

**CITY OF SENECA**

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**Edward R. Halbig, AICP  
Director**

**ZONING BOARD OF APPEALS  
March 17<sup>th</sup>, 2022  
Council Chambers – City Hall  
6:00 PM**

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

**Docket Item 1: VA-2022-01**  
**Property Owner: Lori Sons**  
**Applicant: Same**  
**Property Address: 210 S. Townville St**  
**Tax Map #: 520-34-06-003**

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

The Seneca Zoning Board of Appeals met on Thursday, April 22nd, 2021 at 6:00 p.m. in the City Hall Council Chambers. Members present included Mr. Marvin Gray, Chair, Ms. Tammy Garland, Vice Chair, Dr. Ronald Moore. also present was Mr. Edward Halbig, Director; and Mrs. Tammy Winchester, Admin. Assistant, and other interested persons (list in minute book). The press and public were duly notified as required by law.

OPENING

Mr. Gray called the meeting of the Seneca Zoning board of Appeals will now come to order. to order at 6:00 p.m. and determined that there was a quorum and that there were no conflicts of interest. There being none.

MOTION First order of business without objection will approve the minutes of the last meeting. No objections minutes stand as approved then.

Mr. Halbig read the hearing process.

VA2021-01

Mr. Halbig read the variance application.

Docket No 1:	VA 2021-02
Property Owners:	Paul and Lynell Hecht, Grady and Carla Smith
Applicant	Same
Property Address:	Lot 22 Marina Bay Drive
Tax Map #:	520-82-01-022

Mr. Halbig presented the staff report. He discussed the reason for variance request. He stated that a variance was warranted, but that it should not reduce the front yard setback to less than fifteen feet.

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

Ms. Lynell Hecht spoke of their efforts with surveyors, developers and the neighborhood POA. She spoke of the difficulty to find a house plan that would fit the buildable area of the lot.

Mr. Paul Hecht addressed the lakefront buffer.

Dr. Moore asked about topography and the contour. He asked who established the lakefront setback for the lot. Mr. Halbig stated that the setback had been set when Crescent Land and Timber had sold the lot to the developer of the subdivision with the setback included in the deed.

Ms. Carla Smith spoke if favor of the application as an owner.

Mr. Grady Smith spoke in favor of the variance as an owner.

Mr. Gray asked if there were any in attendance to speak in opposition to the request; there were none.

Mr. Gray asked for discussion from the board.

Dr. Moore asked about staff's recommendation. Mr. Halbig stated that the board has the power to grant a variance, but that the board should not consider a variance of less than fifteen feet from the front property line, due to the fact that any allowances written into the Zoning Ordinance treat fifteen feet as the threshold to the reduction of front yard setbacks.

Ms. Garland asked if anyone had contacted the city in opposition to this request. Ms. Garland addressed the Hechts and asked if the fifteen-foot setback would allow them to utilize their property. Ms. Garland asked if a side entrance garage could be utilized with the reduced setbacks. Mr. Halbig stated that the city was not requiring a side entry garage. He stated that the subdivision required the side entry, but that the lot in question was able to receive relief from that requirement because of its size.

Dr. Moore asked for clarification of the distance to the street within the Right of Way. Mr. Halbig pointed out that the city could not grant any allowances into the Right of Way, and that vehicles parked in the Right of Way become a liability for the party responsible for the Right of Way.

Mr. Gray asked if there was to be further discussion. There was none. He then called for a motion.

Motion made by Ms. Garland to approve variance to allow for a fifteen-foot front yard setback and a ten-foot side yard setback based on Section 902.4a of the City of Seneca Zoning Ordinance that addresses size, shape and topography of the subject property.

SECOND made by Dr. Moore

AYE: Ms. Garland, Dr. Moore, Mr. Gray.

NAY: none

OLD  
BUSINESS

Mr. Gray asked if there was any old business to discuss. There was none.

NEW  
BUSINESS

Mr. Gray asked if there was any new business to discuss. Mr. Halbig stated that the city would try to get board members up to speed on training and terms.

ADJOURN

Mr. Gray called for the meeting to be adjourned at 6:31 pm.

