

# LANCASTER COUNTY BOARD OF ZONING APPEALS

October 11, 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 – September 2016</b>	<b>Chairman</b>
Variance application of Tony Barrett. 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 his property and add a manufactured home. BZA 016-013 pgs. 1-15 Tax Map 50, Parcel 32	<b>Nick Cauthen</b>
Variance application of First Land Co. The applicant is requesting a variance from Chapter 4 Conditional and Special Exception Uses, Section 4.1.19 Recycling facilities, convenience centers, and resource recovery facilities of the Lancaster County Unified Development Ordinance. BZA 016-014 pgs. 16-28 Tax Map 44, Parcel 23	<b>Nick Cauthen</b>
<b>New Business:</b>	
<b>Old Business: Reminder of November Meeting Date</b>	

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

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**I. Facts**

A. General Information

*Proposal:* This is a variance application of Tony Barrett. 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 his property and add a manufactured home.

*Location:* 1898 Zion Rd. Lancaster, S.C.

*Legal Description:* Tax Map 50, Parcel 32

*Zoning Classification:* R-45B (Rural Residential/Business/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-45B so a 0.112 acre (4,878 sq. ft.) variance is being requested in order for both lots to be allowed. The acreage of the existing parcel is 1.888 acres. The applicant stated that he originally bought the property under the impression that he would be able to add a second manufactured home.

B. Site Information

*Site Description:* The property is located approximate ½ mile east of Old Pardue Rd on the south side of Zion Rd. The property consists of 1.888 acres. A manufactured home currently occupies the property.

C. Vicinity Data

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

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

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I agree that the facts and findings as stated above are true and correct.

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Applicant signature(s)

Date

LANCASTER COUNTY BOARD OF ZONING APPEALS  
APPLICATION FORM #1

GENERAL INFORMATION

Date Filed: 9-9-16 Application No: BZA-016-013

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: Tony M. BARRETT Address: 963 SHILOH UNITY RD.

Telephone: 803-287-6138 Work: —

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

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

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

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

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

PROPERTY INFORMATION

Property address: 1898 ZION RD. LANCASTER, S.C.

Lot Area/Acres: 1.888 Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Tax Map #: 50/32 Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_

Lot Size or Dimension: 1.888 AC Zoning Classification: R 45B

Use of Surrounding Properties: RESIDENTIAL

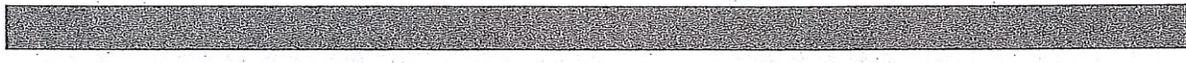


**Designation Agent (complete only if owner is not applicant)**

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: 9-9-16 Applicant Signature(s) Jany m. Baras

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 9-9-16 Application No. BZA-016-013

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 Min. lot size so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:

TO PLACE ANOTHER MOBILE HOME ON

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: When initially purchased IT WAS SHOWN TO ME THE PAPERS STATING 2.14 AC. AT CLOSING I WAS TOLD IT WAS REDUCED TO 1.88 AC. ROBERT FOLKE WAS TO SEARCH WHY A SECTION WAS TAKEN OUT BUT AFTER MORE THAN A YEAR STILL FAILED TO DO SO. I SEARCHED IT & THE SECTION TAKEN OUT ORIGINALLY HAD JUST BEEN SOLD IN JUNE 2016.
- b) These conditions do not generally apply to other property in the vicinity as shown by: I originally purchased property for the purpose of placing a 2<sup>nd</sup> mobile home on it. SAME AS "A" SECTION ABOVE

- 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 A VARIANCE I WILL NOT BE ABLE TO USE THE LAND AS ORIGINALLY PLANNED, ALSO TO ALLOW GRANDDAUGHTER TO BE IN BUFORD DISTRICT.

