



**TOWN OF FORT MILL
BOARD OF ZONING APPEALS MEETING
May 16, 2016
112 Confederate Street
6:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

Regular Meeting: April 18, 2016 *[Pages 2-3]*

PUBLIC HEARING ITEMS

1. **CASE # 2016-367**
Fort Mill School District–York 4
1300 Spratt Street
Tax Map # 020-20-01-035
Zoning District: R-15
Applicant is requesting a variance from the zoning ordinance to allow an increase in the maximum fencing height. *[Pages 4-17]*

ADJOURN

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
APRIL 18, 2016
6:00 PM**

Present: Jim Thomas, Scott Couchenour, Charles Stec, Ryan Helms, Becky Campbell, Terri Murray, Assistant Planner Chris Pettit

Absent: Jody Stegall

Guests: Kevin Kuruc (402 Springs Street), Dana Wilson (402 Springs Street), Ismael Sierra & Daughter/Translator (103 Shamrock Court)

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

APPROVAL OF MINUTES

Mr. Thomas requested that the fourth paragraph on page 3 of the agenda packet be revised to read “Chairman Thomas asked about the timing of the lights turning off when not being used,” noting that he was making sure the lights would not be on when not being used.

Mr. Couchenour made a motion to approve the minutes of March 21, 2016 meeting as revised by Mr. Thomas. Mr. Helms seconded the motion. The motion was approved by a vote of 6-0.

PUBLIC HEARING ITEMS

- A) **Variance request from Ismael Sierra (103 Shamrock Court) Case #2016-248:**
Assistant Planner Pettit provided a brief overview of the variance request, the purpose of which was to allow a reduction in the side yard setback requirement from 5’ to approximately 2’ in order to install a carport over the existing driveway. Mr. Pettit gave a summary of the staff report, noting the requirements per Article II, Section 2(5)(E), which outlines the 5’ side yard setback requirement for R-10 properties. Finally, Mr. Pettit noted that the board, pursuant to state law, has the authority to grant variances in cases of unnecessary hardship as defined by state law and noted on the application and in the staff report.

Chairman Thomas opened the public hearing and asked if the applicant was present and would like to speak to the application.

Mr. Sierra, speaking through his daughter who was translating from Spanish, noted that he was requesting the carport for two vehicles. Mr. Couchenour questioned what material the carport would be made of, to which Mr. Sierra noted that it would be wood. Ms. Murray questioned whether or not there was another place to put the carport, to which Mr. Sierra noted that due to topography and the drainage ditch that the proposed location was the only feasible location.

Mr. Helms noted that the requested location seemed to be the only feasible location given the features of the property.

Chairman Thomas asked if there were any others who wished to speak for or against the application. Hearing none, Chairman Thomas closed the public hearing.

Mr. Stec made a motion to approve the variance request as submitted, to allow a reduction in the side yard setback requirement from 5' to approximately 2'. Ms. Murray seconded the motion. Hearing no further discussion, Chairman Thomas called for a vote. The motion passed with a vote of 6-0.

B) Variance request from Kevin Kuruc (402 Springs Street) Case #2016-249: Assistant Planner Pettit provided a brief overview of the variance request, the purpose of which was to allow a reduction in the front yard setback requirement from 35' to approximately 20' on the East Hill Street property line. Mr. Pettit gave a summary of the staff report, noting the requirements per Article II, Section 1(5)(D), which outlines the 35' front yard setback requirement for R-15 properties. Finally, Mr. Pettit noted that the board, pursuant to state law, has the authority to grant variances in cases of unnecessary hardship as defined by state law and noted on the application and in the staff report.

Chairman Thomas opened the public hearing and asked if the applicant was present and would like to speak to the application.

Mr. Kuruc and Ms. Wilson, the applicants for the 402 Springs Street request, noted that the addition was for a bathroom and that a sewer line runs along the side of the property, which forces the addition to be located on the rear of the home. Mr. Kuruc noted that East Hill Street used to be a dirt road and that it was likely the home was built appropriately set back off of the street at the time of construction.

