

Mauldin Building and Zoning Board of Appeals

Minutes

August 22, 2018

Call to order. Members in attendance were Chairman Joe Sentelle, Patrick O'Shields, Laura McCulloch, Randy Eskridge, Paul Calabrese and Michael Burns. Paula Foltz, Secretary to the Board, was also present. Mr. Sentelle gave the invocation then announced how the meeting would be conducted.

Docket #: M-2018-2-BA
Applicant: David Bayer
Location: 311 Vine Hill Road
Request: Variance

Paula Foltz provided the staff report. The applicant is requesting a variance from Section 5:2.4, Dimensional Table and 10.2, Accessory Structures: All Residential Districts which states: Except for fences and/or walls erected on a property line, accessory structures shall be setback a minimum of five (5) feet from all adjacent and/or neighboring property lines.

The property owners are requesting a 5' variance to the 5' side property line setback requirement. If approved, it will allow them to install a carport in order to protect their vehicles from the elements.

The existing driveway and parking pad were installed previous to the property owner purchase of the parcel. There is also a pre-existing culvert and ditch on the parcel that will not allow the property owner another location to install a carport.

Although the request is to locate the carport on the property line, there is 50-feet between the home at 311 and the home at 313 Vine Hill Road. The applicant has submitted a letter from the neighboring property owner that states she has no problem with the carport being built. He has also provided locations within the subdivision that have carports and if they are located within the setback boundaries. Pine Forest subdivision was annexed into the City of Mauldin in 2007. Any carports that existed at the time of annexation are considered to be grandfather in.

Based on the findings and information that was provided by the applicant, staff is in support of the 5-foot variance request with the condition that no drilling or digging be permitted in the proximity of the drain in order to avoid damage to the concrete storm drain.

Chairman Sentelle wanted to know what type of carport and if the applicant had agreed to the conditions. Mrs. Foltz explained that the applicant received a copy of the staff report but that she had not spoke to him since. Mr. Burns wanted to know if the city owns and maintains the culverts between the properties. Mrs. Foltz said they did not. It is private property. When she contacted Public Works, they said to have the applicant contact Metro to make sure their sewer was not located in the area. Mr. Bayer said he reached out to the companies that he and Mrs. Foltz had spoke of. One said they had nothing to do with it and

the other had no objection. Mr. O'Shields noted that there was no easement located on the plat.

Chairman Sentelle wanted to know why the city is taking stormwater off the street and putting it on private property and telling the citizens it is their responsibility. He asked when it came about? Mr. Broad told the Board that stormwater depends on if it is county controlled or city owned. The city does have pipes that they own and maintain that are located within the city right-of-way. The City recognizes it has issues and has just finished a major stormwater project in Forrester Woods. A lot of the work was completed in the 70's and does not meet today's standards. Council is aware of the issues and they will be addressed.

Councilman Crosby explained to the Board that there is history and grey areas. The stormwater in Forrester Woods and other locations was installed prior to annexation. Some were legal and some were not. It is a financial burden on the City and the City can not afford to fix things right now. We are in the process of resolving the issues but it will take a number of years.

Chairman Sentelle understood and said we should help each other. He then asked how Mr. Bayer was going to attach the structure to the ground. Mrs. Foltz told Mr. Sentelle that he can attach it to the ground but just needs to stay away from that area. Mr. Bayer explained that it was a pre-built structure. He is putting it on the existing concrete pad and anchoring with 3/8" or 1/2" bolts. He may install post in the ground but it will be hand dug. He is not getting a backhoe and he will not break the pipe. He explained, the structure will be 24' x 26' and 9' in height. It will be similar in color to his barn in the rear year which is off-white. There are currently other carports in the neighborhood that appear to be in the setbacks. Mr. Burns noted that the structure could be moved if necessary.

Mr. Eskridge motioned to approve the setback variance with the conditions as stated in the staff report. Mr. O'Shields seconded. Vote was unanimous.

Mr. Eskridge motioned to adjourn. Mr. O'Shields seconded. Meeting adjourned.