



YORK COUNTY
BOARD OF ZONING APPEALS
AGENDA • DECEMBER 17, 2024



Board of Zoning Appeals

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

6:00 PM

Minutes Approval

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

Old Business

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

New Business

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 • DECEMBER 12, 2024
DRAFT



Board of Zoning Appeals

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

6:00 PM

District 5 Jeff Blair: Late (6:33 PM), Derrick Williams: Present, Ashley Schemine: Absent, District 1 Rob Cameron: Present, District 3 Lauren Hebert: Present, Thomas "Bud" Smith: Present, Rachel Grothe: Present, Richard Abboud: Present, Laura Dover: Present.

Motion

Motion was made to have Derrick Williams to act as Chair in the absence of the Chair and Vice Chair

APPROVED [Unanimous]

MOVANT: Lauren Hebert

SECOND: Thomas "Bud" Smith

AYES: Derrick Williams, Rob Cameron, Lauren Hebert, Thomas "Bud" Smith

ABSENT: Jeff Blair, Ashley Schemine

Minutes Approval

Approval of November 14, 2024 Board of Zoning Appeals Minutes

The minutes from the November 14 ,2024, meeting were approved by a 4-0 vote

ACCEPTED [Unanimous]

MOVANT: Thomas "Bud" Smith

SECOND: Rob Cameron

AYES: Derrick Williams, Rob Cameron, Lauren Hebert, Thomas "Bud" Smith

ABSENT: Jeff Blair, Ashley Schemine

Old Business

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

Motion to Approve

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

FAILED [2 to 3]

Motion to Deny

The motion was made to deny the variance request
Motion to deny failed in a 2-3vote

FAILED [2 to 3]

Motion to Defer

Motion to defer to the December 17, 2024 meeting.
Motion to defer was approved in a 3-2 vote

DEFERRED [3 to 2]

MOVANT: Derrick Williams

SECOND: Rob Cameron

AYES: Derrick Williams, Rob Cameron, Thomas "Bud" Smith

NAYS: Jeff Blair, Lauren Hebert

ABSENT: Ashley Schemine

New Business

Executive Session

Adjourn

With no further business meeting was adjourned at 7:04pm

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



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 (9018 : 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 (9018 : 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 (9018 : 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:

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 Blum

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 Blum

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 (9018 : 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.



(Property owner's signature)

9/18/24

(Date)



(Applicant's signature)

9/18/24

(Date)

(Staff's signature)

(Date)

Attachment: 24_9 PACKET (9018 : 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
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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

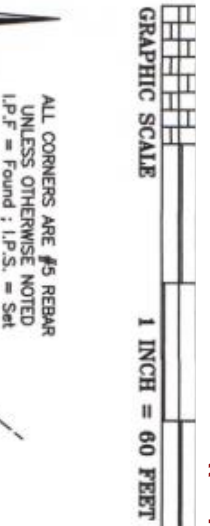
Owner Signature Luke Bolding Application Date 04/22/2024

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.

