, the maximum sign surface area (other than freestanding signs) permitted on a lot in any residential district is four (4) square feet. Commercial businesses which are permitted in any residential district shall be allowed a sign based on the requirements of this section. However, because these commercial uses are not located in areas which are primarily commercial, the maximum sign surface area shall be equal to 32 square feet.
3. Subject to the other provisions of this section, the maximum sign surface area (excluding freestanding sign surface area) permitted on any building in a commercial or industrial zoning district shall be one square foot of sign surface area for each linear foot of frontage for each designated lease area located within the proposed commercial component, not to exceed 75 square feet per leased area in a commercial district or 100 square feet located in an industrial district.
4. If a building in a commercial or industrial zoning district has frontage on more than one street, then the total sign surface area permitted on that building shall be the sum of the sign surface area allotments related to each street (as determined in accordance with subsection 3.) on which the building has frontage. However, the total sign surface area that is oriented toward a particular street shall not exceed the portion of the building's total sign surface area allocation that is derived from frontage on that street.

For example, if a building, in a commercial district, has 75 feet of building frontage on Road "A" and 50 feet of building frontage on Road "B" then the maximum sign surface area for each sign shall be as follows: The sign surface area for the sign facing Road "A" shall not exceed 75 square feet. The sign surface area for the sign facing Road "B" shall not exceed 50 square feet. Under no circumstances shall any portion of the sign surface area for the sign facing Road "A" be allowed to be transferred to the sign facing Road "B" or vice versa. Additionally, no portion of the sign surface area from either of these signs can be used to allow a sign on a portion of the building which does not face either Road "A" or Road "B".

(Ord. No. 417, 3-13-01)

### **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-016-010

Lancaster County

Meeting Date: Tuesday, September 13<sup>th</sup>, 2016

**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:** Hobby Lobby is new to this area and most people do not understand the services. The secondary signage describes, and clarifies what products they offer to the public.
- b. These conditions do not generally apply to other property in the vicinity:** The secondary sign is non-illuminated, sized, and spaced to match the appearance of the tenant signage.
- 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 this variance, there will be confusion as to the services Hobby Lobby offers (They are not in the model train, or remote control plane business.)
- 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 signage on the storefront will be within proportion to the build as businesses in the same area, and will not take away from other businesses in the community.
- 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 zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Variance application of Lisa Outen. The applicant is requesting a variance from Chapter 5 Density and Dimensional Regulations, Section 5.1 Minimum lot size requirements of the Lancaster County Unified Development Ordinance in order to subdivide her property. BZA 016-011 pgs. 32-45  
Tax Map 114, Parcel 59.01

**Nick Cauthen**

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

Discussion:		
Conclusions:		
Action items:	Person responsible:	Deadline:

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

---

**I. Facts**

A. General Information

*Proposal:* This is a variance application of Lisa Outen. The applicant is requesting a variance from Chapter 5 Density and Dimensional Regulations, Section 5.1 minimum lot size requirements of the Lancaster County Unified Development Ordinance in order to subdivide her property.

*Location:* 7446 Suncrest Dr. (Kershaw)

*Legal Description:* Tax Map 114, Parcel 59.01

*Zoning Classification:* R-45A (Rural Residential/Intense Agricultural District)

*Description of Plan:* The applicant wants to place an additional mobile home on the property which would require the subdivision of property. A one acre minimum lot size is required in R-45A so a 0.013 acre (566 sq. ft.) variance is being requested in order for both lots to be allowed. The acreage of the existing parcel is 1.987 acres. The applicant feels an additional manufactured home and the lot size being asked for would be consistent with the character of this area.

B. Site Information

*Site Description:* The property is located at the end of Suncrest Dr. which is located off Meadowview Rd. The property consists of 1.987 acres. A manufactured home currently occupies the property.

C. Vicinity Data

*Surrounding Conditions:* All of the surrounding property is residential and zoned R-45A.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Assessment Notice
5. Plat of Property
6. UDO – Section 5.1 Minimum lot size requirements
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: Chapter 5, Density and Dimensional Regulations

Date of Meeting: 9-13-16

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: 8-9-16 Application No: 016-011

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: Lisa Outen Address: 7446 Suncrest Dr. Kershaw,

Telephone: 803-416-3105 Work: \_\_\_\_\_

SC  
29067

Interest: Property owner Owner(s): Lisa Outen

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

Owner(s) if other than applicant: \_\_\_\_\_

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

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

PROPERTY INFORMATION

Property address: 7460 Suncrest Dr.

Lot Area/Acres: 1.987 Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Tax Map #: 0114-00-05901 <sup>Deed</sup> # Book: R-12 Page: 197

Lot Size or Dimension: 1.987 ACRES Zoning Classification: R-45A

Use of Surrounding Properties: Vacant properties and with other mobile homes around it.

**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: \_\_\_\_\_

Lisa Outen

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: 8-9-16 Applicant Signature(s) Lisa Outen

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 8-9-16 Application No. B2A 016-011

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 5.1 so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: TO CREATE A NEW LOT IN THE R-45A ZONING DISTRICT CONSISTING OF 1 ACRE WHICH WILL RESULT IN A RESIDUAL LOT OF LESS THAN 1 ACRE, 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: We had a mobile home on this property that has been removed and now we would like to put another mobile home here.
- b) These conditions do not generally apply to other property in the vicinity as shown by: My property is larger than the 3 prior to my property and my property is just shy of the acreage needed to subdivide.
- 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: I would not be able to subdivide one acre to place a mobile home on the new property because the result would be that the residual property would be just under 1 acre.

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: This variance, if granted, would allow for the placement of an additional mobile home on Suncrest Drive. This would be consistent with the Character of the area. moreover, the residual lot of just under one acre will be similar with other lot sizes on Suncrest Dr.  
The following documents are hereby submitted in support of this application: Platt copy and copy of the assessment notice.

