

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
January 25, 2021
6:00 PM**

Present: Amber Bryant, Chairman Jim Thomas, Jody Stegall, Becky Campbell, Terri Murray, Carolyn Blair, Planner II Nick Cauthen, Planning Director Penelope Karagounis, Senior Planner Alex Moore

Absent: N/A

Guests: Mark Case (applicant), Charles Peterson (neighbor)

Chairman Thomas called the meeting to order at 6:00 p.m. and welcomed everyone in attendance. Ms. Karagounis noted alternate viewing and public hearing options for the meeting. Live Viewing Online: **Please visit** www.fortmillsc.gov Public Access by Phone: Dial (toll free) 1-866-899-4679 and use access code 118-613-997 and in person public hearing located at 200 Tom Hall Street (outside of Town Hall).

ELECTION OF CHAIR & VICE-CHAIR FOR 2020

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. Blair made a motion to elect Mr. Thomas. Ms. Murray seconded the motion. The motion was approved by a vote of 6-0.

Chairman Thomas called for nominations for the position of Vice-Chair. Ms. Campbell and Mr. Stegall were nominated. There being no further nominations, Chairman Thomas called for a vote. Ms. Campbell made a motion to elect Mr. Stegall, no seconds were given. Mr. Stegall made a motion to elect Ms. Campbell. Ms. Blair seconded the motion. The motion was approved by a vote of 6-0.

APPROVAL OF MINUTES

Chairman Thomas called for a motion to approve the minutes of the October meeting. Mr. Stegall made a motion to approve the minutes as submitted by staff. Ms. Blair seconded the motion. The motion was approved by a vote of 6-0.

PUBLIC HEARING ITEMS

A) Variance request from Mark Case – 125 W. Gregg Street – Case # 2021-0001:

Mr. Cauthen provided a brief overview of the variance request, as described in the Agenda packet.

Mr. Case described the rationale of his request. The home was purchased 5 years ago and extensively remodeled, including the addition of a garage, and conversion of a carport to a master bedroom. He stated there was no other location on the property that would be an affective location to construct the accessory building. The building would be stick built and match the façade of the existing home. The purpose of the building would be for extra storage and to enjoy shop hobbies during retirement.

Chairman Thomas noted 3 possible alternative locations for the building. They included the patio area behind the home, the Pine St. side yard area, or adding on to the existing home along Pine Street while still meeting the setbacks.

The applicant opposed those alternatives due to cost and feasibility of access around the yard and building.

Mr. Thomas asked about the flexibility of the building size. The applicant stated the size provided was the size needed to meet his needs. The applicant added the zoning ordinance unfairly prohibited corner lots and deemed a large portion of his property unusable.

Mr. Thomas noted, according to the plat, there is approximately 29 ft. of property between the principal structure and the Pine St. side property line, thereby allowing plenty of room for the accessory structure, and access around it. Mr. Stegall also asked the applicant why this alternative location would not work. The applicant stressed it was not aesthetically pleasing to him nor would he have the access needed around the yard considering the trees and fences located on that side of the property. The applicant added there would be 23 ft. available minus the 5 ft. setback on that side of the property according to his measurements.

Ms. Campbell asked for verification of the distances of the structure from the property lines. The applicant stated the proposed structure would be 9 ft. from Pine Street and 5 ft. from the side property line. The applicant showed a rendering of the building along with additional pictures of the property.

Mr. Thomas opened the public hearing. Mr. Charles Peterson, a resident of 130 W. Oak Street stated his property location, adjacent to the subject property on Pine Street, and that he was against the request because his view would be blocked by the large wall of the proposed building. The applicant stated Mr. Patterson's trailer blocks his view. There being no more speakers, Mr. Thomas closed the public hearing.

Mr. Stegall noted Mr. Peterson would barely be able to see the building considering it would almost entirely be located behind his parked trailer. The applicant agreed and stated if the building were required to be moved back then his neighbor would be exposed to a much worse view in his opinion.

Ms. Murray asked if the accessory building would be allowed if this were not a corner lot according to the zoning ordinance and staff responded yes.

Chairman Thomas asked if there were any further questions/comments, being none, he 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 due to the offset of the house. Mr. Stegall seconded the motion. The motion passed by a vote of 4-2. Mr. Thomas and Ms. Murray opposed.

Mr. Thomas called for a motion on whether the conditions apply to other property in the vicinity. Ms. Blair made a motion that the conditions do not generally apply to other property in the vicinity. Ms. Bryant seconded the motion. The motion failed by a vote of 3-3. Ms. Campbell, Mr. Thomas, and Ms. Murray opposed.

Mr. Thomas called for a motion on whether the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property. Mr. Stegall made a motion that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Ms. Blair seconded the motion. The motion failed by a vote of 3-3. Ms. Campbell, Ms. Murray, and Mr. Thomas 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 whether the character of the district would be harmed by the granting of the variance. Ms. Murray 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. Blair seconded the motion. The motion passed by a vote of 4-2. Ms. Campbell and Mr. Thomas opposed.

Mr. Thomas called for a motion on whether or not to grant the variance. Mr. Stegall made a motion to grant the variance. Ms. Blair seconded the motion. The motion failed by a vote of 3-3, with Mr. Thomas, Ms. Murray, and Ms. Campbell opposed. The variance request was denied.

There being no further business, Mr. Thomas called for a motion to adjourn the meeting. Ms. Campbell made a motion to adjourn, Mr. Stegall seconded, the motion was approved by a vote of 6-0. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Nick Cauthen
Planning Department
February 2, 2021