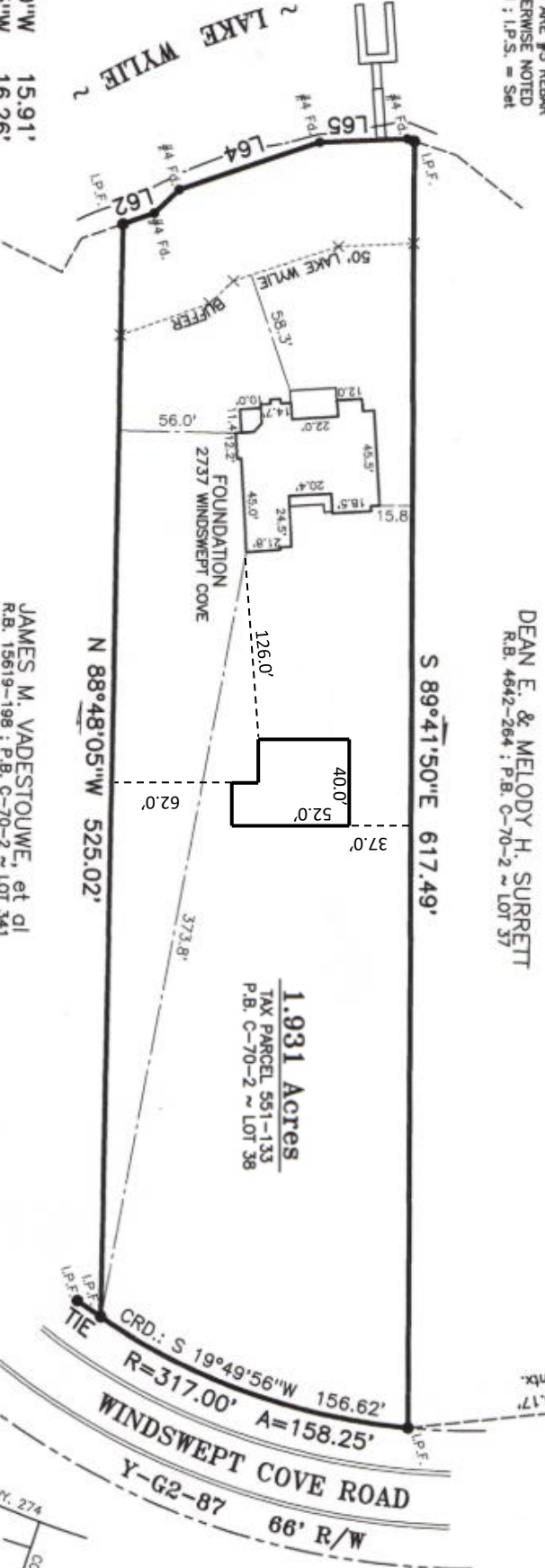
Attachment: 24_9 PACKET (9018 : Z24-9 V BZA (Bolding))



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'



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

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.



Laura & Benjamin Luke Bolding

PLAT OF SURVEY FOR

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"

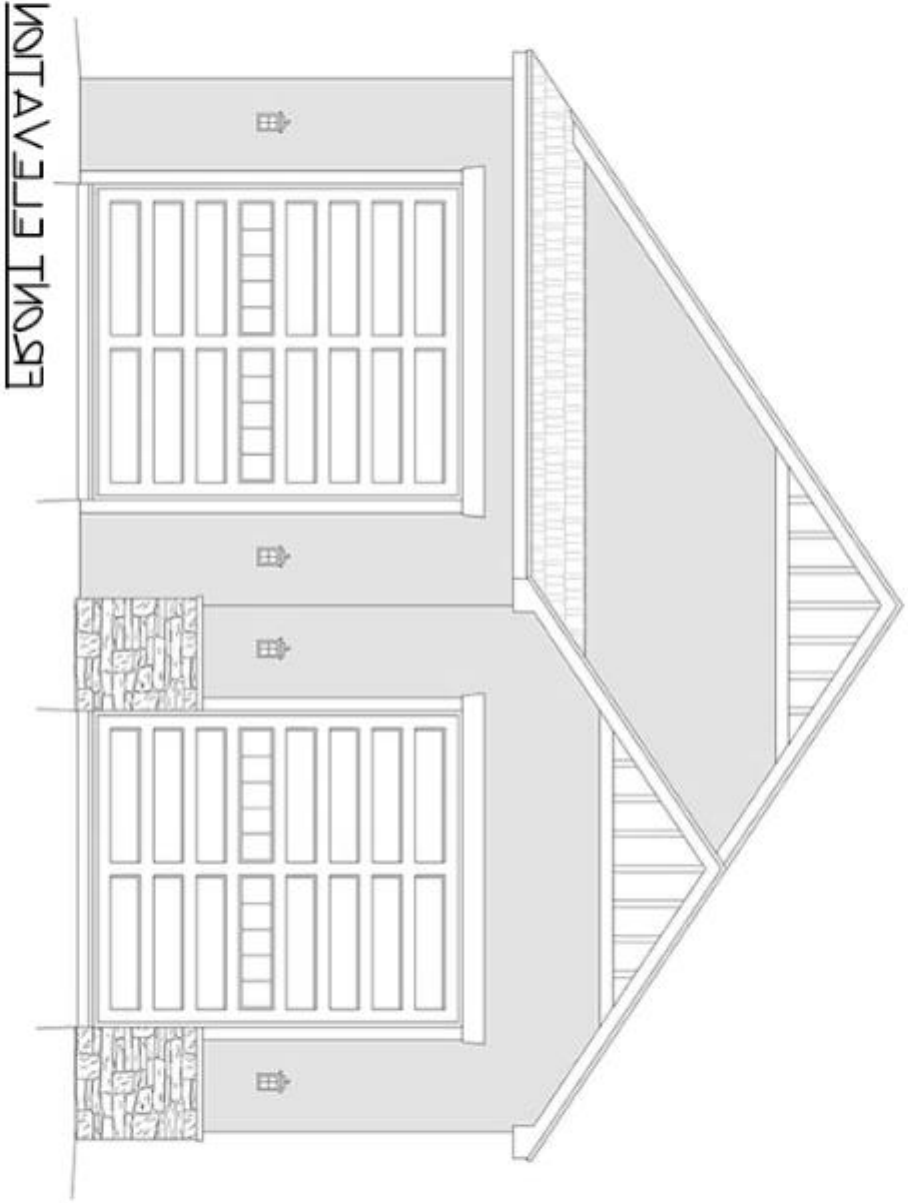
"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein,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