Date: 8-9-16

Lisa Outen

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, Lisa Outen, have signed that I am aware of the Zoning Board of Appeals hearing date.

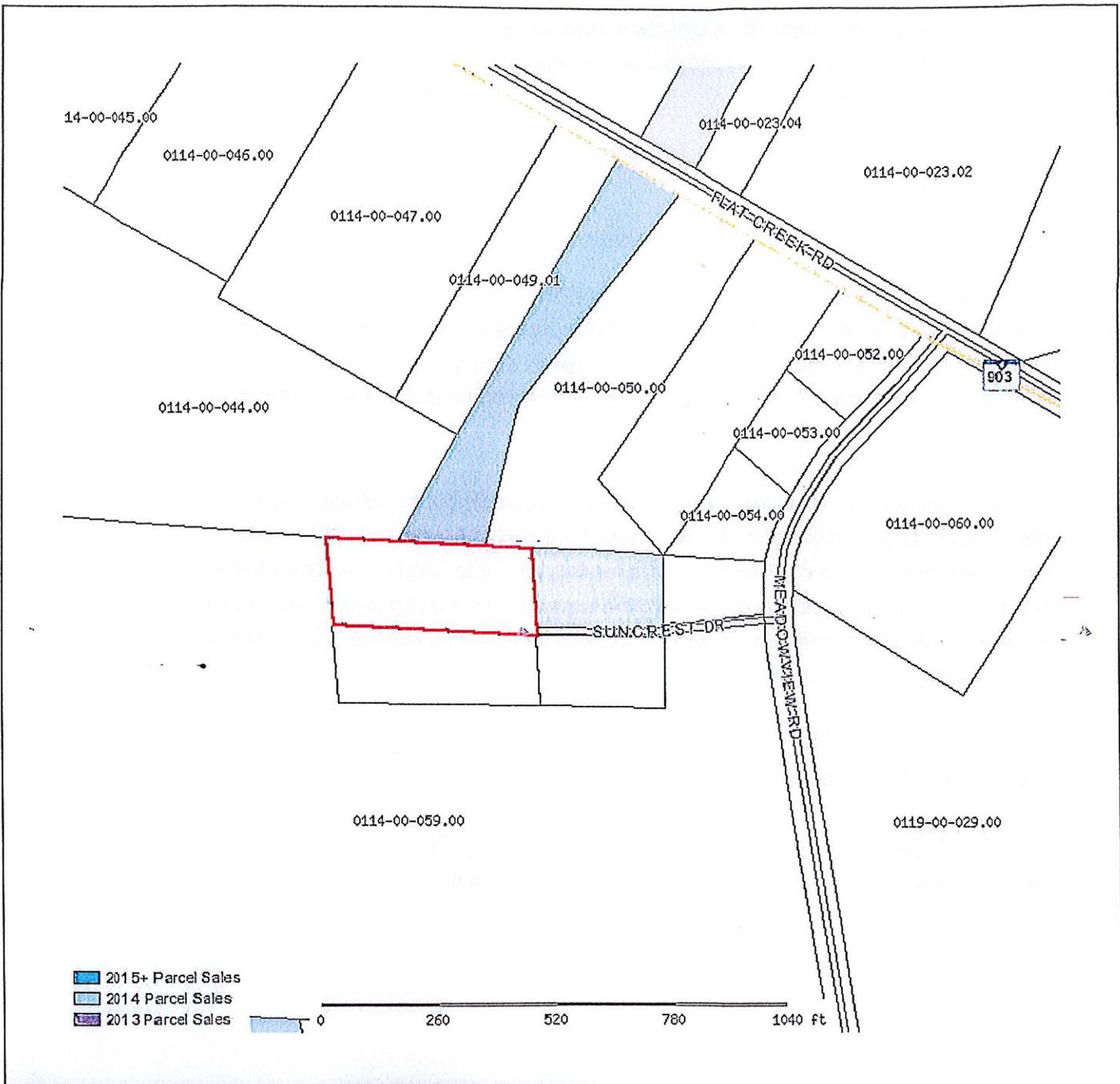
Sept. 13, 2016 (Hearing Date)

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.

Lisa Outen 8-9-16  
(Property owner / Applicant's signature) (Date)

Alex Mone 8-9-16  
(Staff's signature) (Date)



Lancaster County Assessor			
Parcel: 0114-00-059.01 Acres: 2.1			
Name:	OUTEN LISA P	Land Value	\$7,500.00
Site:	7446 SUNCREST DR	Improvement Val	\$5,700.00
Sale:	\$5 on 11-1994 Vacant= Qual=9K	Accessory Value	\$1,500.00
Mail:	310 W HILTON ST KERSHAW, SC 29067-0000	Total Value	\$14,700.00



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: 08/19/16 : 13:29:51

Situs/Location Information

Location: 7446 SUNCREST DR  
 City: Kershaw Zip: 29067

Account Information

Parcel ID: 0114-00-059.01  Closed  Locked

Property ID: 21565 Account Type:

User Account: Imp/Vac/NT: Improved - I...

Property LUC: NIMH - NonQMH Neighborhood: 12 - 12

Primary Juris: 1 - 1 Market Area:

Assessed Size: 1.98700 Unit Type: AC - ACRES

District Group: 4 - 4 District Code: 01 - County

Council District:  Appraisal Area: 04 - 04

Owner/Mailing Information

Owner Name: OUTEN LISA P

Mailing Address: 310 W HILTON ST, KERSHAW, SC, 29067

Associated Parcels:

Enter Parcel ID:

Narrative - Click for Building Info...

This Parcel contains 1.987 AC of land mainly classified as NonQMH. It has 1 building(s) with a total of 624 square feet.

