

RECEIVED 6/23/2023



**BOARD OF ZONING APPEALS**  
**APPEAL FROM ACTION OF**  
**ZONING OFFICIAL**  
**APPLICATION**

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

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

**PROPERTY INFORMATION:**

TAX MAP NUMBER: 0006-00-086.00  
STREET ADDRESS: 680 Fort Mill Highway  
CITY/ STATE/ ZIP CODE: Indian Land, SC 29707  
LOT DIMENSIONS/ LOT AREA: 38.88 ac PLAT BOOK/PAGE: 2022/231  
CURRENT ZONING CLASSIFICATION: Mixed-Use (MX)

**PROPERTY OWNER OF RECORD:**

NAME: NR Lodges Property Owner LLC  
ADDRESS: 558 E Brooklyn Village Ave, Suite 120  
CITY/STATE/ZIP CODE: Charlotte, NC 28202 TELEPHONE/FAX NUMBER: 704.714.9640  
EMAIL ADDRESS: kwhitaker@nwravin.com, mwillson@nwravin.com  
SIGNATURE OF OWNER/ DATE: [Signature] 06.23.23

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

**AGENT OF OWNER:**

NAME: Daniel J. Ballou  
ADDRESS: 331 E. Main St, Suite 300  
CITY/STATE/ZIP CODE: Rock Hill, SC 29730 TELEPHONE/FAX NUMBER: 803.329.7609  
EMAIL ADDRESS: dan.ballou@mortongettys.com  
SIGNATURE OF AGENT/ DATE: [Signature] 6/23/2023  
SIGNATURE OF OWNER/ DATE: [Signature] 06.23.23

# APPEAL FROM ACTION OF ZONING OFFICIAL APPLICATION

Date Filed: 6-23-2023

Application No. 2023-1201

1. THE APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FROM THE ACTION OF THE ZONING OFFICIAL AFFECTING THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) ON THE GROUNDS THAT:  
( ) GRANTING ( ) DENIAL OF AN APPLICATION FOR A PERMIT TO \_\_\_\_\_  
WAS ERRONEOUS AND CONTRARY TO PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE IN SECTION: OR  
OTHER ACTION OR DECISION OF THE UNIFIED DEVELOPMENT ORDINANCE WAS ERRONEOUS AS FOLLOWS:

1) School impact fees are assessed for the total project instead of specific to the number of units being permitted, and do not account for previously approved units.

2) School impact fees are assessed based on the number of dwelling units regardless of unit size (i.e. 1 bedroom, 2 bedroom, etc.) and do not accurately reflect impact to the schools since 1 bedroom units do not generate the same impact on schools as 2 and 3 bedroom units.

2. APPLICANT IS AGGRIEVED BY THE ACTION OR DECISION IN THAT:

Project received approval for 217 units prior to adoption of Ordinance 2021-1761; therefore, 217 units are not subject to school impact fees. Subsequently, the number of dwelling units increased by 44; however, the number of bedrooms remained the same thus the impact to schools did not change. Additionally, impact fees have been assessed on the 44 units added in order to pull the first building permit for the project despite 217 units being grandfathered and the impact to schools remaining comparable to the 217 unit plan.

3. APPLICANT CONTENDS THAT THE CORRECT INTERPRETATION OF THE UNIFIED DEVELOPMENT ORDINANCE AS APPLIED TO THE PROPERTY IS:

Any impact fees based on the number of dwelling units should only be assessed for the number of dwelling units listed on the building permit. Further, school impact fees assessments should take into account the actual impact to schools based on the number of bedrooms. As such, since the number of bedrooms did not increase from what was approved prior to Ord. 2021-1761, no additional impacts fees should be assessed.

4. APPLICANT REQUEST THE FOLLOWING RELIEF:

1) Building permits should be released for the first 217 units ("Grandfathered Plan") prior to any impact fee assessments being due.

2) School impact fees should account for the unit mix and the number of bedrooms to gauge impact to the school system. Applicant request an individual assessment to verify the actual impact to the school system by the development as compared to the approved Grandfathered Plan.

Date: 06.23.23

Applicant Signature: 



## PUBLIC HEARING NOTICE

You are receiving this notice because you own property within the vicinity of a proposed Appeal from the Decision of a Planning and Zoning Official within Lancaster County, SC more completely described below.

Appeal Request BZA-2023-1201 Summary	
Location	The Lodges (MX-2020-2051) North side of Fort Mill Highway, approximately 325 feet east of Rosemont Drive (TM #'s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04) See map on reverse side of this notice.
Applicant(s)	Daniel Ballou on behalf of NR Lodges Property Owner LLC
Appeal Request	Appeal decision regarding payment of School Impact Fees on 44 units
County Staff Contact	Allison Hardin, Development Services Director 803-285-6005 ahardin@lancastersc.net
Public Hearing Information	
Board of Zoning Appeals	Tuesday, August 1, 2023 at 6:00 PM Rescheduled to <b>TUESDAY, AUGUST 29, 2023 at 6:00 PM</b>
Location	Lancaster County Administration Building Council Chambers, 101 North Main Street, Lancaster, SC

Citizens will have an opportunity to provide evidentiary comments at the above public hearing, limited to 3 minutes per person.

