



City of Clemson

PLANNING & CODES ADMINISTRATION

365 College Avenue • Clemson, SC 29631-1433 • (864) 653-2050 • Fax (864) 653-2057 • www.cityofclemson.org

BOARD OF ZONING APPEALS
NOTICE OF APPEALS FOR A VARIANCE

Please complete in ink and return to the Planning and Codes Administration Department with required attachments, information, and filing fee. Variance applications require a filing fee of \$100, a current survey of the property, and a designation of agent if owner is not the applicant. Both sides of this application must be completed; incomplete applications will not be accepted.

2013-V-04
File no.: V - PIN: 4064-17-02-3438 Date submitted: / / Board of Zoning Appeals meeting date: September 19, 2013

OWNER(S) INFORMATION

Last name: MOUNZON First: JON + JACKIE Middle: Interest: [X] Sole owner [] Co-owner
Mailing address: 101 SYCAMORE DR. City: CLEMSON State: SC ZIP Code: 29631
Daytime phone no.: (864) 844-0083 Fax no.: () N/A E-mail: JHMOUNZON@GOL.COM

APPLICANT INFORMATION

To be completed only if Owner is not Applicant:

Applicant's last name: VICK CONSTRUCTION First: VICK Middle: SCOTT
Mailing address: 105 WYNWOOD COURT City: SENECA State: SC ZIP Code: 29672
Daytime phone no.: (864) 483-0898 Fax no.: () E-mail: ScottVick@nctu.com

PROPERTY INFORMATION

Property address: 101 SYCAMORE DRIVE Property dimensions: 194x95x162x175 Property area: 1/4-1/2 acres Zoning district: POA?

DESIGNATION OF AGENT

To be completed by Owner(s) only if Owner is not Applicant:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this request for a variance.

JON MOUNZON Owner name [Signature] Owner signature 8-21-2013 Date
JACKIE MOUNZON Owner name [Signature] Owner signature Date

To be completed by Applicant:

I certify that the information in this request is correct.
[Signature] Applicant signature 8-20-2013 Date

REQUIRED INFORMATION

1. Request for Variance

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application for the property described on this application from the following provisions of the Zoning Ordinance Section(s):

WE ARE REQUESTING A 10' VARIANCE FOR A GARAGE / BONUS ROOM ADDITION WE ARE PLANNING. THE VARIANCE WOULD ALLOW A 15' SET BACK ON THE REAR OF OUR HOME.

So that the appropriate permit may be issued to allow the use of the property in a manner shown on the attached survey with supporting documents and described as follows:

WE HAVE BEEN ISSUED A BUILDING PERMIT FROM THE "AS-BUILT" SURVEY, WHEN WE HAD OUR SURVEYORS LAYING OUT THE FOOTPRINT WE LOCATED AN ERROR WITH THE PLAT SUPPLIED BY THE DEVELOPER. INSTEAD OF 35' THE HOME IS CURRENTLY 25'2" OFF THE REAR SET BACK.

For which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

WE ARE NOT ABLE TO BUILD THE STRUCTURE WITH OUR CURRENT PERMIT WITHOUT A VARIANCE.

2. Justification for Variance

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Set Law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

THE DEVELOPER / BUILDER SUPPLIED HOME OWNER WITH AN "AS BUILT" STAMPED SURVEY WHICH SHOWS THE HOME 35' OFF REAR SURVEY. THE HOME IS ACTUALLY 25'2" OFF REAR SET BACK. THE HOME OWNER WAS ALSO PROMISED THE ADDITION OF 107A AND THE DEVELOPER NEVER FILED THE PAPERWORK.

b. These conditions do not generally apply to other properties in the vicinity as follows:

THE DEVELOPER PROVIDED INACURATE DOCUMENTS. IF 107A WAS ACTUALLY FILED IT WOULD HAVE CREATED AN 87' SET BACK AND 117' SET BACK TO PROPERTY LINE.

c. 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 as follows:

WE HAVE EXPLORED OTHER OPTIONS BUT SEE NO OTHER LOGICAL OPTION FOR THE HOME OWNER TO UTILIZE THE PROPERTY WITH AN ADDITION.

d. The authorization of the variance will not be of substantial detriment to adjacent properties or the public good, and the granting of the variance will not harm the character of the district as follows:

WE BELIEVE THE ADDITION WILL ADD VALUE TO THE COMMUNITY AND WILL NOT HAVE ANY IMPACT ON EITHER NEIGHBOR OR THE COUNTRY WALK COMMUNITY.

