



**TOWN OF FORT MILL
BOARD OF ZONING APPEALS MEETING
June 20, 2016
112 Confederate Street
6:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

Regular Meeting: May 16, 2016

[Pages 2-5]

PUBLIC HEARING ITEMS

1. CASE # 2016-466

Jonathan Lake

**The Meadows – Lot 13, Lazenby
Drive, Fort Mill SC**

Tax Map # 020-05-03-030

Zoning District: R-15

Applicant is requesting a variance from the zoning ordinance to allow a reduction in the minimum lot width measured at the building line. *[Pages 6-13]*

ADJOURN

**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

- A) **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 to 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

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

| | | |
|----------------|---|---|
| Item #1 | <u>CASE # 2016-466</u> Jonathan Lake The Meadows – Lot 13, Lazenby Drive, Fort Mill SC Tax Map # 020-05-03-030 Zoning District: R-15 | Applicant is requesting a variance from the zoning ordinance to allow a reduction in the minimum lot width measured at the building line. |
|----------------|---|---|

Background / Discussion

The Town has received a variance request from Jonathan Lake for a proposed non-conformity related to the construction of a new single family home on Lot 13 in The Meadows subdivision, located on Lazenby Drive. The property is not currently addressed through York County.

The purpose of the request is to permit a reduction in the minimum lot width measured at the building line in order to construct a new single family residence on the site.

Article II, Section 1(5)(C) of the Town’s Zoning Ordinance outlines the following requirements for lots:

C) Minimum lot width measured at the building line: R-25 – 125 feet and **R-15 – 100 feet.**

The applicant is requesting to reduce the minimum lot width measured at the building line to approximately 75 feet in order to build a single family residence on a uniquely shaped lot. Due to the shape of the lot, the front setback is pushed over 200 feet into the lot until the point at which the lot becomes 100 feet in width. Reducing the minimum lot width measured at the building line to 75’ would reduce the setback to allow the applicant to construct the home as proposed.

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
June 14, 2016

2016-466

Date Received: _____
Board of Zoning Appeals Date: _____

Variance Appeal Application

Town of Fort Mill, South Carolina

Owner / Applicant Information:

Applicant Name: Jonathan Lake
Mailing Address: 3554 Richerby Xing FTM, SC 29709
Telephone Number: 803-984-1692

Property Information:

Address: Lot 13 Lazenby Drive
Current Zoning: R15
Current Use of Property: empty

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: See attached sheet

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

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:

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

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

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.