If you are unable to the public hearing it will be live-streamed on the County's YouTube page:  
<https://www.youtube.com/channel/UCgSImrcYjcYcu1m-e6TV54w>

Anyone requiring special services to attend this meeting should contact (803) 285-1565 at least 24 hours in advance of this meeting. Lancaster County Board of Zoning Appeals agendas are posted at the Lancaster County Administration Building and are available on the Website: [www.mylancastersc.org](http://www.mylancastersc.org).

The Lancaster County Zoning Map and the Unified Development Ordinance can be viewed at [www.mylancastersc.org](http://www.mylancastersc.org) at the Development Services webpage.

Please feel free to call or email the County staff contact above if you have any questions or comments regarding this proposed rezoning. Thank you.



# Location Map

Map Date: November 24, 2020

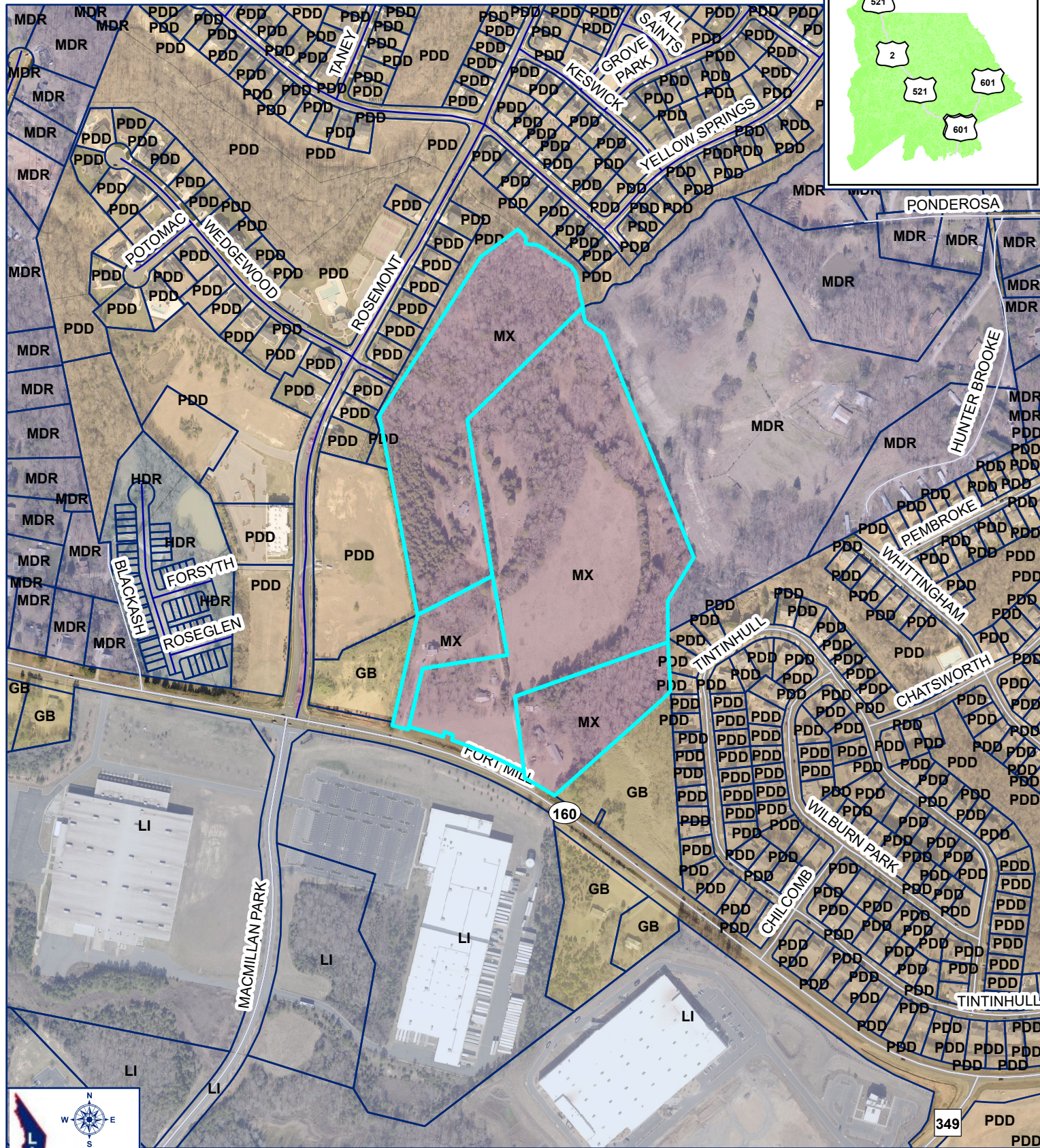
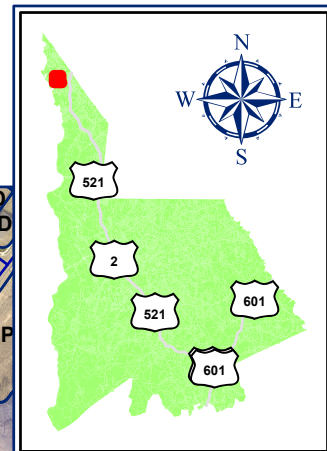
Map Created by: RT

