

# LANCASTER COUNTY BOARD OF ZONING APPEALS

November 10, 2015  
6:30 PM  
ADMINISTRATIVE BUILDING  
ROOM 224

Type of meeting: Board Of Zoning Appeals/Public Hearing      Facilitator: Planning Staff  
Secretary: Judy Barrineau

Please read: Agenda Packet  
Please bring: Agenda Packet

**Approve Agenda**

**Chairman**

**Communications:**

**Approve minutes – August 2015**

**Chairman**

**Variance application of Mr. Michael Ned Bailey. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements. Pgs. 1-16**

**Nick Cauthen**

**BZA 015-007**

**Tax Map 101A, Block A, Parcel 10**

**Variance application of Mr. Evan Carroll. The applicant is requesting a variance from Chapter 4, Conditional and Special Exception Uses, Section 4.1.6, Commercial Kennels of the Lancaster County Unified Development Ordinance regarding the setback requirements. Pgs. 17-32**

**Nick Cauthen**

**BZA 015-008**

**Tax Map 10, Parcel 54**

**New Business: 2016 Calendar of Meeting Dates**

**New Business: New Board Member Orientation – November 16, 2015 @ 6:00pm**

**Variance application of Mr. Michael Ned Bailey. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements. Pgs. 1-16**

**Nick Cauthen**

**BZA 015-007**

**Tax Map 101A, Block A, Parcel 10**

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 Mr. Michael Ned Bailey. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements.

*Location:* 447 Tram Road

*Legal Description:* Tax Map 101A, Block A, Parcel 10

*Zoning Classification:* R-15 (Moderate Density Residential/Agricultural District)

*Description of Plan:* The applicant wants to place a metal prefabricated carport on the property. The proposed carport will be 65 feet from the Knotty Pine Drive right-of-way. Therefore a variance of 35 feet is being requested. The applicant does not believe another area of the property would be suitable considering the property is on a corner lot and the rear of the property has a large grade drop off.

B. Site Information

*Site Description:* The property is located on the corner of Tram Road and Knotty Pine Drive. The applicant's home is on a 5.4 acre lot and is heavily wooded with a creek running along the eastern side of the property.

C. Vicinity Data

*Surrounding Conditions:* The surrounding property is residential and zoned R-15. A large open field is located across Tram Road and houses are located adjacent to the property along Knotty Pine Drive.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Plat of Property
5. Zoning Application
6. UDO – Chapter 5, Section 5.5 Accessory Buildings
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.

---

Applicant signature(s)

Date

**LANCASTER COUNTY BOARD OF ZONING APPEALS**  
**APPLICATION FORM #1**

**GENERAL INFORMATION**

Date Filed: 9/15/15 Application No: BZA-015-007

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: Michael Ned Bailey Address: 447 Tram Rd.

Telephone: 803-288-3108 Work: \_\_\_\_\_

Interest: \_\_\_\_\_ Owner(s): Michael Ned Bailey

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

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

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

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

**PROPERTY INFORMATION**

Property address: \_\_\_\_\_

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

Tax Map #: 0101A-0A-010 Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_

Lot Size or Dimension: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

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: 9/15/15 Applicant Signature(s) Michael M. Barley

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM #3

Date Filed: 9/15/15 Application No. BZA-015-007

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 5.5 so that a zoning permit may be issued or permission granted to allow the use of the property described as follows: metal prefab carport 65 ft. from R.O.W.

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: grade of lot

b) These conditions do not generally apply to other property in the vicinity as shown by: other lots in area do not have such a large grade drop off

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: would not be able to fill in around house to put this building

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: it will not obstruct view or change the look of the place

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

Date: 9/15/13

Michael M. Benley

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

11/10/15 (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.

Michael N. Bailey  
(Property owner / Applicant's signature)

9/15/15  
(Date)

[Signature]  
(Staff's Signature)

9/15/15  
(Date)

Inst. 3179

PLEASE DO NOT PUBLISH

BOOK X-13 PAGE 201

State of South Carolina, }  
County of Lancaster

123.75

# TITLE TO REAL ESTATE

COUNTY DOCUMENT STAMPS COLLECTOR

Know All Men by These Presents, That We, Robert J. Schoolcraft and Colleen K. Schoolcraft  
a/k/a Colleen K. Schoolcraft

292.50

FILED  
OFFICE OF CLERK  
OF COURT  
LANCASTER COUNTY  
S.C.  
Apr 30 4 19 PM '96  
Dollars

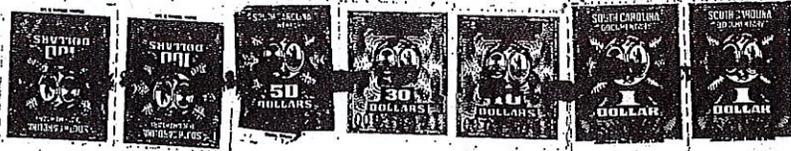
hereinafter referred to as grantor for and in consideration of the sum of  
One Hundred Twelve Thousand Two Hundred Seventy and no/100ths (\$112,270.00)

to grantor paid by Michael Ned Bailey and Brenda C. Bailey  
447 Tram Road  
Lancaster, SC 29720

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained,  
sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and grantee's  
heirs, successors and assigns, the following described property, to wit:

"All that certain piece, parcel or tract of land, together with all improvements located thereon, lying, being and situate in the Elgin Community, Lancaster County, State of South Carolina at the intersection of Tram Road and Knotty Pine Drive, containing 5.7 acres more or less and being more particularly shown, described and designated on Plat of Survey entitled 'Plat of Survey for Michael Ned Bailey and Brenda C. Bailey' prepared by Jack Smith, RLS, dated April 24, 1996 and recorded in the Office of the Clerk of Court for Lancaster County as Plat No. 110520; Reference to said plat is craved for a more minute description."

