

CITY OF SENECA

*P. O. Box 4773
250 East North Second Street
Seneca, South Carolina 29679
(864) 885-2726
Fax: 864-888-0879
www.Seneca.SC.US*

**Edward R. Halbig, AICP
Director**

ZONING BOARD OF APPEALS December 19th, 2019 Council Chambers – City Hall 6:00 PM

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

<u>Docket Item:</u>	VA-2019-07
<u>Property Owner:</u>	EACH LLC
<u>Applicant:</u>	R. Eddie Adams
<u>Property Address:</u>	213 Ingles Dr.
<u>Tax Map #:</u>	520-14-01-006

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

The Seneca Zoning Board of Appeals met on Thursday, November 21st, 2019 at 6:00 p.m. in the City Hall Council Chambers. Members present included Mr. Marvin Gray, Chair, Ms. Tammy Garland, 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. Vice Chair, Mr. John Gillespie, was absent.

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

Without objection the minutes of previous meeting were approved.

Ms. Smith read the hearing process and procedures.

Ms. Smith read the variance application.

VA-2019-
04

Docket No 1:	VA 2019-04
Property Owner:	James Mazyck
Applicant	Same
Property Address:	412 Quincy Rd.
Tax Map #:	520-38-02-004

Mr. Halbig discussed the updated staff report. He discussed the reason for variance request.

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

Mr. James Mazyck introduced himself to board as property owner. He discussed the reason for variance request and requested to change to 7' foot side yard set back instead of the requested 6' foot in the report.

Mr. Gray asked for clarification on updated request.

Mr. Halbig discussed.

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

Mr. Lamar Hilley and Vanessa Hilley introduced themselves to board. Ms. Hilley stated she was neighbor of applicant. They discussed the need to maintain the 10-foot side yard setback.

Mr. Voss asked staff if relief had ever been granted from any setbacks in the area.

Mr. Halbig stated no knowledge or request in Adams Subdivision.

Seneca Zoning Board of Appeals
November 21st, 2019
Page 2 of 2

MOTION:
VA 2019-
04

MOTION made Ms. Garland to deny variance request of 7' foot side yard setback. 904.2 d-
The authorization of a variance would be of substantial detriment to adjacent property or to the
public good, and the character of the district would be harmed by granting of the variance.
SECOND made by Mr. Voss
AYE Ms. Garland, Mr. Voss, and Mr. Gray
NAY None

OLD
BUSINESS

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

There being none.


NEW
BUSINESS


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

Ms. Smith reminded everyone of the upcoming City of Seneca Christmas Party on December
5th, 2019 ad 6:30 p.m.

ADJOURN

Meeting adjourned at 6:21 p.m.


Edward Halbig, Director
Planning & Development


Tracy C. Smith, Administrative Assistant
Planning & Development

ZONING VARIANCE APPLICATION

CITY OF SENECA, SOUTH CAROLINA

Variance: EACH LLC 209 INGLES PLACE SENECA, SC 29672 <i>VA 2019-07</i>	Application Date:	
	Received By:	
	Public Hearing Date:	
	Public Notice Dates:	Publication: The Journal
	Fee: 50.00	Receipt #:
Date Posted:	By:	

Property Owner(s): EACH LLC	Phone #: 864-247-0247
Owner(s) Address: 313 OLD SALEM ROAD. SENECA, SC. 29672	
Applicant(s): R. Eddie Adams	Phone #: 864-247-0247
Applicant(s) Address: 1113 HOMEPORT COVE. SENECA, SC. 29672	

Property Location: (a plat must accompany this application) attached <i>213 Ingles Dr.</i>	
Tax Map #: 520-14-01-006	
Current Zoning Classification: HC	Non-Conforming Land/Structure Use <input type="checkbox"/> Substandard Lot of Record <input checked="" type="checkbox"/>
Land Area: .50 AC	Lot Dimensions: 100' X 200'
Current Use of Property: EMPTY	
Property Characteristics: Small lot that sits below grade to SC Hwy 130 and has egress and ingress from the Ingles parking lot.	

