

Planning Commission Members

District 1: Beverly Williams
District 2: Kemesha Lowery
District 3: Harvey Carnes
District 4: Donald Duve
District 5: Darrell Reid, Vice-Chair
District 6: Mike Couch
District 7: Frances Liu, Chair

**County Attorney**

John K. DuBose III

Clerk to Board of Zoning Appeals

Mika Garris

Development Services Director

Rox Burhans

October 6, 2020

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY BOARD OF ZONING
APPEALS**

**County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

AGENDA

1. **Call to Order Regular Meeting - Chair**
2. **Roll Call**
3. **Approval of the Agenda - Board of Zoning Appeals**
4. **Approval of Minutes**
 - a. September 1, 2020 Regular Meeting Minutes - Draft
5. **Public Hearing Items**
 - a. VAR-020-2056
Application by William M. Gibson requesting a variance from Section 11.3.1, Setbacks and Yards, of Lancaster County Ordinance #356. The subject property is located at 25332 Seagull Drive, Lancaster County, SC (TM# 0106M-0A-033.00) in the Edgewater Planned Development District (PDD).
6. **New Business**
7. **Adjourn**

Please note that the Board of Zoning Appeals makes the final decision on all items.

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Board of Zoning Appeals agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancaster.org

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 10/6/2020

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description

Upload Date

Type

September 1, 2020 Regular Meeting Minutes - Draft

9/28/2020

Backup Material



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1
KEMESHA LOWERY, DISTRICT 2
HARVEY CARNES, DISTRICT 3
DONALD DUVE, DISTRICT 4
DARRELL REID, DISTRICT 5
MIKE COUCH, DISTRICT 6
FRANCES LIU, DISTRICT 7

**MINUTES OF THE LANCASTER COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING**

SEPTEMBER 1, 2020

Members Present: Frances Liu, Darrell Reid, Kemesha Lowery, Donald Duve, Beverly Williams, Mike Couch. A quorum of Lancaster County Board of Zoning Appeals was present for the meeting.

Members Absent: Harvey Carnes

Others Present: Rox Burhans, Development Services Director; Robert Tefft, Senior Planner; Mika Garris, Zoning Secretary; Daniel Plyler, County Attorney.

Members of the press were not present. All adjacent property owners were notified by certified mail. A notice was published in the local newspaper to include meeting place, date, time and the agenda and a copy on file.

Call Meeting to Order

Chairperson Liu called the meeting to order at 6:01 PM.

Approval of Agenda

Kemesha Lowery moved to approve the agenda. Mike Couch seconded the motion. There was no discussion by the Board. The motion was approved by a vote of 6-0.

VOTE: UNANIMOUS MOTION CARRIED

Approval of Minutes

Darrell Reid moved to approve the minutes from July 7, 2020 as written. Don Duve seconded the motion. The motion was approved by a vote of 6-0.

VOTE: UNANIMOUS MOTION CARRIED

New Business

VAR-020-1473: Application by Wendy Fulton (The Keith Corporation) requesting variances from Chapter 5, Use Regulations, Section 5.5.5, Outside Sales, of the Lancaster County Unified Development Ordinance. The subject property is located at 190 Marvin Road, Indian Land, SC 29707 (TM# 0008-00-056.00) in the General Business (GB) District.

Robert Tefft/ Senior Planner: Provided an overview of the variance request.

Don Duve/ Board Member: Asked if Tractor Supply is the franchise and what products will be on display. Also asked if there are any other areas that have outside sales area, and if there is a place of worship and cemetery across the street.

Tefft: Noted that applicant could better answer the questions as to franchise and display, and answered that the Lowes does have outside sales areas. Mr. Tefft also confirmed that there is a place of worship across the street.

David Hanby (Keith Corporation): Mr. Hanby stated that he agrees with the statement of matter. He iterated that Tractor Supply is based out of Nashville, TN, and that this is not a franchise, but a corporate store. Mr. Hanby stated that they would build a 19,100 square feet prototype store with a 15,000 square feet fenced outside display yard adjacent to the building and additional display area outside the entrance consisting of trailers, pull behind equipment, a propane filling station and other merchandise. Mr. Hanby indicated that they would consider reducing the size to comply with the ordinance; however they do not want to get much lower than that as it would impact the feasibility of the project and that some farming accessories and equipment has to be set up outside. Mr. Hanby discussed how he believes they meet the variance criteria stating that they cannot figure out how to make this use work in Lancaster County without a variance to allow the use; that they cannot operate as a Tractor Supply under an ordinance that only allows 4,000 - 5,000 square feet of outside sales; that special conditions in the UDO preclude them from doing what they want to do; that they will have a positive impact on property values; that it is the minimum necessary; that public safety and welfare have been assured; and that substantial justice has been done.

Duve: Asked the proposed hours of operation.

Hanby: Stated that the hours of operation vary from store to store, but typically the stores are open from 8am to 8pm, seven days a week.

Mike Couch/ Board Member: Asked why the application states the lot area is 9.64 acres, but that there are only 5.63 acres for a Tractor Supply Company.

Hanby: Answered that they will be subdividing the 5.63-acre parcel out from the larger parcel.

Liu: Asks if the applicant was aware of the zoning limitations before purchasing the property.

Hanby: Answers that they were aware, but they have not purchased the property yet. Noted that they have done their research and met with County staff, and knew what the ordinance allowed.

Liu: Stated that she feels there is no hardship to address because they have not purchased the property.

Hanby: Stated that he feels the hardship is the inability to develop properly; that they cannot purchase the property unless they get the variance.

Liu: Asked of staff if there is nowhere else they could go in the County as stated by the applicant.

Tefft: Answered that if they need something greater than the 25 percent they would require a variance regardless of location.

Liu: Asked if there are any other use category that allows something like this.

Tefft: Answered that Outside Sales is its own use category.

Beverly Williams/ Board Member: Asked for clarification that if the application is denied, can they return and present again at a different the scale.

Tefft: Answered that he does not believe there is anything in the UDO that would preclude them from returning with a different request, or any time frame regarding variances to that affect.

Liu: Asked if they were told that the Board could not grant this in this form before you came in tonight.

Wendy Fulton (Keith Corporation): Answered that they were made aware of this after they has submitted for the variance and that they did not have time to resubmit, and that Mr. Tefft had indicated that the Board had the authority to approve a lesser variance without another application.

Tefft: Stated to the Board that this is an accurate statement.

Hanby: Stated that this would not be delayed and their preference. A reduced square footage would be grantable. They will need to get a variance anywhere in the county on the percentage needed.

Liu: Stated that her concerns are the location, neighborhood and low density housing. Asked if any calls or letters have been received.

Tefft: Responds that no calls or letter have been received from anyone.

Liu: Asked where the entrance to the building will be, and how large is the trailer area.

Fulton: Answered that the entrance is not along Marvin Road, but the west façade, and that the trailer area is 3,000 sq. feet.

Hanby: Noted that the trailer area can be moved to the side area.

Fulton: Further noted that the trailer area can be moved on the other side of parking spaces, back and away from the main road, and that they do not know where the reduction in total size would come from.

Duve: Expressed that he shops with Tractor Supply, and that other stores put their products for sale in their parking area.

Hanby: States that outside display areas are designated now and can only occur in those designated areas.

Duve: Expressed his concern that there will be friction with the traffic on days of worship.

Hanby: Stated that this use generates a very low rate of traffic.

Fulton: Stated that peak hour trips are 27 total – that is both morning and afternoon rush hour. Daily average traffic is 207 trips per day. In response to Mr. Duve concern noted that their peak time is generally not on Sunday mornings.

Hanby: Speculated that the hours are almost like a furniture store and one of the lowest traffic generating retailers you can have.

Darrell Reid/ Board Member: Asked if there are any houses located nearby.

Hanby: Answered that there are not any houses close by.

Duve: Asked of Mr. Tefft that as it stands is it a deny.

Tefft: Stated that he does not understand the question.

Duve: Asked that as it stands, based on what you have explained to us, we have to deny this until we can see the modifications to make it fit.

Tefft: Stated that, as he sees it, what has been requested cannot be granted. If the Board wants to grant a variance, then it would have to be at a lesser amount.

Williams: Asked if the variance could be approved at a certain square footage, which the applicant would need to revise their plans to meet, and their plans would need to match when they submit for building permits.

Tefft: Stated that he agrees with Mrs. Williams statement.

Liu: Stated that she does not feel comfortable picking a number and not seeing a plan to decide on, and that she understands that the applicant does not want their application to be delayed, but that she does not feel comfortable just setting a certain percentage without knowing how the site would be configured.

Mrs. Liu stated that the provisions of the UDO establish that a variance is supposed to be grant only limited relief from the ordinance. She further stated her belief that if 25 percent is the intent, then the variance would have to be a lower number than what the Board is dealing with.

