



KERSHAW COUNTY BOARD OF ZONING APPEALS

AGENDA

MARCH 4, 2025 REGULAR MEETING @ 5:30 PM
COUNCIL CHAMBERS
KERSHAW COUNTY GOVERNMENT CENTER
515 WALNUT STREET, CAMDEN, SOUTH CAROLINA

I. **Call to Order, Determination of Quorum, and Election of Chairman**
(to be conducted by John DuBose, County Attorney)

Motion to consider: Nominations for Chairman from the floor of currently appointed members of the Board of Zoning Appeals.

Note: The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board in each calendar year. The first order of business is the election of a Chairman for 2025, followed by the election of the Vice-Chairman.

II. **Election of Vice-Chairman** (to be conducted by newly elected Chairman)

III. **Appointment of Secretary to Board**

Note: The Board shall appoint a member of the staff as Secretary of the Board. Rhonda Darity has most recently served in this role.

IV. **Approval of Minutes**
May 7, 2025

NEW BUSINESS (with public hearing)

- V. **Case 25-01:** Property owner Patrick Schlappich is requesting a variance to the required 35' minimum front yard setback for an accessory structure/garage located within an R-15 zoning district, as required in Article 3:2.5 of the Kershaw County Unified Code of Zoning and Land Development Regulations. Specifically, the applicant is requesting to allow the eastern side of the proposed accessory structure to encroach 3.8' into the front yard setback, which would result in a 31.2' front yard setback. This request represents a 11% reduction from the required 35' minimum front yard setback. The property is located at 1877 Lakeshore Road, Camden, with TMS# 161-02-43-094.

VI. **Director's Report**

VII. **Executive Session (if needed)**

Receipt of Attorney-Client Privileged Legal Briefing, SC Code 30-4-70(2).

VII. **Adjournment**

Kershaw County Board of Zoning Appeals



MINUTES

KERSHAW COUNTY BOARD OF ZONING APPEALS
MAY 7, 2024 REGULAR SESSION
COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER
CAMDEN, SOUTH CAROLINA

Members Present: Amy Eudy, Ashleigh Hough, Mark Sury, and Jeffrey Murphy

Members Absent: Cook Young

Staff Present: Joey Adams-Raczkowski, John Dubose, Hannah Doster and Rhonda Darity

CALL TO ORDER

Chairman, Jeffrey Murphy called the meeting to order at 5:30 p.m, and determined that there was a quorum.

ADOPTION OF AGENDA

Chairman Murphy called for a vote to adopt the agenda as listed, and all voted to adopt the agenda.

MINUTES

The minutes from the April 24, 2023 regular meeting were reviewed. The motion to approve was made by Amy Eudy, seconded by Mark Sury, and approval was unanimous. The minutes from the March 4, 2024 regular meeting were reviewed. The motion to approve was made by Jeffrey Murphy, seconded by Ashleigh Hough, and approval was unanimous.

PUBLIC HEARING CASE #22-04

Chairman Murphy introduced the case and opened the public hearing:

PUBLIC COMMENTS

Joey Adams-Raczkowski, stated that the applicants are requesting relief from Article 3:2.5, and Table 3-4 of the Kershaw County Zoning and Land Development Regulations. They are requesting a variance to the required 35' minimum front yard setback for an accessory structure/ garage, located within the R-15 zoning district, as required in Article 3. Specifically, the applicant is requesting to allow the eastern side of a proposed accessory structure to encroach 14' into the front yard setback. This would result in a 21' front yard setback. The property is located at 2194 Mallard Lane, Camden, with TMS# 161-02-43-065.

Mr. Adams-Raczkowski, informed the Board that in order to grant a variance, the Board of Zoning Appeals is required to determine that the application of the Ordinance will result in unnecessary hardship, and all four standards for a variance set by State Law and the ordinance are met by the following facts:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

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4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the surrounding area will not be harmed by granting the variance.

The applicant's representative, Jerry Peacock briefly addressed the Board, and was available for questions. Mr. Peacock noted that this is the applicant's primary home, and they need space to store vehicles. No trees would be removed, the garage opening would not face the road, and this is a dead end street.

There was discussion between the board members and Mr. Peacock.

Chairman Murphy closed the public discussion period.