Legal Description

Sales Information

Legal Ref: R012-0197

Date: 11/28/1994 Price: \$5

Grantor: PITTMAN JOHN J

Validity: 9K LUC:

Legal Ref:

Date:  Price:

Grantor:

Validity:  LUC:

Valuation Information

Appraised: In Process	Last 2015 - FV
Mkt Adj Cost	Mkt Adj Cost
Total Land: \$7,300	\$7,500
Ag Credit:	
Land: \$7,300	\$7,500
Building: \$3,700	\$5,700
Yard: \$1,500	\$1,500
Mkt Total: \$12,500	\$14,700
Total: \$12,500	\$14,700
Assessed:	
Land: \$438	\$450
Building: \$222	\$342
Yard: \$90	\$90
Total: \$750	\$882
Limited Total: \$14,700	
Limited Taxable: \$882	

Picture

No image data

#:

Sketch

12

52

50

(624)



**LANCASTER COUNTY ASSESSOR**

PO BOX 1809  
LANCASTER SC 29721  
TEL: (803) 285-6964

DATE OF NOTICE

07/29/2016

APPEAL DEADLINE DATE

10/31/2016

**ASSESSMENT NOTICE**  
**THIS IS NOT A TAX BILL**

3000 1 AV 0.373 P:3000 / T:8 / S:



OUTEN LISA P  
310 W HILTON ST  
KERSHAW SC 29067-1240



**NOTICE OF CLASSIFICATION, APPRAISAL & ASSESSMENT OF REAL ESTATE 2016 TAX YEAR**

CLASSIFICATION	FF/LOTS/ACRES	MARKET VALUE	X	RATIO	=	ASSESSMENT
Owner Occupied Residential			X		=	
Other Property	2.10000	12,700	X	0.06	=	762
Market Value-Agricultural			X		=	
Use Value - Agricultural			X		=	
<b>TOTAL ASSESSMENT</b>					<b>=</b>	<b>762</b>
<b>PROPERTY LOCATION - SUBDIVISION - LEGAL DESCRIPTION</b>						
7446 SUNCREST DR						

ACCOUNT NUMBER

21565

TAX MAP NUMBER

0114-00-059.01

TAX DISTRICT

01

CURRENT MARKET VALUE

12,700

TOTAL TAXABLE VALUE

\* 2016 Taxes will be calculated based on the Total Taxable Value if different from the Market Value

**IF YOU WANT TO APPEAL THE ASSESSMENT OF YOUR PROPERTY**

If you disagree with the assessor's appraisal of your property and wish to appeal, state law provides the following procedure in Section 12-43-300 of the 1976 Code of Laws, as amended.

1. Within ninety (90) days of the date of the assessment, you must file written objection with the assessor.
2. Within thirty (30) days of receipt of your written objection, or as soon thereafter as practical, the assessor must schedule a conference with you to discuss your objection.
3. At the conference, you may request that the assessor have a field review conducted of your appraisal/assessment. The assessor, in turn, will request that you provide additional data to help estimate the value of your property.
4. After the field review has been completed, the assessor will notify you in writing of his finding. If you still disagree with the assessment, you have thirty (30) days to file a written notice of the appeal to the County Board of Assessment Appeals, a panel of private citizens who serve as the final local authority in such appeals. If you disagree with the County Board of Assessment Appeals decision, you may appeal to the Administrative Law Judge Division.

Section 12-43-220 of the 1976 Code of Laws as amended provides for the classification and uniform assessment ratios of property. The property described herein has been appraised and assessed at the appropriate assessment ratio by the assessor.

Under the South Carolina Real Property Valuation Act of 2006, the Assessor is now required in reassessment years to notify property owners of both market and capped (total taxable) value. The maximum capped value is a 15% increase from the previous tax valuation.

Please visit the Assessor's Department or our website for additional information [www.mylancastersc.org](http://www.mylancastersc.org)

PLAT OF BOUNDARY SURVEY FOR MR. JOHN PITTMAN  
 BEING A 0.872 ACRE PARCEL IN THE NAME OF JOHN & SYBIL PITTMAN  
 & DESIGNATED AS PARCEL 55.00 ON TAX MAP 114  
 ALSO A 1.987 ACRE PARCEL IN THE NAME OF LISA OUTEN  
 DESIGNATED AS PARCEL 59.01 ON TAX MAP 114  
 LOCATED OFF OF MEADOWVIEW DR. IN THE MIDWAY COMMUNITY NEAR FLAT CREEK  
 LANCASTER COUNTY, SOUTH CAROLINA  
 JUNE 20, 2005

00000378 BK: 02005 PG: 00369

TITLE CERTIFIED COPY  
 07/01/2005 01:33PM  
 Rec Fees: 10.00 St Fees: 0.00  
 Replat of Deeds  
 LANCASTER COUNTY, SC

TAX MAP 114 PARCEL 55.00  
 DEED BOOK T-5 PAGE 93  
 PB 17 PAGE 140  
 TAX MAP 114 PARCEL 59.01  
 DEED BOOK R-12 PAGE 197