Being the identical property conveyed to Grantors herein by deed dated April 25, 1984 and recorded in the Office of the Clerk of Court for Lancaster County in Deed Book E-6, at Page 6451.



ASSESSOR'S OFFICE

Received 4-30-86  
Tax. Mar. Code 11A-A-10  
Or Portion Of \_\_\_\_\_



The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors, and Assigns forever.

BOOK X13 PAGE 202

And grantor does hereby bind grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this 30th day of April, 1996, and in the two hundred and twentieth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered  
in the Presence of

Delia C. Hardin  
Witness

Delia J. Holt  
Witness

Robert J. Schoolcraft (Seal)  
Robert J. Schoolcraft

Colleen K. Schoolcraft (Seal)  
Colleen K. Schoolcraft a/k/a  
Colleen K. Schoolcraft

(Seal)

STATE OF SOUTH CAROLINA )  
COUNTY OF LANCASTER )

I, the undersigned notary public, do hereby certify that the above named Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this the 30th day of April, 1996.

Delia J. Holt  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 10/27/97

RSC  
State of South Carolina,  
County of Lancaster

Robert J. Schoolcraft and  
Colleen K. Schoolcraft a/k/a  
Colleen K. Schoolcraft  
TO

**TITLE TO REAL ESTATE**

I hereby certify that the within Deed was filed for record in my office at M. O'clock on the day of 19, and was immediately entered upon the proper indexes and duly recorded in Book of Deeds, page

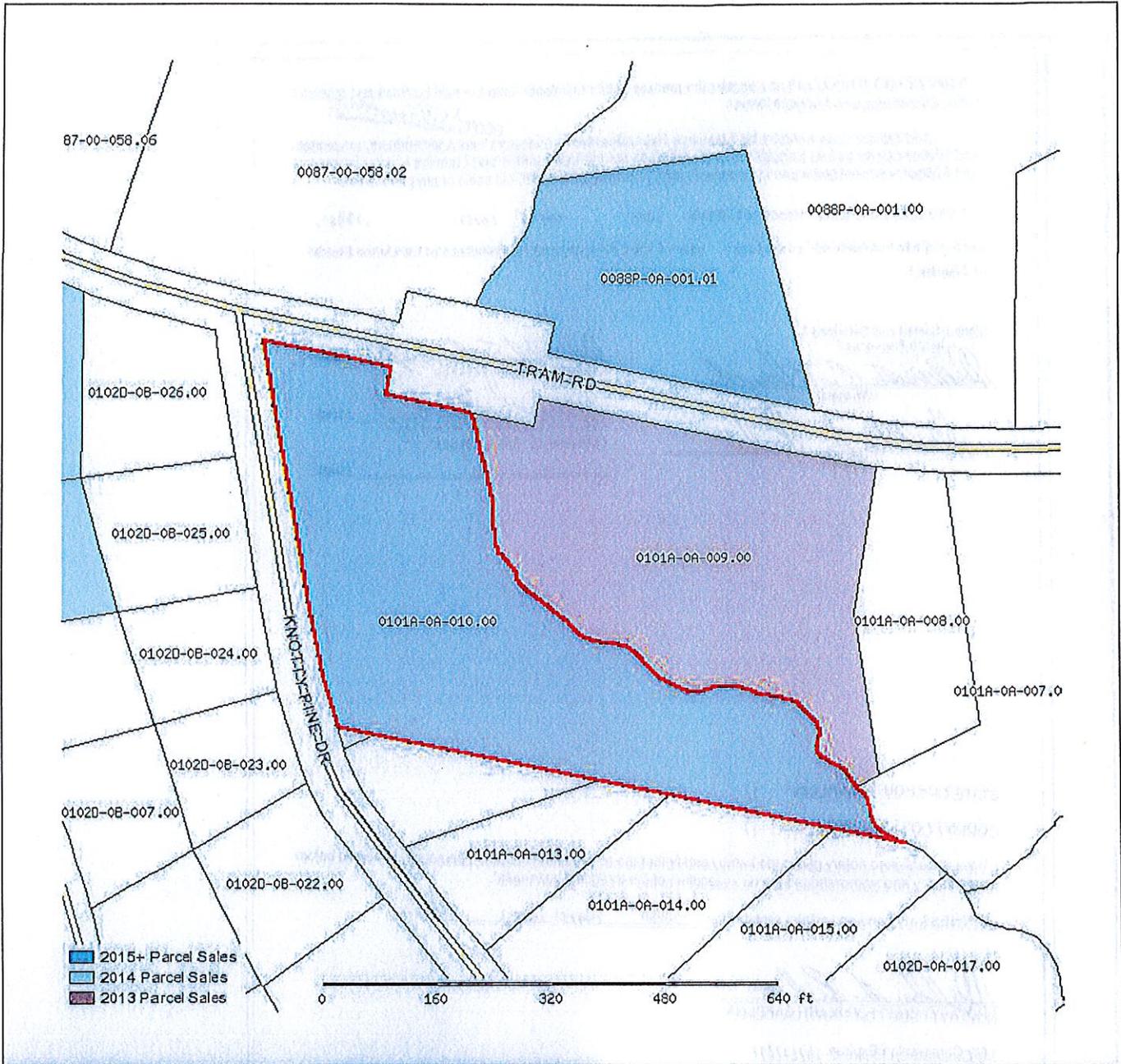
Clerk of Court of Common Pleas and General Sessions or Registrar Means Conveyance for the State and County aforesaid.