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: MOBILE HOMES ON ADJACENT PROPERTY, ACROSS THE ROAD AND MOBILE HOME PARK 2 LOTS DOWN

The following documents are hereby submitted in support of this application: SURVEY - PLATT, TAX NOTICE, ACCESSOR'S FORM

Date: 9-9-16

Jany m. Barnd  
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, Jay m. Barrett, have signed that I am aware of the Zoning Board of Appeals hearing date.

10/11/16 (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.

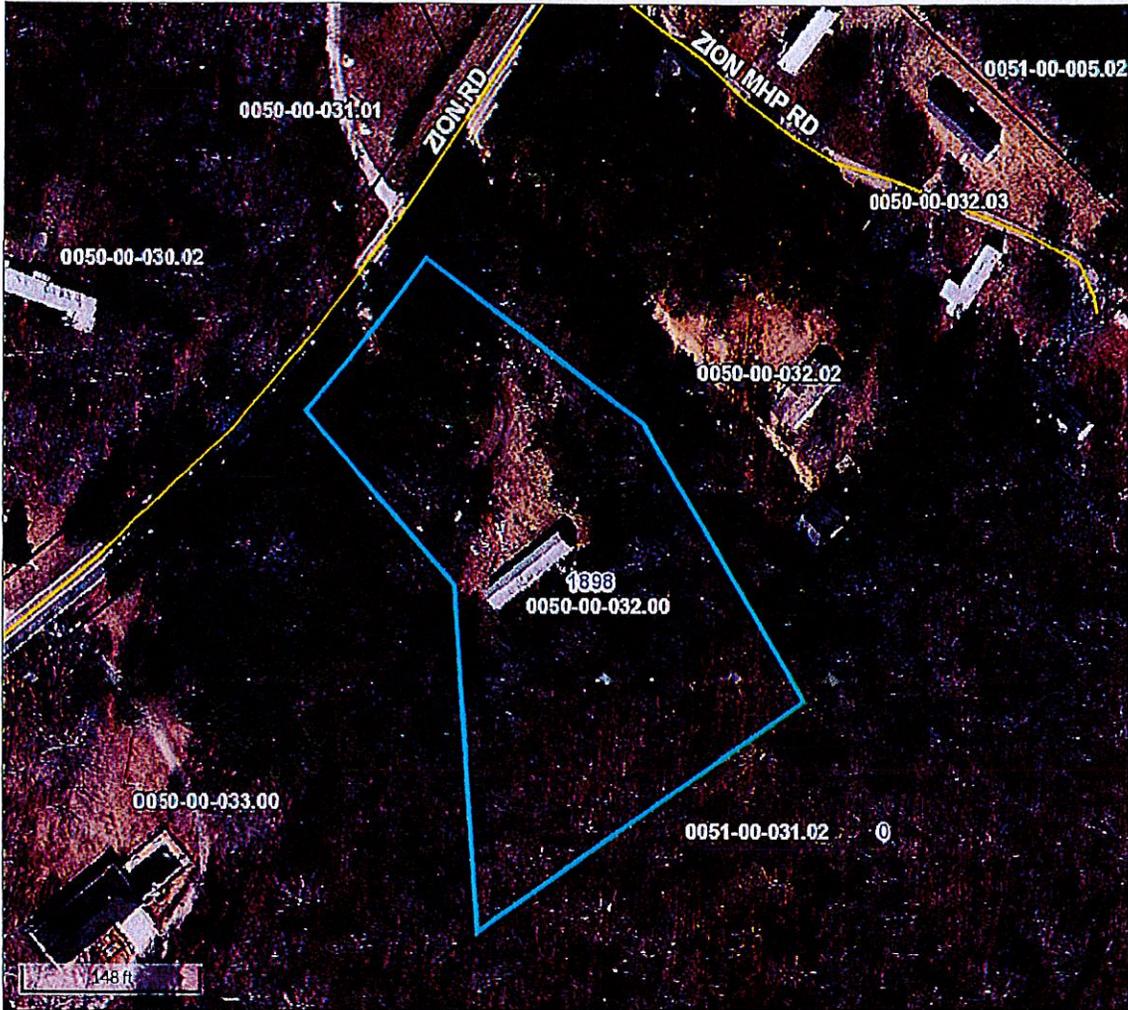
I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted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

