



AGENDA

Board of Appeals

300 Wall Street, Fountain Inn, SC 29644

Monday, October 21, 2024 - 6:00 PM

1. Call to Order
2. Approval of Minutes
 - a. Board of Zoning Appeals Minutes from July 15, 2024
3. Public Hearing(s)
 - a. SE-2024-01
REQUEST: Use by Special Exception
TAX MAP #: 0352000100100
LOCATION: 413 Quillen Ave.
 - b. VAR-2024-03
REQUEST: Variances
TAX MAP #: 0350000100111 & 0350000100110
LOCATION: HWY 418 & South Woods Dr.
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.

MINUTES

300 Wall Street Fountain Inn, SC 29644

Board of Zoning Appeals

Monday, July 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 April 15, 2024 meeting. Board Member Morgan seconded the motion. The motion carried 4-0.

4. Public Hearing

a. VAR-2024-02

REQUEST - Variance

TAX MAP NUMBER - 0351000100303

LOCATION – 175 Bates Street

Staff presented the case. Mike McNabb from Blue Water Civil Design explains that variances are necessary because a strict 20-foot maximum setback would force buildings too close to storm drain easements, restricting building dimensions.

No public comment. Floor closed.

Board Member Eberhart sought further clarification regarding the request.

Staff recommends approval.

Board Member Eberhart made a motion to approve all three variances requested for VAR-2024-02 for 175 Bates Street. Chairperson Dearybury seconded the motion. The motion carried 4-0.

5. Adjourn

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

AGENDA ITEM

October 21, 2024

To: Board of Zoning Appeals
 From: Zoning Administrator, Dean Miller
 Subject: SE-2024-01, Special Exception for an electrical contractor within the R-15 Residential District.

Meeting Date: October 21, 2024

Type of Agenda Item: Special Exception, Public Hearing

Attachments: Applicant’s narrative
 Location Map
 Zoning Map
 Aerial map
 Sample Finding of Facts

APPLICANT:	Holly Bridges
OWNERS:	Holly Bridges, William Bridges
LOCATION:	413 Quillen Avenue. (Tax Map # 0352000100100)
CURRENT ZONING:	R-15, Residential
SIZE OF PROPERTY:	Approximately .22 acres

REQUEST

Pursuant to Section 5:1.2 of the Fountain Inn Zoning Ordinance, the applicant has requested a special exception to allow a home occupation for an electrical contractor service within the R-15 Residential zoning district at 413 Quillen Avenue. (Tax Map # 0352000100100). This type of business is classified as a home occupation, not permitted without approval from the Board of Zoning Appeals per Section 8:1 of the Fountain Inn Zoning ordinance. The applicant is requesting to use a home office for the business and a commercial van to dispatch to job sites for electrical work.

LOCATION & SITE DESCRIPTION

The site is located at 413 Quillen Avenue at the southwest corner of Quillen Avenue and Woodvale Avenue. The site is currently used as a residential home for the homeowners.

ZONING DISTRICT

Section 8:1 allows for a home occupation in any residential district. The section identifies twenty-five (25) specific home occupations allowed by right. The requested Home Occupation is not one of the listed Home Occupations allowed by right. Section 8:1 allows other home occupations to be permitted by the Board of Zoning Appeals in accordance with the provisions of Article 9 and with specific requirements as outlined below.

ARTICLE 9. - PROVISIONS FOR USES PERMITTED BY SPECIAL EXCEPTION**Section 9:1. - General Provisions.**

The Board of Zoning Appeals may issue permits for those uses permitted by special exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth below.

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.

If the Board denies the request, the reasons shall be entered in the minutes of the meeting at which the permit is denied.

In granting the permit, the Board may designate such reasonable and appropriate conditions in addition to the specific conditions contained in this Ordinance to assure that the proposed use will be in harmony with the area in which it is to be located and with the spirit of this Ordinance.

No Use Permitted on Review shall be approved by the Board of Zoning Appeals until the Greenville County Planning Commission staff has reviewed the application and submitted a written report on the proposal to the Board of Zoning Appeals.