Mrs. Liu stated that she feels the Board should give the applicant guidance and have the request come back to the Board so that they do not blindly grant a variance not knowing what it is going to look like.

Daniel Plyler/ County Attorney: Stated that he wants to assure the Board that they have the authority under Statutes that, in granting a variance, the Board may attach to its such conditions regarding the location, character or other features of the proposed building structure or use as the Board may consider advisable to protect established property values in surrounding areas and for public health, safety or general welfare.

Liu: Stated that the Board can come up with a number, but they are not going to see tonight what the applicant is going to come up with.

Plyler: Restated that the Board has the authority to grant the variance if they choose to do so and that the Board has the authority to attach conditions as long as they are related to protecting the established property values of the surrounding areas or promote the public health, safety or general welfare.

Reid: Asked what the procedures are if they are to come back before the Board.

Tefft: Answered that if the Board were to continue the application to a date certain, that would not necessitate a new application or fee. If the application was to come back before the Board at an unspecified time, then a noticing fee would be required as the County would need to re-notice the application.

Liu: Discussed options for changes, her comfort in granting a variance, and what percentage would be right for the project/area.

Couch: Stated that it would be his recommendation to approve the variance at 99.9 percent.

Reid: Asked where the nearest home is located. Discussed with Chairwomen Liu.

Couch: Stated that this development would be an enchantment to the area.

Williams: Concurred with member Couch's statement.

Liu: Stated that she agrees with Mr. Couch's statement that this development would enhance the area, but that she does not believe that this is the right place for 99.9 percent.

Hanby: Stated that a variance to either 50 percent of 75 percent would not work for the project.

Duve: Stated that he would like to make a motion to defer the request until the Board has more information on a revised location and the minimum percentage that would work for the project.

Liu: Stated that she would like to see a plan come back with a minimum/maximum variance that would work.

Williams: Noted that the applicant just stated that 50 or 75 percent would not work.

Kemesha Lowery/ Board Member: Stated that she would like to make a motion to approve a variance at 99.9 percent.

Plyler: Discussed with the Board how to properly make a motion to approve the variance.

Lowery: Moved to approve the requested variance for the maximum the Board could grant at 99.9 percent based on the condition that the applicant complies with the provisions of the ordinance and the property owner seeking the variance can secure no reasonable return form or make no reasonable use of his property.

Plyler: Clarified to the Board that they will need to discuss and vote upon each criteria in order to approve the variance.

Lowery: Moved to approve the variance to increase the outdoor sales area to 99.9 percent or less of the building area maximum. Mr. Couch seconded the motion. The motion was approved by a vote of 5-1 (Liu against).

- i. *That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance.*

By show of hands, the Board agreed 5-1 (Liu against) that this criteria was met.

- ii. *That if the applicant complies with the provisions of the ordinance, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property.*

By show of hands, the Board agreed 4-2 (Liu and Duve against) that this criteria was met.

- iii. *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district.*

By show of hands, the Board agreed 5-1 (Liu against) that this criteria was met.

- iv. *That the variance will not materially diminish or impair established property values within the surrounding area.*

Chairwoman Liu moved that the outside tractor sales, as depicted in pink on the concept plan, be relocated south of the building so as to be less visually detrimental to the surrounding area and homes.

By show of hands, the Board unanimously agreed that this criteria was met, subject to this condition being met.

- v. *That the special conditions and circumstances referenced in iii, above, result from the application of this ordinance and not from the actions of the applicant.*

By show of hands, the Board unanimously agreed that this criteria was met.

- vi. *That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit.*

By show of hands, the Board agreed 4-2 (Liu and Duve against) that this criteria was met.

- vii. *That the variance is the minimum necessary to afford relief.*

By show of hands, the Board agreed 4-2 (Liu and Duve against) that this criteria was met.

- viii. *That the public health, safety and general welfare have been assured and substantial justice has been done.*

By show of hands, the Board agreed 4-2 (Liu and Duve against) that this criteria was met.

The motion to approve the variance to increase the outdoor sales area to 99.9 percent or less of the building area maximum **passes**, subject to the condition that the outside tractor sales as depicted in pink on the concept plan is relocated south of the building so as to be less visually detrimental to the surrounding area and homes.

Other Business

- One item for next month's agenda – a variance from a rear setback for a deck for a single-family home in the Edgewater neighborhood.
- Continuing Education

Adjournment

With there being no further business at 7:28 PM, Darrell Reid moved to adjourn the meeting. Don Duve seconded the motion, which carried unanimously.

CHAIR

ZONING OFFICIAL

Lancaster County Board Of Zoning Appeals Meeting
September 1, 2020

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 10/6/2020

Issue for Consideration:

Points to Consider:

See Staff Report

Recommendation:

See Staff Report

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	9/25/2020	Planning Staff Report
Ex 1: Application	9/10/2020	Backup Material
Ex 2: Location Map / Zoning Map	9/10/2020	Backup Material
Ex 3: Property Report	9/10/2020	Backup Material
Ex 4: Ordinance	9/10/2020	Backup Material
Ex 5: Deed	9/10/2020	Backup Material

REQUEST: Application by William M. Gibson requesting a variance from Section 11.3.1, Setbacks and Yards, of Lancaster County Ordinance #356. The subject property is located at 25332 Seagull Drive, Lancaster County, SC (TM# 0106M-0A-033.00) in a Planned Development District (PDD).

PROPERTY LOCATION: 25332 Seagull Drive

TAX MAP NUMBER: 0106M-0A-033.00

ZONING DISTRICT: Planned Development District (PDD)

APPLICANT: William M. Gibson
374 Sweetgum Drive
Fort Mill, SC 29715

PROPERTY OWNER: Blake & Susan Tabor
2533 Seagull Drive
Lancaster, SC 29720

OVERVIEW:

Background

The applicant is requesting a variance to reduce the rear setback for a deck below the 7-foot setback established in Section 11.3.1 of Ordinance #356. The existing single-family detached dwelling and patio is set back 15 feet from the rear property line. The development proposal consists of the construction of a 12-foot by 24-foot deck at the rear of the dwelling, with a 3-foot setback.

It is noted that the subject property is a part of the Edgewater Planned Development District (PDD-8) and that setbacks for detached dwellings within the area of the subject property were established within the development ordinance for PDD-8, Ordinance #356. The rear setback was established at 15 feet with decks allowed to encroach 8 feet into this setback; thus establishing the setback for a deck at 7 feet.

Summary of Adjacent Zoning and Uses

The subject property is located within the Edgewater PDD and is surrounded by other single-family detached dwellings or open



space within the same PDD. Directly to the rear of the subject property is a tree save area which buffers the subject property from the lots further to the west. It should be noted that some of the surrounding properties have rear concrete slab on grade patios similar to the subject request for the deck.

Property Address	Approximate Rear Setback
25314 Seagull Drive	3'
25338 Seagull Drive	9'
25344 Seagull Drive	11'

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

Section 11.3.1, Setbacks and Yards

A setback or yard is open space that lies between the principal or accessory building or buildings and the nearest lot line. "Setback" refers to the front yard, or the distance a building is set back from the street right-of-way line that serves as a property boundary. The purpose of the setback and yard requirements is to ensure the provision of light and open space between structures. All buildings and structures shall meet or exceed the following setback and yard requirements:

Land Use	Min. Setback	Min. Side Yard	Min. Rear Yard
Medium Density Residential	10'	7.5'	15'

* *Decks may encroach 4' into side yards and 8' into rear yards*

UDO Section 9.2.12.A, Purpose/Limitations

- 1. Purpose:** The variance process administered by the Board of Zoning Appeals is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.
- 2. Financial Hardship Not Sufficient Ground for Variance:** It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development.
- 3. Use Variances Not Permitted:** In no event shall the Board of Zoning Appeals grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question. Nor shall the Board grant a variance which would allow the establishment of a use set forth herein as requiring certain conditions or standards under conditions or standards less than those minimums.
- 4. Authority Limited to this Ordinance/ Conflicts with other Laws Prohibited:** In no event shall the Board of Zoning Appeals grant a variance which would conflict with the International Building Code, as amended, or any other state code unless otherwise authorized by duly enacted applicable laws and regulations.

Standard of Review: General Variance Requests

Pursuant to UDO Section 9.2.12.C.2.a, the Board of Zoning Appeals shall not grant a variance unless and until it makes all of the following findings:

- i. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance;

- ii. That if the applicant complies with the provisions of the ordinance, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property;
 - iii. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district;
 - iv. That the variance will not materially diminish or impair established property values within the surrounding area;
 - v. That the special conditions and circumstances referenced in iii, above, result from the application of this ordinance and not from the actions of the applicant;
 - vi. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit;
 - vii. That the variance is the minimum necessary to afford relief; and
 - viii. That the public health, safety and general welfare have been assured and substantial justice has been done.
-

ATTACHMENTS:

- 1. Variance Application
 - 2. Location / Zoning Map
 - 3. Property Report
 - 4. Ordinance
 - 5. Deed
-

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net | 803-416-9394

Lancaster County

South Carolina

BOARD OF ZONING APPEALS VARIANCE APPLICATION

IF YOU REQUIRE ASSISTANCE WITH THIS APPLICATION, PLEASE CONTACT OUR OFFICE AT 803-416-9777. THE COMPLETED APPLICATION, THE APPLICATION FEE OF \$325.00, AND ALL ADDITIONAL MATERIALS ARE REQUIRED TO BE SUBMITTED.

