



YORK COUNTY
BOARD OF ZONING APPEALS
AGENDA • NOVEMBER 14, 2024



Board of Zoning Appeals

York County Government Center
6 South Congress Street
York, SC 29745

6:00 PM

Call to Order

Minutes Approval

Board of Zoning Appeals - Board of Zoning Appeals - Sep 12, 2024 6:00 PM

Old Business

New Business

Matthew Howard request a Variance from the York County Zoning and Development Standards Ordinance §155.057 (lot width requirement) in order to subdivide property located at 129 Twin Coves Lane in the Clover community, tax map number 5760000213. District 2–Love. Case Number Z24-10 V BZA

Benjamin Bolding requests a Variance from York County Zoning and Development Standards Ordinance §155.205(C)(1) location of an accessory structure for the property located at 2737 Windswept Cove, in the York Community, tax map 5510000133. District 2–Love. Case Number Z24-9 V BZA

2025 Board of Zoning Appeal Meeting and Deadline Calendar

Other

Executive Session:

Matters For Consideration Follwoing Executive Session

Adjourn

“York County is committed to assuring accessibility with reasonable accommodation, of county services, facilities, employment and programs for all individuals, in compliance with federal law. Please contact the County Manager’s Office at 803-684-8511 if you need assistance.”



YORK COUNTY
BOARD OF ZONING APPEALS
MINUTES • SEPTEMBER 12, 2024
DRAFT



Board of Zoning Appeals

York County Government Center
6 South Congress Street
York, SC 29745

6:00 PM

Jeff Blair: Present, Ashley Schemine: Present, Rob Cameron: Late (6:13 PM), Lauren Hebert: Present, Thomas "Bud" Smith: Absent, Derrick Williams: Present, Richard Abboud: Present, Rachel Grothe: Present, Laura Dover: Present.

Minutes Approval

Approval of August 8, 2024 Board of Zoning Appeals Minutes

The minutes from the August 8, 2024, meeting were approved by a 4-0 vote

ACCEPTED [Unanimous]

MOVANT: Derrick Williams

SECOND: Jeff Blair

AYES: Jeff Blair, Ashley Schemine, Lauren Hebert, Derrick Williams

ABSENT: Thomas "Bud" Smith

AWAY: Rob Cameron

Old Business

New Business

Nancy McGee requests Variances from York County Code of Ordinances Chapter 155: Zoning Code §155.058-Setbacks for a deck addition in the RSF-40 District and Table 155.059-1: Maximum Percentage of Impervious Surface of 50% for Single-Family Detached Dwellings for property located at 14 King Haigler Chase, in the Clover Community, tax map 5790101014. District 2–Love. Case Number Z24-7 V BZA

Staff presentation was given by Rick Abboud

Nancy and Brandon McGee was present to address the board with the reason for the request.

No one was present to speak in favor of the request.

No one was present to speak in opposition of the request

Public hearing was closed

Motion was made to deny variance request

The motion was approved by a 4-1 vote

Minutes Acceptance: Minutes of Sep 12, 2024 6:00 PM (Minutes Approval)

DENIED [4 to 1]

MOVANT: Lauren Hebert
SECOND: Derrick Williams
AYES: Jeff Blair, Ashley Schemine, Lauren Hebert, Derrick Williams
NAYS: Rob Cameron
ABSENT: Thomas "Bud" Smith

Mark Cook requests a Variance from York County Code of Ordinances Chapter 155: Zoning Code §155.622-1 Minimum Setbacks, 10-foot rear setback Location of Accessory Structure (Pool) for the property located at 249 Lorraine Rd, in the Fort Mill Community, tax map 6490901134. District 1–Audette. Case Number Z24-6 V BZA

Staff presentation was given by Rachel Grothe
Mark Cook and Matthew Levesque was present to address the board with the reason for the request.
No one was present to speak in favor of the request.
No one was present to speak in opposition of the request
Public hearing was closed

Motion to Approve

A motion was made to approve variance request
Motion failed in a 2-3 vote

FAILED [2 to 3]

Motion to Deny

A motion was made to deny variance request
Motion was approved in a 3-2 vote

DENIED [3 to 2]

MOVANT: Jeff Blair

SECOND: Lauren Hebert

AYES: Jeff Blair, Lauren Hebert, Derrick Williams

NAYS: Ashley Schemine, Rob Cameron

ABSENT: Thomas "Bud" Smith

Lisa Spencer on behalf of Ritchie Russel requests Variances from York County Code of Ordinances Chapter 155: Zoning Code §155.849(A) Use of Riparian Buffers, land disturbance and construction activities prohibited and 155.205(C)(1) Accessory structures must be located at or behind the front building line of the principal structure on the lot for the property located at 5026 Tioga Rd, in the Clover Community, tax map 5560000058. District 2–Love. Case Number Z24-8 V BZA

Staff presentation was given by Rick Abboud

Ritchie Russell was present to address the board with the reason for the request.

No one was present to speak in favor of the request.

No one was present to speak in opposition of the request

Public hearing was closed

A motion was made to approve variance request

Motion was approved in a 5-0 vote

APPROVED [Unanimous]

MOVANT: Ashley Schemine

SECOND: Rob Cameron

AYES: Blair, Schemine, Cameron, Hebert, Williams

ABSENT: Thomas "Bud" Smith

Executive Session

Adjourn

With no further business the meeting adjourned at 7:14 PM

Minutes Acceptance: Minutes of Sep 12, 2024 6:00 PM (Minutes Approval)



York County Board of Zoning Appeals

Meeting Date: 11/14/2024

Case No. Z24-10V



Location: 129 Twin Coves Lane
Lake Wylie, SC 29710
Council District 2-Love

Request: Section §155.057(A)(2) Minimum Width of Lots on Minor Roads

Tax Map Number: 576-00-00-213

Zoning District: RMX-20 (RESIDENTIAL MIXED 20), Lake Wylie Zoning Overlay, Scenic Overlay

Owner/Applicant: Matthew and Sarah Howard

Variance Request

The applicant is requesting two 65-foot variances to the required minimum width of lots on minor roads to divide their 1.815-acre parcel on the corner of Bucleigh Road and Twin Coves Lane into two lots. Both roads are privately maintained drives located on private property, neither are considered publicly maintained roads. A previous variance was granted for "minimum lot width" in 2016, dividing this 1.815-acre parcel from a larger 6.12-acre parent parcel. The applicant now wishes to further subdivide the smaller lot into two approximately .9-acre parcels.

Project Description and Background

The mapped parcel is 1.815 acres and is located at the intersection of Bucleigh Road and Twin Coves Lane. Both roads are privately maintained via an informal agreement by the adjacent property owners and are essentially shared driveways. Twenty-three lots access Bucleigh Road, six lots are off Twin Coves Lane (including the subject lot) and the remaining 17 front directly on Bucleigh Road.

The subject lot was created by the division of a larger 6.12-acre parcel via Case No. Z16-4-9, a variance granted by this Board at the April 12, 2016 meeting for minimum lot width. That variance was required to divide the property due to the lack of public maintenance of neither Bucleigh Road nor Twin Coves Lane.

Relation to Zoning Code

§155.057(A)(2): Minimum Width of Lots on Minor Roads specifies the minimum required width for lots located on minor roads, based on zoning district and lot use.

Table 155.057-2: Minimum Width of Lots on Minor Roads

Zoning District / Lot Use		Lot Width (min) ^{1, 2}
AGC, AGC-I, RUD, RUD-I, RSF-40, RSF-30, RC		100 ft
RMX-20	Single-Family Detached Dwellings	65 ft
	Duplexes, Triplexes, Quadplexes	80 ft
	All Other Uses	100 ft

Variance Findings Analysis

Under §155.1227(D) *Powers and Duties of the Board of Zoning Appeals*, the Board may grant a variance from the requirements of the *Zoning and Development Standards Ordinance* when strict application of the Ordinance would result in an unnecessary hardship. An individual case of unnecessary hardship is established if the Board makes and explains, in writing, all four of the following findings:

- (a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property;**

The subject property is accessed from the same private drive as are 22 additional lots. These lots range from .83 acres to fifteen acres in size, but many of these lots are 1.5 to two acres in size, similar to the subject parcel. Therefore, staff finds the proposed variance does not meet this criteria.

- (b) **These conditions do not generally apply to other property in the vicinity;**

Based on the previous finding that there are not extraordinary and exceptional conditions pertaining to the property, staff finds the proposed variance does not meet this criteria.

- (c) **Because of these conditions the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**

The subject property is buildable in its current configuration. If a second home is desired on the lot, an accessory dwelling unit may be constructed on the property. Therefore, staff finds the proposed variance does not meet this criteria.

- (d) **The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

Currently 23 lots access a shared drive with neither shared maintenance and access agreements nor formal easements across private property. Maintenance is provided by a neighbor and is funded by an informal “pass the hat” process for collection, a tenuous process and subject to disputes. Therefore, staff finds the proposed variance does not meet this criteria.

Exclusions

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Staff Recommendation

As staff finds that the proposed variance requests **does not meet all four** criteria for an unnecessary hardship, staff recommends **denial** of the requested variances.