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 and would not change the zoning district boundaries shown on the official zoning map.

THE ADDITION WOULD REMAIN ENTIRELY ON THE HOME OWNERS PROPERTY AND HAVE NO IMPACT ON THE COMMUNITY OR USE.

3. Documents provided

The following documents with a sealed survey are submitted to support this appeal:

- COUNTRY WALK HOA - ARC APPROVAL OF VARIANCE LETTER.
- SITE MAP WITH PLAN
- "AS BUILT" AND CURRENT PLAT WITH SEAL
- PHOTO'S

Use additional sheets if necessary.



City of Clemson

PLANNING & CODES ADMINISTRATION

1250 Tiger Boulevard, Suite 4 • Clemson, SC 29631 • (864) 653-2050 • Fax (864) 653-2057

City of Clemson Board of Zoning Appeals **NOTICE OF VARIANCE REQUEST**

THURSDAY, SEPTEMBER 19, 2013

This notice is hereby given to property owners within 200 feet of the property described below that the City of Clemson Board of Zoning Appeals will review a variance request:

File No.: 2013-V-04
Property Location: 101 Sycamore Drive
Area: 0.53 Acres
Owner/Applicant: Jon Mouzon, Jackie Mouzon/ Scott Vick
PIN: 4064-17-02-3438
Current Zoning: RM-1, Two-Household Residential

Documents related to the proposed variance request are available for public review at the Planning and Codes Administration Department.

The purpose of the proposed variance request is to provide relief from the rear setbacks. The applicant is requesting a setback change from 25 feet to 15 feet due to errors in the "As-Built" survey supplied by the developers. A map of the parcel location is appended to the back of this letter.

If you wish to comment on the proposed variance request, you may file your comments in writing, providing your name and address. To be considered, written comments must be received by the Planning and Codes Administration Department by **September 19, 2013**.

Please mail/fax your letter to:
City of Clemson - Planning and Codes Administration
1250 Tiger Boulevard, Suite 4
Clemson, SC 29631
Fax 864.653.2057

QUESTIONS/COMMENTS? *Please call 864.653.2050 • fax 864.653.2057*

August 19, 2013



To Whom It May Concern:

The Members of the Country Walk Home Owners' Association **Architectural Review Committee (ARC)** were called to order **Saturday August 17, 2013 at 9:00 a.m.** to perform an architectural review of a proposed garage addition to the home of Jon & Jackie Mouzon at 101 Sycamores Drive, Clemson, South Carolina 29631. Included in the review were a site plan, construction documents, and the request for a setback variance presented on behalf of the homeowners by Vick Construction & Design Inc. All members of the committee were present and a unanimous approval of the application was issued with the following comments, notes, and exceptions:

It is the committee's evaluation that a variance is not to be awarded carelessly and can only be established when allowing for the improvement of an individual's property without negatively impacting the overall community. A variance is a case by case granting of relief and can only be awarded when a unique and/or specific hardship is created for a property owner and not provided for, or currently allowed, under the city or community zoning ordinances. A property owner may seek relief from the zoning regulation by requesting a variance review only if the criteria associated with hardship or practical difficulty is met. Upon review, it is the committee's evaluation that all reasonable options have been explored and the proposed strategy is the only logical option, thus, the committee recommends preliminary approval of the 10' relief area to the rear yard setback and for the garage/bonus room addition to proceed with the understanding it will encroach over the current 25' setback. The committee's judgment and preliminary approval is based on our understanding of the following notes and exceptions:

- During the initial design phase, Vick Construction & Design Inc. was presented a stamped "as built" plat that had been provided by the developer to the homeowner and represented the current structures position as 35' of the back yard property line. The material was presented to Clemson Building Codes, and a permit was issued with the understanding that the current work would include an updated boundary survey by a licensed surveyor. Upon layout of the addition, an error was discovered that revealed formal paperwork had not been filed by the developer and the home was actually 25'2" off the back property line. A variance has been requested for the project to meet the provisions of the Clemson City Zoning Ordinance. The owner has proven inaccurate documents have created a severe hardship, and a variance can only be sought from the City Zoning Committee if first approved by the Country Walk ARC. We offer the approval, pending formal written approval by the Clemson City Zoning Board of Adjustment granting the variance.
- A requested variance must not cause undesirable changes to the character of the neighborhood or a detrimental physical or environmental impact on the community. A hardship may include the shape of the lot, topography, document errors, or other natural circumstances not created by the applicant. The owner must prove that alternatives to the variance were considered, and that the variance is the best course of action. The owner has done so, and it is the committee's judgment that the property owner has proven unique and documented discrepancies in the plat which provide enough substantiation for a variance. The committee further acknowledges that specific practical difficulties and/or hardships associated with the 25' zoning ordinance will prevail if a variance is not awarded.
- We anticipate no long term negative impact on the community and are agreed that said project will ultimately add value to the community. By providing a variance, the addition will meet all community design criteria.

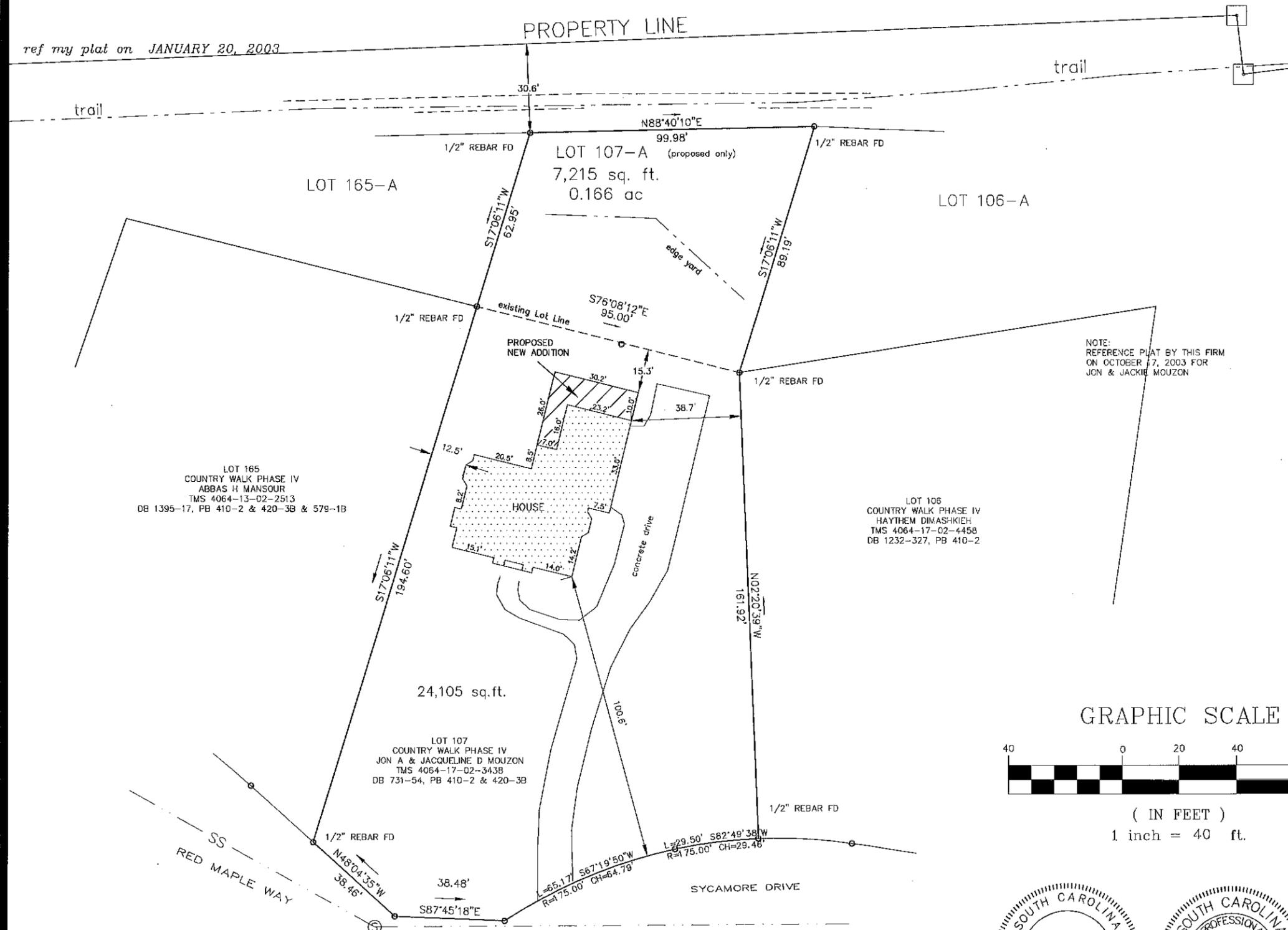
It should be noted that The Country Walk Home Owners Association Architectural Review Committee (ARC) does not have the authority to offer a change or variance to The City of Clemson Zoning Ordinances. We offer our preliminary approval in support of the project. A formal review by the Clemson City Zoning Board of Adjustment and the granting of a city variance will be required prior to applying for final approval with The Country Walk Homeowners Association Board of Directors.