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

PROPERTY INFORMATION:

TAX MAP NUMBER: 0106M-0A-033.00
 STREET ADDRESS: 25332 SEAGULL DR.
 CITY/ STATE/ ZIP CODE: LANCASTER SC 29720
 LOT DIMENSIONS/ LOT AREA: 437 PLAT BOOK/PAGE: BOOK 2006 P4593
 CURRENT ZONING CLASSIFICATION: _____

PROPERTY OWNER OF RECORD:

NAME: BUNKE & SUSAN TABOR
 ADDRESS: 25332 SEAGULL DR
 CITY/STATE/ZIP CODE: LANCASTER SC 29720 TELEPHONE/FAX NUMBER: 336-442-5223
 EMAIL ADDRESS: TABOR, SC526GMAIL.COM
 SIGNATURE OF OWNER/ DATE: Susan C Tabor 8/24/20

I HAVE APPOINTED THE INDIVIDUAL OR FIRM LISTED BELOW AS MY REPRESENTATIVE IN CONJUNCTION WITH THIS MATTER RELATED TO THE BOARD OF ZONING APPEALS.

AGENT OF OWNER:

NAME: WILLIAM M. GIBSON
 ADDRESS: 374 SWEETGUM DR
 CITY/STATE/ZIP CODE: FORT MILL SC 29715 TELEPHONE/FAX NUMBER: 904-486-3595
 EMAIL ADDRESS: GIBSONWORLDWIDE6GMAIL.COM
 SIGNATURE OF AGENT/ DATE: Will M. Gibson 8/13/2020
 SIGNATURE OF OWNER/ DATE: Susan C Tabor 8/24/20

VARIANCE APPLICATION

DATE FILED: _____ APPLICATION NO. _____

1. APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FOR A VARIANCE FROM THE STRICT APPLICATION TO THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) OF THE FOLLOWING PROVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE:

ALLOW A DECK TO BE BUILT AND FALL TO 3FT FROM
REAR PROPERTY LINE

SO THAT A ZONING PERMIT MAY BE ISSUED TO ALLOW USE OF THE PROPERTY IN A MANNER SHOWN ON THE ATTACHED PLOT PLAN, DESCRIBED AS FOLLOWS:

TO GET USE OUT OF THEIR BACK YARD

FOR WHICH A ZONING OFFICIAL HAS DENIED A PERMIT ON THE GROUNDS THAT THE PROPOSAL WOULD BE IN VIOLATION OF THE CITED SECTION (S) OF THE UNIFIED DEVELOPMENT ORDINANCE.

2. THE APPLICATION OF THE ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND THE STANDARDS FOR A VARIANCE SET BY STATE LAW AND THE ORDINANCE ARE MET BY THE FOLLOWING FACTS:

- i. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE;

BACK YARD IS UNUSABLE DUE TO STEEP HILL TO THE REAR
PROPERTY LINE

- ii. THAT IF THE APPLICANT COMPLIES WITH THE PROVISIONS OF THE ORDINANCE, THE PROPERTY OWNER SEEKING THE VARIANCE CAN SECURE NO REASONABLE RETURN FROM, OR MAKE NO REASONABLE USE OF HIS PROPERTY;

WHERE IS SETBACK CURRENTLY STANDS THE DECK COULD ONLY
BE 8FT IN ~~REAR~~ WIDTH, WHICH IS VERY SMALL

- iii. THAT SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES OR BUILDINGS LOCATED IN THE SAME LAND DEVELOPMENT DISTRICT;

THERE ARE MANY OTHER PROPERTIES WITH USABLE BACK YARDS
IN THIS DEVELOPMENT

- iv. THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;

THIS VARIANCE WILL NOT DECREASE ANY PROPERTY
VALUES IN THIS AREA

- v. THAT THE SPECIAL CONDITIONS AND CIRCUMSTANCES REFERENCED IN III, ABOVE, RESULT FROM THE APPLICATION OF THIS ORDINANCE AND NOT FROM THE ACTIONS OF THE APPLICANT;

THE APPLICANT DID NOT DEVELOP THIS LAND

- vi. THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;

YES IT WILL JUST ALLOW US TO GET A NORMAL SIZED DECK

- vii. THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF; AND

3 FT FROM REAR PROPERTY LINE

- viii. THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE

3. THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS APPLICATION: (A PLOT PLAN MUST BE SUBMITTED)

PLOT & PHOTOS OF BACK YARD

Date: 8-13-2020

Applicant Signature:



08'30"E 621.19'(TOTAL)

09' 50.09'

4,998 SOFT
439
98.45

50.00'

55219'12"E
0.111 AC
4,847 SOFT
438
95.43

50.00'

55219'12"W
0.108 AC
4,696 SOFT
437
92.40



55219'12"E
0.104 AC
4,544 SOFT
436
89.38

50.00'

50.09'

55219'12"W
0.101 AC
4,393 SOFT
435
89.38

50.00'

50.00'

SEAGULL DRIVE

N37°40'48"E 364.08'(TOT.)

N37°40'48"E 364.08'(TOT.)

PUBLIC R/W



ESTIMATE



Tina & Blake Tabor
25332 Seagull Drive Lancaster SC
29720
(336) 442-5223

Creative Touch Construction, LLC

374 Sweetgum Drive
Fort Mill , SC 29715
Phone: (904) 486-8595
Email: gibsonworldwide@gmail.com

Estimate # 000320
Date 06/08/2020

Description	Quantity	Rate	Total
Build 12x24 patio deck	288.0	\$23.50	\$6,768.00

Subtotal	\$6,768.00
Total	\$6,768.00

By signing this document, the customer agrees to the services and conditions outlined in this document.



Signed on: 07/21/2020

Matt Gibson



Signed on: 07/23/2020

Tina & Blake Tabor

Location Map

Map Date: September 3, 2020

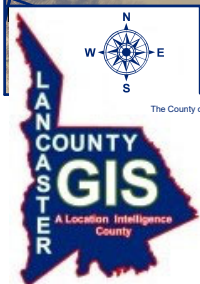
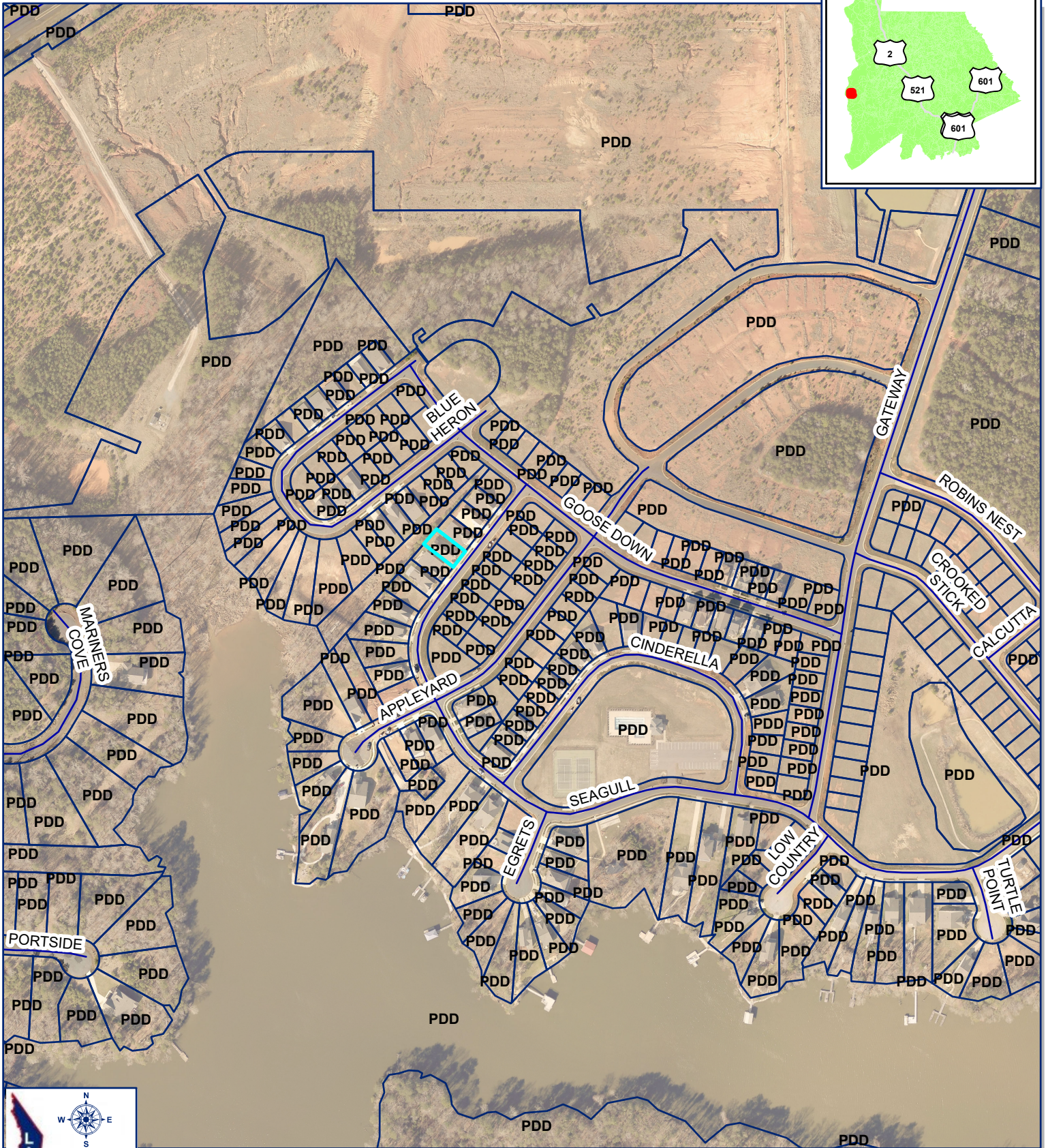
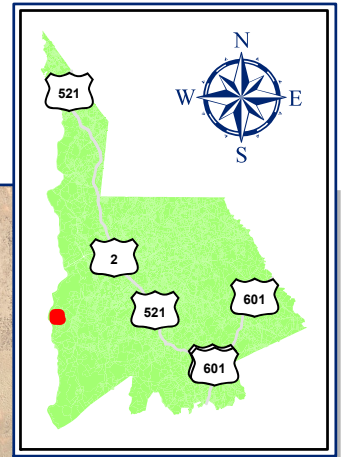
Map Created by: RT