JUDY LESGRAND  
 TAX MAP 114 PARCEL 44.00  
 DEED BOOK Y-8 PAGE 339  
 DEED BOOK Z-6 PAGE 127  
 PLAT 10153

WILEY BOWEN  
 TAX MAP 114 PARCEL 49.00  
 DEED BOOK F-5 PG 283  
 PG 13 PG 235

AXLE  
 OLD FCE CORNER  
 DENNIS M WALTERS  
 TAX MAP 114 PAGE 51.00  
 DEED BOOK 2-5 PAGE 205  
 PLAT 997895

JERRY FLYLER  
 TAX MAP 114 PAGE 46.00  
 DEED BOOK Z-5 PAGE 2461

WILEY BOWEN  
 TAX MAP 114 PAGE 51.00  
 DEED BOOK T-5 PAGE 93  
 PLAT 1105

DANNY MOSELEY  
 TAX MAP 114 PAGE 95  
 DEED BOOK J-8 PAGE 344  
 PG 18 PG 81

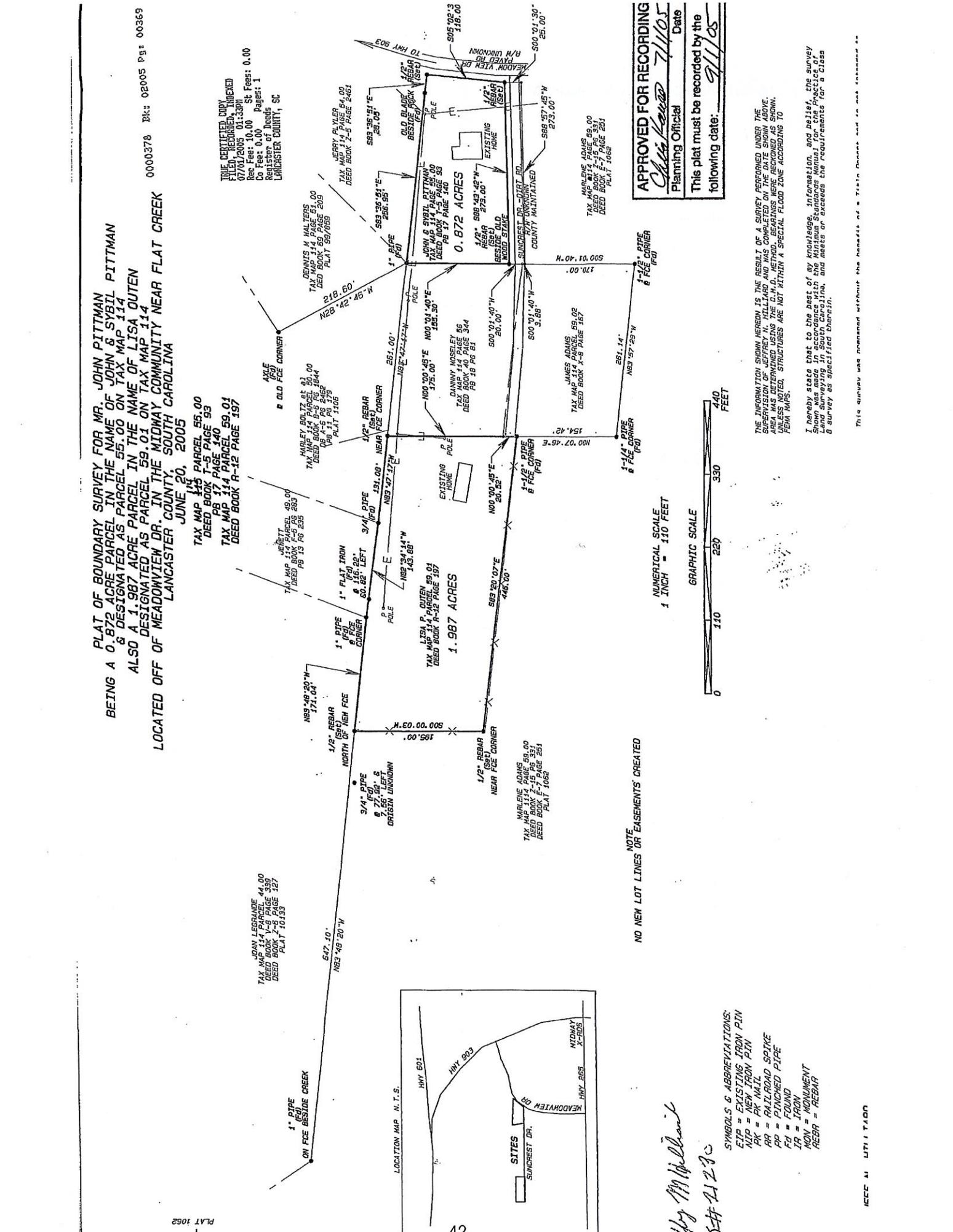
MARLENE ADAMS  
 TAX MAP 114 PAGE 69.00  
 DEED BOOK F-7 PAGE 251  
 PLAT 1062

MARLENE ADAMS  
 TAX MAP 114 PAGE 69.00  
 DEED BOOK Z-15 PG 931  
 DEED BOOK F-7 PAGE 251  
 PLAT 1062

JAMES ADAMS  
 TAX MAP 114 PAGE 69.00  
 DEED BOOK X-8 PAGE 167

JAMES ADAMS  
 TAX MAP 114 PAGE 69.00  
 DEED BOOK X-8 PAGE 167

JAMES ADAMS  
 TAX MAP 114 PAGE 69.00  
 DEED BOOK X-8 PAGE 167



NOTE  
 NO NEW LOT LINES OR EASEMENTS CREATED

APPROVED FOR RECORDING  
*John Kead*  
 Planning Official  
 Date  
 This plat must be recorded by the  
 following date: 9/1/05

NUMERICAL SCALE  
 1 INCH = 110 FEET  
 GRAPHIC SCALE  
 0 110 220 330 440 FEET

SYMBOLS & ABBREVIATIONS:  
 ETP = EXISTING IRON PIN  
 NUP = NEW IRON PIN  
 PK = PK NAIL  
 RR = RAILROAD SPIKE  
 PP = PUNCH PIPE  
 Fd = FOUND  
 IR = IRON  
 MON = MONUMENT  
 REBR = REBAR

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF JEFFREY N. HILLIARD AND WAS COMPLETED ON THE DATE SHOWN ABOVE. AREA WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS WERE RECKONED AS SHOWN. FEMA MAPS.

