



**CITY OF SENECA**

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**Edward R. Halbig, AICP  
Director**

**ZONING BOARD OF APPEALS  
June 20<sup>th</sup>, 2019  
Council Chambers – City Hall  
6:00 PM**

- I. Opening**
- II. Approve Minutes**
- III. Zoning Variance Application:**

<b><u>Docket Item 1:</u></b>	<b>VA-2019-03</b>
<b><u>Property Owner:</u></b>	<b>Henry and Vanessa Craig</b>
<b><u>Applicant:</u></b>	<b>Same</b>
<b><u>Property Address:</u></b>	<b>308 Creek Dr.</b>
<b><u>Tax Map #:</u></b>	<b>520-19-03-015/520-19-03-045</b>

- IV. Old Business**
- V. New Business**
- VI. Adjourn**

The Seneca Zoning Board of Appeals met on Thursday, February 21<sup>st</sup>, 2019 at 6:00 p.m. in the City Hall Council Chambers. Members present included Mr. Marvin Gray, Chair, Ms. Tammy Garland, Mr. John Luedeman, Mr. John Gillespie, and Mr. John Voss. Also present was Mr. Edward Halbig, Director; and Ms. Tracy C. Smith, Admin. Assistant and other interested persons (list in minute book). The press and public were duly notified as required by law.

Mr. Gray called the meeting to order at 6:00 p.m. He asked if there was any conflict of interest among the board members with the following request and asked that the record reflect there was a quorum.

MINUTES  
MOTION

MOTION made by Mr. Luedeman to have minutes accepted as submitted.

SECOND made by Mr. Gillispie

AYE Mr. Luedeman, Ms. Garland, Mr. John Gillispie, Mr. John, and Mr. Gray

NAY None

Ms. Smith read the hearing process.

Ms. Smith read the variance application.

VA-2019-  
01

Docket No 1:	VA 2019-01
Property Owner:	Larry and Sue Shiel
Applicant	David Gully/Central Contracting
Property Address:	107 Westchester Cir
Tax Map #:	520-01-01-015

Mr. Halbig presented the staff report.

Mr. Gray clarified that the neighborhood had approved the applicant plans.

Mr. Gray asked if there was anyone who wished to speak in favor of the application.

Mr. David Gully introduced himself to board as the contractor for project. He discussed the intent of property was placement of an attached garage. He discussed the topography and the reason for the need for variance of front yard setback.

Mr. Gray asked if there was anyone who wished to speak in opposition of the application.

There being none.

MOTION:  
VA 2019-  
01

Motion made by Ms. Garland to accept VA 2019-01 as submitted citing 904.2d –The authorization of a variance will not be substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance.  
SECOND made by Mr. Luedeman  
AYE Mr. Luedeman, Ms. Garland, Mr. John Gillispie, Mr. John, and Mr. Gray  
NAY None

Ms. Smith read the variance application.

VA 2019-  
02

Docket No 2:	VA 2019-02
Property Owner:	Jon and Tamy Sanford
Applicant	Same
Property Address:	410 S Depot St
Tax Map #:	520-40-02-016

Mr. Halbig presented the staff report. He discussed the landlocked property located behind the applicant home, as well as the 20 feet easement.

Mr. Gray asked if there was anyone who wished to speak in favor of the application.

Mr. and Mrs. Sanford introduced themselves to board as the owner of the property. They discussed their intent of property was to place a carport on rear of home. They stated due to the easement, and also being located in the Design Review District is the reason for placing the garage on rear of property and requesting the variance.

Ms. Anita Bearden stated she lived at 412 S. Depot Street which is the home located directly behind the applicant. She stated she did not have an issue with the request.

Mr. Gray asked if there was anyone who wished to speak in opposition of the application.

There being none.

