



**MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS**

BEVERLY WILLIAMS, DISTRICT 1  
KEMESHA LOWERY, DISTRICT 2  
KEYE JONES, DISTRICT 3  
GARY WAYNE ALDEN, DISTRICT 4  
SHERESA INGRAM, DISTRICT 5  
, DISTRICT 6  
FRANCES LIU, DISTRICT 7

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

**February 6, 2024 at 6:00 PM**

Amended and Approved on March 5, 2024

**1. Roll Call**

Board Members present: Quorum is present (4 Board Members)

Frances Liu                      Keye Jones                      Gary Alden                      Beverly Williams

Absent:                      Kemesha Lowery, Sheresa Ingram

Staff: Allison Hardin, Development Services Director

Matthew Blaszyk, Planner

Jennifer Bryan, Clerk and Recording Secretary

County Attorney Ginny Merck-Dupont was present.

Council Member Billy Mosteller and Planning Commissioner Charles Deese were in attendance in public seating.

Members of the press were notified in advance but were not present. All adjacent property owners were notified by mail. A notice of public hearing was published in the Lancaster News at least 15 days prior to the meeting. The Agenda was posted on the County website, and posted in the lobby of the administration Building one week prior to the meeting. A copy of the agenda is on file.

**2. Call to Order**

Chair Liu called the public meeting to order at 6:03 PM.

**3. Approval of Agenda**

G. Alden moved to Approve the Agenda; 2nd by B. Williams. The motion was approved by unanimous consent.

**4. Approval of Minutes**

**a. Minutes of August 29, 2023**

Amendments requested by Chair Frances Liu at the meeting of November 30, 2023, are incorporated. B. Williams moved to approve the minutes as amended. Seconded by G. Alden.

**Vote: 4:0. Motion is approved.**

b. **Minutes of November 30, 2023.**

Motion to postpone until March 5, 2024, in order to allow Executive Session to discuss requested amendments by K. Jones. Seconded by F. Liu.

**Vote: 2:2. Motion fails for lack of majority..**

Motion to Approve by Gary Alden; seconded by B. Williams.

**Vote: 2:2. Motion fails for lack of majority.**

The item will return to the agenda March 5, 2024. Staff will prepare for Executive Session if needed.

5. **Public Hearing Items**

a. **VAR-2023-2067 Dustin Floyd**

Clerk Jennifer Bryan read the statement of matter presented for hearing:

Application by Dustin Floyd for a Variance for a parcel of .79 acres at 504 Oakhaven Drive (TM 0088K-0A-008.00) to reduce required setbacks under UDO Sec. 2.4 District Regulations: Setbacks.

**APPLICANT STATEMENT:** **Dustin Floyd:** see application and supporting documents attached to agenda.

**STAFF REPRESENTATIVE:** **Allison Hardin for Planning Department:** see Staff Report and supporting documents attached to agenda.

**PUBLIC HEARING:** [See attached sign-in sheet]

- **John Mizell** signed in to speak but waived comment when called upon by the Chair.

**APPLICANT REBUTTAL:** No additional Comments.

Questions and discussion by Board.

Motion to Approve the Variance by B. Williams seconded by G. Alden. Consideration of the Variance criteria is opened. [ See attachments, Variance Criteria and excerpt from Rules & Procedures.]

### **CALLED VOTES: VARIANCE CRITERIA**

- i. **THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE:** Agree (A) or Disagree (D)

F. Liu: A B. Williams: A G. Alden: A K. Jones: A **4:0**

- 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;** Agree (A) or Disagree (D)

F. Liu: D B. Williams: D G. Alden: D K. Jones: D **0:4**

- 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;** Agree (A) or Disagree (D)

F. Liu: D B. Williams: D G. Alden: D K. Jones: D **0:4**

- iv. **THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;** Agree (A) or Disagree (D)

F. Liu: A B. Williams: A G. Alden: A K. Jones: A **4:0**

- 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;** Agree (A) or Disagree (D)

**DETERMINED NOT APPLICABLE**

F. Liu: B. Williams: G. Alden: K. Jones: **N/A**

- vi. **THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;** Agree (A) or Disagree (D)

F. Liu: D B. Williams: D G. Alden: A K. Jones: D **1:3**

- vii. **THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF;** Agree (A) or Disagree (D)

F. Liu: D B. Williams: D G. Alden: A K. Jones: D **1:3**

- viii. **THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE;** Agree (A) or Disagree (D)

F. Liu: D B. Williams: D G. Alden: A K. Jones: D **1:3**

**The following criteria are not satisfied: ii, iii, vi, vii, and viii.**

**The Variance is **Denied.****

**5.b VAR-2024-0047 Wallace**

Clerk Jennifer Bryan read the statement of matter presented for hearing:

Application by Paul Wallace for a Variance for a parcel of .651 acres at 2066 Mountain Laurel Road (TM # 0088G-0B-008.00 to reduce required setbacks under UDO Sec. 2.4 District Regulations: Setbacks.

APPLICANT STATEMENT: [Correction: Applicant's name is **David Wallace**, not Anthony as identified in the Chair's Script and Order of Meeting.] See Application and supporting documents attached to Agenda. Letters in support from neighbors are attached to the minutes.

STAFF REPRESENTATIVE: **Matthew Blaszyk for Planning Department**: see Staff Report and supporting documents attached to the Agenda.

PUBLIC HEARING: [See attached sign-in sheet] No members of the public signed in.

APPLICANT REBUTTAL: No additional comments.

Questions and discussion by Board.

Motion to Approve the Variance by B. Williams; seconded by G. Alden. Consideration of the Variance criteria is opened. [ See attachments, Variance Criteria and excerpt from Rules & Procedures.]

### **CALLED VOTES: VARIANCE CRITERIA**

- i. **THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THIS ORDINANCE:** Agree (A) or Disagree (D)

F. Liu: A      B. Williams: A      G. Alden: A      K. Jones: D      **3:1**

- 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;** Agree (A) or Disagree (D)

F. Liu: D      B. Williams: D      G. Alden: D      K. Jones: D      **0:4**

- 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;** Agree (A) or Disagree (D)

F. Liu: D      B. Williams: D      G. Alden: D      K. Jones: D      **0:4**

- iv. **THAT THE VARIANCE WILL NOT MATERIALLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA;** Agree (A) or Disagree (D)

F. Liu: A      B. Williams: A      G. Alden: A      K. Jones: A      **4:0**

- 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;** Agree (A) or Disagree (D)

**DETERMINED NOT APPLICABLE**

F. Liu:      B. Williams:      G. Alden:      K. Jones:      **N/A**

- vi. **THAT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE AND PRESERVES ITS SPIRIT;** Agree (A) or Disagree (D)

F. Liu: D      B. Williams: D      G. Alden: D      K. Jones: D      **0:4**

- vii. **THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF;** Agree (A) or Disagree (D)

F. Liu: D      B. Williams: D      G. Alden: D      K. Jones: D      **0:4**

- viii. **THAT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE HAVE BEEN ASSURED AND SUBSTANTIAL JUSTICE HAS BEEN DONE:** Agree (A) or Disagree (D)

F. Liu: D      B. Williams: D      G. Alden: D      K. Jones: D      **0:4**

**The following criteria are not satisfied: ii, iii, vi, vii, viii**

**The Variance is **Denied**.**



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**6. Other Business:**

- a. Review of Next Month's agenda: Approval of Minutes only. No cases have been submitted for hearing.

**7. Adjournment:**

With there being no further business, G. Alden moved to adjourn; motion seconded by B. Williams. The motion was approved by unanimous consent. **Adjourned at 7:28 PM.**