

PLANNING & DEVELOPMENT STAFF REPORT
TO THE FOUNTAIN INN BOARD OF ZONING APPEALS

December 19th, 2022

DOCKET NUMBER: FI-2022-040 BZA

APPLICANT/OWNER: Holly Oak Chemical Inc.
AGENT: N/A

PROPERTY LOCATION: 305 Jones Street

TAX MAP NUMBER: 0347000100100

ACREAGE: approximately 3 acres

EXISTING ZONING: I-1, Industrial

REQUEST: **VARIANCE FOR SETBACK**
reduce side setback to 0', from 25'
(existing building is nonconforming and falls closer than 40' to property line)

Existing Land Use: Industrial

Adjacent Land Use: North: Institutional
East: Commercial
South: Vacant (Public Institutional)
West: Industrial

Adjacent Zoning: North: I-1, Industrial
East: C-2, Commercial
South: I-1, Industrial
West: I-1, Industrial

ANALYSIS

FI-2022-040 BZA is requesting a variance from Section 5:8.5. Dimensional Requirements of the Fountain Inn, South Carolina – Code of Ordinances: No building shall be located closer than 25 feet to a side lot line. The existing structure is as close at 10' to the property line, making it an existing nonconforming structure under zoning. The proposed expansion of the industrial warehouse would encroach as close as a foot and fall within a City of Fountain Inn sewer easement. Fountain Inn utilities storage falls between the site and Main Street, and Jones Street is anticipated to be improved as part of the Woodside Streetscape beautification project.

Holly Oak Chemical has existed at this location for more than four decades with incremental expansion over time. An office building at 305 Jones Street and additional industrial buildings encompass the block and along Case Street. Adjacent to the facility is public housing operated by the SC Housing Authority at 503 Woodside.

As the existing building already encroaches within the setback, increasing the nonconformity requires variance but is a less impactful scenario than a new variance. Industrial next to housing is rare and warrants protections.

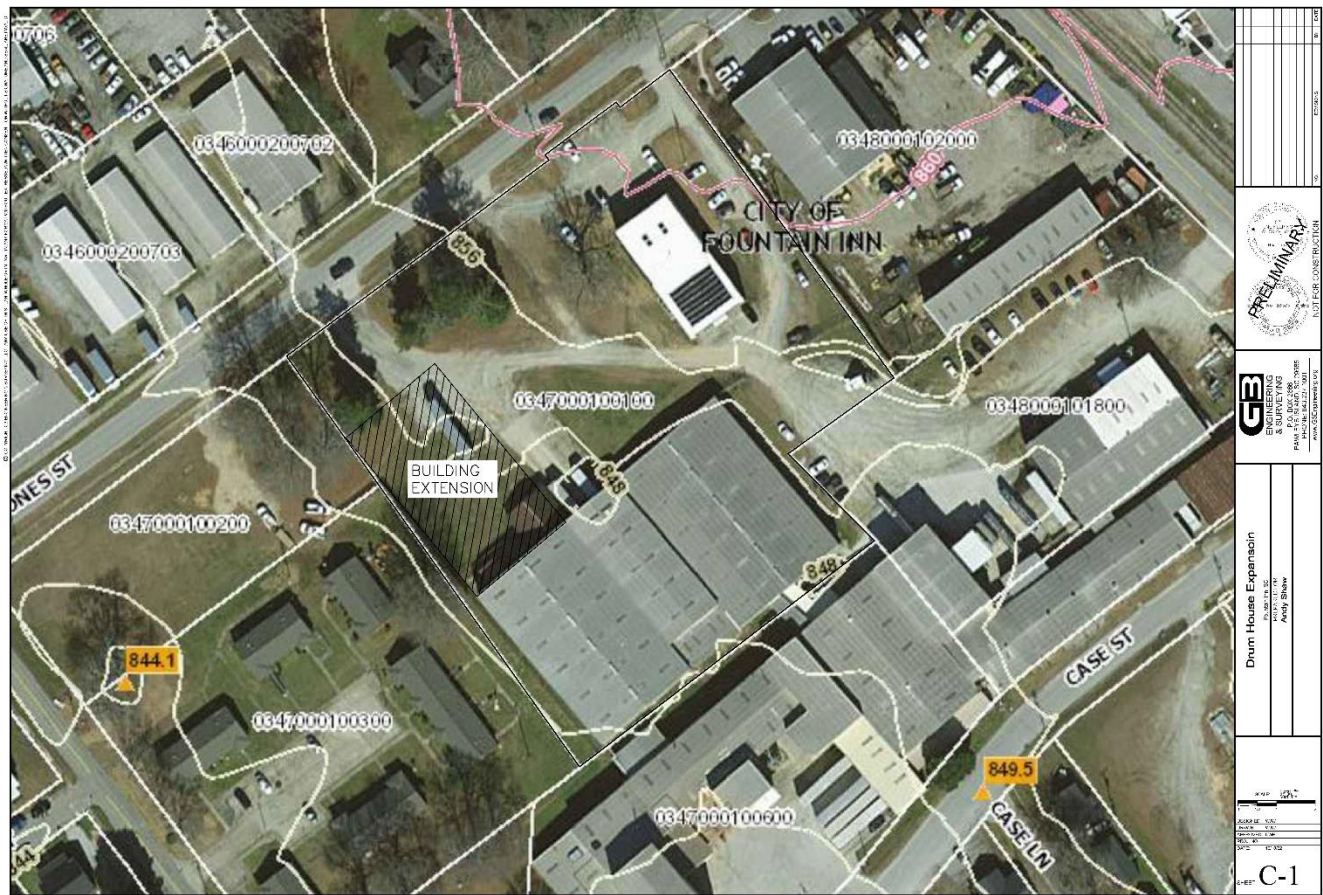
Site:



Zoning:



Exhibit B: aerial exhibit



Street View (2012):



District description:

The Industrial District is established as a district for manufacturing plants, assembly plants, and warehouses. All of the uses permitted in this district shall be conducted in such a manner that no noxious odor, fumes, smoke, or dust will be emitted beyond the property line of the lot on which the use is located.

District Dimensional and Height Requirements:

5:8.4. Height Limitation. No building or structure shall exceed 90 feet in height, except as provided in Article 7, Section 7.

No building or structure on a lot in the industrial district which is adjacent to a residential district shall exceed the maximum building height permitted in the residential district, unless there is one additional foot of setback for each additional foot of height.

5:8.5. Dimensional Requirements.

5:8.5-1. Front Setback. All buildings shall be set back from the street right-of-way line not less than 40 feet.

5:8.5-2. Side Setback. No building shall be located closer than 25 feet to a side lot line.

5:8.5-3. Rear Setback. No building shall be located closer than 25 feet to a rear lot line.

5:8.6. Screening. A wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least six feet in height shall be provided along the side or rear lot lines where any industrial use is adjacent to a residential district.

5:8.7. Off-Street Parking. Off-street parking shall be provided in accordance with the provisions set forth in Article 7, Section 9.

5:8.8. Off-Street Loading. Off-street loading shall be provided in accordance with the provisions set forth in Article 7, Section 10.

The four points below are explicitly listed reasons by South Carolina State law that the Board of Zoning Appeals can grant a variance under. Should the applicant meet one or more of these reasons then the BZA may have reason to grant the requested variance.

1. **Reason #1:** There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. **Reason #2:** These conditions do not generally apply to other property in the vicinity;
3. **Reason #3:** 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
4. **Reason #4:** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.