



Business and Development Services
(864) 234-3484

BUILDING AND ZONING BOARD OF APPEALS AGENDA

Wednesday, August 24 – 5:00pm
City Hall, Court Room

- | | |
|--|-------------------|
| 1. Call to order | Chairman Sentelle |
| 2. Invocation & Opening Remarks | Chairman Sentelle |
| 3. Action: Special Exception
510 South Main Street
M-16-8-BA | Kim Hamel |
| 4. Action: Variance
101 Burning Bush Lane
M-16-9-BA | Kim Hamel |
| 5. Old/ New Business | Chairman Sentelle |
| 6. Adjourn | Chairman Sentelle |

Business and Development Services

Board of Appeals Staff Report



Staff Contact:

Kim Hamel, Director

khamel@mauldincitysc.com

Docket #M-2016-8-BA, (TZ-16-140)

SPECIAL EXCEPTION REQUEST: JOB SKILLS TRAINING

MEETING DATE: August 24, 2016
PETITIONER: Family Footprint
PROPERTY OWNER: Britt R G Enterprises Ltd Partnership
STREET ADDRESS: 510 South Main Street
TAX PARCEL ID: 0292000101500
ZONING: S-1, Service

NATURE OF REQUEST:

The applicant is requesting a Special Exception approval:

1. Section 7:9, Schools: Public, Private, Parochial – The request is to permit a "job skills training center" to be located in an S-1, Service District, by Special Exception.

Summary Review and Ordinance Requirements:

The property site is located at 510 South Main Street. The applicant is proposing to use the existing structure (formerly After School Plus) 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 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. The Special Exception requirements listed for operation of a school are primarily intended to address conventional schools. Given the intended location, type of school (job skills training center), and age of the students proposed, the Outdoor Area (Section 7:9.4), and Screening (7:9.5) requirements are not applicable.

Sections 7:9.2, Off-street parking and 7:9.3, Indoor Area Code compliance have been addressed through staffs technical review.

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 and site meets all conditional use standards with exception to the side and rear setbacks that (when new construction) must provide a thirty (30) foot setback. The location and setbacks of the existing building are considered grandfathered conditions and requires no action by the applicant.

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

The use will provide training for underprivileged parents to obtain job skills. The applicant will be required to obtain all necessary permits and approvals to ensure the protection of public health and general welfare of the public. In addition, these types of uses are necessary in order to provide job training skills to parents who otherwise may be dependent upon support.

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 South Main Street and within the City's jurisdiction, which provides both fire and police protection. The site is already fully developed with adequate infrastructure and utilities in place.

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

The proposed use will be utilizing an existing vacant space. The site is surrounded by other service related properties and will not negatively affect surrounding land uses.

Contact from surrounding property owners: YES NO

ATTACHMENTS:

EXHIBIT A: ZONING MAP

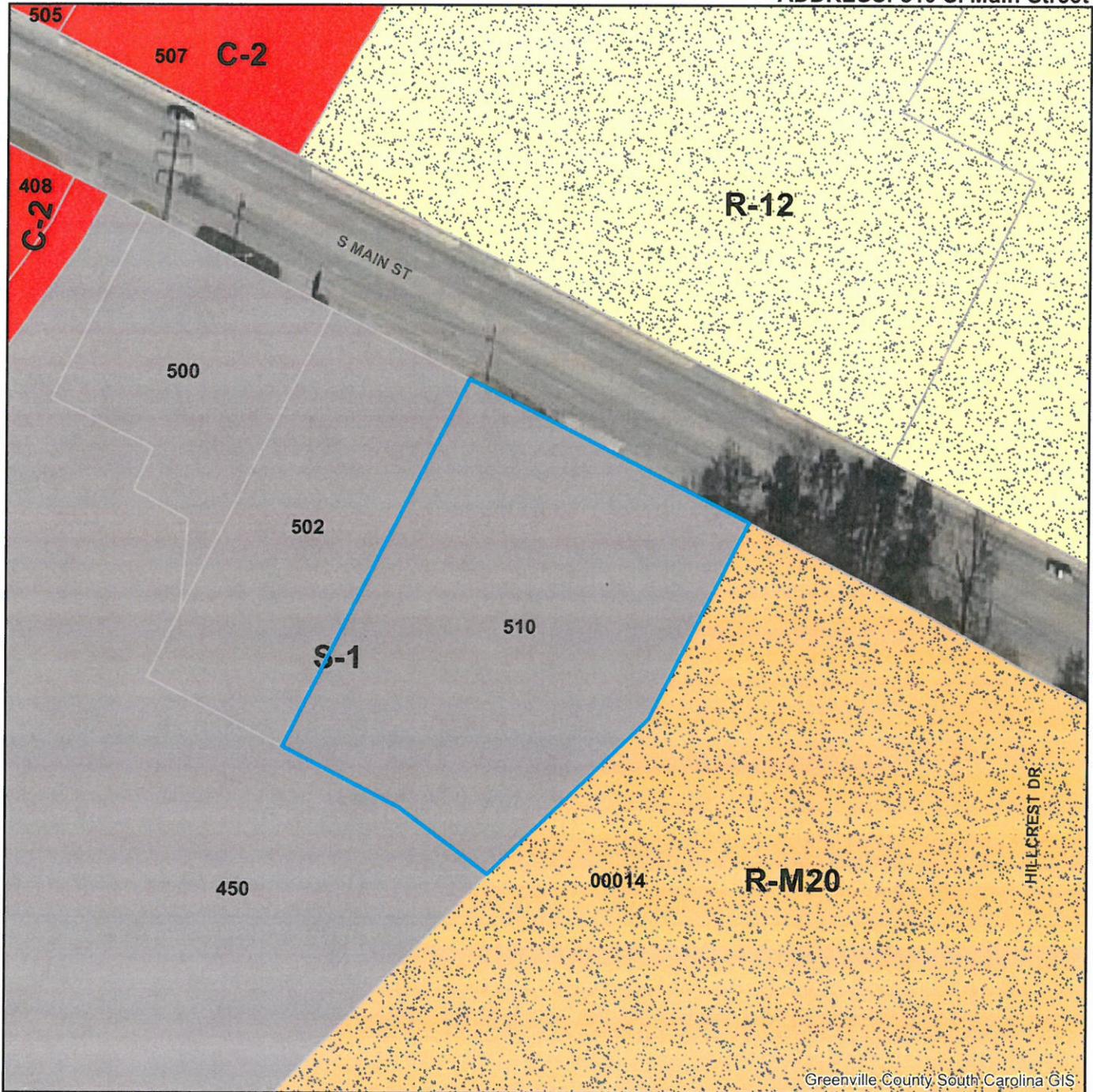
EXHIBIT B: AERIAL AND UTILITIES MAP

EXHIBIT C: SITE PLAN

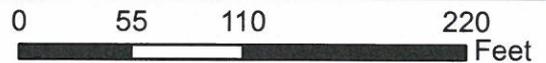
DATE PETITION FILED: July 20, 2016	ACTION TAKEN BY THE BOARD:
DATE REVIEWED BY BOARD OF APPEALS: August 24, 2016	

EXHIBIT A: ZONING MAP

ADDRESS: 510 S. Main Street



NOTES: SPECIAL EXCEPTION - SCHOOL
 Board of Appeals
 Meeting Date: 8/24/16



MAP LEGEND

- Base Flood Elevation
- 2011 Floodplains & Floodways**
- FLD_ZONE, FLOODWAY**
- Zone AE, Floodway
- Zone AE
- 500 year flood