S.C. REG. NO. 6488

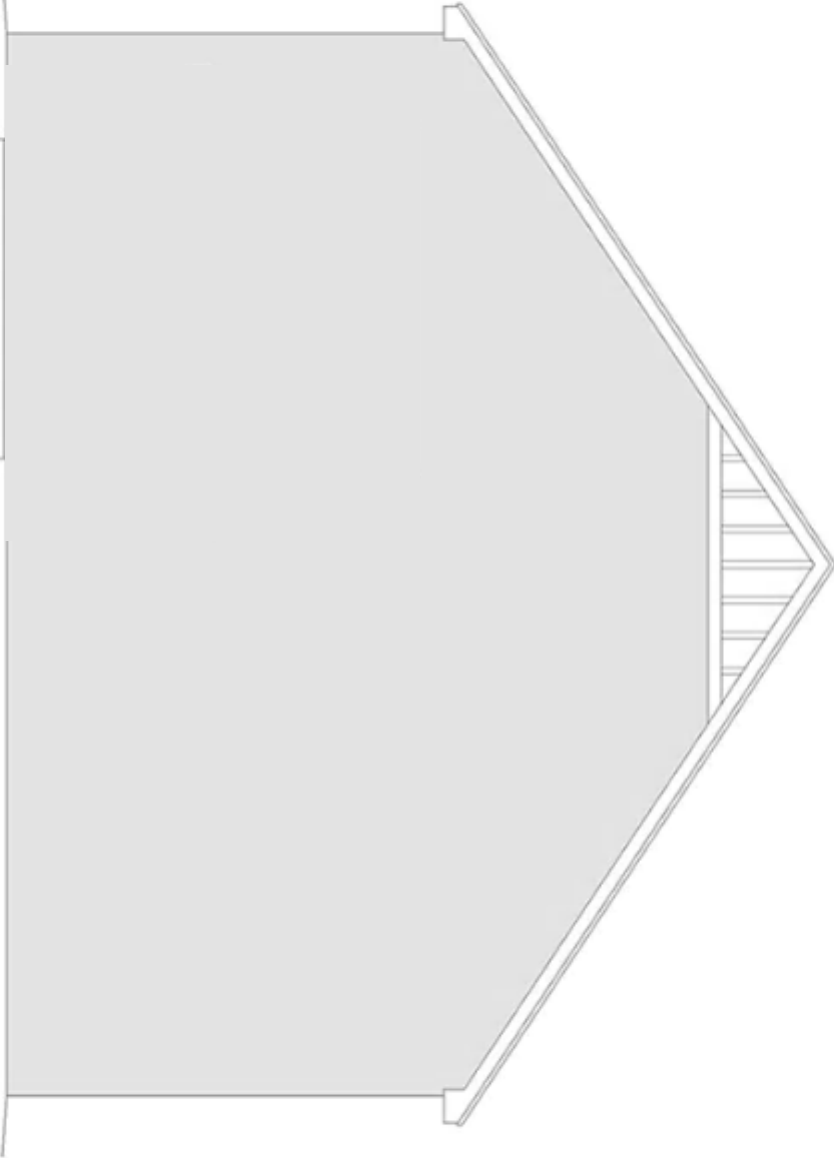
