



**TOWN OF FORT MILL
BOARD OF ZONING APPEALS**

**October 19, 2015
112 Confederate Street
6:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

Regular Meeting: August 17, 2015

[Pages 2-3]

PUBLIC HEARING ITEMS

1. **CASE # 2015-712**
Tricia Plucker
101 Sharonview Street
Tax Map # 020-01-17-055
Zoning District: R-15

Applicant is requesting a variance from the zoning ordinance to allow an accessory use (shed) to be located in front of the principal structure on a lot.
[Pages 4-13]

ADJOURN

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
SPECIAL CALLED MEETING
August 17, 2015
6:00 PM**

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

Absent: None

Guests: Eileen F. Misek (Resident), Steve Dagenhart (Rustic Label), Robert Summons (Resident), Dana Honeycutt (Resident), Angela Giacobini (Resident), Lauren Johnson (Resident)

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

APPROVAL OF MINUTES

Mr. Couchenour made a motion to approve the minutes of the July 20, 2015 meeting as submitted by staff. Mr. Helms seconded the motion. The motion was approved by a vote of 7-0.

PUBLIC HEARING ITEMS

- A) **Variance request from Pulte Homes (Carolina Orchards Development):** Chairman Thomas provided a brief overview of the variance request, the purpose of which was to allow an increase in the 16' maximum lighting fixture height. Assistant Planner Pettit noted that staff had received a formal request from the applicant to withdraw their application as they had not been able to obtain any further information for the board to consider. Mr. Couchenour made a motion to approve the withdrawal of Case # 2015-486. Mr. Helms seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 7-0.
- B) **Appeal request from Rustic Label, Inc.:** Assistant Planner Pettit provided a brief overview of the appeal request, the purpose of which was to appeal the zoning administrator's denial of the expansion of the current use at 113 Railroad Avenue. In staff's opinion, the current use was most closely related to a manufacturing use and therefore staff denied the request for expansion in the LC Local Commercial zoning as manufacturing uses are not permitted in LC. The applicant, Mr. Steve Dagenhart with Rustic Label, noted that retail "print shops" are a permitted use in the LC zoning district. Mr. Dagenhart provided the board with further information on his business operations, noting that he has a retail license and has items available for sale at the location. Board members questioned if the public could walk in and purchase something at the location, to which Mr. Dagenhart noted that they could. There being no further speakers, Chairman Thomas called for a

motion. Mr. Stegall made a motion to reverse staff's decision, to therefore classify the business as a retail print shop and allow it to expand in the LC zone. Ms. Murray seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 7-0.

There being no further business, the meeting was adjourned at 6:15 pm.

Respectfully submitted,

Chris Pettit, AICP
Planning Department

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

Item #1 **CASE # 2015-712**
Tricia Plucker
101 Sharonview Street
Tax Map # 020-01-17-055
Zoning District: R-15

Applicant is requesting a variance from the zoning ordinance to allow an accessory use (shed) to be located in front of the principal structure on a lot.

Background / Discussion

The Town has received a variance request from Ms. Tricia Plucker for a nonconformity related to an existing shed located at 101 Sharonview Street.

Article I, Section 7(G)(2)(B) of the town's zoning ordinance outlines the following requirement for accessory uses (sheds):

G. Accessory uses:

2) The following customary accessory uses must not be in front of the principal structure on a lot:

B) Shed or tool room for the storage of equipment used in grounds or building maintenance

The applicant, unaware of the required permit and/or zoning regulations, placed a 10' x 10' shed in front of the principal structure on a corner lot. The shed current sits approximately 5' off the Myers Street road right-of-way/property line. Per Article I, Section 7(C) of the town's zoning ordinance, lots having frontage on more than one street shall provide the minimum front yard requirements for each street. Therefore, by placing the shed between the primary residence and the lot's frontage on Myers Street, the applicant was locating the shed within a front yard in violation of the zoning ordinance. Town staff sent a notice of zoning ordinance violation to Ms. Plucker on September 1, 2015 (attached). Subsequent discussions with the applicant indicated the desire to apply for a variance to resolve the issues related to the violation, which is the purpose of this request.

The applicant's request is to obtain a variance to allow the shed to be located in front of the principal structure (residence) along the Myers Street frontage. Per Article I, Section 7(G)(2)(B) listed previously, accessory uses including sheds may not be located in front of the principal structure on a lot.

The applicant states that the reason for the variance request is due to the additional regulations placed on corner lots, which restricts the applicant from using a large portion of her yard. In previous discussions with the applicant, topography was additionally noted as a restricting factor as far as limiting the areas that would be appropriate for placing the shed on the property.

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 / Zoning Administrator
October 8, 2015

2015-712

Date Received: 9-30-15
Board of Zoning Appeals Date: 10-19-15

Variance Appeal Application

Town of Fort Mill, South Carolina

Owner / Applicant Information:

Applicant Name: Tricia Plucker

Mailing Address: 101 Sharonview Street

Telephone Number: 704.492.3643

Property Information:

Address: 101 Sharonview Street

Current Zoning: R-15

Current Use of Property: Residential

Submission Checklist	
<input type="checkbox"/>	Completed Application*
<input type="checkbox"/>	Drawings and specifications of proposed improvements
<input type="checkbox"/>	Site plan showing location of proposed improvements
<input type="checkbox"/>	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: I am requesting a variance in the setback limits for an "accessory" building on my property. My lot is defined as a "corner" lot, and thus the setback limits from each.. *Continue on BACK*

2. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property (size, shape, topography, etc.):
As referenced above, my lot is a "corner" lot as defined by the Town of Fort Mill Ordinance. This definition places additional setback rules on.. *Continue on BACK*

APPLICATION CONTINUED ON NEXT PAGE

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

1. ... road are imposed equally on the main structure. The building ordinance officer has informed me this setback also applies to accessory buildings. With this setback applied to my side yard, I will need a variance to keep my storage building on my property. I can meet accessory building setback for a traditional yard in my zoning, but not for those applied to a "corner" lot.