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Edward Halbig, Director  
Planning & Development

# ZONING VARIANCE APPLICATION

## CITY OF SENECA, SOUTH CAROLINA

<b>Variance:</b> Request is to allow for use of the property for small events. These events will be small - such as family celebrations, high tea, small weddings and other intimate gatherings.	Application Date: 2/22
	Received By: JC
	Public Hearing Date: 03/17/2022
	Public Notice Dates:      Publication: The Journal
	Fee: \$500.00      Receipt #
Date Posted: 2/22/22      By: BH	

Property Owner(s): Lori Sons	Phone #: (864) 360-0275
Owner(s) Address: 210 S. Townville Street Seneca, SC 29678 / 11008 Legends Lane Austin, TX 78747	
Applicant(s): (same)	Phone #:
Applicant(s) Address: (same)	

<b>Property Location:</b> (a plat must accompany this application)	
Tax Map #: 520-34-06-003	
Current Zoning Classification: R-6 (?)	Non-Conforming Land/Structure Use <input type="checkbox"/> Substandard Lot of Record <input type="checkbox"/>
Land Area: 1.009 Acres	Lot Dimensions: 209' x 209'      Current Use of Property: Residence
<b>Property Characteristics:</b> The 1885 Victorian structure, listed on historic register, has a long history of being a natural gathering place for the community- partly due to close proximity to Downtown. The property is situated on large corner lot, with many parking spaces on-street and off-street. See attached plat, site plan and parking diagram.	

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?  Yes, please provide the date and details. \_\_\_\_\_

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

This large home is zoned for Bed & Breakfast use. By extending services to include small event venues, I will be able to offer a natural gathering place in an historic atmosphere unlike anything available in Seneca. This will provide an asset for the community and fit in nicely with both the neighborhood and the new progress being made in Downtown Seneca. See attached sheet for images that describe the kinds of events we will host.

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) Lori Sons      *Lori Sons*

Property Owner(s) Signature(s): \_\_\_\_\_

Applicant(s) Name: (please print)

Applicant(s) Signature(s): \_\_\_\_\_

<b>STAFF USE ONLY</b>	
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 R. Halbig  
Planning Director

Date: March 7, 2022  
Public Hearing: March 17, 2022  
Docket: VA-2022-01

PROPERTY OWNER: Lori Sons

APPLICANT: Same

ACTION: To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of the zoning ordinance. The subject is additional uses of properties that are allowed as conditional uses in Residential R-10 zoning.

ANALYSIS: The applicant owns a residence at 210 S Townville Street. The property is in a district zoned R-10; R-10 allows for single-family residential and other uses as listed (see attachment). The applicant seeks to sell the property to a buyer who seeks to conduct the following activities at the property: a Bed and Breakfast, a tea service, and a wedding venue. Planning staff has determined that while the Bed and Breakfast is a conditional use in R-10 (and the property can meet the stated conditions), the other uses proposed are not stated as permitted or conditional, and such uses would be considered commercial in nature.

Because of this determination by Planning Staff, the applicant had applied for a variance. However, the variance process would not be applicable in this instance as section 904.2(e) states “[t]he 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...” The determination of the Zoning Administrator is that the additional uses being requested would not be considered permitted or conditional uses in the zoning district, therefore the Zoning Board of Appeals may not grant a variance. The Zoning Administrator further believes that the purpose of a variance is to grant deviation from the stated requirements where conditions of the subject property prohibit or unreasonably restrict its intended use.

Planning staff has recommended that the application be used as an appeal to the Zoning Administrator’s determination. An appeal to the Zoning Administrator’s decision is considered appropriate for the following reasons:

1. There are other conditional uses that are allowed to host events such as weddings, namely places of worship (503.3 a), facilities for use of civic associations (503.3 b), and there can be said to have been similar uses at publicly owned buildings, which would be permitted under section 503.2 b).
2. The application does not address any site-specific reasons that would warrant a variance; the property is located near the downtown, in an area with other uses mentioned above, but these conditions are not unique to the property or uncommon to the area.}

The use of an appeal will also help to clarify a distinction between those additional uses that are assumed to be appropriate extensions of some permitted and conditional uses but not of others. As the appeal is not specific to a single piece of property, the ZBA’s decision will likely set precedent and be applicable for other such clarifications.

In the case of 210 S. Townville Street request, the ambiguity results from uses that occur in non-commercial or non-profit settings: churches and other religious buildings may host weddings and receptions; civic associations may host private parties, receptions, and have hosted events with ticketed admission. The question arises as to whether there is a distinction between such uses occurring under the scope of a church non-profit versus that as a commercial use. To be considered are issues such as 1) frequency of the use and 2) the intensity of the use.

Regarding frequency, it would be safe to assume that a religious building might host weddings every week, and although the likelihood of this is assumed to be low, the property managers would not be prohibited from doing so. Likewise, civic associations might host gatherings on more frequent occasions (think of art classes or civic meetings) but would expectedly host larger events less frequently. Here too, there would be little restriction to hosting events with greater frequency. Again, these are assumptions based on previous activity within the downtown residential district.