I hereby state that to the best of my knowledge, information, and belief, the survey shown was made in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein.

This survey was prepared without the benefit of a Title Commitment and is not intended to

CHAPTER 5. - DENSITY AND DIMENSIONAL REGULATIONS

Section 5.1 - Minimum lot size requirements:

1. Subject to subsection 2., all lots in the following zones shall have a minimum of the amount of square footage indicated in the following table:

Zone	Minimum Square Feet on Central Water and Sewer
R-45B	43,560
R-45A	43,560
R-45	43,560
R-30D	29,040
R-30P	29,040
R-30S	29,040
R-30	29,040
R-15P	29,040
R-15D	14,520
R-15S	14,520
R-15	14,520
MF	14,520
B-1	3,000
B-2	5,000
B-3	7,000

### **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-016-011

Lancaster County

Meeting Date: Tuesday, September 13<sup>th</sup>, 2016

**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:** We had a mobile home on this property that has been removed and now we would like to put another mobile home here.
- b. These conditions do not generally apply to other property in the vicinity:** My property is larger than the 3 prior to my property and my property is just shy of the acreage needed to subdivide.
- 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:** I would not be able to subdivide one acre to place a mobile home on the new property because the result would be that the residual property would be just under 1 acre.
- 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.** This variance, if granted, would allow for the placement of an additional mobile home on Suncrest Drive. This would be consistent with the character of the area. Moreover, the residual lot of just under one acre will be similar with other lot sizes on Suncrest Drive.
- 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 zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Variance application of Moseley Real Estate Advisors. The applicant is requesting a variance from Section 2.1.5, subsection 7 Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the parking requirements for a proposed Freddy's Frozen Custard restaurant. BZA 016-012 pgs. 46-62  
Part of Tax Map 8, Parcel 15

**Nick Cauthen**

Discussion:

Conclusions:

Action items:

Person responsible:

Deadline:

Action items:	Person responsible:	Deadline:

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

---

**I. Facts**

A. General Information

*Proposal:* This is a variance application of Moseley Real Estate Advisors. The applicant is requesting a variance from Section 2.1.5, subsection 7 Highway Corridor Overlay District of the Lancaster County Unified Development Ordinance regarding the parking requirements for a proposed Freddy's Frozen Custard restaurant.

*Location:* East side of Charlotte Hwy. ±1,500 ft. south of Fort Mill Hwy.

*Legal Description:* Part of Tax Map 8, Parcel 15

*Zoning Classification:* B-3 (General Commercial District)

*Description of Plan:* The applicant wants to place the parking for a proposed Freddy's Frozen Custard restaurant between the side yard of the intersecting street and the building.

B. Site Information

*Site Description:* The property is located at the southeast corner of the intersection between Charlotte Highway and Redstone Drive. It is located on the southern side of the new Redstone Development. The entire property was wooded but is currently being cleared.

C. Vicinity Data

*Surrounding Conditions:* The surrounding property is a mix of commercial (B-3) and residential (R-15P). The Black Horse Run subdivision is located adjacent to the subject property.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Plan Proposal
5. UDO – Section 2.1.5, subsection 7 HCOD
6. Findings Required for Granting Variances
7. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: Section 2.1.5, subsection 7 Highway Corridor Overlay District

Date of Meeting: 9-13-16  
 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

Date Filed: 8/9/16 Application No: 016-012

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: Moseley Real Estate Advisors Address: 1100 Kenilworth Ave., Ste 210

Telephone: 704 367-1800 Work: 704 927-9214

Interest: Developer Owner(s): Redstone/Freddy's  
Frozen Custard & Steakhburgers

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

Owner(s) if other than applicant: Redstone Investors, LLC

Address: MPV Properties Telephone: \_\_\_\_\_  
521 E. Morehead Street, Ste 400, Charlotte, NC 28202

Work: \_\_\_\_\_ Other Information: ATTN: Tim Merrifield

Property address: US 521 - Outparcel A-2 - Edgewater  
Parkway

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

Tax Map #: Part of 0008-00-015 Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_

Lot Size or Dimension: \_\_\_\_\_ Zoning Classification: B-3

Use of Surrounding Properties: \_\_\_\_\_



**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: 8/9/2016

Redstone Investors, LLC  
[Signature]  
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: 8/9/16 Applicant Signature(s) [Signature]

**LANCASTER COUNTY BOARD OF ZONING APPEALS**  
**VARIANCE APPLICATION - FORM #3**

Date Filed: 8/9/16 Application No. BZA 016-012

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 A, Parking and Vehicular Access 1. i. so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: Freddy's Frozen Custard & Steakburgers

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 explanation

b) These conditions do not generally apply to other property in the vicinity as shown by: See attached explanation

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 explanation

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: \_\_\_\_\_

This variance will not substantially cause detriment to the adjacent property or the public good and the character of the district.

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

Site Plan; Conceptual Elevations; Check; alternate site plan showing layout that puts public safety at risk; site plan showing area of requested variance.

Date: 7/9/16

William K. Moseley



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, William K. Mosley, have signed that I am aware of the Zoning Board of Appeals hearing date.

September 13, 2016 at 6:30 P.M.  
(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.

