



AGENDA

Board of Zoning Appeals

**January 29, 2024 6 PM
300 Wall Street, Fountain Inn, SC 29644**

1. Call to Order
2. Hearing Procedures/Regulations
3. Approval of Minutes
 - a. There were no cases heard at the December 2023 hearing.
4. New Business
 - a. PB-2024-01
REQUEST - Variance and Use by Special Exception
TAX MAP NUMBER - 0331030104700
LOCATION - 106 Keel Lane
5. 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.



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

STAFF REPORT
January 29, 2024

DOCKET:	PB-2024-01
APPLICANT:	Brad McAbee with Apex Development for Nicholas Franchina
PROPERTY LOCATION:	106 Keel Lane
PIN/TMS#(s):	0331030104700
REQUEST:	Variance and Use by Special Exception
ZONING:	C-2 Commercial District

BACKGROUND

The property is in the Lakeview Grove Townhome Subdivision, north of Interstate 385 and Harrison Bridge Road interchange.

The applicant is requesting a variance to encroach 2' into the 20' rear setback and a Use by Special Exception to allow a two-family dwelling (duplex) in the C-2, Commercial District.

FINDINGS OF FACT

On Wednesday December 28, 2024, 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. – C-2 Commercial District.

Section 5:6.2. Uses Permitted by Special Exception.

Dwelling, two-family

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.
- D. The use will not violate neighborhood character nor adversely affect the surrounding land use.

In deciding any variance, the Board shall consider the following factors:

- a. There are special conditions and circumstances which are peculiar to the land, structure or building involved which are not applicable to other land, structures, or buildings in the same district.
- b. A literal interpretation of the provisions of the Ordinances for the City of Fountain Inn would deprive the applicant of rights commonly enjoyed by other properties in the same district or area under the terms of the zoning Ordinance of the City of Fountain Inn.
- c. Special conditions and circumstances do not result from the actions of the applicant.
- d. Granting any variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same area or district.
- e. The variance requested will be in harmony with the general purpose and intent of the Ordinances of the City of Fountain Inn and will not be injurious to the neighborhood or otherwise detrimental to public welfare.
- f. The variance requested is a minimum variance that will make possible the legal use of the land, buildings, or structures.

The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Zoning Map



Aerial map



Vicinity Map



NARRATIVE - SPECIAL EXCEPTION TO BUILD DUPLEX UNDER C-2 ZONING
FOUNTAIN INN ZONING ORDINANCE SECTION 5:6.2

Dear Members of the Fountain Inn Board of Zoning Appeals,

I hope this letter finds you well. I am writing on behalf of Apex Development LLC to formally request a special exception to allow for a duplex to be constructed on the property located at 106 Keel Lane (Tax Map #0331030104700), currently zoned C-2.

The aforementioned property is situated within the Lakeview Grove subdivision, which consists of 46 newly constructed townhome units, also zoned C-2. These townhome units share a similar aesthetic to the duplex we are proposing, which will allow us to maintain a cohesive appearance with the overall design of the community.

Our careful consideration of the surrounding area led us to the conclusion that a duplex would be a suitable and harmonious addition to the neighborhood. The approval of this request will enable us to use the property in a manner consistent with the existing structures in the Lakeview Grove subdivision, thereby contributing positively to the overall architectural coherence of the community.

We believe that the proposed duplex will not have any adverse effects on the surrounding properties. Given the existing townhome units within the subdivision, the addition of a duplex will not only align with the established aesthetic but will also provide a new appealing housing opportunity located within the City.

In conclusion, we kindly request your favorable consideration of our special exception request for 106 Keel Lane. Approval of this proposal will allow us to contribute to the growth and development of the City in a manner consistent with the existing character of the area. We are confident that the addition of the proposed duplex will be a positive and seamless integration into the community.

Thank you for your time and consideration. We look forward to the opportunity to discuss this proposal further during the upcoming Board of Zoning Appeals meeting.