MOTION:  
VA 2019-  
02

Motion made by Mr. Voss to accept VA 2019-02 as submitted citing 904.2d –The authorization of a variance will not be substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance.  
SECOND made by Ms. Garland  
AYE Mr. Luedeman, Ms. Garland, Mr. John Gillispie, Mr. John  
ABSTAIN Mr. Gray

**OLD  
BUSINESS**

Mr. Gray asked if there was any old business to discuss.

Mr. Luedeman asked what the status was of the law suit against the board.

**NEW  
BUSINESS**

Mr. Halbig stated at this time he did not have any information regarding law suit.

Mr. Gray asked if there was any new business to discuss.

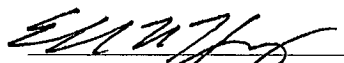
There being none.

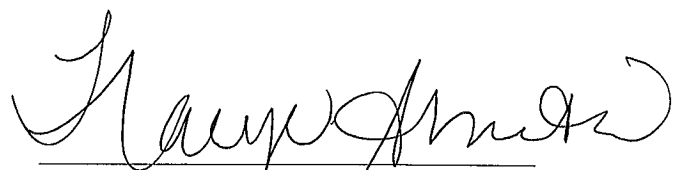
**MOTION:  
ADJOURN**

MOTION made by Mr. Gillispie to adjourn

SECOND made by Ms. Garland

AYE Mr. Luedeman, Ms. Garland, Mr. John Gillispie, Mr. John, and Mr. Gray

  
\_\_\_\_\_  
Edward Halbig, Director  
Planning & Development

  
\_\_\_\_\_  
Tracy C. Smith, Administrative Assistant  
Planning & Development

Zoning Variance Application

City of Seneca

Planning & Development

Variance #: ZA-2019-03
Property Owner: HENRY & VANESSA CRAIG
Owner Address: 308 CREEK DR.
Applicant: HENRY CRAIG
Applicant Address: 308 CREEK DR.
Applicant Phone Number: (864) 568-6847
Property Interest: Residential

Date: 5/22/19

Do Not Write In This Space
Advertised:
Public Hearing:
Receipt #:
Property Posted:
Fee Paid:
Application Taken By:

Property Location: (a plat must accompany this application) 308 CREEK DR. Plat # 4760
Tax Map Number: 520-19-03-015/520-19-03-049 Lot Dimensions: 800 Plat
Zoning Classification: R-15000 Lot Area: .45 AC.
Use of Property: Residential

Property Characteristics: 3 bedroom / 2 bath with attached carport

Has any application involving this property been considered previously by the Seneca Planning Commission or Board of Appeals? If yes, please state details.
No

I request a variance from the following provisions of the Ordinance so that the property listed in this application can be used in a manner indicated by the plot plan (cite section numbers):
522.8A / side yard set back variances

I (we) attest that there are no recorded deed restrictions or restrictive covenants that apply to this property which are contrary to, conflict with, or prohibit the permitted activity being requested or appealed.
0' set back

Signature of Applicant: Henry Craig Date: 5/22/19

I (We) certify that I (we) are the free holder(s) of the property(s) involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this variance.

Approved [ ] Date:
Disapproved [ ] Owner Date

Chairman, Board of Appeals



closer than five feet from the property line. This provides adequate minimum space around that side of the structure for movement and service of the structure and property.

#### STAFF COMMENTS

To be considered for a variance, one or more of the following findings must be made:

*904.2 a) There are extraordinary and exceptional conditions pertaining to a particular piece of property in question because of its size, shape or topography;*

The property is appropriately-sized without topography challenges. It sits on a cul-de-sac and is adjacent to open land owned by Duke Energy.

*904.2 b) Such conditions are peculiar to the particular piece of property involved and do not generally apply to other property in the vicinity;*

Other properties on the street are similar in conditions.

*904.2 c) Because of these conditions, the application of the Ordinance on this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

The property is currently being used as a residential use.

*904.2 d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance.*

Reduction of side setback may impact adjacent property, but to a lesser extent than locating the proposed addition to the easement. The request is not anticipated to be of substantial detriment to public good or character of the district.

*904.2 e) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.*

The variance would not allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map.

