TOWN OF FORT MILL
BOARD OF ZONING APPEALS MEETING
July 20, 2020
6:00 PM

Live Viewing Online: Request Access by emailing before 5:00 pm on Monday, July 20, 2020 to Penelope G. Karagounis, Planning Director at pkaragounis@fortmillsc.gov
Public Access by Phone: Dial (toll free) 1-877-309-2073 and use access code 406-966-501
In Person Public Hearing located at 200 Tom Hall Street (Outside of Town Hall)

AGENDA

CALL TO ORDER

ELECTION OF CHAIR AND VICE CHAIR FOR 2020

APPROVAL OF MINUTES

Regular Meeting: November 25, 2019 *[Pages 2-5]*

PUBLIC HEARING ITEMS

1. **CASE # 2020-0116**
   Mike Short
   118 Hallett Street
   Tax Map # 020-04-16-028
   Zoning District: R-15

   Applicant is requesting a variance from the zoning ordinance to allow a carport in front of a principal structure.
   [Pages 6-16]

ADJOURN

The following press was notified of the meeting by email or fax in accordance of the Freedom of Information Act: The Herald; CN2; WRHI; Fort Mill Times and WBTV. The agenda was also posted at the entrance to Town Hall the required length of time and on the Town website.

The Town of Fort Mill is committed to assuring accessibility with reasonable accommodation, of Town services and facilities for all individuals, in compliance with federal law. Please contact the Town Manager's Office at 803-547-2116 if you need assistance.

MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
November 25, 2019
6:00 PM

Present: Amber Bryant, Ryan Helms, Chairman Jim Thomas, Terri Murray, Planner II Nick Cauthen, Planning Director Penelope Karagounis

Absent: Becky Campbell, Carolyn Blair, Jody Stegall

Guests: C. Lamar Vaughn (Applicant)

Chairman Thomas called the meeting to order at 6:00 p.m. and welcomed everyone in attendance.

APPROVAL OF MINUTES

Chairman Thomas called for a motion to approve the minutes of the September meeting. Mr. Helms made a motion to approve the minutes of the September 16, 2019 meeting as submitted by staff. Ms. Bryant seconded the motion. The motion was approved by a vote of 4-0.

PUBLIC HEARING ITEMS

A) **Variance request from Chance Services LLC. – 104 Short Link Street – Case # 2019-1007:**

Mr. Cauthen provided a brief overview of the variance request, the purpose of which was to allow a reduction in the 35' front setback requirement to 11' and a reduction in the 35' rear setback requirement to 10' in order to build a new house on the property. Staff added that a written notice of violation had been served to the applicant regarding the dilapidated condition of the current house on the property. The applicant had communicated to staff that his intention was to demolish the current structure and build a new home. The current structure was a legal nonconforming structure resulting in the need of a variance in order to rebuild on the lot.

Mr. Thomas asked if the average front yard setback exception in the ordinance could be used in order to not require a variance for the front yard setback. Staff responded that this was not used because there was only one house on that side of the street, and it faced Link Street but that it was certainly open to interpretation. Mr. Thomas stated that it is the only home on that side of the street and since it is a corner lot, the Short Link side of the lot would be considered a front yard. Staff agreed.

Mr. Thomas asked how close the corner house was to Short Link Street. Staff responded that the proposed structure would meet the average setback requirement because the corner house is undoubtedly closer to Short Link Street than 10'. Mr. Thomas stated we can certainly use corner lots to establish average setbacks for interior lots.

Mr. Helms asked if the proposed house would be in the same footprint as the existing home. Staff responded that it would not be.

Mr. Vaughn stated his wife, Tracy Chance is the owner of Chance Services LLC. He noted they own multiple houses within the Town limits of Fort Mill including 204 Short Link Street which is adjacent to the subject property.

The applicant added, 104 Short Link Street was acquired approximately 2 months ago after going thru probate court. Notice from the Town was received shortly thereafter regarding the lack of upkeep of the property and the dilapidated state of the structure. The current house is very small, the roof is caving in, and demolition is the best course of action.

Ms. Murray asked the applicant if he knew the property was nonconforming prior to purchase. The applicant stated that he did not. The applicant continued by saying he thought a new structure in that area would be very beneficial appearance wise.

Ms. Murray asked if rehabbing the existing structure was an option. The applicant stated that was not an option due to the length of time the roof had been opened. Mr. Cauthen added the Town's building dept. had confirmed to him that the existing structure was in very bad condition.