Mr. Couchenour questioned whether the material would match, to which Mr. Kuruc noted that it would. Ms. Murray noted that the situation seemed unique to the property.

Chairman Thomas asked if there were any others who wished to speak for or against the application. Hearing none, Chairman Thomas closed the public hearing.

Mr. Helms made a motion to approve the variance request as submitted, to allow a reduction in the front yard setback requirement from 35' to approximately 20'. Mr. Couchenour seconded the motion. Hearing no further discussion, Chairman Thomas called for a vote. The motion passed with a vote of 6-0.

The meeting was adjourned at 6:18 p.m.

Respectfully submitted,

Chris Pettit, AICP
Planning Department
April 25, 2016

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

| | | |
|----------------|---|--|
| Item #1 | <u>CASE # 2016-367</u> Fort Mill School District–York 4 1300 Spratt Street Tax Map # 020-20-01-035 Zoning District: R-15 | Applicant is requesting a variance from the zoning ordinance to allow an increase in the maximum fencing height. |
|----------------|---|--|

Background / Discussion

The Town has received a variance request from the Fort Mill School District for a proposed non-conformity related to the installation of athletic field safety netting at 1300 Spratt Street.

The purpose of the request is to permit an increase in the maximum fencing height in order to install 20' high safety netting along the edges of the proposed athletic fields at 1300 Spratt Street.

Article I, Section 7(M)(B) of the Town's Zoning Ordinance outlines the following requirements for fences:

- 1) *Fences shall be limited to a maximum height of **six feet** for rear and side yards and cannot extend beyond the principal structure into the front yard. For the property owners' protection, a six-inch setback from property lines shall be required.*
- 2) *Front yard fences shall not exceed **four feet** in height and must be approved by the Code Enforcement Officer. Front yard fences cannot be located in any right-of-way.*

The applicant has stated that the purpose of the request is to protect uses adjacent to the fields from errant balls, which includes protecting the Spratt Street road right-of-way from having errant balls disrupting traffic.

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, AICP
Assistant Planner
May 9, 2016

Date Received: 4-13-16
Board of Zoning Appeals Date: 5-16-16

Variance Appeal Application

Town of Fort Mill, South Carolina

Owner / Applicant Information:

Applicant Name: Fort Mill School District - York 4
2233 Deerfield Drive
Mailing Address: Fort Mill, SC 29715
Telephone Number: (803) 548-2527

Property Information:

Address: 1300 Spratt St, Ft Mill, SC 29715
Current Zoning: R-15 Residential
Current Use of Property: Elementary School

Submission Checklist

- Completed application*
- Drawings and specifications of proposed improvements
- Site plan showing location of proposed improvements
- Application fee (\$100 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: Variance is being requested by applicant to permit athletic field safety netting to exceed the maximum fencing height of 6' designated in Article 1, Section 7, Paragraph M.B)1) of the Fort Mill Zoning Ordinance
2. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property (size, shape, topography, etc.):
The designed athletic fields are designated to be located on a plateau above Spratt Street and the flood plain of Dye Branch

APPLICATION CONTINUED ON NEXT PAGE

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

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

With fields being close to roadway and elevated above road, 6' high fence is not adequate to stop majority of errant balls from leaving field of play and on to road.

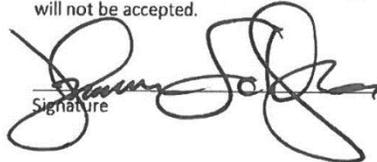
4. Describe how the current zoning regulations prohibit or unreasonably restrict utilization of the property:

With the possibility that an errant ball could drop down onto a passing motorist creates an unsafe condition for which there are great concerns

