



AGENDA

Board of Appeals

300 Wall Street, Fountain Inn, SC 29644

Monday, July 15, 2024 - 6:00 PM

1. Call to Order
2. Hearing Procedures/Regulations
3. Approval of Minutes
 - a. April 15, 2024, Board of Zoning Appeals Meeting Minutes
4. Public Hearing
 - a. VAR-2024-02
REQUEST: Variance
TAX MAP NUMBER: 0351000100303
LOCATION: 175 Bates Street
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.

MINUTES

300 Wall Street Fountain Inn, SC 29644

Board of Zoning Appeals

Monday, April 15, 2024 – 6:00 PM

1. Call to Order

Chairperson AJ Dearybury calls the meeting to order at 6:00PM. Board Member Robinson, Board Member Eberhart, Board Member Morgan, and Chairperson Dearybury are all in attendance.

Pledge of Allegiance is recited.

2. Hearing Procedures and Regulations

3. Approval of Minutes

Board Member Eberhart made a motion to approve the minutes for January 29, 2024 meeting with the exception that Board Member Eberhart's name is listed in *the Call to Order* portion of the minutes. Board Member Robinson seconded the motion. The motion carried 4-0.

4. Public Hearing

a. VAR-2024-01

REQUEST - Variance

TAX MAP NUMBER - 0334000101121

LOCATION – 34 Howard Creek Drive

Staff presented the case. Wes Bolin with Site Design presents a variance request for the property 34 Howard Creek Drive due to challenges in meeting sidewalk requirements. He displayed challenges the property faces.

Board Member Eberhart asks about ADA parking compliance. Mr. Bolin responds about accessibility.

There was conversation to verify procedures.

Staff recommends that the Board of Zoning Appeals approve both variance requests for case VAR-2024-01.

Chairperson Dearybury agrees with the staff recommendation.

Board Member Eberhart made a motion to approve both variances in item VAR-2024-01. Board Member Morgan seconded the motion. The motion carried 4-0.

5. Adjourn

Board Member Eberhart made a motion to adjourn at 6:13PM. Board Member Morgan seconded. The motion carried unanimously.

AGENDA ITEM

July 15, 2024

To: Board of Zoning Appeals
From: Dean Miller, Zoning Administrator
Subject: VAR-2024-02, 175 Bates Street
Meeting Date: July 15, 2024
Type of Agenda Item: Variance Request
Attachments: Vicinity Map
Existing Conditions
Site Plan
Information About Request

OWNER:	McCarter Road 100, LLC
APPLICANT:	Greg Carter
REPRESENTATIVE:	Greg Carter
LOCATION:	175 Bates Street. TAX# 0351000100303
CURRENT ZONING:	C-2 Commercial District
SIZE OF PROPERTY:	Approximately .88 acres

REQUEST

The City of Fountain Inn received a variance request for McCarter Road 100, LLC, located at 175 Bates Street (Tax Map # 0351000100303). The applicant is seeking three (3) variances, The first variance is to exceed the maximum allowed front setback of 20', required in the Gateway Corridor Overlay District. The second is to allow parking along the frontage and between the building and the road, which is not allowed in the Gateway Corridor District. The third request is to exceed the maximum allowed required parking (20%) in one side yard, required in the Gateway Corridor Overlay District.

LOCATION & SITE DESCRIPTION

The property is a vacant lot in a planned commercial subdivision. It is located at the rear of the subdivision and does not front State Highway 418.

BACKGROUND/DISCUSSION

The property is part of a group commercial subdivision that was approved in 2011, prior to the Gateway Corridor Overlay District, established in 2013. The property is not contiguous with State Highway 418 and fronts Bates Street to the north. The variances requested would allow relief from regulations that are intended for properties that front Highway 418.

VARIANCE REVIEW CRITERIA

In deciding any variance or approval or denial of the action of the Zoning Administrator, the Board may consider the following factors:

TABLE A: SECTION 11:8 OF THE FOUNTAIN INN ZONING ORDINANCE	
REVIEW CRITERIA	STAFF COMMENT
A. There are special conditions and circumstances which are peculiar to the land, structure or building involved which are not applicable to other lands structures or buildings in the same district	The site shape, slope, riparian buffers, and detention pond location requires the building location be placed at the rear of the property.
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;	The right to build at this location would be extremely restricted if the ordinance requirement were to be literally interpreted without consideration of the existing site conditions.
C. Special conditions and circumstances do not result from the actions of the applicant.	The applicant did not create these site conditions. He is attempting to develop the site despite the special conditions and circumstances.
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.	This site is the last developed site on Howard Creek Drive. No sidewalks currently exist on Howard Creek Drive.
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.	The construction office will not generate pedestrian traffic. The other businesses in the park do not have sidewalks or pedestrian walkways from the street to the business entrances.