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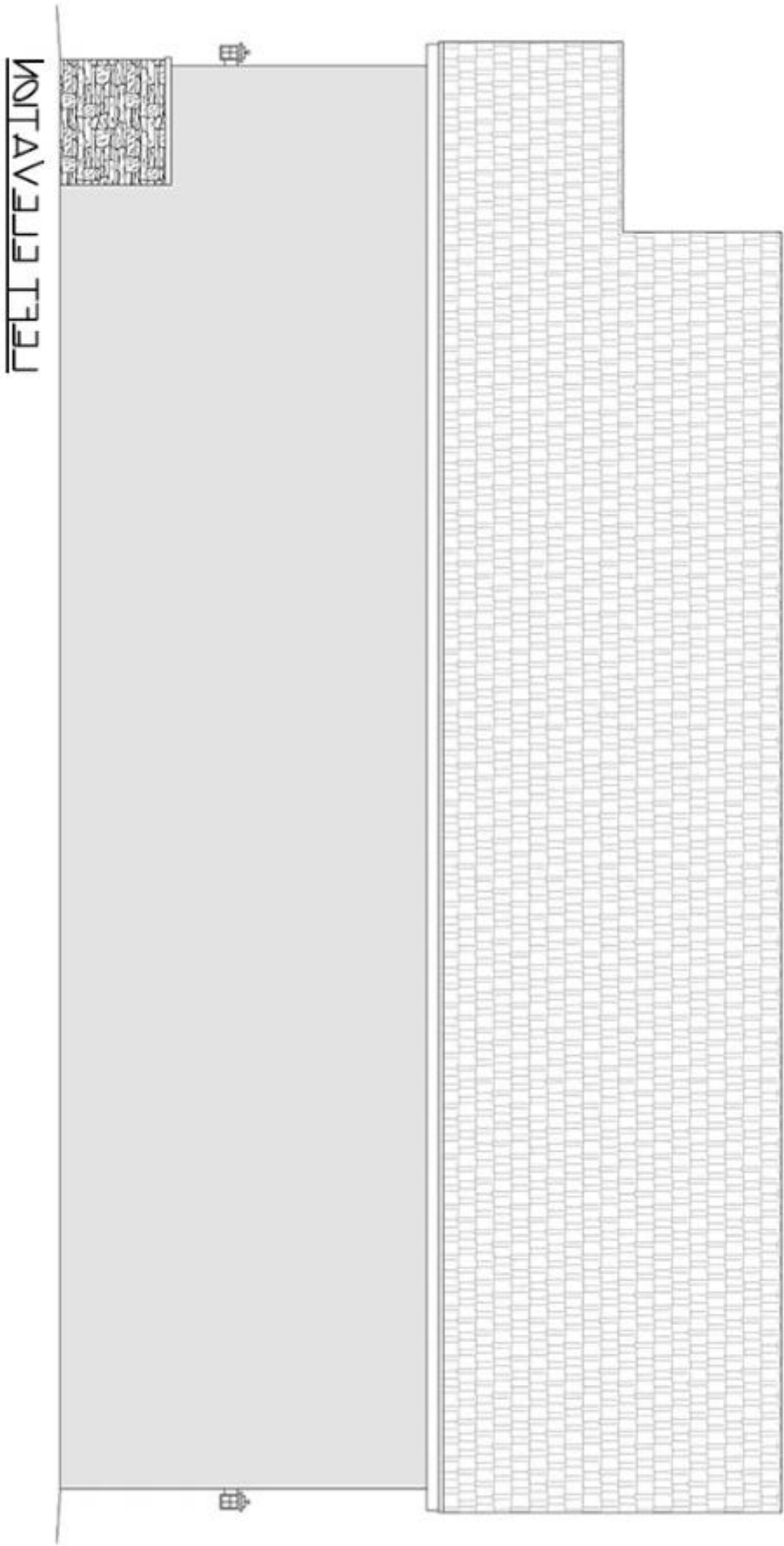
CLOVER, SC.