Rachel Star 5/22/2016
Signature Date

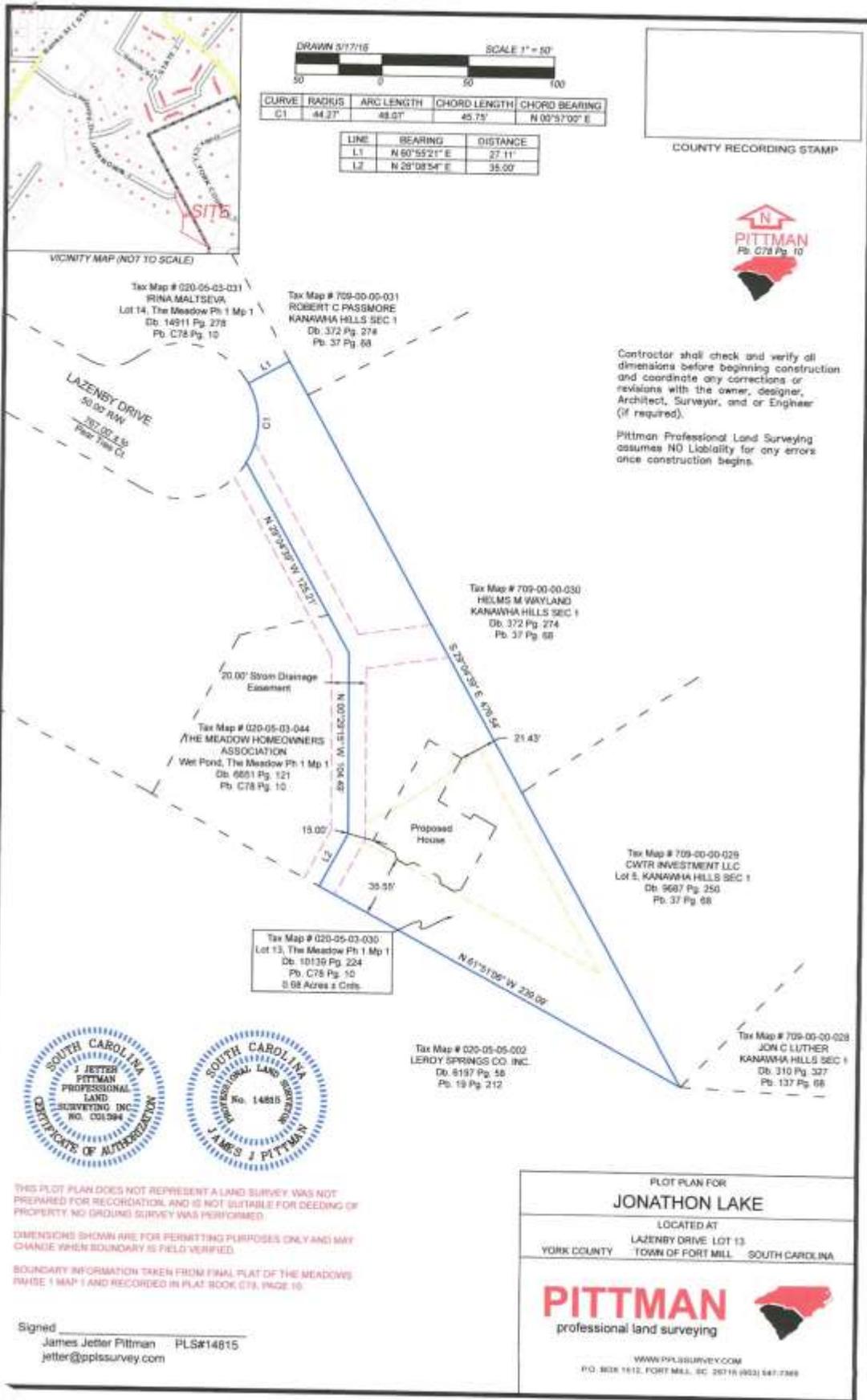
Beatrix Star

Danielle Lauren Bant
Dylan A. Bant *Star*

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

1. The variance request is that the house line on Lot 13 Lazenby Drive be extended slightly past the plat line.
2. Because of the irregular shape of Lot 13, the plat line is in the shape of a wide shallow triangle. This makes construction of a house that is in general keeping with the size and quality of the other houses in the neighborhood exceptionally difficult.
3. The property is a unique lot at the end of Lazenby Drive. Every other lot in the neighborhood is a traditional square or rectangular lot making their building plat lines a rectangle. Because of the shape of the lot, the plat lines at Lot 13 are in the shape of an irregular triangle.
4. Zoning regulations require that the plat lines be drawn 35 feet from the point in the lot where the width of the lot reaches 100 feet. On Lot 13 this point is reached approximately 125 feet into the lot. This pushes the building plat lines 160 feet past the entrance of the lot giving it its shallow triangular shape.
5. Allowing this variance would permit us to build a house in keeping with the typical size of the homes in the neighborhood. The house will be approximately 3400 square feet making it already one of the smaller houses in the neighborhood; but it will have to be significantly smaller to fit within the plat lines if the variance is not granted. There will be no injury to any of the adjacent properties. The house will still be at minimum 140 feet from the entrance to the lot, which is greater than the distance from lot entrance to the house from every other home in the neighborhood. The covenants of the neighborhood, signed by all homeowners upon purchase, acknowledge that lot 13 is irregular in shape, and exclude it from its plat restrictions as long as it fits within Fort Mills town code. We believe construction of the house would actually enhance, rather than detract, from the neighborhood by placing a quality house in the area rather than a vacant unkempt lot.

jlake1974@gmail.com



| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|--------|------------|--------------|---------------|
| C1 | 44.27' | 48.01' | 45.75' | N 00°57'02" E |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 60°55'21" E | 27.11' |
| L2 | N 28°08'54" E | 35.00' |

COUNTY RECORDING STAMP



Contractor shall check and verify all dimensions before beginning construction and coordinate any corrections or revisions with the owner, designer, Architect, Surveyor, and or Engineer (if required).

Pittman Professional Land Surveying assumes NO Liability for any errors once construction begins.



THIS PLOT PLAN DOES NOT REPRESENT A LAND SURVEY WAS NOT PREPARED FOR RECORDATION AND IS NOT SUITABLE FOR DEEDING OF PROPERTY. NO GROUND SURVEY WAS PERFORMED.

