



City of Clemson
PLANNING & CODES ADMINISTRATION

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BOARD OF ZONING APPEALS
June 19, 2014 – 6:00 P.M.
CITY COUNCIL CHAMBER

Members Present: David Senn, Jon Silkworth, Marvin Dixon and Cynthia Roberts

Members Absent: Mindy Spearman and Brian Roberts

Staff Present: Todd Steadman, Zoning and Codes Administrator and Beth Connor, Recording Secretary

1. **Call to order:** Acting Chairman David Senn called the meeting to order at 6:00 P.M. Mr. Senn reviewed the Agenda.
2. **Board Business: Election of Officers:** Todd Steadman suggested that the Board consider tabling the Election of Officers until the next meeting because the present Chairman was not in attendance.

Marvin Dixon moved that the Election of Officers be tabled until the next meeting. Cynthia Robinson seconded the motion. Motion carried unanimously.

3. **Adoption of Minutes: November 21, 2013 Meeting:** Cynthia Robinson moved that the Minutes of the November 21st, 2013 meeting be approved with correction. Jon Silkworth seconded the motion. Motion passed unanimously.
4. **Advisory/Action Items:**
 - a. **2014-V-01:** A variance request to allow on street parking in front of a residence at 139 Folger Street. This is an R-20 zoning and code does not allow parking within the front setback (which is 25' in R-20).

Mr. Senn read a description of the Board of Zoning Appeals and explained that anyone wishing to present factual testimony will need to be sworn in. Mr. Senn asked all people wishing to present factual testimony to raise their right hand and repeat the Oath as given.

Applicant: Stephen Mudge, 139 Folger Street explained that this is an existing home and currently they are parking in a swale. Mr. Mudge said that the 15' parking area in the front of his house would only be used by guests. He explained that his parents are 80 years old and this would make a safer area for them to park when they visit. Mr. Mudge said that the sidewalk would go straight out from the house and meet up to the 15' parking area. This area would be created using pavers.

Mr. Mudge informed the Board that he had spoken with David Conner of the City Public Works department and Mr. Conner said that Mr. Mudge could use 10' of the right of way. Mr. Mudge is requesting a variance to allow an additional 5' which would make the parking in the front of the house safer.

Ms. Robinson confirmed that the lot in question is a corner lot and expressed concern for the safety of guests and walkers using pavers. Mr. Mudge explained that the pavers would be set into a bed of crushed stone.

Ms. Robinson asked if the pavers were going to go to the end of the lot. Mr. Mudge responded that it would go 76' and taper at the end.

Mr. Senn confirmed that it would be 76' long and 15' wide.

Jon Silkworth asked Mr. Steadman if there was any issues with pavers in the right of way. Mr. Steadman said that Public Works said it would be fine subject to the Variance.

Ms. Robinson asked if there were any issues with flooding. Mr. Mudge said that it does flood 50' in front of lot and drains to the front.

Ms. Robinson asked if Public Works addressed this issue. Mr. Mudge explained the drainage in front of the house.

Staff Report: Todd Steadman stated that Zoning became involved with Mr. Mudge because of the Building Permit for additional work at the property. Mr. Mudge had requested a curb cut for a new garage. Included in that application was the sketch of the on-street parking pad. Mr. Steadman spoke with David Conner who said it was okay for the pad. Because it encroached on private property a variance is required.

Mr. Steadman pointed out that David Conner had no problem with paving in the right of way, but Public Works has no say in what happens on private property.

Mr. Steadman reported that he had received a letter from the Clemson Historic West End Association which he responded to and sent his response to the Board members, to the members of the CHWE, and Mr. Mudge.

Mr. Steadman explained that there is a high number of similar situations in neighborhoods. Mr. Steadman showed photos of different home with similar parking situations.

Ms. Robinson pointed out that the number of similar parking situations in neighborhoods has no bearing on this variance. Mr. Steadman agreed.

Mr. Senn observed that some are greater than the 10'.

Mr. Steadman explained that he drove around finding 30 or more parking pads. Mr. Steadman said that on Shorecrest Drive some of them are legal and a variance was granted. Others were not legal. Most were within the right-of-way and do not require a variance.