Please answer the following:

1) Has any application involving this property been considered in previous action(s) by the Seneca Planning Commission or Zoning Board of Appeals? No Yes, please provide the date and details: _____

2) Please explain the reason for the request and additional information that supports the same:

see attached

I/We request a variance from the following provision(s) of the Official Zoning Ordinance so that the property list in this application may be used in the manner indicated by the attached plot plan and reasons stated herein.

Additionally, I/we, the free holder(s) of the property/properties involved in this application certify and designate the person signing as applicant to represent me/us in this variance.

Property Owner(s) Name: (please print) EACH LLC, manager	R Eddie Adams
Property Owner(s) Signature(s):	<i>[Signature]</i>
Applicant(s) Name: (please print) R. Eddie Adams	
Applicant(s) Signature(s):	<i>[Signature]</i>

STAFF USE ONLY	
Application Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Zoning Board of Appeals Chairperson Signature:	Date:
Comments:	

Staff Report

To: Zoning Board of Appeals
From: Edward Halbig
Planning Director

Date: December 10, 2019
Public Hearing: December 19th, 2019
Docket: VA-2019-07

PROPERTY OWNER: EACH LLC

APPLICANT: R. Eddie Adams

LOCATION: 213 Ingle Drive.

ZONING: HC

REQUEST: Variance from Section 522.6 Table A –Front yard setback requirements

TAX MAP #: 520-14-01-006

ANALYSIS:

The applicant seeks relief from Section 522.6 as it relates to front yard setback for construction of an outparcel commercial building.

	Required Setback	Requested	Variance
Front Yard	40'	20'	50%

The subject property is a substandard lot of record. Highway Commercial requires a minimum lot size of 25,000 square feet; the subject property is 20,038 square feet. With substandard lots, Section 402 of the City of Seneca Zoning Ordinance requires the Zoning Administrator to “establish setbacks to conform as closely to dimensional requirements of [the] ordinance but so as not to prohibit reasonable use of the property.” The principal roads involved in this intersection are under SCDOT control – Highways 123 and 130, and Mill Road. The primary concern of this property was its proximity to Highway 130, especially if the SCDOT sought to increase the paved surface, such as for road widening or including turning or deceleration lanes. The front yard setback at Highway 130 was maintained at 40 feet setbacks were reduced on the remaining sides facing the parking lot.

Deed restrictions on the property contains language that prohibits a building from encroaching before the front of the Ingles building. The west wall of Ingles, projected forward, creates a boundary into which an adjacent building cannot cross. This was brought to the applicant’s attention after plans were developed for a new, stand-alone restaurant building that did in fact encroach upon that boundary.

The applicant seeks to reduce the front yard setback at Highway 130 to 20 feet in order to comply with the requirements of the deed restrictions.

The existing pavement is approximately 15 feet from the property line at the south end, tapering to 10 feet near the Ingles entrance driveway, known as Ingles Place. A reduced setback of 20 feet would put the building within 30 feet of the existing pavement. The current plan has a driveway in the front yard setback, and this is appropriate. The property is significantly below the grade of the roadway of approximately 7 to 10 feet. Relocation closer to the highway will require slope modification and possibly a retaining wall added to the site. The slope and/or retaining wall addition would potentially necessitate the addition of a guard rail along the property for the safety of passing vehicular traffic.

STAFF FINDINGS

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;

There are extraordinary and exceptional conditions due to the property being a substandard lot of record.

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 in the area are not similarly situated.

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 vacant.

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.

The authorization of a variance will not be of substantial detriment to adjacent property. Reduction of front yard setback limits alternatives for the SCDOT to modify the 123/130 intersection to accommodate growth. Existing slope issues at this side of the road right-of-way likely affect those alternatives as well.

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.

