



**TOWN OF FORT MILL
BOARD OF ZONING APPEALS MEETING
December 15, 2014
112 Confederate Street
6:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

Regular Meeting: October 20, 2014 *[Pages 2-6]*

PUBLIC HEARING ITEMS

1. **CASE # 2014-518**
Michael Fling, Jr.
114 Yorktown Street
Tax Map # 020-01-17-080
Zoning District: R-15
Applicant is requesting a variance from the zoning ordinance to allow a reduction of the 35' front yard setback requirement for a principal structure (corner lot) *[Pages 7-15]*

ITEMS FOR INFORMATION / DISCUSSION

1. Case #2014-419: Clarification of conditions related to an approved variance at 400 Unity Street *[Pages 16-25]*
2. Unified Development Ordinance Update
3. Review of Board of Zoning Appeals Training Materials (Hardships)

ADJOURN

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
October 20, 2014
6:00 PM**

Present: Jim Thomas, Jay McMullen, Rhonda McCall, Jody Stegall, Ryan Helms, Planning Director Joe Cronin, Assistant Planner Chris Pettit

Absent: Terri Murray, Becky Campbell

Guests: Patricia Brohm, Michelle Soto, Lynn Davis, Kevin Myers, David Faile, Julie Faile, Trudie Bolin Heemsoth, George McGuigan, Kathy McGuigan, Kay Gibson, Walter Hartness Jr.

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

Chairman Thomas welcomed Mr. Helms and Mr. Stegall, who were recently appointed to the board by town council.

Planning Director Cronin introduced Chris Pettit, who joined the town as Assistant Planner in August.

APPROVAL OF MINUTES

Mr. Thomas made a motion to approve the minutes of the July 21, 2014, meeting as submitted by staff. Mr. McMullen seconded the motion. The motion was approved by a vote of 5-0.

PUBLIC HEARING ITEMS

- 1. Variance request from Patricia Brohm (400 Unity Street):** Planning Director Cronin provided a brief overview of the applicant's request, the purpose of which was to allow a 6' wood privacy fence to extend past the primary residence and in to the front yard setback on a corner lot. Planning Director Cronin added that the fence has already been installed, though no permit had been applied for or issued by the town.

Chairman Thomas opened the public hearing.

The applicant, Ms. Patricia Brohm of 400 Unity Street, provided additional details regarding the request. Ms. Brohm stated that there was previously a 4' chain link fence in the same location as the new 6' wood stockade fence. She stated that she did not know she needed a permit to replace the old fence with a new one. She added that the old fence was in poor condition, and she was worried about being viewed as disrespectful to funerals and visitors at Unity Cemetery when children play in her yard. Ms. Brohm added that she was concerned for the safety of herself and the children playing in her yard. Allowing a fence to extend into the front yard would allow her to maintain the same size yard area as before, while providing better screening and safety on her property.

Ms. Julie Faile of 405 Nims Street spoke in favor of the request. She provided photos of several other properties in the area that also have privacy fences in the front yard, including several on corner lots. Ms. Faile added that there were concerns among neighbors about homeless people sleeping in the cemetery, and drug deals and other crimes also alleged to have taken place.

Ms. Michelle Soto of 400 Nims Street, Ms. Lynn Davis of 401 Nims Street, Mr. Kevin Myers of 402 Nims Street, and Mr. David Faile of 405 Nims Street, also spoke in favor of the request.

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

Mr. McMullen asked if there would be an adverse impact to any existing residences or vehicular travelers on Hill Street as a result of approving the variance. Ms. Brohm stated that there would be no impact. Planning Director Cronin stated that fences are restricted in front yards by the zoning ordinance so as to not inhibit visibility near driveways and intersections. The fence at 400 Unity Street was seen by staff to block most of the driveway from passing traffic, including pedestrian traffic.