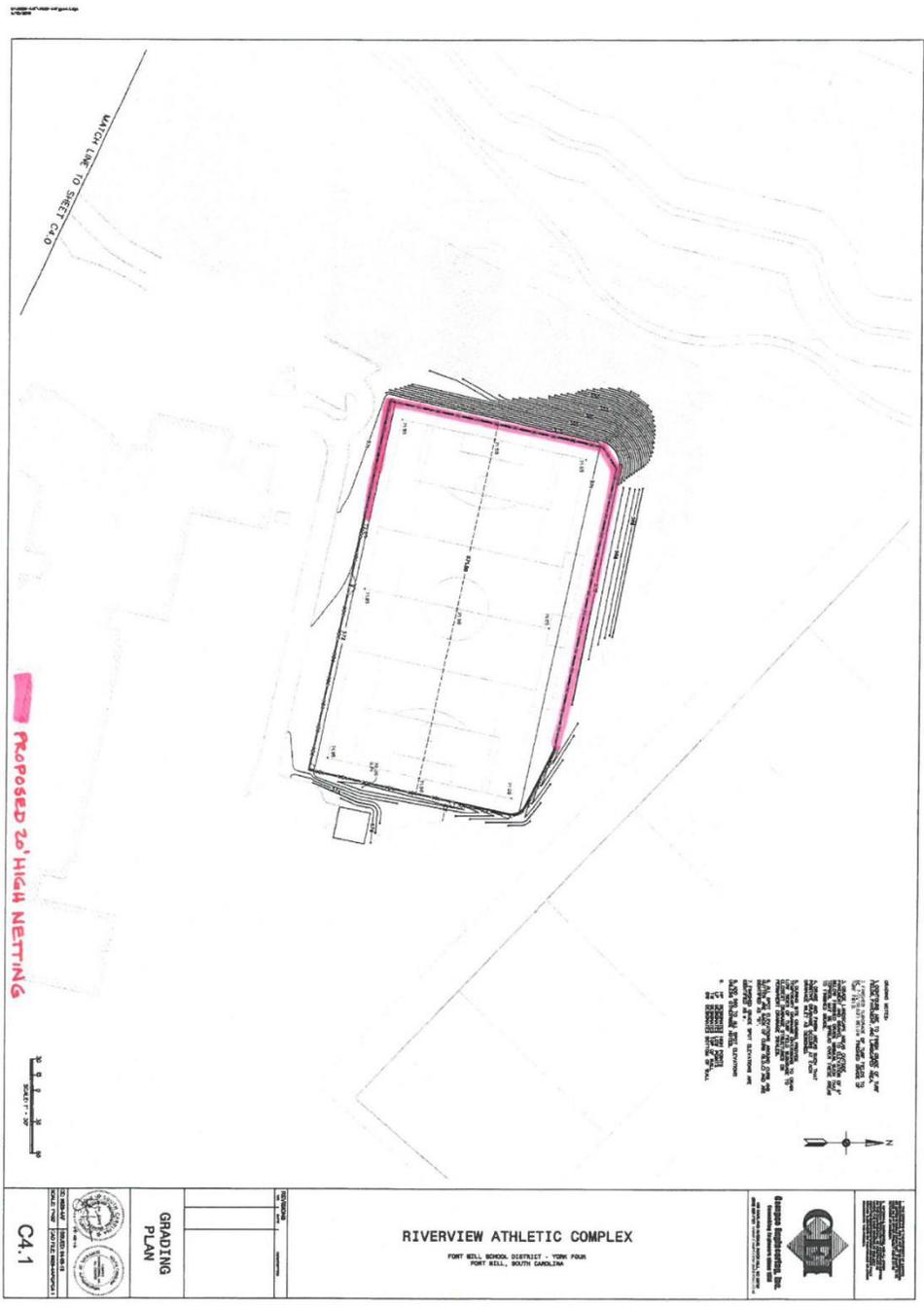
5. Describe why the granting of the requested variance will not be injurious to adjacent properties, the neighborhood, or the general public:

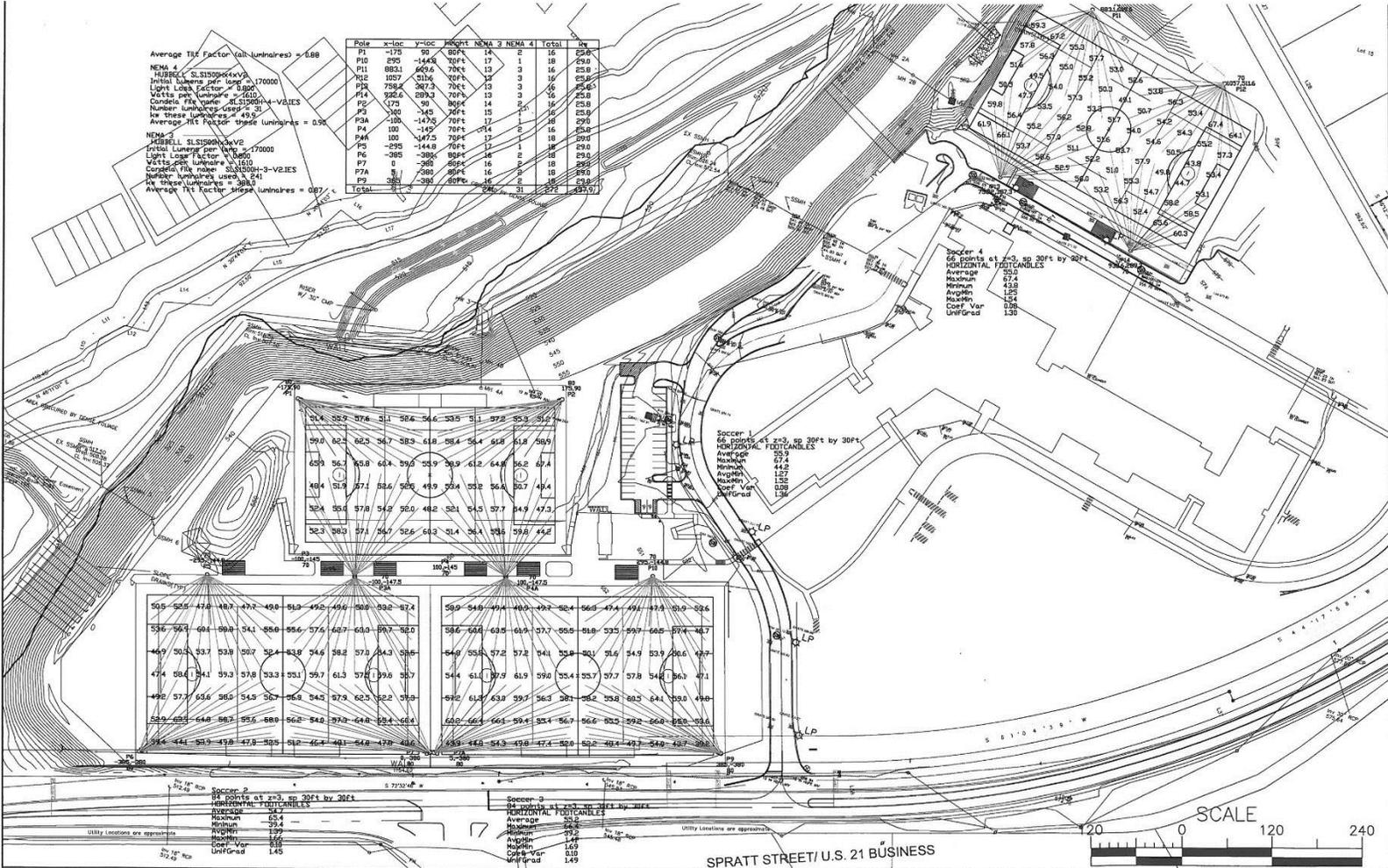
Both netting and fence will be black in color and will provide added safety by stopping the majority of balls from leaving the field and entering the road or flood plain below.

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 Date 4-13-16

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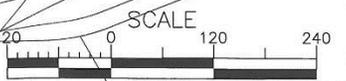
14211 GRAND TRAVERSE DRIVE
 CHARLOTTE, NC 28278
 OFFICE (704) 587-6692
 FAX (704) 587-3318
 www.tsportslighting.com

Calculated light levels and visualizations are based on specific information that has been supplied to TSL. Any differences in luminaire locations, luminaire beam patterns and observations in the lighted area may produce different results from the provided values. Normal tolerances of voltage, lamp output, and cabinet and luminaire manufacture will affect results.