Mr. Helms asked if the current structure met the setback requirements of the UDO. Staff stated that it did not because of the 35' rear setback requirement.

Mr. Helms asked if the variance was needed because of the demolition of the entire house. Staff stated that was correct. Ms. Murray asked if demolition and a rebuild in the same footprint would be allowed by the ordinance. Staff stated that it would not be allowed without a variance because demolition would exceed the 75% damage threshold for rebuilding a nonconforming structure.

Mr. Thomas commented that he personally felt a new home would improve the entire neighborhood. Mr. Helms agreed.

Mr. Thomas asked the applicant what type of house he was planning to build. The applicant stated it would be 3 bedrooms and slightly under 1,600 sq. ft. It would be 32' x 49' with a front porch and dormer windows.

Mr. Thomas asked if there were anymore questions or comments pertaining to the case. Mr. Thomas then opened the public hearing, being there was nobody else present to speak beyond the applicant, the public hearing portion of the meeting was closed.

Ms. Murray stated the applicant cannot build on the subject property without a variance but that is potentially what made it less valuable at time of purchase. She was also concerned regarding the amount of variance needed.

Chairman Thomas stated it would not be closer to the street than any of the existing homes and it would be an improvement to the neighborhood. Mr. Helms stated the only reason the house would look out of place is because it would be new and look nice.

Mr. Thomas asked what the price would be for the new home. The applicant stated it would be around $225,000 and cost $160,000 to build. Mr. Thomas, Mr. Helms, and Ms. Bryant all agreed it would be a distinct improvement to the neighborhood.

Chairman Thomas called for voting on the four criteria required in granting a variance, specific to the applicant's request. Mr. Thomas called for a motion on whether or not there were extraordinary and exceptional conditions pertaining to the particular piece of property. Mr. Helms made a motion that there were extraordinary and exceptional conditions pertaining to the particular piece of property. Ms. Murray seconded the motion. The motion passed by a vote of 4-0.

Mr. Thomas called for a motion on whether the conditions apply to other property in the vicinity. Mr. Helms made a motion that the conditions do not generally apply to other property in the vicinity. Ms. Murray seconded the motion. The motion passed by a vote of 4-0.

Mr. Thomas called for a motion on whether the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property. Mr. Helms made a motion that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Ms. Murray seconded the motion. The motion passed by a vote of 4-0.

Mr. Thomas called for a motion on whether the authorization of a variance would be of substantial detriment to adjacent property or to the public good, and whether the character of the district would be harmed by the granting of the variance. Ms. Bryant made a motion that the authorization of a variance would not be of substantial detriment to adjacent property or to the public good, and that the character of the district would not be harmed by the granting of the variance. Mr. Helms seconded the motion. The motion passed by a vote of 4-0.

Mr. Thomas called for a motion on whether or not to grant the variance. The Board voted to approve the variance by a vote of 4-0. The granting of the variance allowed the proposed principle structure to use the average front setback for Short Link Street and allowed the rear setback requirement to be reduced from 35' to 10'.

ITEMS FOR INFORMATION / DISCUSSION

1. **2020 Meeting Dates:**

   The Board had no issues with the proposed 2020 meeting dates. The BOZA meetings remained at 6:00 p.m. to be held the 3rd Monday of each month.

There being no further business, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Nick Cauthen
Planning Department
December 4, 2019

BOZA
NOV 25, 2019

NAME	AFFILIATION
C. LAMAR VAUGHN	SELF

Town of Fort Mill
Board of Zoning Appeals
Item for Action

Item #1 **CASE # 2020-0116**
Mike Short
118 Hallett Street
Tax Map # 020-04-16-028
Zoning District: R-15

Applicant is requesting a variance from the zoning ordinance to allow a carport in front of a principal structure.
[Pages 6-16]

Background / Discussion

The Town has received a variance request from Mike Short for a proposed non-conformity related to the installation of a carport (an "accessory use") at 118 Hallett Street.

The request is to allow a 22' x 26' carport in front of a primary residence. The proposed location of the carport will be over the existing paved driveway as shown on the site plan. Under the town's zoning code, certain accessory uses shall not be permitted in front of primary structures.