November 22, 2019

City of Seneca
Zoning Board of Appeals

EACH LLC
520-14-01-006

I am requesting a zoning appeal due to the small size of my lot and a certain deed restriction placed upon the lot.

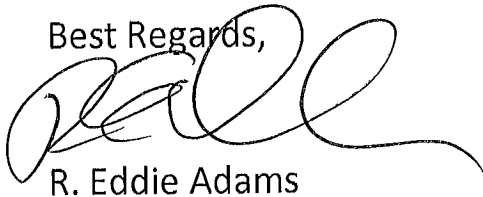
Ingles placed a deed restriction on the parking lot side of the building that states that nothing can be built in front of the existing Ingles Market. If you were to draw a line down the side of the Ingles building, parallel to Hwy 130, this restriction cuts off about 25' of usable space from the parking lot side of the lot.

City of Seneca setbacks then take 40' from the lot on the SC Hwy 130 side of the lot, leaving about 35' of buildable space on the lot.

Because the lot sits below grade to SC Hwy 130, I am respectfully requesting the City of Seneca's ZBA allow for variance regarding the 40' setback facing SC Hwy 130. I am requesting the ZBA approve a 20' setback for this lot.

I look forward to speaking with the ZBA regarding my request.

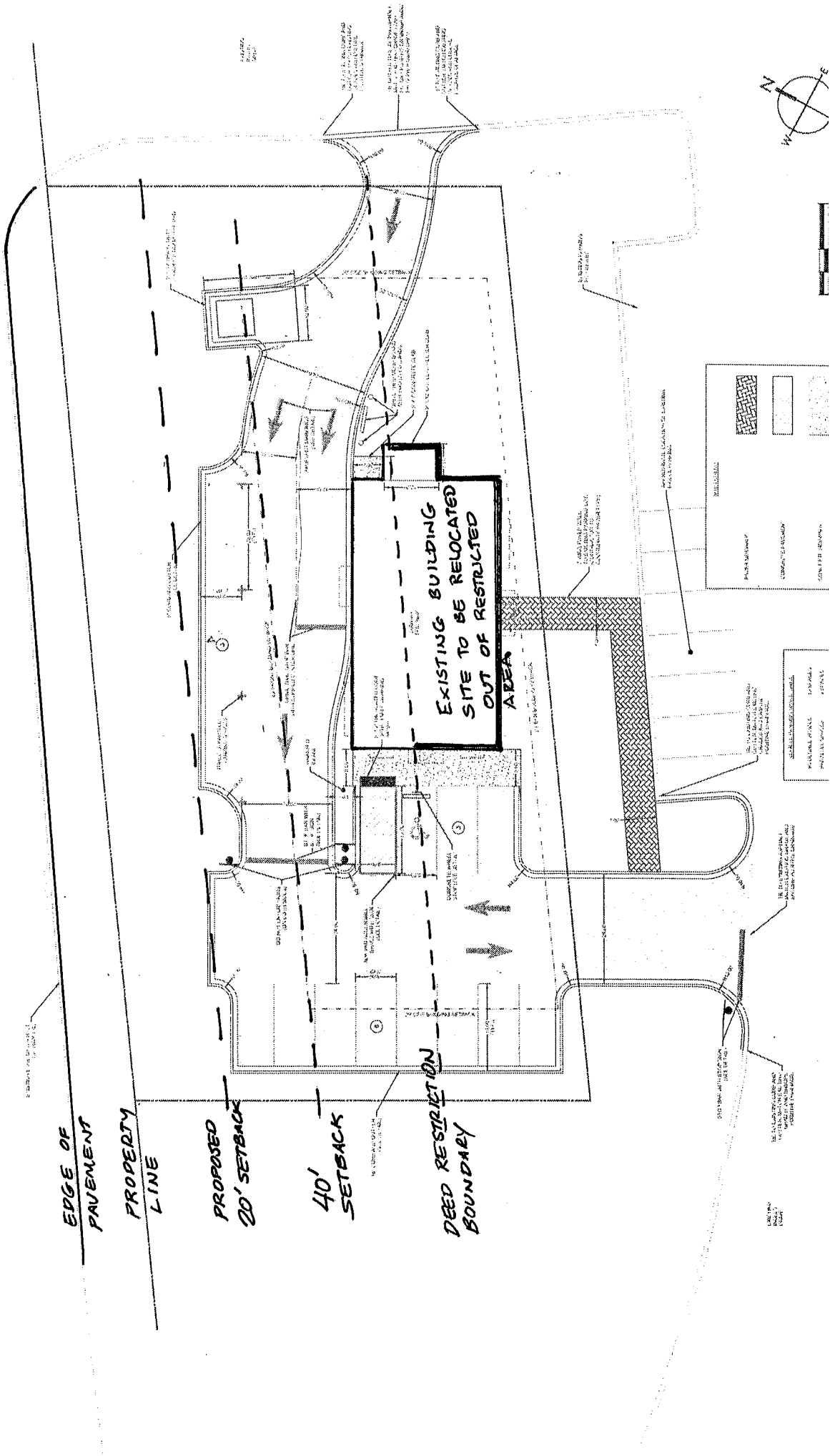
Best Regards,

A handwritten signature in black ink, appearing to read 'R. Eddie Adams', written over the typed name below.

R. Eddie Adams



know what's below.
Call before you dig.