Jay m. Barrett  
(Property owner / Applicant's signature)

9-9-16  
(Date)

[Signature]  
(Staff's Signature)

9-9-16  
(Date)



Overview



Legend

- Address Numbers
-  Parcel Numbers
-  Parcels
-  Roads
-  Railroad

Parcel ID	0050-00-032.00	Owner	BARRETT TONY	Last 2 Sales			
Class Code	Non Qualified Mobile Home		MICHAEL	Date	Price	Reason	Qual
Taxing District	Lancaster		BARRETT JOAN S	6/23/2016	\$5	SPOUSE TO SPOUSE	U
Acres	1.88		963 SHILOH UNITY RD	4/30/2015	\$9000	SOLD DOES NOT MATCH APPRAISAL RECORD	U
		Physical Address	LANCASTER, SC 29720				
		Assessed Value	1898 ZION RD				

(Note: Not to be used on legal documents)

Date created: 9/22/2016

 Developed by The Schneider Corporation

<b>Situs/Location Information</b> Location: 1898 ZION RD City: Lancaster Zip: 29720		<b>Sales Information</b> Legal Ref: 976-229 Date: 6/23/2016 Price: \$5 Grantor: TONY MICHAEL BARRETT Validity: 2S LUC: NMH	
<b>Account Information</b> Parcel ID: 0050-00-032.00 Property ID: 4093 User Account: NMH - NonQMH Primary Juris: 1 - 1 Assessed Size: 1.88000 District Group: 4 - 4 Council District:		Account Type: <input type="checkbox"/> Closed <input type="checkbox"/> Locked Imp/Vac/YI: Improved - I... Neighborhood: 04 - 04 Market Area: Unit Type: AC - ACRES District Code: 01 - County Appraisal Area: 02 - 02	
<b>Owner/Mailing Information</b> Owner Name: BARRETT TONY MICHAEL Mailing Address: 963 SHILOH UNITY RD, LANCASTER, SC, 29720		<b>Valuation Information 2015</b> <b>Appraised: In Process</b> Mkt Adj Cost Total Land: \$19,400 Ag Credit: Land: \$19,400 Building: \$1,200 Yard: \$1,500 Mkt Total: \$22,100 Total: \$22,100 <b>Assessed:</b> Land: \$1,164 Building: \$72 Yard: \$90 Total: \$1,326 Limited Total: Limited Taxable:	
<b>Associated Parcels:</b> Enter Parcel ID: Validate & Add		<b>Picture</b> No image data Edit #: Sketch Last Modified: 1/24/2016	



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

19982 1 AV 0.373 P:19982 / T:49 / S:



BARRETT TONY MICHAEL  
 BARRETT JOAN S  
 963 SHILOH UNITY RD  
 LANCASTER SC 29720-8832



**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	2.14000	23,400	X	0.06	=	1,404
Market Value-Agricultural			X		=	
Use Value - Agricultural			X		=	
<b>TOTAL ASSESSMENT</b>					=	<b>1,404</b>
PROPERTY LOCATION - SUBDIVISION - LEGAL DESCRIPTION						
1898 ZION RD						

ACCOUNT NUMBER  
 4093  
 TAX MAP NUMBER  
 0050-00-032.00  
 TAX DISTRICT  
 01  
 CURRENT MARKET VALUE  
 23,400  
 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.mylanastersc.org](http://www.mylanastersc.org)

# LANCASTER COUNTY ASSESSORS OFFICE

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[Search Sales In Neighborhood](#)