Regarding intensity, impacts of noise, traffic and parking (and the hours which they create impacts) would be of highest concerns, followed by increased sanitation service and support services (caterers, equipment rental, and support staff above that of the Bed and Breakfast use. The downtown historic neighborhood currently endures greater traffic and noise than other residential neighborhoods because of the grid pattern of streets and the proximity to the activity of downtown. The downtown also has a greater mix of religious, civic, government, commercial, multi-family and mobile home uses interspersed within it than other neighborhoods. Part of the attraction of downtown neighborhoods is the access and proximity to a greater mix of land uses.

Planning staff recognizes the need for a greater mix of uses in the center of the city, and the property in question can contribute to the vibrancy of the downtown. But the requirements for R-10 are specific, and owners who invested in an area zoned for single family residential have expectations as to the maintenance and protection of their quality of life.

The Planning Department has limited authority, and the ZBA serves as a check and balance to that authority in that it may supersede the Planning Department's authority in both interpretation (appeal) and enforcement (variance) of the City's Zoning Ordinance. Regarding an appeal to the Zoning Administrator's interpretation of the City's Zoning Ordinance, it is the purview of the ZBA to make a determination as to the correctness of the Zoning Administrator's decision.

Attached are portions of the Zoning Code included as supplemental information.

The Appeals process is listed in the City's Zoning Ordinance (and is included below).

#### SECTION 903 APPEALS, HEARING, AND NOTICE

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Zoning Appeals by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals the entire record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, or other matter referred to it, and give at least fifteen days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same with a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

In exercising the above power, the Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board of Zoning Appeals, in the execution of the duties specified in this chapter, may subpoena witnesses and, in case of contempt, may certify this fact to the circuit court having jurisdiction.

All final decisions and orders of the Board of Zoning Appeals must be in writing and be permanently filed in the office of the Board of Zoning Appeals as a public record. All finding of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Zoning Appeals which must be delivered to parties of interest by certified mail.

#### SECTION 904 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

904.1 To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this zoning ordinance.

#### SECTION 503 R-10 ONE-FAMILY RESIDENTIAL DISTRICT

503.1 Intent of District: It is the intent of this Section that the R-10 Zoning District be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of at least ten thousand (10,000) square feet, and are to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

503.2 Permitted Uses: The following uses are permitted in any R-10 One-Family Residential District:

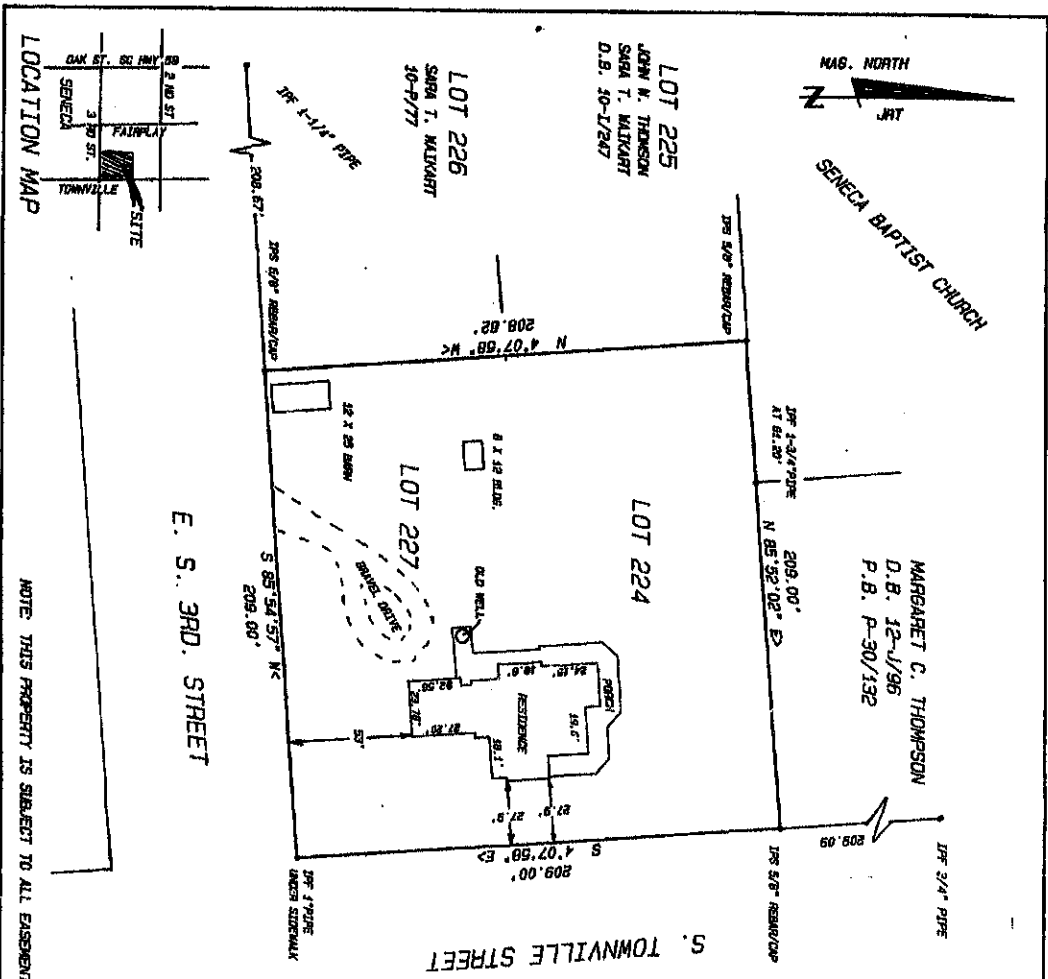
- a) Single family dwelling unit (other than mobile home).
- b) Publicly owned building, facility or land, except those included in Section 503.3.
- c) Unlighted golf course, excluding miniature golf and driving range, unless as a component of a golf course.
- d) Non-commercial horticulture activities.
- e) Public parks and recreation areas.
- f) Customary home occupation, as provided in Section 710.
- g) Accessory use, as provided in Sections 711 and 712.
- h) Automobile parking lot, as provided in Section 718.
- i) Temporary use, as provided in Section 805.