DATE: 2/22/16
 DRAWING NUMBER: A020616TSL3

REV: 03
 CHECK BY:
 DRAWN BY: TSL

RIVERVIEW ATHLETIC
 TORRENCE SPORTS LIGHTING





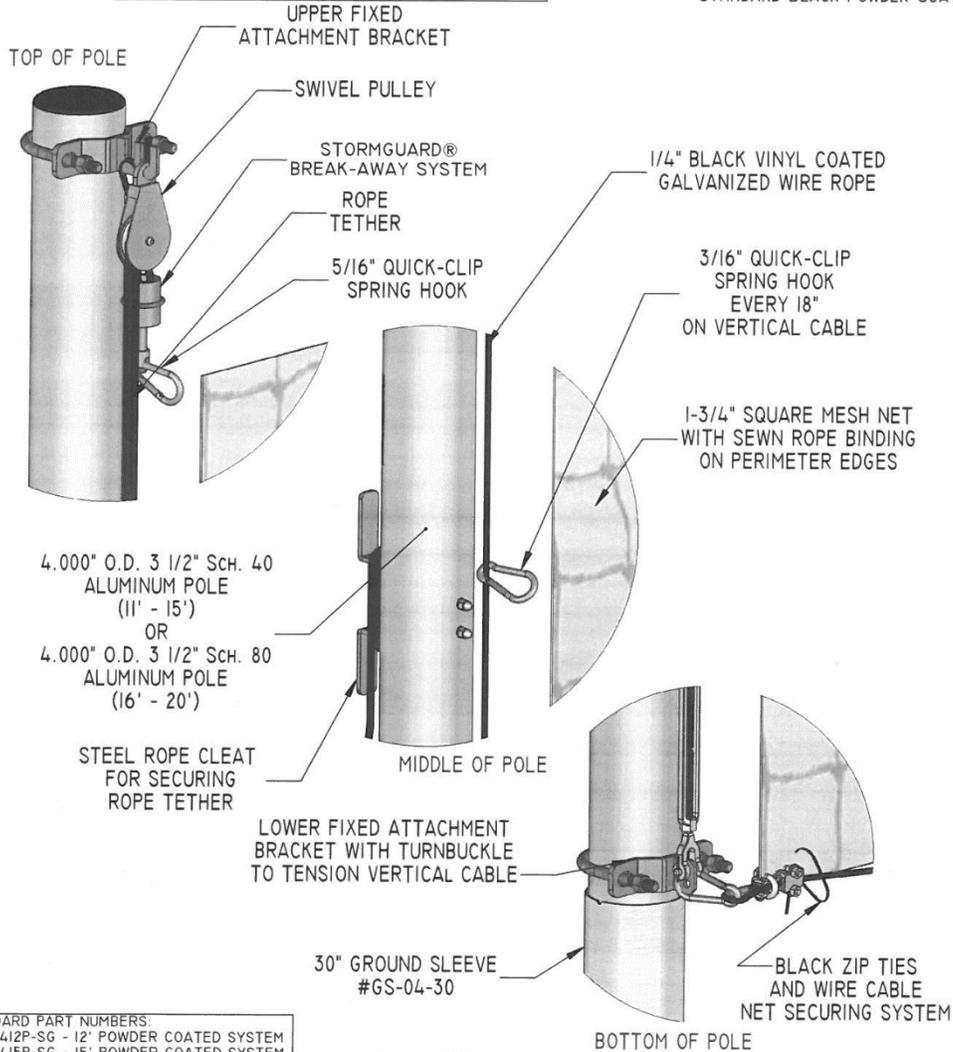
www.promatsathletics.com

PO BOX 2489
SALISBURY, NC 28145

Toll Free: 800-617-7125
Fax: 704-603-4138

UNITED STATES PATENT #9,017,190 ISSUED APRIL 28, 2015

STANDARD BLACK POWDER COATED FINISH



STANDARD PART NUMBERS:
TFBSS412P-SG - 12' POWDER COATED SYSTEM
TFBSS415P-SG - 15' POWDER COATED SYSTEM
TFBSS420P-SG - 20' POWDER COATED SYSTEM
TFBSS4___P-SG - CUSTOM HEIGHTS GREATER THAN 10' AND UP TO 20' AVAILABLE

