



**TOWN OF FORT MILL  
BOARD OF ZONING APPEALS MEETING  
April 20, 2015  
112 Confederate Street  
6:00 PM**

**AGENDA**

**CALL TO ORDER**

**WELCOME & INTRODUCTION**

**ELECTION OF VICE-CHAIR FOR 2015**

**APPROVAL OF MINUTES**

Regular Meeting: January 26, 2015 *[Pages 2-4]*

**PUBLIC HEARING ITEMS**

1. **CASE # 2015-188**  
**Joe and Kristina Dillon**  
**411 Sidney Johnson Street**  
**Tax Map # 020-01-08-001**  
**Zoning District: R-10**  
  
Applicant is requesting a variance from the zoning ordinance to allow a reduction of the 10' side yard setback requirement for a principal structure.  
*[Pages 5-13]*
  
2. **CASE # 2015-189**  
**Tina S. Grayson**  
**201 East Gregg Street**  
**Tax Map # 020-04-29-009**  
**Zoning District: R-10**  
  
Applicant is requesting a variance from the zoning ordinance to allow a reduction of the 5' side yard setback requirement for an accessory structure.  
*[Pages 14-22]*

**ITEMS FOR INFORMATION / DISCUSSION**

**ADJOURN**

**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.

- A) **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

**Town of Fort Mill  
Board of Zoning Appeals  
Item for Action**

**Item #1**     **CASE # 2015-188**  
**Joe and Kristina Dillon**  
**411 Sidney Johnson Street**  
**Tax Map # 020-01-08-001**  
**Zoning District: R-10**

Applicant is requesting a variance from the zoning ordinance to allow a reduction of the 10’ side yard setback requirement for a principal structure.

**Background / Discussion**

The Town has received a variance request from Joe and Kristina Dillon for a proposed non-conformity related to the construction of a single-family house (a “principal use”) at 411 Sidney Johnson Street.

The purpose of the request is to permit a reduction in the side yard setback requirement from 10’ to 8’ for the principal structure. The applicant has supplied the floor plan for the proposed home, which shows that the majority of the home would meet the 10’ setback requirement. The only portion that would not meet the 10’ setback requirement would be the kitchen, which would be 8’ from the side property line.

Article II, Section 2(5)(E) of the Town’s Zoning Ordinance outlines the following setback requirement for principal structures:

*E) Minimum side yard: **R-10-Principal structure is ten feet** with accessory uses being five feet. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.*

The applicant has been working with Town staff for months in order to find an appropriate plan for the property. Due to the existence of three (3) sanitary sewer lines converging in the middle of the property, the applicant is limited as to the usable area of the lot. Given these limitations, the applicant believes that the proposed location with the requested variance would be the only feasible solution for the property.

Staff would like to note that the proposed location of the home would be 5’ from the sanitary sewer lines at two separate locations. Typically, a new home would be no closer than 7.5’ from a sanitary sewer line. Town Public Works staff has indicated that they would be okay with the proposed home being 5’ away from the sanitary sewer lines, however the Town would require that the applicant obtain an Encroachment Permit prior to constructing the home. The purpose of the Encroachment Permit would be to protect the Town in the event that the sanitary sewer line needed to be accessed through the Town’s easement over the line.

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:**

Chris Pettit  
Assistant Planner / Zoning Administrator  
April 15, 2015

2015-188

Town of Fort Mill  
112 Confederate Street  
P.O. Box 159  
Fort Mill, South Carolina 29715

★ April 20<sup>th</sup> ★

ZONING APPEALS BOARD  
VARIANCE APPEAL

Date Filed: 3-26-15

Owner's Name: Joe + Kristina Dillon

Address: PO Box 55 Van Wyck, SC 29744

Telephone: 704.239.5888

Property Address: 407 Sydney Johnson St. Fort Mill, SC 29715

Current Use: Undeveloped

Zoning District: R-10 Residential

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

1. Describe the variance request: 2 feet on the left side for kitchen "bump out"

2. Why did the administrative official deny a permit? - Request would be denied as it doesn't meet setback requirements

3. Is the property, current uses or existing structures, nonconforming? No If yes, how are they nonconforming?

4. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:

Location of sewer lines + the topo.

5. How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner?

Due to set backs there is no buildable area

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.