Conditions

In granting a variance, the Board may attach to it 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 the surrounding area or to promote the public health, safety, or general welfare. The Board may elect to grant the request without conditions or to attach staff conditions as presented, or as may be amended, replaced, or supplemented by motions of the Board.

Public Notification

The following public notification actions have been taken:

- October 28, 2024: Public Hearing notification signs posted on the property.
- October 27, 2024: Board of Zoning Appeals public hearing advertisement published in the local newspaper.
- October 29, 2024: Public Hearing notification letters sent to property owners adjacent to the subject property.

Public Feedback

Four neighbors have reached out, two with general questions, the other two with concerns about adding homes to Bucleigh Road.

Attachments

- Application and supporting documents from applicant
 - Location and Zoning Maps
-

Staff

Submitted by:



Marion Ray, MPA
Associate Planner



Rachel Grothe, MCRP
Zoning Administrator



PLANNING & DEVELOPMENT SERVICES

18 W. LIBERTY STREET, PO BOX 96
YORK, SC 29745-0096
PHONE (803) 909-7200 / FAX (803) 909-7227



Zoning Variance Application & Checklist

This application and checklist will assist with the submittal of a variance request from the York County Zoning Code to the Board of Zoning Appeals. All Board of Zoning Appeals meetings are held at 6:00 P.M. on the second Thursday of the month in the York County Council Chambers at 6 South Congress Street in York, SC.

The attached application must be filled out completely. Any submittals that are determined to be incomplete will not be processed, and the applicant will be notified with an explanation of the submittal's deficiencies. To prevent any delays in the process, please use this checklist as a guide. A survey and/or site plan with adequate detail and supporting information for the Board of Zoning Appeals to render a decision, must be submitted before a request can be placed on the Board of Zoning Appeals agenda. Variances cannot be granted prospectively, so all variance requests must be associated with a reviewed plat or site plan submission (sketch plans are informal and not eligible for variances).

The following information corresponds with the variance application and is provided to help the applicant understand what information is required to be submitted.

GENERAL INFORMATION

Applicant: This is the person who will represent the property owner(s) at the public hearing. Fill in name, full address, and phone numbers.

Property owner: This is the person(s) that is listed with the York County Tax Assessor as the property owner. Fill in name, full address, and phone numbers.

PROPERTY INFORMATION

Property address: Provide the address of the property. This can be obtained from the York County Addressing Division at 803-909-7483 or by utilizing the York County GIS system on the County website.

Property conditions: Explain the vegetative cover and topography of the land. Examples: "partially wooded and sloping from rear to front", or "no trees in the front", or "flat with rear wooded and rolling."

Property tax map #: The tax map number for the property can be found on the property tax notice. It can also be found by calling the York County Tax Assessor at 803-684-8526, or by utilizing the York County GIS system on the County website.

Plat (survey) of property: The existing survey can often be obtained from the property owner or the York County Register of Deeds. However, in many instances a new survey may be required to clearly indicate the variance that is being requested. At a minimum, the plat/survey should include the location and distance of all structures and dwellings in relation to all property lines.

Lot area: Provide the size (area) of the lot. You may use either acreage or square footage.

Zoning district: Fill in the appropriate zoning designation of the property.

Use of property: Describe the current and proposed (if any) use of the property.

Attachment: Z24-10V PACKET (8889 : Z24-10 V BZA (Howard))

RELEVANT FACTORS PERTAINING TO THE VARIANCE REQUEST

- 1. Variance information:** Explain the type of variance you are requesting. Include the specific section of the Zoning Code that you are unable to achieve. Explain the deficiency of your proposal provided by staff. Define the numerical figure you would like the Board of Zoning Appeals to apply to your proposed development.
- 2. Explanation of hardship:** Answer the questions in this section carefully, and be very specific in your answer. If more space is needed, use a separate sheet of paper. This information must be provided by the applicant without the assistance of planning staff.
- 3. Condition statement:** Explain any conditions you are willing to impose or accept if your request is approved.
- 4. Supporting documentation:** List any additional information (narrative, pictures, petitions, etc.) submitted with the application. This includes information to include with the application or into the record at the meeting.

CERTIFICATION

Applicant's signature: The applicant must sign the form certifying the information is correct. This section must be signed even if applicant is also the owner.

Owner's signature: This section must be signed by the property owner. Notarized written authorization from the property owner giving the applicant permission to act of his/her behalf can be substituted for property owner's signature.

APPLICATION FEE

Note: Payment of the application fee is a submittal requirement.

Residential project: \$400.00

Non-residential project: \$550.00

ADDITIONAL INFORMATION

1. Hardship resulting from financial difficulty and due to the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. The variance will be advertised in the local newspaper and the property will be posted indicating the date and time of the public hearing. Adjoining land owners will also be notified of the request, date, and time of the public hearing via regular mail.
3. The application deadline is the first Wednesday of each month. If the application is deemed complete, the request will be heard before the Board of Zoning Appeals the second Thursday of the following month.
4. The applicant may present (at the discretion of the BZA chairperson) any items they believe are pertinent to the case.
5. The Board of Zoning Appeals may elect to approve, approve with conditions, or deny a variance based on the hearing and potential impact of the proposal on contiguous uses and conditions.
6. No variance, having been denied, shall be resubmitted to the board for a period of one (1) year, unless conditions have changed substantially, and the board votes unanimously to rehear the matter.
7. Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the board to circuit court in and for York County, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after the decision of the board is mailed. All final decisions or orders of the board will be delivered to parties of interest by certified mail.

GENERAL INFORMATION

APPLICANT'S NAME: Matthew HowardEMAIL ADDRESS: mhoyek2@yahoo.comADDRESS: 1011 Valley Forge Rd

NUMBER

STREET

APARTMENT/BOX NUMBER

Lake Wylie SC 29710

CITY

STATE

ZIP CODE

PHONE: 803.517.8037 Same

CELL

HOME

PROPERTY OWNER'S NAME: Matthew and Sara HowardEMAIL ADDRESS: mhoyek2@yahoo.comADDRESS: 1011 Valley Forge Rd

NUMBER

STREET

APARTMENT/BOX NUMBER

Lake Wylie SC 29710

CITY

STATE

ZIP CODE

PHONE: 803.517.8037 803.984.3990

CELL

HOME

Attachment: Z24-10V PACKET (8889 : Z24-10 V BZA (Howard))

PROPERTY INFORMATION

PROPERTY ADDRESS: 129 Twin Coves Ln., Lake Wylie, SC 29710

PROPERTY DIRECTIONS: Turn onto Bonum Rd off Hwy 49. Go
1/4 mile and turn right on Buchleigh Rd. Go 1/4 mile, turn left onto Twin 15.

PROPERTY CONDITIONS: Fully wooded, flat, high ground.

PROPERTY TAX MAP #: 576-00-00-213 PLAT: Please Attach to application.

LOT AREA: 1.815 ac

ZONING DISTRICT: RD-1

CURRENT USE OF PROPERTY: Wooded Land

PROPOSED USE OF PROPERTY: Split and build two single family dwelling

Is this property part of any HOA or Community Association? Yes* ☐ No ☒

*If yes, a letter from the HOA or Community Association is required acknowledging the variance requested and attach any applicable covenants and restrictions.

Attachment: Z24-10V PACKET (8889 : Z24-10 V BZA (Howard))

RELEVANT FACTORS PERTAINING TO THE VARIANCE

1. Applicant hereby requests approval of the following variance by the York County Board of Zoning Appeals as described below:

Subdivide existing parcel into two (2) separate
parcels.

Staff has denied the request based on the following:

No denial at this time.

I request a variance from the York County zoning code to be/have (be specific with measurements, feet, acreage, numbers of, ratio, etc.):

To subdivide approximately one (1) acre from the
original parcel. The subdivided would have approximately 309'
of road frontage on Buchleigh and approximately 121' on Twin C 3.
The second subdivided would have approximately 121' on Twin Coves.

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:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

[Is there a special or unique feature or an uncommon situation present on the property?]

Originally owned by Crescent, Buchleigh and Twin Coves are
Public Right of Ways that are not maintained by York
County. There are approximately 17 home off Buchleigh Rd. and
Twin Coves Ln.

Attachment: Z24-10V PACKET (8889 : Z24-10 V BZA (Howard))

- B. These conditions do not generally apply to other property in the vicinity as shown by:
[Is the special or unique feature or uncommon situation on the property present on surrounding properties?]

The majority of the existing 17 homes off Buchleigh reside on approximately one to two (1-2) acres. These homes have set precedence because the land was subdivided by Crescent and ABC Co, despite Buchleigh not being a county maintained gravel road.

- C. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:
[Because of the situation, the applied regulations would prohibit or limit the proposed use of the subject property?]

My wife and I purchased parcel 576-00-00-213 intending to split it and sell-off one half to help fund our dwelling build on the other half. It will be a financial hardship and major delay in constructing a dwelling if we cannot split.

- D. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:
[Approval of this request will not cause significant harm to surrounding properties, the character of the surrounding area, and the public in general?]

If subdivided two single family dwellings will be erect in accordance with county guidelines, on an average lot size, as compared to the immediate surroundings.

3. List any concession(s) or additional conditions that you agree to as part of the approval:

None specified.

