



## **CITY OF SENECA**

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Seneca, South Carolina 29679  
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**Edward R. Halbig, AICP**  
**Director**

### **ZONING BOARD OF APPEALS** **June 18<sup>th</sup>, 2020** **Council Chambers – City Hall** **6:00 PM**

**I. Opening**

**II. Approve Minutes**

**III. Zoning Variance Application's:**

**Docket Item 1:** VA-2020-02  
**Property Owner:** Kenneth T. Cooper  
**Applicant:** Same  
**Property Address:** 412 S. Townville St.  
**Tax Map #:** 520-40-01-006

**Docket Item 2:** VA-2020-03  
**Property Owner:** David (Ken) Sloan  
**Applicant:** Same  
**Property Address:** 209 N. Fairplay St.  
**Tax Map #:** 520-28-09-004

**Docket Item 3:** VA-2020-04  
**Property Owner:** Lance and Rachel Edwards  
**Applicant:** Same  
**Property Address:** 618 Pinecrest Dr.  
**Tax Map #:** 520-44-02-006

**IV. Old Business**

**V. New Business**

**VI. Adjourn**

The Seneca Zoning Board of Appeals met on Thursday, February 27<sup>th</sup>, 2020 at 6:00 p.m. in the City Hall Council Chambers. Members present included Mr. Marvin Gray, Chair, Ms. Tammy Garland, Vice Chair, Mr. John Gillespie, Dr. Ronald Moore, 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 to have minutes accepted as submitted.

Ms. Smith read the hearing process.

Ms. Smith read the variance application.

VA-2020-  
01

Docket No 1:	VA 2020-01
Property Owner:	Keowee Pointe Development LLC
Applicant	Bryant Puntch
Property Address:	400 Loran Pointe
Tax Map #:	520-58-01-104

Mr. Halbig presented the 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. Jim Gilreath (400 Loran Pointe Cir) introduced himself to board as representative for Mr. Puntch. He discussed the reason for variance request.

Mr. Gillespie asked for clarification on the sewer line being the reason for the request.

Discussion followed.

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

There being none.

MOTION:  
VA 2020-  
01

MOTION made by Mr. Voss to approve VA 2020-01 as submitted. 904.2 a, b, c-There are extraordinary and exceptional conditions pertaining to a particular piece of property in question because of its size, shape or topography; such conditions are peculiar to the particular piece of property involved and do not generally apply to other property in the vicinity; 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.

SECOND made by Ms. Garland.

Seneca Zoning Board of Appeals  
February 27<sup>th</sup>, 2020  
Page 2 of 2

MOTION:  
VA 2020-  
01

Discussion followed.

AYE Mr. Gray, Ms. Garland, Mr. Gillespie, Dr. Moore, and Mr. Voss.

OLD  
BUSINESS

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

There being none.


NEW  
BUSINESS

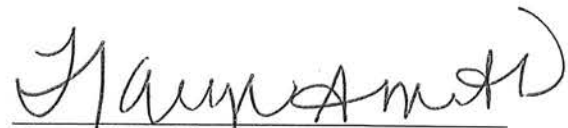
Mr. Gray asked if there was any new business to discuss.

Mr. Gray welcome Dr. Moore to board.

ADJOURN

Meeting adjourned at 6:11 p.m.

  
Edward Halbig, Director  
Planning & Development

  
Tracy C. Smith, Administrative Assistant  
Planning & Development

# Zoning Variance Application

City of Seneca

Planning & Development

Variance #: 2020-02

Date: May 18, 2020

Property Owner: Kenneth Ted Cooper  
Owner Address: 412 S Townville St  
Seneca, SC 29679  
710-3881

Applicant: Same  
Applicant Address: \_\_\_\_\_

Applicant Phone Number: \_\_\_\_\_  
Property Interest: \_\_\_\_\_

Do Not Write In This Space
Advertised: _____
Public Hearing: <u>June 18</u>
Receipt #: _____
Property Posted: _____
Fee Paid: <u>1.00</u>
Application Taken By: <u>W</u>

Property Location: (a plat must accompany this application) 412 S. Townville St.

Tax Map Number: 520-40-01-006 Lot Dimensions: See deed copy  
Zoning Classification: R-10 Lot Area: "  
Use of Property: Home

Property Characteristics: Residential Single family

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 (cite section numbers):  
(choose one) ☐ an appeal to the decision of the zoning administrator in interpretation of the Zoning Ordinance

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.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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: Kenneth T. Cooper 5-19-20 Date: \_\_\_\_\_

Chairman, Board of Appeals \_\_\_\_\_



## Staff Report

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

Date: June 4, 2020  
Public Hearing: June 18, 2020  
Docket: VA-2020-02

PROPERTY OWNER: Cooper, Kenneth T.  
LOCATION: 412 S. Townville St.