  
\_\_\_\_\_  
(Property owner / Applicant's signature)

8/9/16  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Staff's Signature)

8/9/16  
\_\_\_\_\_  
(Date)

## Lancaster County Board of zoning appeals

### Application Questions

- a) Due to the property's location, positioned on the near corner (south side) of the intersection, a variance is needed for the proposed site plan to allow for parking between the building and the side yard of the intersecting street. Without the variance, the only alternate design would require pedestrians (especially families with young children, handicapped and disabled, and elderly customers) to have to travel through the drive thru lane to gain access to the building.
- b) All properties that are located on the opposite side of the intersection can design the drive thru to abut the intersecting street – thus preventing pedestrians from crossing the drive thru lanes. Most other existing development along the corridor have parking between the building and the street including McDonalds, Chick Fil-a, QT gas Station and Bojangles.
- c) Due to the property's location, positioned on the near corner (south side) of the intersection, the Lancaster County Unified Development ordinance would prohibit or unreasonably restrict the property to be safely used as a restaurant with drive thru.
- d) Most existing restaurants and buildings along the 521 corridor allow parking between the building and the intersecting street and the surrounding properties have not been impacted negatively. The adjoining property owner (MPV Properties) and future property owners to the east (Tide Dry Cleaners) are supportive of the variance being granted.



- Legend**
- Address Numbers
  - Parcel Numbers
  - Parcels
  - Roads
  - Railroad

Date created: 9/7/2016  
 Last Data Uploaded: 9/7/2016 1:04:45 AM

 Developed by  
 The Schneider Corporation

Situation/Location Information		Sales Information		Picture	
Location:	9644 CHARLOTTE HWY	Legal Ref:	862-71	No image data	
City:	Indian Land	Date:	4/9/2015	No image data	
Zip:	29707	Grantor:	ROBERTS JANE ETAL	No image data	
Account Information		Validity:	1	No image data	
Parcel ID:	0008-00-015-00	LUC:	NRN	No image data	
Property ID:	906	Legal Ref:	W013-0232	No image data	
User Account:		Date:	2/28/1996	No image data	
Property LUC:	MLN - LandOnly	Grantor:	ROBERTS JANE ETAL	No image data	
Primary Juris:	1 - 1	Validity:	2	No image data	
Assessed Size:	33.60100	LUC:		No image data	
District Group:	4 - 4	Valuation Information 2015		No image data	
Council District:		Appraised: In Process		No image data	
Owner/Mailing Information		Last 2015 - FY		No image data	
Owner Name:	RED STONE INVESTORS LLC	Mkt Adj Cost	\$676,000	No image data	
Mailing Address:	521 E MOREHEAD ST STE 400, CHARLOTTE, ...	Total Land:	\$2,780,000	No image data	
Associated Parcels:		Ag Credit:		No image data	
Enter Parcel ID:		Land:	\$2,780,000	No image data	
Validate & Add	X	Building:	\$16,600	No image data	
Legal Description		Yard:	\$800	No image data	
		Mkt Total:	\$2,780,000	No image data	
		Total:	\$2,780,000	No image data	
		Assessed:		No image data	
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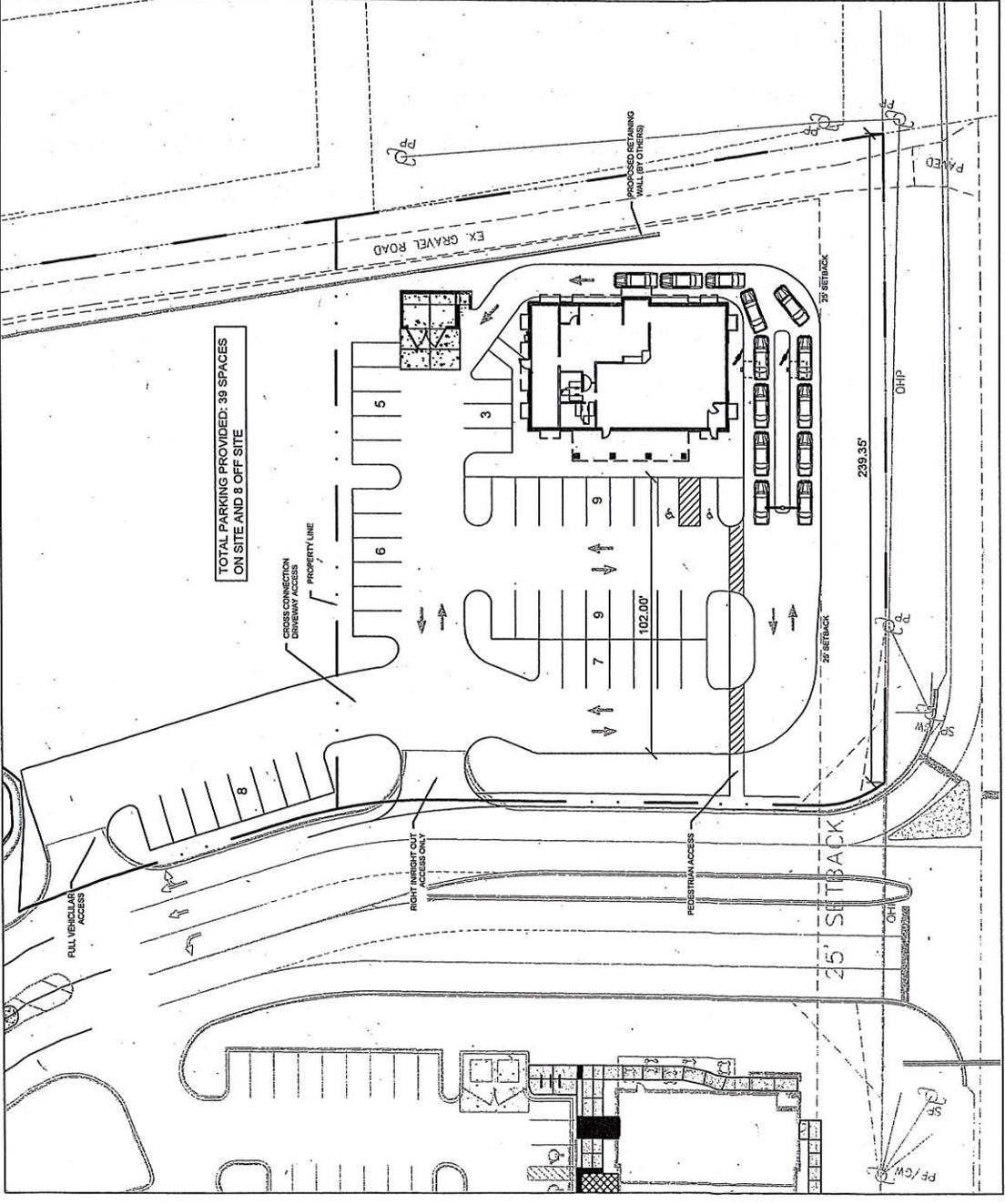
## Highway Corridor Overlay District