SPECIAL EXCEPTION REVIEW CRITERIA

Section 8:1 Home Occupation	
REVIEW CRITERIA	STAFF COMMENT
A. Only one person other than those residing in the house shall be engaged in the occupation.	The applicant stated the business will have no outside employees working on site.
B. The occupation shall not involve the retail sale of merchandise manufactured off the premises.	The business is a service business and will not include retail sales.
C. No display of merchandise shall be visible from the street. There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation.	There is no merchandise to display.
D. The occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.	The description by the applicant does not indicate any type of disturbance to the neighborhood.
E. No sign shall be permitted, except 1 non-illuminated nameplate not more than 2 square feet in area mounted flat against the wall of the principal building in which the occupation is conducted.	The applicant stated there will be no sign displayed
F. Off-street parking shall be provided in accordance with the provision set forth in Article 7, Section 9	Off street parking is already provided on site.

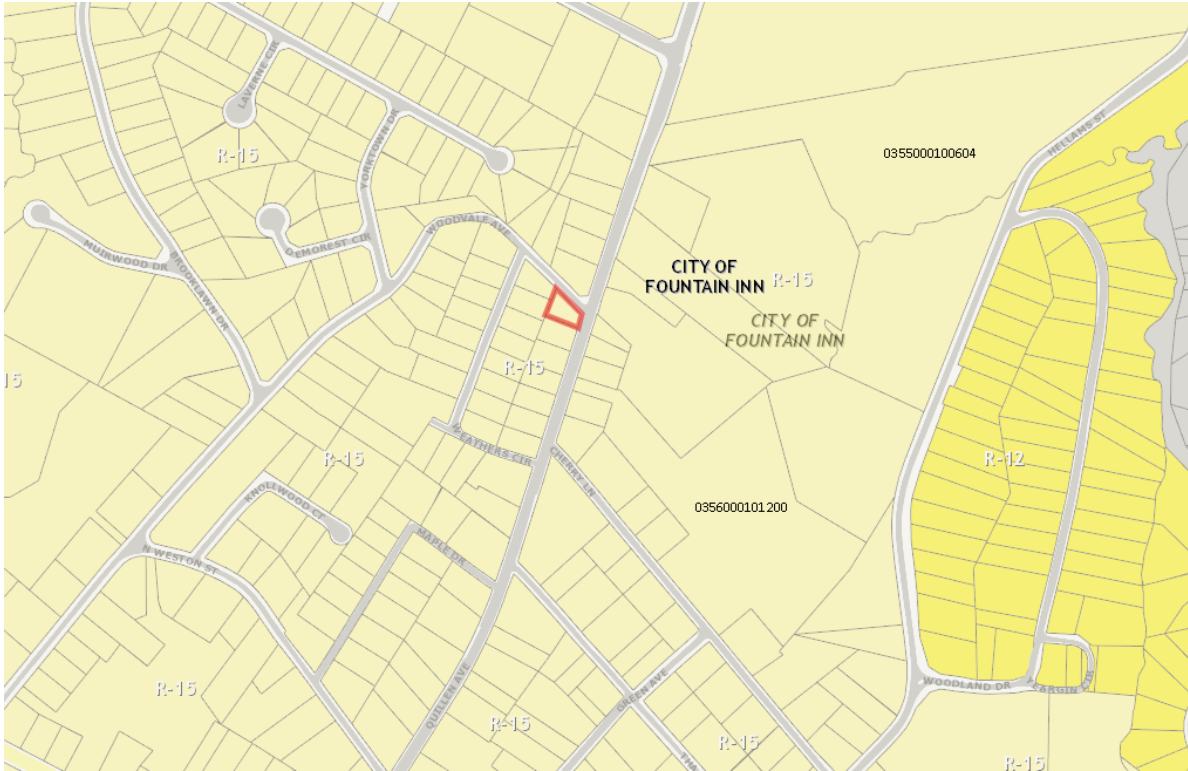
STAFF COMMENTS

It is the opinion of staff that the applicant will comply with the special exception criteria contained in Sections 8:1 and Article 9 of the Zoning Ordinance.

RECOMMENDED MOTION: I move that the Board of Zoning Appeals approve the special exception SE-2024-01 with the condition the outside activity associated with this use does not create any type of nuisance or disturbance to the neighborhood.

Description of your request (be specific):

My brother and I live at this address and we would like to have a home services business. He is an electrician and will only have a typical family minivan that he will go out on calls with. The driveway and yard will look exactly as it is already. No difference. I will use a home office to answer calls and manage the accounts. Nothing will change for my side either. Please allow us the opportunity to work.



