

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
February 21, 2022
6:00 PM**

Present: Chairman Jim Thomas, Becky Campbell, Jennifer Allan, Carolyn Blair, Planner Nick Cauthen, Planning Director Penelope Karagounis

Absent: Terri Murray, Jody Stegall, Amber Bryant

Guests: See Attachment

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

ELECTION OF CHAIR & VICE-CHAIR FOR 2022

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. Campbell seconded the motion. The motion was approved by a vote of 4-0.

Chairman Thomas called for nominations for the position of Vice-Chair. Mr. Stegall was nominated. There being no further nominations, Chairman Thomas called for a vote. Ms. Campbell made a motion to elect Mr. Stegall. Ms. Blair seconded the motion. The motion was approved by a vote of 4-0.

APPROVAL OF MINUTES

Chairman Thomas called for a motion to approve the minutes of the September 2021 meeting. Ms. Allan made a motion to approve the minutes as submitted by staff. Ms. Blair seconded the motion. The motion was approved by a vote of 4-0.

PUBLIC HEARING ITEMS

1. Variance request from G&C Roofing & Construction – 408 Sidney Johnson Street:

Mr. Cauthen provided a brief overview of the variance request, as described in the agenda packet. The request was to allow a reduction in the front yard setback requirement for a new single-family residence.

The applicant stated a single-family home cannot meet the setbacks due to the triangular shape of the lot and the fact it fronts two separate streets.

Deena Camp (applicant) stated her client wants to build a small home for her sister on the proposed lot. Ms. Camp noted the lot was triangular and a 7 ft. variance was all that was needed. She felt the size of home would fit nicely into the existing neighborhood.

Chairman Thomas opened the public hearing. Quinn McKemey (neighbor) spoke against the variance request. Mr. McKemey noted safety concerns at the intersection of Sidney Johnson St. and Jackson St. Chairman Thomas noted the home would be set as far from the intersection as possible. Mr. McKemey was also concerned with the home negatively affecting surrounding property values.

Chairman Thomas asked the applicant if they would like to respond to the negative comments. Ms. Camp stated a new build would only increase the surrounding property values in the neighborhood.

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. Ms. Campbell seconded the motion. The motion passed by a vote of 4-0.

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. Allan seconded the motion. The motion passed by a vote of 4-0.

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. Allan seconded the motion. The motion passed by a vote of 4-0.

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. Campbell 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 4-0.

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, to round the variance amount to 8 feet for measurement purposes instead of the 7.1 feet requested. Ms. Blair made a motion to grant a variance to reduce the front setback requirement from 35' to 27' along Jackson Street. Ms. Allan seconded the motion. The motion passed by a vote of 4-0. The variance request was approved.

2. Variance request from Diana Leis – 706 Unity Street:

Mr. Cauthen provided a brief overview of the variance request, as described in the agenda packet. The request was to allow a reduction in the front yard setback requirement for a covered front porch. It was noted the front porch was partially constructed without a permit.

The applicant stated in her application that she has a large front yard, and the porch will increase curb appeal while also shielding her home from inclement weather.

Ms. Leis stated she did not know her contractor was working without a permit. She thought moving into a community without an HOA would allow for the construction of a front porch. Ms. Leis noted confusion regarding how to measure the front yard setback requirements.

Staff stated the front setback requirement is 35' and is measured from the right-of-way which is typically a few feet from the edge of pavement.

Ms. Leis gave a signed petition to the Board for review which included 17 signatures in favor of the variance request from neighbors in very close proximity to the subject property. (See Attachment).

Ms. Campbell asked if the intent of the zoning ordinance was for the front setback to be 35' from the pavement instead of the right-of-way. Staff stated they could not answer that question.

Ms. Blair asked if the average setback was considered to permit the porch. Staff stated the average setback was checked but the homes on that side of the street within the block did not allow relief to permit the porch without a variance.

Ms. Campbell asked if there was a stoop or porch there prior to the improvements requested. The applicant said there was not.

Chairman Thomas opened the public hearing portion of the meeting. Audrey Laney (neighbor) spoke in favor of the request, said it looked very nice. Grace Avampato (neighbor) spoke in favor of the request, also thought it looked very nice and fit into the neighborhood. Being no further citizens signed up to speak, the public hearing was closed.

Discussions occurred amongst the Board members and the applicant regarding the exceptional conditions related to the subject property. It was discussed that unusual and extenuating circumstances do pertain to the lot because the porch was already partially built, and the homeowner had no idea the contractor was not following the Town guidelines. Ms. Blair was adamant that the case should not create a precedent for the Board to always have to approve cases that were already constructed and come to the Board after the fact. Staff stated each case should be treated as a standalone case and the Board can always vote how they best see fit given the evidence and arguments presented.

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. Ms. Campbell seconded the motion. The motion passed by a vote of 4-0.

Mr. Thomas called for a motion on whether the conditions apply to other property in the vicinity. Ms. Campbell 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 4-0.

Mr. Thomas called for a motion on whether the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property. Mr. Blair made a motion that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Ms. Campbell seconded the motion. The motion passed by a vote of 4-0.

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. Campbell 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 4-0.

Mr. Thomas called for a motion on whether or not to grant the variance. Ms. Campbell made a motion to grant the variance to reduce the front setback requirement from 35' to 24.77' for the covered porch. Ms. Blair seconded the motion. The motion passed by a vote of 4-0. The variance request was approved.

There being no further business, Mr. Thomas called for a motion to adjourn the meeting. Ms. Blair made a motion to adjourn, Ms. Campbell seconded, the motion was approved by a vote of 4-0. The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Nick Cauthen
Planning Department
February 21, 2022

BOZA MEETING
FEBRUARY 21, 2022
SIGN-IN SHEET

Name	Affiliation
Deena Campbell	R Sidney Johnson
Diana Leis	
Cady B Leary	
Grace Arampat	
Judi Phelps	Sidney Johnson
	
Quinn McKemey	Sidney Johnson

Petition to build Front Porch addition at 706 Unity Street

Petition summary and background:

Build front porch addition at 706 Unity Street; I am petitioning because I have been told by the Town of Fort Mill the addition is an encroachment.

Action petitioned for:

City Council, Town of Fort Mill – seeking approval to build the addition; see picture attached.

Printed name	Signature	Address	Comment	Date
DOUG A RUCKER, JR		703 UNITY STREET		
LAURA WIDNER		703 UNITY STREET	WE ARE ACROSS STREET & HAVE NO OBJECTIONS	2/12/22
A.L. Phillips		701 Unity St.	We have no objections please approve	2/12/22
Nikki Phillips		701 Unity St	please approve	2/12/22
TOM & Robin Clark		126 E. CLARE ST	no objections	2/12/22
Grece Avampato		608 Unity St.	No objections	2-12-22
Joe Avampato		608 Unity Street	No objections	2-12-22
Heather Houde		606 Unity St.	No objections	2-12-22
Karin Koch		508 Unity St.	Please approve	2-12-22
Tan Dover		606 Unity St	Please approve	2-12-22
Melanie Sharpless		130 E. Clare St.	Please approve	2-12-22
Cudray Famy		702 Unity St.	" "	2-12-22