<p>F. The variance requested is a minimum variance that will make possible the legal use of the land, buildings, or structures.</p>	<p>The variances are the most reasonable solution to the problems faced due to the existing property conditions.</p>
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SECTION 7:13.4-2.D OF THE FOUNTAIN INN ZONING ORDINANCE, VARIANCE REQUEST	
REVIEW CRITERIA	STAFF COMMENT
<p>7:13.4-2. D Sidewalks at least six feet in width shall be provided along all sides of the lot that abut a public or private right-of-way.</p> <p>Customer entrances to all buildings shall be easily and safely accessible to pedestrians from the public sidewalk through internal sidewalks, pedestrian walkways, or painted crosswalks, no less than five feet in width.</p>	<p>There are no existing sidewalks on Howard Creek Drive. The site conditions create a situation that is unique to the property and inhibit the installation of sidewalks from the street to the business entrances.</p>

STAFF COMMENTS

Staff finds that the variance requests are warranted, and the applicant has demonstrated the request satisfies all six of the criteria required to obtain a variance, under State Law.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals approve all variance requests, case number VAR-2024-02.

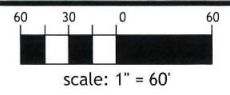
VICINITY MAP



Existing Conditions



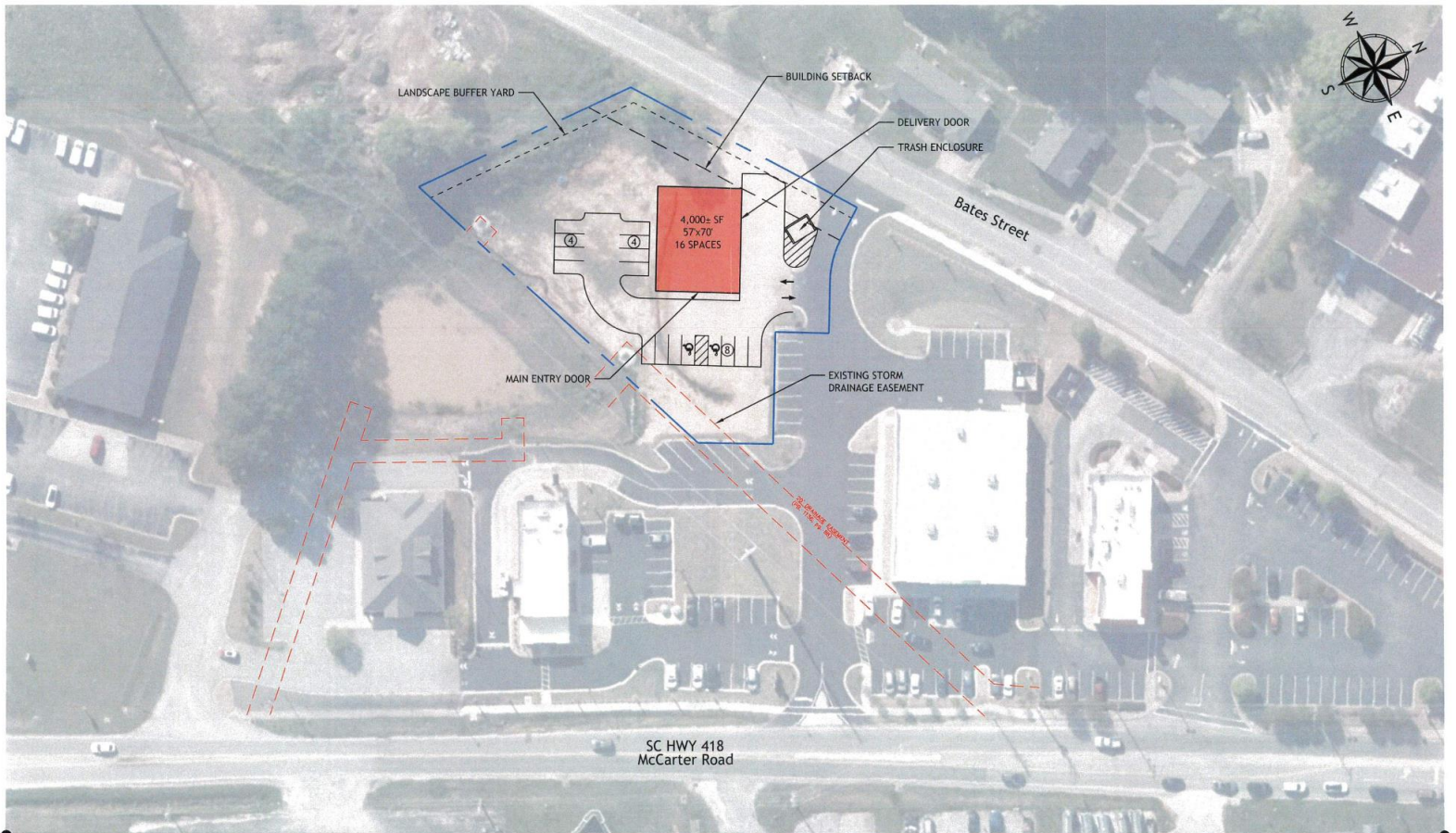
**FOUNTAIN INN, SC
EXISTING CONDITIONS**