2. ... the main structure of the property. These setbacks have also been interpreted to apply to accessory structures. Without a variance, I will be unable to use a large portion of my property, and will be unable to keep the storage building donated to me.

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

The additional setback requirements cited by the zoning officer only apply to corner lots, as defined by the town ordinance.

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

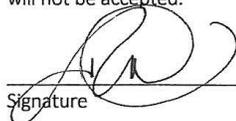
This setback requirement would prevent me from having an outside storage building on my property.

By my observation, over 75% of the homes ... continue on BACK

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

Since placing the storage building on my property, several neighbors have stopped to tell me how nice the building looks. In addition, ... continue on back

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

9.29.15
Date

4. ... In my neighborhood are able to enjoy outside storage buildings.

5. ... Several neighbors, also on corner lots, have similar storage buildings on their property, including my across the street neighbor at 100 Sharonview Rd. Most of these accessory buildings do not meet the setback limits I was informed of.

As for my rear neighbor, the property has been vacant for a number of years, and I understand it is going through foreclosure. Any improvement to my property would only add to this derelict structure.



TOWN OF FORT MILL

September 1, 2015

Current Tenant and/or Linda M. Senneker
PO Box 777
Hamilton, GA 31811

RE: NOTICE OF ZONING ORDINANCE VIOLATION: ACCESSORY USES

Dear Current Tenant and/or Linda M. Senneker,

The purpose of this letter is to inform you that a shed/storage building (see attached) on the property located at 101 Sharonview Street is in violation of the following section(s) of Article I of the Town of Fort Mill Zoning Ordinance:

G. Accessory uses:

- 2) The following customary accessory uses must not be in front of the principal structure on a lot:
 - B) Shed or tool room for the storage of equipment used in grounds or building maintenance

You are hereby ordered to bring this property/shed into compliance with the Town's Zoning Ordinance within seventy-two (72) hours of receipt of this letter. Compliance may be achieved by removing the non-conforming shed or by obtaining a valid zoning compliance permit through the Planning Department. A valid permit could not be issued until the shed was moved to a suitable location at the rear of the property. A copy of the zoning compliance application is included. Failure to correct this violation within the time specified may result in further enforcement to the fullest extent allowed by law, to include a court summons with a fine up to \$500.00 per day that the violation continues to exist.

If you have any questions about the contents of this letter, please contact Chris Pettit by phone at (803) 547-2116 x 265 or by email at cpettit@fortmillsc.gov.

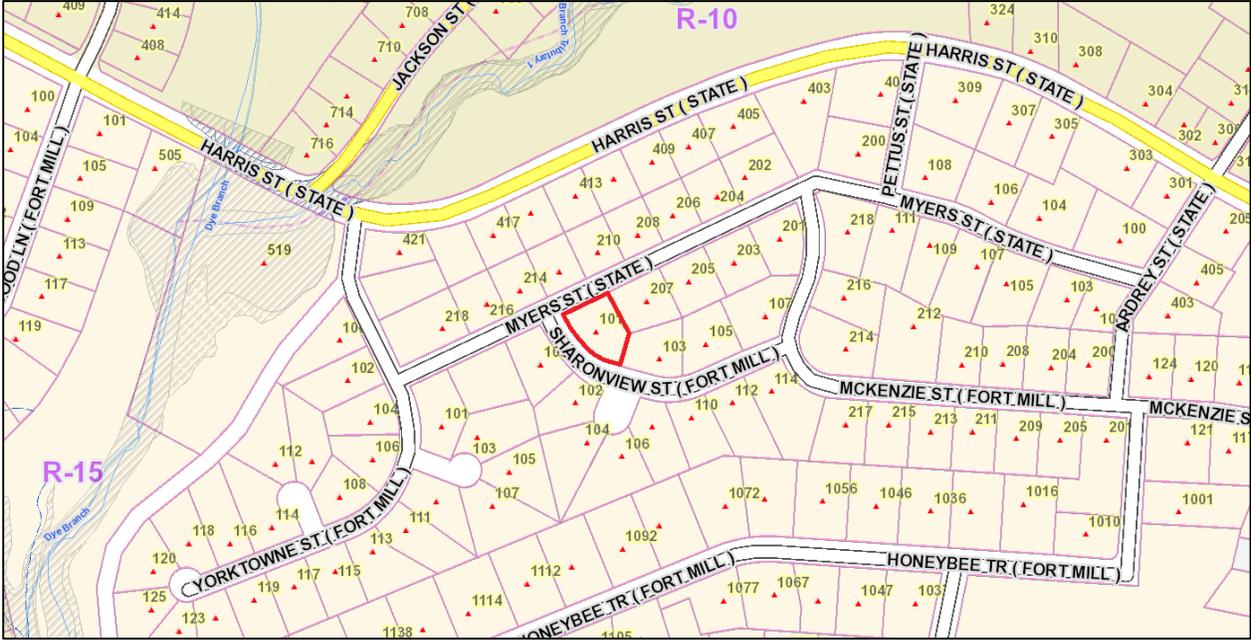
Sincerely,

Chris Pettit, AICP
Assistant Planner / Zoning Administrator

Wayne Hunter
Building Official

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

York County Tax Map # 020-01-17-055
Zoning Map



York County Tax Map # 020-01-17-055
Aerial Map