APPLICANT: Same  
ZONING: R-10

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

TAX MAP #: 520-40-01-006

### ANALYSIS:

The applicant seeks relief from Section 522.6 as it relates to side yard setback.

	Required Setback	Requested	Variance
Side Yard	10'	5'	50 %

The applicant owns a home in the downtown of Seneca. the building was damaged during the EF3 tornado of April 13, 2020. Four days after the tornado, a contractor working for the owners pulled building and electrical permits to repair damage.

Inspectors for the city stopped work at the property when they saw that the work was beyond the scope of repair. The contractor then submitted a drawing showing that the work included adding another carport to the existing one that had been damaged. The addition appeared to encroach into the 10-foot side yard setback of the property.

The applicant seeks to add the second carport and encroach into the side yard setback. Staff has sought out a survey of the property and found none. Staff estimates that there is approximately 30 feet between the vertical face of the house and the property fence, or 28.5 feet from the eave. An addition of 24 feet from the vertical face would require a setback reduction of from 4 to 5 feet, depending on the eave of the addition (essentially a 40-50% variance to the side yard setback).

The downtown area has numerous and varied non-conforming conditions. Adjacent properties have reduced side yard setbacks as they have been split previously.

The opposite side of the street has duplexes; the rear of the block has apartments; the next block has neighborhood commercial zoning.

### 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 size and shape of the property.

*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 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 being used as a residence.

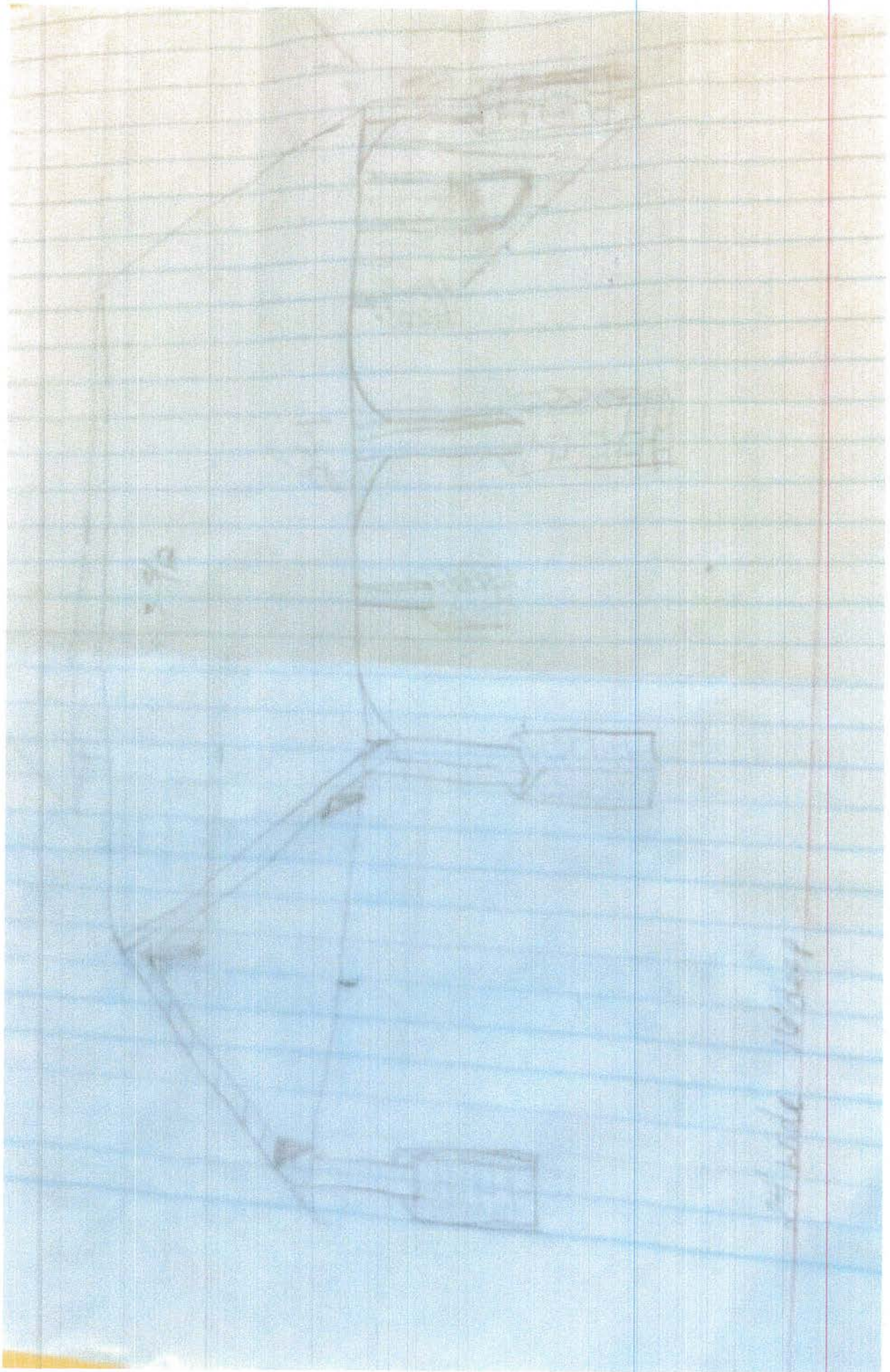
*904.2 d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance.*