4. If you are submitting additional information, please list below:

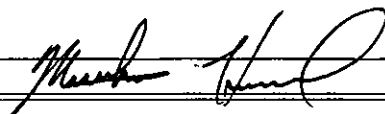
ATT 1: Image of Land Survey for current owners

ATT 2: York County GIS image of Buchleigh Rd. and Twin Coves

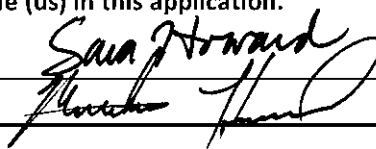
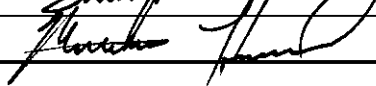
ATT 3: York County Property Tax Bill

CERTIFICATION

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and benefit:

 10/02/2024
 APPLICANT DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this application.

 10/2/2024
 10/02/2024
 PROPERTY OWNER (S)* DATE

*Attach owner's notarized written authorization if owner's signature cannot be obtained.

OFFICE USE ONLY

Amount Paid: \$400 Check #: 1239

Cash Amount: _____

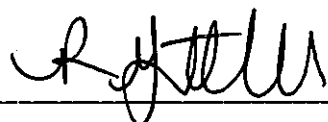
Date Received: 10/2/24

Receipt Number: _____

BZA Case #: _____

Meeting Date: _____

Accepted by: Rachel Grothe

 10/2/24
 Staff Signature Date

Attachment: Z24-10V PACKET (8889 : Z24-10 V BZA (Howard))

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

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

(Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Board of Zoning Appeals.

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

Should my request be denied, I will not be permitted to resubmit the request to the Board of Zoning Appeals for a period of one year, unless conditions have changed substantially and the Board of Zoning Appeals votes unanimously to rehear the matter.

Signatures 10/2/2024
Matthew Howard

(Property owner's signature)

10/02/2024
(Date)

Matthew Howard

(Applicant's signature)

10/02/2024
(Date)

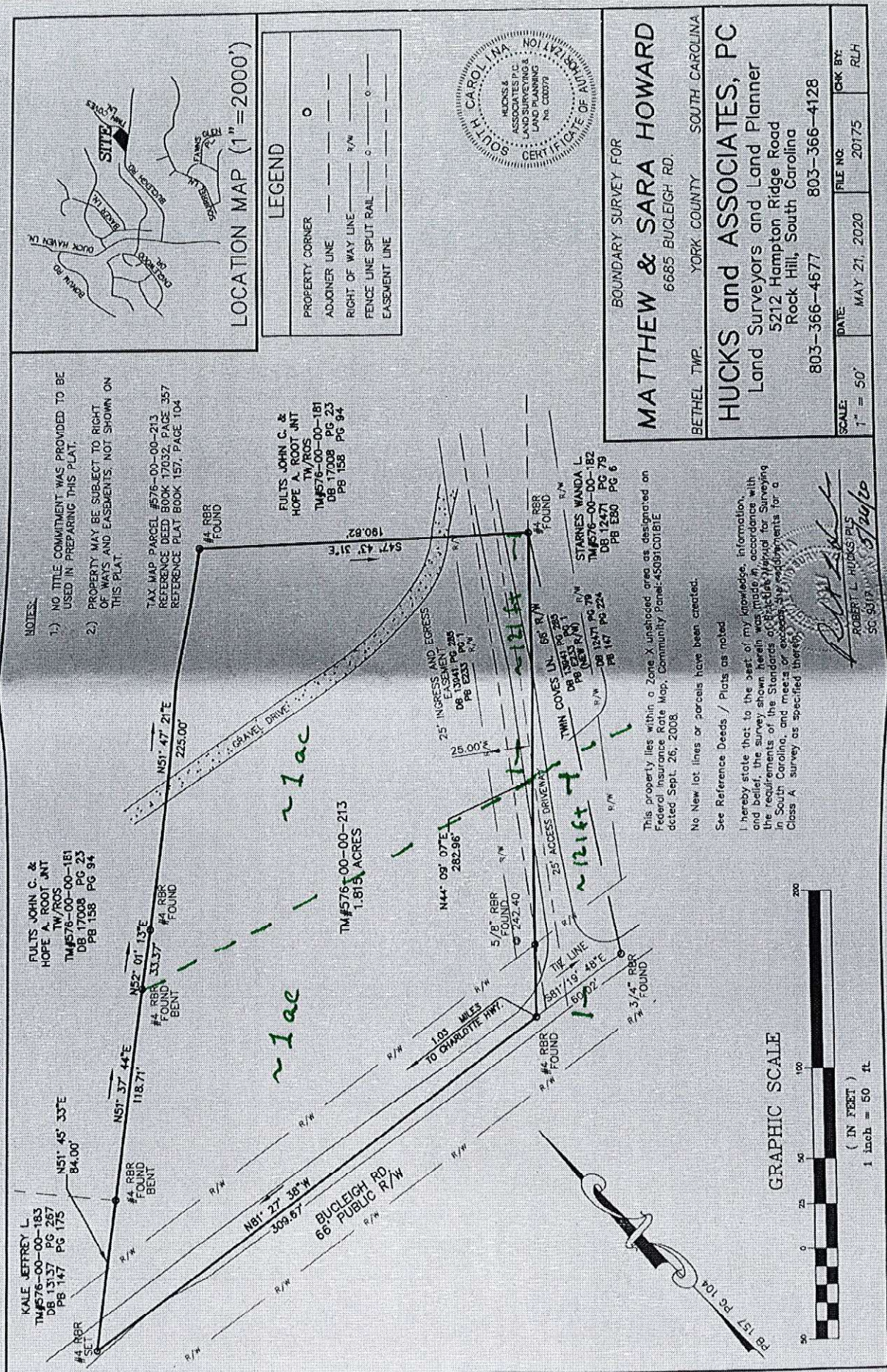
R. J. Geller

(Staff's signature)

10/2/24
(Date)

Attachment: Z24-10V PACKET (8889 : Z24-10 V BZA (Howard))

ATT 1



ATT 2



ATT 3

16218-155-41327-1-1

YORK COUNTY TREASURER
PO BOX 116
YORK SC 29745-0116



051803-24-3



2024 YORK COUNTY PROPERTY TAX BILL

16218155-41327-1 1 1 *****AUTO**5-DIGIT 29710



HOWARD MATTHEW PRICE
HOWARD SARA CAREY
1011 VALLEY FORGE DR
CLOVER SC 29710-6060

Do you have questions about this bill? Please see the back for more information.

If taxes are to be paid by your mortgage company or escrow agent, please forward a copy of this notice to them.

Due to high volumes of mail, it may take a few weeks to process mailed check payments.

Tax Receipt Number	Map Reference Number
051803-24-3	576-00-00-213

Values And Prior Year Information			
Taxable Value	\$0.00	\$85,000.00	\$85,000.00
Assessment Ratio	0.00	6.00	
Assessed Value	0	5,100	5,100
Prior Year Tax			\$1,985.94

Where Your Tax Dollars Go		
The tax amount for each fund listed in the description below is calculated by multiplying the assessed value by the millage rate. This does not apply to "fee" amounts.		
Description	Millage	Tax
School Operations	0.25960	\$1,323.96
School Debt Service	0.04600	\$234.60
City Operations	0.00000	\$0.00
City Debt Service	0.00000	\$0.00
City Special Assessment	0.00000	\$0.00
General Fund Operations	0.02590	\$132.09
General Fund Sheriff	0.02760	\$140.76
General Fund Solicitor	0.00360	\$18.36
Reserve Fund	0.00290	\$14.79
County Debt Service	0.00000	\$0.00
Library	0.00460	\$23.46
Cultural and Heritage	0.00260	\$13.26
York Technical College	0.00370	\$18.87
Unincorporated	0.01260	\$64.26
Special Fire District	0.00400	\$20.40
Fishing Creek Watershed	0.00000	\$0.00
Lake Wylie Recreation	0.00380	\$19.38
LKW Land Preservation	0.00400	\$20.40
Gross Taxes	0.40090	\$2,044.59

Description of Property	
1.815 AC / PARCEL 2-B / BUCLEI GH RD	
District	2LKWBE
City Code	
School District	CLOVER
City	

Taxes and Fees	
Gross Taxes	\$2,044.59
Less Exemptions:	
School Tax Credit	\$0.00
Homestead Exemption	\$0.00
Industrial Abatement	\$0.00
Plus City Fees: (CONTACT CITY FOR MORE INFORMATION)	
	\$0.00
TOTAL TAXES & FEES	\$2,044.59
DUE BY January 15, 2025	

To pay online visit: Yorkcountygov.com
To pay by phone call: 803-541-4097

2024 YORK COUNTY PROPERTY TAX BILL

Tax Year	Tax Receipt Number	Map Reference Number
2024	051803-24-3	576-00-00-213
If Your Address Has Changed, Please Indicate New Address Below:		

	\$2,044.59
	\$2,105.93
	\$2,249.05
	\$2,351.28

Please Make Checks Payable and Remit To:

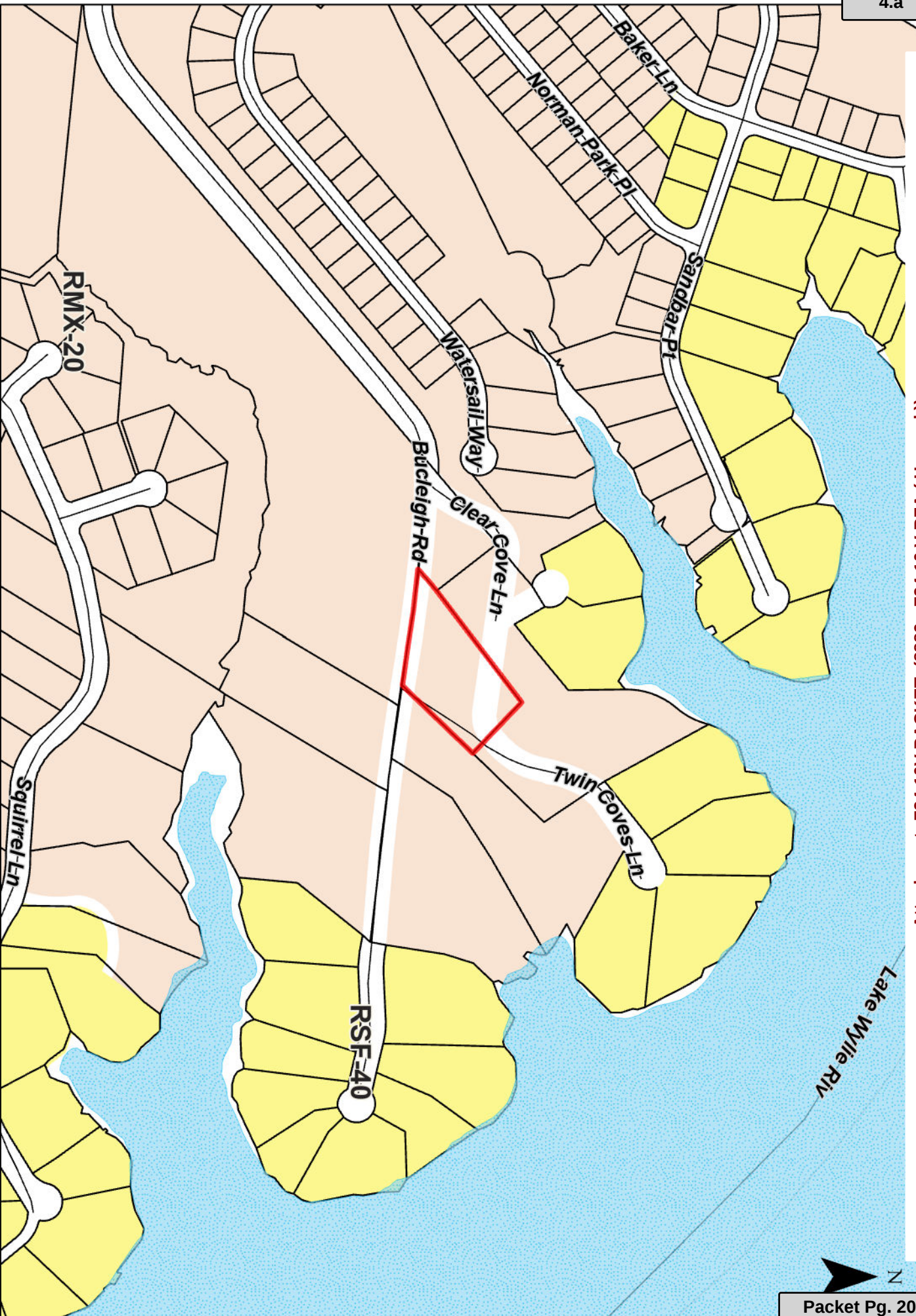
HOWARD MATTHEW PRICE
HOWARD SARA CAREY
1011 VALLEY FORGE DR
CLOVER SC 29710-6060



YORK COUNTY TREASURER
PO BOX 116
YORK SC 29745-0116



For faster processing, please mail in the original, unaltered bottom portion of the bill in our return envelope.



Zoning Map





York County Board of Zoning Appeals

Meeting Date: November 14, 2024

Case No. Z24-9V



Location: 2737 Windswept Cv.
York, SC 29745
Council District 2 - Love

Request: Variance from: §155.205(C)(1) Location of Accessory Structure

Tax Map Number: 551-00-00-133

Zoning: RMX-20 (Residential Mixed 10), LW-O (Lake Wylie Overlay), SC-O (Scenic Overlay)

Owner/Applicant: Benjamin Luke Bolding

Variance Request

The applicant is requesting a variance to construct an accessory building that is located in front of the primary home instead of the side or rear as required by the Lake Wylie Zoning Overlay standard. In order to complete the project as the owner envisions, a variance to following section of the code will be required:

§155.205(C)(1) Location.

(1) Accessory structures must be located at or behind the front building line of the principal structure on the lot.

Site and Project Description

The subject property is a 1.93-acre lot located on Windswept Cove, a county road that connects to the east of Hands Mill Highway. The lot fronts Lake Wylie to the west and is improved with an existing home with 5,095 gross and 3,777 finished square feet including a 753 square foot attached side-loaded garage.

The applicant seeks to place an additional 1,980 square foot detached garage in front of the existing home, not to the side or rear as required by the Lake Wylie Overlay for a lakefront lot. The proposed structure will be more than 200 feet from Lake Wylie buffer and the front property line, 37 and 62 feet respectively from the side property lines, and 126 feet away from the existing house.

Background and History

The lakefront property was constructed in 2018. The house was placed on the rear of the lot facing the lake and outside of the 50-foot buffer. The HOA rejected a plan to build between the house and the lake. Staff feels that a garage between the lake and the house would have a greater negative effect on the lake due to run-off concerns. A side loaded garage is attached to the house and the access to the garage takes up the only other

space available to construct a garage that would be located behind the build line of the house.

The property is part of the Estates at Windswept Cove – a 48 lot subdivision that was platted in 2002 with an average lot size being 1.56 acres. A windshield survey of the neighborhood found that the vast majority of the lots are developed with single family homes with attached garages. There appears to be only one detached garage in the entire subdivision.

Variance Findings Analysis

Under §155.1227(D) *Powers and Duties of the Board of Zoning Appeals*, the Board may grant a variance from the requirements of the *Zoning and Development Standards Ordinance* when strict application of the Ordinance would result in an unnecessary hardship. An individual case of unnecessary hardship is established if the Board makes and explains, in writing, all four of the following findings:

- (a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property;**

*The subject parcel contains 1.93 acres and is rectangular in shape. The existing home is outside the 50-foot Lake Wylie buffer and perched atop a small hill that gently slopes down towards the lake. It's lot configuration, area, and development are typical with that of any developed lot within the subdivision. As such, there is nothing extraordinary or exceptional about the subject lot. Therefore, staff finds the proposed variance **does not meet** this criterion.*

- (b) **These conditions do not generally apply to other property in the vicinity;**

*Given that the lot is similar to neighboring lots, there is nothing about the lot that makes it unique or a good candidate to vary from the requirements. Therefore, staff finds the proposed variance **does not meet** this criterion.*

- (c) **Because of these conditions the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**

*The applicant has the option to locate the garage on the side of the existing house without the need for a variance. The property is well developed a dwelling and oversized attached garage. Therefore, the application of this section of the code would not unreasonably restrict or the utilization of the property and staff finds the proposed variance **does not meet** this criterion.*

- (d) **The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

*The property has a good-sized wooded area in front of the proposed structure that would shield the view. However, it is worth noting that a large detached garage in front of the house will be out of character with the area. Therefore, staff finds the proposed variance **meets** this criterion.*

Exclusions

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Staff Recommendation

As staff finds that the proposed variance requests do not meet **all four** criteria for an unnecessary hardship, staff recommends **DENIAL** of the requested variances.

Conditions

In granting a variance, the Board may attach to it 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 the surrounding area or to promote the public health, safety, or general welfare.

The Board may elect to grant the request without conditions or to attach staff conditions as presented, or as may be amended, replaced, or supplemented by motions of the Board.

Staff does not recommend conditions

Public Notification

The following public notification actions have been taken:

- October 28, 2024: Public Hearing notification signs posted on the property.
- October 27, 2024: Board of Zoning Appeals public hearing advertisement published in the local newspaper.
- October 29, 2024: Public Hearing notification letters sent to property owners adjacent to the subject property.

Public Feedback

As of the time of this report, staff has received one phone call with questions about the details of the request.

Attachments

- Application and supporting documents from applicant
- Location and Zoning Maps

Staff

Submitted by:



Rick Abboud, AICP
Principal Planner



Rachel Grothe, MCRP
Zoning Administrator



PLANNING & DEVELOPMENT SERVICES

18 W. LIBERTY STREET, PO BOX 96
YORK, SC 29745-0096
PHONE (803) 909-7200 / FAX (803) 909-7227



Zoning Variance Application & Checklist

This application and checklist will assist with the submittal of a variance request from the York County Zoning Code to the Board of Zoning Appeals. All Board of Zoning Appeals meetings are held at 6:00 P.M. on the second Thursday of the month in the York County Council Chambers at 6 South Congress Street in York, SC.