Vicinity Map



Zoning Map

Date Application Filed: August 29, 2024, Application Docket Number: SE-2024-01

The Board of Zoning Appeals held a public hearing on October 21, 2024, to consider Section 8:1 and Article 9 of the Fountain Inn Zoning Ordinance for a special exception which may be permitted by the Board as set forth therein for the property at **(413 Quillen Avenue) Tax Map# 0352000100100**, Fountain Inn, SC.

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. **Finding of Fact:** The Board concludes that only one person other than those residing in the house shall be engaged in the occupation.
2. **Finding of Fact:** The Board concludes that the occupation shall not involve the retail sale of merchandise manufactured off the premises.
3. **Finding of Fact:** The Board concludes that no display of merchandise shall be visible from the street. There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation.
4. **Finding of Fact:** The Board concludes that the occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.
5. **Finding of Fact:** The Board concludes that no sign shall be permitted, except 1 non-illuminated nameplate not more than 2 square feet in area mounted flat against the wall of the principal building in which the occupation is conducted.
6. **Finding of Fact:** The Board concludes that off-street parking shall be provided in accordance with the provision set forth in Article 7, Section 9
7. **Finding of Fact:** The Board concludes that the use meets all required conditions.
8. **Finding of Fact:** The Board concludes that the use is not detrimental to the public health or general welfare.
9. **Finding of Fact:** The Board concludes that the use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.
10. **Finding of Fact:** The Board concludes that the use will not violate neighborhood character nor adversely affect the surrounding land use.

THE BOARD, THEREFORE, ORDERS that the special exception is **GRANTED**

Approved by the Board by majority vote, _____. Date Issued: _____ Date Mailed: _____

Chairman

Notice of appeal to Circuit Court must be filed within 30 days after the date this Order was mailed.

AGENDA ITEM

October 21, 2024

To: Board of Zoning Appeals
 From: Dean Miller, Zoning Administrator
 Subject: VAR-2024-03, Highway 418 & South Woods Drive
Meeting Date: October 21, 2024
 Type of Agenda Item: Variance Request
 Attachments: Information About the Request
 Site Plan
 Aerial Map
 Zoning Map
 Photos

OWNER: Mpg Shelby, LLC
APPLICANT: Todd Williams
REPRESENTATIVE: Todd Williams
LOCATION: Highway 418 & South Woods Drive. TAX# 0350000100110, 0350000100111
CURRENT ZONING: C-2 Commercial District, Gateway Corridor Overlay District
SIZE OF PROPERTY: Approximately 2.14 acres

REQUEST

The City of Fountain Inn received variance requests for Mpg Shelby, LLC, located at highway 418 and South Woods Drive (Tax Map # 0350000100110, 0350000100111). The applicant is seeking four (4) variances from regulations in the Gateway Corridor Overlay District. The first variance request is for relief from the dimensional requirements for the front setback, (Section 5:12.5) The second variance is for relief from the dimensional requirements for the side setbacks, (Section 5:12.5). The third variance request is for relief from the parking requirement prohibiting parking and/or drive thru lanes between the building and the roads (Section 5:12.6). The fourth variance request is for relief from the provisions of Section 5:12.8 - Vehicle and Pedestrian Connections Between Sites. (8.1, 8.2, and 8.3).

LOCATION & SITE DECRPTION

The property consists of two vacant lots, each measuring approximately 1.07 acres in area. The lots are located south of McCarter Road (Highway 418) between the northbound exit ramp for Interstate 385 and South Woods Drive. The intent is to combine these two lots, resulting in a single lot fronting all three roads.

BACKGROUND/DISCUSSION

The property is located within the Gateway Corridor Overlay District. The Gateway Corridor Overlay District was created to encourage well planned, attractive development along Fountain Inn's Highway 418 gateway corridor that promotes safety for all modes of transportation, enhance the historical nature of the community, strengthen and stabilize property values, create and uphold a distinctive gateway character, and accommodate future expected growth.

Section 5:12.5 states: dimensions of lots and placement of buildings should promote visual continuity, encourage pedestrian activity and provide safe access. Buildings should face the street and be arranged so that they create and maintain a consistent uniform streetscape. Step-backs shall be used to permit sunlight and air access to lower-level buildings.