As other properties exhibit reduces side yard setbacks in the area, maintaining a 5-foot setback should 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.

*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.





wide view





Overview



Legend

- Parcels
- Landhook
- Roads

Parcel ID	520-40-01-006	Alternate ID	57960	Owner Address	COOPER TERRY P & KENNETH T	Last 2 Sales			
Sec/Twp/Rng	n/a				P O BOX 1037	Date	Price	Reason	Qual
Property Address	412 S TOWNVILLE ST	Class	Residential 1 Family		SENECA, SC 296790000	n/a	0	n/a	n/a
		Acreage	0.48			n/a	0	n/a	n/a
District	200								
Brief Tax Description	LT 337 12-B-346								
	(Note: Not to be used on legal documents)								

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GEOSPATIAL



## Zoning Variance Application

City of Seneca

Planning & Development

Variance #: 2020-03

Date: 5/20/2020

Property Owner: David (Ken) Sloan  
Owner Address: 111 Still Water Bay Dr.  
Salem, SC 29676

Applicant: David (Ken) Sloan  
Applicant Address: 111 Still Water Bay Dr  
Salem, SC 29676

Applicant Phone Number: 864-380-3976  
Property Interest: Airbnb

Do Not Write In This Space

Advertised: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Property Posted: \_\_\_\_\_

Fee Paid: 50.00

Application Taken By: \_\_\_\_\_

Property Location: (a plat must accompany this application) 209 N Fairplay Street

Tax Map Number:	<u>520-28-09-004</u>	Lot Dimensions:	<u>55' x 155'</u>
Zoning Classification:	<u>Core Commercial</u>	Lot Area:	<u>0.21 acres</u>
Use of Property:	<u>Rental</u>		

Property Characteristics: residential single-story structure in commercial zoning

Has any application involving this property been considered previously by the Seneca Planning Commission or Board of Appeals? If yes, please state details.

none

I request ☒ [X] a variance from the following provisions of the Ordinance (cite section numbers):  
(choose one) ☐ [ ] an appeal to the decision of the zoning administrator in interpretation of the Zoning Ordinance

Section 514.3 c – Core Commercial; Conditional Uses; Short term rental units

Section 740.3 d Short Term Rentals; Applications and Restrictions; parking requirements

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.

Signature of Applicant: 

Date: 5-20-20

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 <input type="checkbox"/>	Date: _____	Owner _____	Date _____
Disapproved <input type="checkbox"/>			

Chairman, Board of Appeals \_\_\_\_\_

## Staff Report

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

Date: June 4, 2020  
Public Hearing: June 18, 2020  
Docket: VA-2020-03

PROPERTY OWNER: Sloan, David K  
LOCATION: 209 N. Fairplay St.

APPLICANT: Same  
ZONING: CC

REQUEST: Variance from Section 514(c) Conditional use

TAX MAP #: 520-28-09-004

### ANALYSIS:

The applicant seeks relief from 514.3(c) Conditional Uses:

The city passed its Short-Term Rental ordinance in 2019. As part of the ordinance, the city sought to encourage short term rentals (STRs) downtown, while protecting the integrity of the commercial district.

At that time, there had been requests to occupy first floor commercial buildings on Ram Cat Alley and Main Street. Staff deemed that such a use, while currently permitted, would be in conflict with the efforts to improve the business vitality of the downtown. Staff had been trying to encourage second floor living for years, while preserving street level space for businesses that would enhance the downtown.