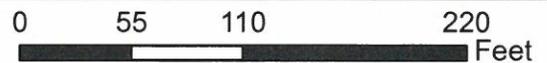


EXHIBIT B: AERIAL AND UTILITIES MAP

ADDRESS: 510 S. Main Street



NOTES: SPECIAL EXCEPTION - SCHOOL
Board of Appeals
Meeting Date: 8/24/16

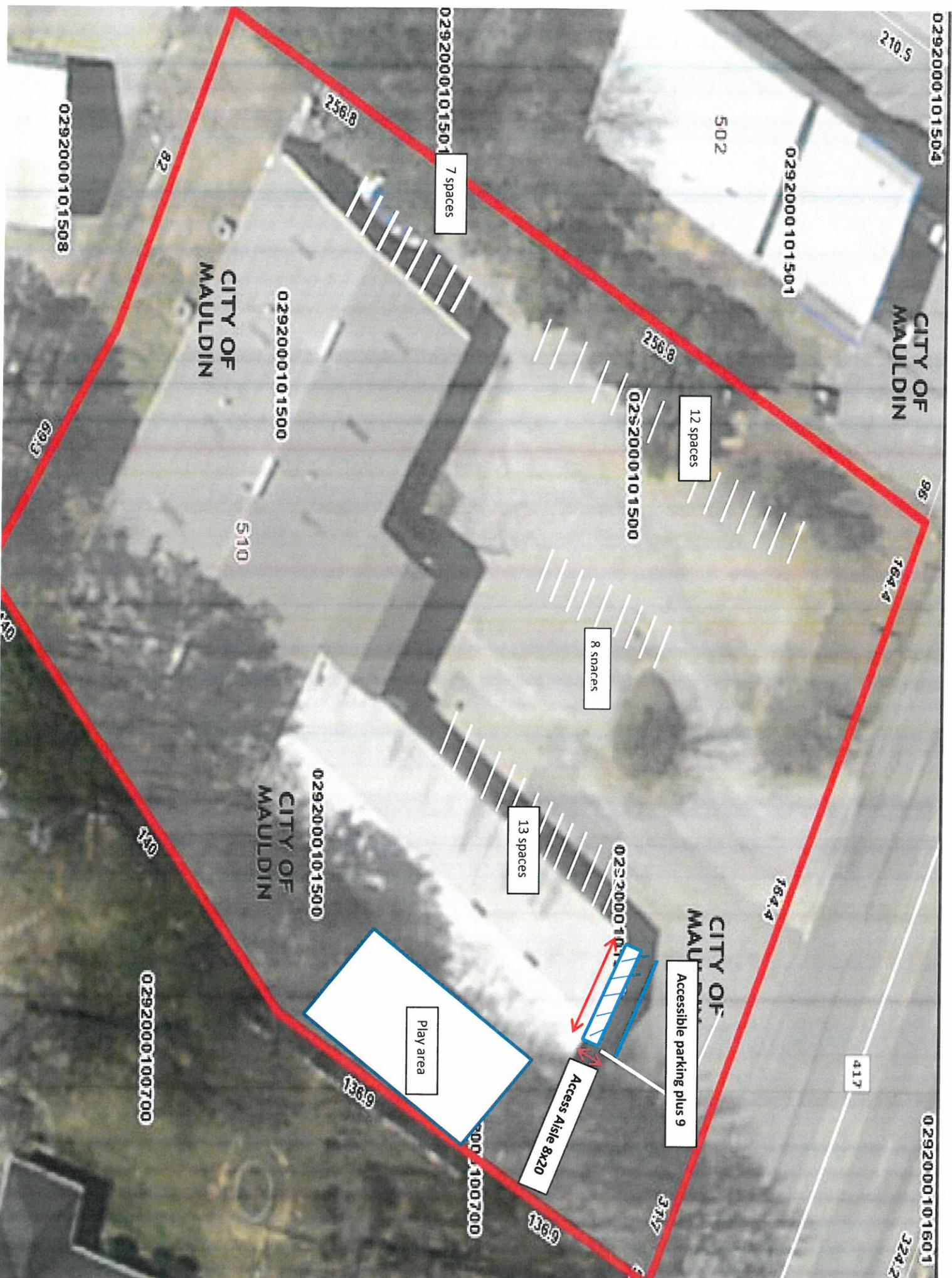


Map Legend

- Contours
 - Parcels
 - Base Flood Elevation
- 2011 Floodplains & Floodways**
FLD_ZONE, FLOODWAY
- Zone AE, Floodway
 - Zone AE
 - 500 year flood



110 SOUTH WINDY STREET



0292000101504

210.5

0292000101501

502

CITY OF MAULDIN

7 spaces

0292000101501

256.8

82

0292000101508

0292000101500

510

CITY OF MAULDIN

12 spaces

256.8

0292000101500

96

164.4

8 spaces

0292000101500

CITY OF MAULDIN

13 spaces

0292000101500

164.4

CITY OF MAULDIN

Accessible parking plus 9

Access Aisle 8x20

Play area

0292000100700

130

0292000101601

417

324.2

317

130.0

0292000100700

Business and Development Services

Board of Appeals Staff Report



Staff Contact:

Kim Hamel, Director

khamel@mauldincitysc.com

Docket #M-2016-9-BA, (TZ-16-141)

ZONING VARIANCE REQUEST

MEETING DATE: August 24, 2016
PROPERTY OWNER: Patrick and Valerie Floyd
STREET ADDRESS: 101 Burning Bush
TAX PARCEL ID: M009020116100
ZONING: R-12 (Residential)

NATURE OF REQUEST:

The applicant is requesting a variance from the following R-12 zoning district standards:

1. Section 10.2, Accessory Structures – The request is to vary the location requirement and setback standard.
2. Section 5:1.3(a-b), Fencing - The second request is to vary the standard that requires fencing located within the front yard to be decorative, non-opaque material and 48” inches or less in height.

Summary Review and Ordinance Requirements:

The project site is located at 101 Burning Bush Lane, consists of .48 +/- acres and is zoned R-12, (Residential). The applicants are currently in the process of a large remodeling project that includes a new outdoor storage shed and new perimeter fencing. While awaiting permits to be issued from Greenville County, the contractor began to construction of a 14 x 16 storage building. Upon notification from a Mauldin Code Enforcement officer that the parcel was located within the city limits of Mauldin, the applicant stopped work and came into the Business and Development Services to obtain his permits.

