

**MINUTES**  
**TOWN OF FORT MILL**  
**BOARD OF ZONING APPEALS**  
**February 15, 2021**  
**6:00 PM**

Present: Amber Bryant, Chairman Jim Thomas, Jody Stegall, Becky Campbell, Terri Murray, Carolyn Blair, Planner Nick Cauthen, Planning Director Penelope Karagounis, Planner Zach Driggers

Absent: N/A

Guests: Chris Suter, Sandi Suter, Alexa Maddox, Harman Gill, Scott Russell

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](http://www.fortmillsc.gov) Public Access by Phone: Dial (toll free) 1-877-309-2073 and use access code 247-181-837 and in person public hearing located at 200 Tom Hall Street (outside of Town Hall).

**APPROVAL OF MINUTES**

Chairman Thomas called for a motion to approve the minutes of the January 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**

**1. Variance request from Chris & Sandi Suter – 102 Howington Circle:**

Mr. Cauthen provided a brief overview of the variance request, as described in the Agenda packet. The request is to allow a detached garage in front of a principal structure.

The applicant stated a detached garage cannot meet the setbacks given where the house is situated on the lot.

Chairman Thomas opened the public hearing. Mr. Driggers stated nobody was at Town Hall to speak. Mr. Cauthen noted staff received 5 comments against the request prior to the meeting and 2 other comments with concerns regarding how close the proposed structure would be to Howington Circle. Mr. Cauthen also noted the names from a petition that was provided by the applicant in favor of the variance request which included signatures from 5 different properties in the area.

Chairman Thomas asked the applicant if they would like to respond to the negative comments. The applicant stated many of the neighbors may live in the neighborhood, but they do not live within site distance of the subject property. The garage will be used for storage of cars and household items. Regarding the concern posed by a member of the

neighborhood, it was noted by the applicant that the garage would not be used for a car repair shop. The applicant also stated the placement of the garage further back on the lot away from Howington Circle would block the natural light from the home and require a second driveway.

Chairman Thomas asked if attaching the garage to the home was ever considered since this would make the structure conforming to the zoning ordinance. The applicant stated that was considered but it would not be as aesthetically pleasing or work as well from a practical standpoint. It is also not financially feasible according to the applicant.

Mr. Stegall asked why a neighbor would have concerns over a car repair shop on the property. The applicant stated they work on their personal cars from time to time and the only available area is in the front yard. The goal of the garage is to clean up the property and to be able to store their vehicles in it.

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. Mr. Stegall made a motion that there were extraordinary and exceptional conditions pertaining to the particular piece of property due to the placement of the house on the lot. Ms. Campbell 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. Mr. Stegall 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 4-2. 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. Ms. Murray made a motion that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Mr. Stegall seconded the motion. The motion failed by a vote of 1-5. Mr. Stegall voted in favor.

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. Campbell seconded the motion. The motion passed by a vote of 5-1. 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. Murray seconded the motion. The motion failed by a vote of 1-5, with Mr. Stegall in favor. The variance request was denied.

**2. Variance request from Alexa Maddox & Harman Gill – 319 Pine Street:**

Mr. Cauthen provided a brief overview of the variance request, as described in the Agenda packet. The request is to allow a reduction in the side yard setback requirement for a principal structure.

The applicant stated the side yard is restricted due to the placement of the existing driveway. The applicant also mentioned the neighbors in the immediate area have no objection to the request. Two letters were also included in the submittal in favor of the request. The applicant also stated there are deed restrictions related to the subject property requiring approval from Clear Springs Development prior to any property improvements and the proposed changes were approved and a letter was provided.

Chairman Thomas opened the public hearing portion of the meeting. No citizens were at Town Hall or on the phone to speak on the case. The public hearing was closed.

Ms. Murray asked for a summary of the zoning requirements for the property. Staff noted the principal side setback requirement for the property is 10 feet whereas the side setback requirement for an accessory structure is 5 feet.

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. Ms. Bryant 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. Murray 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 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 passed by a vote of 4-2. 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 6-0.

Mr. Thomas called for a motion on whether or not to grant the variance. Mr. Thomas recommended if the Board wished to grant the variance, he suggested rounding the variance amount to 7 feet for measurement purposes instead of the 7.9 feet requested. Mr. Stegall made a motion to grant the variance to reduce the side setback requirement to 7 feet. Ms. Blair seconded the motion. The motion passed by a vote of 4-2. Mr. Thomas and Ms. Murray opposed. The variance request was approved.

There being no further business, Mr. Thomas called for a motion to adjourn the meeting. Mr. Stegall made a motion to adjourn, Ms. Campbell seconded, the motion was approved by a vote of 6-0. The meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Nick Cauthen  
Planning Department  
February 16, 2021