Mr. Thomas asked about the status of nearby fences which are also located in front yards. Planning Director Cronin stated his belief that no fences had been permitted in that area during his time with the town. Some fences may have been installed prior to when the current codes went into effect. Others may have been installed without a permit and were unnoticed by code enforcement personnel.

Mr. McMullen asked if Duke owned a power line easement at the front of the property, which may require the fence to be set back further from the right-of-way than it is currently. Planning Director Cronin stated that since the fence was installed without a permit, staff has not reviewed a survey or been in contact with Duke regarding the existence of a possible easement.

Mr. McMullen made a motion to approve the variance request to allow the fence to extend into the front yard and exceed the 4' maximum height requirement, due to the presence of a non-traditional use across the street. Mr. McMullen added a condition that should Duke maintain a power line easement along the front of the property, the fence may not extend into the easement. The motion died for lack of a second.

Ms. McCall expressed concern about establishing a precedent that would be seen to allow nonconforming fences whenever a resident does not like a neighboring land use. She worried about this precedent being extending to other areas of the town, and thought the board could be undermining the intent of the zoning ordinance. Ms. McCall added that she thought that the safety concerns were valid, and stated that they would likely influence her vote. Additional discussion took place regarding public safety issues in and around the cemetery.

Chairman Thomas asked if there anyone else wished to comment on the request. There being no further discussion, Chairman Thomas called for a motion.

Mr. McMullen re-stated his motion to approve the variance request to allow the fence to extend into the front yard and exceed the 4' maximum height requirement, due to the presence of a non-traditional use across the street. Mr. McMullen added a condition that should Duke maintain a power line easement along the front of the property, the fence may not extend into the easement. Ms. McCall seconded the motion. The motion was approved by a vote of 5-0.

- 2. Variance request from Walter W. Hartness Jr. (102 Meacham Street):** Assistant Planner Pettit provided a brief overview of the applicant's request, the purpose of which was to allow three variances related to two carports proposed to be located on the property. The first request was to reduce the side yard setback from 5' to 1' on the right side of the house. The second request was to reduce the side yard setback from 5' to 2' feet on the left side of the house. The final request was to allow both detached carports to be partially located in front of the primary residence.

Chairman Thomas opened the public hearing. The applicant, Mr. Walter Hartness Jr, spoke in favor of the request. Mr. Hartness 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. He added that the family was taking care of an elderly relative, and they wanted to make it easier for her to get into and out of a vehicle during inclement weather. Mr. Hartness stated that both carports would need to extend into the front yard due to an existing addition on the left side of the house, as well as an existing fence on the right side of the use. Mr. Hartness added that the lot was very narrow, and there was nowhere else to install the proposed carports.

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 precise location of the proposed carports. Assistant Planner Pettit pulled up several photos on the overhead monitor, and Mr. Hartness pointed out the exact location of the proposed carports on the photos.

Mr. Thomas noted that there was an overhead power line between the street and the front corner of the house on the left side of the property. This line is located above where the applicant is seeking to install one of the carports. Mr. Thomas questioned whether the carport would have sufficient clearance between the roof of the carport and the power line.

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 reminded the board of its recent precedent in denying requests to be locate carports in front of residential structures. Ms. McCall added that she thought there was sufficient room on the right side of the property to locate a carport behind the front corner of the residence, even though the existing fence may need to be set back further from the road to ensure the carport does not extend past the front corner of the residence. Because of the residential addition on the left side of the house, it was not feasible to install a carport on that side of the property because the carport would extend into the front yard. Ms. McCall stated that she supported the installation of a carport on the right side, but not the left.

There being no further discussion, Chairman Thomas called for a motion. Mr. Thomas made a motion to approve the variance request to reduce the side yard setback from 5' to 1' on the right side of the property, so as to allow the installation of a carport in that location, provided the carport may not extend past the front corner of the residence. Mr. Thomas also motioned to deny the reduction in the side yard setback from 5' to 2' on the left side of the property, and to deny the request to allow the carports to encroach beyond the front of the residence. Mr. McCall seconded the motion. The motion was approved by a vote of 5-0.