The attached application must be filled out completely. Any submittals that are determined to be incomplete will not be processed, and the applicant will be notified with an explanation of the submittal's deficiencies. To prevent any delays in the process, please use this checklist as a guide. A survey and/or site plan with adequate detail and supporting information for the Board of Zoning Appeals to render a decision, must be submitted before a request can be placed on the Board of Zoning Appeals agenda. Variances cannot be granted prospectively, so all variance requests must be associated with a reviewed plat or site plan submission (sketch plans are informal and not eligible for variances).

The following information corresponds with the variance application and is provided to help the applicant understand what information is required to be submitted.

GENERAL INFORMATION

Applicant: This is the person who will represent the property owner(s) at the public hearing. Fill in name, full address, and phone numbers.

Property owner: This is the person(s) that is listed with the York County Tax Assessor as the property owner. Fill in name, full address, and phone numbers.

PROPERTY INFORMATION

Property address: Provide the address of the property. This can be obtained from the York County Addressing Division at 803-909-7483 or by utilizing the York County GIS system on the County website.

Property conditions: Explain the vegetative cover and topography of the land. Examples: "partially wooded and sloping from rear to front", or "no trees in the front", or "flat with rear wooded and rolling."

Property tax map #: The tax map number for the property can be found on the property tax notice. It can also be found by calling the York County Tax Assessor at 803-684-8526, or by utilizing the York County GIS system on the County website.

Plat (survey) of property: The existing survey can often be obtained from the property owner or the York County Register of Deeds. However, in many instances a new survey may be required to clearly indicate the variance that is being requested. At a minimum, the plat/survey should include the location and distance of all structures and dwellings in relation to all property lines.

Lot area: Provide the size (area) of the lot. You may use either acreage or square footage.

Zoning district: Fill in the appropriate zoning designation of the property.

Use of property: Describe the current and proposed (if any) use of the property.

Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))

RELEVANT FACTORS PERTAINING TO THE VARIANCE REQUEST

- 1. Variance information:** Explain the type of variance you are requesting. Include the specific section of the Zoning Code that you are unable to achieve. Explain the deficiency of your proposal provided by staff. Define the numerical figure you would like the Board of Zoning Appeals to apply to your proposed development.
- 2. Explanation of hardship:** Answer the questions in this section carefully, and be very specific in your answer. If more space is needed, use a separate sheet of paper. This information must be provided by the applicant without the assistance of planning staff.
- 3. Condition statement:** Explain any conditions you are willing to impose or accept if your request is approved.
- 4. Supporting documentation:** List any additional information (narrative, pictures, petitions, etc.) submitted with the application. This includes information to include with the application or into the record at the meeting.

CERTIFICATION

Applicant's signature: The applicant must sign the form certifying the information is correct. This section must be signed even if applicant is also the owner.

Owner's signature: This section must be signed by the property owner. Notarized written authorization from the property owner giving the applicant permission to act of his/her behalf can be substituted for property owner's signature.

APPLICATION FEE

Note: Payment of the application fee is a submittal requirement.

Residential project: \$400.00

Non-residential project: \$550.00

ADDITIONAL INFORMATION

1. Hardship resulting from financial difficulty and due to the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. The variance will be advertised in the local newspaper and the property will be posted indicating the date and time of the public hearing. Adjoining land owners will also be notified of the request, date, and time of the public hearing via regular mail.
3. The application deadline is the first Wednesday of each month. If the application is deemed complete, the request will be heard before the Board of Zoning Appeals the second Thursday of the following month.
4. The applicant may present (at the discretion of the BZA chairperson) any items they believe are pertinent to the case.
5. The Board of Zoning Appeals may elect to approve, approve with conditions, or deny a variance based on the hearing and potential impact of the proposal on contiguous uses and conditions.
6. No variance, having been denied, shall be resubmitted to the board for a period of one (1) year, unless conditions have changed substantially, and the board votes unanimously to rehear the matter.
7. Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the board to circuit court in and for York County, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after the decision of the board is mailed. All final decisions or orders of the board will be delivered to parties of interest by certified mail.

GENERAL INFORMATION

APPLICANT'S NAME: _____

EMAIL ADDRESS: _____

ADDRESS: _____

NUMBER

STREET

APARTMENT/BOX NUMBER

CITY

STATE

ZIP CODE

PHONE: _____

CELL

HOME

PROPERTY OWNER'S NAME: _____

EMAIL ADDRESS: _____

ADDRESS: _____

NUMBER

STREET

APARTMENT/BOX NUMBER

CITY

STATE

ZIP CODE

PHONE: _____

CELL

HOME

Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))

PROPERTY INFORMATION

PROPERTY ADDRESS: _____

PROPERTY DIRECTIONS: _____

PROPERTY CONDITIONS: _____

PROPERTY TAX MAP #: _____ PLAT: Please Attach to application.

LOT AREA: _____ ZONING DISTRICT: _____

CURRENT USE OF PROPERTY: _____

PROPOSED USE OF PROPERTY: _____

Is this property part of any HOA or Community Association? Yes* ☐ No ☐

*If yes, a letter from the HOA or Community Association is required acknowledging the variance requested and attach any applicable covenants and restrictions.

Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))

RELEVANT FACTORS PERTAINING TO THE VARIANCE

1. Applicant hereby requests approval of the following variance by the York County Board of Zoning Appeals as described below:

Staff has denied the request based on the following:

I request a variance from the York County zoning code to be/have (be specific with measurements, feet, acreage, numbers of, ratio, etc.):

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:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

[Is there a special or unique feature or an uncommon situation present on the property?]

B. These conditions do not generally apply to other property in the vicinity as shown by:*[Is the special or unique feature or uncommon situation on the property present on surrounding properties?]*

C. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:*[Because of the situation, the applied regulations would prohibit or limit the proposed use of the subject property?]*

D. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:*[Approval of this request will not cause significant harm to surrounding properties, the character of the surrounding area, and the public in general?]*

3. List any concession(s) or additional conditions that you agree to as part of the approval:

4. If you are submitting additional information, please list below:

Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))

CERTIFICATION

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and benefit:

Brynn Lee Bly

APPLICANT

9/18/24

DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this application.

Brynn Lee Bly

PROPERTY OWNER (S)*

9/18/24

DATE

*Attach owner's notarized written authorization if owner's signature cannot be obtained.

OFFICE USE ONLY

Amount Paid: _____ Check #: _____

Cash Amount: _____

Date Received: _____

Receipt Number: _____

BZA Case #: _____

Meeting Date: _____

Accepted by:

Staff Signature Date

Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))

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

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

(Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Board of Zoning Appeals.

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

Should my request be denied, I will not be permitted to resubmit the request to the Board of Zoning Appeals for a period of one year, unless conditions have changed substantially and the Board of Zoning Appeals votes unanimously to rehear the matter.

Bryan Luke Bolding

(Property owner's signature)

9/18/24

(Date)

Bryan Luke Bolding

(Applicant's signature)

9/18/24

(Date)

(Staff's signature)

(Date)

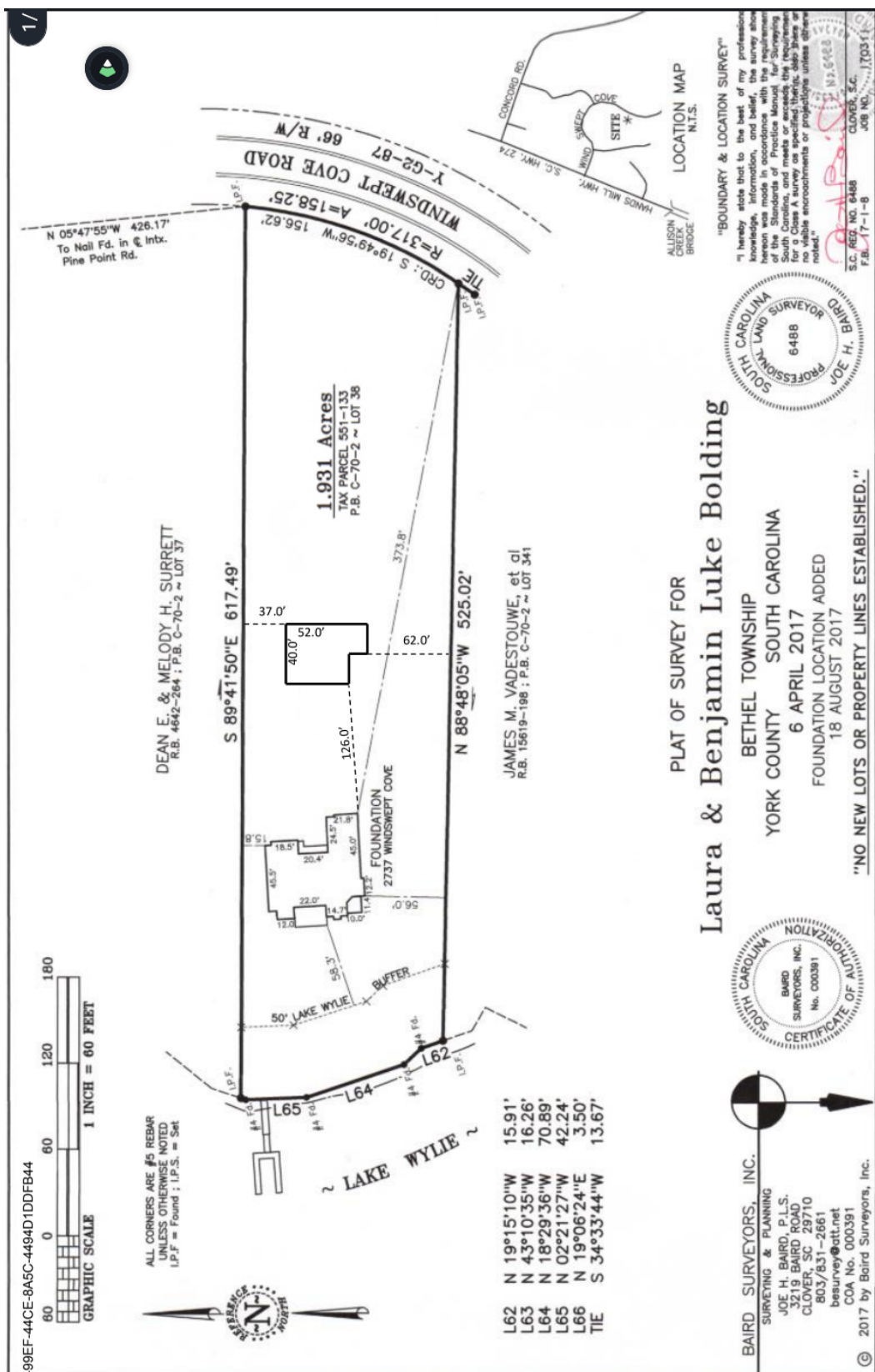
Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))