I hereby certify that the within Deed has been this 30th day of April A. D. 1996 Recorded in Book 0 of Deeds, page 202

Cheryl H. Morgan Auditor  
of the State and County aforesaid

COPYRIGHT © 1990  
LAWSON, L.L.C.

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raft  
OFFICIAL FILED

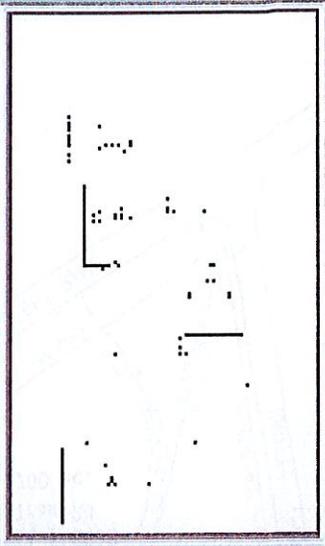
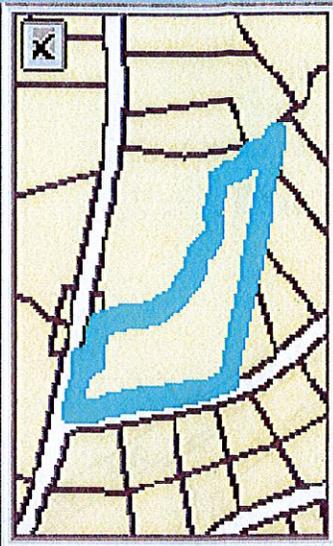


Lancaster County Assessor			
Parcel: 0101A-0A-010.00 Acres: 5.71			
Name:	BAILEY MICHAEL NED	Land Value	\$38,000.00
Site:	447 TRAM RD	Improvement Valt	\$113,500.00
Sale:	\$50 on 08-2015 Vacant= Qual=2S	Accessory Value	\$3,300.00
Mail:	447 TRAM RD	Total Value	\$154,800.00
	LANCASTER, SC 29720-0000		



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: 10/19/15 : 10:33:42

Add Mod Del Save Cancel Indexed By Parcel ID Card #



**Parcel ID: 0101A-0A-010.00** Card: 1/1

Account: 18954 District: 01 - County

Sticker #: Ent. Parcel Area: 5.71 - AC

Location: 447 TRAM RD Lancaster Neigh: 06 - 06

Land Use: QR - QualRes Own Type:

Owner #1: BAILEY, MICHAEL NED

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	5,700	5,700	
Full Market Value:	154,800	154,800	
Building Value:	113,500	113,500	
Yard Items:	3,300	3,300	
Land Value:	38,000	38,000	
Total Value:	154,800	154,800	
Assessed Value:	6,286	6,286	
Capped Total:	154,800	154,800	Reval / Market 03

**Sales Information**

Grantor: BAILEY MICHAEL NED & BRENDA This parcel contains 5.71 AC of land mainly classified as QualRes with a Sing Fam Dw Building built about 1960, having primarily Brick Exterior and 1839 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 1 HalfBath, 0 Rooms, and 0 Bdrm.

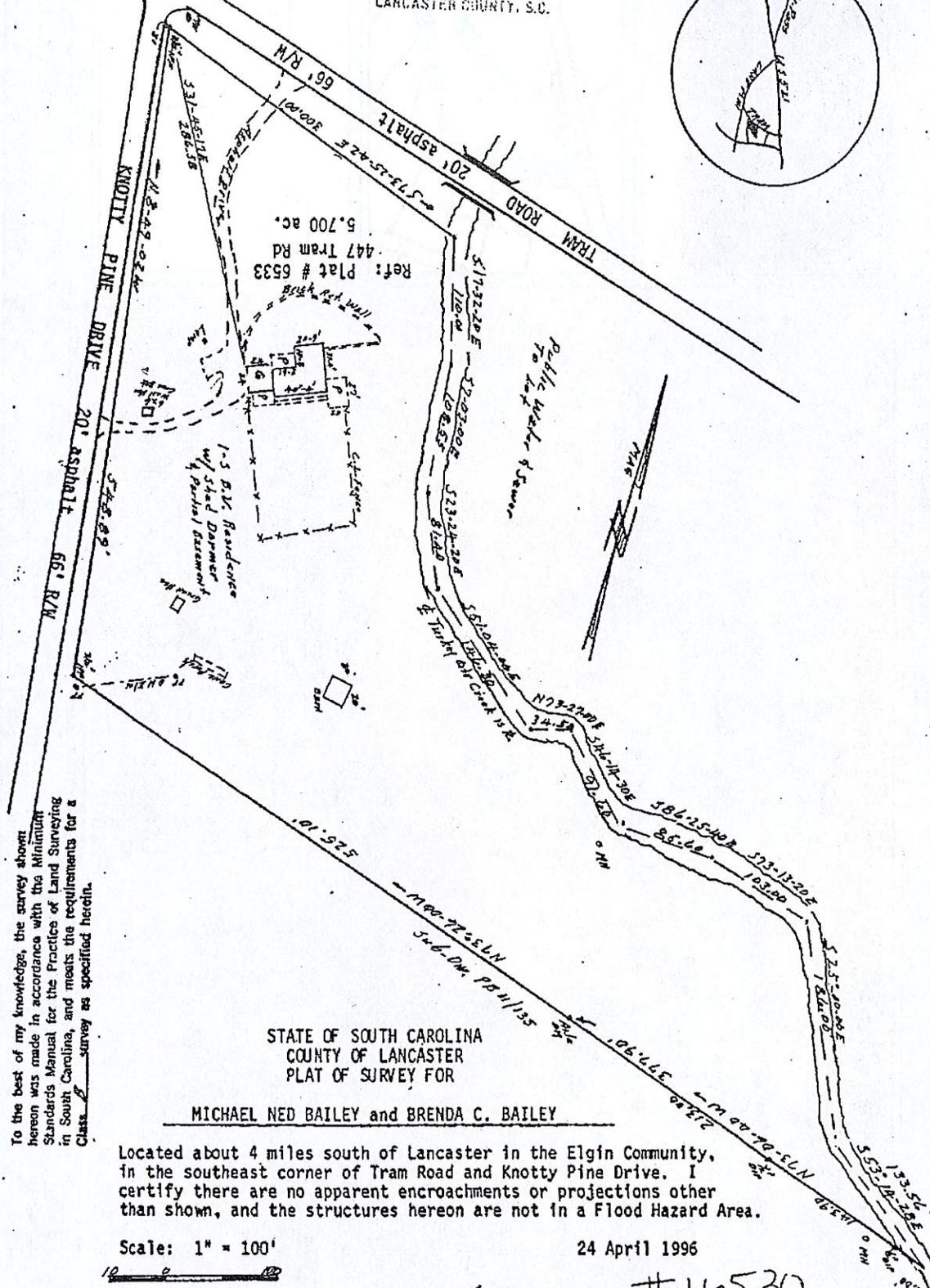
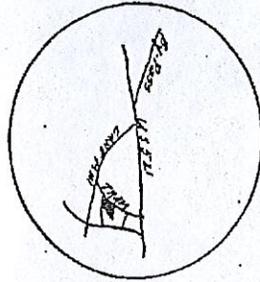
Sale Price: 0 Validity: 2S