- 5:12.5-1 states: front setbacks shall be a minimum of 10 feet and shall not exceed 20 feet.
- 5:12.5-2 states: side setbacks shall be a minimum of 5 feet and shall exceed 12 feet on one side.

Section 5:12.6 states: no parking area shall be located along frontage, or otherwise between building and road. Side and rear parking lots should be used, when possible, to promote pedestrian safety and accessibility and aesthetic continuity. Shared parking is encouraged to promote connectivity.

- 5:12.6-1.1 states: buildings located on corner lots shall not locate parking between the building and the road.
- 5:12.6-1.2 states: buildings located on corner lots shall not locate drive through lanes between the building and the road.

Section 5:12.8 states: well-designed commercial corridors include vehicular and pedestrian connectivity between sites to create safe and comfortable access for users, reduce traffic congestion, improve safety, and to encourage the cohesive development of properties along the corridor.

- 5:12.8.1 states: all sites and developments shall be designed to provide private drive or public road connections to existing private drives or public roads on adjacent sites, or stub-outs to abutting properties if connections are not feasible.

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 narrow depth of the property and the three public road frontages are unique circumstances to this land which are not applicable to other lots in the same district, excluding the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1).
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;	Due to the shape and position of the property, it would be highly restrictive to develop the property while meeting the standards of the overlay district, excluding the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1).
C. Special conditions and circumstances do not result from the actions of the applicant.	The special conditions and circumstances are existing and not created by the applicant, excluding the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1).
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.	The approval of the variance would be specific to the existing site conditions and would not be applicable to other properties in the district, excluding the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1).
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 property would still be conforming to the zoning regulations for the underlying C-2 zoning district. The request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1) does not meet the intent of the ordinance .
F. The variance requested is a minimum variance that will make possible the legal use of the land, buildings, or structures.	The variances are the most reasonable solution to the problems faced due to the existing property layout and overlay regulations, excluding the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1).

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 except for the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1). Staff is of the opinion the applicant did not present evidence the land has extraordinary and exceptional conditions pertaining to it that would prohibit the installation of the cross-access stub out.

RECOMMENDED MOTION: Staff recommends the Board of Zoning Appeals approve the variance requests, case number VAR-2024-03, excluding the request for relief from the vehicle and pedestrian connections between sites (Section 5:12.8.1).

Request a variance from the provisions of Section 5:12.8 - Vehicle and Pedestrian Connections Between Sites. Subparagraphs 8.1.

Due to the close proximity of the CFA driveway connection on S. Woods Drive to SC Hwy 418 (which is limit by the CFA parcel depth and SCDOT requirements) a connection between the Chick-fil-A Site and the adjoining property will not benefit either party, but will most likely have a negative impact on the operation of the driveway. This is particularly the case for one-way traffic flow which is required due to the limited depth of the CFA site and the linear shape of the CFA site (length to width ratio).

The property configuration and limited depth make it very difficult to use a parking lot configuration, other than one-way traffic flow. As a result, one-way traffic flow provides limited if any benefit to cross access with the adjoining property. Encouraging CFA traffic to “cut thru” the adjoining property will not benefit that property, especially if the use is residential, townhomes, or apartments.

One-way traffic flow does not support a side driveway connection at the front of the CFA site since left turns are prohibited from the CFA driveway into the Adjoining Property. If a left turn is provided from the CFA into the adjoining property, then the potential for traffic to back up on S. Wood Drive will be significantly increased, which will be unacceptable to SCDOT. Also, due to the close proximity of the CFA driveway to SC Hwy 418, adding additional traffic at this driveway from the adjoining property will negatively impact the driveway function and may create an unsafe condition.