Case Number: VAR-020-2056

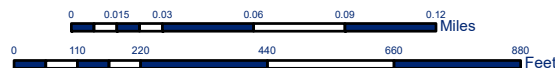
Proposal: Variance from rear setback for a deck

Tax Map #: 0106M-0A-033.00

Applicant: William Gibson



The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.



Parcel Summary

Parcel ID 0106M-0A-033.00
 Account # 83207
 Millage Group 01 - County - County - (1)
 Land Size 1 LOT
 Location Address 25332 SEAGULL DR, Lancaster
 Zoning PDD - Planned Development District
 (Note: Not to be used on legal documents)
 Neighborhood EDGEWATER
 Property Usage Qualified Residential (QR)
 Plat Book/Page 2006/593
 Block # / Lot # 437

Property Card

Note: Property Cards are current as of 4/1/2020 and are no longer updated

TABOR BLAKE
 25332 SEAGULL DR
 LANCASTER SC 29720

TABOR SUSAN
 25332 SEAGULL DR
 LANCASTER SC 29720



Land Information

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth	AgUse Value
QualRes (QR)	1.00	LOT	SITE	0	0	\$0

Building Information

Building ID 41227
 Style Single Family Dwelling / 37
 Gross Sq Ft 1,680
 Finished Sq Ft 1,212
 Stories 1 Story
 Condition Average
 Interior Walls DRY WALL
 Exterior Walls Hardi-Plank
 Year Built 2013
 Garage
 Porch
 Effective Year Built 2013
 Foundation Continuous Slab
 Roof Type Gable
 Roof Coverage Composition
 Flooring Type Hardwood with 50% Carpet
 Heating Type Reverse Cycle Pump
 Bedrooms
 Full Bathrooms 2
 Half Bathrooms 0
 3/4 Bathrooms 0
 Grade B
 Grade Description
 Number of Fire Pl 0
 Unit Description

Rooms Bedrooms

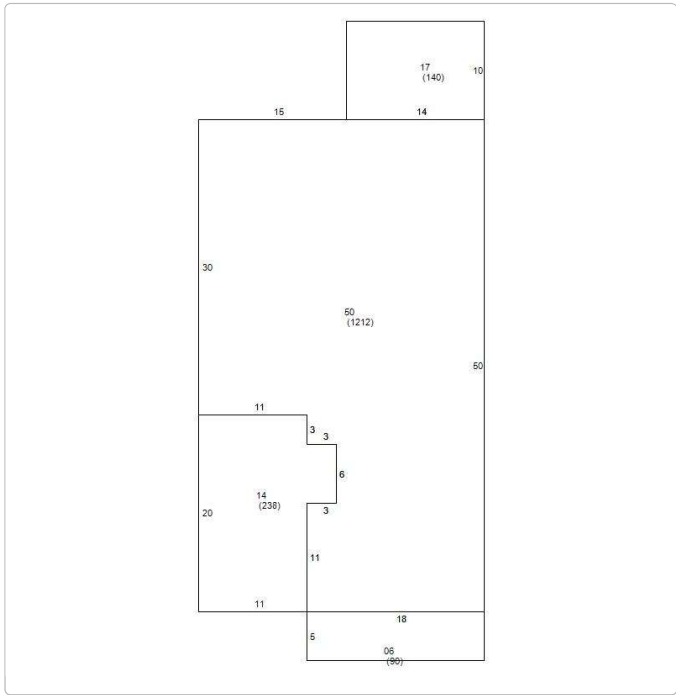
Code	Description	Sketch Area	Finished Area	Perimeter
06	COVERED PRCH	90	0	46
17	FL SCR N PRCH	140	0	48
14	FRM GAR UNF	238	0	68
50	ONE STORY	1,212	1,212	164
TOTAL		1,680	1,212	326

Sale Date	Sale Price	Instrument Number	Deed Book	Deed Page
2/25/2019	\$159,900	DEED	1213	338
11/22/2013	\$125,000	DEED	769	77
2/7/2011	\$0	DEED	508	157
11/12/2004	\$1	DEED	259	110

Photos



Sketches



No data available for the following modules: Commercial Building Information, Mobile Home Information, Accessory Information.

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STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

Catawba Ridge Development Ordinance #356

1. PURPOSE, AUTHORITY & JURISDICTION**1.1 Purpose**

The purpose of the Catawba Ridge Development Ordinance ("Ordinance") is to establish certain specific land use controls over the development of the Property to ensure that it is developed in accordance with existing and future needs and to promote the health, safety, and general welfare of the future residents. At the same time, the intent of this Ordinance is to provide the flexibility needed to develop the Property in response to ever changing market conditions and to permit the use of evolving innovative development techniques for the protection of the natural environment and the quality of life of the future residents.

1.2 Authority

Sections of the South Carolina Local Government Code ("Code") and Lancaster County's Ordinances provide the legal authority for the County and a property owner to enter into an agreement that (i) governs the creation, development, and existence of certain property, and (ii) establishes the rights and obligations of the property owner and the County with respect to the development of the property. Additionally, legal authority for such an agreement is derived from common law. The Code and the ordinances also provide the legal authority for the creation, adoption and enforcement of this Development Ordinance.

1.3 Jurisdiction

This Ordinance shall govern development of the Catawba Ridge property ("Property") identified on the Master Plan for Catawba Ridge attached hereto, which consists of 6,261 acres more or less.

2. THE MASTER PLAN

The Master Plan is a conceptual plan for the development of the Property. It shall serve as the official map, showing the locations of all land use designations and the boundaries of such areas. The Master Plan is incorporated herein by reference. All development shall comply with the Master Plan as well as the provisions of this Ordinance as established and as they may be amended under Section 7.

3. REGULATIONS

3.1 Applicable Regulations

Except for the following described and specific exclusions, and except to the extent an express waiver or variance is set out in this Ordinance or subsequent amendments to the Ordinance, all development shall comply with the Unified Development Ordinance, as it existed and was in effect on September 28, 1998. The provisions of the Unified Development Ordinance applicable to the Property under this Section shall be referred to in this Ordinance as the Applicable Regulations. If there is a conflict between the express provisions of this Ordinance and the Applicable Regulations, the provisions of this Ordinance are intended to be controlling and shall supersede the inconsistent Applicable Regulations.

Buildings constructed within the Property shall be constructed in accordance with uniform building codes adopted by the County and their respective local amendments, as those uniform building codes may exist and be uniformly enforced Countywide at the times plans for buildings are submitted to the County for review.