Sale Date: 8/19/2015 Sold Vacant: No

Legal Ref: 906-242

Office Notes  Notes

FILED  
 OFFICE OF THE CLERK  
 OF THE COURT  
 APR 30 4 19 PM '96  
 CLERK OF COURT  
 LANCASTER COUNTY, S.C.



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 B survey as specified herein.

STATE OF SOUTH CAROLINA  
 COUNTY OF LANCASTER  
 PLAT OF SURVEY FOR

MICHAEL NED BAILEY and BRENDA C. BAILEY

Located about 4 miles south of Lancaster in the Elgin Community, in the southeast corner of Tram Road and Knotty Pine Drive. I certify there are no apparent encroachments or projections other than shown, and the structures hereon are not in a Flood Hazard Area.

Scale: 1" = 100'

24 April 1996

*Jack Smith*  
 Jack Smith, RLS 3782  
 800 Forest Drive  
 Lancaster, S.C.

#16530  
**APPROVED FOR RECORDING**  
*E. S. Hester* 4-25-96  
 Lancaster County Planning Commission



# Zoning Department

101 North Main Street  
Lancaster, SC 29720  
Ph: (803) 416-9777 Fax: (803) 416-9797

[www.mylancaster.org](http://www.mylancaster.org)

## Zoning Application

Date: 09/04/15 Email Address: mnbaily49@gmail.com  
 Applicant Name: Michael Ned Bailey Phone #: 803-288-3108  
 Address: 447 Tram Rd. City: Lancaster State: S.C. Zip: 29720  
 Property Owner: Michael Ned Bailey Phone #: 803-288-3108  
 Address: 447 Tram Rd. City: Lancaster State: S.C. Zip: 29720  
 Site Location: 447 Tram Rd Subdivision: \_\_\_\_\_  
 Type of structure being built: metal prefab carport

Circle one: County water City Water Well

Circle one: County sewer City Sewer Septic

**Note: Covenant restrictions may exist and the most restrictive regulations shall apply.**

For official use only	
Tax Map Number _____	Area subject to flooding? Yes No
Zoning Designation & other notes: _____	
_____	

The undersigned acknowledges any information given incorrectly, erroneous or incomplete shall render this document, and therefore, any permit issued null and void. I further understand that the Lancaster County Zoning Department can not intervene in contract and/or liability disputes.

Michael N. Bailey  
Property Owner / Agent Signature

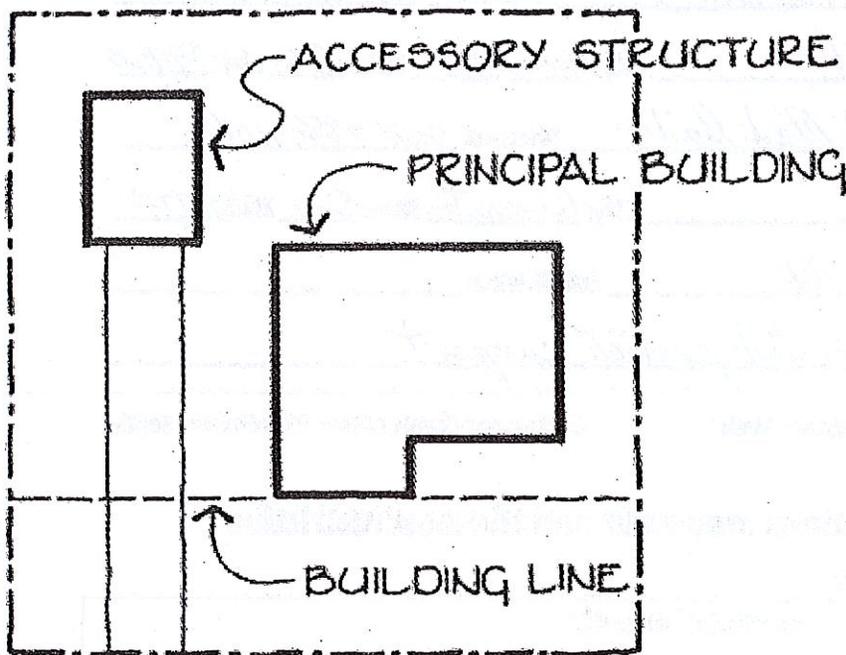
Michael Ned Bailey  
Print Name

09/04/15  
Date

Section 5.5 - Accessory building setback requirements.

