



**TOWN OF BLYTHEWOOD
BOARD OF ZONING APPEALS AGENDA
MAY 13, 2019 – 6:00 PM
DOKO MANOR
100 ALVINA HAGOOD CIRCLE
BLYTHEWOOD, SOUTH CAROLINA**

PAT LITTLEJOHN • DERREK PUGH • MARLON HINDS • SHARRON PICKLE • RAY FANTONE •
TOM UTROSKA

- I. **CALL TO ORDER AND DECLARATION OF A QUORUM**
 - A. **NOTIFICATION AND POSTING OF THE AGENDA**
 - B. **ADOPTION OF THE AGENDA**
 - C. **PLEDGE OF ALLEGIANCE**
 - II. **REGULAR AGENDA**
 - A. **APPROVAL OF MINUTES**- (March 11, 2019)
 - B. **2019-03-V** – 959 Scarlet Oak Road (TMS# 15001-02-08) Variance to the required side yard setbacks for a new single family home (Frank Berry) (D-1)
 - C. **CITIZEN COMMENTS**
 - III. **ADJOURNMENT**
-

BOARD OF ZONING APPEALS

THE MANOR
100 ALVINA HAGOOD CIRCLE
BLYTHEWOOD, SC 29016
MONDAY, MARCH 11, 2019
6:00 PM

MINUTES

Members Present

Pat Littlejohn – Chair
Derrek Pugh - Co Chair
Sharron Pickle
Marlon Hinds
Tom Utroska

Staff Present

Brian Cook, Town Administrator
Melissa Cowan, Town Clerk
Saralyn Yarborough, Admin Assistant

Members Absent

Ray Fantone

I. CALL TO ORDER & DECLARATION OF A QUORUM

Chairwoman Pat Littlejohn called the meeting to order at 6:08 PM and declared a quorum was present.

A. NOTIE OF POSTING OF AGENDA

The Town Clerk stated that the agenda was properly posted and the media notified.

B. ADOPTION OF THE AGENDA

Tom Utroska made a Motion to approve the agenda. The Motion was seconded by Derrek Pugh. **All in favor; 5-0**

C. PLEDGE OF ALLEGIANCE

II. REGULAR AGENDA

A. APPROVAL OF MINUTES – (February 11, 2019)

Derrek Pugh made a Motion to approve the minutes of February 11, 2019. The Motion was seconded by Marlon Hinds. **All in favor; 5-0**

B. 2019-02-V – 766 Carolina Aster Dr. (TMS# 12814-08-04) Variance to the required side yard setbacks for a new single family home (Jesse Bray) (PD)

The Variance application is on behalf of D.R. Horton, owner of the undeveloped lot at 766 Carolina Aster Drive in Cobblestone Park. The applicant has applied for a Variance to the side yard setback requirements. The request, as illustrated on the plot plan, is to have a side yard setback of 3.7 feet for new construction, whereas a minimum building side

setback of 5 feet is required. According to the applicant, a water main easement of the Town of Winnsboro has created the need for the side yard setback encroachment of 1.3 feet on one side to 3.7 feet, the remaining side yard would be 8.3 feet for a total of 12 feet. The corresponding minimum building setbacks are: front setback, 15 feet; side setback, 5 feet (no less than 12 feet total); and rear setback, 10 feet. The application for a Variance states the applicant's findings of fact in support of their request for a Variance. The Board will determine if these findings are sufficient to grant the Variance request for an additional side yard setback encroachment of 1.3 feet for a new single family home at a setback of 3.7 feet.

Following discussion and review of the Town's variance criteria the BZA approved the variance with a vote of 4-1.

Pat Littlejohn made a Motion to grant the variance as presented. The Motion was seconded by Tom Utroska. **A roll call vote was taken. Pat Littlejohn-Yes, Derrek Pugh – Yes, Sharron Pickle – Yes, Marlon Hinds – Yes, Tom Utroska – Nay. The Motion passed: 4-1**

C. TRAINING

Town Administrator Brian Cook stated that training courses and continuing education will be offered by Central Midlands Council of Government. He stated that there are several dates to choose from and to contact Gregory Sprouse Director, Research, Planning and Development. gsprouse@centralmidlands.org

D. CITIZEN COMMENTS

No citizen signed in to speak.