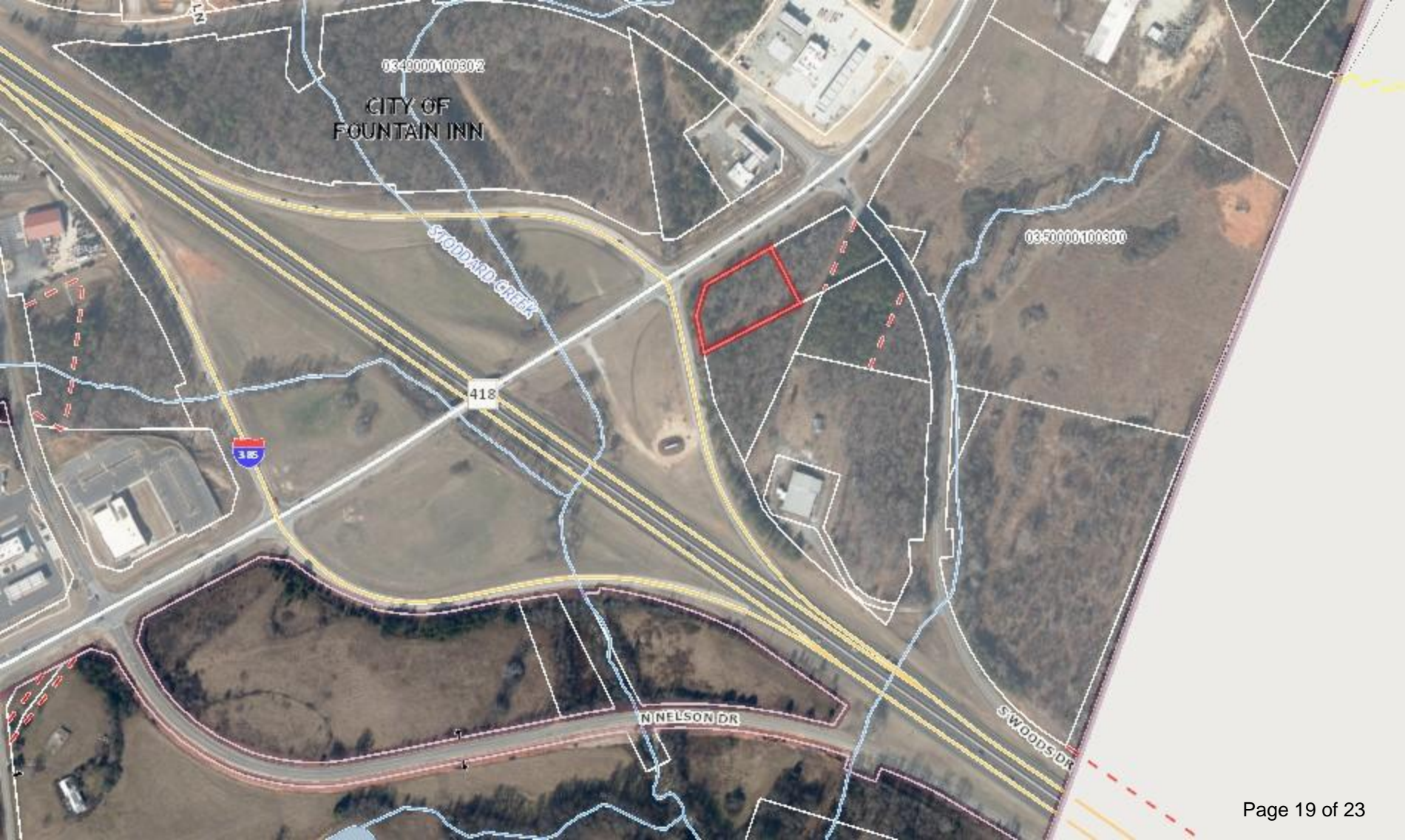
A side driveway connection to the adjoining property will result in a loss of parking for CFA. In this case, CFA parking must be maximized since the CFA site is a “stand alone” parcel without the benefit of cross parking on adjacent sites. CFA parking must be adequate for CFA patrons, employees and for catering and delivery vehicles, as well as accommodating drive thru stacking traffic flow.

Allowing CFA customers to “cut thru” the adjoining site will not be a desirable option for the adjoining property.

The adjoining property has significantly more frontage (over 1000 ft) to accommodate separate driveways independent of CFA.

The likelihood of traffic from the adjoining property to “cut thru” the CFA site by using the CFA driveway connection to S. Wood is highly unlikely with little if any benefit.

If a driveway connection is provided where the dumpster is currently shown, it will have limited benefit to the adjoining site because traffic will have to traverse thru the CFA site to get to the side driveway connection. Also, vehicles from the adjoining property would see little if any benefit to using the CFA driveway connection to S. Wood Drive because of the large CFA traffic volume.