APPLICANT

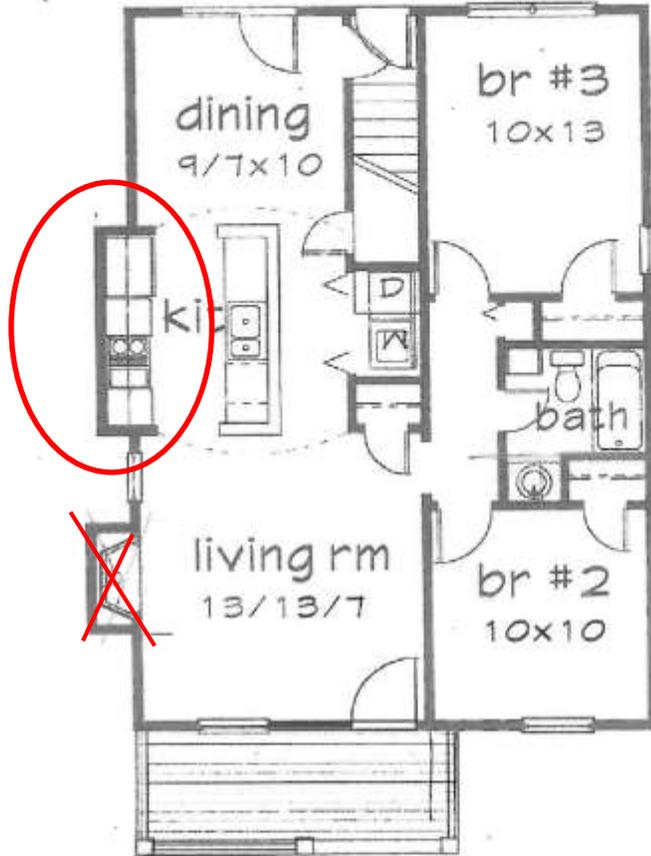
DATE

3-26-15

Joel + Kristina Dillon

704-239-5888

#1



FOUNDATION:	Concrete Slab
GEORGIA:	4
BATHS:	1
HALL BATHS:	0
WIDTH:	28'
DEPTH:	31'
STORIES:	2
GARAGE BAYS:	0

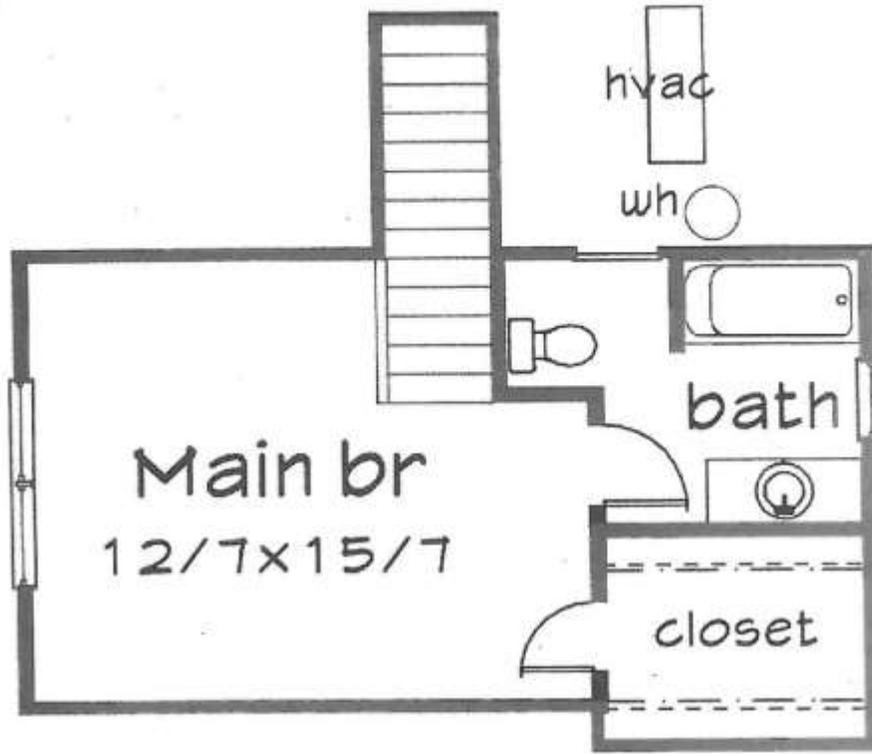
Save to profile

More details

PRINT FLOORPLANS (2)