The Chairman opened the floor for discussion. The Board went over the 4 standards and addressed each item for this variance request.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
Chairman Murphy made a motion to open discussion and vote on standard 1, seconded by Ms. Hough to open for discussion. Ms. Hough had concerns on landscaping, and fairness to the property owners. In response to Ms. Hough's comments, Mr. Adams-Raczowski stated that the Board can place conditions on approvals. Chairman Murphy does not see anything that makes this parcel extraordinary/exceptional conditions than all of the other lots. Ms. Eudy had comments concerning the back yards on lake property. Chairman Murphy asked if consideration had been made for a smaller garage? Mr. Eisenback stated that the reason he needed the three door garage was because he had two classic cars stored in another county, and a recent purchase of a new Corvette. Chairman Murphy made a motion that the condition has been met, seconded by Mark Sury. All agreed that this standard was not met.
2. These conditions do not generally apply to other property in the vicinity.
Chairman Murphy made a motion to open discussion and vote on standard 2, seconded by Ms. Hough to open for discussion. Ms. Hough asked Ms. Eudy if she noticed any properties during her site visit that this standard may be an issue as well. Ms. Eudy stated that everyone at the lakeside only has one yard to work with. If you put a structure on the lakeside of the home, you obstruct the view of the lake. Chairman Murphy made a motion that the condition has been met, seconded by Mark Sury. All agreed that this standard was not met.
3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
Chairman Murphy made a motion to open discussion and vote on standard 3, seconded by Ms. Eudy to open for discussion. Ms. Eudy requested clarification on the utilization of the property because it is zoned residential, should they be thinking that the purpose of the property is to be habitable? Does building the garage affect the applicant's ability to live there? Chairman Murphy stated that there is enough property that you could construct an accessory structure within the limits of the setbacks. The specific proposed structure is larger than the area that falls within the setback. Ms. Hough requested clarification on a side setback. Mr. Adams-Raczowski verified that the side setback for this zoning district is ten feet. Chairman Murphy made a motion that the condition has been met. All agreed that this standard was not met.
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the surrounding area will not be harmed by granting the variance.
Chairman Murphy made a motion to open discussion and vote on standard 4, seconded by Ms. Eudy to open for discussion. Ms. Eudy stated that during her site visit she looked to see if the proposed building would obstruct. She feels that it would not obstruct the view. Ms. Eudy feels that it would not take away

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from property values, but would add to the property value, she is in favor of this standard. Chairman Murphy made a motion that the condition has been met. Chairman Murphy and Ms. Eudy voted in favor of the motion. Mr. Sury and Ms. Hough opposed the motion. County Attorney Dubose clarified that a tie vote requires an affirmative majority. Chairman Murphy stated that standard 4 does not pass.

Attorney Dubose reminded the Board that in order for a variance to be approved, all standards must be met.

Director's Report

No new items have been submitted for the next meeting.

ADJOURNMENT

At 6:12 p.m., the Chairman asked if there were any other items to discuss. Hearing none he made a motion to adjourn. Seconded by Ms. Eudy, and approval was unanimous.

Respectfully submitted,

Rhonda Darity
Rhonda Darity
Secretary

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STAFF REPORT

APPLICATION TO THE BOARD OF ZONING APPEALS
FOR VARIANCE CASE # 25-01
PATRICK SCHLAPPICH, 1877 LAKESHORE ROAD, CAMDEN

KERSHAW COUNTY BOARD OF ZONING APPEALS PUBLIC HEARING
Tuesday, March 4, 2025 at 5:30 PM
Council Chambers, Kershaw County Government Center
515 Walnut Street, Camden, SC 29020

APPLICANT: Patrick Schlappich, Property Owners

APPLICANT REPRESENTATIVE: (self)

PROPERTY: 1877 Lakeshore Road, Camden
TMS # 161-02-43-094
Zoning: R-15

CASE: Property owner Patrick Schlappich is requesting a variance to the required 35 ft. minimum front yard setback for a proposed accessory structure located within an R-15 zoning district, as required in Article 3:2.5-1 and Table 3-4 of the Kershaw County Unified Code of Zoning and Land Development Regulations.

Specifically, the applicant is requesting to allow the eastern side of the accessory structure to encroach 3.8 ft. into the required 35 ft. minimum front yard setback, which would result in a 31.2 ft. side yard setback. This represents a 11% reduction from the required 35 ft. front yard setback. This variance would allow the entirety of an existing concrete pad to be utilized.

Previously staff has provided the property owner with other options to consider such as reducing the size of the building or adding to the western side of the existing concrete pad.

Article 3, Section 3:2.5-1 Accessory Uses to Observed Required Setbacks: Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Zoning and Land Development Regulations, Table 3-4: Schedule of Lot Area: This table lists the minimum required front yard setback as being 35 ft. for a residential accessory structure in an R-15 zoning district.