3. **Variance request from George & Kathy McGuigan (120 E Hill Street):** Assistant Planner Pettit provided a brief overview of the applicant's request, the purpose of which was to reduce the 5' side yard setback for an accessory structure (detached carport).

Chairman Thomas opened the public hearing. The applicant, Mr. George McGuigan of 120 E Hill Street, spoke in support of his request. Mr. McGuigan stated that he wished to install a 20' wide carport behind his primary residence on E Hill Street. His desire was to locate the carport over an existing driveway. Because the driveway encroached into the 5' side yard setback, he was seeking a variance to locate the carport within the setback area.

Ms. Kay Gibson, of 116 E Hill Street, also spoke in favor of the request. Ms. Gibson, who owns the neighboring property closest to the proposed carport, stated that she had no objection to the carport being located within the 5' side yard setback at the rear of the house, as long as the carport did not extend into the side or front yards.

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 precise location of the proposed carport. Mr. McGuigan stated that he wished to install the carport in the rear yard, behind the primary residence, but within the 5' side yard setback. Assistant Planner Pettit pulled up several photos on the overhead monitor, and Mr. McGuigan pointed out the exact location of the proposed carport on the photos.

Mr. McMullen asked whether the fence was on the applicant's property or the neighbor's property. Mr. McGuigan and Ms. Gibson stated that the fence was on the Gibson property, and was set back about 1' from the property line.

There being no further discussion, Chairman Thomas called for a motion. Mr. McMullen made a motion to approve the variance request to allow a carport to encroach 4' into the required 5' side yard setback within the rear yard of the property. Ms. McCall seconded the motion. The motion was approved by a vote of 5-0.

Planning Director Cronin stated that he and Assistant Planner Pettit had attended the SC Planning Association Conference the prior week, and both had attended a very informative workshop on the proper role of Boards of Zoning Appeals and the legalities related to the variance process. Planning Director Cronin stated that he would like to send a copy of the presentation materials to the Board as soon as they are posted on the SCAPA website, and would like to set some time aside at a future meeting to review the information.

There being no further business, the meeting was adjourned at 8:05 pm.

Respectfully submitted,

Joe Cronin
Planning Director

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

Item #1 **CASE # 2014-518**
Michael Fling, Jr.
114 Yorktown Street
Tax Map # 020-01-17-080
Zoning District: R-15

Applicant is requesting a variance from the zoning ordinance to allow a reduction of the 35' front yard setback requirement for a principal structure (corner lot)

Background / Discussion

The Town has received a variance request from Mr. Michael Fling, Jr. for a proposed nonconformity related to the construction of a 24' x 24' attached carport at 114 Yorktown Street.

The request is to allow the attached carport to encroach into the required 35' front yard setback along the eastern cul-de-sac road frontage. As proposed, the attached garage would sit approximately 3 feet from the eastern property line. Therefore, the request is to encroach approximately 32 feet into the required setback.

Article II, Section 1(5)(D) of the Town's Zoning Ordinance outlines the following setback requirement for principal structures:

- 4. *Minimum front yard depth measured from the nearest street right-of-way line: R-25 – 50 feet and R-15 – 35 feet;*

The applicant has stated that the purpose of the request is to provide a usable, covered carport space to protect his vehicle from the elements and provide the applicant covered access from his vehicle into his home. Given the topography of the lot and the location of the existing rear entry door, the applicant believes that the proposed carport location would be the only feasible location for an attached carport that meets the stated purpose.

Staff would like to note that the existing home located on the property is legally nonconforming.

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
Assistant Planner / Zoning Administrator
December 3, 2014

Town of Fort Mill
112 Confederate Street
P.O. Box 159
Fort Mill, South Carolina 29715

Nov. 17 6:00 p.m

ZONING APPEALS BOARD
VARIANCE APPEAL

Date Filed: _____

Owner's Name: Michael D. Fling, JR.