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.

Variance 1, Accessory Structure: 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 (Section 10.2). The accessory structure (storage shed) 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.

Variance 2, Fencing: 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: 1) allow the proposed fencing to be solid and opaque (versus non-opaque); and 2) 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 (refer to Exhibit C- Site Plan for location). The recently adopted fencing requirements (Ord. 805, 5/16/16, Section 5:1.3 (a)-(b)) states that following:

5:1.3 Fencing.

- a) Front Yard: Fencing that is located within the front yard and positioned to run parallel with the street shall **be of a decorative, non-opaque material** and shall not exceed **forty-eight (48) inches in height**.
- b) Front Yard: Fencing that is located within the front yard and positioned to run parallel with the side property line(s) may exceed **forty-eight (48) inches in height** when such fencing meets the following standards:
 1. Fencing is of a decorative, non-opaque material and is setback a minimum of ten (10) feet from the street.
 2. Fencing does not exceed five (5) feet in height when it extends beyond the primary building façade.

It should be noted that the City does not recognize or regulate Homeowner Association covenants or deed restrictions. The City, does however, address conflicts between local zoning laws and restrictive covenants under the Zoning Permit requirements outlined in Section 4:1.1-a.-3.that states:

3. *Restrictive Covenants and Home Owner Association (HOA) documentation.* It shall be the sole responsibility of the homeowner and/or applicant to ensure that all proposed uses, construction, and all other activities requiring a permit are in compliance with any existing lawful restrictive covenant. In the event a permit is issued and a conflict between the restrictive covenant and the zoning ordinance is determined, the more restrictive requirement of the two (2) shall prevail.

Contact from surrounding property owners: YES NO

Summary of Phone Call Concerns: Staff has received multiple calls regarding this public meeting. Most were only curious as to the nature of the request but others expressed opposition to a taller fence and said it was not in keeping with the HOA regulations. Callers also stated that they thought the accessory building “stuck-out” and appeared of place and too visible along Miller Road, and also that the owner created the privacy and noise issues when they removed trees and other vegetation from the site.

FINDINGS:

Conclusion 1 - There are extraordinary and exceptional conditions pertaining to the particular piece of property. (Extraordinary conditions could exist due to size, shape, topography, drainage, street widening or other conditions that make it difficult or impossible to make an economically feasible use of the property.)

1. A hardship is created by the extraordinary condition(s) of the use of the property and prevents compliance with the requirements of the Zoning Ordinance.

Variance 1, Accessory Structure: The extraordinary condition of the property results from the parcel having three (3) street frontages, the setback requirements that applies to each, and that the parcel does not technically contain a rear setback (see Exhibit D – Setbacks). Both Miller Road and Burning Bush Lane requires a 25 foot front setback, Pigeon Road requires a corner side setback of 12.5 feet. The southern parcel boundary is considered a side and requires a 10-foot building setback. Strict application of these setback requirements would render the majority of the property unusable and also result in the removal of the remaining large mature trees located along the southern half of the property.

Variance 2, Fencing: As stated above, the extraordinary condition of the property results from the parcel having three (3) street frontages, and the setback requirements that applies to each. If the fencing requirements where to be strictly enforced, the fencing the applicant proposes along Burning Bush and Miller Road would have to be of a non-opaque material and would be capped at 48 inches (4 feet) in height. A fence of this nature would not allot privacy to the

property, and would not assist in noise mitigation.

2. The hardship is not a result of the applicant's own action.

Variance 1, Accessory Structure: The hardship is not a result of the applicant's own action. The parcel was created with three street frontages when the Forrester Woods Subdivision was developed in the 1970's. The single family residence was designed and oriented to accommodate the site conditions with the front of the home facing Pigeon Point.

Variance 2, Fencing: Miller Road has become infamous for being an alternative, cut-through route from automobile and transfer truck traffic coming to and from Woodruff Road. Solid, opaque privacy fencing that helps address privacy concerns and mitigate traffic noise is characteristic and evident on multiple parcels along Miller Road. However, the height of existing fencing along Miller Road is **not** greater than six (6) feet tall.

Conclusion 2- The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.

1. The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

The parcel is unique and atypical as it has three (3) street frontages and only a side property line. A typical lot configuration consists of a front, two sides and a rear property line. This property is encumbered by two front setback requirements of 25-feet, a Corner-side setback of 12.5 feet and single side setback of 10 feet.