JUSTIFICATION FOR A VARIANCE:

The following is an analysis of the justification given by the applicant on the application:

- 1. Describe the provision of the Kershaw County Zoning and Land Development Regulations from which you seek a variance.**

Response from Applicant: Front setback is 35 ft. Concrete pad is 3 feet 8 inches into setback.

[Article 3:2.5-1 and Table 3-4 of the Kershaw County Unified Code of Zoning and Land Development Regulations]

- 2. Describe unusual conditions of the property causing unnecessary hardship which may justify variance from the terms of the ordinance.**

Response from Applicant: Flood zone.

- 3. Describe extraordinary and exceptional conditions pertaining to the particular piece of property.**

Response from Applicant: Entrance to property off two drives. Flood zone.

- 4. Explain how the conditions described above do not generally apply to other property in the vicinity.**

Response from Applicant: Usually only one access to property entrance. Flood zone.

- 5. Due to these conditions, explain how the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.**

Response from Applicant: Location of flood zone. Location of concrete pad.

- 6. Explain how the authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and how the character of the surrounding area will not be harmed by granting of the variance.**

Response from Applicant: The requested variance is located in a flood zone. There will be no impact to adjoining properties.

BOARD ACTION

After hearing testimony from the applicant and planning staff, the Board of Zoning Appeals may take the following actions: (1) Approval, with or without conditions; (2) Denial with specific reasoning; (3) Table for a specific reason, to a specific meeting date.

BOARD OF ZONING APPEALS FINDINGS

To authorize upon appeal in specific cases a variance from the terms of Article 3 of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Article 3 of this Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship if the Board makes and explains in writing all the following findings.

The Board of Zoning Appeals is required to determine that the application of the Ordinance will result in unnecessary hardship, and that all four standards for a variance set by based on S.C. Code Ann. § 6-29-800 and the Ordinance are must by the following facts:

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

- 2. These conditions do not generally apply to other property in the vicinity.

- 3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

- 4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the surrounding area will not be harmed by granting the variance.

Aerial view of subject property outlined in blue color (BZA# 25-01)



Aerial view of subject property outlined in blue color, in relation to floodplain areas shown in purple color (BZA# 25-01)



Enlarged area of subject property (BZA# 25-01)

Yard setbacks show in yellow, existing building pad with encroachment shown in blue color.