503.3 Conditional Uses: The following uses shall be permitted in any R-10 Zoning District on a conditional basis, subject to conditions set forth in Section 805. All Conditional Uses within R-10 Zoning Districts shall be subject to the Buffer provisions, as set forth in Section 730.

- a) Churches, synagogues, temples and other places of worship, along with related schools, provided that:
  - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
  - 2) such use is located on a lot of not less than 20,000 square feet in area; and
  - 3) exterior lights do not reflect into adjoining residential properties.
- b) Facilities for the use of civic associations, provided that:
  - 1) such use is housed in a permanent structure which is in compliance with all building, electrical, and plumbing codes for places of public assembly;
  - 2) such use is located on a lot of not less than 40,000 square feet in area; and
  - 3) exterior lights do not reflect into adjoining residential properties.
- c) Public utility substation or sub-installation including water towers, provided that:
  - 1) such use is enclosed by a wall or chain-link fence of at least six (6) feet in height above finished grade;
  - 2) there is no office or commercial operation on site; and
  - 3) there is no equipment or vehicle storage on site.
- d) Cemetery, provided that:
  - 1) such use consists of a site of at least five (5) acres;
  - 2) such use includes no crematorium;
  - 3) a minimum front setback of fifty (50) feet be maintained; and
  - 4) not more than one sign be utilized. Such sign to be of a maximum thirty (30) square feet in area, and to be non-illuminated.
- e) Educational facilities of the State of South Carolina or the Oconee County School System, private schools -grades K-12, and nursery schools, provided that such uses are located on a lot of at least forty thousand (40,000) square feet in area.
- f) Bed and Breakfast Inn, provided that:
  - 1) such use is located on a lot of at least 40,000 square feet in area;
  - 2) no more than eight (8) guest rooms are provided;
  - 3) required paved parking be provided to the rear of the principal structure; and
  - 4) such use is part of a dwelling unit with a resident owner or manager.
- g) Cellular towers, as per Section 735.



Shirley G. Smith  
 Oconee County, S.C.



NOTE: THIS PROPERTY IS SUBJECT TO ALL EASEMENTS & ENCUMBRANCES SHOWN ON RECORD.

*Gregory Blane*  
 GREGORY BLANE SOSEBEE P.L.S. #14818  
 P.O. BOX 275, SENECA S.C. 29679-0275  
 TELEPHONE (803) 882-0024  
 PROJECT-SHWITE JOB#899-94F

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, FAITH AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE KODJIAN STANDARDS MAP, PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS THEREIN.

THERE ARE NO VISIBLE ENCUMBRANCES OR PROJECTIONS SHOWN. THE HOUSE SHOWN IS NOT LOCATED IN A FLOOD HAZARD ZONE.

AGREAGE - 1.009  
 DATE: FEBRUARY 14, 1994  
 STATE OF SOUTH CAROLINA  
 COUNTY OF OCONEE  
 TOWNSHIP OF SENECA  
 CITY OF SENECA  
 SCALE: 1" = 50'

PLAT PREPARED FOR  
**FREDERICK L. SONS**  
 &  
**LORI L. SONS**  
 LOTS 224 & 227 (PLAN FOR TOWN OF  
 REF. D.B. 735/242  
 REF. P.B. (PLAN FOR TOWN OF SENECA  
 T.M. 520-34-06-003  
 SENECA COUNTY CLERK OF COURT

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 Co. of Seneca  
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