Pic 1 Red box is build site. Woods will screen the building



Pic 2 Shows the woods from the road looking into our lot





Architectural Review Application Form 3 – Additions/Improvements**Application For Additions or Improvements**

Lot Number:	38	Windswept Cove Address:	2737 Windswept CV
--------------------	----	--------------------------------	-------------------

Property Owner Information			
Name:	Luke & Laura Bolding	Mailing Address: (City/State/Zip)	2737 Windswept CV
Phone Numbers:	(Home - _____) (Office - _____) (Cell 864-506-6704	E-mail Address:	laurabolding546@gmail.com

Builder Information			
Name:	Luke Bolding	Mailing Address: (City/State/Zip)	
Phone Numbers:	(Home - _____) (Office - _____) (Cell 864-491-8946	E-mail Address:	Lukebolding@gmail.com

Type of Addition or Improvement: (Attach Plans, Material List)
☐ New Addition ☒ Improvement/Modification
Detached Garage

Specific Description of Project:
Double RV detached garage 52x40 ft concrete slab foundation with matching brick footer, hardie board siding with shake accents see attached examples. To match house brick/paint

****☒ A \$100.00 application fee must be submitted for EACH addition/improvement project.**

Owner Signature Laura Bolding Application Date 04/22/2024

Owner Signature Luke Bolding Application Date 04/22/2024

ACC Representative Signature: Greg Nalewaja Date Received 04/22/2024

Approved ☒ Rejected ☐ Recommendations: _____

Add windows to the street side of the building so that it would blend in more with the house.

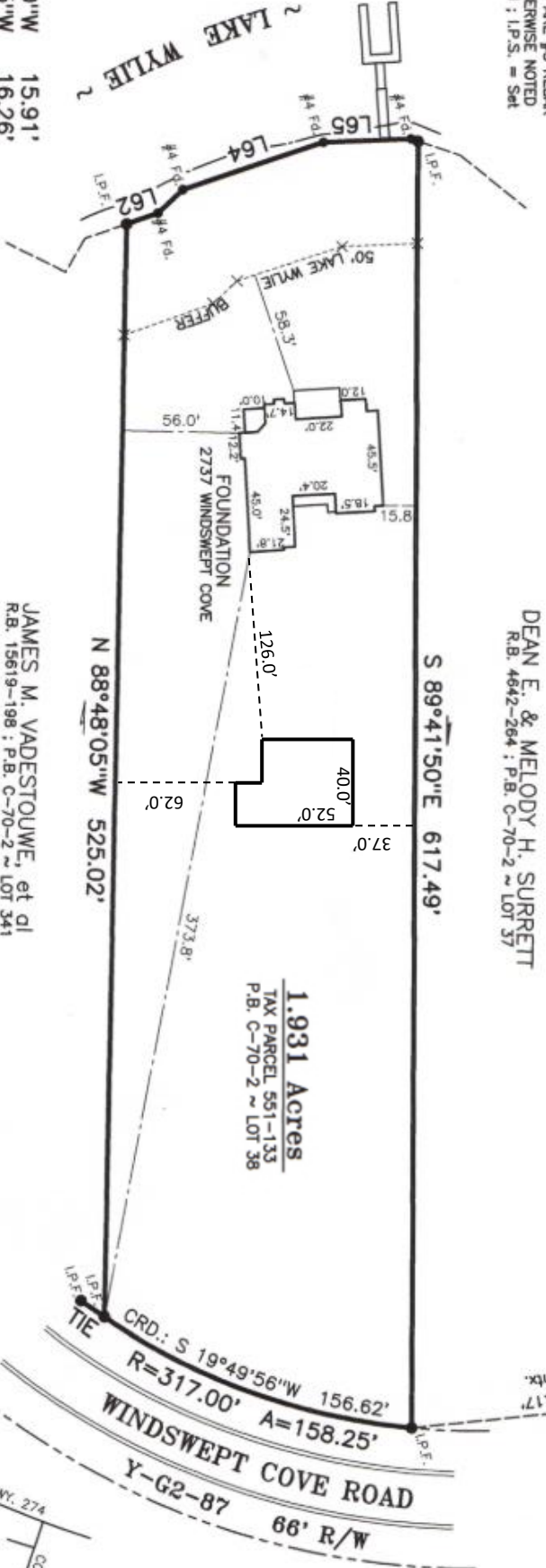
Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))



ALL CORNERS ARE #5 REBAR
UNLESS OTHERWISE NOTED
I.P.F. = Found ; I.P.S. = Set



L62	N	19°15'10"W	15.91'
L63	N	43°10'35"W	16.26'
L64	N	18°29'36"W	70.89'
L65	N	02°21'27"E	42.24'
L66	N	19°06'24"E	3.50'
TIE	S	34°33'44"W	13.67'



DEAN E. & MELODY H. SURRETT
R.B. 4642-264 ; P.B. C-70-2 ~ LOT 37

JAMES M. VADESTOUWE, et al
R.B. 15619-198 ; P.B. C-70-2 ~ LOT 341

1.931 Acres
TAX PARCEL 551-133
P.B. C-70-2 ~ LOT 38

To Nail Fd. in E. Intx.
05°47'55"W 426.17'
Pine Point Rd.

CRD.: S 19°49'56"W 156.62'
R=317.00' A=158.25'
WINDSWEEP COVE ROAD
Y-G2-87 66' R/W



BAIRD SURVEYORS, INC.

SURVEYING & PLANNING

JOE H. BAIRD, P.L.S.

3219 BAIRD ROAD

CLOVER, SC 29710

803/831-2661

besurvey@att.net

COA No. 000391

© 2017 by Baird Surveyors, Inc.



PLAT OF SURVEY FOR
Laura & Benjamin Luke Bolding

BETHEL TOWNSHIP

YORK COUNTY SOUTH CAROLINA

6 APRIL 2017

FOUNDATION LOCATION ADDED

18 AUGUST 2017

"NO NEW LOTS OR PROPERTY LINES ESTABLISHED."



"BOUNDARY & LOCATION SURVEY"

"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein, and there are no valid encroachments or projections unless otherwise noted."