Variance 1, Accessory Structure: If the parcel was "typical" in nature and the Pigeon Point was the only front setback (due to it being the front of the home), Miller Road would be considered the rear of the lot and an accessory structure would be permitted and allowed (by right) a five (5) foot building setback from the property line.

Variance 2, Fencing: If the parcel was "typical" in nature, and the Pigeon Point was the only front setback (due to it being the front of the home), Miller Road would be considered the rear of the lot and a fence could be constructed to a height of eight (8) feet (as long as) the top two (2) feet of the fence was constructed of non-opaque material.

Conclusion 3- 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.

1. If made to comply with the provisions of the ordinance, the property owner cannot secure a reasonable return from, or make no reasonable use of, his property.

If made to comply with the provisions of the ordinance the property owner would not have reasonable use of their property:

Variance 1, Accessory Structure: The application of the buildings setbacks (as required by the ordinance) severely limits areas on the parcel where accessory structures or building additions could be accommodated without removal of the remaining large mature trees on the site. Even with removal of vegetation structure sizes would be limited due to the building setback requirements.

Variance 2, Fencing: The lot orientation dictates the setbacks applicable to this parcel. If made to comply, fencing would be limited to a non-opaque material and capped at four (4) feet in height. A fence of this nature does not address privacy concerns nor does it assist in mitigating noise generated by traffic.