III. ADJOURNMENT

Sharron Pickle made a Motion to adjourn the meeting at 6:41 PM. The Motion was seconded by Tom Utroska. **All in favor; 5-0**

Respectfully submitted,

Melissa Cowan, Town Clerk



Board of Zoning Appeals

May 13, 2019

Essex Homes (Frank Berry, applicant) (2019-03-V)

959 Scarlet Oak Road (TMS#15001-02-08)

D-1 (Development) Zoning

The Variance application is on behalf of Essex Homes, owner of the undeveloped lot at 959 Scarlet Oak Road. The applicant has applied for a variance to the side yard setback regulations of the Zoning Ordinance. The request, as illustrated on the included site plan, is to have a side yard setback of 11 feet for new construction, whereas the Zoning Ordinance requires a minimum building side setback of 15 feet (§ 155.288). According to the applicant, a stormwater detention pond located on the adjacent lot, has created the need for a reduction in the side yard setback by 4 feet on one side to 11 feet.

The corresponding minimum building setbacks are: front setback, 40 feet; side setback, 15 feet; and rear setback, 30 feet.

The application for a variance included in your packet states the applicant's findings of fact in support of their request for a variance. The Board will determine if these findings are sufficient to grant the variance request for a reduced side yard setback to 11 feet on one side whereas 15 feet is required.

The BOZA shall consider each of the specific criteria:

155.466 (B)

Variance Criteria:

- (1) An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a variance from the requirements of the Zoning Chapter when the district application of regulations would result in unnecessary hardship.**
- (2) A variance may be granted if the Board makes all of the following findings and conclusions in a written order:**
 - (a) There are extraordinary and exceptional conditions pertaining to a particular piece of property;**
 - (b) These conditions do not generally apply to other property in the vicinity;**
 - (c) Because of these conditions, the application of the chapter to particular piece of**

Board of Zoning Appeals

May 13, 2019

Essex Homes (Frank Berry, applicant) (2019-03-V)

959 Scarlet Oak Road (TMS#15001-02-08)

D-1 (Development) Zoning



BLYTHEWOOD
• SOUTH CAROLINA •

property would effectively prohibit or unreasonably restrict utilization of the property;

(d) The authorization of the variance will not be substantial detriment to adjacent property or to public good, and the character of the district will not be harmed by the granting of the variance; and

(e) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

(3) The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the Board may attach to it conditions regarding the location, character or other features of the proposed building, structure or use as the Board may consider advisable to protect establish property values in the surrounding area, or to promote the public health, safety or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

