

**MINUTES  
TOWN OF FORT MILL  
BOARD OF ZONING APPEALS  
July 21, 2014  
6:00 PM**

Present: Jim Thomas, Jay McMullen, Becky Campbell, Rhonda McCall, Planning Director  
Joe Cronin

Absent: Terri Murray

Guests: Raymond Leamer, Don Lambert, Jon Hattaway

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

**WELCOME & INTRODUCTION**

Planning Director Cronin introduced Rhonda McCall, who was recently appointed to the board by town council. Planning Director Cronin added that there was another new member, Terri Murray, who was out of town and unable to attend the meeting. Planning Director Cronin stated that David Bowman had accepted an appointment to the York County Hospitality Tax Committee and would be giving up his seat on the Board of Zoning Appeals. Former Chairman Butch Cowart had chosen not to apply for reappointment and has since rolled off the Board. Former member Hynek Lettang was appointed the Planning Commission in April.

**ELECTION OF CHAIR & VICE-CHAIR FOR 2014**

Since this was the first meeting in nearly a year, Planning Director Cronin stated that a new Chair and Vice-Chair would need to be elected for 2014. Acting Chairman Thomas opened the floor for nominations.

Mr. McMullen nominated Mr. Thomas to serve as Chairman for 2014. Ms. Campbell seconded the motion. Acting Chairman Thomas asked if there were any additional nominations. There being none, Acting Chairman Thomas called for a vote. The motion to approve Mr. Thomas as Chair was approved by a vote of 4-0.

Ms. Campbell nominated Mr. McMullen to serve as Vice-Chairman for 2014. Ms. McCall seconded the motion. Chairman Thomas asked if there were any additional nominations. There being none, Chairman Thomas called for a vote. The motion to approve Mr. McMullen as Vice-Chair was approved by a vote of 4-0.

**DISCUSSION OF STANDING MEETING DATE & TIME**

Planning Director Cronin stated that the standing meeting date and time for the Board of Zoning Appeals was set for the third Monday of each month at 6:00 PM. Chairman Thomas asked if

anyone wished to discuss changing the standing meeting date and time. No recommendations were made, and the consensus was to keep the meeting date as the third Monday at 6:00 PM.

### **APPROVAL OF MINUTES**

Mr. McMullen made a motion to approve the minutes of the August 19, 2013, meeting as submitted by staff. Ms. Campbell seconded the motion. The motion was approved by a vote of 4-0.

### **PUBLIC HEARING ITEMS**

- 1. Variance request from the Fort Mill School District (225 Munn Road):** Planning Director Cronin provided a brief overview of the applicant's request, the purpose of which was to allow light poles in excess of 18' in height, which exceeded the zoning requirement for the LC District. These lights would be installed as part of the planned site improvements related to the expansion of Fort Mill High School.

Chairman Thomas opened the public hearing. John Hattaway of Cumming Construction spoke on behalf of the School District. Mr. Hattaway stated that the taller lights would be needed to provide better lighting at the site for safety and convenience. This would also reduce the total number of lights needed on the site. Mr. Hattaway added that there were several existing poles at the school that exceeded 18' in height, and the new poles would be consistent with those already on site.

Chairman Thomas asked if anyone else wished to speak. There were no other speakers, and the public hearing was closed.

Mr. McMullen asked Mr. Hattaway if all proposed fixtures would project light downward. Mr. Hattaway responded that they would.

Ms. McCall asked if there would be any adverse impact to any existing residences as a result of approving the variance. Mr. Hattaway stated that there were no residences in the immediate vicinity of the proposed lights.

Ms. McCall asked why the school property had been rezoned from Highway Commercial to Local Commercial. Planning Director Cronin stated that the rezoning took place several years ago when St. Philip Neri was seeking to expand into a new sanctuary. Since religious institutions are not permitted in the HC, staff recommended rezoning the church, the school, and the Fort Mill Armory from HC to LC, as each use would be permitted by right in the LC district.

There being no further discussion, Chairman Thomas called for a motion. Ms. Campbell made a motion to approve the variance as requested. Ms. McCall seconded the motion. The motion was approved by a vote of 4-0.