Case Numbers: MX-020-2051

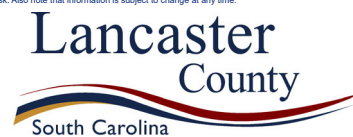
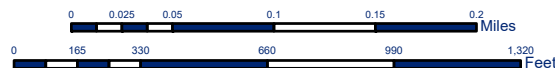
Proposal: Master Development Plan for a proposed 217-unit apartment development located on approximately 38.88 acres of land.

Tax Map #'s: 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04

Applicant: NWR Development, LLC



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



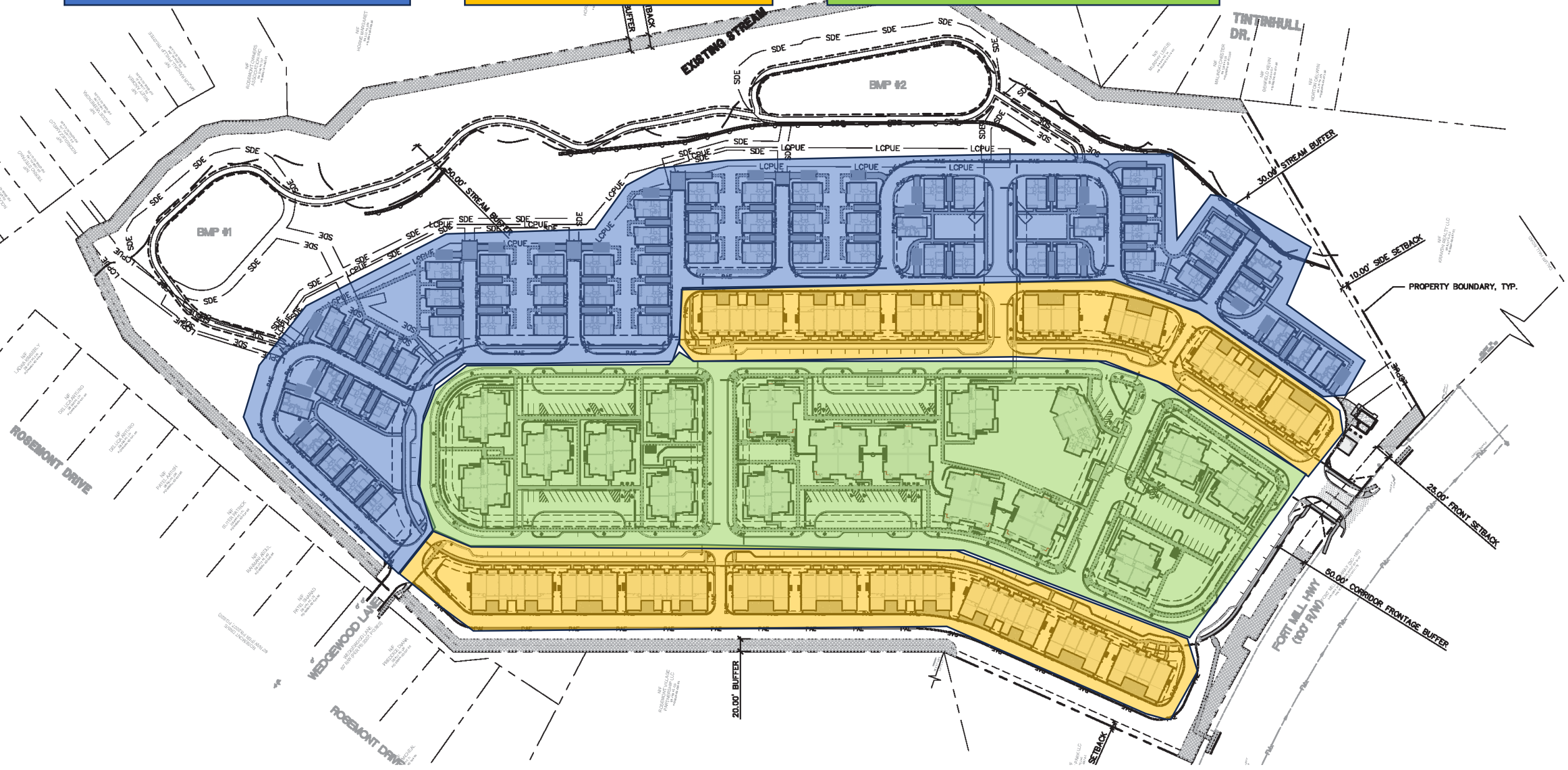


Cottage Court Units (63)