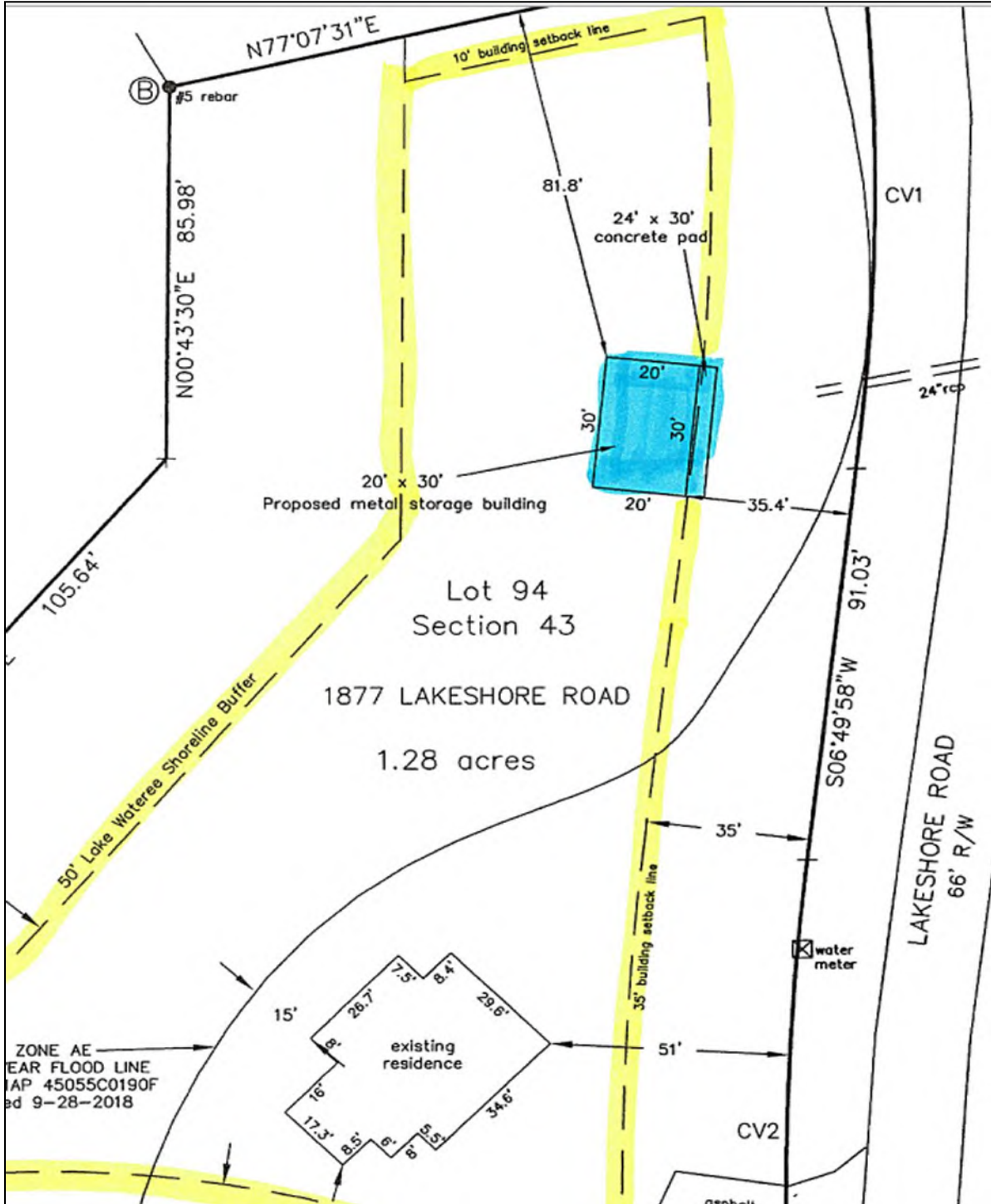


Photo of front yard facing Lakeshore Road to the right side of the picture, looking into the property. In the back right of the picture is the concrete pad for the proposed storage building (BZA 25-01)



PETITION TO BOARD OF ZONING APPEALS FOR A VARIANCE



INSTRUCTIONS

The Board of Zoning Appeals (BZA) may grant a variance from the terms Article 3, Zoning Regulations, of the Kershaw County Unified Code of Zoning and Land Development Regulations as long as the variance will not be contrary to public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in an individual case of unnecessary hardship if the board finds that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
2. these conditions do not generally apply to other property in the vicinity; and
3. because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance.

The Board may not grant a variance, the effect of which would 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 a property maybe utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

A property owner and/or his agent first submits a variance petition to the Kershaw County BZA. The BZA must then hold a public hearing and then make a determination on the variance. The applicant and/or agent may appear at the hearing to present the case. After the hearing, the applicant will be notified of the action by the Board. From start to finish, the process takes approximately four weeks.

The BZA considers variance petitions at its meetings on the first Tuesday of each month. The meetings are held on an "as needed" basis in Council Chambers, Kershaw County Government Center, 515 Walnut Street, Camden SC at 5:30 pm. Applicant and/or owner(s) will be notified of the specific dates that the request will be heard. All variance petitions must be filed at least one calendar month prior to the BZA meeting in which it is to be considered.

This application for variance must be neatly printed, completed in full, and returned to KC Planning and Zoning at the Kershaw County Government Center, Room 160, 515 Walnut Street, Camden SC. It must be accompanied by:

- One copy of the property's recorded deed obtained from the Kershaw County Register of Deeds, Kershaw County Government Center, Room 180, 515 Walnut Street, Camden SC.
- One copy of the recorded plat obtained from the Kershaw County Register of Deeds.
- A non-refundable filing fee per the most recently adopted Schedule of Fees, which is required to process this application and cover advertising costs incurred for the public hearing. Checks are to be made payable to Kershaw County.
- Additional information, if requested by the Kershaw County Planning and Zoning Department.

If the subject property is owned by more than one person, each owner must be listed if the applicant is not the property owner, the property owner must complete and notarize the Designation of Agent Form. If the property is owned by more than one person, each owner must complete and notarize a separate Designation of Agent Form. An additional form is provided on the last page of this application.

PETITION TO BOARD OF ZONING APPEALS FOR A VARIANCE

All data and exhibits found herein or appended to this petition shall be deemed to be public record.

Date: 12/19/24 Request #: _____

I, Patrick Schlappich, hereby make application to the Kershaw County Board of Appeals for a variance.