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[Lancaster Home](#)

### Owner and Parcel Information

**Owner Name** WILLIAMS JAMES A  
**Mailing Address** 1898 ZION RD  
 LANCASTER, SC 29720-0000  
**Location Address** 1898 ZION RD  
**Property Usage** Qualified Mobile Home (QMH)  
**Homestead** No  
**Legal Description**

**Today's Date** May 1, 2015  
**Parcel Number** 0050-00-032.00 (Account#:4093)  
**Millage Group** County (01)  
**Plat Book/Page** / 0000  
**Lot # / Block #** /  
**Land Size** 2.14 AC  
**Parcel Map** [Show Parcel Map](#)

### Value Information

Year	Land Value	Building Value	Yard Item Value	Total Market Value	Aq Credit	Taxable Land Value	Total Taxable Value	Capped Taxable Value	Total Assessment
2014	\$ 20,700	\$ 24,100	\$ 1,500	\$ 46,300	\$ 0	\$ 20,700	\$ 46,300	NA	1,852
2013	\$ 20,700	\$ 24,100	\$ 1,500	\$ 46,300	\$ 0	\$ 20,700	\$ 46,300	NA	1,852
2012	\$ 20,700	\$ 24,100	\$ 1,500	\$ 46,300	\$ 0	\$ 20,700	\$ 46,300	NA	1,852
2011	\$ 20,700	\$ 24,100	\$ 1,500	\$ 46,300	\$ 0	\$ 20,700	\$ 46,300	NA	2,778

### Land Information

Land Use	Number Units	Unit Type	Land Type	Frontage	Depth	Notes
Qualified Mobile Home (QMH)	2.14	AC	P			

### Building Information

Style	Gross Sq Ft	Finished Sq Ft	Stories	Interior Walls	Exterior Walls	Year Built	Effective Year Built	Photo
Mobile Home	1,240	1,216	1 Story		Corg Metal	1999	1999	NA
Foundation	Roof Type	Roof Coverage	Flooring Type	Heating Type	Bathrooms	Grade	Number Fire Pl	Sketch
Perim Foot	Gable	Corg Metal	Vinyl with 50% Carpet	Reverse Cycle Pump	2.0	C	0	<a href="#">Sketch Building</a>

### Miscellaneous Information

Building Type	Quantity	Units	Year Built
Mobile Home Hook-up (43)	1	1	0

### Sales Information

OR Book/Page	Sale Date	Sale Price	Instrument	Qualification	Vacant/Improved	Grantor	Grantee
652/66	2012-02-02	\$ 0	DEED OF DIST (DOD)	SPOUSE TO SPOUSE (2S)	Improved	WILLIAMS JOYCE GHENT,	WILLIAMS JAMES A
S012/0173	1994-12-08	\$ 5		()	Vacant	WILLIAMS JOYCE GHENT	

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[Return to Main Search Page](#)

