



Business and Development Services
(864) 234-3484

BUILDING AND ZONING BOARD OF APPEALS AGENDA

Wednesday, September 28 – 5:00pm
City Hall, Court Room

- | | |
|--|---------------------|
| 1. Call to order | Chairman Sentelle |
| 2. Invocation & Opening Remarks | Chairman Sentelle |
| 3. Action: Special Exception 501 East Butler Road M-16-10-BA | Kim Hamel, Director |
| 4. Old/ New Business | Chairman Sentelle |
| 5. Approval of the August 24 meeting minutes | Chairman Sentelle |
| 6. Adjourn | Chairman Sentelle |

Building and Zoning Board of Appeals

Minutes

August 24, 2016

Call to order. In attendance were Chairman Joe Sentelle, Leo Joyce, Patrick O'Shields, Laura McCulloch and Randy Eskridge. Also in attendance were Kim Hamel, Director of Business and Development and Paula Foltz, Secretary to the Board. Mrs. McCulloch gave the invocation.

Docket #: M-2016-8-BA

Applicant: Family Footprint

Location: 510 South Main Street

Request: Special Exception

Kim Hamel provided the staff report. The applicant is proposing to use the existing structure to provide underprivileged parents with the job skills necessary to help them earn family sustaining wages and be contributing members of society.

The Special Exception requirements are primarily intended to address conventional schools. Given the intended location, type of school (job training center), and the age of the students proposed, the outdoor area and screening requirements are not applicable. Off-street parking and indoor area code compliance have been addressed through staffs technical review.

Staff finds that:

1. The proposed use and site meets all the conditional use standards with the exception to the side and rear setbacks. The existing building is considered grandfathered.
2. The applicant is required to obtain approvals and permits to ensure the protection of public health and general welfare of the public. These types of uses are necessary in order to provide job training skills to parents who otherwise may be dependent upon support.
3. The site is existing with adequate infrastructure and utilities in place. Fire and police protection are available as well.
4. The site is surrounded by other service related properties and will not negatively affect the surrounding land uses.

Based on the findings, staff recommends approval of the docket.

Natalie Milom, Family Footprint, told the Board that Mrs. Hamel did a good job in the staff report and the only thing she would like to add is the business has already been approved for childcare services.

Mr. O'Shields made the motion to approve the request. Mrs. McCulloch seconded. Vote was unanimous.

Docket #: M-2016-9-BA

Applicant: Patrick Floyd and Valerie Foote

Location: 510 South Main Street

Request: Special Exception

The applicants are currently in the process of a large remodeling project that includes a new outdoor storage shed and new perimeter fencing. The parcel layout and site plan identifies the

property as having three (3) street frontages: Miller Road, Pigeon Point, and Burning Bush Lane. Based on zoning definitions, the parcel is considered as a double frontage lot (Miller Road and Pigeon Point) and also a corner lot (Burning Bush Lane). Since there are three (3) street frontages, the lot line along the southern property boundary is considered a side lot line. Both of the variance requests stem from the unusual lot configuration of having three (3) street sides and no rear setback.

The first request is to vary the accessory structure location standards that requires accessory structures to be located in the side or rear yard and located so as not to project beyond the front building line of the principal structure. The accessory structure under construction is located within the 25-foot front setback along Miller Road and is also in front of the principal structure. The applicant is requesting a front setback variance of sixteen (16) feet to allow the storage shed that is under construction to remain in its current location, which has an approximate setback of seven (7) – nine (9) feet from the property line along Miller Road. In addition, they are also requesting a variance to allow the storage shed to be located in front of the principal building.

The second request is to vary the height requirement for fencing when it is located within a Front Yard. The applicant is proposing to replace the existing privacy fence along Miller Road and Burning Bush Lane. The request is to allow the proposed fencing to be solid and opaque and approve a height variance of four (4) feet to allow an eight (8) foot tall opaque privacy fence to be installed along Burning Bush Lane and Miller Road to help address privacy concerns and mitigate noise generated from truck and car traffic coming to and from Woodruff Road. The recently adopted fencing requirements for front yards state that fencing shall not exceed 48" in height and shall be non-opaque.

Staff has had several phone calls regarding the hearing. Most residents were curious but others expressed opposition to a taller fence. Some caller thought the accessory building appeared to be too visible and that the homeowners created their own problems by cutting down all the trees.