1. Subject to the remaining provisions of this section, accessory buildings shall be required to comply with the setback standards set forth in section 5.4.
2. Accessory buildings in residential districts shall either be located entirely behind the front of the principal building, or no closer than one hundred (100) feet from the right-of-way or easement line of the street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street. For accessory structures which are in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor area, see subsection (6).
3. Accessory buildings in residential districts, subject to subsection (2) shall not be allowed within five (5) feet of a rear or side boundary line.
4. Barns and structures housing livestock and the keeping of swine or fowl regardless of the type of enclosure shall be located a minimum of one hundred (100) feet from the nearest property line.
5. Off-street parking spaces shall be a minimum of five (5) feet from the nearest property line.
6. Accessory buildings or structures in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor areas, satellite dishes, ham radio towers and domestic kennels and pens shall observe the following minimum setback requirements.
  - a. *Front:* Must be located entirely behind the front of the principal buildings, or no closer than one hundred (100) feet from the right of-way or easement line of a street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street.
  - b. *Side and rear yards:* The same as is required for a principal building located in that particular zoning district.
7. Uses that are accessory to the principal structure such as swimming pools (in ground and above), hot tubs, temporary or permanent, shall observe the same setback requirements as the principal use regardless of the size or type. The only exception to this requirement is that the rear setback for these types of structures shall be ten (10) feet instead of twenty-five (25) feet.

(Ord. No. 323, 2-1-99; Ord. No. 554, 7-7-03; Ord. No. 746, 5-1-06; Ord. No. 747, 5-1-06; Ord. No. 872, 12-3-07)



building line

Accessory Building Setback

### **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-015-007

Lancaster County

Meeting Date: Tuesday, November 10<sup>th</sup>, 2015

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:** The applicant is unable to place a prefabricated carport on the rear of the property because of the grade of the lot.
- b. **These conditions do not generally apply to other property in the vicinity:** These conditions would not apply to other adjacent property because they do have such large grade drop-offs in the rear of their property.
- 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 home is on the corner therefore the area in which a carport can be placed is severely diminished. The applicant would not be able to fill in around the house to put this carport.
- 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 building will not obstruct any view or negatively impact the visual appeal of the area.
- 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 dimensional requirements of the property but accessory buildings are allowed in the current zoning district. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

**Variance application of Mr. Evan Carroll. The applicant is requesting a variance from Chapter 4, Conditional and Special Exception Uses, Section 4.1.6, Commercial Kennels of the Lancaster County Unified Development Ordinance regarding the setback requirements. Pgs. 17-32  
BZA 015-008  
Tax Map 10, Parcel 54**

**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 Mr. Evan Carroll. The applicant is requesting a variance from Chapter 4, Conditional and Special Exception Uses, Section 4.1.6, Commercial Kennels of the Lancaster County Unified Development Ordinance regarding the setback requirements.

*Location:* 8513 Charlotte Highway

*Legal Description:* Tax Map 10, Parcel 54

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

*Description of Plan:* The applicant wants to have a commercial pet boarding facility on the property. The proposed building will be 494 feet from the closest residential structure to the north and 364 feet from the nearest residential structure to the east. Therefore a variance of 6 feet and 136 feet will be required. The applicant does not believe another area of the property would be suitable because there are residential structures to the west side of the property also.

**B. Site Information**

*Site Description:* The property is located on the western side of Highway 521 just to the north of Doby's Bridge Road. The 3.9 acre property is wooded and contains a vacant house.

**C. Vicinity Data**

*Surrounding Conditions:* The surrounding property is a mix of residential and commercial but is all zoned B-3.

**D. Exhibits**

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Site Measurements
5. Page 4 of contract (sell is contingent upon variance approval)
6. UDO – Chapter 4, Section 4.1.6 Commercial Kennels
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

**II. Findings**

Code Considerations: Chapter 4, Conditional and Special Exception Uses

---

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: 10/12/15 Application No: BZA-015-008

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: EVAN CARROLL Address: 8713 LAURELWOOD LN MARVIN NC 28171

Telephone: 704 779 5118 Work: \_\_\_\_\_

Interest: OWNERS Owner(s): EVAN + KRISTINE CARROLL

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

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

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

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

PROPERTY INFORMATION

0010-00-054.00  
Property address: 8513 CHARLOTTE HIGHWAY FORT MILL SC 29707

COUNTY TAX  
Lot Area/Acres: 3.83 Block: \_\_\_\_\_ Subdivision: N/A

SELLER SURVEY 3.53

Tax Map #: 0010.00.054.00 Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_

Lot Size or Dimension: COUNTY 3.83  
SELLER 3.53 Zoning Classification: B3

Use of Surrounding Properties: COMMERCIAL, B3

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

SEE CONTRACT

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: 10.12.15 Applicant Signature(s) [Signature]

LANCASTER COUNTY BOARD OF ZONING APPEALS

VARIANCE APPLICATION - FORM

Date Filed: 10/12/15 Application No. BZA-015-008

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

COMMERCIAL PET BOARDING FACILITY

for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.