Board of Zoning Appeals

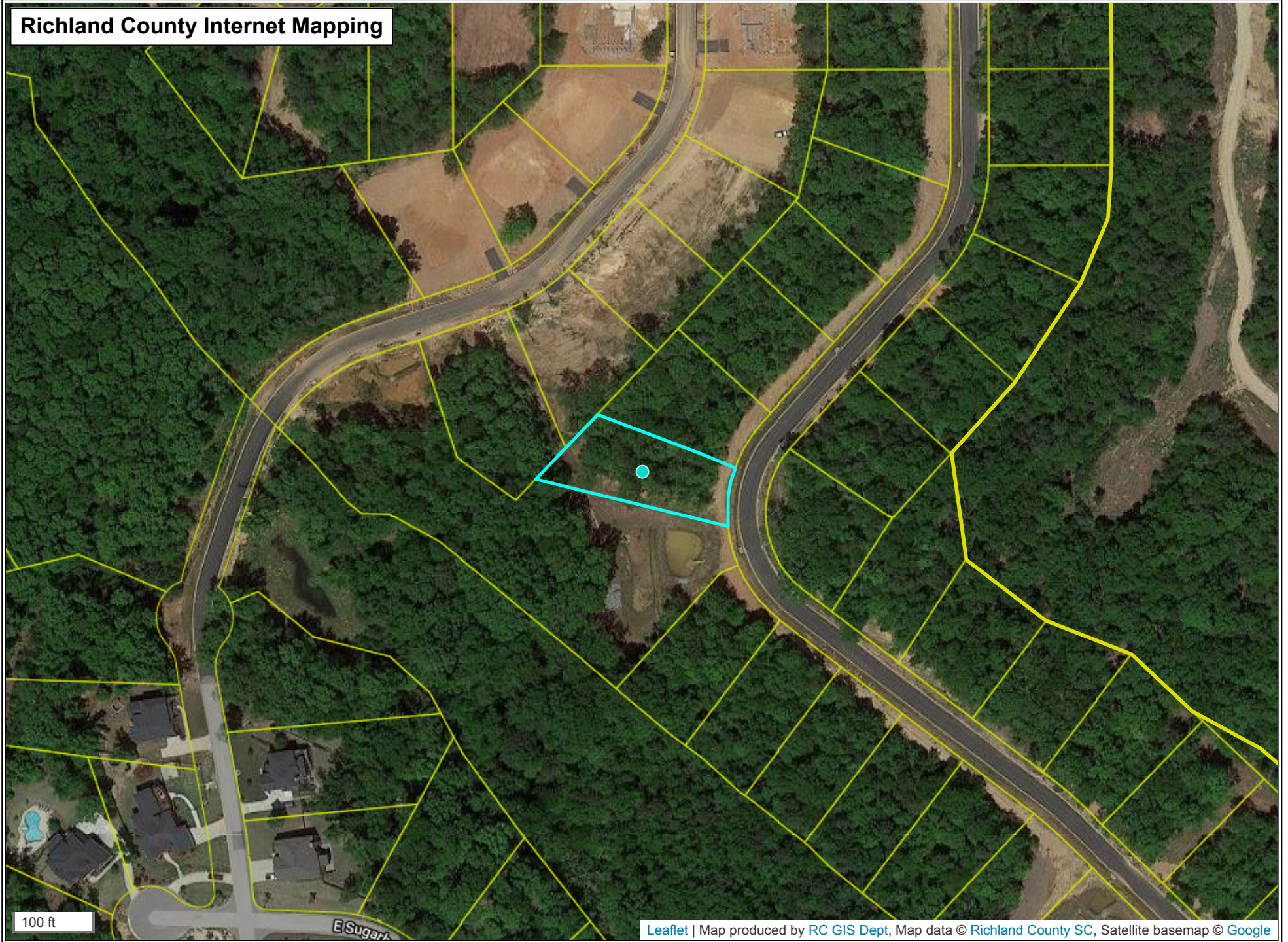
May 13, 2019

Essex Homes (Frank Berry, applicant) (2019-03-V)

959 Scarlet Oak Road (TMS#15001-02-08)

D-1 (Development) Zoning

Richland County Internet Mapping





BLYTHEWOOD
• SOUTH CAROLINA •

Office Use Only Date Received: 4/8/19 Case Number: 2019-03-B
Staff Initial: [Signature] Invoice #: _____

TOWN OF BLYTHEWOOD | ZONING DIVISION
171 Langford Rd. | BlytheWood, SC 29016

Office: 803-754-0501 | E-mail: varboroughs@townofblythewoodsc.gov

VARIANCE REQUEST APPLICATION

TOWN OF BLYTHEWOOD
BOARD OF ZONING APPEALS

Property Information

Address of Subject Property: 959 Scarlet Oak Road
Tax Map Number(s): 15001-02-08 Zoning District: _____ Overlay District: _____
Current Use of Property: Vacant lot
Estimated Value of Project: \$461,688 Type of Development: Residential

Applicant Information

Applicant: Frank Berry
Name of Company (if applicable): Essex Homes
Mailing Address: 120 Cromer Road
City: Lexington State: S. C. Zip: 29073
E-mail Address: fberry@essexhomes.net Phone: 803-356-8301

Are you the Property Owner? Yes No *If No, please complete the following section and obtain a proper signature*

As the property owner, I hereby appoint the above listed applicant as my agent to represent myself in this application.

Signature of Property Owner: [Signature] Date: 3-27-19
Print Name of Property Owner: Essex Homes
Mailing Address: 120 Cromer Road, Lexington, S.C. 29073
E-mail Address: khaslinger@essexhomes.net Phone: 803-356-8301

Description of Request: *Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally you may provide any supporting materials that are applicable to your request (i.e. photographs, site plan, plat of property, etc).*

Code Section from which a Variance is Requested:

Please provide the specific section of the Town of BlytheWood Zoning Ordinance of which a variance is being requested for. To find the applicable section please see Chapter 155 of the Town of BlytheWood Code of Ordinances, which is available online at http://library.amlegal.com/codes/client/blythewood_sc/.

What is the section of the Zoning Ordinance from which a variance is being requested? (ex. 155.428)

155.093

What is the requirement of this section?

15' min building setback principle structure per side lot line

What is your alternative proposal?

To reduce the left 15 sideline setback down to a total of 11'.

Please Note: Applicants must fully complete applications and submit by the application deadline (please refer to the official BOZA Calendar of Regular Meetings, available on our web site <http://www.townofblythewoodsc.gov/>). Any failure to submit a complete application or to provide requested documentation may result in applications being returned, withdrawn, or their case to be scheduled at a later date. An application is not complete unless all applicable sections are answered and the associated fee is provided.