Staff did find that there are extraordinary and exceptional conditions pertaining to the piece of property and recommends approval to allow the accessory building variance of 16'. Staff also can support a 2' variance to the fencing standard that will allow the homeowner to keep or replace the 6' fencing that already exist due to the existing pattern and predominant fencing height along Miller Road but recommends that the fencing be limited to 6' in height and it be installed so that the finished side is facing the street.

Chairman Sentelle asked if the city makes the rules on lots and structures. Mrs. Hamel said Forrester Woods was annexed into the city after it was built so we have to follow the definition. Chairman Sentelle sees the front door as the front. Mrs. Hamel said that based on the definition, it is the front but Miller Road is also the front. If it were a vacant lot the same rule would apply. Chairman Sentelle asked if it could be defined as "Primary". Kim Hamel responded that the definition has to be applied.

Valerie Floyd, resident, spoke in favor of the docket. They removed 11 Hemlocks and white pine trees from the lot for safety reasons. They did not provide privacy and the arborist said they were a danger. She called the city office in April and was told there was no backyard fencing requirements. Because the storage shed is visible they chose not to go to Lowe's but have someone build it. Scott Wolfe, Compass Group Construction, also spoke in favor of the docket.

Forrester Woods residents, Judy Shalkham and Sybil McBride had concerns. Ms. Shalkham stated the shed was nice but the 8' fence is a concern. It will not fit in with the other fencing. Not too many headlights go over 6'. It needs to be in keeping with the rest of the neighborhood. As far as the noise, that is living on Miller Road. Ms. McBride did not see where it was necessary to cut down 11 trees to make the garage so visible and the fence would stick out like a sore thumb.

Ms. Floyd said if the alternative is to leave the fence then that is what they will do. Mr. Wolfe said they would likely add a berm to raise the height.

Mr. Eskridge said he could see a little concern on the fence but he has no problems with it. He will go along with staff's recommendation. Mr. Joyce stated if the fence was the problem all their neighbors would raise theirs. Randy Eskridge made motion to approve the storage shed and the fencing height of 6-feet. Mr. O'Shields seconded. Vote was unanimous.

Randy Eskridge made the motion to approve the July minutes. Leo Joyce seconded. Meeting was adjourned.



Business and Development Services

Board of Appeals Staff Report

Staff Contact:
Kim Hamel, Director
khamel@mauldincitysc.com

Docket #M-2016-10-BA, (TZ-16-168)

SPECIAL EXCEPTION: SCHOOL

MEETING DATE: September 28, 2016
PETITIONER: Project Hope Foundation, Inc., **Representative:** Susan Sachs
PROPERTY OWNER: SC Conference of the Wesleyan Church
STREET ADDRESS: 501 East Butler Road
TAX PARCEL ID: 0546010103600
ZONING: C-1, Commercial

NATURE OF REQUEST:

The applicant is requesting a Special Exception approval:

1. Section 7:9, Schools: Public, Private, and Parochial – The request is to permit a private school to be located in the C-1, Commercial District, by Special Exception.

Summary Review and Ordinance Requirements:

The project site is located at 501 East Butler Road, consists of 4.96 acres and is zoned C-1 (Commercial). The applicant is proposing to demolish the existing structure (formerly the Wesleyan Church) and construct a two-story, 45,680 square foot school facility that will provide an educational program for children with autism.

The Special Exception conditions outlined in the Mauldin Zoning Ordinance, Section 7:9, Schools: Public, Private, Parochial states that schools may be allowed in any zoning district subject to the district requirements.

A review of the preliminary site development plan indicates compliance with the general C-1 district standards and Special Exception Standards including: setbacks, parking and required recreational areas. A detailed site plan review to ensure compliance with other development and design standards (fencing, screening and landscaping) will take place when formal plans are submitted for permitting.

FINDINGS:

The Board of Appeals is not authorized to grant variances to the Special Exception standards that are required for specific uses listed in Article 7 of the Mauldin Zoning Ordinance. The Zoning Board of Appeals can only grant approvals upon finding that the proposed use, and the information and plans submitted address the following findings noted below:

1. That the use meets all required conditions.

The proposed use indicates compliance with the general C-1 district standards and Special Exception standards. A formal site plan review to ensure compliance with fencing, screening and landscaping will occur when plans are submitted for permitting.

