

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
MAY 16, 2016
6:00 PM**

Present: Jim Thomas, Jody Stegall, Charles Stec, Ryan Helms, Becky Campbell, Assistant Planner Chris Pettit

Absent: Scott Couchenour, Terri Murray

Guests: Tommy Schmolze (FMSD), Al Walters (Campco Engineering)

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

APPROVAL OF MINUTES

Mr. Helms made a motion to approve the minutes of April 18, 2016 meeting as submitted by staff. Mr. Stec seconded the motion. The motion was approved by a vote of 5-0.

PUBLIC HEARING ITEMS

1. **Variance request from Fort Mill School District – York 4 (1300 Spratt Street) Case #2016-367:** Assistant Planner Pettit provided a brief overview of the variance request, the purpose of which was to allow an increase in the maximum fencing height for the areas surrounding the proposed athletic fields. Mr. Pettit gave a summary of the staff report, noting the requirements per Article I, Section 7(M)(B), which outlines the maximum heights allowed for fencing. 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.

Mr. Stec questioned why issues such as fencing were not addressed during the original approval of the school, to which Mr. Pettit replied that the school and athletic fields were permitted under different schedules with the school coming before the fields. Mr. Pettit also noted that the fencing issue only arose after a complete site submittal for the athletic fields and therefore did not occur at the same time the school district originally requested a variance for the athletic lighting.

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

Tommy Schmolze, with the Fort Mill School District, spoke to the application noting that the timing with the fields was delayed as the school district waited to see what funds they may receive from York County. Mr. Schmolze noted the safety concern for balls entering the Spratt Street ROW and additionally exiting the fields in general to either other fields of play, stormwater detention ponds, etc.

Chairman Thomas questioned how many balls are typically kicked out of the field of play in a game, to which Mr. Schmolze noted that it was dependent upon the age group of the kids. Mr. Schmolze estimated that high school age players may have 10-15 balls exiting the field on the side and upwards of 30 balls on the goal side during a game. Chairman Thomas questioned why the netting wasn't on the parking lot side, to which Al Walters with Campco Engineering noted the grading provided some protection.

Mr. Helms questioned whether the netting would always be visible or if it would have the ability to be raised and lowered. Mr. Schmolze noted that the system the district is currently looking at is designed to stay up at all times, with emergency clips to allow the netting to come down in the event of ice/weight accumulation. Mr. Helms and Chairman Thomas noted the aesthetic benefit of being able to raise and lower the netting. Mr. Schmolze noted that fields would be utilized more often than not and therefore the netting would need to be in place more often than not.

Mr. Stec questioned if the loss of the netting would stop/slow the rental of the space, to which Mr. Schmolze noted that it would likely not but would pose a safety issue.

Mr. Stegall questioned what nights the fields would be utilized, to which Mr. Schmolze noted that it would be primarily weekdays with tournaments utilizing the fields on weekends.

Mr. Stec questioned where else in the town safety netting is utilized, to which Mr. Pettit noted that Fort Mill Golf Club has netting surrounding their driving range protecting Banks Street Gym users from golf balls.

Ms. Campbell noted that, from a public safety perspective, that there really is no question. Chairman Thomas questioned the liability, to which Mr. Schmolze noted that liability would be covered with any activity the school district may have.

Chairman Thomas mentioned that the specs, as provided, show a pulley system that could lower the netting. Mr. Schmolze noted that the school district had spoken to the manufacturer, who recommended against using the pulley system that way as it would provide wear and tear to the system.

Having no others wishing to speak, Chairman Thomas closed the public hearing.

Hearing no further discussion, Mr. Thomas called for voting on the four criteria required in granting a variance. Mr. Thomas called for a motion on whether or not there were extraordinary and exceptional conditions pertaining to the particular piece of property. Mr. Stec made a motion that there were extraordinary and exceptional conditions pertaining to the particular piece of property. Mr. Stegall seconded the motion. The motion passed by a vote of 5-0.

Mr. Thomas called for a motion on whether the conditions apply to other property in the vicinity. Mr. Stegall made a motion that the conditions do not generally apply to other

property in the vicinity. Ms. Campbell seconded the motion. The motion passed by a vote of 5-0.

Mr. Thomas called for a motion on whether the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property. Mr. Stec made a motion that the ordinance does not effectively prohibit or unreasonably restrict the utilization of the property. The motion failed for a lack of a second. Mr. Stegall made a motion that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Ms. Campbell seconded the motion. The motion passed by a vote of 4-1, with Mr. Stec opposed.

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 the character of the district would be harmed by the granting of the variance. Ms. Campbell made a motion that the authorization of the variance would not be detrimental to the adjacent property and the public good, and that the character of the district would not be harmed by the granting of the variance. Mr. Stegall seconded the motion. The motion failed by a vote of 2-3, with Mr. Stec, Mr. Helms, and Mr. Thomas opposed.

Mr. Pettit noted that the board would have the authority to include conditions related to the character of the proposed structure should that be desired to alleviate some of the issues of the proposed request. The Board discussed the possibility of requiring the netting to be taken down when not in use. Mr. Stegall noted that no one in town had come to the meeting to speak against the aesthetics of the netting, including the neighborhood immediately adjacent to the school. Chairman Thomas questioned the applicant as to whether lowering the netting when not in use was doable, to which Mr. Schmolze noted that the netting would not be used primarily late at night to which visibly no one would see it anyways. Chairman Thomas questioned weekends, holidays, and when school is not in session, to which Mr. Schmolze noted that those times are prime for tournament play.

A discussion occurred related to utilizing landscaping to screen the fields, to which Mr. Walters noted that the structure of the retaining walls would not allow for planting anything with deep root systems.

Mr. Stec made the comment that he was not comfortable with a precedent setting decision, to which Mr. Pettit noted that each case is taken on its own merits, based on the criteria/conditions required by state law, and that by taking each condition up separately for discussion helps to remove any precedent setting by any decisions of the board. Mr. Stegall noted that other recent fields were located off the roadway and would not be an issue in the future, to which Mr. Schmolze also noted that future fields would hopefully be off the any roadways since the cost of the netting is so high.

Mr. Stec made a motion that the authorization of the variance would not be of substantial detriment to adjacent property or to the public good, and the character of the district would not be harmed due to the obvious safety issue related to the request. Mr. Helms seconded the motion. The motion passed by a vote of 5-0.

Mr. Thomas called for a motion for whether or not to grant the variance. Mr. Stegall made a motion to approve the variance request. Ms. Campbell seconded the motion. The motion passed by a vote of 3-2, with Mr. Stec and Mr. Helms opposed.

The meeting was adjourned at 6:47 p.m.

Respectfully submitted,

Chris Pettit, AICP
Planning Department
May 26, 2016