Address: 114 YORKTOWNE FORT MILL, SC 29715

Telephone: 803/242-6526

Property Address: _____

Current Use: RESIDENT

Zoning District: _____

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

1. Describe the variance request: _____

Add 24 X 24 Garage

2. Why did the administrative official deny a permit? _____

encroachment

3. Is the property, current uses or existing structures, nonconforming? _____ If yes, how are they nonconforming?

4. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography: _____

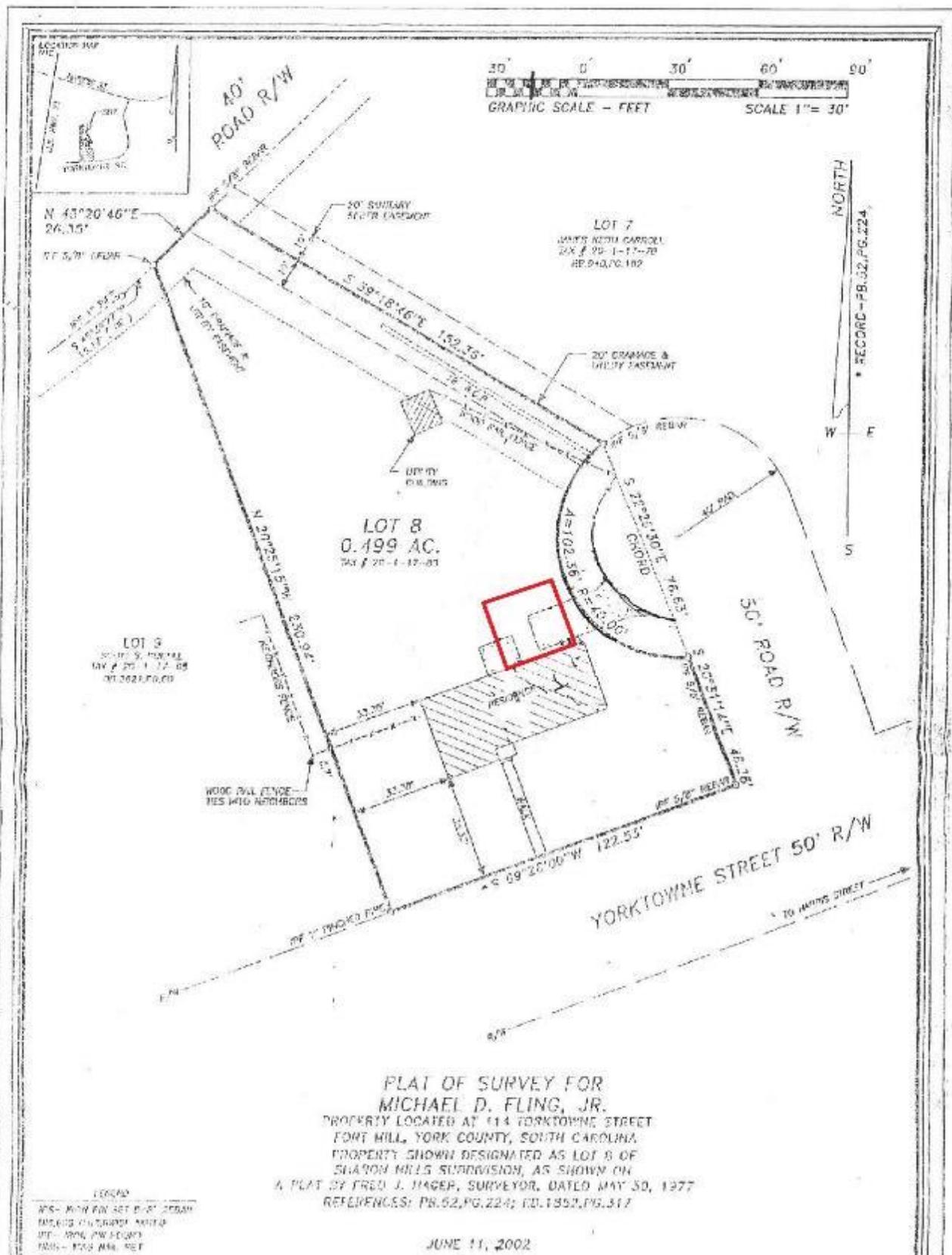
5. How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner?