Sincerely,

Brad McAbee

Manager - Apex Development LLC

Attached to this narrative is an Exhibit containing renderings of our proposed duplex along with pictures of the current units located within Lakeview Grove.

INFORMATION ABOUT REQUEST

General description of your request: This variance request is for a 2' reduction of the rear setback. Another application will be submitted simultaneously to request a special exception be granted to allow a duplex under the current C-2 zoning (Section 5:6.2, Fountain Inn Zoning Ordinance)

Findings of fact: Under state law, the Board of Zoning Appeals must find that your request satisfies all four of the following statements. Please explain why you believe your request satisfies each of the statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.
This property is located within the Lakeview Grove subdivision that consist of 46 newly constructed townhome units. While the duplex we are proposing will be similar in appearance to the other units in the subdivision, the lot located at 106 Keel Lane is approximately 10' shallower than the other lots it was platted with.

2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.
All other lots in the community have an average depth of 100'.
The depth of the lot at 106 Keel Lane is 86'.

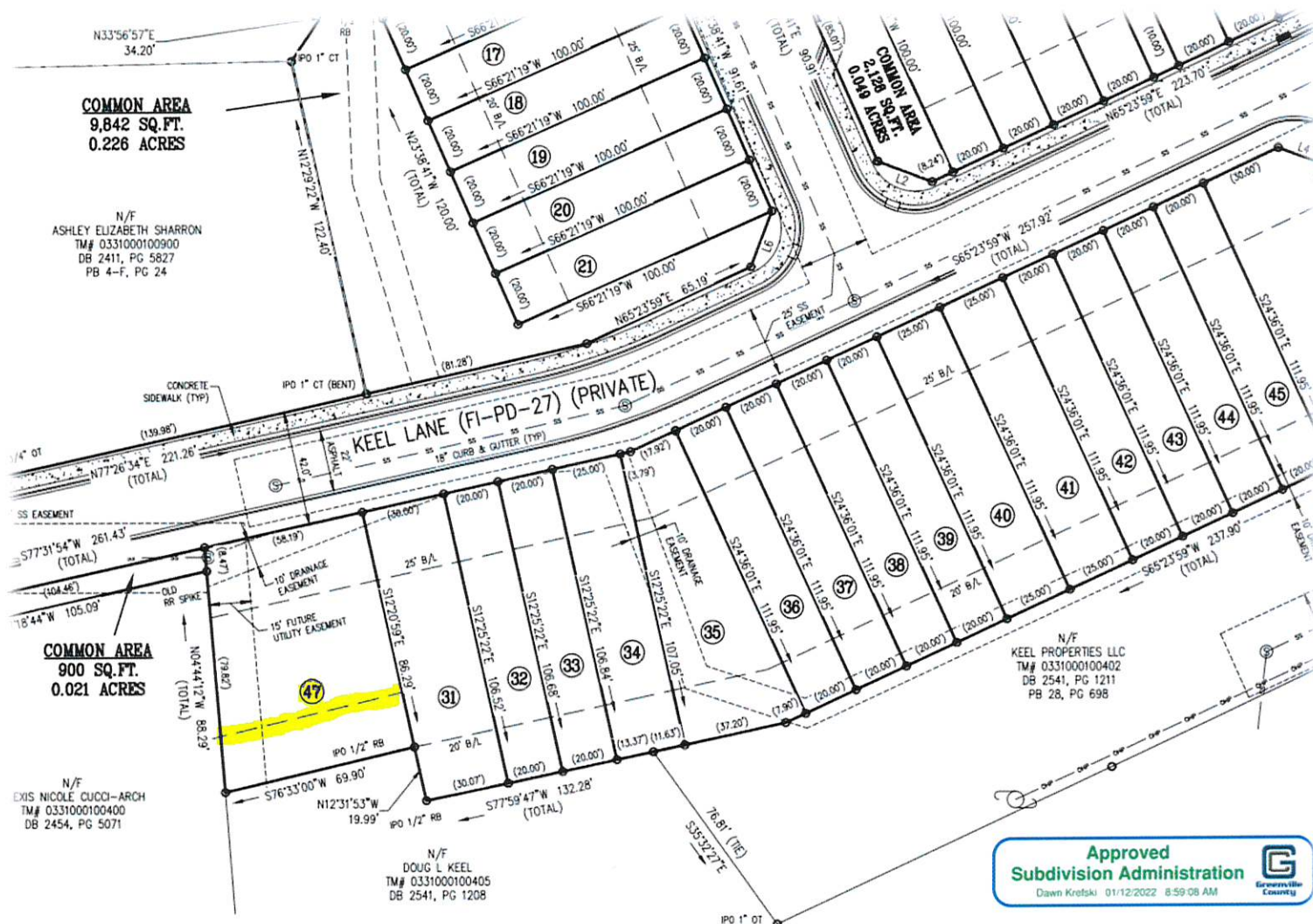
3. If the City applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.
If unable to receive approval of this request it will not be feasible to construct a duplex (containing garages) that appears consistent with the existing units in the Lakeview Grove subdivision.