2. The use is reasonable necessary for the public health or general welfare.

The use will provide an educational program for autistic children. It is accredited by the SC Independent School Association and is the only school in the Upstate specifically designed to serve children with autism. These types of uses are needed to provide academic, behavioral and social success to children who may not be comfortable or perform well in a typical school environment.

3. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.

The project site is located off of East Butler Road and is within the City's fire and police protection service areas. Utility services are currently available on the site and will be upgraded as necessary to serve the proposed school use.

4. The use will not violate neighborhood character nor adversely affect surrounding land uses.

The project site will be developed in compliance with the City's development and design standards that requires adequate screening and buffering between nonresidential and residential uses. The proposed structure is reasonably compatible with the size and scale of surrounding multi-unit townhome structures and is in character with other institutional uses in the area including the Mauldin Senior Center and Mauldin High School.

Contact from surrounding property owners: YES NO

STAFF RECOMMENDATION:

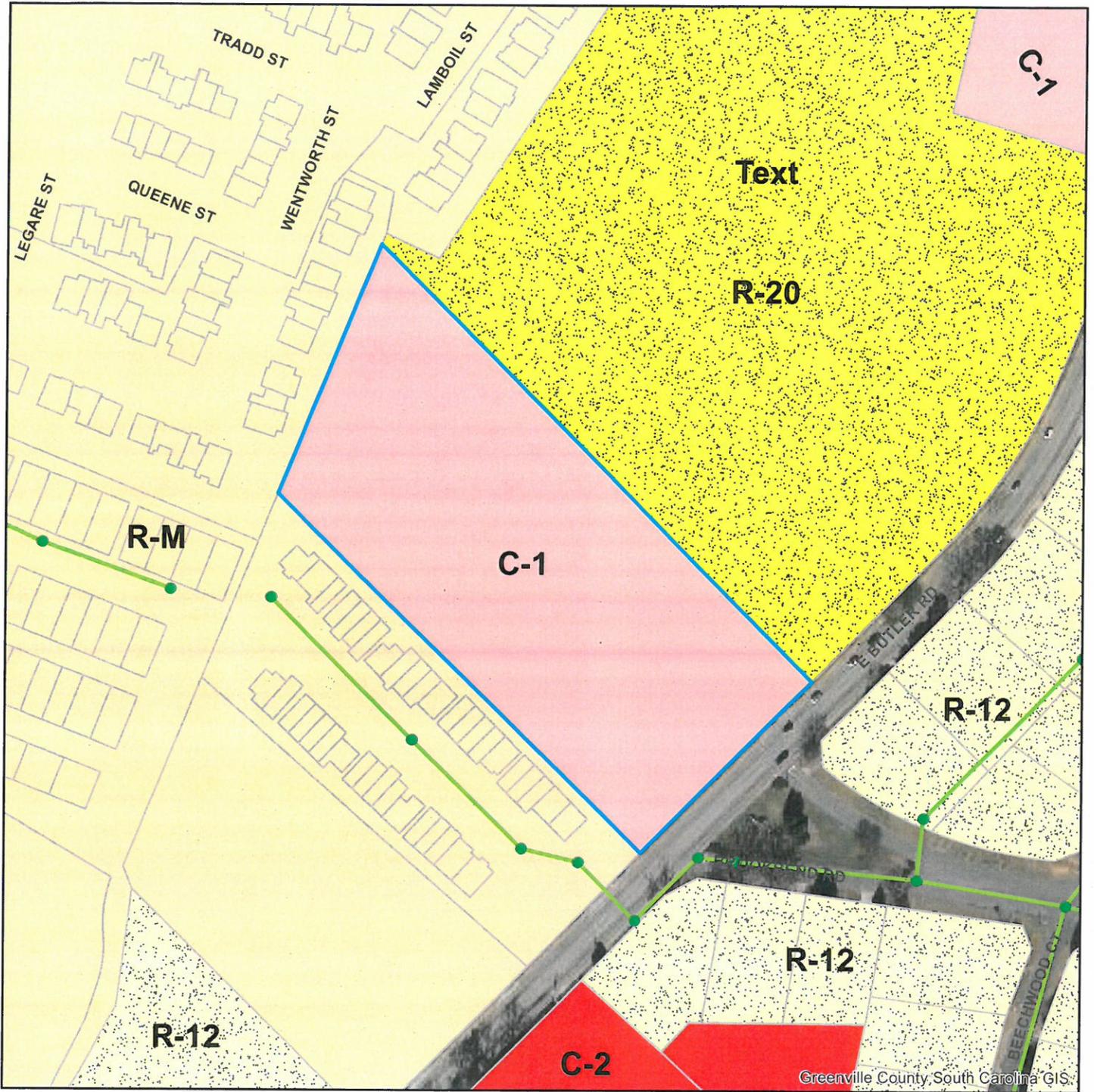
Based on the above findings and preliminary site plan and elevations provided by the applicant, staff recommends approval of the Special Exception.