Kershaw County Planning and Zoning Department
515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233

PROPERTY LOCATION			
Street Address: <u>1877 Lakeshore Road</u>			
City: <u>Camden</u>	Zip: <u>29020</u>	Property Area (acres): <u>1.28</u>	
Community/Subdivision: _____		TMS#: <u>167-02-43-094</u>	
Deed Book: <u>4439</u>	Plat Book: <u>36 @ pg. 625</u>	Sewer District: <u>N/A</u>	Water District: <u>Cassatt</u>
Current Use: <u>Residential</u>		Proposed Use: _____	
Has previous variance application been made for all or any part of this property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, when: <u>2022</u>		Per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the SC Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, submit a copy with this application.	
The applicant is:			
<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Agent of Owner <input type="checkbox"/> Option Holder		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, submit a copy with this application.	
PROPERTY OWNER		APPLICANT	
<small>(If the property is owned by more than one person, each owner must be listed. An additional form is provided at the end of this application and may be duplicated if necessary.)</small>		<small>(If other than property owner.)</small>	
Name: <u>Patrick Schlappich</u>		Name: _____	
Email: <u>ptschlappich@gmail.com</u>		Email: _____	
Phone: <u>704-634-5967</u>		Phone: _____	
Mailing Address: <u>6719 Potter Road S</u>		Mailing Address: _____	
City: <u>Waxhaw</u>	State: <u>NC</u>	City: _____	State: _____ Zip: _____
	Zip: <u>28173</u>		
DESIGNATION OF AGENT			
<small>To be completed by owner, only if owner is not applicant. If property is owned by more than one person, each owner must complete a Designation of Agent Form. An additional form is available at the end of this application. Each owner signature must be notarized.</small>			
I, _____ (property owner), hereby appoint _____ (applicant) as my agent to represent me in this request for administrative appeal.			
Owner's Signature: _____			
Date: _____			
Given under my hand and seal, this ___ day of _____, 20__.			
_____ (seal)			
My commission expires on ___ day of _____, 20__.			
Kershaw County Planning and Zoning Department 515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233			2 <small>11-2023</small>

Describe the provision of the Kershaw County Zoning and Land Development Regulations from which you seek a variance.

Front Setback is 35 feet.

Concrete pad is 3 feet 8 inches into setback.

JUSTIFICATION FOR VARIANCE

Describe unusual conditions of the property causing unnecessary hardship which may justify variance from the terms of the ordinance.

Flood zone

Describe extraordinary and exceptional conditions pertaining to the particular piece of property.

Entrance to property off two drives.
Flood zone.

Explain how the conditions described above do not generally apply to other property in the vicinity.

usually only one access to property entrance. Flood zone.

Due to these conditions, explain how the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of this property.

Location of Flood zone, Location of concrete pad.

Explain how the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and how the character of the surrounding area will not be harmed by the granting of the variance.

The requested variance is located in flood zone. There will be no impact to adjoining properties.

Applicant's Signature: Justin Dewey Date: 12/19/24

Action by Appeals Board:

Signature of Chairman _____ Date _____

See Page 5 for Additional Property Owner and Designation of Agent Forms.

PROPERTY OWNER

(If the property is owned by more than one person, each owner must be listed. An additional form is provided at the end of this application and may be duplicated if necessary.)

Name: Patrick Schlappich

Email: pschlappich@gmail.com Phone: 704-634-5967

Mailing Address: 6719 Potter Rd. S. Waxhaw NC 28173
City State Zip

DESIGNATION OF AGENT

To be completed by owner, only if owner is not applicant. If property is owned by more than one person, each owner must complete a Designation of Agent Form. An additional form is available at the end of this application. Each owner signature must be notarized.

I, _____ (property owner), hereby appoint _____ (applicant) as my agent to represent me in this request for administrative appeal.

Owner's Signature: _____

Date: _____

Given under my hand and seal, this ___ day of _____, 20__.

_____ (seal)

My commission expires on ___ day of _____, 20__.

PROPERTY OWNER

(If the property is owned by more than one person, each owner must be listed. An additional form is provided at the end of this application and may be duplicated if necessary.)

Name: Leslie Schlappich

Email: lschlappich@gmail.com Phone: 704-320-6468

Mailing Address: 6719 Potter Rd. S. Waxhaw NC 28173
City State Zip

DESIGNATION OF AGENT

To be completed by owner, only if owner is not applicant. If property is owned by more than one person, each owner must complete a Designation of Agent Form. An additional form is available at the end of this application. Each owner signature must be notarized.

I, _____ (property owner), hereby appoint _____ (applicant) as my agent to represent me in this request for administrative appeal.

Owner's Signature: _____

Date: _____

Given under my hand and seal, this ___ day of _____, 20__.

_____ (seal)

My commission expires on ___ day of _____, 20__.

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