

Kershaw County Board of Zoning Appeals

515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233



MINUTES

KERSHAW COUNTY BOARD OF ZONING APPEALS MAY 6, 2014 REGULAR SESSION COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER CAMDEN, SOUTH CAROLINA

Members Present: Justin Conder, A.J. Cooke, and Stephen Staley

Members Absent: Bill Denton and Shannon Smith

Staff Present: Carolyn Hammond

CALL TO ORDER

The Chairman, Stephen Staley, called the meeting to order at 5:30 p.m.

MINUTES

Minutes from the March 4, 2014 regular meeting were reviewed. The motion to approve was made by Justin Conder, seconded by AJ Cooke, and approval was unanimous.

PUBLIC HEARING CASE #14-02

Stephen Staley opened the public hearing and read the following public notice:

Debra Forsythe is requesting a variance on the expansion of structures within the buffer area of Lake Wateree as required in Section 3:7.4-6C4a of the Kershaw County Unified Code of Zoning and Land Development Regulations. The property is located at 1969 White Road in Camden.

Planning Director, Carolyn Hammond, gave the Staff Report stating that Debra Forsythe would like to build a swimming pool on her property at Lake Wateree, but has no place to build it but in the buffer area. She has, therefore, applied for a variance from Section 3:7.4-6C4a of the Kershaw County Unified Code of Zoning and Land Development Regulations. Ms. Hammond said that on the northern side of the property, after the 10' side setback, there are only 16.6' of buildable space remaining to place the pool and pool deck. The southern side of the lot is large enough for the pool and deck, but, in addition to the 10' side setback area there is a stream which has created a steep slope and gully which has necessitated the installation of pipes under the road and also in the lower right hand corner of the property. In addition, the septic tank is located adjacent to the southern side of the house and the drain field takes up the southern lawn. The rear of the house appears to have enough room to accommodate a pool, but the driveway and slope prohibit its placement. She also pointed out that the conditions on the Forsythe property do not exist on other property in the vicinity. The adjacent property does not have a gully, the topography is level, and homes on adjacent properties have adequate land to build pools. She said authorization of the variance would not be a detriment to adjacent property, the public good, or character of the surrounding area, but because the installation of the pool in the buffer area will trigger the ZLDR requirement of buffer remediation, the end result will be a tremendously improved buffer of a much higher quality than what currently exists. The mitigation plan must be prepared by a Professional Engineer, and the applicant has hired one of the best in the area. She said the plan has to show that the pool installation can be accomplished without sacrificing water quality protection as to erosion prevention, sediment control, nutrient, pesticide, and biocontaminant removal. Once the plan is submitted, it is reviewed and approved by the County Engineer and

then inspected after it is installed. She closed by stating that Staff recommended approval of the variance under the condition that an approved buffer mitigation plan be installed prior to completion of the swimming pool.

Brad Forsythe, told the Board that, as a member of the Lake Wateree Association, he is concerned about water quality and has hired Dan Creed, a Professional Engineer, to design the required mitigation plan. Mr. Creed, he said, has recommended a vegetative conveyance. He also presented a letter from his neighbor, Linda Cummings, stating that she had no objection to the installation of a swimming pool on his lot.

There being no more testimony, the Chairman closed the hearing.

After a brief discussion among the Board members, AJ Cooke made the motion to grant the variance allowing the construction of a swimming pool in the Lake Wateree buffer area under the condition that an approved buffer mitigation plan be installed prior to completion of the swimming pool. The motion was seconded by Justin Conder and approval was unanimous.

ADJOURNMENT

At 5:50 p.m., the Chairman called for a motion to adjourn. The motion was made by AJ Cooke, seconded by Stephen Staley, and approval was unanimous.

Respectfully submitted,

Carolyn B. Hammond
Planning and Zoning Director