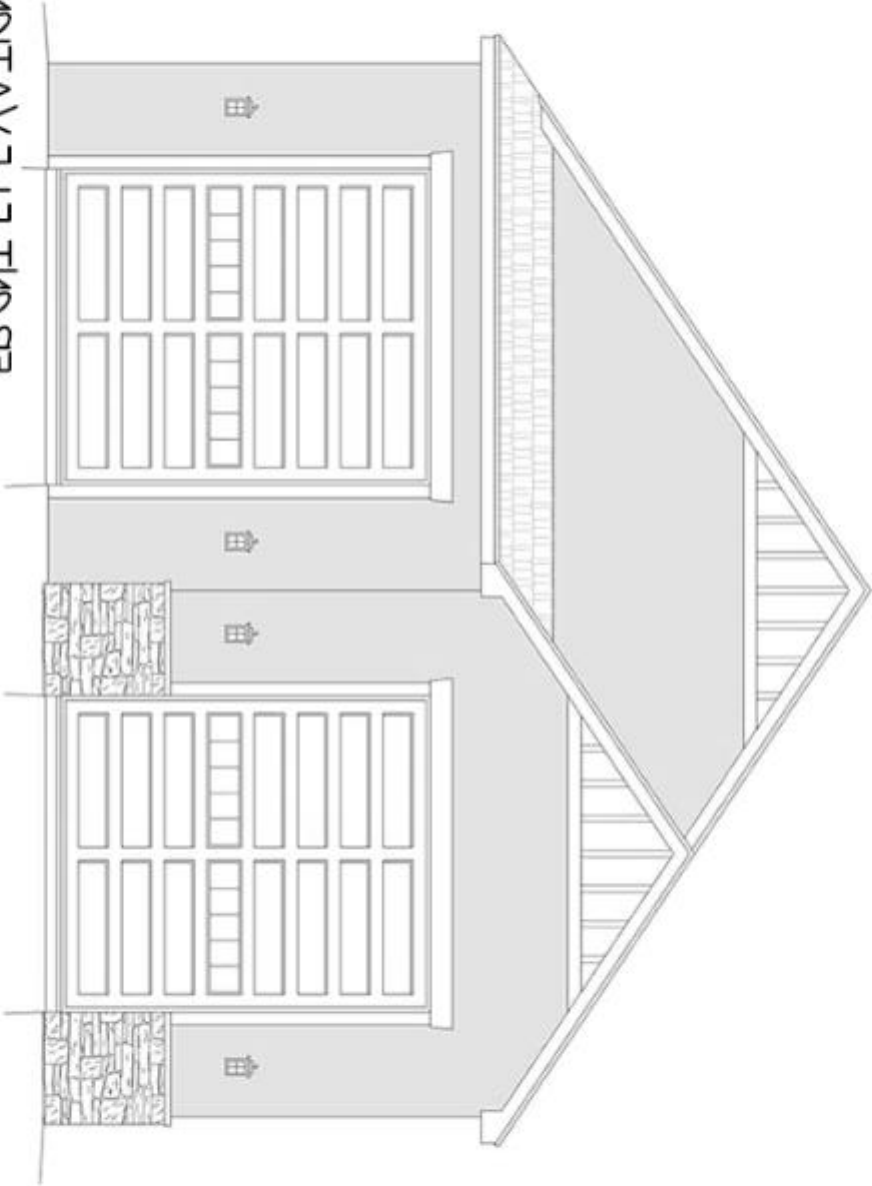
S.C. REG. NO. 6488

F.B. 17-1-8

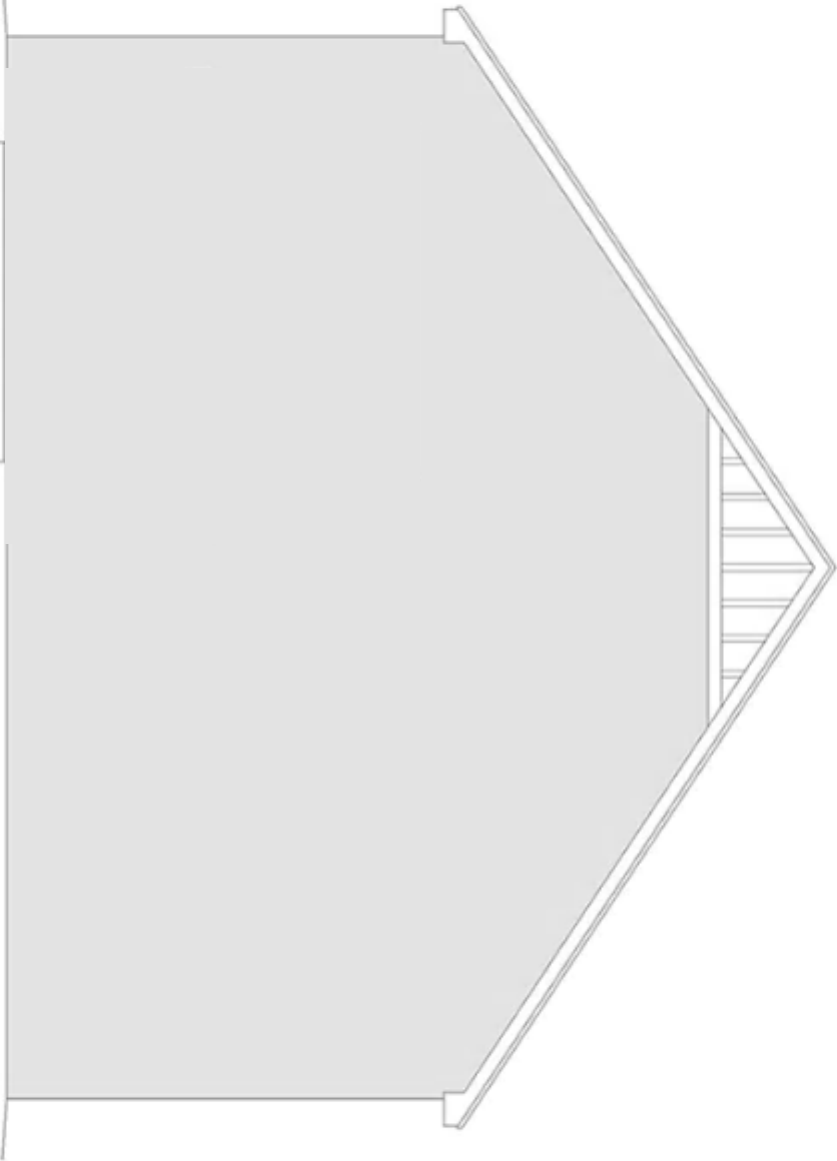
CLOVER, SC.