The Property shall not be subject to any future planned development ordinances adopted by the County. Furthermore, no other ordinance, code provision, regulation, or rule adopted and enforced by the County, relating to development and zoning, shall be applicable to the development of all or any part of the Property unless expressly made applicable by this Ordinance or the written consent of the Property Owner with jurisdiction over an area of the Property affected by the ordinance, code provision, regulation, or rule.

3.2 Amendments to the Applicable Regulations

One or more amendments to the Applicable Regulations may be appropriate to facilitate planned developments of large acreage tracts such as the Property. If such a determination is made by the County, the County shall adopt such an ordinance considering input from the Property Owner as to the appropriate characteristics of such an ordinance. The Property Owner may elect, at its sole and exclusive option, by written notice to County to subject some or all of the Property to all, or any one or more, future amendments or revisions to, or restatements or substitutions of, the Applicable Regulations.

3.3 Permits

Permits and approvals required from governmental agencies for any development permitted by this Ordinance shall be obtained. The property shall not be substantially altered through excavation, construction of substantial structures or other activities that result in substantial changes prior to the issuance of such permits and approvals.

3.4 Fees

Any fees due to the County under the Applicable Regulations in connection with any application required by or requested in accordance with this Ordinance shall be paid to the County. The fees shall be the fees generally charged by the County for similar applications filed with the County, as adopted by ordinance of uniform application throughout the County. Fees shall be paid upon submission of a signed application or notice of appeal.

3.5 Permitted Uses

The uses permitted shall be those identified in Section 10 of this Ordinance.

4. ADMINISTRATIVE BODIES

4.1 Building and Zoning Department of Lancaster County

The Building and Zoning Department shall have the authority to administer and enforce all of the provisions of this Ordinance pertaining to zoning under the provisions of Section 7.1.1 of the Unified Development Ordinance.

4.2 Planning Department of Lancaster County

The Planning Department shall have the authority to administer and enforce all of the provisions of this Ordinance pertaining to land development and subdivisions of land under the provisions of Section 7.1.2 of the Unified Development Ordinance.

4.3 Architectural Control Committee

An Architectural Control Committee (the "Committee") shall be established. For a period of fifteen years subsequent to the adoption of this ordinance, the Committee shall consist of five (5) members, two (2) of whom shall be appointed by the County and three (3) of whom shall be appointed by the Property Owner at the time of the adoption of this Ordinance. After the expiration of this fifteen year period, the Committee membership shall be selected from the membership of the property owners' association established by the Property Owner for this purpose. The determination of architectural compatibility and neutrality of residential, retail, golf, clubhouse, sales and community buildings with the adjoining properties as well as the remainder of the Property shall be made by majority vote of the Committee.

5. DEVELOPMENT APPROVAL

All requests and procedures for development approval shall be in conformance with Chapter 20 of the Unified Development Ordinance. The permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case.

6. WAIVERS, VARIANCES AND APPEALS

6.1 Waivers & Variances from Applicable Regulations

Lancaster County ordinances and State of South Carolina statutes provide that the County may modify any requirement imposed by the County Unified Development Ordinance or any other ordinance. The following waivers and variances from the County Unified Development Ordinance are approved and granted by the County:

- (a) Access of Lots - For the purposes of the development of the Property, a variance is granted to require each lot in a subdivision within the Property to abut either a dedicated public street or a private street.
- (b) Block and Roadway Configuration - A variance to permit cul-de-sac roads as well as varying block lengths and widths, without any further approval from the County.
- (c) Sidewalks and Public Crosswalks - A variance shall be granted to permit deletion of sidewalks in residential or business park areas.
- (d) Driveways - A variance is granted to allow the unrestricted location of driveways for non-residential uses.
- (e) Submission Requirements: Environmental Characteristics of the Site - For the purposes of the development of the Property, a variance is granted to permit the Property Owner to submit only one hundred (100) year frequency flood information at the time of subdivision approval; however, no buildings shall be permitted in a floodway.

Consideration of additional variances from the applicable regulations may be requested as the Property is developed. Consideration and action on any such variances may be procured under Section 7 of this Ordinance. For requests that cannot be administratively approved under Section 7, the County shall grant variances of requirements or ordinances governing development without unreasonably delaying or withholding its consent.

6.2 Appeals

Appeals from decisions of the Administrator or Planning Director, which are adverse to the Property Owner, may be appealed under Section 8.2 of the Unified Development Ordinance.

7. AMENDMENTS

7.1 Text Amendments

Amendments to the text of the Ordinance may be initiated by the County or the Property Owner, subject to the provisions of Chapter 18 of the Unified Development Ordinance.

7.2 Amendments to the Master Plan

The Master Plan is a conceptual plan for the development of the Property. In response to changes in market conditions or other circumstances, amendments may be made to the Master Plan. The Property Owner shall determine the need for such changes. No change shall be considered a zoning change or a substantial change under the Unified Development Ordinance. Therefore, each of the changes shall be made by either the Administrator or the Planning Director in accordance with Section 7.3 below without review or approval by the County Council, Planning Commission, or any other board or commission of the County. Such changes may be made at any time. Changes in land use from those depicted on the Master Plan may be made in accordance with the following:

- (a) A specific residential land use designation shown for any Component or portion of a Component on the Master Plan may be changed to any other type of residential
- (b) A nonresidential land use shown for any Component or portion of a Component on the Master Plan may be changed to any residential use which, in a commercial area, may include residential uses, on floors above retail uses.

- (c) A portion of a residential use may be changed to a commercial use, *subject to the provisions of Section 11.2.*
- (d) The density of residential use in any separately shown use area of a Component, separated by roads, common area, boundary as shown on the Master Plan, or recreational area may be increased, subject to the provisions of Section 11.2.
- (e) Increases or decreases in recreational area or open space of up to twenty percent (20%) for any Component, provided that a decrease in one Component shall be offset by an equivalent or greater increase in one or more other Components in recreational area or open space.

Note: The property Owner shall be entitled to make necessary alterations to lot lines and dimensions, roadway alignments, and other alterations needed to implement any changes in land use permitted in this Section 7.2.

7.3 Procedure for Administrative Approval of Amendments

Any amendment proposed or approved by the Property Owner shall be submitted to the Administrator in the form of a proposed site plan or a proposed text amendment to this Ordinance or the Development Agreement. The information provided shall be sufficient to make minor technical corrections, revisions, or modifications.

The Administrator shall not unreasonably withhold or delay the approval of any such proposed amendment, and each such proposed amendment shall be executed by the Property Owner and by the Administrator on behalf of the County. In determining whether to approve a proposed site plan or text amendment (other than those that comply with Section 7.2, which must be approved), the Administrator shall consider sound land planning principles and market conditions, including the demand or desire of potential purchasers. The opinion of the Property owner as to market conditions for all purposes under this Ordinance shall be presumed correct absent manifest error. The Administrator shall deliver specific, detailed written objections to Crescent within fourteen (14) days of receipt of a written request for amendment. If such objections are not received by Crescent, Crescent shall notify the Administrator of the expiration of the 14-day period, at which time the Administrator shall have an additional 7-days to deliver any objections to Crescent. If such objections are not received at the end of the additional 7-day period, then consent of the Administrator to Crescent's request shall be deemed to be granted.

Upon execution, the terms and provisions of any such amendment shall be recorded in the Real Property Records of Lancaster County, South Carolina. Appeals from decisions of the Administrator, which are adverse to the Property Owner, may be appealed pursuant to the provisions of Section 6.2.

8. ENFORCEMENT

The County shall have and exercise all powers to enforce the provisions of this Ordinance as it applies to the Property as are otherwise available to enforce or remedy a violation of the County Unified Development Ordinance that occurs on territory within the County's boundary limits, including without limitation those civil and criminal enforcement powers described in the Unified Development Ordinance.

9. DEFINITIONS

In this Ordinance, each of the following terms shall have the meaning assigned to it:

Administrator - the Administrator of the County or, if the County ceases to have an administrator or the County Administrator ceases to be the chief executive officer of the County, the Chief Executive Officer of the County.

Applicable Regulations - the code provisions, ordinances, rules, and regulations of the County that apply to the Property as specified in Section 3.

Assignment of Property Owner Rights - A written instrument in recordable form by which the Master Developer assigns its rights as Property Owner under this Ordinance to a single entity as sub-developer with respect to a particular Component designated in the Assignment of Property Owner Rights. The Assignment of Property Owner Rights may include such limitations on the sub-developer assignee as the Master Developer desires including, without limitation, restrictions on the type of units that may be constructed within a Component, the location where those units may be constructed within the Component, the number of units of a particular type that may be constructed within the Component, the minimum lot requirements for the Component (including requirements for setback, lot area, building height, lot width, buffers, and number of units per lot). All such restrictions contained within the Assignment of Property Owner Rights shall be binding upon the sub-developer designated in that Assignment of Property Owner Rights and each person who ultimately owns any real estate within the designated Component. Any such limitations shall be in addition to any private contractual restrictions placed upon all or any part of any Component by the Master Developer.