It is strongly encouraged that all applicants contact and schedule a pre-application meeting with Zoning Staff prior to submitting their application. Although it is not required it can be beneficial for both staff and the applicant. To schedule a meeting please contact our Zoning staff at 803-754-0501.

Applicant Response to Section 155.466(B)2:

Please specifically explain how you satisfy the following CRITERIA FOR A VARIANCE (see section 155.466(B)2. of The Town of Blythewood Zoning Ordinance which can be found online at http://library.amlegal.com/codes/client/blythewood_sc/). The Board of Zoning Appeals shall approve an application for a variance only upon finding that the following criteria are met. The members of the Board will use your answers, among other things, as they evaluate your application. You may attach a separate sheet if necessary.

1. Describe the extraordinary and exceptional conditions (such as size, shape, topography, etc.) that pertain to the subject property.

Narrow width of front of the lot due to adjacent water quality basin.

2. Describe how the conditions noted above do not generally apply to other property or structures in the vicinity.

The other lots in the neighborhood are wider.

3. Describe the ways in which the application of the requirement(s) of the Zoning Ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.

N/A

4. Describe the ways in which authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

It will not affect the adjacent lot as it is a water quality basin.

5. Explain how the effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

N/A

APPLICATION FEE: *Please attach the required application fee upon submittal of this application*

Fee	\$100.00
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By signing below, I, the applicant, understand and/or acknowledge

1. I have completely read this application and understand all that it includes.
2. While the members of the Board of Zoning Appeals will carefully review and consider this application, the burden of proving conformance with the criteria for grant of variance rests with me.
3. The Board of Zoning Appeals conducts public hearings on the second Monday of each month at Doko Manor, 100 Alvina Hagood Cir, Blythewood, South Carolina, 29016.
4. The proposed use and construction complies or will comply with all other requirements of the Town of Blythewood Zoning Ordinance.
5. The Board of Zoning Appeals will render a written order regarding my application as soon as possible following the public hearing.
6. Any time frames related to an appeal of a decision of the Board of Zoning Appeals shall start from the date that the written and signed Order of the Board is mailed to the applicant.
7. As the applicant I affirm that the tract or parcel of land subject of this application is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity. ([See Section 6-29-1145 of the South Carolina Code of Laws](#))

Signature _____



Print Name _____

Frank Berry

Date _____

3-27-19



LOT 166

HOUSE DOES NOT FIT

LOT 155

LOT 156

COVERAGE

LOT = 20,063 SQ.FT.
 HOUSE = 3,471 SQ.FT.
 COVERAGE = 17%

Proposed 11' MIN BUILDING SETBACK LINE

15' SAN SEWER EASEMENT

Current 15' MIN BUILDING SETBACK LINE

30' MIN BUILDING SETBACK LINE

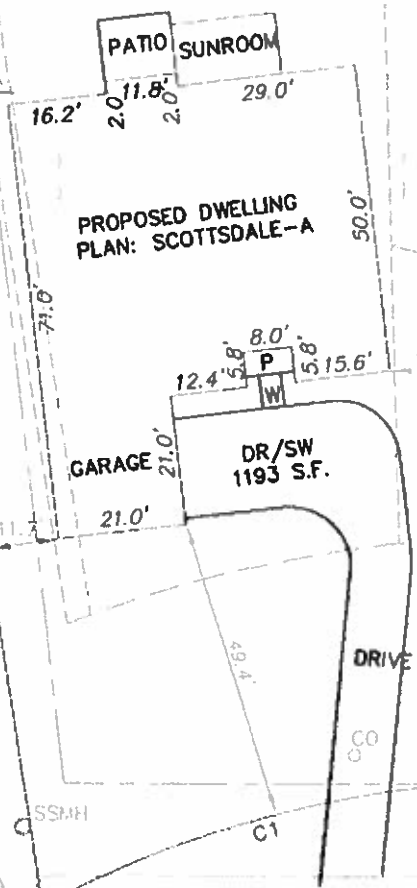
15' MIN BUILDING SETBACK LINE

40' MIN BUILDING SETBACK LINE

15' SAN SEWER EASEMENT

15' SAN SEWER EASEMENT

CURB & GUTTER



SEARCHED 1950
 SERIALIZED 1950
 INDEXED 1950
 FILED 1950