PROFESSIONALLY PRE-ENGINEERED TO MEET
ASCE 7-05 WIND RATING UP TO 90 MPH

FOUNDATION REQUIREMENTS
BASED ON LOCAL CODES
AND SOIL CONDITIONS

PROPRIETARY AND CONFIDENTIAL
THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF SPORTSFIELD SPECIALTIES INC. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF SPORTSFIELD SPECIALTIES INC. IS PROHIBITED.

4" STRAIGHT POLE STORMGUARD® PROFESSIONALLY PRE-ENGINEERED
BREAK-AWAY BALL SAFETY NETTING SYSTEM

NOT TO SCALE

PROMATS ATHLETICS, LLC 01062016

20'H StormGuard® Break-Away Ball Safety Netting Systems and Accessories

SECTION 11 68 33 Athletic Field Equipment
(Formally Section 11480)

PART 1 GENERAL

1.01 WORK INCLUDED

A. Provide all equipment and materials, and do all work necessary to furnish and install the athletic equipment, as indicated on the drawings and as specified herein. Athletic equipment shall include, but not be limited to:

1. 20'H StormGuard® Break-Away Ball Safety Netting Systems and Accessories

1.02 RELATED WORK

A. Examine contract documents for requirements that affect work of this section. Other specification divisions and sections that directly relate to the work of this section include, but are not limited to:

1. Division 03 – Concrete; Sections: Cast-in-Place Concrete
2. Division 31 – Earthwork; Sections: Excavation and Backfill and Establishment of Sub-Grade Elevations
3. Division 32 – Exterior Improvements; Sections: Athletic and Recreational Surfacing, Concrete, Asphalt and Site Improvements

1.03 REFERENCES

A. Comply with applicable requirements of the following standards. Where these standards conflict with other specified requirements, the most restrictive requirements shall govern.

1. National Federation of State High School Associations (NFHS)
2. National Collegiate Athletic Association (NCAA)
3. International Association of Athletics Federations (IAAF)
4. American Sports Builders Association (ASBA)
5. Manufacturers Data and Recommended Installation Requirements

1.04 SUBMITTALS

A. Manufacturers Product Data

Athletic Field Equipment

11 68 33

01.09.14

1. Provide manufacturers product data prior to actual field installation work, for Architects or Owners representatives review.

B. Shop Drawings

1. Provide drawings of the manufacturers recommended installation and foundation requirements prior to actual field installation work, for Architects or Owners representatives review.

1.05 QUALITY ASSURANCE

- A.** Manufacturers warranties shall pass to the Owner and certification made that the product materials meet all applicable grade trademarks or conform to industry standards and inspection requirements.

1.06 PRODUCT DELIVERY AND STORAGE

- A.** Materials delivered to the site shall be examined for damage or defects in shipping. Any defects shall be noted and reported to the Owners representative. Replacements, if necessary, shall be immediately re-ordered, so as to minimize any conflict with the construction schedule. Sound materials shall be stored above ground under protective cover or indoors so as to provide proper protection.

PART 2 PRODUCTS

2.01 20'H StormGuard® Break-Away Ball Safety Netting Systems and Accessories

- A.** BASE: TFBSS420P-SG – StormGuard® Break-Away Ball Safety Netting Systems and Accessories as Manufactured and/or Supplied by:

Promats Athletics, LLC
P.O. Box 2489
Salisbury, NC 28145
p. 800-617-7125
f. 704-603-4138
www.promatsathletics.com