Attached Housing - A single dwelling unit attached to another dwelling unit on one or more sides.

Civic Use - Police stations, libraries, daycare facilities, fire stations, meeting halls, recreational facilities, government buildings, museums, schools, performing arts centers, religious buildings, or any other cultural, civic or social use.

Commercial Marina - a facility containing docks, boat slips, boat launch, storage buildings, and removal equipment for dockage of watercraft by any boat owners, including residents and non-residents of the Property. A commercial marina may contain ancillary facilities to boat dockage, including facilities for the public sale of boats and boating-related supplies, and services including gasoline, provisions, boat repairs, parts and equipment, and any other use permitted in a Commercial/Retail/Office area, including eating and entertainment establishments.

Commercial Use - Business and retail establishments providing consumer services and products.

County - Lancaster County, South Carolina, a political subdivision of the State of South Carolina.

County Council - County Council of Lancaster, South Carolina or such other body that governs the County if the County Council ever ceases to exist.

County Council Chairman - the duly elected Chairman of the Lancaster County Council.

Detached Housing - A single dwelling unit not attached to any other dwelling unit, with an open yard on all sides of the structure.

Golf Course - golf courses to be built in the approximate locations shown on the Master Plan, whether used for public, private, or semi-private play.

Industrial Use - Any use associated with the manufacturing of goods, research and development, testing services, warehousing services, and assembly services.

Institutional Use - Schools, religious buildings, hospitals or other care facilities, and other private or public facilities that support the community.

Internal Roadways - all roadways hereafter constructed within the Property.

Land Use Designations - the use to which a particular area of the Property may be put as shown on the Master Plan and described more particularly in Section 10.

Master Developer - Crescent Resources, Inc. or a successor owner to whom Crescent Resources, Inc. sells the entire Property, and not just a portion of such Property.

Master Plan - the conceptual master plan for the development of the Property.

Multi-Family Housing - Any group of attached housing containing two or more dwelling units on a single lot. Multi-family housing may include but not be limited to the following: duplexes, quadraplexes, townhouses, apartments, and condominiums.

Office Use - Business, professional, service, or governmental occupations, and institutions and commercial activities not involved with the sale of merchandise.

Open Space - any open space designated for use as Park and/or Open Space on the Master Plan.

Planning Commission - the Planning Commission of the County or some other body as may succeed to the duties of the present Planning Commission.

Planning Director - the Director of the Planning and Zoning Department of Lancaster County, South Carolina or such other individual as may succeed the duties of the present Planning Director.

Property - all of the land comprising the Catawba Ridge development.

Property Owner - The Master Developer of the Property or, as to a particular Component, any single sub-developer the Property Owner designates in an Assignment of Property Owner Rights.

Residential - any residential land use permitted in the Unified Development Ordinance.

Residential Marina - a facility containing docks, boat slips and boat launch and removal equipment for use exclusively by the residents of the Property.

Retail Use - Any use associated with the sale of consumer goods, products or merchandise.

Component - any one of the seven Components depicted on the Master Plan.

10. LAND USE DESIGNATIONS

10.1 Commercial/Retail/Office

An area devoted to any retail, hotel, medical, commercial, commercial marina, church or office use (including professional offices). Residential uses shall be permitted on floors above ground level.

10.2 Business Park

An area devoted to any research and development use, which may involve, among other things, office, business distribution, research, testing services, warehousing services, assembly services, custom manufacturing, light manufacturing, and any industrial or other use us authorized either as a permitted or conditional use in the Applicable Regulations, except for those uses prohibited below:

- (a) Manufacture and commercial storage of hazardous chemicals and/or materials. Use and storage of such chemicals/materials in normal production/research processes or production of such chemicals/materials as a byproduct of normal production/research shall not be prohibited
- (b) Scrap and salvage
- (c) Resource extraction, other than that related to timber or other forest-related products or as permitted in Paragraph 12.5 of this Ordinance
- (d) Sawmills
- (e) Stockyards or commercial animal husbandry operations
- (f) Landfills and commercial waste disposal operations
- (g) Campgrounds

10.3 Civic/Institutional

An area devoted to any governmental, civic or institutional uses, such as municipal offices, hospitals or clinics, police and fire services, schools, recreational uses (excluding horse stables and pistol/rifle ranges), meeting facilities, religious buildings and other uses appropriate to public, governmental or civic use.

10.4 Low Density Residential

An area devoted to any residential use with a density not to exceed three (3) dwelling units per acre, on average. Such use shall be located within a self-contained low density residential use area within a Component separated by a common area, recreational area, roads, or boundaries as depicted on the Master Plan.

10.5 Medium Density Residential

An area devoted to any residential use with a density not to exceed five (5) dwelling units per acre, on average. Such use shall be located within a self-contained medium density residential use area within a Component separated by a common area, recreational area, roads, or boundaries as depicted on the Master Plan.

10.6 High Density Residential

An area devoted to any residential use with a density of more than five (5), not to exceed fifteen (15), dwelling units per acre, on average. Such use shall be located within a self-contained high density residential use area within a Component separated by a common area, recreational area, roads, or boundaries as depicted on the Master Plan.

10.7 Assisted Care

An area for residential facilities for senior citizens or persons unable or unwilling to reside in a setting without some form of assistance. Such facilities may include nursing homes, homes for the aged, assisted living, or apartments with common dining facilities for the residents or areas for group activities.

10.8 Marina

An area for a commercial marina facility containing docks, boat slips and boat launch and removal equipment for dockage of watercraft by any boat owners, including residents and non-residents of the Property. A commercial marina may contain ancillary facilities to boat dockage, including facilities for the public sale of boats and boating-related supplies, and services including gasoline, provisions, boat repairs, parts and equipment, and any other use permitted in a Commercial/Retail/Office area, including eating and entertainment establishments.

10.9 Golf Clubhouse

An area for an enclosed facility to serve golfers using the adjacent golf course. Such facilities may include locker rooms, sales of golf and recreational clothes and equipment, instructional areas for golf, food and banquet service, storage of golf clubs, storage and repair of golf carts, sales and marketing offices, and welcoming centers.

10.10 Park/Open Space and Golf Course

10.10.1 Park/Open Space

An area of open space for the use and enjoyment of the residents of the Property. Park areas may have residential uses, including private or commercial horse stables, golf courses, nature trails, preserved natural areas, parkland, picnic facilities, clubhouses (including golf clubhouses), playing fields, playground equipment, swimming facilities, meeting rooms, paved roadways providing access or other uses typically associated with parks. Recreational facilities typically associated with parks may also be constructed within the Nature Area shown on the Master Plan.

10.10.2 Golf Course

An area for any golf course to be used for public, private or semi-private play and related facilities, including clubhouses, cart barns and paths for utilization by motorized and/or electric golf carts. Golf courses may be constructed in any portion of the Property, including the two areas designated on the Master Plan for the construction of two golf courses.

11. GENERAL DEVELOPMENT STANDARDS

11.1 Purpose of Development Standards

The General Development Standards establish restrictions applicable to all development, and shall supersede any similar requirements in the Applicable Regulations. No limitation shall apply to restrict

height, setback, impervious cover, buffers, percentage of green space on a lot, or similar restriction, unless set forth in this Section 11 or Section 12 below.

11.2 Intensity of Development

11.2.1 Permitted Development Intensity

Development intensity for a particular use shall not exceed the use densities set forth in this Section 11.2. The Property Owner may vary the intensity of development within any Component or any use category of any Component on one or more occasions by up to twenty percent (20%) without further approval, provided the total number of units of residential housing and the number of acres of Commercial/Retail/Office and Business Park within the overall development does not increase. Also, any parcel within a high density residential use area may be developed at a density of 15 dwelling units per acre (DUA), provided the overall average density for the high density residential of 10 DUA is not exceeded. The development intensity shall be consistent with the Master Plan, which yields a total for each use as follows:

Land Use	Density	Total Number of Acres[Units/Facilities]
Assisted Care	40 DUA	46 acres
High Density Residential	15 DUA, maximum	3,300 units based on 10 DUA for an overall average
Medium Density Residential	5 DUA, on average	3,665 units
Low Density Residential	3 DUA, on average	9,534 units (8,109 units if all of Component 5 is converted to Business Park)
Business Park	Up to 10,000 square feet of building area per acre, on average	1229 acres
Commercial/Retail/Office	Up to 10,000 square feet of building area per acre, on average	555 acres
Commercial Marinas	200 boat slips	Up to 3
Residential Marinas serving riparian residents (installed on their property for their personal use)	--	No limit
Residential Marinas serving non-riparian boat owners		Up to 1 per Component having frontage on the water
Golf Courses		Minimum of 2
Recreation Center		Minimum of 1

11.2.2. Permitted Transfer of Development

Subject to the provisions of Paragraph 11.2.1, the Property Owner may freely transfer development uses or intensity (the number of residential units or the number of acres devoted to any particular use) within the Property by transferring density from any Component within the Property to any other Component within the Property so long as the total intensity of development within the Property as a whole (measured in total number of residential units or acreage, as applicable) does not increase. If any density (total number of dwelling units or building area of commercial or industrial property) allocated to a Component by an Assignment of Property Owner Rights is not utilized, as determined with reference to approved site plans for all areas within the Component (or if a Component includes more than one use, as evidenced by approved site plans for all areas within the Component provided for a particular use, treating high density residential, medium density residential, and low density residential as separate uses), the unused density shall revert to the Master Developer for allocation to any other Component,

11.2.3. Confirmation of Development Intensity

The Property Owner shall issue a certificate stating the maximum development intensity allowable on any tract within the Property consistent with Section 11.2 of this Ordinance. The certificate will state the number of dwelling units and/or the amount, in acres, of Commercial, Retail, Office, or Business Park uses, as applicable, that may be developed on the tract. The County shall be responsible for creating and maintaining a record of the number of dwelling units and/or acres allocated to each tract as well as the total number of dwelling units or floor area actually constructed on each tract.