Conclusion 4- The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

1. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

Variance 1, Accessory Structure: The requested variance would be in harmony with the general purpose and intent of the ordinance requirements as the true "front" of the parcel and entrance into the structure is from Pigeon Point. If a front setback was NOT required along Miller Road, the accessory structure (in its current location) would be conforming.

Variance 2, Fencing: the Fencing proposed along Miller Road would also be in harmony with the general purpose and intent of the ordinance requirements with the exception that the majority of parcels (also having double frontage on Pigeon Point and Miller Road) have privacy fencing along Miller Road that is only six (6) feet in height. The height of the fencing along Miller Road was likely a result of meeting the screening requirements for subdivisions.

STAFF RECOMMENDATION

Based on the above findings, staff is in support of the following requests:

- 1) Variance 1, Accessory Structure: To grant approval of a front building setback variance of sixteen (16) feet to allow the accessory structure under construction to remain in its current location that is 7-9 feet from the property line along Miller Road.

- 2) Variance 2: Fencing: Due to the existing pattern and predominant fencing height of six (6) feet along Miller Road, staff would recommend that the Board grant approval of a variance to allow an opaque (solid) privacy fence to be installed along Burning Bush Lane and Miller Road, but recommends that the fencing be limited to six (6) feet in height, and that the fencing be installed so that the finished side of the fence is facing the street.

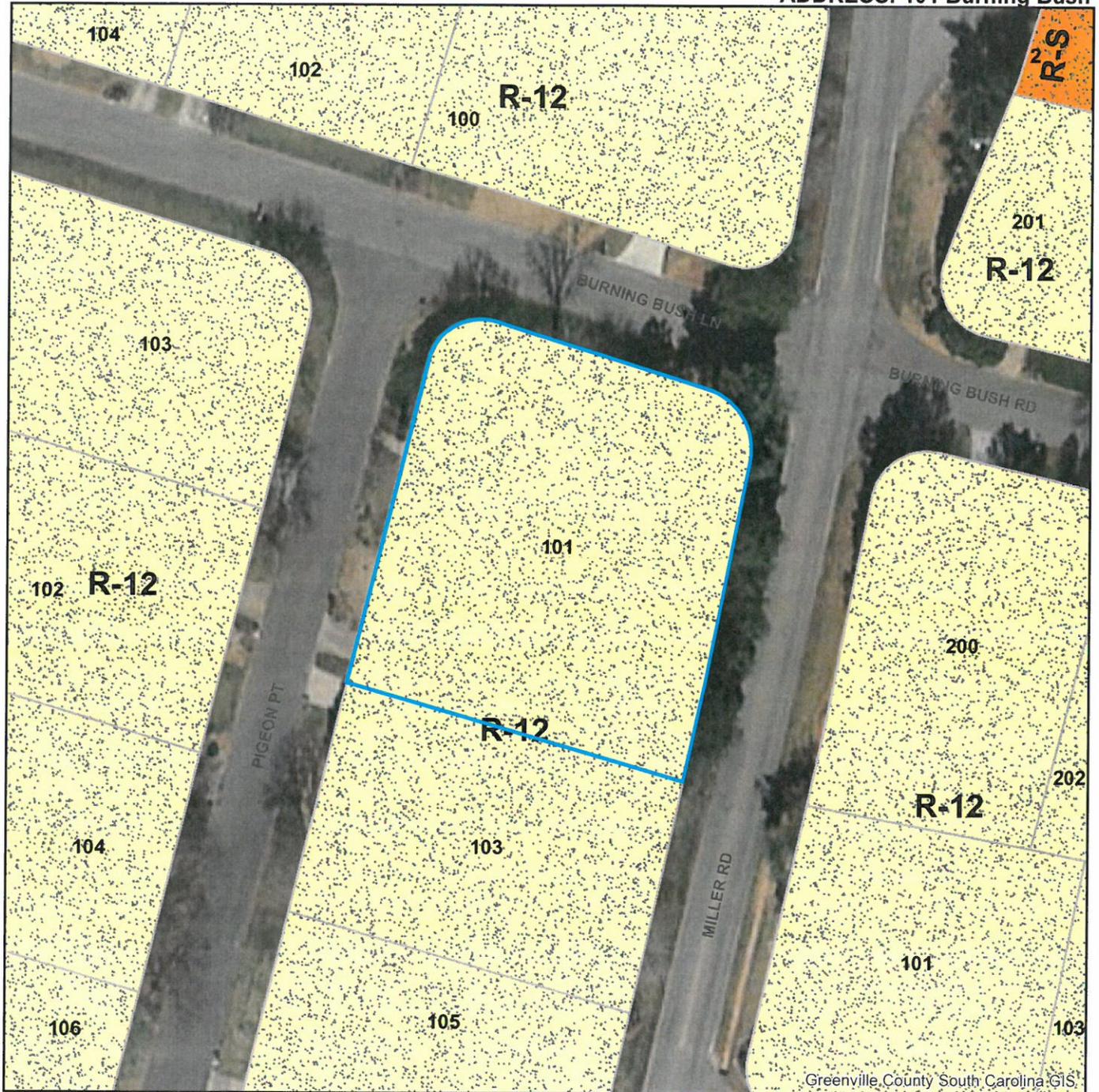
ATTACHMENTS:

- EXHIBIT A: ZONING MAP
- EXHIBIT B: AERIAL AND UTILITIES MAP
- EXHIBIT C: SITE PLAN
- EXHIBIT D: SETBACK MAP

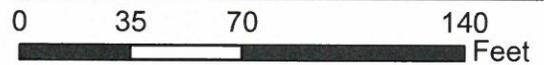
DATE PETITION FILED:	ACTION TAKEN BY THE BOARD:
DATE REVIEWED BY BOARD OF APPEALS:	

EXHIBIT A: ZONING MAP

ADDRESS: 101 Burning Bush



NOTES: ZONING VARIANCE
Board of Appeals
Meeting Date: 8/24/16



MAP LEGEND

- Base Flood Elevation
- 2011 Floodplains & Floodways**
- FLD_ZONE, FLOODWAY**
-  Zone AE, Floodway
-  Zone AE
-  500 year flood



EXHIBIT B: AERIAL AND UTILITIES MAP

ADDRESS: 101 Burning Bush



NOTES: ZONING VARIANCE
Board of Appeals
Meeting Date: 8/24/16

MAP LEGEND

- Manhole_MSSD
- Manholes_Mauldin
- SewerLines_Mauldin_
- Base Flood Elevation

2011 Floodplains & Floodways

FLD_ZONE, FLOODWAY

- Zone AE, Floodway
- Zone AE
- 500 year flood

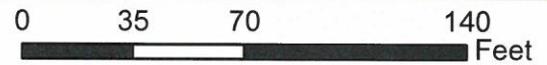
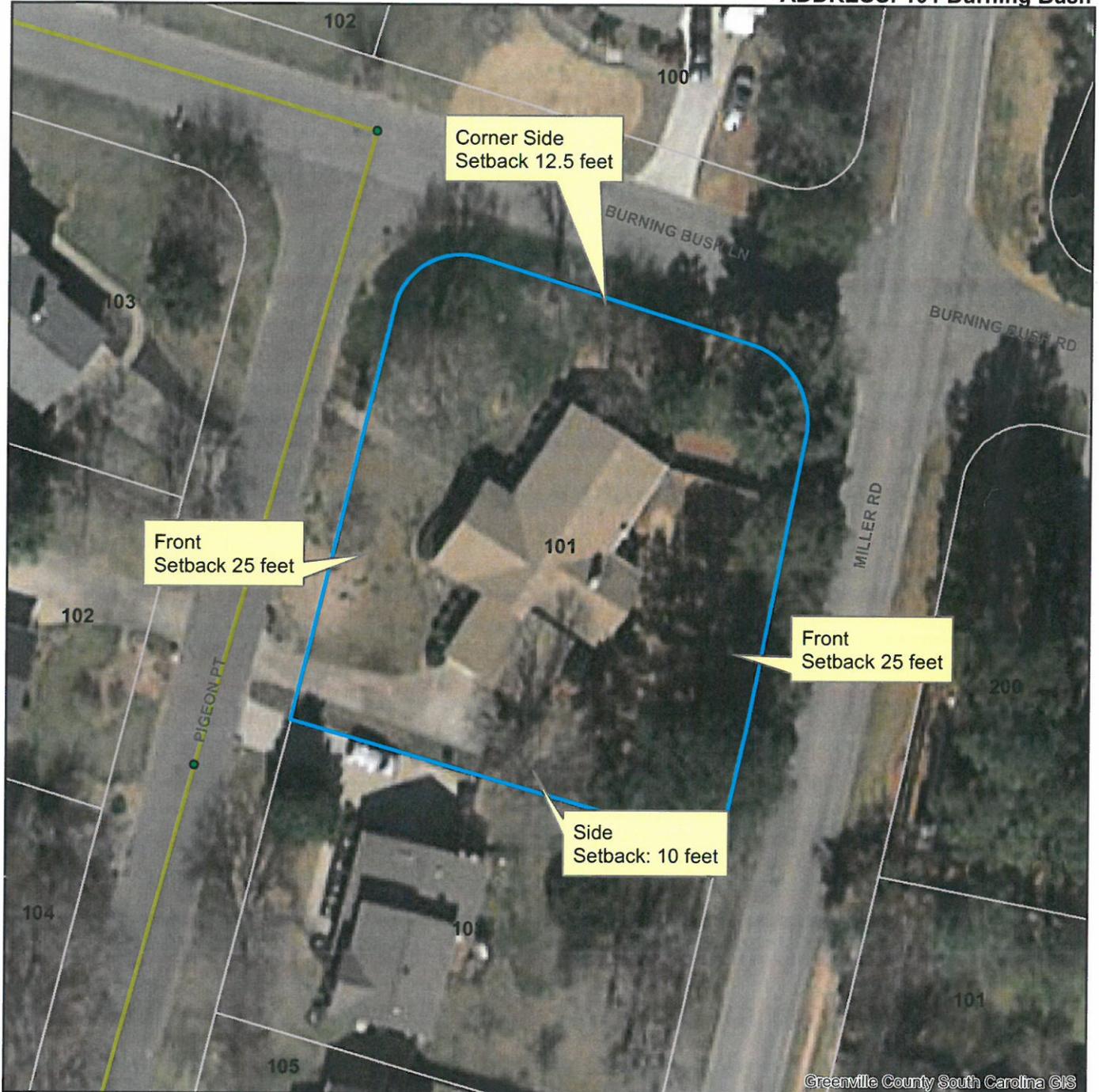