Townhome Units (80)

Garden Apartments (118\*)

*\*As of Resolution 1195-R2022*

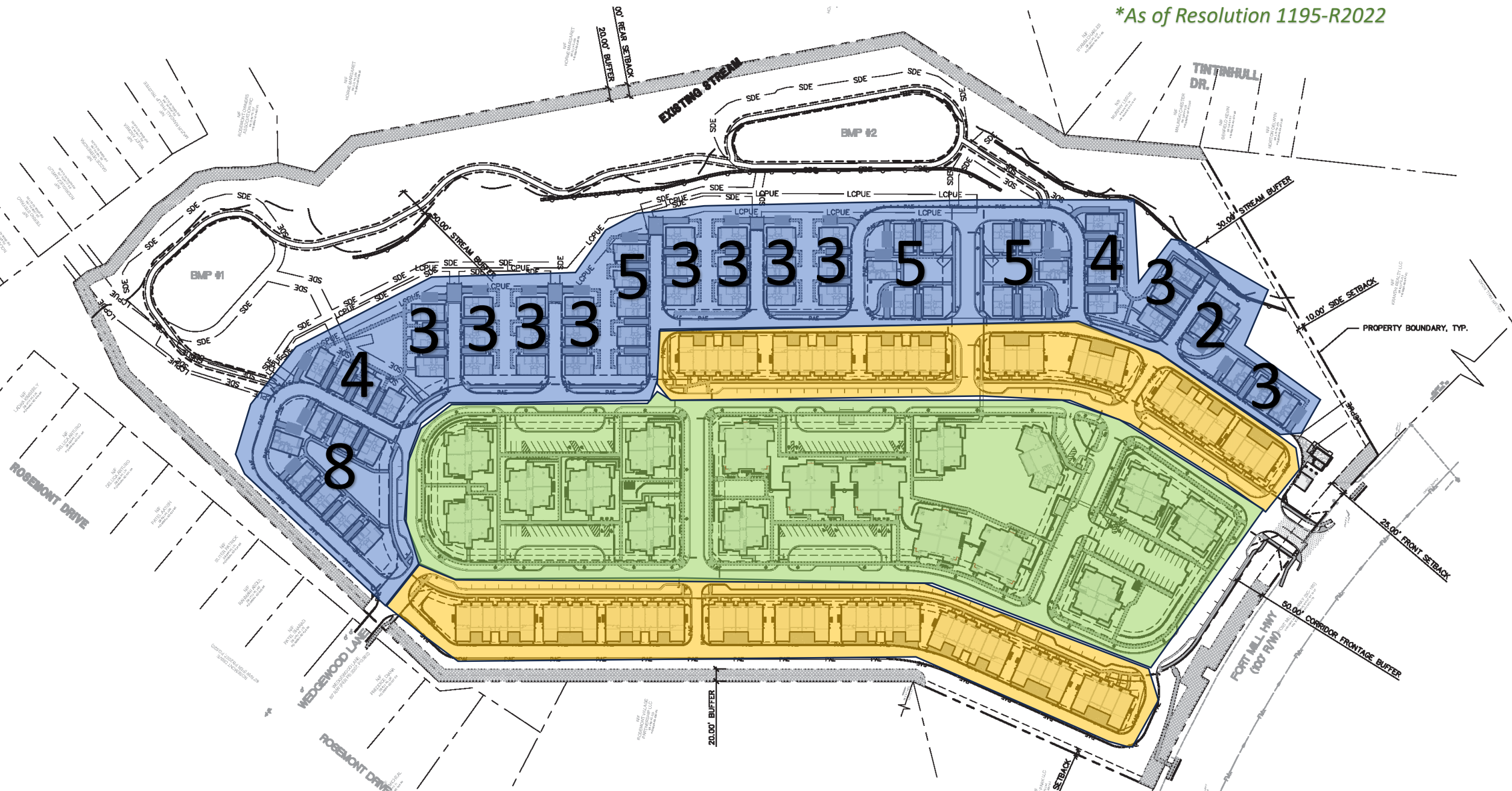


Cottage Court Units (55)

Rowhome Units (55)

Garden Apartments (115)

\*As of Resolution 1195-R2022





Cottage Court Units (65)

Rowhome Units (66)

Garden Apartments (115)

\*As of Resolution 1195-R2022