Specifically, Article I, Section 7(G)(2) of the Town's Zoning Ordinance restricts the following accessory uses in front of principal structures:

> *The following customary accessory uses* ***must not be in front of the principal structure*** *on a lot:*
>
> ***(A) Unattached private garages or carports,***
> *(B) Shed or tool room for the storage of equipment used in grounds or building maintenance,*
> *(C) Children's playhouse and play equipment,*
> *(D) Private kennel for family pets, provided they are of the type authorized by town Ordinance,*
> *(E) Private swimming pool and bath house or cabana*
> *(F) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes,*
> *(G) Noncommercial flower, ornamental shrub, or vegetable garden greenhouse or slat house not over eight feet in height.*

The petitioner has stated that due to the orientation of their corner lot and the location of the driveway beside the home, this is the only feasible area a carport can be placed on the lot.

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to:

Hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

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

(b) these conditions do not generally apply to other property in the vicinity;

(c) 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

(d) 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 the granting of the variance.

(i) 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, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

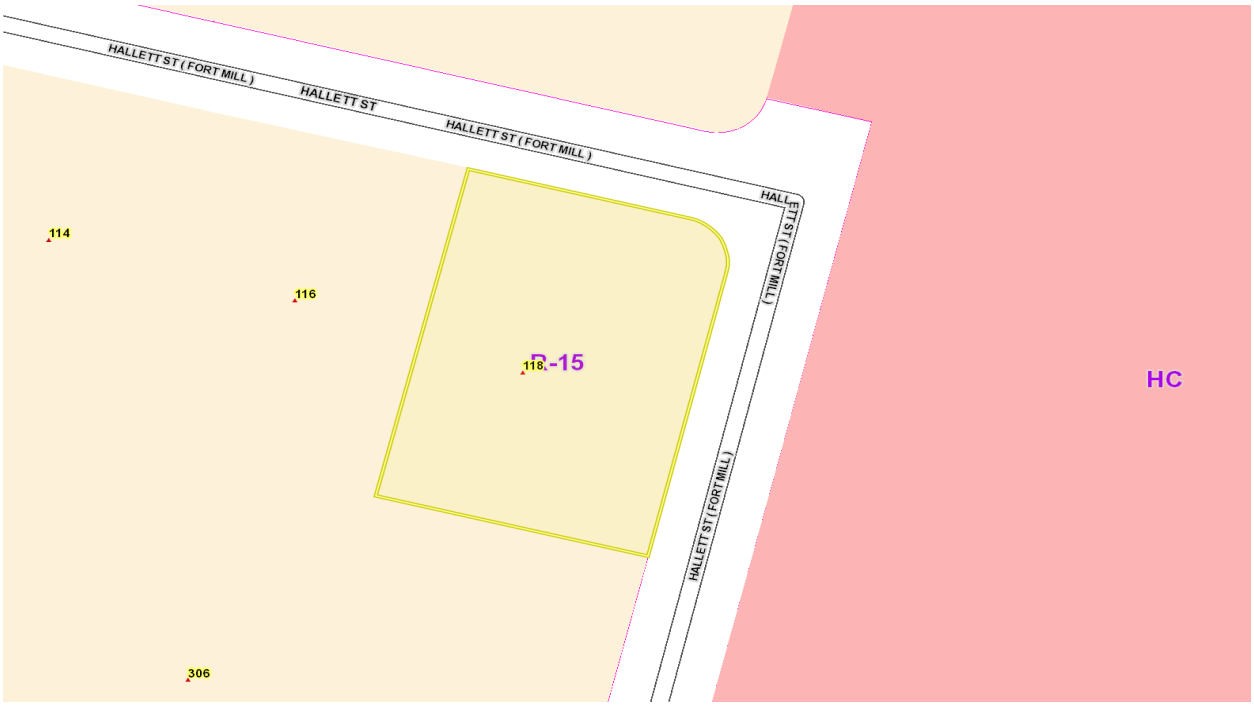
A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

(ii) 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.

Submitted by:

Nick Cauthen
Planner II
March 16, 2020

York County Tax Map # 020-04-16-028
Zoning Map



York County Tax Map # 020-04-16-028
Aerial Map

Views from Hallett Street of subject property

118

Date Received: 2-20-20
Board of Zoning Appeals Date: 3-16-20

Variance Appeal Application

Town of Fort Mill, South Carolina

Owner / Applicant Information:

Applicant Name: Mike Short

Mailing Address: PO Box 652 Fort Mill SC 29716

Telephone Number: 803 547 5446

Property Information:

Address: 118 Hallett ST Fort Mill SC

Current Zoning:

Current Use of Property: Residential

Submission Checklist

- [x] Completed application*
- [x] Drawings and specifications of proposed improvements
- [x] Site plan showing location of proposed improvements
- [x] Application fee ($125 residential / $250 non-residential)*

Additional materials may be required

*Required with submission

The Board of Zoning Appeals may grant a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship.