407 Sydney Johnson at Fort Mill

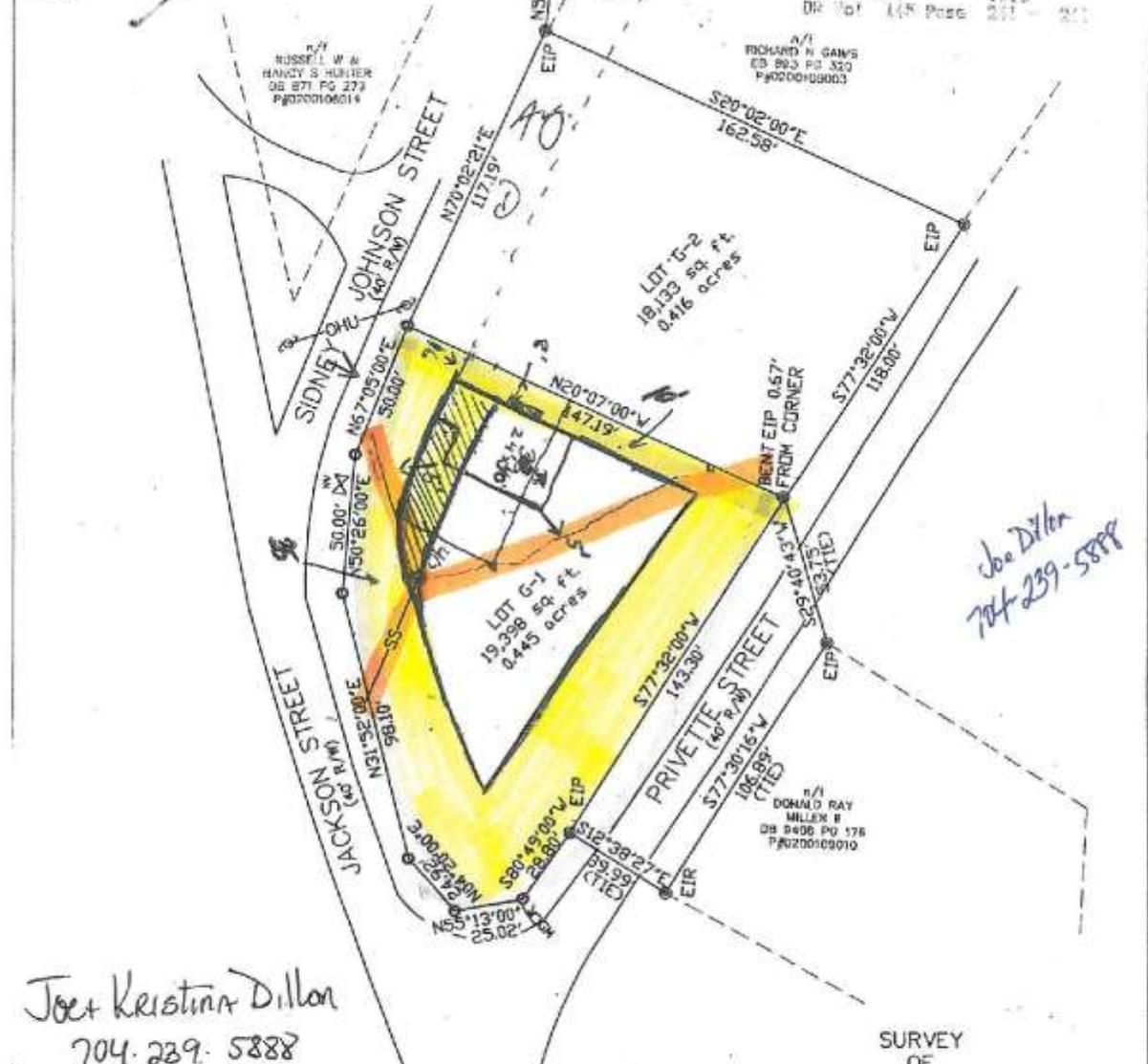
Joe + Kristina Dillon  
704.239.5882 #2



407 Sydney Johnson St Fair Hill

FEET. EXISTING MANHOLE WITH PAINTED LINES LEAVING AND HEADING JACKSON STREET LOCATED IN THE FIELD.  
 STREETS SHOWN ARE ASPHALT PAVING.  
 NO NEW LOT LINES OR EASEMENTS ESTABLISHED WITH THIS SURVEY

200800013012  
 Filed for Record in  
 YORK COUNTY, SC  
 DAVID HAMILTON  
 03-02-2008 08:00:00  
 SMALL PLAT  
 DR: Vol 148 Page 221 - 222