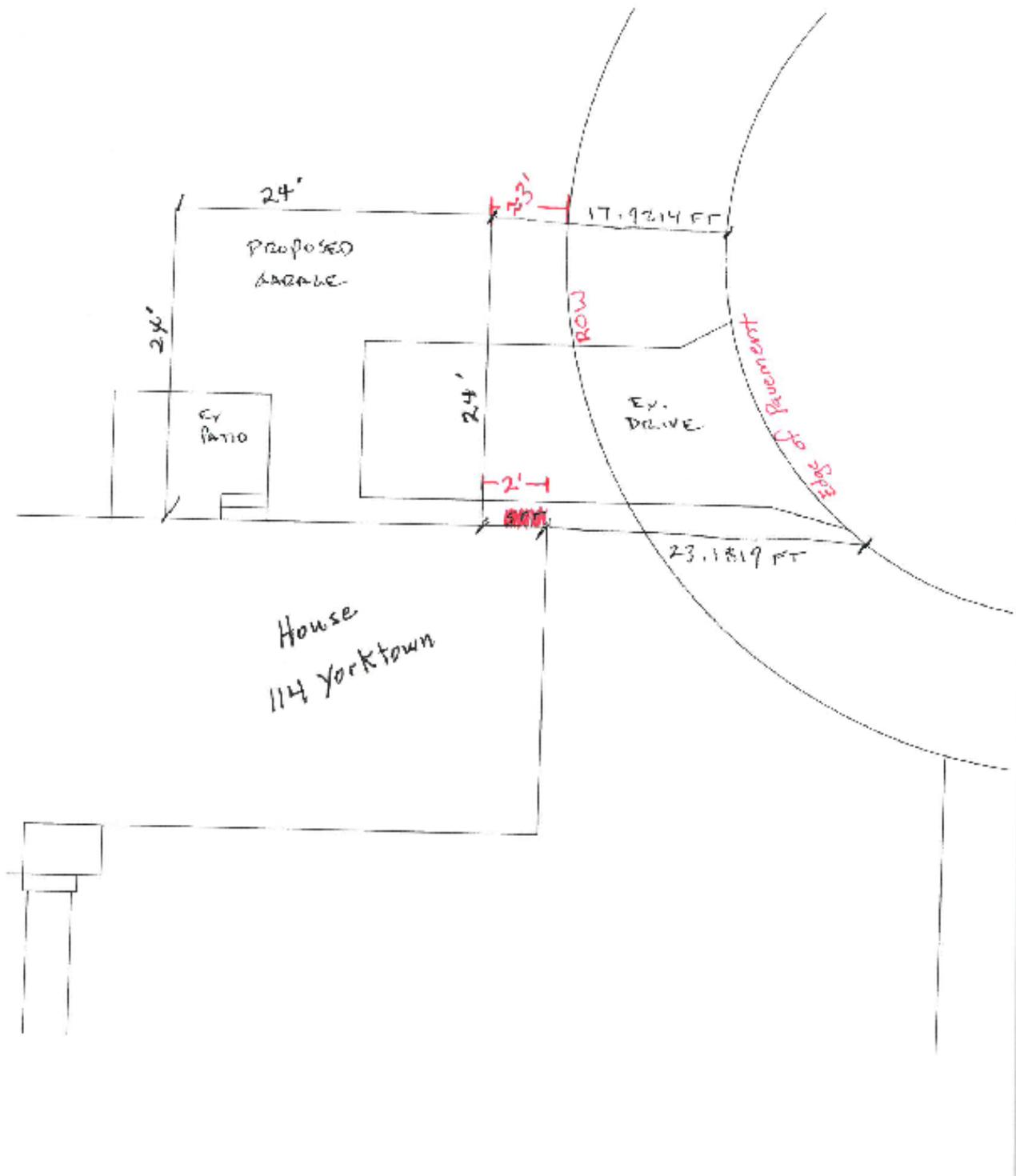
enforcement of right-of-way does not fit this situation
with home being built 30+ years ago

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.