4. If the Board of Zoning Appeals grants the variance request, it will not harm adjacent land or the publicgood.
Approval of this request will allow the property to be used in a manner consistent with the area, while maintaining an adequate buffer from neighboring properties, and therefore should not negatively effect the surrounding properties.

List any exhibits that you have provided to help explain your request to the Board. Site plans and photographs are usually very helpful.

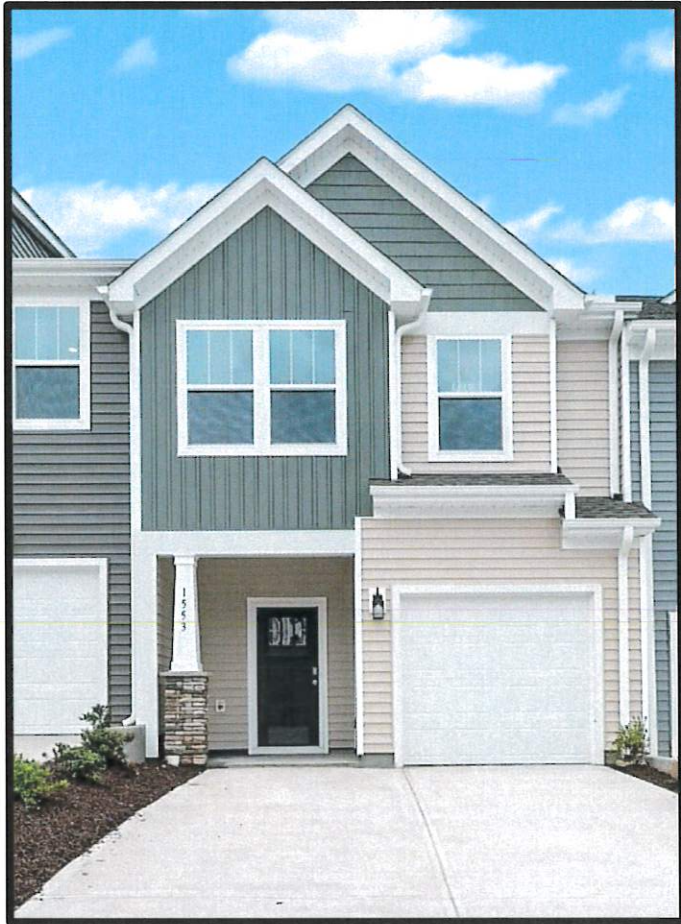
Exhibit "A" includes the final plat for Lakeview Grove which shows the current 20' rear setback.

EXHIBIT "A"



EXHIBIT

CURRENT UNITS VS PROPOSED DUPLEX



Elevation of existing unit located with Lakeview Grove subdivision.



Elevation of proposed duplex unit. Adjoining unit will mirror this design. Color Scheme to match existing units.