DIMENSIONS SHOWN ARE FOR PERMITTING PURPOSES ONLY AND MAY CHANGE WHEN BOUNDARY IS FIELD VERIFIED.

BOUNDARY INFORMATION TAKEN FROM FINAL PLAT OF THE MEADOWS RW#1 MAP 1 AND RECORDED IN PLAT BOOK C78, PAGE 10.

Signed
James Jetter Pittman PLS#14815
jetter@pplssurvey.com

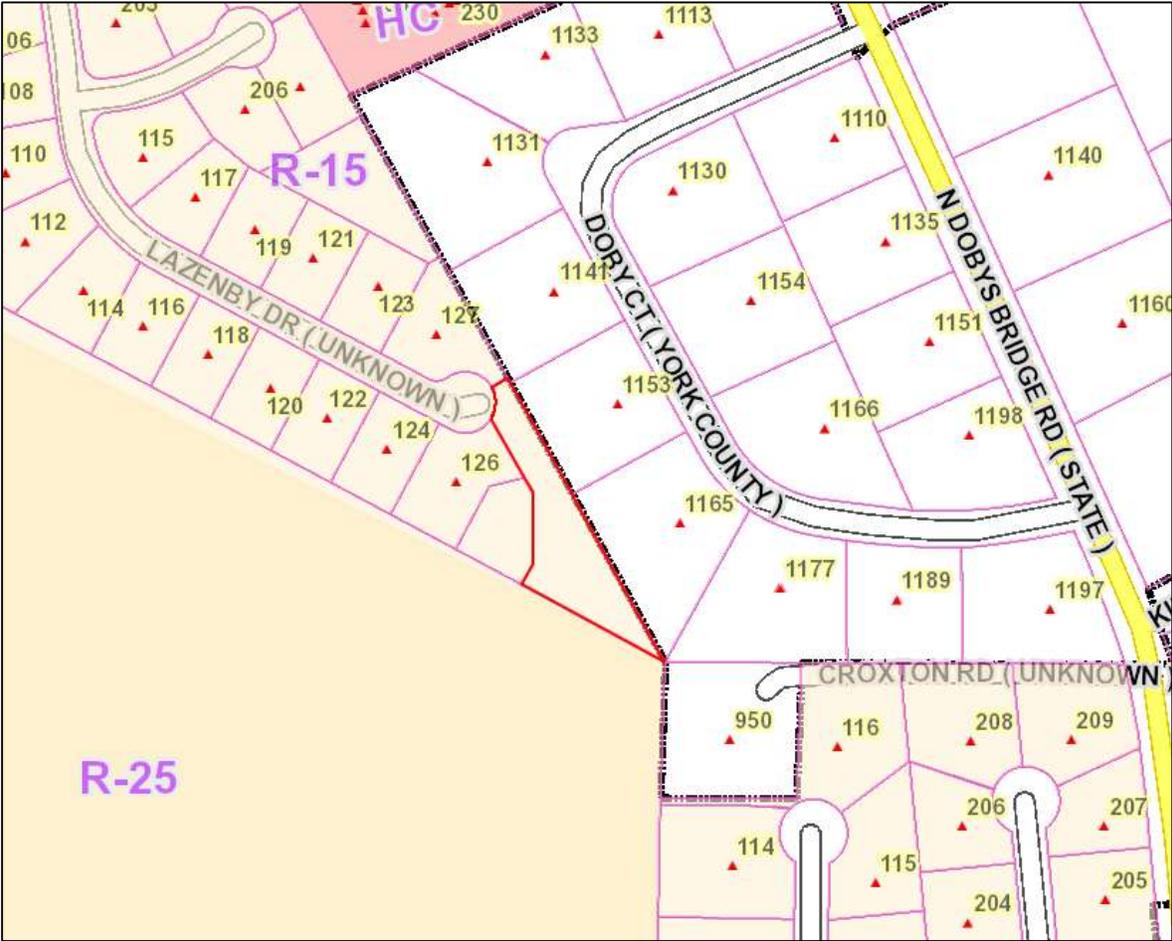
PLOT PLAN FOR
JONATHON LAKE

LOCATED AT
LAZENBY DRIVE LOT 13
TOWN OF FORT MILL YORK COUNTY SOUTH CAROLINA

PITTMAN
professional land surveying

WWW.PPLSSURVEY.COM
P.O. BOX 1612, FORT MILL, SC 29716 (803) 547-7868

York County Tax Map # 020-05-03-030
Zoning Map



York County Tax Map # 020-05-03-030
Aerial Map