Mike Fling
APPLICANT

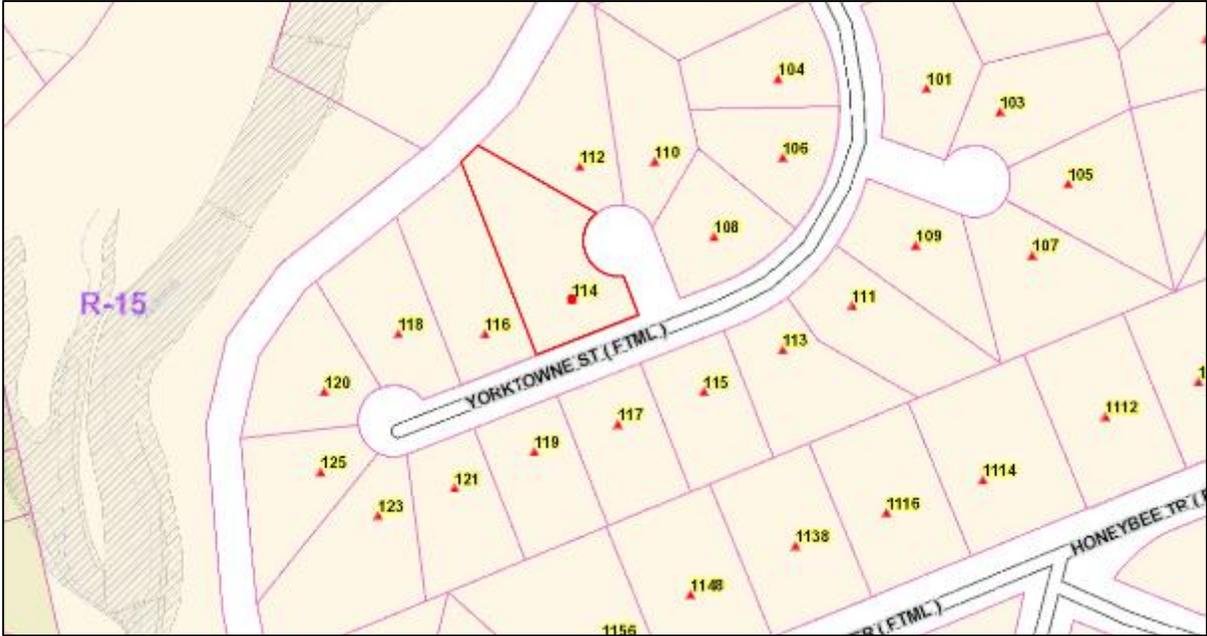
10/31/14
DATE







**York County Tax Map # 020-06-01-057
Zoning Map**



**York County Tax Map # 020-06-01-057
Aerial Map**







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

Item #1 **CASE # 2014-419**
Patricia Brohm
400 Unity Street
Tax Map # 020-04-26-001
Zoning District: R-10

Applicant is requesting a variance from the zoning ordinance to allow a 6' privacy fence to extend beyond the principal structure in a front yard (corner lot)

CASE UPDATE 12/4/14

At the October 20, 2014 Board of Zoning Appeals meeting, a variance was approved allowing the applicant to maintain an existing fence that extends into the front yard (along E. Hill Street) and exceeds the 4' maximum height requirement. A condition was included in the variance approval that stated the following:

Should Duke maintain a power line easement along the front of the property, the fence may not extend into the easement.

Following the meeting, Town staff worked with local engineering staff at Duke Energy to determine that a 30' easement did exist along E. Hill Street for the overhead power line. The easement, centered on the overhead line, extended 15' to each side of the line.