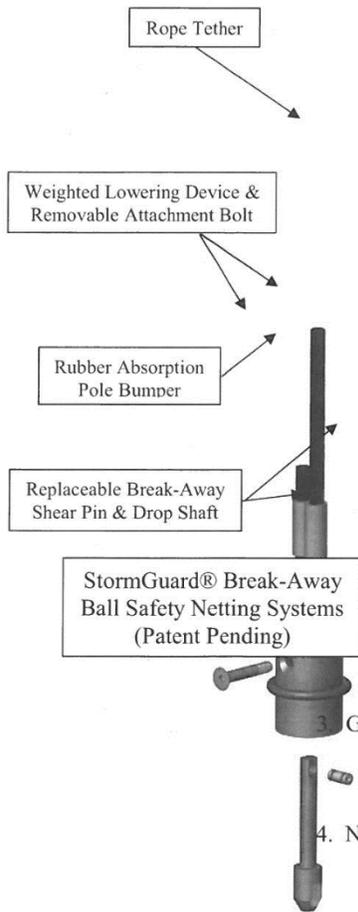
B. COMPONENTS:

1. StormGuard® Break-Away Ball Safety Netting System Inner and End Pole Upright Posts:

- a. 3.5" Schedule 80 Aluminum Pipe (4" O.D.) (Inner and End Poles)
- b. Powder Coated Finish Standard on All Poles – Black is a Standard Color and Other Colors Available Upon Request

2. StormGuard® Break-Away Ball Safety Netting Systems (Patent Pending):

- a. StormGuard® is the first and only ball safety netting system in the industry that is designed and engineered to allow the net to fall to the ground before failures of the poles and/or hardware occur under extreme wind speed and/or adverse weather conditions such as ice and snow. This patent pending feature utilizes a shear pin device attached to the net at the top of each pole.



As shown in the diagram, the snap clip that holds the net up will be attached to the oblong shaped hole located at the bottom of the smaller drop shaft connected to the cylindrical steel weight utilizing a 150 lb. break strength aluminum shear pin. The cylindrical steel weight is semi-permanently attached to the rope tether that hoists the net up and down with a removable bolt and includes a rubber absorption bumper to prevent damage to the pole and/or powder coat paint finish.

The poles are installed at a maximum of twenty-five foot (25') intervals on center or less. When the wind speed exceeds approximately fifty miles per hour (50mph), the 150 lb. break strength aluminum shear pin will break, allowing the smaller drop shaft to release from the cylindrical steel weight causing the net to fall to the ground. The end user would then simply unwind the rope tether from the cleat, lower the cylindrical steel weight to the ground, replace the aluminum shear pin and raise the net back up.

3. Ground Sleeves with Welded Base Plates:

- a. 48" In Length with Bottom Stop Bolt for Anti-Rotation
- b. Aluminum Tube

4. Net with Perimeter Rope Binding:

- a. Overall Dimensions Specified by Customer
- b. Standard 1-3/4" Square Mesh and 4" Square Mesh
- c. #36 Black Nylon or Ultra Cross Knotless Dyncema® Netting
- d. Sewn in Perimeter 1/4" Diameter Braided Rope Binding
- e. Standard Color is Black

- 5. Included Accessories:
 - a. Stainless Steel and/or Galvanized Steel Assembly Hardware
 - b. Secure Snap Clips for Net Attachment
 - c. Vertical Cable Assembly At Each Pole for Raising/Lowering of Net
 - d. Black Vinyl Coated Wire Rope, Stainless Steel Wire Rope or Galvanized Steel Wire Rope
 - e. Black Plastic Friction Lock or Aluminum Ground Sleeve Caps
 - f. Model Specific Hardware Kit and Installation Instructions

- 6. Optional Accessories:
 - a. Base Plate Mounting Ball Safety Netting Systems
 - b. Custom Ball Safety Netting System Sizes and Designs Available Upon Request
 - c. Custom Net Mesh Sizes and Colors Available Upon Request
 - d. Stamped and Sealed Drawings and Calculations by a Licensed Professional Engineer of Record in the State of Project Location