CITY OF
FOUNTAIN INN

0349000100302

SWOODARD CREEK

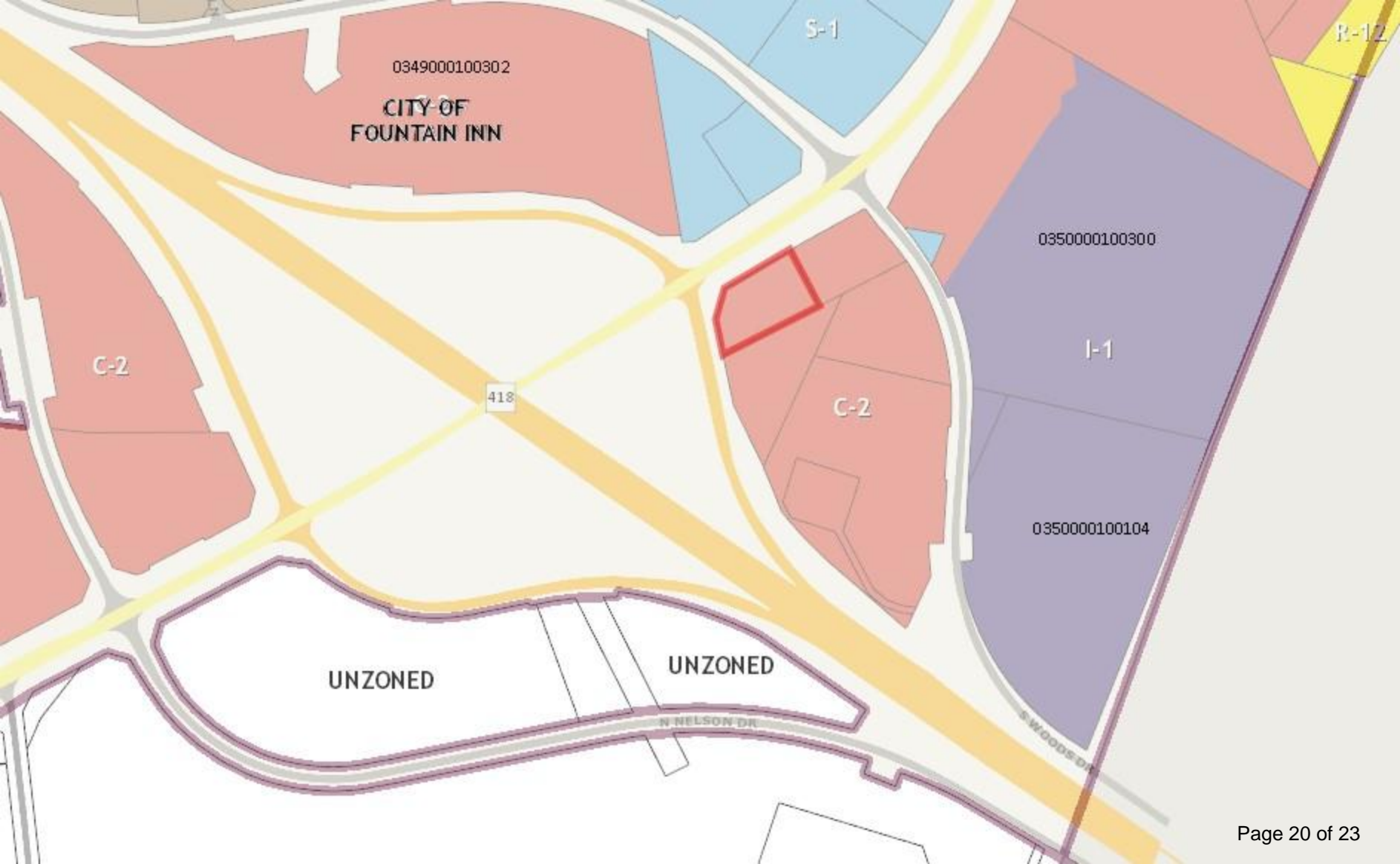
418

316

N NELSON DR

SWOODS DR

0347000100300



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CITY OF
FOUNTAIN INN

S-1

R-12

C-2

418

C-2

0350000100300

I-1

0350000100104

UNZONED

UNZONED

N NELSON DR

SWOODS DR



Photo Taken from S. Wood Frontage Road (facing South)



Photo Taken from S. Wood Frontage Road (facing North)



Photo Taken from SC Hwy 418 (facing West)



Photo Taken from SC Hwy 418 (facing East)



Photo Taken from I-385 Offramp (facing South)



Photo Taken from I-385 Offramp (facing North)