11.3 Dimensional Requirements

11.3.1 Setbacks and Yards

A setback or yard is open space that lies between the principal or accessory building or buildings and the nearest lot line. "Setback" refers to the front yard, or the distance a building is set back from the street right-of way line that serves as a property boundary. The purpose of the setback and yard requirements is to ensure the provision of light and open space between structures. All buildings and structures shall meet or exceed the following setback and yard requirements:

Land Use	Min. Setback	Min. Side Yard	Min. Rear Yard
Low Density Residential	20'	10'	25'
Medium Density Residential	10'	7.5'	15'
High Density Residential	10'	7.5'	15'
Commercial/Retail/Office	0	0	15'
Civic/Institutional	10'	8'	30'
Business Park	40'	20'	20'
Assisted Care	30'	10'	40'
Marina	NA	NA	NA
Park/Open Space	40'	20'	20'
Golf Clubhouse	20'	20'	20'

Notes:

- For single family detached zero lot line developments, the side yard provided shall equal the sum of the two required side yard dimensions.

- "Side yard" shall refer to the separation between the side property line and the building edge, not the distance between the walls of two dwelling units.
- Front porches, stoops, steps, awnings, balconies may encroach 8' into the setback area.
- Decks may encroach 4' into side yards and 8' into rear yards.
- Eaves, cornices, chimneys, gutters, vents and other minor architectural features may project up to 24 inches into the setback area.

11.3.2 Building Height

The building height is the vertical distance measured from the highest finished grade at the street frontage to the highest point of the structure. The purpose of building height limitations is to reduce or eliminate potential conflict between low- and high-rise development and to ensure the provision of light and air as well as compatibility of scale with the surrounding environment. Structural appendages not intended as places of occupancy or storage such as skylights, chimneys, church spires, roof structures for elevators, stairways, tanks, and heating ventilation, air conditioning or other equipment required for the operation and maintenance of the building are excluded from this height measurement. Other features identified in Section 5.6 (3) of the Unified Development Ordinance of Lancaster County shall also be exempt from these height limitations. Maximum building heights permitted are as follows:

Land Use	Maximum Building Height
Low Density Residential	35'
Medium Density Residential	35'
High Density Residential	50'
Commercial/Retail/Office	60' / 6 stories for hotels
Civic/Institutional	60'
Business Park	60'
Assisted Care	75'
Marina	35'
Park/Open Space	35'
Golf Clubhouse	50'

11.3.3 Lot Size

The lot size is a measure of the surface area within the boundaries that define the lot. The purpose of lot size standards is to ensure the creation of lots that are large enough to accommodate buildings that could be used for purposes that are permissible in that land use designation. All lots shall have the minimum number of square feet (sf) indicated in the following table:

Land Use	Minimum Lot Size*
Low Density Residential	6,500 sf
Medium Density Residential	3,600 sf for detached units/ none for attached
High Density Residential	2,800 sf for detached units/ none for attached
Commercial/Retail/Office	15,000 sf
Civic/Institutional	4,000 sf
Business Park	43,560 sf
Assisted Care	11,000 sf
Marina	No minimum
Park/Open Space	No minimum
Golf Clubhouse	No minimum

* Lot size excludes road right-of-way, common open space, and other areas within a subdivision that typically are not owned by the lot owner.

11.3.4 Lot Width

The lot width is the distance between the side property boundary lines that define the lot. The lot width shall be measured along a straight line connecting the points at which a line demarcating the minimum front setback intersects with the side property boundary lines. The purpose of lot width standards is to ensure the creation of lots that are not too narrow or too irregularly shaped to accommodate buildings that could be used for purposes that are permissible in that land use designation. All lots shall meet or exceed the minimum widths indicated in the following table:

Land Use	Minimum Lot Width
Low Density Residential	70'
Medium Density Residential	30' for detached units
High Density Residential	30' for detached units
Commercial/Retail/Office	32'
Civic/Institutional	No minimum
Business Park	No minimum
Assisted Care	No minimum
Marina	NA
Park/Open Space	NA
Golf Clubhouse	NA

11.4 Buffers

Buffers shall be provided in accordance with the bufferyard requirements in Section 2.1.4.1 of the Unified Development Ordinance. The bufferyards are to remain as open space, except to the extent necessary to accommodate berms, walls, fences, signs and graphics, lighting fixtures, access points, drainage, utility lines and other facilities, and other uses identified in the Unified Development Ordinance. If the Property Owner can demonstrate that the topography or elevation of a development site, the size of the parcel to be developed, or the presence of a greenway, buffer or screening on adjacent property would make strict adherence to the requirements of the Unified Development Ordinance serve no meaningful purpose, the County shall waive the buffer requirements for that site.

11.5 Parking

Parking shall be provided in accordance with the requirements of Chapter 11 of the Unified Development Ordinance. Single family housing may utilize on street and/or alley parking to meet the requirements of the Unified Development Ordinance.

11.6 Utilities

The design and construction of utilities shall be completed in time to service the residents of the property as they move in.

11.7 Roadways & Traffic

The number, location and alignment of the internal roadways shown on the Master Plan may be modified, provided that they are constructed in conformance with the roadway design and construction criteria set forth below:

- (a) All internal roadways shall be built to the County's construction standards set forth in the Applicable Regulations except as otherwise specified in (b) through (d) of this section.
- (b) All internal roadways will be constructed in accordance with the following minimum standards:

Roadway Type	Pavement Width	Right-of-way Width
Local	18 feet	50 feet
Collector	22 feet	66 feet

- (c) Any portion of the Property may have private roads.
- (d) Any internal roadway may be constructed with or without curbs and gutters, at the developer's discretion.

11.8 Street Lighting

Community street lighting shall be provided within the Property, and shall be designed and constructed in accordance with the following criteria:

- (a) Light posts shall not exceed twenty-five feet (25') in height as measured from the grade level to the highest point on the fixture.
- (b) Lighting shall be wholly or partially shielded from sides and top so that the cone of light is generally directed toward the ground.
- (c) All community street lighting within each Component shall be of uniform design and all lighting throughout the Property shall be complementary.
- (d) The community street lighting shall be part of an overall street lighting program for the Property. The street lighting shall be maintained and operated by the appropriate electric utility, a property owners association, or some other non-profit entity.

Note: Nothing in this section shall be construed to limit or otherwise impair the ability of any individual resident or lot owner to construct or install lighting anywhere on such resident's or owner's lot. Such lighting, however, shall be appropriately shielded so that it does not interfere with the reasonable enjoyment of neighboring properties.

11.9 Signage

A master signage and graphics system shall be adopted and shall conform to the standards of Chapter 10 of the Unified Development Ordinance. Furthermore, all street signs and identifying signs for each Component, subdivision or establishment within the Property shall conform to uniform design criteria to facilitate a harmonious appearance. All freestanding building and tenant identification signs and graphics installed shall be complementary in scale and appearance to the structures that they identify. Public information signs and graphics shall be easily understood and shall be complementary in scale and appearance.

11.10 Nonconformance of Existing Improvements

Any existing improvements that are not in conformance with the requirements of this Ordinance or the Applicable Regulations are entitled to protection as a nonconforming situation under Chapter 9 of the Unified Development Ordinance and shall not require any updating, retrofitting, or other modifications to bring such improvements into conformance. All existing and future improvements to a property may be demolished, removed, expanded, or otherwise altered in any manner whatsoever, so long as the demolition, removal, expansion, or alteration is completed in conformance with the requirements of this Ordinance and the Applicable Regulations.

12. SPECIAL REQUIREMENTS FOR CERTAIN USES OR ACTIVITIES

12.1 Annexation

No portion of the Property shall be annexed to the City of Lancaster or any other city without the consent of the Property Owner and the approval of the majority of the registered voters who are residents of the Property who choose to vote in an annexation election.