ATTACHMENTS:

- EXHIBIT A: ZONING MAP
- EXHIBIT B: AERIAL AND UTILITIES MAP
- EXHIBIT C: SITE PLAN
- EXHIBIT D: BUILDING ELEVATION
- EXHIBIT E: APPLICANT'S SUBMITTAL

| | |
|--|-----------------------------------|
| DATE PETITION FILED: August 22, 2016 | ACTION TAKEN BY THE BOARD: |
| DATE REVIEWED BY BOARD OF APPEALS: September 28, 2016 | |

EXHIBIT A: ZONING MAP

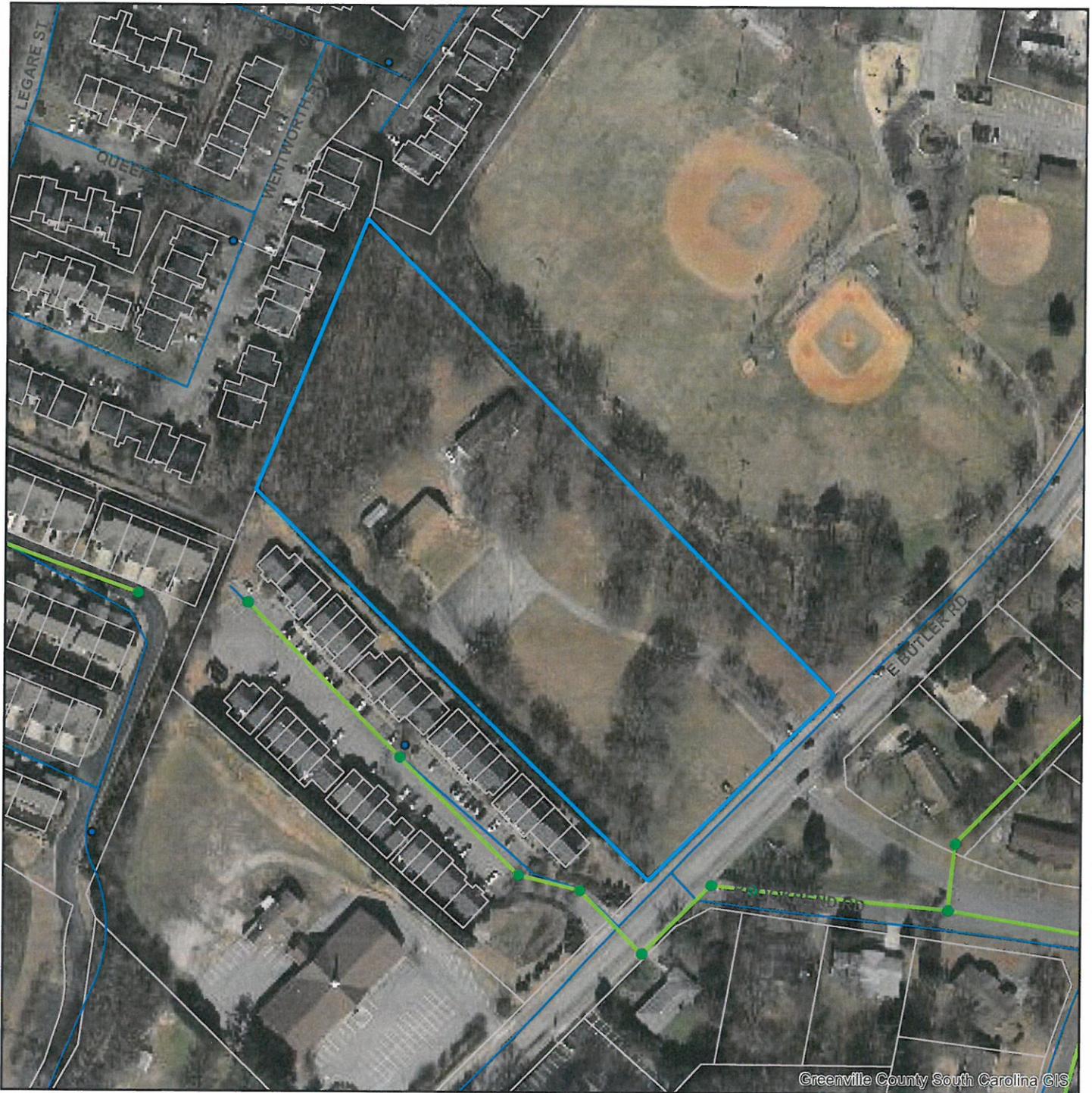


Notes: 501 E. Butler Road
 Board of Appeals: 9/28/16
 Special Exception

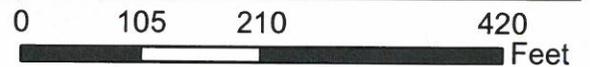


- MAP LEGEND**
- Manholes_Mauldin
 - Manholes_ReWa
 - Manhole_MSSD
 - SewerLines_Mauldin
 - TrunkSewer_ReWa
 - ServiceLaterals_MSSD