(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: BUILDING WILL NOT FIT ON PROPERTY TO ALLOW 500 FEET FROM RESIDENCE ON OTHER SIDE OF HIGHWAY RESIDENCE TO NORTH IS CURRENTLY 494.5 FEET
- b) These conditions do not generally apply to other property in the vicinity as shown by: BOTH TEMPORARY RESIDENTIAL, ONCE SOLD COMMERCIALLY OUR EASEMENT OF 500 FEET WOULD BE REDUCED TO 100 FEET WHICH IS AMPLY COVERED
- 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: WE WOULD NOT BE ABLE TO DEVELOP ON THIS PROPERTY AND SALE WOULD FALL THROUGH

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: \_\_\_\_\_

NOISE FROM HIGHWAY 15 IS OF GREATER IMPACT TO  
PROPERTY ACROSS THE STREET THAN PROPOSED  
FACILITY. RESIDENCE TO NORTH FOR SALE COMMERCIALY 83

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

CIVIL PLAN

Date: 10.12.15



Kristine McCann

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

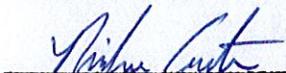
NOV 10 2015 (Hearing Date)

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)

10.12.15  
\_\_\_\_\_  
(Date)

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

10/12/15  
\_\_\_\_\_  
(Date)

STATE OF SOUTH CAROLINA  
COUNTY OF LANCASTER

PROBATE COURT

IN THE MATTER OF ESTATE OF ALBERT LEON WILSON

CASE NUMBER 2009ES2900019 LANCASTER COUNTY ASSESSOR  
Tax Map:  
0010 00 054 00

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 4<sup>th</sup> day of January, 2009; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Lancaster County, South Carolina in File #2009ES2900019; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in the matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has bargained, sold and released, and by these presents does grant, bargain, sell and release to:

NAME: SHRINERS HOSPITALS FOR CHILDREN, a not for profit Colorado Corporation

ADDRESS: P.O. Box 31356  
Tampa, FL 33631-3356  
2900 Rocky Point Drive  
Tampa, FL 33607

2010007242  
DEED OF DISTRIBUTION  
RECORDING FEES \$10.00  
PRESENTED & RECORDED:  
07-01-2010 10:47 AM  
JOHN LANE  
REGISTER OF DEEDS  
LANCASTER COUNTY, SC  
By: JENNIFER JOYNER DEPUTY  
BK: DEED 570  
PG: 295-296

the following described property:

All that certain piece, parcel or tract of land containing 3.53 acres, more or less, with improvements thereon, lying and being in Indian Land Township, Lancaster County, South Carolina, and being described as follows: BEGINNING at a point on the western side of US Highway 521 at the common line of Eugene Smith, running thence with US Highway 521, N 09 90 45 E 418.69 feet to a point at common line of Edna Keels; thence with said common line, N 78 44 35 W 73.84 feet; N 78 33 53 W 91.76 feet; N 78 39 52 W 199.64 feet to a point at common line of James Howie; thence with said common line, S 09 55 45 W 189.41; S 09 51 50 W 229.64 feet to a point at common line of Eugene Smith; thence with said common line S 78 43 30 E 368.01 feet to the point of beginning, all of which is more accurately shown on a Plat of Property of the Wilson Estate prepared by James Jetter Pittman, PLS, on May 21, 2010, and recorded herewith in Plat Book 2010, at page 305, Office of the Clerk of Court for Lancaster County, South Carolina.

Being the same property deeded to A.L. Wilson by deed from Virginia P. Wilson on September 18, 1967, recorded September 18, 1967 in Book X-5, at page 139, Office of the Clerk of Court for Lancaster County, South Carolina.

RECORDED THIS 2nd DAY  
OF JULY, 2010  
IN BOOK O PAGE S-1

*Cheryl A. Morgan*

Auditor, Lancaster County, SC

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Shriners Hospitals for Children, a not for profit Colorado Corporation, its' heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 22nd day of June, 2010.

Estate of: ALBERT LEON WILSON

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

by Signature:

James R. Honeycutt

Judy Horine  
Jada A. Dunn

[Signature]  
James R. Honeycutt

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

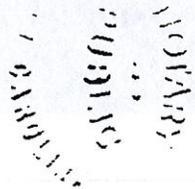
PROBATE

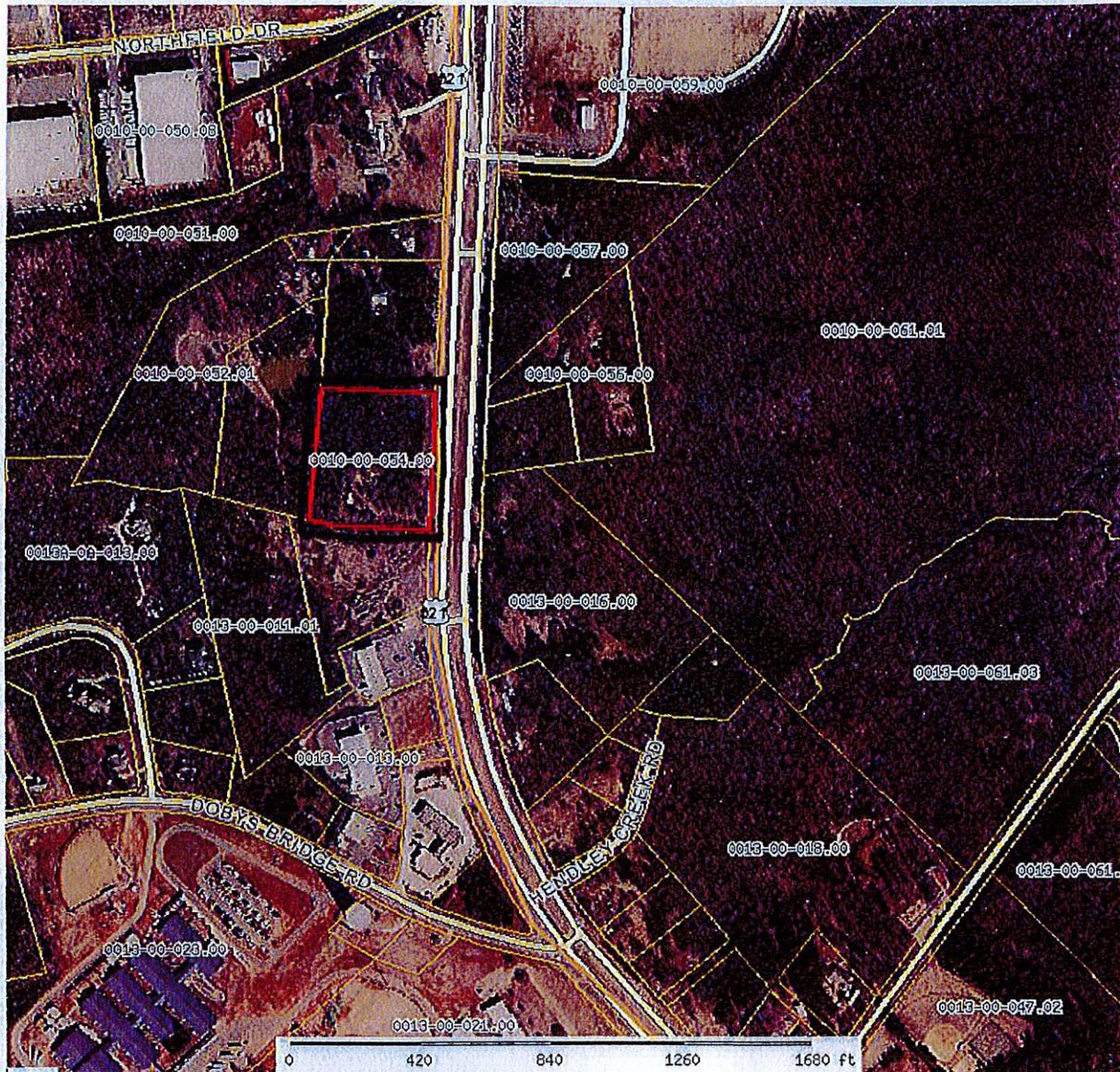
PERSONALLY appeared before me Judy Horine and made oath that s/he saw the within named Personal Representative(s) sign, seal and as his act and deed, deliver the within written Deed, and that s/he with Jada A. Dunn witnessed the execution thereof.

SWORN to before me this 22nd  
Day of June, 2010

Judy Horine

Jada A. Dunn (LS)  
Notary Public for South Carolina  
My Commission Expires: 10/11/2011





Lancaster County Assessor			
Parcel: 0010-00-054.00 Acres: 3.83			
Name:	SHRINERS HOSPITALS FOR CHILDRE	Land Value	\$866,000.00
Site:	8513 CHARLOTTE HWY	Improvement Val	\$71,000.00
Sale:	\$\$0 on 06-2010 Vacant= Qual=90	Accessory Value	\$1,000.00
Mail:	PO BOX 31356 TAMPA, FL 33631-3356	Total Value	\$938,000.00



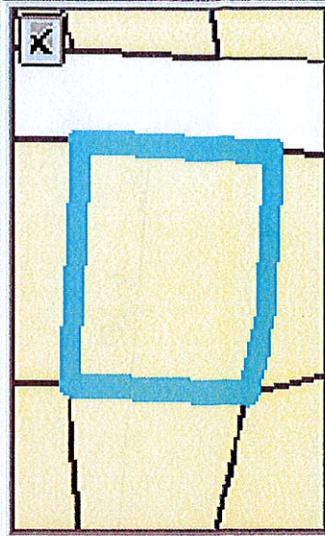
The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before 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: 10/19/15 : 10:42:11

Add Mod Del Save Cancel

Indexed By  Parcel ID  Card #

No Picture Available



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**M Parcel ID: 0010-00-054.00** Card: 1/1  
 Account: 1394 District: 01 - County  
 Sticker #: Ent. Parcel Area: 3.83 - AC  
 Location: 8513 CHARLOTTE HWY Indian Land Neigh: 01B - 01B  
 Land Use: NRN - NQRes  
 Owner #1: SHRINERS HOSPITALS FOR CHILDREN Own Type:

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	3.830	3.830	
Full Market Value:	938,000	938,000	
Building Value:	71,000	71,000	
Yard Items:	1,000	1,000	
Land Value:	866,000	866,000	
Total Value:	938,000	938,000	
Assessed Value:	56,280	56,280	
Capped Total:	938,000	938,000	

Reval / Market 01  
**Narrative Description**  
 This parcel contains 3.83 AC of land mainly classified as NQRes with a Sing Fam Dw Building built about 1980, having primarily Brick Exterior and 1250 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdim.

**Sales Information**  
 Grantor: WILSON A L, Validity: 90  
 Sale Price: 0  
 Sale Date: 6/22/2010 Sold Vacant: No  
 Legal Ref: 570-295

Office Notes  Notes



**TERMINATION:** During the Due Diligence Period, Buyer may unilaterally terminate this Contract by Delivering to the Seller both Notice of Termination and a Termination Fee of \$ 1,000.00 USD Good Funds. Termination Fee paid to Seller by payment or, by release to Seller an appropriate amount of Earnest Money or, by a combination of payment to Seller and an appropriate amount of Earnest Money (Escrow Agent shall timely disburse upon Buyer timely signing any required Earnest Money disbursement agreement for payment of the Termination Fee). If Seller receives the Delivered Notice of Termination and the full Delivered Termination Fee during the Due Diligence Period, any remaining Earnest Money shall be returned to the Buyer. Should Buyer not Deliver Notice of Termination and all of the Termination Fee to Seller prior to the end of the Due Diligence Period, Buyer agrees to purchase and Seller agrees to sell the Property in accordance with Contract.