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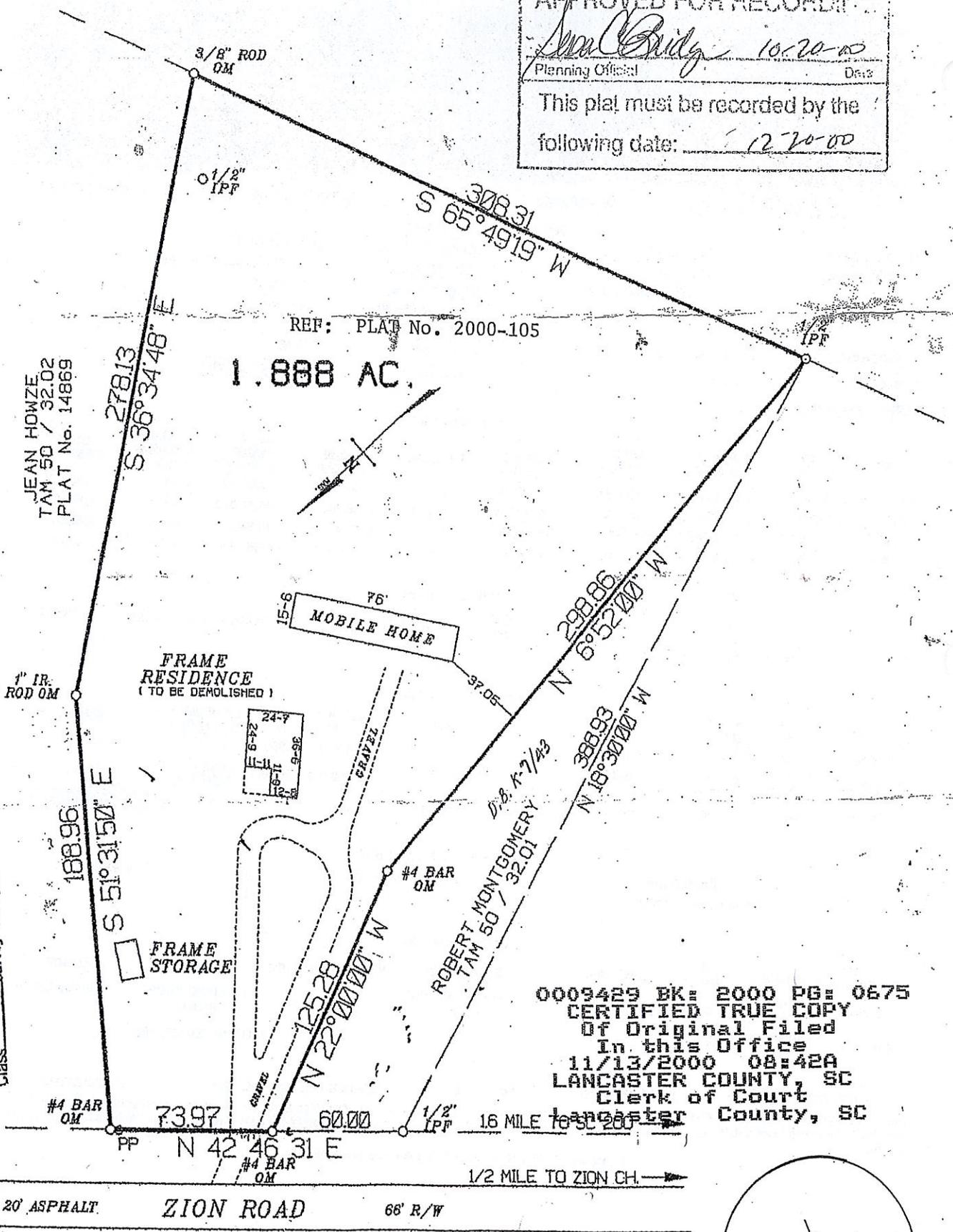
The Lancaster County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. All assessment information is subject to change before the next certified tax roll. Website Updated: April 26, 2015

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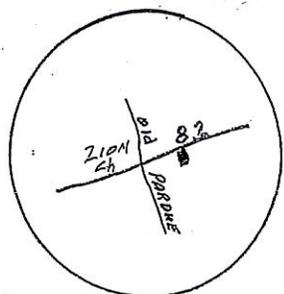
APPROVED FOR RECORDING  
*Ann Crigg* 10-20-00  
 Planning Official Date  
 This plat must be recorded by the following date: 12-20-00

To the best of my knowledge, the survey shown hereon was made in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets the requirements for a Class survey as specified herein.