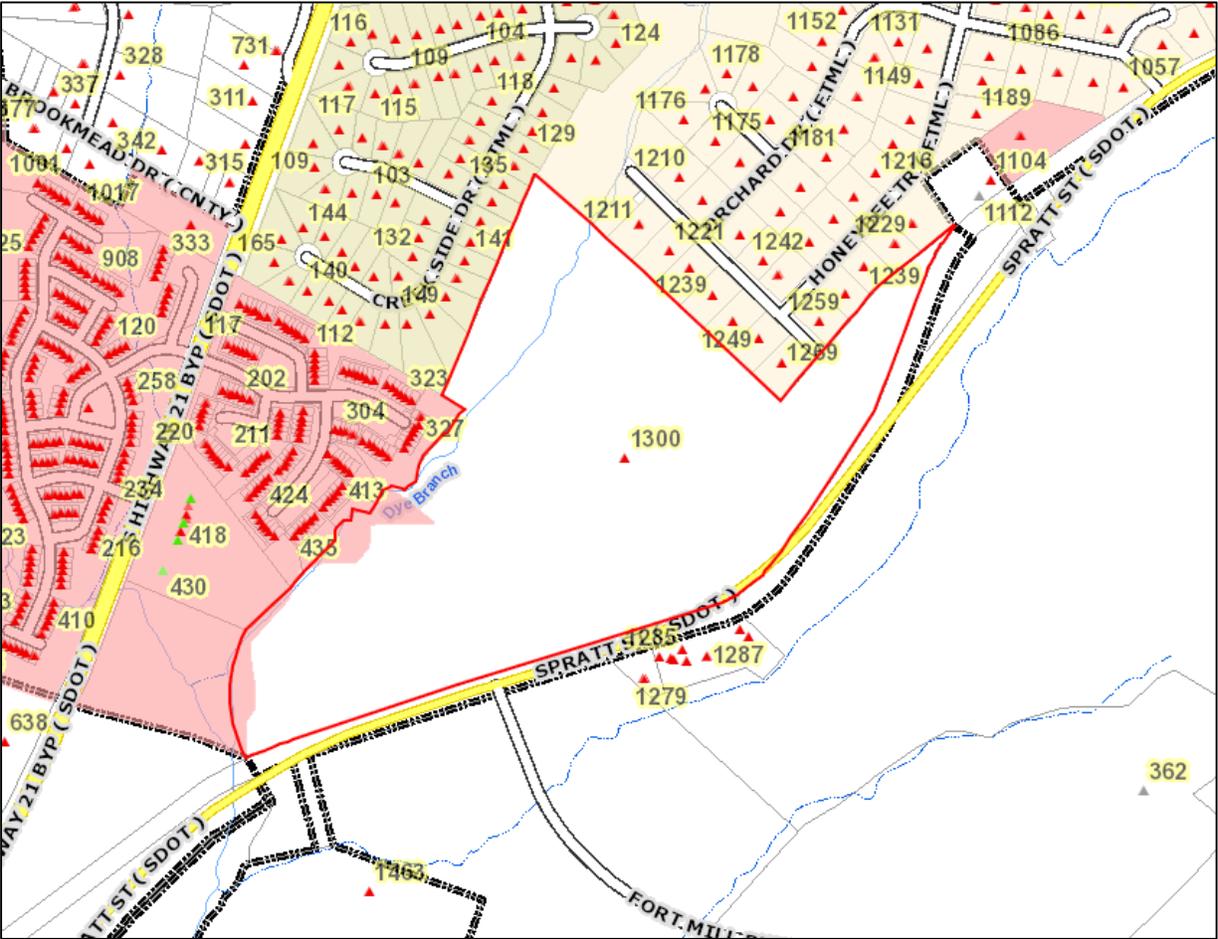
PART 3 EXECUTION

3.01 INSTALLATION OF EQUIPMENT

- A.** All StormGuard® Break-Away Ball Safety Netting Systems and Accessories shall be installed as recommended per manufacturer's written instructions and as indicated on the drawings. Concrete anchoring foundations to be determined by others based on local soil conditions and building codes. Installer should have a minimum of five (5) ball safety netting system installations or similar experience in the previous three (3) years.

END OF SECTION

York County Tax Map # 020-20-01-035
Zoning Map



York County Tax Map # 020-20-01-035
Aerial Map