The findings required by the Board for variances are identified in Sec. 6-29-800 (attached) of the South Carolina Code of Laws. Responses to each of the following questions will assist the Board in making a determination.

1. Describe the variance request: Install 22x26 Leonard Carport at the end of existing driveway.

2. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property (size, shape, topography, etc.):

   Corner Lot.

APPLICATION CONTINUED ON NEXT PAGE

Date Received: 2-20-20
Board of Zoning Appeals Date: 3-16-20

3. Describe how the conditions listed above are unique to the property for which the variance is sought:

Conditions Are not unique. It is A corner lot.

4. Describe how the current zoning regulations prohibit or unreasonably restrict utilization of the property:

Corner lot has (2) front yards According to ordinance And no structure can be built in "front" of home.

5. Describe why the granting of the requested variance will not be injurious to adjacent properties, the neighborhood, or the general public:

The carport is to protect vehicles from the weather. There is no infringement or obstruction to adjacent property.

Acknowledgement of Requirements: Notices of appeal shall be posted on affected property so as to be clearly visible from a traveled street. The owner or appellant is instructed to maintain posting and to be responsible for notifying the town promptly if the sign is damaged or removed. Failure to do so may delay Board action. Additional permitting after Board approval may be required prior to beginning work, including zoning review, stormwater/engineering review, building permitting, and business licensing. Please note, incomplete submissions will not be accepted.

Signature 2 20 20
Date

Date Received: 2-20-20
Board of Zoning Appeals Date: 3-16-20

APPLICATION CONTINUED ON NEXT PAGE

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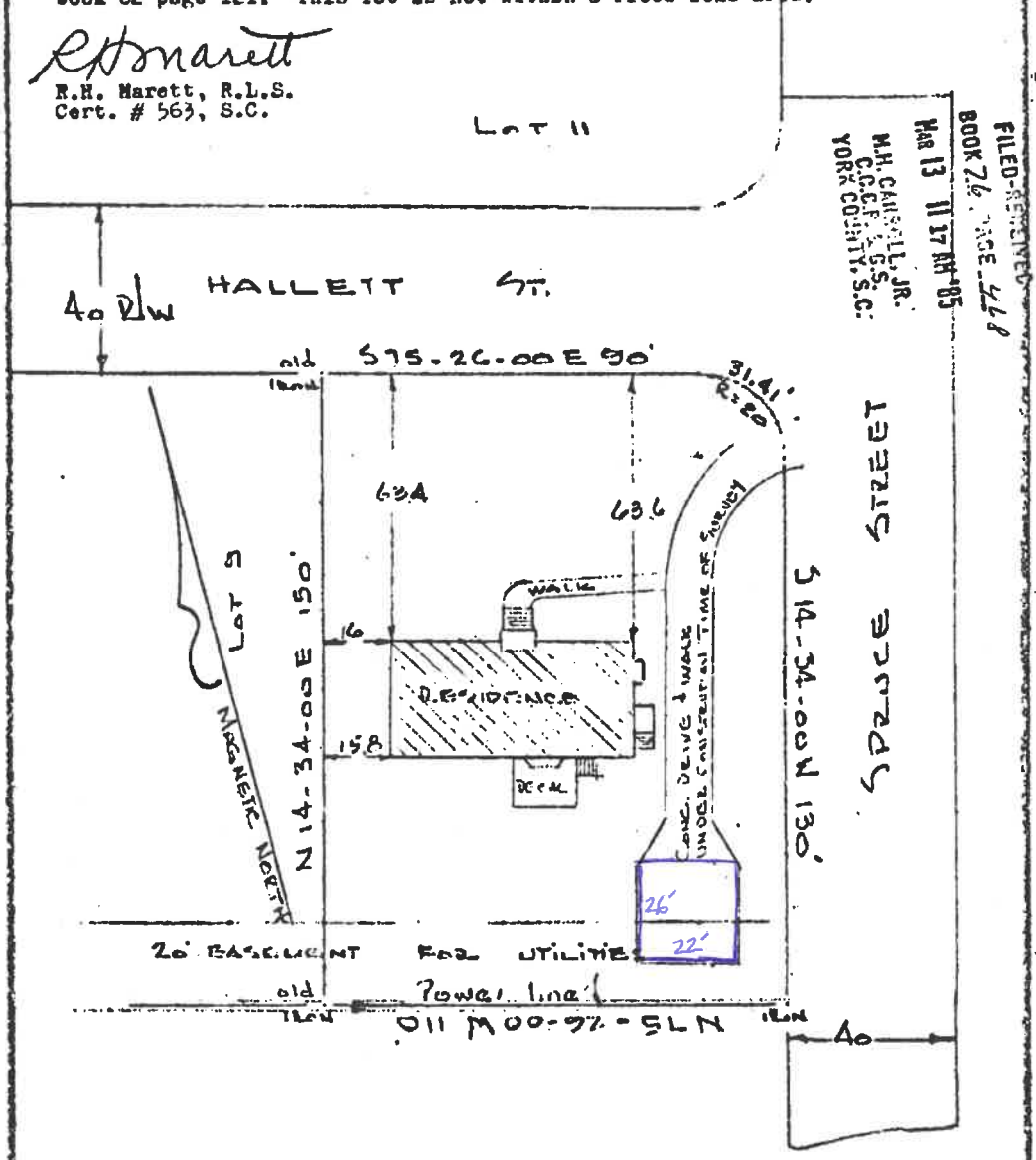
P.O. BOX 159 • 112 CONFEDERATE STREET • FORT MILL, SC 29715
TELEPHONE (803) 547-2116 • FAX (803) 547-2126