Respectfully Submitted,

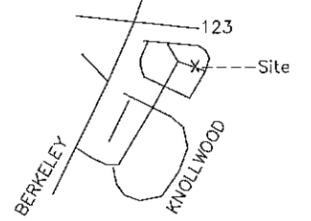
A handwritten signature in black ink, appearing to read "P. Schmidt".

Phillip Schmidt
Chairman
Country Walk ARC

ref my plat on JANUARY 20, 2003



Grid North (ref SCGS CONTROL MONUMENT 37-039 LOCATED AT HWY 123 & ISSAQUEENA TRAIL BRIDGE)
 Also ref Tax Parcel D20-11-020E
 Also ref my plat on 1-13-99 for Phase III - A



location map n-t-s

NOTE: REFERENCE PLAT BY THIS FIRM ON OCTOBER 17, 2003 FOR JON & JACKIE MOUZON

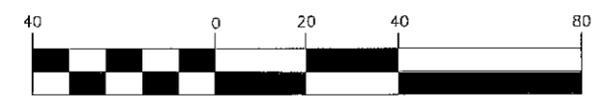
LOT 165
 COUNTRY WALK PHASE IV
 ABBAS H MANSOUR
 TMS 4064-13-02-2513
 DB 1395-17, PB 410-2 & 420-3B & 579-1B

LOT 106
 COUNTRY WALK PHASE IV
 HAYTHEM DIMASHKIEH
 TMS 4064-17-02-4458
 DB 1232-327, PB 410-2

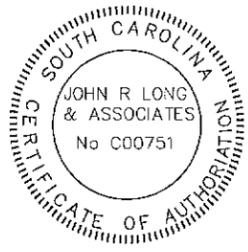
LOT 107
 COUNTRY WALK PHASE IV
 JON A & JACQUELINE D MOUZON
 TMS 4064-17-02-3438
 DB 731-54, PB 410-2 & 420-3B

Legend:
 I/P/S = Iron Pin or Pipe Found/Set,
 RR = Railroad Spike, N/C = Nail & Cap, P/K = P/K Nail
 UP = Utility pole, LP = Light Pole, WM = Water Meter
 MH = Manhole, SD = Storm Drain, UB = Utility Box
 I hereby certify that to the best of my knowledge, information, and belief, this survey of the above described property was made in accordance with the provisions of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "B" survey as specified therein. This property does not encroach on adjoining property and adjoining property does not encroach on this property (except as shown) and this house is not located in a current designated flood hazard area. This property is subject to any easements & restrictions on record.

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.



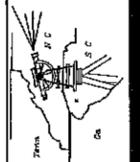
REF DEED BOOK 345 Pgs 295-301 FOR DEED RESTRICTIONS AND CONVENANTS

NOTES:

There is a 5' Drainage and Utility Easement each side of all interior lot and division lines and a 10' inside all outside boundary lines, except where noted otherwise.

plat for

JON A MOUZON	
JACQUELINE D MOUZON	
PICKENS COUNTY	SOUTH CAROLINA
CITY OF CLEMSON	JULY 23, 2013
SCALE 1" = 40'	JOB # LD9-CW107



JOHN R LONG & ASSOCIATES
 Registered Land Surveyors
 29633
 Clemson, SC
 Phone & Fax 864-654-5033

SURVEYING - GPS CONTROL - PLANNING

John R Long SC PLS 6270