JEAN HOWZE  
 TAM 50 / 32.02  
 PLAT No. 14869



0009429 BK: 2000 PG: 0675  
 CERTIFIED TRUE COPY  
 Of Original Filed  
 In this Office  
 11/13/2000 08:42A  
 LANCASTER COUNTY, SC  
 Clerk of Court  
 Lancaster County, SC



STATE OF SOUTH CAROLINA  
 COUNTY OF LANCASTER  
 PLAT OF SURVEY FOR

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 <i>Central Water and Sewer</i>
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-016-013

Lancaster County

Meeting Date: Tuesday, October 11<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:** When initially purchased it was shown to me the papers stating 2.14 acres. At closing I was told it was reduced to 1.88 acres. Robert Folks was to see why a section was taken out but after more than a year he stilled failed to do so. I searched it and the section taken out originally had just been sold in June of 2016.
- b. **These conditions do not generally apply to other property in the vicinity:** Same as Section A above... I originally purchased property for the purpose of placing a 2<sup>nd</sup> manufactured home on it.
- 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 a variance I will not be able to use the land as originally planned. This will also help to allow my granddaughter to be in the Buford District.
- 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.** There are mobile homes on adjacent property, across the road, and there is a mobile home park 2 lots down.
- 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.

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

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**I. Facts**

A. General Information

*Proposal:* This is a variance application of First Land Co. The applicant is requesting a variance from Chapter 4 Conditional and Special Exception Uses, Section 4.1.19 Recycling facilities, convenience centers, and resource recovery facilities of the Lancaster County Unified Development Ordinance.

*Location:* West side of Charlotte Hwy. ±500 ft. north of Waxhaw Village Rd. Lancaster, S.C.

*Legal Description:* Tax Map 44, Parcel 23

*Zoning Classification:* R-30 (Low Density Residential/Agricultural District)

*Description of Plan:* The applicant wants to temporarily use this property as a recovered materials processing facility in order to crush/recycle concrete and asphalt material. Based on the Zoning Administrator's interpretation the applicant needs a variance for 450 ft. from subsection 2 which states these "facilities shall be located a minimum of 500 ft. away from any residential district." The applicant stated that the surrounding property is owned by their company and the concrete/asphalt is temporary and will be hauled away once grinding is complete.

B. Site Information

*Site Description:* The property consists of 5 acres and currently has a concrete pad and contains a pile of crushed debris.

C. Vicinity Data

*Surrounding Conditions:* The surrounding property is zoned R-30 and MHP (Manufactured Home Park District) and is either vacant or residential. There is also a cell tower located across the road from the property.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Photo of Property
5. UDO – Section 4.1.19 Recycling facilities, convenience centers, and resource recovery facilities
6. Findings Required for Granting Variances
7. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: Chapter 4, Conditional and Special Exception Uses

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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**

**GENERAL INFORMATION**

Date Filed: 8/30/16 Application No: BZA-016-014

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: First Land CO. Address: 2685 Celanese Rd.

Rock Hill, S.C. 29732

Telephone: 803-242-4558 Work: 803-366-9465

Interest: \_\_\_\_\_ Owner(s): First Land CO.

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

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

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

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

**PROPERTY INFORMATION**

Property address: \_\_\_\_\_ Unimproved Tax # 0044-00-023.00

Lot Area/Acres: 5 acres Block: \_\_\_\_\_ Subdivision: raw land

Tax Map #: 0044-00-023.00 Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_

Lot Size or Dimension: 405 X 618 Zoning Classification: R-30

Use of Surrounding Properties: Our company owns the surrounding property

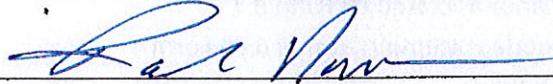
( Lancaster Land LLC & Landover One LLC) extending 3,696 ft. south and 2,542 north for a total of approximately 1,400 acres all undeveloped

**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: 8/30/16

Ralph Norman



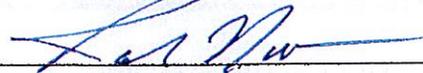
Owner(s) Signature(s)

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: 8/30/16

Applicant Signature(s)