EDGE OF PAVEMENT

PROPERTY LINE

PROPOSED 20' SETBACK

40' SETBACK

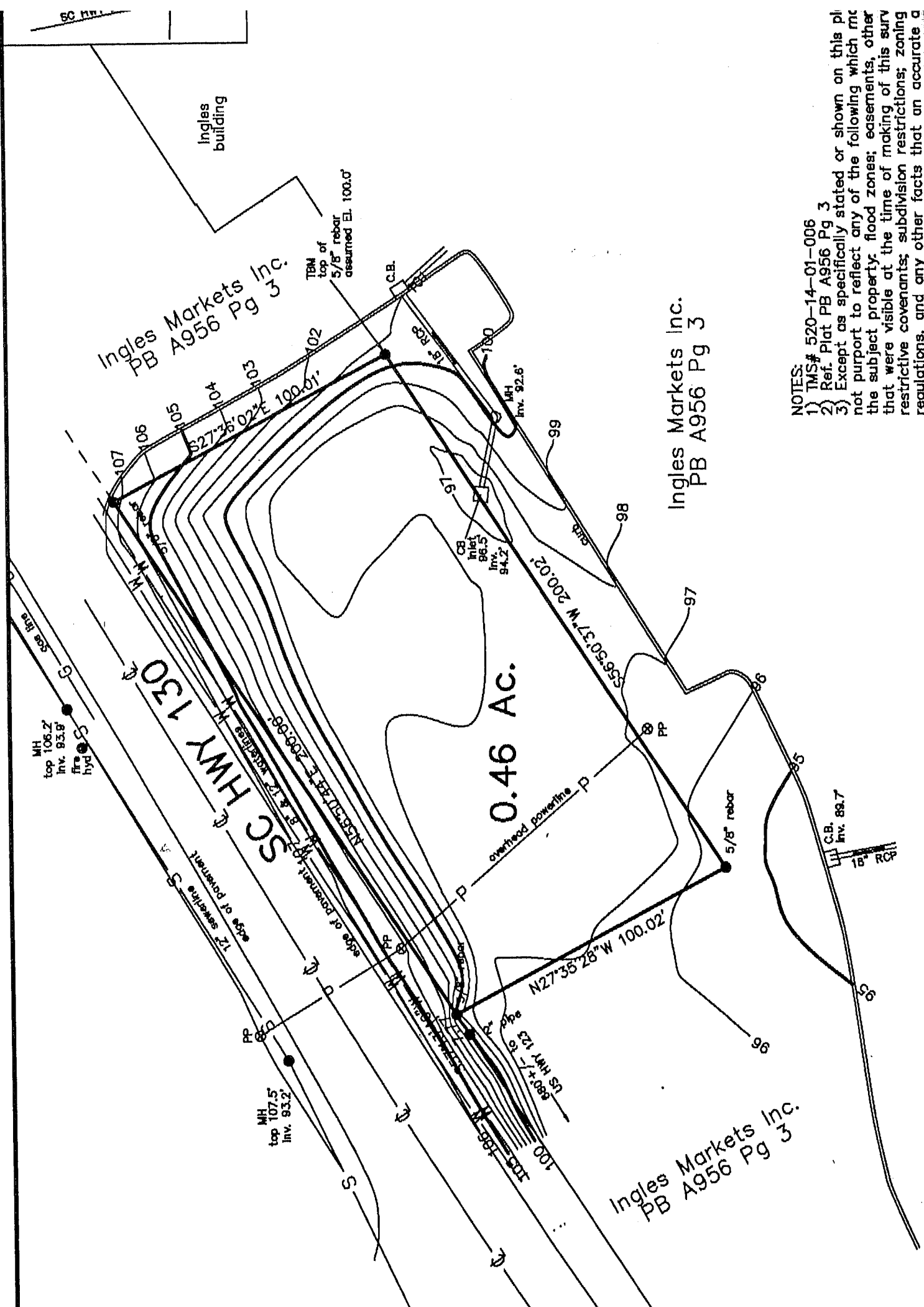
DEED RESTRICTION BOUNDARY

EXISTING BUILDING SITE TO BE RELOCATED OUT OF RESTRICTED AREA

	MILLSTONE
	ASPHALT
	CONCRETE

	MILLSTONE
	ASPHALT
	CONCRETE





NOTES:

- 1) TMS# 520-14-01-006
- 2) Ref: Plat PB A956 Pg 3
- 3) Except as specifically stated or shown on this plan, the survey is for general information only and does not purport to reflect any of the following which may be subject to change: flood zones; easements, other restrictive covenants; subdivision restrictions; zoning regulations, and any other facts that an accurate a may disclose.

Ingles Markets Inc.
PB A956 Pg 3

Ingles Markets Inc.
PB A956 Pg 3

Ingles Markets Inc.
PB A956 Pg 3

0.46 AC.

SC HWY 130

Ingles building

MH
top 106.2'
inv. 93.8'
fire
hyd.

MH
top 107.5'
inv. 93.2'

CB
inlet
inv. 96.5'
94.2'

MH
inv. 92.6'

C.B.
inv. 89.7

TBM of
top of
5/8" rebar
assumed El. 100.0'