JOB NO. 170311



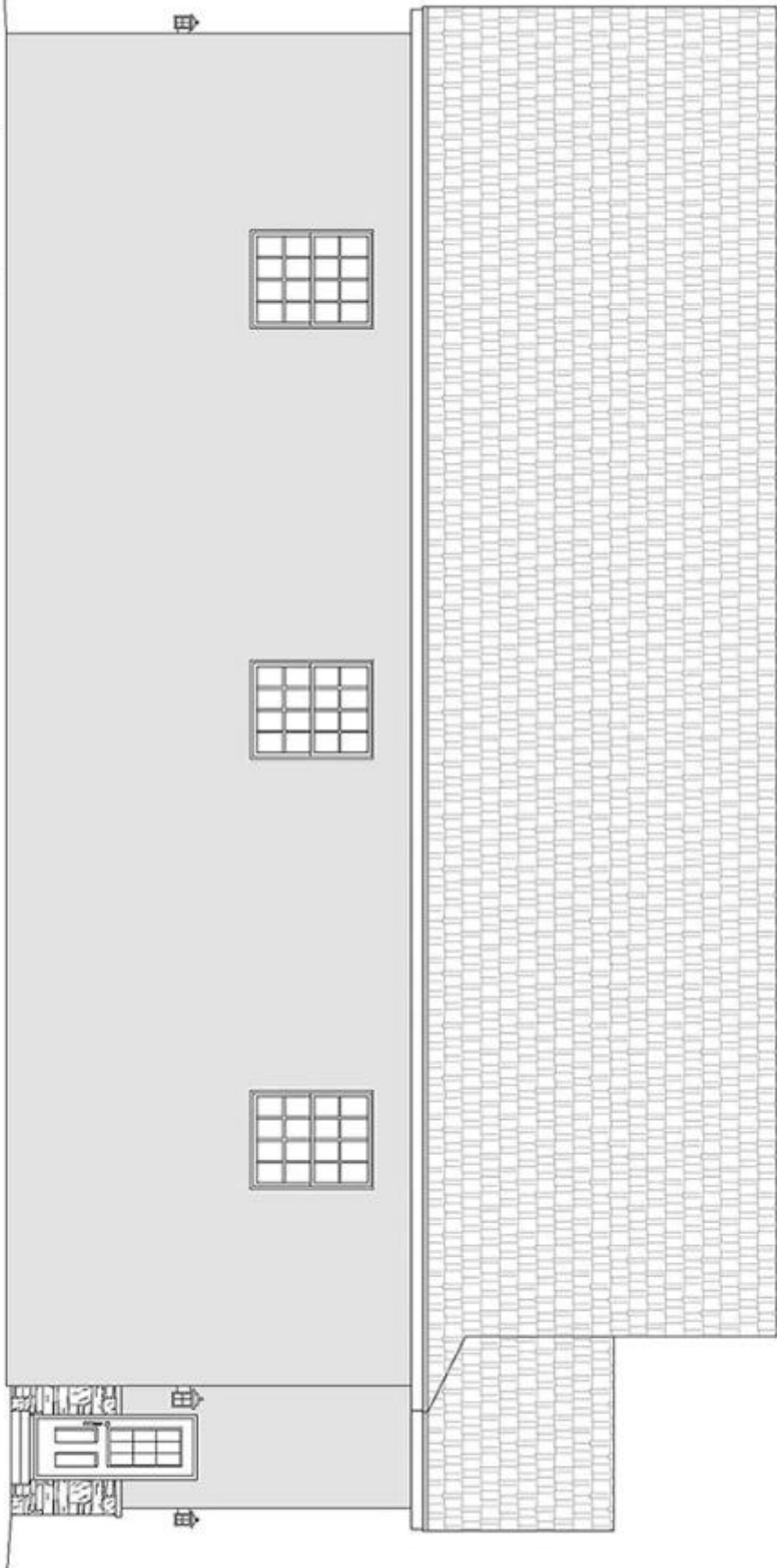
REAR ELEVATION

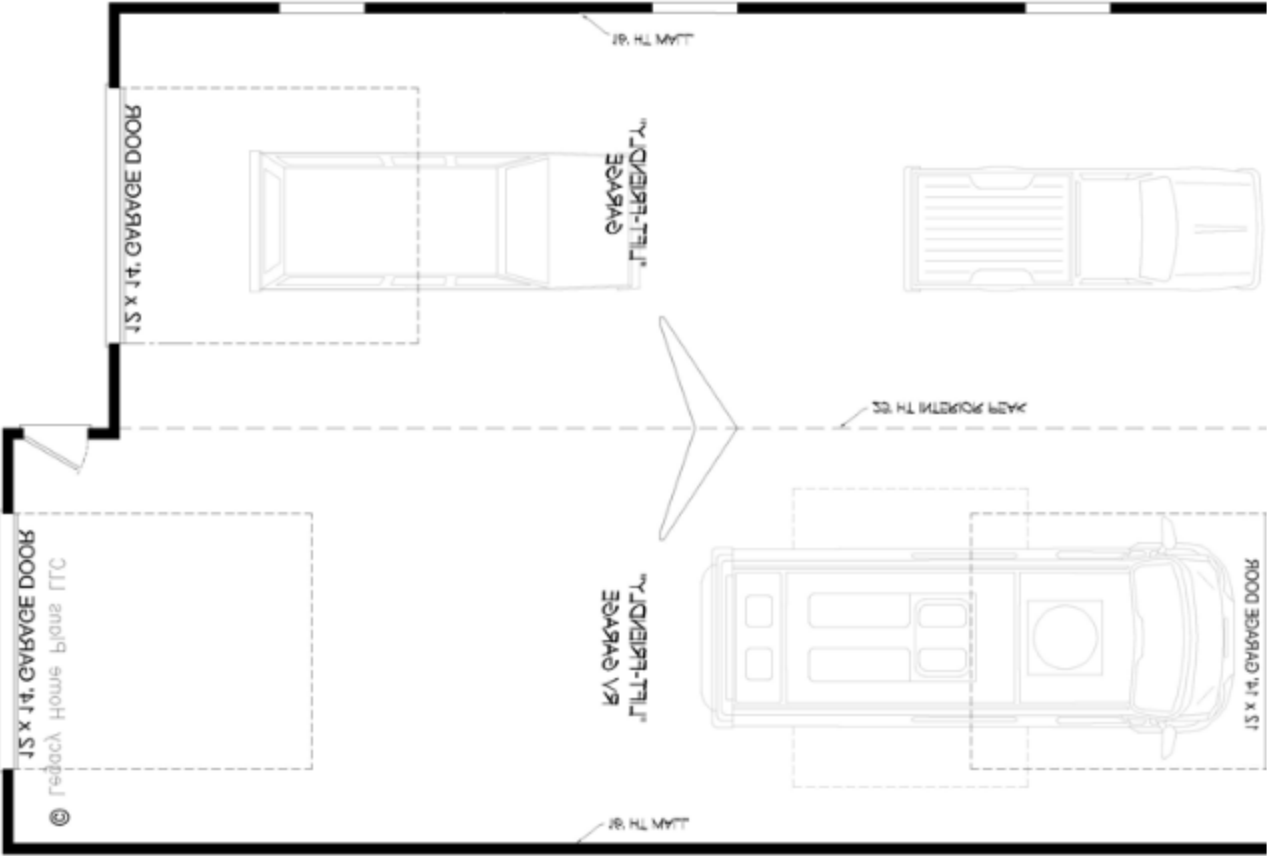




ELEVATION

RIGHT ELEVATION





Attachment: 24_9 PACKET (9018 : Z24-9 V BZA (Bolding))



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.

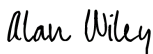
One Source Representative:

Alan wiley

Board President:

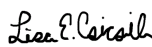
Lisa Csicsila

Signed by:



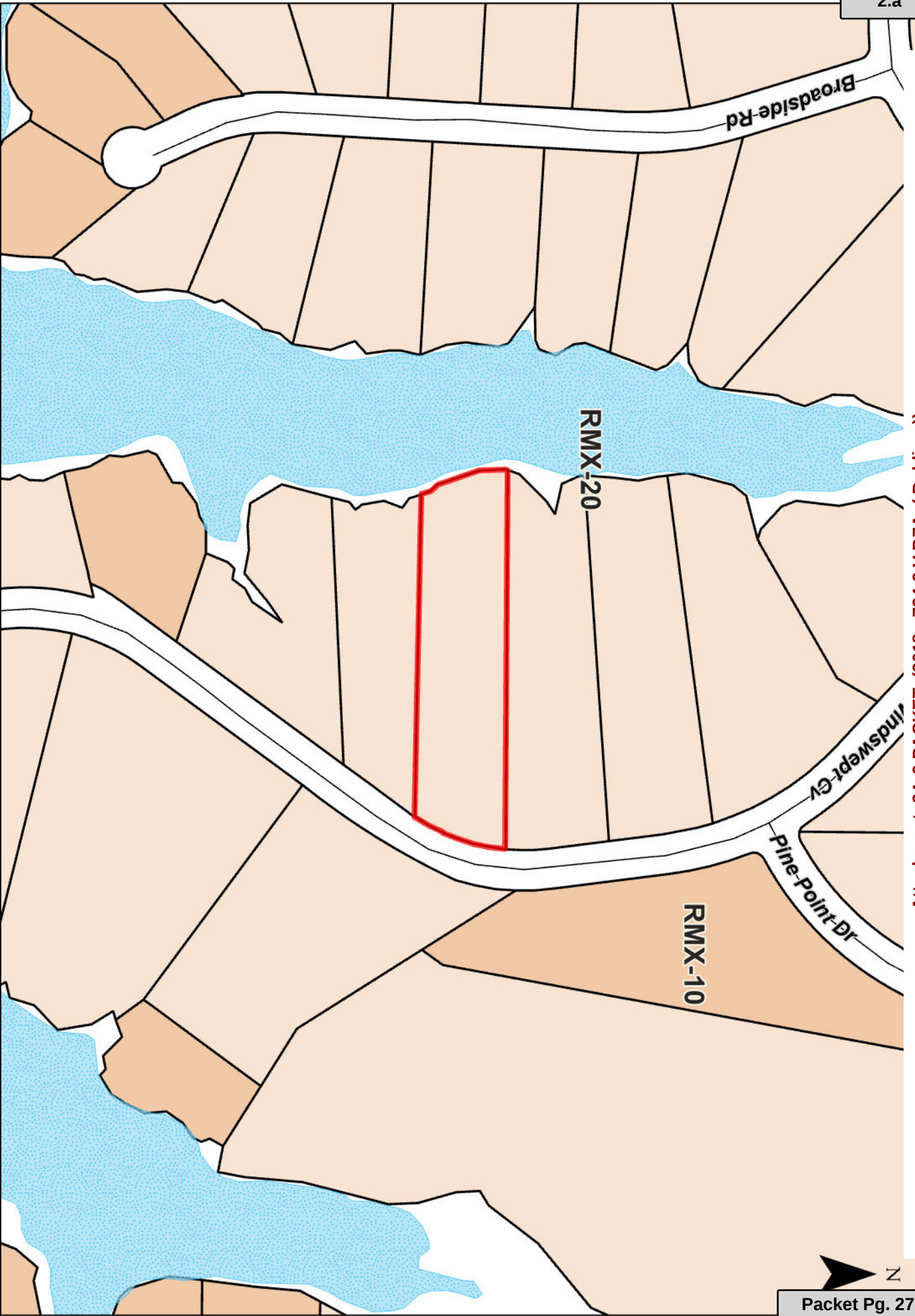
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DocuSigned by:



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Attachment: 24_9 PACKET (9018 : Z24-9 V BZA (Bolding))



Applicant: Benjamin Bolding
Tax Map Number: 551-00-00-133
Request: Variance - accessory structure location

Zoning Map





York County Board of Zoning Appeals
Meeting Date: December 12, 2024
Case No. Z24-9V



To: The Board of Zoning Appeals

RE: 2737 Windswept Cove York, SC; Council District 2 - Love
 Variance from: §155.205(C)(1) Location of Accessory Structure
 Item deferred to December 12 meeting due to failed motion

Date: December 9, 2024

Background

The Board held a public hearing for the above noted variance on November 14, 2024. After presentation of the staff report, testimony from the property owner, discussion by the Board, and motion failure, the Board motioned to defer the decision until the December 12, 2024 meeting in order to have an odd number of members. The item was heard by six members (Schemine, Cameron, Smith, Williams, Blair, Herbert), resulting in a tied vote.

Analysis

The applicant seeks to place an additional 1,980 square foot detached garage in front of the existing home with attached garage, 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.

Recommendation

Variances shall be granted sparingly for exceptional and extraordinary circumstances. Variances should not be granted to correct or circumvent a section of code. The proper avenue is to direct staff to work with Council on a code amendment.

Make a motion to approve, deny, or approve with conditions the requested variance.

Submitted by:

Rick Abboud, AICP

Attachments:

- Attachment 1: Application packet
- Attachment 2: Minutes

Attachment: Board memo re- 12.12.24 meeting (9018 : Z24-9 V BZA (Bolding))