



Agenda

**Fountain Inn, South Carolina
Board of Zoning Appeals
Monday, August 7, 2023 - 6:00 PM**

1. Call to Order
2. Approval of Minutes
 - a. Approval of Minutes - July 17, 2023 meeting
3. Approval of Decisions & Orders
 - a. PB-2023-004
4. Adjourn



Minutes
Board of Zoning Appeals

Monday, July 17, 2023
Council Chambers
300 Wall Street

1. Call to Order

Chairperson Johnson called the meeting to order at 5:58 PM.

Regina Bailey, AJ Dearybury, Jackie Johnson, and Steve Habina were all in attendance at this time. Donna Brown arrived at 5:59 PM.

2. Appointments

a. Appointment of Secretary

Vice Chairperson Dearybury made a motion to appoint Nikki Sorace as Secretary.
Chairperson Johnson seconded. The motion carried 5-0.

3. Approval of Minutes

a. Approval of Minutes - May 15, 2023 meeting

Vice Chairperson Dearybury made a motion to approve the minutes from the May 15, 2023, meeting. Mr. Habina seconded. The motion carried 5-0.

4. Approval of Decisions & Orders

a. FI-2022-001BZA

Chairperson Johnson made a motion to approve the decision and order for FI-2022-001BZA. Mr. Habina seconded. The motion carried 5-0.

b. FI-2023-003BZA

Vice Chairperson Dearybury made a motion to approve the decision and order for FI-2023-003BZA. Chairperson Johnson seconded. The motion carried 5-0.

5. New Business

- a. PB-2023-004
Request: Use by Special Exception and Variance
Tax Map: 0342000100304
Location: 601 Fairview Street, Fountain Inn, SC 29644

Staff presented a report on the request. The applicant, Joseph Dyches, explained the request is to continue the Church use with a Use by Special Exemption. The overall project intent is an expansion of the Capstone Church at 601 Fairview Street. The second request is the Variance to the buffer requirement to the South. The applicant provided a letter of support from the Woods family, the adjacent property owner.

Chairperson Johnson and Vice Chairperson Dearybury ask for more information on the location of expansion and parking area. The applicant clarified project details.

Vice Chairperson Dearybury made a motion to approve the Use by Special Exception at 601 Fairview Street to allow a church in the C-2 district, as requested, based on the following conditions; particularly,

The use meets all required conditions; *This location has been used as a Church for many years.*

The use is not detrimental to the public health or general welfare; *If this location were no longer a Church, it could be detrimental.*

The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services; *The use of a Church is appropriate for the location.*

The use will not violate neighborhood character nor adversely affect the surrounding land use; *The use will not violate the neighborhood character.*

Chairperson Johnson seconded. The motion carried 5-0.

Chairman Johnson asks for more information regarding buffer. There was discussion between the board and Ms. Mann regarding buffer requirements.

Chairperson Johnson made a motion to deny the Variance from buffer requirements at 601 Fairview Street, as requested, based on the following conditions; particularly,

There are extraordinary and exceptional conditions pertaining to the particular piece of property; *There are no exceptional conditions pertaining to this piece of property.*

Ms. Bailey seconded. The motion carried 3-2.

6. Announcements from Planning Staff

Staff made an announcement about continuing education requirements for the Board. Staff also stated that the next meeting would be Monday, August 7, 2023.

7. Adjourn

Chairperson Johnson made a motion to adjourn at 6:31 PM. The motion carried unanimously.



Fountain Inn Planning and Development
200 North Main Street
Fountain Inn, SC 29644
Office: 864.409.3334

DECISION & ORDER
August 7, 2023

DOCKET:	PB-2023-004
APPLICANT:	Walt Tanner of Capstone Church for Capstone Church
PROPERTY LOCATION:	601 Fairview Street
PIN/TMS#(s):	0342000100304
REQUEST:	Variance and Use by Special Exception
ZONING:	C-2, Commercial District

BACKGROUND

The property is located on Fairview Street near the I-385 interchange in the C-2, Commercial District. The church is existing, and the applicant is proposing an 18,400 square foot building expansion to the South of the existing structure.

The applicant is requesting a Use by Special Exception to permit the expansion in the C-2, Commercial District. The applicant is also requesting a Variance from the Type C buffer yard against the southeastern property line as required by the Fountain Inn Zoning Ordinance.

FINDINGS OF FACT

On Friday, June 2, 2023, Staff inspected the property to ensure that the “Appeal Notice” sign had been posted as required by the Fountain Inn Zoning Ordinance.

Section 5:6.2 – C-2, Commercial District Uses Permitted by Special Exception:
Church

Section 5:11 – Landscaping Buffer Yards and Detention Ponds; Table 1 – Land Use Impact Table; Table 2 - Buffer Transition Yard Types Required; Table 3 - Buffer Transition Yard Standards

PROPOSED USE	C-2 - 25,000 Square Feet or Less (Medium Impact Use)
ADJACENT USE	R-15 - Vacant Single Family Residential (High Impact Use)
BUFFER YARD REQUIRED	Type “C” Buffer

Section 6-29-800 – Powers of Board of Appeals:

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;

- C. 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
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Article 9 – Provisions for Uses Permitted by Special Exception:

Section 9:1 General Provisions

The Board may grant or deny a request for a use permitted on review after a public hearing has been held on the written request submitted by an applicant. If the request is granted, the Board shall determine that:

- A. The use meets all required conditions;
- B. The use is not detrimental to the public health or general welfare;
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services; and
- D. The use will not violate neighborhood character nor adversely affect the surrounding land use.

Section 9:4 Churches

A church may be permitted in R-15, R-12, R-10, R-7.5, R-M, C-1, C-2, and PD Districts, subject to the requirements of the district and the following requirements:

9:4.1. Lot Area. The minimum lot area shall be 40,000 square feet.

9:4.2. Setback Requirements. All buildings shall be set back from the front, side, and rear property lines a minimum of 50 feet.

9:4.3. Off-Street Parking. Off-street parking shall be provided in accordance with the provisions set forth in Article 7, Section 9.

DECISION

Staff presented a report on the request. The applicant, Joseph Dyches, explained the request is to continue the Church use with a Use by Special Exemption. The overall project intent is an expansion of the Capstone Church at 601 Fairview Street. The second request is the Variance to the buffer requirement to the South. The applicant provided a letter of support from the Woods family, the adjacent property owner.

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Chairperson Johnson seconded. The motion carried 5-0.

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Ms. Bailey seconded. The motion carried 3-2.

Jackie Johnson, Chairperson
Board of Zoning Appeals

Date

Lisa Mann, Zoning Administrator