EXHIBIT B: AERIAL AND UTILITIES MAP

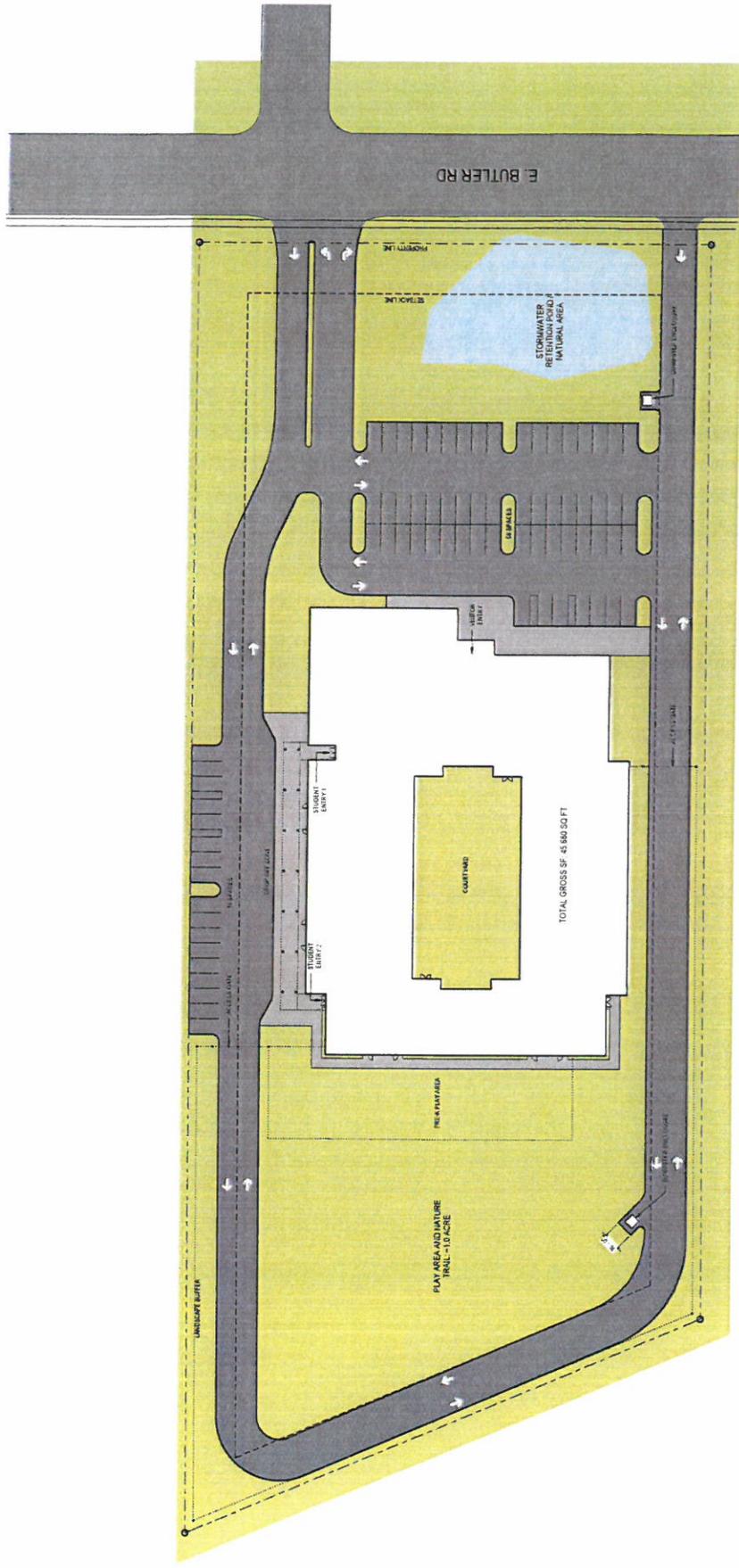


Notes: 501 E. Butler Road
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MAP LEGEND

- Manholes_Mauldin
