

Kershaw County Board of Zoning Appeals

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



MINUTES

KERSHAW COUNTY BOARD OF ZONING APPEALS DECEMBER 4, 2018 REGULAR MEETING COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER CAMDEN, SOUTH CAROLINA

Members Present: David Brown, Justin Conder, Mike Jones, and Ben Strickland

Members Absent: Paul Holder

Staff Present: Michael Conley, and Rhonda Darity

CALL TO ORDER

David Brown, called the meeting to order at 5:30 p.m.

MINUTES

The minutes from the May 16, 2018 special session were reviewed. The motion to approve was made by Ben Strickland, seconded by Justin Conder, and approval was unanimous.

PUBLIC HEARING CASE #18-03

David Brown opened the public hearing for Case #18-03.

In giving his staff report, Michael Conley informed the Board that the applicant, Ronald VanTine is requesting a variance for the determination of Front Yard Setbacks as set forth in Section 3:2.1 and Table 3-4 of the Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR). The applicate is applying for a variance because the contractor hired misinformed the owner on the front yard setback. Additionally, the contractor did not call for a footing inspection prior to construction of the building. The building inspector discovered the error during the final inspection (the only inspection called in). The homeowner pulled the permit for the contractor, alleviating the contractor of their legal responsibilities of getting the construction inspected. From the plat provided by the applicant, the building sets approximately 14.1' into the required front yard setback. The property owner has completely altered the surrounding area by removing a natural buffer between the building and the right-of-way and then cutting a 20 foot wide driveway in the middle of a dangerous curve without permission from DOT. Allowing the building to remain at this location in this condition with these surroundings is detrimental to adjacent property owners and public good. Staff does not see the hardship to justify allowing the building to remain in this condition. Therefore, staff recommends that a variance not be granted.

The applicant addressed the Board during public comment. Mr. VanTine stated that he did not know that they were intruding. They were trying to do everything right. The reason they did not turn the building was because it could not be constructed under a powerline. He informed the Board that they could put some of the buffer back. He does not think moving the building is an option.

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

After a lengthy discussion among the Board members, Justin Conder made a motion to table Case# 18-03 until the next scheduled meeting in January 2019. At that time Mr. VanTine should provide the following: Letter from SCDOT concerning the driveway; restoration of the buffer or a plan to do so; explore and provide the cost of moving the building; come up with a plan to meet the following criteria as stated in Section 6:1.2-3 (H) of the ZLDR:

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1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
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.
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the surrounding area will not be harmed by granting the variance.

The motion was seconded by Ben Strickland, and all voted in favor to table the case until the January 2019 meeting.

ADJOURNMENT

At 6:20 p.m., the Chairman called for a motion to adjourn. The motion to adjourn was made by Justin Conder, seconded by Ben Strickland, and approval was unanimous.

Respectfully submitted,
Rhonda Darity
Rhonda Darity
Secretary

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