



AGENDA

300 Wall Street, Fountain Inn, SC 29644

**Board of Zoning Appeals
Monday, October 16, 2023- 6 PM**

1. Call to Order
2. Approval of Minutes
 - a. Approval of Minutes - September 18, 2023 meeting
3. Approval of Decisions and Orders
 - a. PB-2023-006
4. Adjourn

BZA may enter executive session to discuss any item on the agenda as permitted by S.C. Code Ann. § 30-4-70.

FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the Freedom of Information Act and the City of Fountain Inn's requirements.

AGENDA

300 Wall Street, Fountain Inn, SC 29644

Board of Zoning Appeals

Monday, September 18, 2023 – 6:00 PM

1. Call to Order

Chairperson Johnson called the meeting to order at 6:02 PM.

Jacki Johnson, AJ Dearybury, Avis Kelley, and Regina Bailey were all in attendance at this time.

2. Approval of Minutes

a. Approval of Minutes- August 7, 2023 meeting

Vice Chairperson Dearybury made a motion to approve the minutes from the August 7, 2023 meeting. Ms. Kelley seconded. The motion carried 4-0.

3. New Business

a. PB-2023-006

Request: Variance

Tax Map: 0356000500900

Location: 406 North Weston Street, Fountain Inn, SC 29644

Jeremy Burns and Rushton Darrell Pippin state their name as Vice Chairperson Dearybury swears them in.

Staff presented a report on the request. Vice Chairperson Dearybury asks about the setback requirements and Mr. Miller confirms guidelines. The applicant, Mr. Burns, explained the request is to keep the pole barn where it is currently situated. If the pole barn were to be moved back to 30 ft., the barn would be in the owner's backyard.

The board discussed the case and asked about other potential locations.

Mr. Pippin stated he has 30+ signatures from neighbors around the property that signed for the approval of the proposed pole barn. The board was then given documents from Mr. Pippin.

Mr. Pippin explained that the goal of the pole barn is to better the community.

The board verifies no utility use in the carport and explains the process of why a variance is needed.

Vice Chairperson Dearybury asks for better understanding of setbacks. Staff confirms how setbacks are measured.

Mr. Bell reminds board members that all discussion is public.

Ms. Bailey explained that the Board would not be meeting guidelines if the request were to be approved. Ms. Bailey suggests approving 3 bays, rather than 4. The Board discusses the different setback requirements.

Vice Chairperson Dearybury makes a motion to approve the variance located at 406 North Weston Street for the 5-foot setback to 3.9ft.

There are extraordinary and exceptional conditions pertaining to the particular piece of property; In the way that the property is shaped and its access and location to the road.

These conditions do not generally apply to other property in the vicinity; The property is located on the corner of two streets.

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; in the way that it is set and the driveway and where the house is located that is already in place to not allow the back setback to 3.9 would be unreasonably restricted.

The authorization of the 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; Redoing the fence, so one foot would not be in detriment.

Ms. Bailey seconded. The motion carried 4-0.

Chairperson Johnson made a motion to deny the side setback from 30ft to 12ft. Ms. Bailey seconded. The motion carried 4-0.

4. Adjourn

Chairperson Johnson made the motion to adjourn at 6:36 PM. The motion carried unanimously.



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

DECISION AND ORDER
September 18, 2023

DOCKET:	PB-2023-006
APPLICANT:	Jeremy Burns for Rushton Darrell Pippen
PROPERTY LOCATION:	406 North Weston Street
PIN/TMS#(s):	0356000500900
REQUEST:	Variance
ZONING:	R-15, Residential District

BACKGROUND

The property is located at the intersection of North Weston Street and Quillen Avenue in the R-15, Single Family Residential District. There is a wood framed structure currently under construction on site. The structure does not meet the rear or left side building setbacks.

The applicant is requesting a variance to reduce the rear building setback requirement from 5' to 3.9' and reduce the left side building setback requirement from 30' to 12'.

FINDINGS OF FACT

On Thursday August 31, 2023, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Fountain Inn Zoning Ordinance.

Section 7:16, Table 7.3 - Setback/Height requirements for R-15, Single Family Residential District:

Front: 20'
Left Side: 30'
Right Side: 5'
Rear: 5'

Section 7:16:3.4. Side Setbacks in Single-family Residential Districts.

For residences, accessory buildings, and nonresidential uses located on corner lots, the minimum side yard width measured from the street right-of-way line shall be 20 feet on a residential service street, 30 feet on a collector street, and 40 feet on an arterial street.

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.

DECISION

Staff presented a report on the request. Vice Chairperson Dearybury asks about the setback requirements and Mr. Miller confirms guidelines. The applicant, Mr. Burns, explained the request is to keep the pole barn where it is currently situated. If the pole barn were to be moved back to 30 ft., the barn would be in the owner's backyard.

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These conditions do not generally apply to other property in the vicinity; The property is located on the corner of two streets.

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; in the way that it is set and the driveway and where the house is located that is already in place to not allow the back setback to 3.9 would be unreasonably restricted.

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Ms. Bailey seconded. The motion carried 4-0.

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Jackie Johnson, Chairperson
Board of Zoning Appeals

Date

Dean Miller, Senior Planner