- Manholes_ReWa
- Manhole_MSSD
- SewerLines_Mauldin
- TrunkSewer_ReWa
- ServiceLaterals_MSSD

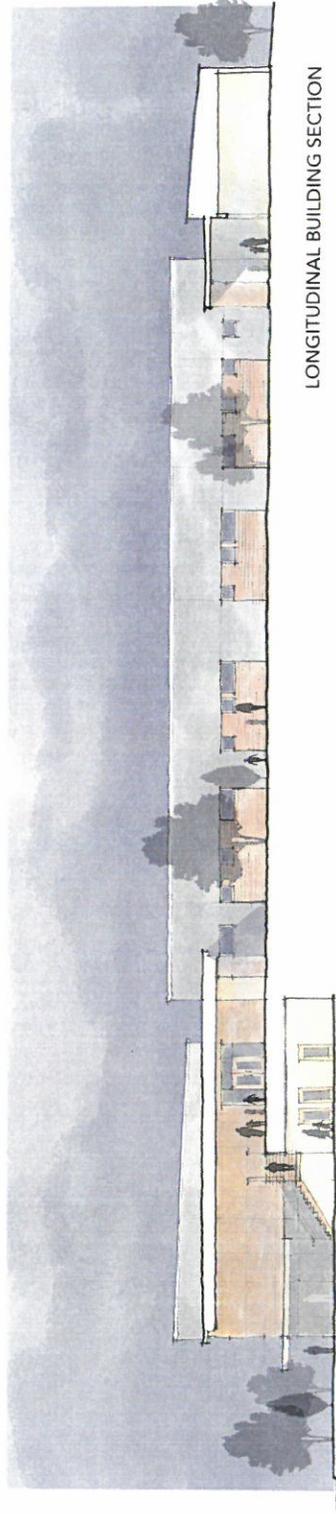
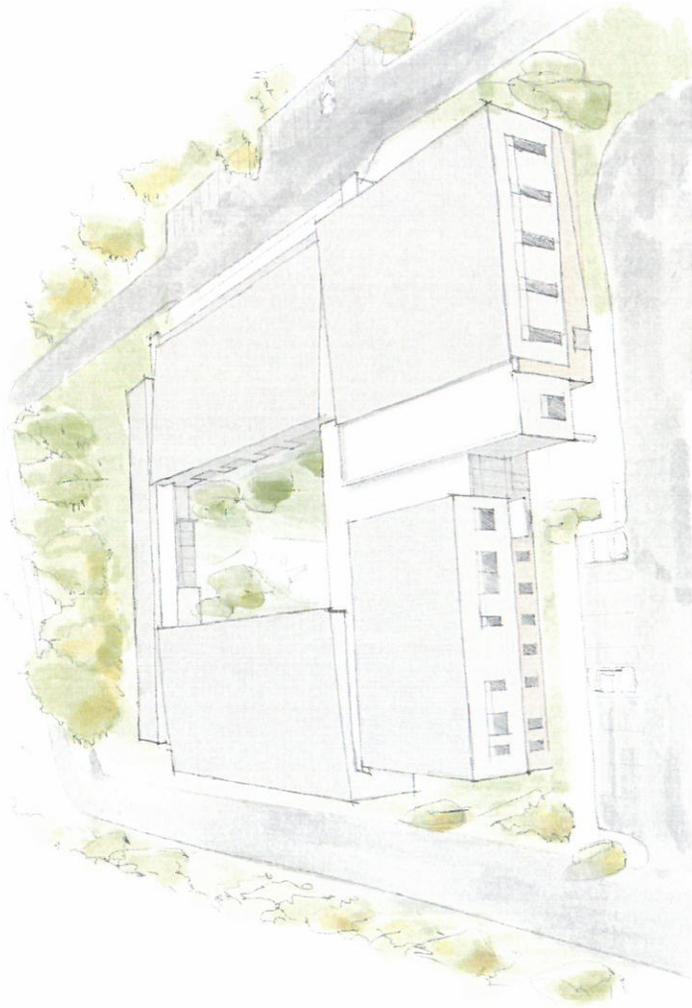