b
Bluewater Civil Design, LLC
718 Lowndes Hill Road
Greenville, SC 29607
www.bluewatercivil.com
info@bluewatercivil.com

date: 6/18/24

SITE PLAN



b
Bluewater Civil Design, LLC
718 Lowndes Hill Road
Greenville, SC 29607
www.bluewatercivil.com
info@bluewatercivil.com
date: 6/18/24

FOUNTAIN INN, SC
Preliminary Site Plan

SP-3
60 30 0 60
scale: 1" = 60'

INFORMATION ABOUT REQUEST

Description of your request (be specific):

Variance to exceed the maximum allowed front setback of 20' required in the Gateway Corridor Overlay District (5:12.5-1)

Variance to allow parking along frontage and between the building and the road which is not allowed in the Gateway Corridor Overlay District. (5:12.6)

Variance to exceed a maximum of 20% of required parking to be located in one side yard. (5:12.6-1.3)

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. The land has extraordinary and exceptional conditions that pertain to it.

Property is part of a master planned commercial subdivision that was planned, approved, and subdivided in 2011 prior to the Gateway Corridor Overlay District being added to the City Zoning Ordinance (2013). The subject property is not contiguous SC Highway 418 and shares existing driveway access points with Starbucks and Dollar Tree that were master planned with SCDOT in 2011. Internal access driveway is locked in it's current location. Access limitations limit flexibility for site plan layout. There is an existing storm drainage easement that runs parallel inside the property boundary which restricts building location. Additionally, the property is an odd shape and is contiguous to Bates Street.

2. 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.

The property is to the rear of properties contiguous to SC Highway 418 and applying the 20' maximum setback to this property cannot provide the intended visual continuity of the overlay district. The pedestrian and safe access to the site have already been established with prior development that is contiguous to SC Highway 418. The application of this maximum setback limits the owner from providing a practical land use for this property due to not being able to provide the size and shape the tenant requires. Additionally, applying the parking restrictions to this site will be inconsistent with the surrounding properties that were granted setback and parking variances (Starbucks, Dollar Tree, etc.).

3. The special conditions and circumstances do not result from the actions of the applicant.

These circumstances are the result of the commercial subdivision master plan that was completed in 2011 with approvals from the City of Fountain Inn, Duke Energy, SCDOT, and Greenville County Land Development Division prior to the Gateway Corridor Overlay District standards being added to the Zoning Ordinance.

4. 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.

Granting a variance will not confer any special privilege to applicant. The surrounding properties (Starbucks and Dollar Tree) were granted the same variances in 2021 for valid reasons. Other properties including Bojangles and the Dental Office also have their buildings set further off the property line with parking on the side and parking in between the building and Highway 418. This project building will be to the rear of those properties and structures.

5. 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.

The variances requested are consistent with the surrounding properties that exceed the 20' maximum setback, more than 20% of the parking along one side of the building, and have driveways and/or parking in between the buildings and the Highway 418 right-of-way.

6. The variance requested is a minimum variance that will make possible the legal use of the land, buildings, or structures.

The variances requested are the minimum required to make possible the legal use of the land due to the existing site conditions that are a result of the master planning that was approved before the GCO district standards were added to the ordinance.

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

Existing Conditions Plan
Preliminary Site Plan