overhead powerline

5/8" rebar

107

106

105

104

103

102

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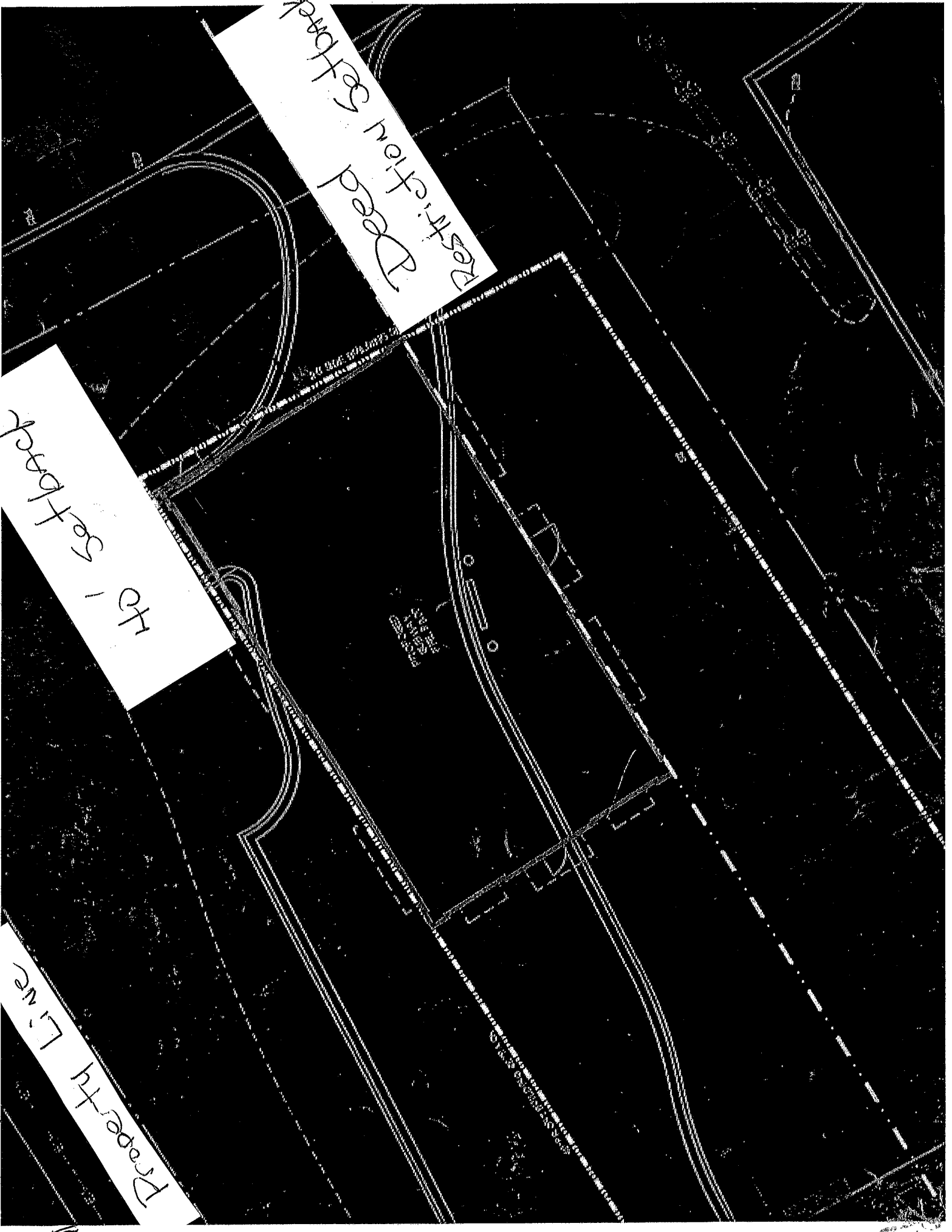
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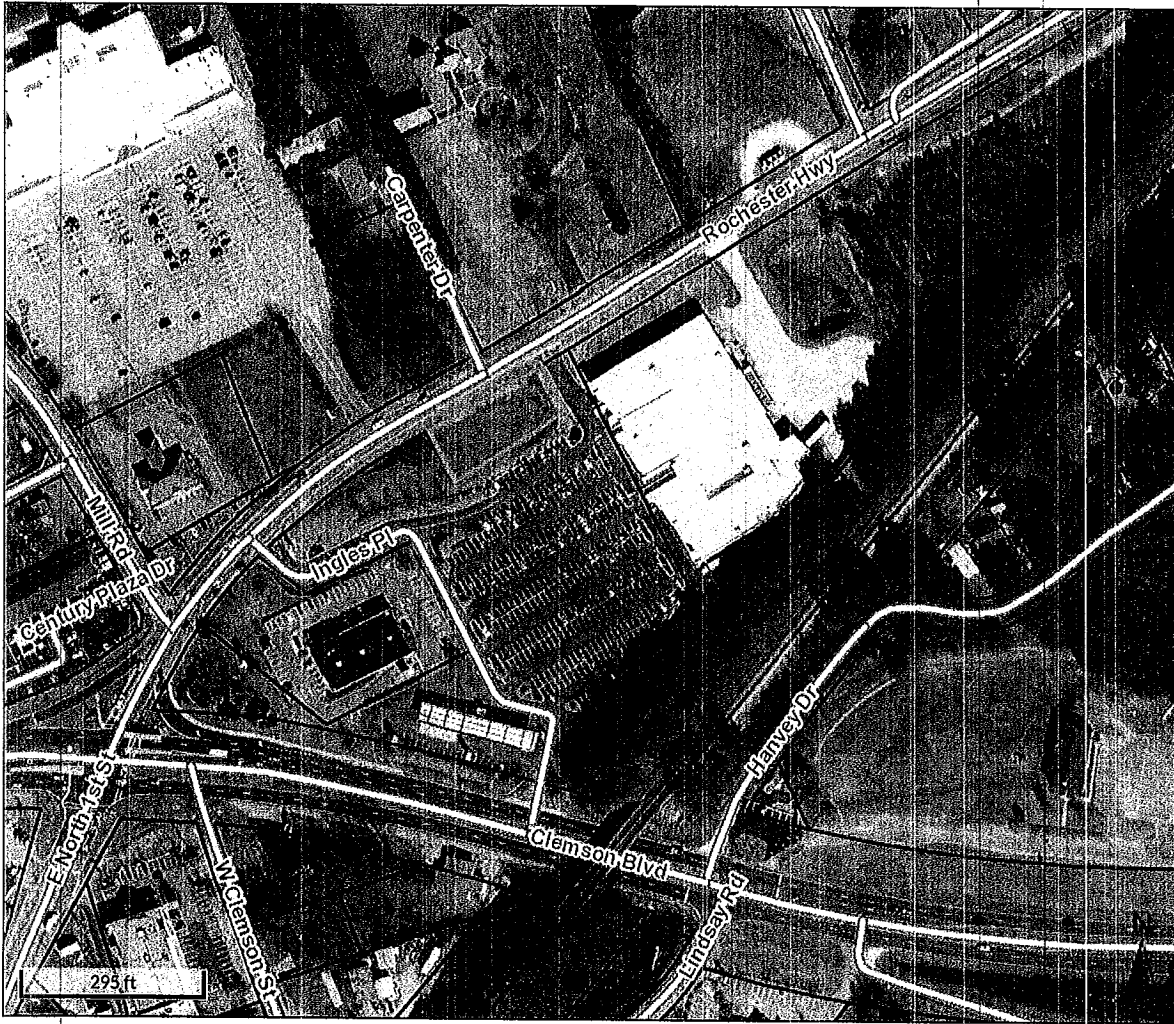
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Property Line

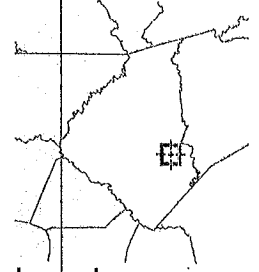
To / Softback

Rest:tion of back
Reed











Overview



Legend

-  Parcels
-  Landhook
-  Roads
- FEMA Flood Zones**
-  A: 1% Annual chance of Flood Hazard
-  AE: 1% Annual Hazard with BFE
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Parcel ID	520-14-01-006	Alternate ID	55754	Owner Address	EACH LLP 313 OLD SALEM RD SENECA, SC 29672	Last 2 Sales		Reason	Qual
Sec/Twp/Rng	n/a	Class	Gen. Comm Vacant Land			Date	Price	n/a	U
Property Address		Acreage	0.46			1/10/2005	\$310000	n/a	n/a
District	200					n/a	0		
Brief Tax Description	MapPlatB B84 MapPlatP 8								
	(Note: Not to be used on legal documents)								

Date created: 12/10/2019
Last Data Uploaded: 12/9/2019 10:40:31 PM

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