

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
January 19, 2023
6:00 PM**

Present: Chairman Jim Thomas, Becky Campbell, Terri Murray (late arrival), Amber Bryant, Jennifer Allan, Carolyn Blair, Planner Zach Driggers, Planning Director Penelope Karagounis

Absent: Jody Stegall

Guests: See Attachment

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

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR 2023

Acting-Chairman Thomas called for nominations for the position of Chair. Mr. Thomas was nominated. There being no further nominations, Acting-Chairman Thomas called for a vote. Ms. Campbell made a motion to elect Mr. Thomas. Ms. Bryant seconded the motion. The motion was approved by a vote of 5-0.

Chairman Thomas called for nomination for the position of Vice-chair. Ms. Bryant was nominated. There being no further nominations, Chairman Thomas called for a vote. Ms. Blair made a motion to elect Ms. Bryant. Ms. Allan seconded the motion. The motion was approved by a vote of 5-0.

APPROVAL OF MINUTES

Chairman Thomas called for a motion to approve the minutes of the June 20, 2022 meeting as submitted by staff. Ms. Blair made a motion to approve the minutes as submitted by staff. Ms. Allen seconded the motion. The motion was approved by a vote of 5-0.

PUBLIC HEARING ITEMS

1. Case # 2023-1: Variance request from G&C Roofing and Construction – 408 Sidney Johnson Street:

Planner Driggers provided a brief overview of the variance request, the purpose of which was to allow a reduction in the front yard setback requirements from 35' to 17.9' to construct a single-family residence.

Chairman Thomas asked if utilities have visited the site to see if the proposed structure is outside of the sewer easement. Planner Driggers directed the comment to the Town's Utility Director Greg Rushing.

Kevin Ginn (President of G&C) introduced himself and presented the case and the reasons for seeking the variance. Mr. Thomas asked Mr. Ginn if he drew the line showing the setback from the centerline of the sewer easement on the plot plan which Mr. Ginn acknowledged he had. A discussion occurred regarding the approximate location of the house and sewer line on the drawing (attached). Mr. Thomas pointed out from his measurements, that the proposed house appeared to encroach into the easement. Mr. Thomas further explained to the applicant what he was seeing, and the drawing was passed around to visualize (drawing attached). Further discussion occurred regarding the proximity of the house and center of the sewer easement. Mr. Thomas commented that moving the house further back out of the sewer easement, and reducing the setback of Jackson Street more, would allow the house to fit.

Mr. Rushing stated that Mr. Thomas was correct. Mr. Rushing clarified the sewer easement dimensions. Mr. Rushing looked at Mr. Thomas's sketch drawing and commented that it did look correct. Ms. Karagounis clarified Mr. Thomas's comment regarding pushing the house away from the sewer. After further discussion, Mr. Thomas advised Mr. Ginn to consider pushing the house further back to reduce the setback along Jackson to five feet to stay out of the sewer easement.

Mr. Thomas opened the public hearing. There being no one wishing to speak, Chairman Thomas closed the public hearing.

Chairman Thomas called for voting on the four criteria required in granting a variance, specific to the applicant's request. Mr. Thomas called for a motion on whether or not there were extraordinary and exceptional conditions pertaining to the particular piece of property. Ms. Blair made a motion that there were extraordinary and exceptional conditions pertaining to the particular piece of property. Ms. Murray seconded the motion. The motion passed by a vote of 6-0.

Mr. Thomas called for a motion on whether the conditions apply to other property in the vicinity. Ms. Murray made a motion that the conditions do not generally apply to other property in the vicinity. Ms. Blair seconded the motion. The motion passed by a vote of 6-0

Mr. Thomas called for a motion on whether the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property. Ms. Blair made a motion that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Ms. Murray seconded the motion. The motion passed by a vote of 6-0.

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 whether the character of the district would be harmed by the granting of the variance. Ms. Blair made a motion that the authorization of a variance would not be of substantial detriment to adjacent property or to the public good, and that the character of the district would not be harmed by the granting of the variance. Ms. Campbell seconded the motion. The motion passed by a vote of 6-0.

Mr. Thomas called for a motion on whether to grant the variance. Mr. Thomas recommended, if the Board wished to grant the variance, to reduce the requested variance amount to 5 feet along Jackson Street. Ms. Blair made a motion to grant a variance to reduce the front setback requirement from 35' to 5 feet along Jackson Street. Ms. Murray seconded the motion. The motion passed by a vote of 6-0. The variance request was approved.

2. Discussion and Information

Planning Director Karagounis presented to the Board the proposed 2023 meeting calendar. Chairman Thomas pointed out the January meeting date to which Planning Director Karagounis clarified the proposed holiday rescheduled date.

There being no further business, Ms. Thomas called for a motion to adjourn the meeting. Ms. Blair made a motion to adjourn; Ms. Murray seconded. The meeting was adjourned at 6:27 p.m.

Respectfully submitted,

Zach Driggers
Planning Department
January 20, 2023