- 2. Variance request from Don Lambert (422 Williamson Street):** Planning Director Cronin provided a brief overview of the applicant's request, the purpose of which was to

reduce the side yard setback from 5' to 3', and to allow a detached carport to be located in front of the primary residence. Planning Director Cronin stated that the request had been denied by staff because the zoning ordinance requires a 5' side yard setback, and because the code does not allow detached carports in front of a principal structure.

Chairman Thomas opened the public hearing. Don Lambert spoke in support of his request. Mr. Lambert stated that his car had been damaged by the recent hail storm, and he wanted to install a carport to protect his vehicle from further damage in the future. Mr. Lambert added that the lot was very narrow, and there was nowhere else to install a carport.

Chairman Thomas asked if anyone else wished to speak. There were no other speakers, and the public hearing was closed.

Mr. Thomas noted that there was an overhead power line between the street and the front corner of the house. This line is located above where the applicant is seeking to install a carport. Mr. Thomas questioned whether the carport would have sufficient clearance between the roof of the carport and the power line. Planning Director Cronin stated that he has inquired with the Building Official, Wayne Hunter, who stated that the carport would not have adequate clearance. This would not preclude the applicant from burying the power connection, however.

Ms. McCall stated that she did not have an issue with granting a variance on side yard setback given the narrowness of the lot; however, she expressed concern about setting a precedent allowing carports in front yards. Ms. McCall added that she thought there was sufficient room on the side yard to locate a carport behind the front corner of the residence, though the driveway may need to be extended. Ms. McCall also stated that the power line clearance would not be an issue if the carport was located behind the connection point at the front corner of the house.

There being no further discussion, Chairman Thomas called for a motion. Ms. Campbell requested that the two variances be taken up separately. There was no objection.

Ms. McCall made a motion to approve the variance request to reduce the side yard setback from 5' to 3'. Mr. McMullen seconded the motion. The motion was approved by a vote of 4-0.

Ms. Campbell made a motion to approve the variance request to allow a carport in front of the principal structure. The motion died for lack of a second.

Ms. McCall made a motion to deny the variance request to allow a carport in front of the principal structure. Mr. Thomas seconded the motion. The motion was approved by a vote of 3-1, with Ms. Campbell opposed.

- Variance request from Raymond Leamer (505 Harris Street):** Planning Director Cronin provided a brief overview of the applicant's request, the purpose of which was to allow a detached carport to be located in front of the primary residence. Planning

Director Cronin stated that the request had been denied by staff because the zoning ordinance does not allow detached carports in front of a principal structure.

Chairman Thomas opened the public hearing. Raymond Leamer spoke in support of his request. Mr. Leamer stated that the right side of his property has very steep topography, which would make installing a carport in that location infeasible. Mr. Leamer added that a large portion of the left side of the property fell off away from the house, and was also located within the Dye Branch floodplain. Mr. Leamer added that the front yard was the only feasible place to install a carport.

Chairman Thomas asked if anyone else wished to speak. There were no other speakers, and the public hearing was closed.

Mr. Thomas asked the applicant to verify the location of the proposed carport. Mr. Leamer stated that he wished to install the carport on the front, left side of the residence.

Ms. McCall again stated that while she understood the reason for the request, she did not wish to set a precedent to allow carports in front yards unless there was substantial evidence that there was no other feasible place in which to install one.

Mr. McMullen noted that there was an existing pad on the left side of the house where a camper is currently parked. Mr. McMullen questioned why the carport could not be installed in that location. Mr. Leamer stated that he would need to add additional fill, and likely a retaining wall, to provide a wide enough space for a carport. This may also impact the floodplain on the left side of the house. Mr. Leamer stated that it would be a financial hardship to make additional improvements on that side of the house. Mr. McMullen stated that while he empathized with the applicant, a financial hardship is not sufficient cause under state law to qualify for a variance.

There being no further discussion, Chairman Thomas called for a motion. Mr. McMullen made a motion to deny the variance request to allow a carport in front of the principal structure. Ms. McCall seconded the motion. The motion was approved by a vote of 4-0.

There being no further business, the meeting was adjourned at 6:50 pm.

Respectfully submitted,

Joe Cronin  
Planning Director