### h. *Parking and Vehicular Access:*

1. *Off-street Parking:* For buildings fronting on the corridor, off-street surface parking shall be located primarily to the rear of the building it serves. Side yard parking is permissible and shall occupy no more than forty five percent (45%) of the principle corridor frontage line. The following shall also apply:

- i. Side yard parking shall not be placed in an established side yard abutting an intersecting street;
- ii. Where dimensions or topographical constraints of existing parcels restrict the location of off-street parking to the rear of the building it serves, the restrictions on side yard parking may be modified, on a case-by-case basis, by the Zoning Administrator;
- iii. Uninterrupted areas of parking areas shall be limited in size. Parking areas with more than twenty (20) space[s] shall be broken by buildings and/or landscape features as outlined in item (k)(5) of this subsection (7); and
- iv. Parking areas shall be designed to allow pedestrians to safely move from their vehicles to the building.

Proposed PLAN



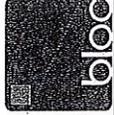
TOTAL PARKING PROVIDED: 39 SPACES ON SITE AND 8 OFF SITE



OPTION 'Cv2'  
SCALE: 1" = 30'

DATE: 04.13.16  
REV: 06.30.16

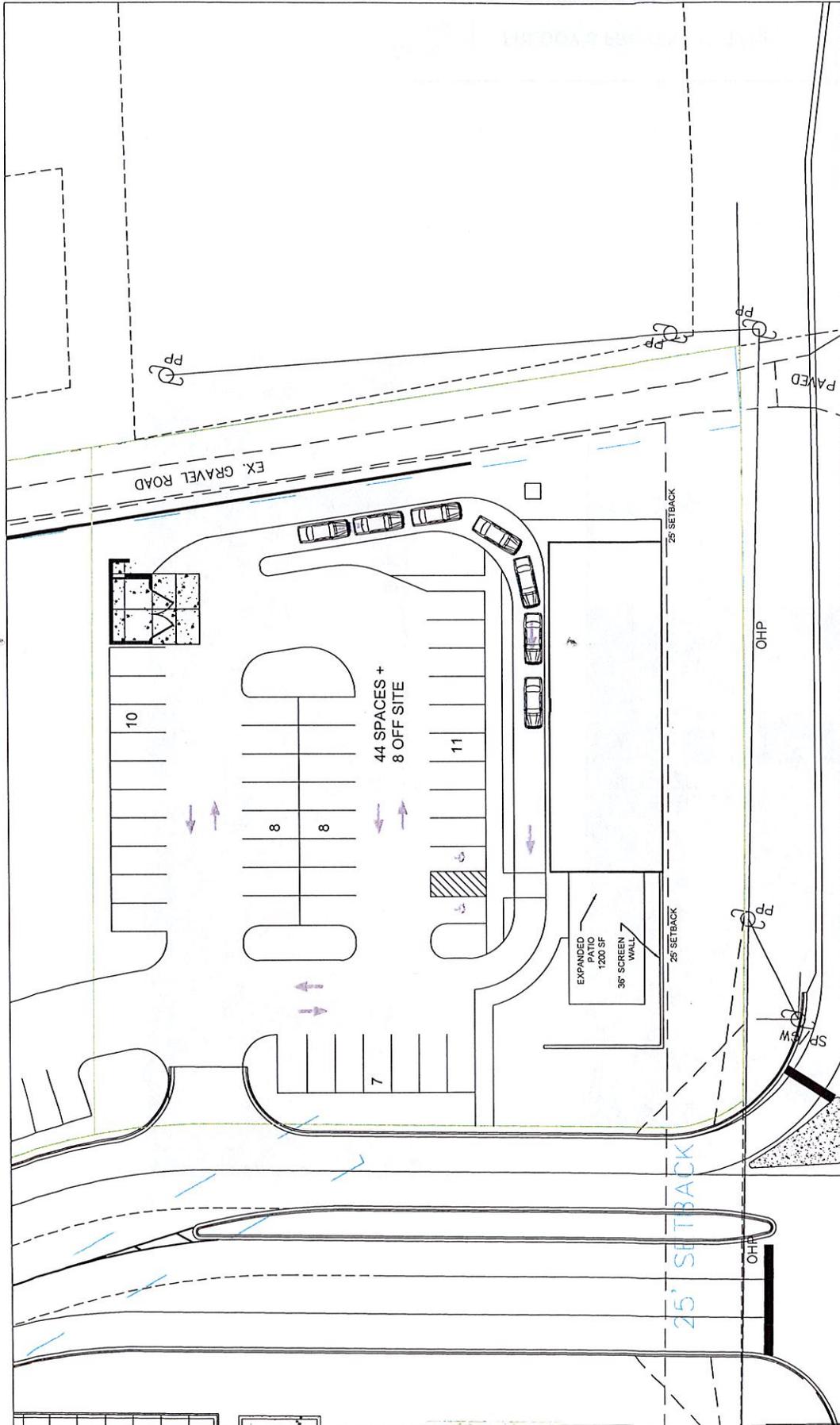
FREDDY'S - U.S. 521  
LANCASTER, SC



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OPTION 'D2'