LANCASTER COUNTY BOARD OF ZONING APPEALS  
VARIANCE APPLICATION FORM

Date Filed: 8/30/16 Application No. BZA-016-014

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: R-30 so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:

Re Use as a "Recovered Materials Processing Facility which use is to crush/recycle concrete & asphalt material 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:

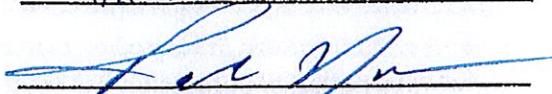
- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: This 5 acre parcel is surrounded by over 1,400 acres owned by our company and is suited for this use due to the concrete pad that prevents dirt/debris from the removal of the material haul[er] away from the site
- b) These conditions do not generally apply to other property in the vicinity as shown by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
The current zoning is permitted for this use upon conditional approval from the ZBA

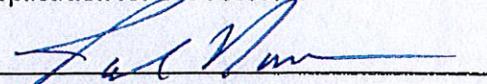
d) The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons: \_\_\_\_\_  
The surrounding property is owned by our company and no building or structure is being placed on the land. The concrete/asphalt is temporary and will be hauled away once grinded is complete  
The following documents are hereby submitted in support of this application: \_\_\_\_\_

- \_\_\_\_\_ 1) letter from DHEC dated 2/17/16
- \_\_\_\_\_ 2) aerial of site

Date: 8/30/16

RALPH W No RMITR  
  
Applicant signature(s)

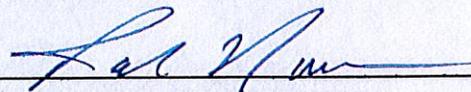
Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

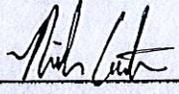
I, , have signed that I am aware of the Zoning Board of Appeals hearing date.

10-11-16 (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.

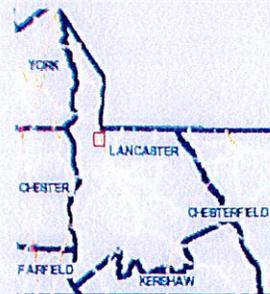
I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted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

 8/30/16  
(Property owner / Applicant's signature) (Date)

 9/15/16  
(Staff's Signature) (Date)