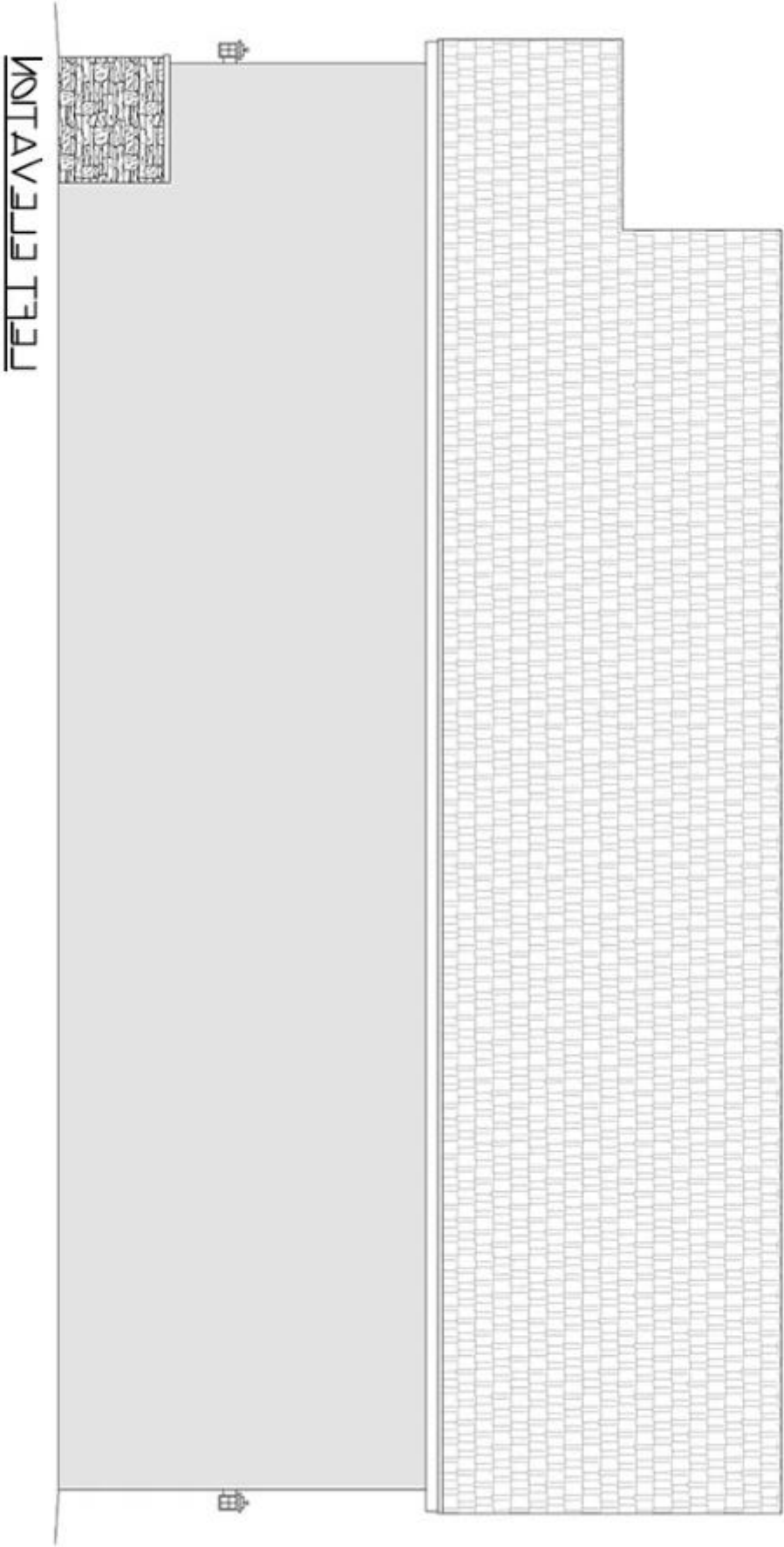
JOB NO. 170311

FRONT ELEVATION

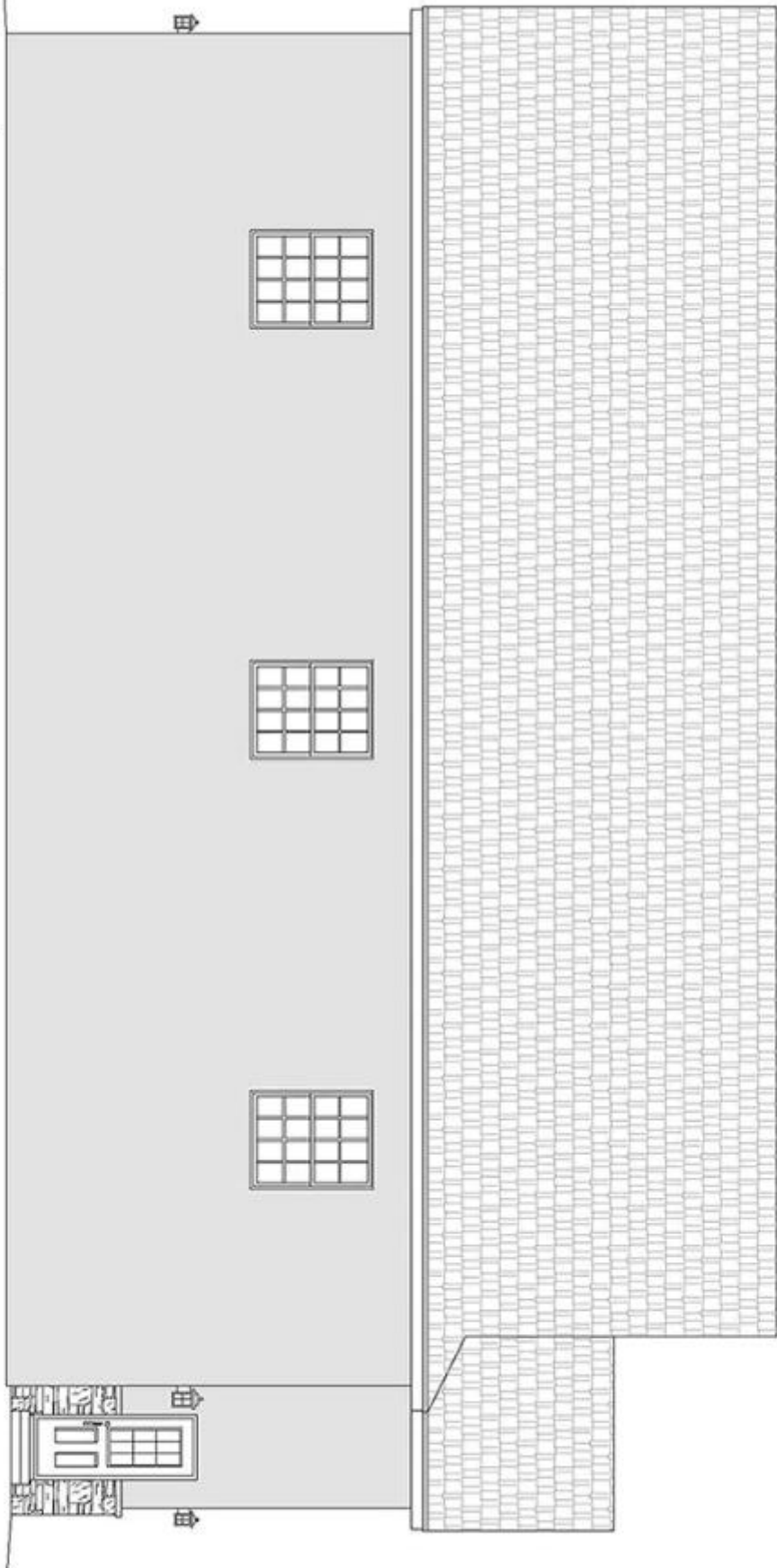


REAR ELEVATION





RIGHT ELEVATION







To Whom it may Concern:

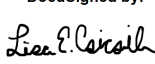
Windswept HOA acknowledges Benjamin Luke & Laura Bolding are requesting a variance to build the detached garage that was approved by the board on 4-22-2024 for location and size. The HOA prefers the structure be next to the woods instead of between the lake and house.

One Source Representative:
Alan wiley

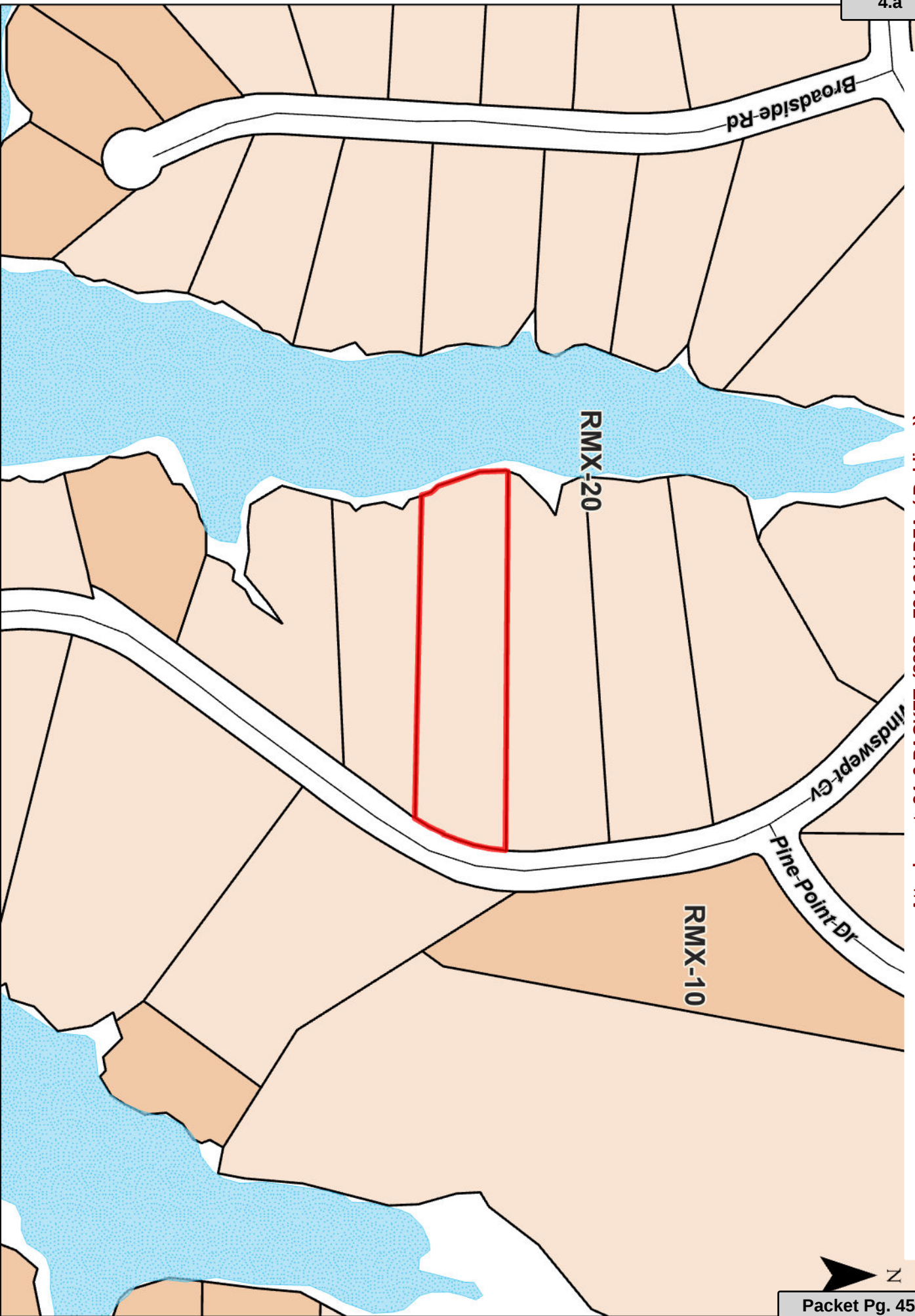
Board President:
Lisa Csicsila

Signed by:

ADDF5FA11554435...

DocuSigned by:

6C4DD3CA72FA4DA...

Attachment: 24_9 PACKET (8888 : Z24-9 V BZA (Bolding))



Zoning Map



2025 ZONING BOARD OF APPEALS
SUBMITTAL DEADLINES & MEETING DATES

SUBMITTAL DEADLINE: (FIRST WEDNESDAY OF EVERY MONTH)	BZA MEETING: (SECOND THURSDAY OF EVERY MONTH)
December 4, 2024	January 9, 2025
January 1, 2025	February 13, 2025
February 5, 2025	March 13, 2025
March 5, 2025	April 10, 2025
April 2, 2025	May 8, 2025
May 7, 2025	June 12, 2025
June 4, 2025	July 10, 2025
July 2, 2025	August 14, 2025
August 6, 2025	September 11, 2025
September 3, 2025	October 9, 2025
October 1, 2025	November 13, 2025
November 5, 2025	December 11, 2025
December 3, 2025	January 8, 2026

NOTE: ALL MEETINGS ARE SUBJECT TO CHANGE

CONTACT NUMBER FOR ZONING STAFF – 803-909-7235

*York County Council Chambers
6 South Congress Street
York, SC 29745
York County Government Office
6:00pm*

Attachment: 2025 ZBA DEADLINE AND MEETING DATE (8891 : 2025 Board of Zoning Appeal Meeting and Deadline Calendar)