*Joe Dillon  
 704-239-5888*

*Joe + Kristina Dillon  
 704.239.5888*

*3/26/08*

SURVEY OF  
**407 SIDNEY JOHNSON STREET**  
 DATE: 26 MARCH 2008 SCALE: 1" = 50'  
 FORT MILL, YORK COUNTY, SOUTH CAROLINA  
 PROPERTY OWNER PER YORK COUNTY TAX RECORDS  
**BESSIE M. TRULL**  
 407 SIDNEY JOHNSON STREET  
 FORT MILL, SC 29715

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEET OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.  
 THIS SURVEY IS OF AN EXISTING PARCEL OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.  
*[Signature]*  
 REGISTERED LAND SURVEYOR REGISTRATION # 1-23206

SURVEY BY :  
**SUMMIT LAND SERVICES, PC**  
 9735 CALDWELL COMMONS CIRCLE, SUITE 201  
 CORNELIUS, NORTH CAROLINA 28031  
 (704) 506-0554

**York County Tax Map # 020-01-08-001  
Zoning Map**



**York County Tax Map # 020-01-08-001  
Aerial Map**







**Town of Fort Mill**  
**Board of Zoning Appeals**  
**Item for Action**

**Item #1**     **CASE # 2015-189**  
**Tina S. Grayson**  
**201 East Gregg Street**  
**Tax Map # 020-04-29-009**  
**Zoning District: R-10**

Applicant is requesting a variance from the zoning ordinance to allow a reduction of the 5' side yard setback requirement for an accessory structure.

**Background / Discussion**

The Town has received a variance request from Ms. Tina S. Grayson for a proposed non-conformity related to the installation of a detached carport (an “accessory use”) at 201 East Gregg Street.

The purpose of the request is to permit a reduction in the side yard setback requirement from 5’ to 1’ in order to install a detached carport on the existing concrete driveway beside the primary residence.

Article II, Section 2(5)(E) of the Town’s Zoning Ordinance outlines the following setback requirement for accessory structures:

- E) *Minimum side yard: R-10-Principal structure is ten feet with **accessory uses being five feet**. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.*

The applicant has stated that the purpose of the request is to protect their vehicle from the elements. Given the narrowness of the lot and the existing location of the driveway and porches, the applicant believes that the proposed carport location would be the only feasible location.

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:

- (e) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (f) these conditions do not generally apply to other property in the vicinity;

- (g) 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
- (h) 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.
- (iii) 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.

- (iv) 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:**

Chris Pettit  
Assistant Planner / Zoning Administrator  
April 15, 2015

2015  
189

Town of Fort Mill  
112 Confederate Street  
P.O. Box 159  
Fort Mill, South Carolina 29715

ZONING APPEALS BOARD  
VARIANCE APPEAL

Date Filed: 3/23/15  
Owner's Name: Tina S. GRAYSON  
Address: 201 E. Gregg Street Fort Mill, SC 29715  
Telephone: 803 804-7301  
Property Address: same  
Current Use: residential home  
Zoning District: R-15

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

- Describe the variance request: I would like to place a carport on my driveway which sits one foot from the property line
- Why did the administrative official deny a permit? I have not requested the permit yet but spoke with Wayne Hunter about the requirements. Requirements are a 5 foot setback from property line. I would like to place it one foot from line on my cement driveway.
- Is the property, current uses or existing structures, nonconforming? NO If yes, how are they nonconforming?
- Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:  
Please see attached plat map + drawing
- How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner?  
It would seem that I would be able to place a carport on my property as it would have no effect on the adjoining property

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Tina S. Grayson 3/23/15  
APPLICANT DATE