EXHIBIT D: SETBACKS

ADDRESS: 101 Burning Bush



NOTES: ZONING VARIANCE
Board of Appeals
Meeting Date: 8/24/16

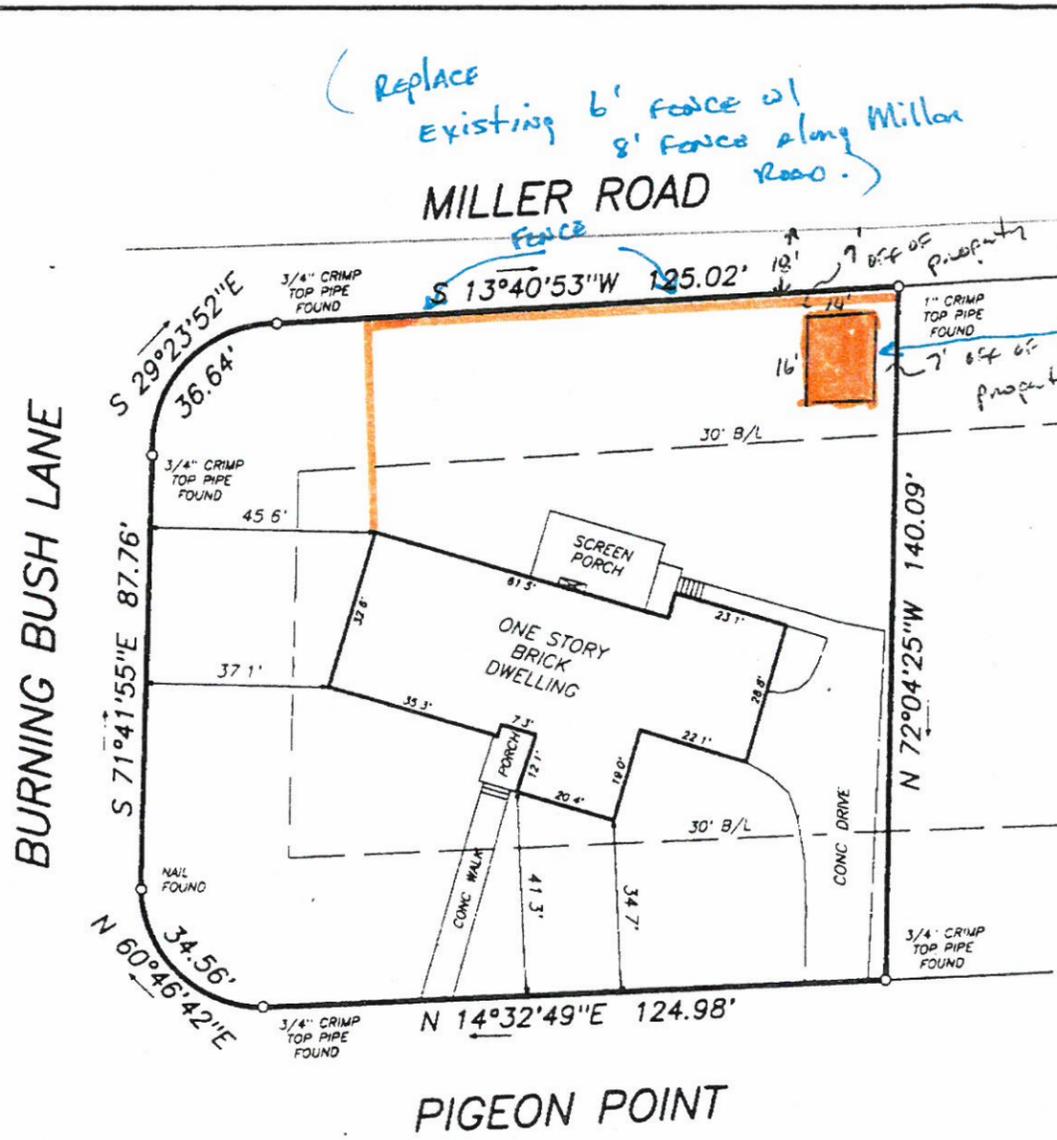


MAP LEGEND

- Manhole_MSSD
 - Manholes_Mauldin
 - SewerLines_Mauldin_
 - Base Flood Elevation
- 2011 Floodplains & Floodways**
FLD_ZONE, FLOODWAY
- Zone AE, Floodway
 - Zone AE
 - 500 year flood



Greenville County South Carolina GIS



Replace existing 6' fence w/ 8' fence along Miller Road

FILED GREENVILLE, S.C.

DEC 27 12 58 PM '95

DONNIE S. TAUBERLEY R.H.S.

- VARIANCE #1 - utilize "2002" DUE TO "3" sided "ROAD FRONTAGE" - set back greater than 5' from property line - (Road)
- VARIANCE #2 - Construct an 8' tall shadow box fence along Miller Rd to minimize noise

31-4-50

79998/1

Recordable plat DEC 27 1995 h



NOTE
5' DRAINAGE AND UTILITY EASEMENT ALONG ALL SIDE AND REAR LOT LINES

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. ALSO I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP AND FOUND THAT THE STRUCTURE LOCATED HEREON IS NOT LOCATED WITHIN A FLOOD PLAIN.

Reference Plat 5P-22
Reference Deed 1501-198
Tax Map No. M 92-1-161
Flood Map No. 450198 00058

Fredrick E. Landrith
Fredrick E. Landrith No. 9545
Professional Land Surveyor

FILED FOR RECORD IN GREENVILLE COUNTY SC RMC OFFICE AT 12:58 PM 12/27/95 RECORDED IN PLAT BOOK 31-U PAGE 0050 DOC # 95079998

Donnie S. Tauberley

<p>LANDRITH SURVEYING INC. Land Surveys Topographic Maps Construction Layout</p> <p>301 BUTLER AVENUE GREENVILLE, S.C. TELE: (803) 271-8536 FAX (803) 370-3732</p> <p>SCALE: 1" = 30'</p>		STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE
		<p>FORRESTER WOODS Section 7 - Sheet 2 of 2 Lot 66 Survey For RONALD B. SELF DARLENE B. SELF</p>
<p>SURVEYED BY: ES DRAWN BY: SB</p>	<p>CHECKED BY: DATE: 12-13-95</p>	<p>SEAL 12-22-95 PROJECT No. 95-11937 10.00</p>