N SITE PLAN
SCALE: 1"=30'

Hope Academy
Mauldin, SC
09/05/2016

mcmillan | pazdan | smith
ARCHITECTURE

EXHIBIT C: SITE PLAN



LONGITUDINAL BUILDING SECTION

CONCEPTUAL ELEVATIONS AND MASSING
Scale: 3/32" = 1'-0"

HOPE ACADEMY

mcmillan | parsons | smith
ARCHITECTS
September 8, 2016

EXHIBIT D: ELEVATION



FLOOR PLANS
SCALE: 1"=16'

Hope Academy
Mauldin, SC
29566-0116

mcmillan | pazdan | smith
ARCHITECTURE



1. That the use meets all required conditions

The proposed use will meet all required conditions under the school category.

2. The use is reasonably necessary for the public health or general welfare.

When Project Hope Foundation began providing services in 1997, the rate of autism was 1 in 2500. Today, it's 1 in 68, 1 in 42 boys. Autism is a neurodevelopmental disorder that affects a child's ability to communicate and interact with the world. These kids are five times more likely to be bullied than their typical classmates. 33% of them will always be non-verbal; they will never speak. 50% wander off and become lost. Many escape from their classrooms.

Our educational program, Hope Academy, is accredited by the South Carolina Independent School Association and is the only school in the Upstate specifically designed to serve children with autism. Our classrooms use proven behavioral techniques and strategies that target academic, behavioral, and social success. Hope Academy provides classroom models that include:

- Inclusion classrooms where children with learn side-by-side with neurotypical learners. We typically have a certified teacher and an assistant in every classroom of 10-14 students. In addition to excellent academics, we focus on character development and leadership skills. This unique structure allows children with autism to imitate and emulate peers and develop life-changing friendships.
- Autism-specific classes that focus on academic skills, group-learning skills (e.g., raising your hand in class to ask/answer a question, taking turns, working as a team), daily living skills, and community skills. These classes of 8-10 students are led by two highly trained behavioral specialists, one of whom is usually also a certified teacher. We use behavioral techniques – reinforcing positive behaviors and ignoring negative, unwanted behaviors – as the basis of these classrooms.

3. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.

There are existing buildings on this property that have access to all of the named services.

4. The use will not violate neighborhood character nor adversely affect surrounding land use.

In developing this property, we will maintain natural buffers (trees/bushes/hedges) between surrounding residential properties. The design of the building will be supportive of and complementary to the surrounding land use.



Rev. Buddy Rampey, *Superintendent*
ds@scwesleyan.org

August 16, 2016

Planning Commission, Building and Zoning Board of Appeals
City of Mauldin
P. O. Box 249
Mauldin, SC 29662

To Whom It May Concern,

The South Carolina District of The Wesleyan Church, as owner of the property at 501 E. Butler Road, Mauldin, has given permission for the Project Hope Foundation to apply to the City of Mauldin Planning Commission, Building and Zoning Board of Appeals for a Special Exemption for their proposed project. We are currently under a purchase contract with this organization.

It would be very gratifying to see Project Hope Foundation realize their vision to serve even greater numbers of those in our community with special needs, through the development of this property. And, it further fulfills our commitment to be generous to other organizations serving the community.

Sincerely,


Buddy Rampey
District Superintendent

BR:mw