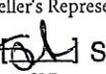
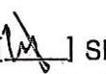
**SHOULD BUYER FAIL TO REACH A NEW/AMENDED CONTRACT OR TERMINATE THE CONTRACT:** The Buyer agrees to buy and Seller agrees to sell the Property AS IS. Parties agree "As Is" means Buyer buys the Property for the Purchase Price while Seller maintains the Property from the Effective Date through Closing subject to normal wear without repair or replacement and sells the Property for the Purchase Price unless otherwise agreed upon in writing by the Parties in this Contract. (3) up to the Purchase Price or (4) deliver a Notice of Termination to Buyer.

**13. FIRE OR CASUALTY OR INJURY:** In case the Property is damaged wholly or partially by fire or other casualty prior to Closing, Buyer will have the right for 6 Business Days after Notice of damage to Deliver Notice of Termination to the Seller. If Buyer proceeds according to the Contract, Seller is to be responsible to (1) repair all damage, (2) remit to Buyer an amount for repairs, or (3) assign to Buyer the right to all proceeds of insurance and remit any deductible amount applicable to such casualty. If Buyer or Inspections caused the damage, Buyer is responsible for indemnifying Seller for damages. Brokers and Parties should ensure that they are protected by appropriate risk management strategies such as insurance.

**14. BUILDING PERMIT:** This Contract  is  is not contingent upon Buyer's ability to acquire all required licenses and permits from the appropriate authorities to build on the Property. No later than 60 90 Business Days after the original Effective Date unless the Parties agree in writing to extend this Building Permit Period, Buyer may unilaterally terminate this Contract by Delivering to the Seller a Notice of Termination due to inability to acquire all required licenses and permits from the appropriate authorities to build on the Property. If Seller receives the Delivered Notice of Termination during the Building Permit Period, any remaining Earnest Money shall be returned to the Buyer. Should Buyer not Deliver Notice of Termination due to inability to acquire all required licenses and permits from the appropriate authorities to build on the Property to Seller during the Building Permit Period, Buyer agrees to purchase and Seller agrees to sell the Property in accordance with Contract.

**15. REZONING:** This Contract  is  is not contingent upon the Property being rezoned to \_\_\_\_\_ by full approval (without any appeal during the appeal period) by the appropriate authorities. No later than \_\_\_\_\_ Business Days after the original Effective Date unless the Parties agree in writing to extend this Rezoning Period, Buyer may unilaterally terminate this Contract by Delivering to the Seller a Notice of Termination due to inability to acquire rezoning from the appropriate authorities to build on the Property. If Seller receives the Delivered Notice of Termination during the Rezoning Period, any remaining Earnest Money shall be returned to the Buyer. Should Buyer not Deliver Notice of Termination due to inability to acquire rezoning from the appropriate authorities during the Rezoning Period, Buyer agrees to purchase and Seller agrees to sell the Property in accordance with Contract. The  Buyer or  Seller shall be responsible for pursuing rezoning and paying all associated costs. All rezoning applications shall be submitted to the Seller for Seller's approval prior to filing. Seller shall not unreasonably or untimely withhold approval. All Parties agree to cooperate, sign the necessary documentation, and make efforts to support the rezoning application.

**16. WELL, SEPTIC, WATER LINE, SEWER AVAILABILITY:** This Contract  is  is not contingent upon Buyer's ability to obtain from the South Carolina Department of Health and Environmental Control or other appropriate authorities all required permits for a well and septic system suitable for the Buyer's intended structure in the event a well or septic system is needed on the Property. No later than 30 60 Business Days after the original Effective Date unless the Parties agree in writing to extend this Well and Septic Permit Period, Buyer may unilaterally terminate this Contract by Delivering to the Seller a Notice of Termination due to inability to acquire all required permits from the appropriate authorities to install a conventional well and conventional septic system on the Property. If Seller receives the Delivered Notice of Termination during the Well and Septic Period, any remaining Earnest Money shall be returned to the Buyer. Should Buyer not Deliver Notice of Termination due to inability to acquire all required permits from the appropriate authorities to install a well and septic system on the Property to Seller during the Well and Septic Period, Buyer agrees to purchase and Seller agrees to sell the Property in accordance with Contract. If the Property is connected or capable of being connected to a water and or sewer line maintained by a private or public utility for a customary tap fee not to exceed \$ 5,000.00, the Buyer agrees to waive any applicable portion of the Well and Septic Contingency. Seller represents the Property is connected to water system:  county  city  private  corporate  community  well  other Unknown to Seller. Seller represents the Property is connected to water disposal system:  septic  sewer  private  corporate  government  other Unknown to Seller. Buyer shall conduct its own investigations of the property and not rely on Seller's Representations.

 BUYER  BUYER  SELLER  SELLER HAVE READ THIS PAGE

**Section 4.1.6 - Commercial kennels.**

Commercial kennels shall be sited to meet the following requirements:

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

### **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-015-008

Lancaster County

Meeting Date: Tuesday, November 10<sup>th</sup>, 2015

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:** The applicant is unable to place the commercial pet boarding facility on the property to allow 500 feet from all residential structures.
- b. **These conditions do not generally apply to other property in the vicinity:** There are no other pet boarding facilities in the area.
- c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** Without the granting of the variance the facility would not be able to follow the dimensional requirements and the sale of the property would fall through.
- 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 noise from the highway is of greater impact to property across the road than the proposed facility. The residence to the north is selling property for commercial use.
- e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the dimensional requirements of the property but commercial pet boarding facilities are allowed in the current zoning district. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.