

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
January 26, 2015
6:00 PM**

Present: Jim Thomas, Jay McMullen, Becky Campbell, Jody Stegall, Ryan Helms, Terri Murray, Planning Director Joe Cronin, Assistant Planner Chris Pettit

Absent: None

Guests: Patricia Brohm, David Faile, Julie Faile

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

Planning Director Cronin stated that Ms. McCall had been in discussion with the Planning Department and unfortunately had to resign from her position on the Board due to difficulties securing child care.

Planning Director Cronin noted that Ms. McCall's term would have expired in April of 2015 and that a replacement will likely be appointed at that time. Planning staff will be in contact with additional Board members with upcoming, expiring terms to discuss the possibility of continuing service on the Board.

ELECTION OF CHAIR & VICE-CHAIR FOR 2015

Acting Chairman Thomas asked for nominations for Chair. Mr. Helms nominated Mr. Thomas for Chair. Mr. Stegall seconded the motion. Acting Chairman Thomas asked if there were any other nominations. Hearing none, the motion to elect Mr. Thomas as Chair was put to a vote. The Board voted 5-0 to approve Mr. Thomas as Chair, with Ms. Murray not voting as she was not yet present to the meeting.

Chairman Thomas asked for nominations for the position of Vice-Chair. Ms. Campbell nominated Mr. McMullen for Vice-Chair. Mr. Helms seconded the motion. Chairman Thomas asked if there were any other nominations. Hearing none, the motion to elect Mr. McMullen as Vice-Chair was put to a vote. The Board voted 5-0 to approve Mr. McMullen as Vice-Chair, with Ms. Murray not voting as she was not yet present to the meeting.

APPROVAL OF MINUTES

Mr. McMullen made a motion to approve the minutes of the December 15, 2014 meeting as submitted by staff. Ms. Campbell seconded the motion. The motion was approved by a vote of 5-0, with Ms. Murray not voting as she was not yet present to the meeting.

PUBLIC HEARING ITEMS

Ms. Murray arrived at 6:05, prior to the discussion of Public Hearing item #1.

1. **Variance request from Patricia Brohm (400 Unity Street)**: Chairman Thomas provided a brief overview of the applicant's request, the purpose of which was to allow a 6' privacy fence to extend beyond the principal structure in a front yard for a corner lot. Chairman Thomas noted that this was a reconsideration of a previously approved variance request, as it was noted that the wording of the Board's approval motion did not match the Board's intent.

Chairman Thomas opened the public hearing.

Ms. Brohm stated that since Duke Energy had no objection to the location of the fence, she did not see the point in the Board requiring that it be moved 10 feet further away from the power lines.

In that there were no further speakers, Chairman Thomas closed the public hearing.

Ms. Campbell questioned how the Board utilized the State's criteria to determine that a hardship existed when the Board approved previously approved the variance. Mr. McMullen explained the Board's determination as discussed at the October, 2014 Board of Zoning Appeals meeting, noting that the majority of the determination was based on the existence of a unique land use neighboring the property.

Members of the Board questioned staff as to the purpose of the public hearing and their discussions. Assistant Planner Pettit noted that the Board, using their own discretion, could vote to amend the approval motion for the application or could change their motion entirely. Planning Director Cronin noted that at the December 2014 Board meeting, the Board discussed amending the approval motion to match the original intent of the approval in regards to the Duke easement.

The October 20, 2014 approval motion for the variance included a condition stating the following:

Should Duke maintain a power line easement along the front of the property, the fence may not extend into the easement.

Ms. Murray made a motion to amend the wording of the October 20, 2014 variance approval condition to state the following:

The fence may remain in the Duke power line easement with approval from the easement holder, however the easement holder still retains the right to access their easement at the owner's expense.

Mr. Stegall seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 5-1, with Ms. Campbell opposed.

ITEMS FOR INFORMATION/DISCUSSION

Prior to the meeting, planning staff had distributed informational materials related to hardship requirements as outlined in South Carolina law. Town staff discussed the information with the Board. Chairman Thomas thanked staff for provided the information.

There being no further business, the meeting was adjourned at 7:02 pm.

Respectfully submitted,

Chris Pettit
Planning Department