This is to certify that this is a true and accurate survey and that there are no encroachments or projections other than shown. This being lot 10 as shown on plat of property of SPRINGLAND, INC., WHITEVILLE PARK SUBDIVISION dated Feb. 1981, prepared by R.H. Iseley and J.C. Crumpler, Surveyors, and recorded in the office of the Clerk of Court for York County, S.C. in plat book 62 page 121. This lot is not within a flood zone area.

R.H. Marett

R.H. Marett, R.L.S.
Cert. # 563, S.C.



Property of

RICHARD G. AND SUSAN C. ROUSE

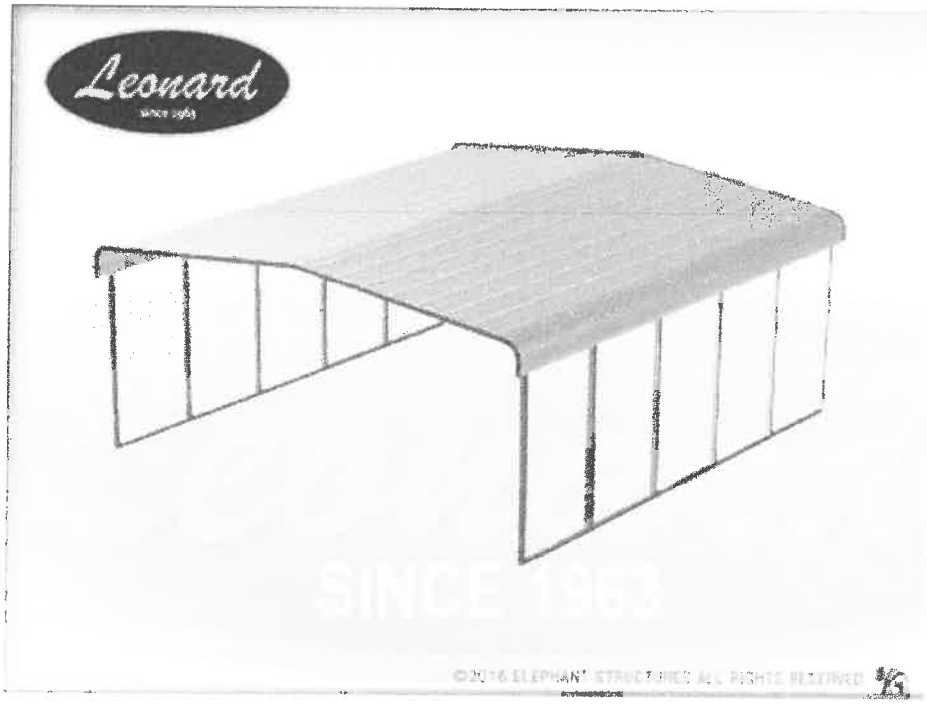
Fort Mill, S.C.

Scale 1"= 30' -- 6 March 1985

0 15 30 60 90 120 135

R.H. Marett--- Reg. Surveyor

468

Main Building
Roof Style: Curved
Roof Pitch: 3:12
Gauge: 14 Gauge
Sheeting Gauge: 29 Gauge
Certified: Certified (Certified 105-130 MPH / 25 PSF)
Blueprints: No Blueprints

Width: 22
Length: 26 (Frame 1 foot shorter than roof length)
Height: 8 (Leg height)