12.2 Parks, Golf Courses, Schools, Marinas, Open Space and Tennis Courts

The Property shall be developed with provisions for parks, golf courses, schools, marinas, open space and tennis courts. The location and configuration of each as shown on the Master Plan may be modified as permitted in this section or elsewhere in this Ordinance.

12.2.1 Parks and Preserves

Except as herein provided, all parkland and preserve land shall remain private. The Property Owner may convey parkland to any property owners association. Additionally, the Property Owner may convey preserve land to any property owners association, the County or any other governmental agency, the Nature Conservancy, or any other not for profit ecological organization.

12.2.2 Golf Courses

A minimum of two (2) golf courses shall be constructed within the Property. The location of golf courses shall be determined by the Property Owner. All general permits and approvals necessary from all governmental agencies to complete the golf courses shall be secured prior to commencement of construction.

12.2.3 Marinas

- (a) Commercial Marinas - One or more commercial marinas are permitted in any commercial/Retail/Office area. Commercial marinas may have up to 200 boat slips in the aggregate. All general permits and approvals necessary from all governmental agencies to complete the marinas shall be secured prior to commencement of construction.
- (b) Residential Marinas - Residential marinas may be constructed in any Component having water frontage. There is no limit to the number of residential marinas that may be constructed to serve riparian residents if such marinas are installed on their lots for their own personal use. Up to one residential marina per Component may be constructed to serve non-riparian residents of the Property. Residential marinas shall not contain any sales or servicing facilities except that residential marinas designed to serve non-riparian residents of the Property may have a snack bar or vending machines limited in size to that reasonably necessary to serve the authorized users of the marina.

12.2.4 Tennis Courts

Any number of public or private tennis courts shall be permitted for the Property. Tennis courts may be located in any of the following:

- (a) common areas of any residential use
- (b) private lots with a minimum area of one acre
- (c) Commercial/Retail/Office areas
- (d) Business Park areas
- (e) Civic/Institutional areas
- (f) Park/Open Space areas

All general permits and approvals necessary from all governmental agencies to complete the tennis courts shall be secured prior to commencement of construction.

12.3 Retail Sites

Retail sites shall have a reasonable level of architectural compatibility with adjoining residential development and shall have a reasonable level of architectural neutrality with the remainder of the Property. Such design shall be subject to review and approval by the Architectural Control Committee.

12.4 Models, Sales Offices, and Welcoming Centers

Models, sales offices, and welcoming centers may be constructed and occupied prior to the completion of infrastructure within a Component and prior to the time a Component is ready for occupancy, provided all permits necessary to construct and occupy such structures have been obtained.

12.5 Mass Grading & Timber Harvesting

The Property Owner may mass grade all or any portion of the Property, sell or relocate excess soils resulting from such mass grading, and harvest and process timber within the Property.

12.6 Wetlands Mitigation

If wetland mitigation is required by the Army Corps of Engineers or the State of South Carolina, off-site land may be substituted in lieu of on-site mitigation of wetlands.

13. MISCELLANEOUS PROVISIONS

13.1 Effective Date

These regulations shall become effective on _____.


13.2 Severability

The sections, paragraphs, sentences, phrases, and clauses of this Ordinance are severable. If any provision of this Ordinance is found to be illegal, invalid, or unenforceable by a court of competent jurisdiction, then, and in that event, the remainder of the Ordinance shall not be affected thereby. In lieu of each provision of this Ordinance that is illegal, invalid, or unenforceable, a provision shall be added that is as similar in terms to such illegal, invalid, or unenforceable provision as may be possible, and that is legal, valid, and enforceable.

AND BE IT SO ORDAINED that this Ordinance replaces Ordinance #322 in its entirety.


AND IT IS SO ORDAINED this 25th day of October, 1999.

LANCASTER COUNTY COUNCIL


Ray E. Gardner, Chairman


Polly C. Jackson, Secretary

Approved as to form and content:


William R. Sims, County Attorney

ATTEST:


Irene Plyler, Clerk to Council

1st reading: 09-27-99
2nd reading: 10-11-99
3rd reading: 10-25-99

RECORDED THIS 5th DAY
OF MARCH, 2019
IN BOOK 00 PAGE 00

Brian C. Phillips
Auditor, Lancaster County, SC

LANCASTER COUNTY ASSESSOR
Tax Map:
0106M 0A 033 00

LANCASTER COUNTY, SC	
2019002895	DEED
RECORDING FEES	\$11.00
STATE TAX	\$416.00
COUNTY TAX	\$176.00
PRESENTED & RECORDED	
03-04-2019	09:51 AM
JOHN LANE	
REGISTER OF DEEDS	
LANCASTER, COUNTY SC	
By: CANDICE PHILLIPS	
BK:DEED 1213 PG:338-342	

Drawn By and Return To:
Law Office of Brian C. Phillips, LLC
1770 India Hook Road
Rock Hill, SC 29732

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **TITLE TO REAL ESTATE**

KNOW ALL MEN BY THESE PRESENTS, that I, **MONICA AASTA WAITE** (hereinafter, whether singular or plural "**Grantor**"), in the state aforesaid, for and in consideration of the sum of One Hundred Fifty Nine Thousand Nine Hundred and No/100 Dollars (\$159,900.00), and other good and valuable consideration to said Grantor in hand paid by **BLAKE TABOR AND SUSAN TABOR** (hereinafter whether singular or plural "**Grantee**"), as joint tenants with right of survivorship and not as tenants in common, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, subject to the Exceptions set forth below, unto the said Grantee, Grantee's heirs, successors, and assigns forever, the following described property:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

DERIVATION: BEING the same property conveyed to Grantor by deed of True Homes, LLC recorded in book 769 at page 77, the Office of the Lancaster County, SC Register of Deeds.

Grantee's Address: 25332 SEAGULL DR. LANCASTER, SC

Tax Map No.: 0106M-0A-033.00

The above-described property is conveyed subject to all easements, rights of way or restrictions appearing of record in the chain of title, ad valorem property taxes for the current year and subsequent years, and those matters shown on that certain plat of survey referred to herein (the "Exceptions").

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 Grantee, and Grantee's heirs and assigns forever. And the Grantor does hereby bind Grantor's

Heirs, Successors, Personal Representatives and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee, and Grantee's Heirs, Successors and Assigns and against every person whomsoever lawfully claiming, or to claim the same or any part thereof subject to the Exceptions.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, this 25th day of February, 2019.

Signed, Sealed, and Delivered in the Presence of:

Tanya Carr
Witness 1
Rose M. Hinton
Witness 2/Notary

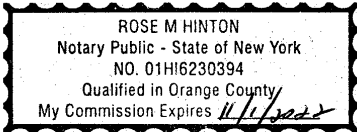
Monica Aasta Waite (SEAL)
MONICA AASTA WAITE

STATE OF NEW YORK
COUNTY OF ORANGE

Personally appeared before me **MONICA AASTA WAITE** and acknowledged the due execution of the foregoing instrument.

SWORN to before me this 25th day of February, 2019.

(NOTARIAL SEAL)
Rose M. Hinton
Notary Public for State of NEW YORK



My Commission Expires: 11/1/2022

EXHIBIT A

All that certain piece, parcel or lot of land lying, being, and situate in the State of South Carolina, County of Lancaster, and being designated as Lot 437 of Edgewater, Phase 1B, Map 1 subdivision as recorded in Plat Book 2006, Page 593, in the Office of the Register of Deeds for Lancaster County, South Carolina.

AFFIDAVIT

1. I have read the information on this affidavit and I understand such information.

3. Check one of the following: The deed is subject to the deed recording fee as a transfer for consideration paid or to be

(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

(If exempt, please skip items 4 -7, and go to item 8 of this affidavit.) If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

(a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$159,900.00

(c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____

6. The deed recording fee is computed as follows:

(b) Place the amount listed in item 5 above here: 0

(c) Subtract Line 6(b) from Line 6(a) and place result here: \$159,900.00
154,000.00

8. As required by Code Section, 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Susan C. Phillips

SWORN to before me this 28th
day of February, 2019

Brian C. Phillips
Notary Public for South Carolina
My Commission Expires: _____

MY COMMISSION EXPIRES
FEBRUARY 20TH, 2024
BRIAN C. PHILLIPS
NOTARY STATE OF SOUTH CAROLINA

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

1. transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
2. transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
3. that are otherwise exempted under the laws and Constitution of this State or of the United States;
4. transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
5. transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
6. transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
7. that constitute a contract for the sale of timber to be cut;
8. transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
9. transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
10. transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
11. transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and,
12. that constitute a corrective deed or a quit claim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quit claim deed.
13. transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagee or deed pursuant to foreclosure proceedings.
14. transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.
15. transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.