



# City of Clemson

## PLANNING & CODES ADMINISTRATION

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### Board of Zoning Appeals September 19, 2013 – 6:00 p.m. City Hall Council Chambers

**Members Present:** Cynthia Robinson, Brian Roberts, David Senn, Jon Silkworth and Mindy Spearman

**Members Absent:** Marvin Dixon and Del Kimbler

**City Staff Present:** Sharon Richardson, Planning and Codes Director and Beth Connor, Recording Secretary

#### 1. Call to Order:

Chairman Mindy Spearman called the meeting to order at 6:00 pm. Mindy reviewed the agenda.

#### 2. Approval of Minutes:

Cynthia Robinson moved that the Minutes of the July 25, 2013 meeting be approved with corrections. David Senn seconded the motion. Minutes approved.

#### 3. Action Items:

- a. **Variance Request, 2013-V-04:** A variance request to provide relief from the rear setback. 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.

**Applicant:** Scott Vick, owner of Vick Construction, 132 Knollwood Dr, introduced the owners of 101 Sycamore Drive, Jon and Jackie Mouzon.

Mr. Vick explained how the discrepancy with the setback happened. Mr. Vick said that the original “*As-Built*” survey indicated that there was a 35 foot setback. Mr. Vick realized the error when they started laying out the footprint for the addition. Mr. Vick called it to the attention of the inspector and Mr. Vick and the homeowners agreed to have a new survey done. The new survey showed that there was a 25’2” setback.

Mr. Vick explained that they had explored other options for placement of the addition and none of the options would work. Mr. Vick spoke with City Staff and realized that the only option would be to request a 10’ relief from the 35’ setback requirement.

Mr. Vick informed the Board that he has been building homes for over 18years and has never seen anything like this. Mr. Vick pointed out the 3 lots at the rear of the property that are land locked. Mr. Vick, using photos he provided, explained the layout of the land and the existing home. Mr. Vick stated that the fence visible in the photos is owned by the Homeowners Association of Country Walk.

Mr. Vick stated that he feels the addition will add value to the home and will not affect any of the surrounding properties. All construction will be done on the Mouzon’s property. The Mouzon’s home is built farther back in the parcel than other homes in Country Walk.

David Senn asked if it would be possible to reconfigure the 3 land locked lots into 1 lot. Mr. Vick responded that there was a legal suit against the original developer and the lots in question are now owned by the HOA. Mr. Vick said that the residents are using this area as a sort of park.

Mr. Senn asked if the survey affects other property and Mr. Vick said that it did. Mr. Vick said that the other homes are built too close per the survey. The Mouzon's home is built farther back in the lot.

**Staff:** Sharon Richardson reported to the Board that she had spoken with Mr. Vick regarding this situation and did advise him that they should request a variance. Ms. Richardson informed the Board that she had received a letter from Randy Shaw in support of this variance request.

Ms. Richardson informed the Board that she was not working in Clemson at the time of the development of Country Walk. Ms. Richardson said that there appeared to have been issues between the developer and the homeowner regarding corrections to the lot lines that never were made. Ms. Richardson said that the building permit was approved based on the 1993 survey. Ms. Richardson pointed out to the Board that this is a unique situation.

**Public Session Open:** Ms. Spearman opened the Public Session and asked if there was anyone that would like to make a comment regarding the issue being discussed.

Jon Mouzon, 101 Sycamore Drive, informed the Board that he didn't have anything else to add to Mr. Vick's presentation.

**Public Session Closed**

Cynthia Robinson stated that she felt the justifications on the 5 points was adequate, but she does have some concern about item B. Ms. Richardson stressed that this is a very unique situation.

Mr. Senn asked if the granting of the variance would set a precedent for the other homeowners. Ms. Richardson said that others would have to go through the same process and justify the need for a variance.

Brian Roberts moved that the variance request be approved as presented. Cynthia Robinson seconded the motion. Motion approved unanimously.

4. **Reports:** Sharon Richardson had no reports to give. Ms. Richardson informed the Board that due to a situation beyond our control, the Zoning Administrator position has been re-posted.
5. **Other Items:** None
6. **Adjourn:** 6:19 p.m.

Respectfully Submitted by:

Beth Connor, Recording Secretary

*Note: This meeting has been recorded on audio tape*