Currently, the fence along E. Hill Street is located approximately 5' from the overhead power lines. Using the information from Duke Energy and the condition included in the variance approval, Town staff determined that the existing fence along E. Hill Street would need to be moved approximately 10' further away from the power lines to meet the requirements of the approved variance.

Through multiple conversations with the applicant, Town staff explained the requirements of the variance approval and the associated condition that would ultimately require the applicant to remove the fence from the Duke Energy easement. The applicant, however, maintains that the fence is appropriate and that no changes need to be made.

As a first step toward reaching a resolution for this case, Town staff is seeking to clarify the intent of the Board's October 2014 variance approval. Specifically, Town staff would like to address whether the fence would be allowed if approved by Duke Energy.

Background / Discussion

The Town has received a variance request from Ms. Patricia Brohm for two nonconformities related to an existing fence located at 400 Unity Street.

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

- A. *Permit requirements: Any person wishing to erect, alter, or relocate a fence must first obtain a fence permit from the code enforcement officer. Fences not meeting the standards outlined in this section may be permitted by a special use permit. The code enforcement officer may exercise the power to impose reasonable conditions in granting a special use permit under the requirements and guidelines of this ordinance.*

The applicant, unaware of the required permit and/or zoning regulations, replaced a previous \approx 4' chain link fence with the current 6' wooden privacy fence. Town staff sent a notice of Zoning Ordinance violation to Ms. Brohm on August 5, 2014 (attached). Ms. Brohm's written response dated August 7, 2014 (attached) along with follow up discussions noted her desire to bring the fence into conformance with the requirements of the ordinance. Therefore, the purpose of this request is to begin the process of obtaining proper permitting required for the existing 6' privacy fence.

The first request is to allow the fence to extend beyond the principal structure (residence) along the E. Hill Street frontage. Per Article I, Section 7(M)(B)(5):

- 5) *On corner lots, fences may not be permitted beyond the principal structure in side yards facing the adjoining street.*

The second request is to allow the fence to exceed 4' in height in a front yard. Front yard fences, if approved, may not exceed 4' in height per Article I, Section 7(M)(B)(2) as excerpted below:

- 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 states that the reasons for the variance requests are to uphold a look of quality and to retain the functionality of the enclosed back yard space. The applicant notes that if the fence were placed according to the Zoning Ordinance, the backyard would be cut in half and rendered useless.

Staff will note that while front yard fences may be approved, they can pose a potential visibility problem for traffic along neighboring roadways and should therefore be approved only in certain circumstances. Along E. Hill Street, the existing fence does block visibility for those exiting the existing driveway of the applicant's residence. Staff has provided pictures (attached) for consideration by the Board on this matter.

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
Assistant Planner / Zoning Administrator
October 10, 2014



TOWN OF FORT MILL

DATE: 8-5-2014

Patricia A Brohm
400 Unity Street
Fort Mill, SC 29715

RE: NOTICE OF ZONING ORDINANCE VIOLATION: FENCES

Dear Ms Brohm,

The purpose of this letter is to inform you that a fence located at 400 Unity Street is in violation of the following Section(s) of the Zoning Ordinance for the Town of Fort Mill:

- Article I, Section 7-(M)
 - A: Building Permit Required
 - B(1): On corner lots, fences may not be permitted beyond the principal structure in side yards facing the adjoining street

We have attached a copy of the town's fence ordinance for your reference, as well as a photograph of the offending fence.

You are hereby ordered to bring this fence 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 offending fence, or by applying for and obtaining a valid fence permit (if the fence is allowed by code).

Failure to correct this violation within the time specified may result in a fine of up to one hundred (\$100.00) dollars per day for each day the violation continues to occur.

If you have any questions about the contents of this letter, or if you wish to appeal the findings of the Zoning Administrator, please contact Joe Cronin by phone at (803) 547-2116 x 257 or by email at jcronin@fortmillsc.gov.