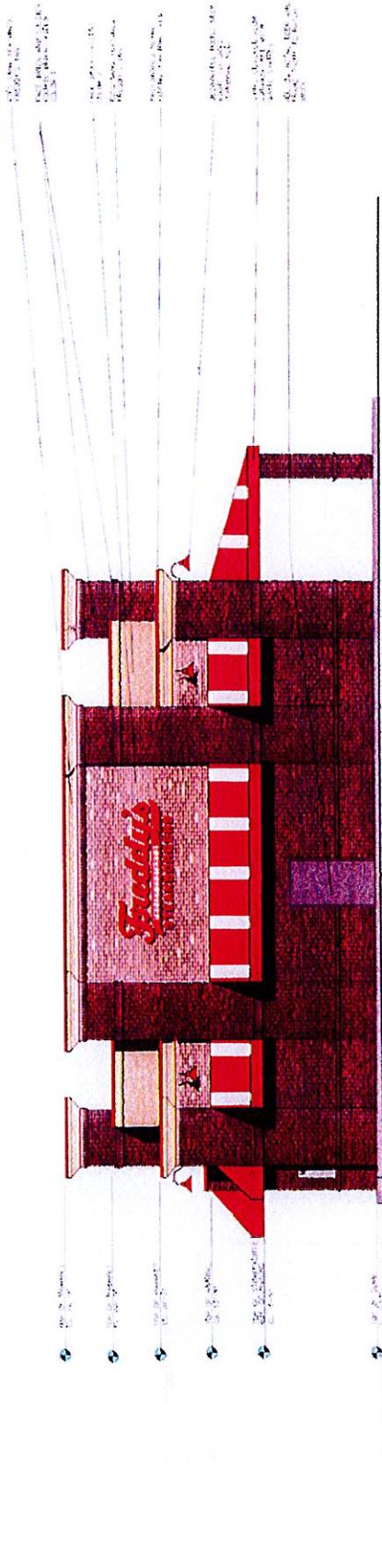
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DATE: 06.24.16

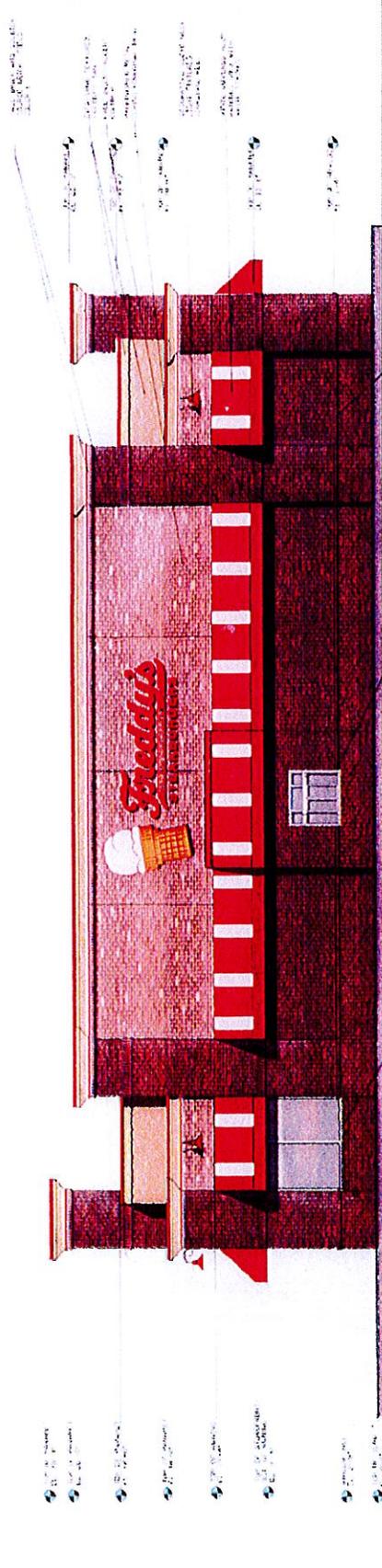
PROJECT NO.: 00298.00

FREDDY'S-U.S. 521

LANCASTER, SC



**A REAR ELEVATION**



**B LEFT SIDE ELEVATION**

Conceptual Elevations proposed  
 Freddy's/Redstone materials to  
 be modified based on design  
 guidelines for Redstone Develop-  
 ment.



### **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-016-012

Lancaster County

Meeting Date: Tuesday, September 13<sup>th</sup>, 2016

**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:** Due to the property's location, positioned on the near corner (south side) of the intersection, a variance is needed for the proposed site plan to allow for parking between the building and the side yard of the intersecting street. Without the variance, the only alternate design would require pedestrians (especially families with young children, handicapped and disabled, and elderly customers) to have travel through the drive thru lane to gain access to the building.
- b. These conditions do not generally apply to other property in the vicinity:** All properties that are located on the opposite side of the intersection can design the drive thru to abut the intersecting street – thus preventing pedestrians from crossing the drive thru lanes. Most other existing development along the corridor have parking between the building and the street including McDonalds, Chick-Fil-A, a QT gas station and Bojangles.
- 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:** Due to the property's location, positioned on the near corner (south side) of the intersection, the Lancaster County Unified Development ordinance would prohibit or unreasonably restrict the property to be safely used as a restaurant with drive thru.
- 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.** Most existing restaurants and building along the 521 corridor allow parking between the building and the intersecting street and surrounding properties have not been impacted negatively. The adjoining property owner (MPV Properties) and future property owners to the east (Tide Dry Cleaners) are supportive of the variance being granted.
- 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 zoning requirements of the property. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.