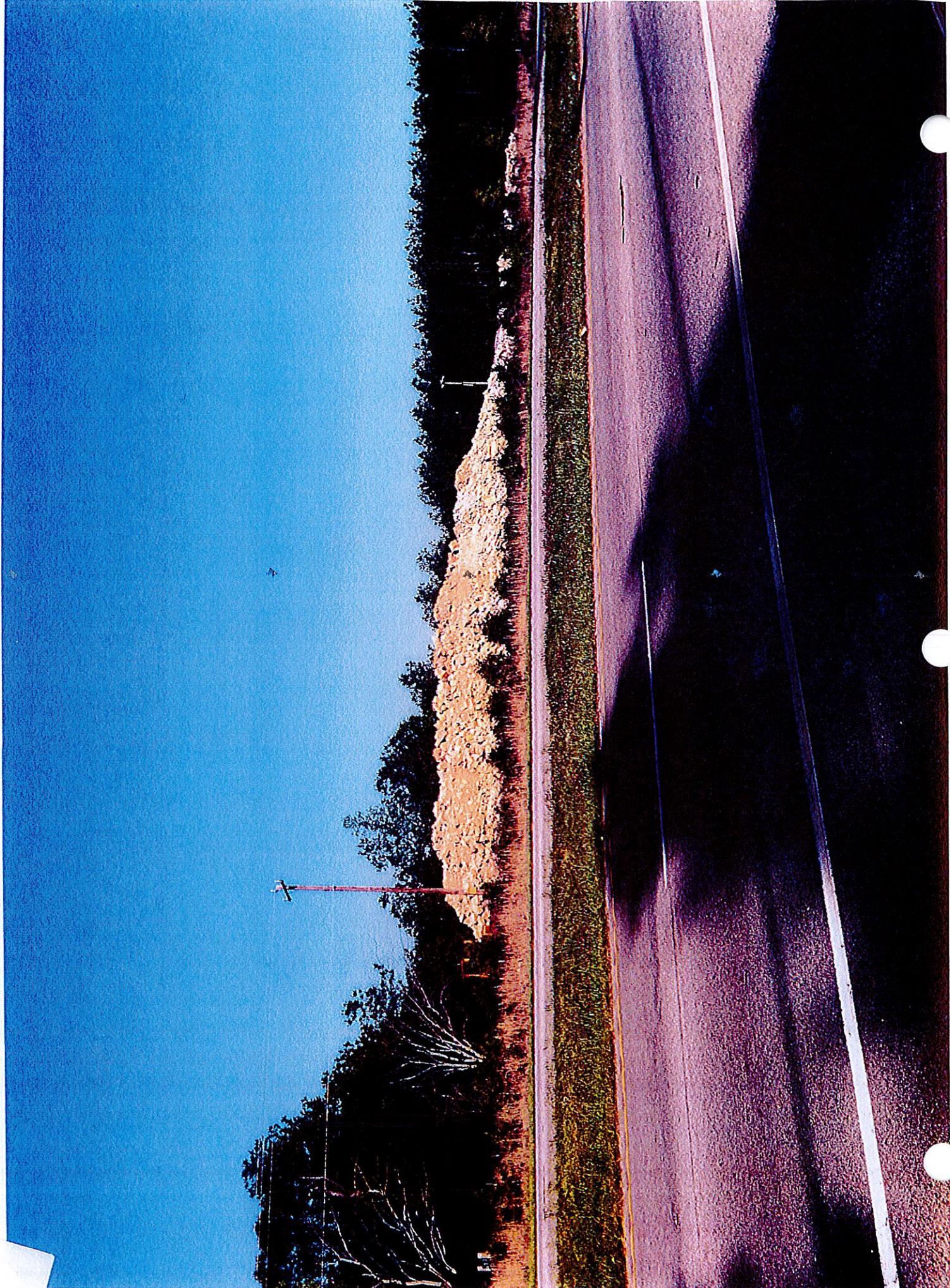
Lancaster County Assessor			
Parcel: 0044-00-023.00 Acres: 5			
Name:	FIRST LAND COMPANY	Land Value	\$170,000.00
Site:	HWY 521	Improvement Valt	\$0.00
Sale:	\$\$\$325,000 on 12-2010 Vacant= Qual=0	Accessory Value	\$0.00
Mail:	PO BOX 36518 ROCK HILL, SC 29732	Total Value	\$170,000.00



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

Date printed: 08/30/16 : 15:06:28





Section 4.1.19 - Recycling facilities, convenience centers, and resource recovery facilities.

Due to the need for convenient collection locations and the potential for conflict with existing development and environmental amenities, all such uses shall meet the following requirements:

1. *Reserved.*
2. Facilities shall be located a minimum of five hundred (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 these facilities shall be a minimum of three hundred (300) feet (measured in a straight line) from the centerline of any public road. Such parcels shall have direct access to a collector or arterial street. Access roads/easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (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, § 2, 12-29-10)

### **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-016-014

Lancaster County

Meeting Date: Tuesday, October 11<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:** This 5 acre parcel is surrounded by over 1,400 acres owned by our company and is suited for this due to the concrete pad that prevents dirt/debris from the removal of the material hauled away from the site.
- b. **These conditions do not generally apply to other property in the vicinity:**  
See above.
- 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:** The current zoning is permitted for this use upon conditional approval from the BZA.
- 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 surrounding property is owned by our company and no building or structure is being placed on the land. The concrete/asphalt is temporary and will be hauled away once grinding is complete.
- 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.