*Juni A. Grayson*  
 201 E. Gregg St.  
 Fort Mill, SC 29715  
 803-804-7301

TAX PARCEL  
 020-04-29-050

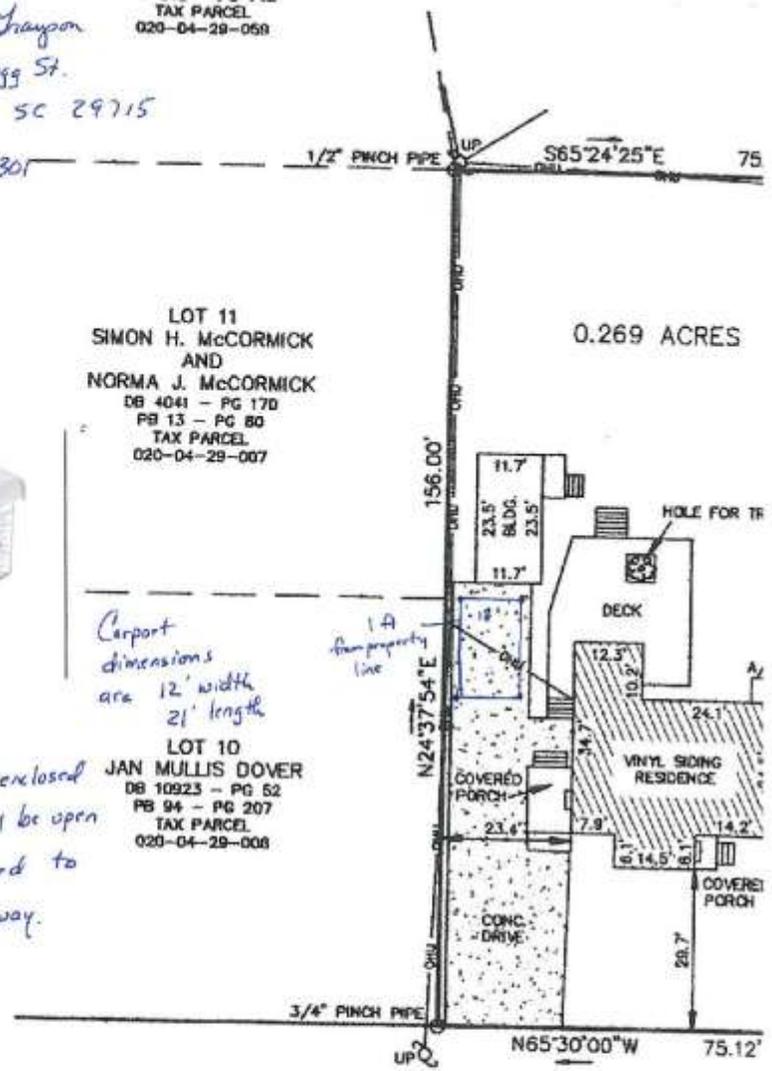
LOT 11  
 SIMON H. McCORMICK  
 AND  
 NORMA J. McCORMICK  
 DB 4041 - PG 170  
 PB 13 - PG 80  
 TAX PARCEL  
 020-04-29-007

0.269 ACRES

*Carpport  
 dimensions  
 are 12' width  
 21' length*

*Sides will be enclosed  
 Both ends will be open  
 Will be anchored to  
 cement driveway.*

LOT 10  
 JAN MULLIS DOVER  
 DB 10923 - PG 52  
 PB 94 - PG 207  
 TAX PARCEL  
 020-04-29-008



**EAST GREGG ST**  
**40' R/W**

LEGEND:  
 UP - UTILITY POLE  
 OHU - OVERHEAD UTILITY LINE



000627.DWG

RONDA S. MCCORMICK  
AND  
VICKI J. MCCORMICK  
DB 1981 - PG 248  
PB 248 - PG 242  
TAX PARCEL  
229-04-20-028

ERNEST W. DEESE  
DB 1984 - PG 113  
PB 113 - PG 117  
TAX PARCEL  
229-04-20-029



VICINITY MAP  
(NOT TO SCALE)



LEGEND  
LP - UTILITY POLE  
DASHED LINE - OWNED UTILITY LINE

NO NEW LOTS OR PROPERTY LINES ESTABLISHED



NO. C01570



FISHER - SHERER  
INC.  
ENGINEERING & SURVEYING  
2051 EBENEZER ROAD  
ROCK HILL, S.C. 29732  
803-327-1232  
800-635-9920

PROPERTY SURVEYED FOR  
**TINA S. GRAYSON**

LOCATED AT 301 EAST GREGG STREET

IN THE TOWN OF FORT HILL

YORK COUNTY, SOUTH CAROLINA

APRIL 7, 2010

THIS PROPERTY IS DESIGNATED AS BOND LOT 12, BOND AS SHOWN ON  
PLAT OF WATKINS PARK.

RECORDED IN PLAT BOOK 13, PAGE 88, YORK COUNTY

TAX PARCEL # 229-04-20-029

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 IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO MOBILE ENCROACHMENTS OR VIOLATIONS OTHER THAN THOSE SHOWN. THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP AND FOUND THAT THE ABOVE DESCRIBED IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA."

ROBERT H. REDFORD SCALE 1"=30'

REVISIONS


MONUMENTS LEGEND

FOUND	SET
IRON PIPE	○
IRON PIN	●

SCALE 1" = 30'



**York County Tax Map # 020-04-29-009  
Zoning Map**



**York County Tax Map # 020-04-29-009  
Aerial Map**







