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Michael Conley



**APPROVED MINUTES
BOARD OF ZONING APPEALS
MONDAY, MARCH 18, 2024
CAYCE CITY HALL 1800 12th Street
6:00 PM**

I. CALL TO ORDER

The meeting was called to order by Chairperson Jason Simpson. Those present included Board of Zoning Appeals Members Cindy Pedersen, Tyler Helms, and Mary Teaster. Assistant City Manager Michael Conley and Zoning Administrator Monique Ocean were also in attendance.

II. STATEMENT OF NOTIFICATION

Chairperson Jason Simpson asked if the media and the public had been notified of the meeting and public hearing. Ms. Ocean confirmed that they had been notified.

III. REVIEW AND APPROVAL OF MINUTES

Cindy Pedersen made a motion to approve the minutes from the December 18, 2023, Board of Zoning Appeals meeting. Jason Simpson seconded the motion. All were in favor.

IV. PUBLIC HEARING

VARIANCE REQUEST 001-24-The owner, Amy Piner, requests a variance from Section 5.6-3 Location (7) Fences and Walls to increase the allowable height of a fence in the required front yard from 4 feet to 6 feet. The property is a double frontage lot and is located at 2601 Taylor Road (Tax Map Number 005721-03-001). The property is zoned RS-3 Single Family Residential.

VARIANCE REQUEST 002-24-The owner, Amy Piner, requests a variance from Section 5.6 Accessory Buildings and Uses to reduce the required front yard setback from 25 feet to 5 feet for installation of an accessory building. The property is a double frontage lot and is located at 2601 Taylor Road (Tax Map Number 005721-03-001). The property is zoned RS-3 Single Family Residential.

a. Staff Evaluation

Ms. Ocean explained that the owner, Amy Piner, was requesting approval for 2 separate variances for a double frontage lot located at 2601 Taylor Road. Ms. Ocean stated that Variance 001-24 is requested to accommodate a privacy fence of 6 feet in height and that Variance 002-24 is requested to accommodate a 1,230 sq. ft. accessory building which will encroach upon the required front yard setbacks by 20 feet. Ms. Ocean stated that Planning Staff had denied zoning approval for a 6-ft privacy fence in the front yard because the Zoning Ordinance limits fences in the front yard to 4 feet in height. Planning Staff also denied zoning approval for the proposed accessory structure because it would encroach upon the required setback by 20 feet. Ms. Ocean explained that the Zoning Ordinance requires a double frontage lot to comply with front yard setbacks for both streets upon which the lot has frontage. Ms. Ocean stated that staff does not recommend approval of Variance Request 001-24 to exceed the permitted fence height in a front yard. Ms. Ocean stated that the shape

of the lot and the street frontages do not prohibit installation of a fence that meets requirements. Ms. Ocean stated that fences which comply with Zoning Ordinance regulations can be allowed anywhere on the lot.

Ms. Ocean stated that Staff does not recommend approval of Variance Request 002-24 to decrease the required front yard setback to accommodate an accessory structure. Ms. Ocean stated that it is the opinion of staff that the applicant has not provided a hardship as required by variance criteria. Ms. Ocean stated that the shape of the lot does not prohibit the construction of an accessory building at the required setbacks. Ms. Ocean stated the subject property exceeds the minimum lot size in the zoning district and that Staff believes compliance with the required setback does not prohibit or unreasonably restrict the utilization of the property. Ms. Ocean closed by explaining that the comments of staff are for clarification and that the Board will make the final decision.

b. Statement by Applicant

The applicant, Amy Piner, came before the Board to discuss the variance requests. Ms. Piner stated that the problem is that she has a double frontage lot and that it is a challenge. Ms. Piner stated that there are two others double frontage lots close to her house, but they have churches instead of houses. Ms. Piner stated that she and her family have lived at the address for eight years. She stated that her family wanted to make some more permanent decisions and one of those is to fence the yard. Ms. Piner stated there is a lot of foot traffic through her yard and she would like to fence it to protect it. Ms. Piner stated a 4-foot fence is easy to jump over. Ms. Piner stated that Taylor Road is busy and no one adheres to the speed limit. She stated Elm Street is a secondary road but there are cars on both sides. Ms. Piner stated that she does not have a backyard and that she has two front yards. Ms. Piner stated that the jargon used by staff to describe her request was confusing and misleading because her family is not requesting to fence off the front of the house. She stated that her family would like to reasonably use their yard in the same manner as her neighbors. Ms. Piner stated that safety is a concern also. She stated that constructing the fence is being able to live and do something that's reasonable for the home that she and her family paid for and live in. Ms. Piner stated that she was hoping that the Board of Zoning Appeals could see it a little differently and understand that it is reasonable accommodation to request a six-foot privacy fence, because she wanted to maintain a private space for her home.

Ms. Piner spoke to the Board about the second variance for a metal accessory garage building. Ms. Piner stated that her house does not have a garage. She stated that she had paid to install the building when she discovered that there is a 25-foot setback because of street frontage on both sides. She stated that there is no denying the double frontage and that it has been recorded. She stated that she had a survey completed of the place where she wanted to locate the building. Ms. Piner showed a document to the Board. Ms. Piner stated that the survey showed the location of the building as required by the Zoning Ordinance and it was not a reasonable location. Ms. Piner stated that the building could not sit in the middle of her yard and be within the requirements. She stated it will look much nicer with the building standing to the backside versus the front. Ms. Piner stated that the whole reason for the garage is because her family doesn't have one. She stated that she has a small storage building but they really want a garage to be able to pull into. Ms. Piner stated she feels the garage is a reasonable request and she didn't expect it to be so difficult. She stated she is requesting to place the building 5 feet from the back property line. She stated that she is going to be changing the vinyl of her home to match the building.

c. Public Comment

There was no one present to speak for or against the variance request.

d. Adjourn Public Hearing

With no further discussion, the public hearing was adjourned.

e. Motion

The Board could not come to an agreement regarding Variance Request 001-24. So, to bring the matter to a conclusion, Tyler Helms made a motion to grant the variance request to install a chain link fence of 6 feet in height in the front yard. Mary Teaster seconded the motion. Jason Simpson and Cindy Pedersen voted against the motion. Those against the motion argued that the regulation regarding height of a fence does not make the property impossible to use. The motion to grant Variance 001-24 failed to a tie vote.

Mary Teaster made a motion to grant Variance Request 002-24 to reduce the required setback of a double frontage lot to 5 feet. Ms. Teaster argued that the four criteria needed to grant the variance had been met. Tyler Helms seconded the motion. Jason Simpson and Cindy Pedersen voted against the motion. Those against the motion said the applicant's reasoning to why the setback requirements for an accessory building could not be met does not render the property unusable. The motion to grant Variance 002-24 failed to a tie vote.

IV. COMMISSION MATTERS

a. Review and approval of BZA By-Laws

The were no changes made to the existing By-Laws for the Board of Zoning Appeals.

b. Nomination and election of Officers for 2024

Cindy Pedersen nominated Jason Simpson as Chairperson. All were in favor. Mary Teaster nominated Cindy Pedersen as Vice-Chair. All were in favor.

c. Appointment of Monique Ocean as Secretary for 2024

All were in favor of Monique Ocean as Secretary.

d. Approval of meeting schedule for 2024

All were in favor of the meeting schedule, as presented.

V. ADJOURNMENT

Cindy Pedersen made a motion to adjourn. Tyler Helms seconded the motion. All were in favor.

A quorum of Council may be present.

No discussion or action on the part of the Council will be taken.