Sincerely,

Wayne Hunter
Code Enforcement Officer

Joseph M. Cronin
Planning Director/Zoning Administrator

Article I, Sec. 7. - General provisions.

M.

Fences:

A)

Permit requirements: Any person wishing to erect, alter, or relocate a fence must first obtain a fence permit from the code enforcement officer. Fences not meeting the standards outlined in this section may be permitted by a special use permit. The code enforcement officer may exercise the power to impose reasonable conditions in granting a special use permit under the requirements and guidelines of this ordinance.

B)

Fencing requirements:

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.

3)

Fences shall be constructed with quality material and workmanship and be maintained in good repair. Materials must be approved by the code enforcement officer. Barbed wire, constantine wire, razor wire, or poultry wire are strictly prohibited.

4)

The finished side of fences shall face adjoining property and shall blend with the landscape.

5)

On corner lots, fences may not be permitted beyond the principal structure in side yards facing the adjoining street.

The sides and rear fence shall conform to the above guidance; however, due to the potential visibility problem, the construction of fences within the front yard will be restricted. The code enforcement officer may use the authority provided in subsection M.A). to issue a special use permit for front yards on a case-by-case basis for corner lots.

(Amd. of 10-8-07)

August 7, 2014

Mr. Joseph M. Cronin

jcronin@fortmillsc.gov

RE: NOTICE OF ZONING ORDINANCE VIOLATION: FENCES

Dear Mr. Joe Cronin,

The purpose of this letter is a response to the 400 Unity Street fence compliance within the 72-hour response time about the alleged code violations. I apologize for not realizing I needed a building permit to replace and improve an existing fence.

When replacing my fence I had no intentions of not abiding by the Fort Mill ordinance. The old fence was damaged in a storm and unsightly, therefore I thought I was improving the looks of the neighborhood. I had spoken with both neighbors on either side, they both agreed to the replacement fence. I have had nothing but compliments from all of the neighbors saying this was long overdue. I am hoping we can resolve this by just applying for a building permit, if that is what is needed. If a permit is necessary please let me know where to apply, how much it will cost and if that will bring me into compliance.

As far as the second item, the fence going beyond the main structure of the home; I have enclosed photos of the fence that was there prior and existed for over forty-five years along the same exact fence line. I have also enclosed the neighbors' photos of their existing fence that follows the same criteria.

If you need to discuss it further please call me at 646-369-5361.

Sincerely,

Tricia Brohm

400 Unity Street, Fort Mill, SC 29715

triciaisagrammy@gmail.com



Neighboring fence below.



2014-419

Town of Fort Mill
112 Confederate Street
P.O. Box 159
Fort Mill, South Carolina 29715

ZONING APPEALS BOARD
VARIANCE APPEAL

Date Filed: 9/30/2014
Owner's Name: Patricia Brahm
Address: 400 Unity St, Fort Mill
Telephone: _____
Property Address: Same
Current Use: Residential
Zoning District: R-10

ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED

1. Describe the variance request: Variance to allow fence to extend beyond principal structure in side yard facing adjoining street
2. Why did the administrative official deny a permit? Article I, Section 7-(M) B(1): On corner lots, fences may not be permitted beyond the principal structure in side yards facing the adjoining street
3. Is the property, current uses or existing structures, nonconforming? Yes. If yes, how are they nonconforming? Fence extends beyond the principal structure in side yard facing the adjoining street
4. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography: Due to being a corner lot the fence needs to be positioned where it is and was in order to maintain a look of quality + functionality
5. How do the extraordinary or exceptional conditions or literal interpretation of the provisions of the Zoning Code create an unnecessary hardship for the property owner? If fence was placed according to zoning the backyard would be cut in half and rendered useless

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.

Patricia Brahm APPLICANT 9/30/2014 DATE

**York County Tax Map # 020-04-26-001
Zoning Map**



**York County Tax Map # 020-04-26-001
Aerial Map**