Mr. Senn asked if all notices had been sent. Staff responded that they had.

Using aerial photos of the parcel, Mr. Steadman described how Mr. Mudge had subdivided the property.

Mr. Senn asked if the revised Zoning Ordinance changes the parking restrictions. Mr. Steadman responded that it did not. Parking in the front set-back is not allowed.

Public Session Open:

Elaine Richardson, 301 Edgewood Ave, asked Mr. Steadman for a copy of the response to the CHWE stating that she never received the email.

Ms. Richardson expressed strong concern for the safety in the neighborhood. She pointed out that there will be two ingress/egresses on a corner in an old neighborhood, stating that the road is very narrow.

Ms. Robinson asked Ms. Richardson if her concern was strictly safety. Ms. Richardson said that it was because Mr. Mudge is requesting another curb cut, which the property would then have 2 driveways with off street parking.

Mr. Steadman said that a portion of the shoulder of the road is paved.

Discussion followed.

Ms. Richardson stated that there is no on street parking in that neighborhood and Mr. Steadman corrected her saying that there is none allowed in the City and the variance related to parking allowed in the front set-back.

Mr. Mudge informed Mr. Steadman that he never received the letter from CHWE. Mr. Steadman stated that the letter was sent to Mr. Mudge, CHWE, and the BZA at the same time. Someone in the Chamber shared their copy with him.

Mr. Steadman suggested that the Board allow Mr. Mudge an opportunity to respond and asked the Board if there were any questions or concerns brought up in the letter that they wished to discuss with Mr. Mudge. There were none.

Mr. Mudge said that he could pave up 10' right now but wanted an additional 5' to make it safer and nicer.

Mr. Silkworth asked Mr. Steadman what the mechanism was through Public Works to approve. Mr. Steadman explained that he had contacted David Conner when the plans for the garage were in review because the plans indicated a curb cut with culverts. The mechanism for Public Works is called a driveway permit.

Mr. Silkworth confirmed that the Building Permit was the way Staff became aware of the parking space.

Public Session Closed

Ms. Robinson referred to 2.a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows*, stating that Mr. Mudge's explanation is that the existing parking is not wide enough for easy and safe use. Ms. Robinson didn't feel that was an extraordinary and exceptional condition and reminded the Board that the past is not under consideration.

Marvin Dixon concurred that there is no hardship and suggested that maybe the second driveway make a U. Mr. Dixon said that something that happened in the past doesn't hold for today, zoning is evolving.

Marvin Dixon moved that the request be approved as presented. Jon Silkworth seconded the motion. David Senn and Jon Silkworth voted in favor of the motion and Cynthia Robinson and Marvin Dixon voted against the motion. There is a requirement of a majority vote in favor of a variance to be approved. Variance denied.

- b. 2014-V-02:** A Special Exception approval to allow 4 parcels of property zoned R-20 to be used for religious use.

Todd Steadman informed the Board that he had met with the Applicant earlier in the week and the Applicant requested that the Board table the request until the next meeting so Applicant could amend their application.

Marvin Dixon moved that the Special Exception request be tabled until the next meeting. Cynthia Robinson seconded the motion. Motion carried unanimously.

- 5. Reports:** Todd Steadman informed the Board that the Board of Architectural Review and the Planning Commission have reviewed and revised the By-Laws for the Board and Commission and he feels that the BZA should do the same. The current By-Laws were adopted about 10 years ago.

The Board members agreed, but some members asked if Mr. Steadman could send out the current By-Laws. Mr. Steadman said that the section on Attendance needs to be looked at. Also, include in the By-Laws the script that is read before each meeting as well as the Oath given prior to factual testimony.

Mr. Steadman said that he felt the Catholic Church would be on the July Agenda regarding their Special Exception as well as discussing any changes to the current By-Laws.

- 6. Other Items:** None

- 7. Adjourn – 6:50 p.m.**

Respectfully submitted,

Beth Connor
Recording Secretary

Note: Proceedings of this meeting have been recorded on audio tape.