At the time the STR ordinance was conceived, staff was only considering those buildings that were commercial in nature, and that had been the subject of residential inquiries. By commercial in nature, staff envisioned one- and two-story brick/masonry structures with facades at the sidewalk, zero-foot front and side setbacks, parapet roofs and display windows as part of a list of general characteristics.

There are other buildings in the downtown Core Commercial district, however, that are designed, suited and used for residential purposes. These buildings are residential in scale, with pitched roofs of shingle or metal; they have wood, brick or vinyl siding; they have front porches with residential entries and standard sash windows; finally they are set back from the side properties and from the front sidewalks with small lawns and/or landscaping.

Such residential buildings in the downtown core commercial district are seen as ideal for either residential, STR or small, distinctive commercial uses.

At issue is the condition for STR in Core Commercial. The code states that STRs are allowed as a conditional use in Core Commercial, provided that:



1) such use does not occur on the first floor of the building. The first floor shall be determined by the property's main access to the street or streets on which the building fronts. No short-term rental units shall be permitted to operate on the first floor of a building in this district;

As mentioned previously, the intent was to deny STR as a main floor use in commercially situated buildings. It was not written to address residentially situated buildings, as they were not considered at the time of the ordinance's passage.

Now that this issue has been brought to the fore, the Planning Staff will be seeking an opinion from the City Attorney as to how to correct the ordinance so as to allow the use of STR in residentially situated buildings in Core Commercial zoning downtown.

## 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 size and shape of the property.

*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 Core Commercial properties typically have no setback to the street and are otherwise commercially situated properties. This property is one which is residentially 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 can be utilized as either commercial or residential, but the ordinance restricts use of this property as an STR because as a residentially situated property it has only a first floor.

*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.*

As this property (and adjacent properties) can be used either commercially or residentially, 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.

*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.



**Overview**



**Legend**

-  Parcels
-  Landhook
-  Roads

Parcel ID	520-28-09-004	Alternate ID	56692	Owner Address	SLOAN DAVID K PO BOX 367 WALHALLA, SC 29691	Last 2 Sales			
Sec/Twp/Rng	n/a	Class	Residential 1 Family			Date	Price	Reason	Qual
Property Address	209 N FAIRPLAY ST	Acreage	0.212			4/12/2019	\$50000	Valid Arms-length sale tran	Q
						5/10/1994	0	Valid Arms-length sale tran	U
District	200								
Brief	MapPlatB P60 MapPlatP 807								
Tax Description	POLT98/POLT63								
(Note: Not to be used on legal documents)									

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# Zoning Variance Application

City of Seneca

Planning & Development

Variance #: 2020- 04

Date: 5/26/20

Property Owner: Lance & Rachel Edwards  
Owner Address: 618 Pinecrest Dr.  
Seneca, SC 29678

Applicant: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_

Applicant Phone Number: 864. 650. 1390  
Property Interest: \_\_\_\_\_

Do Not Write In This Space	
Advertised:	<u>6/18/2020</u>
Public Hearing:	<u>6/18/2020</u>
Receipt #:	_____
Property Posted:	<u>50.00</u>
Fee Paid:	<u>50.00</u>
Application Taken By:	<u>[Signature]</u>

Property Location: (a plat must accompany this application) Adams Subdivision - Seneca 618 Pinecrest Dr.

Tax Map Number:	<u>520-44-02-006</u>	Lot Dimensions:	_____
Zoning Classification:	<u>R20</u>	Lot Area:	<u>39,204 sq ft</u>
Use of Property:	<u>Primary Residence</u>		_____

Property Characteristics: \_\_\_\_\_  
Property has irregular shape

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 (cite section numbers):  
(choose one) ☐ an appeal to the decision of the zoning administrator in interpretation of the Zoning Ordinance

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.

Signature of Applicant: [Signature] Date: 5/26/20

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	<input type="checkbox"/>	Date: _____	Owner	_____	Date	_____
Disapproved	<input type="checkbox"/>					

Chairman, Board of Appeals \_\_\_\_\_



## Staff Report

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

Date: June 10, 2020  
Public Hearing: June 18, 2020  
Docket: VA-2020-04

PROPERTY OWNER: Edwards, Lance and Rachael    APPLICANT: Same  
LOCATION: 618 Pinecrest Dr    ZONING: R-20

REQUEST: Variance from Section 514(c) Conditional use

TAX MAP #: 520-44-02-006

### ANALYSIS:

The applicant seeks relief from Section 522.6 as it relates to side yard setback.

	Required Setback	Requested	Variance
Side Yard	15'	6.32'	58 %

The applicant owns a home in Adams Subdivision. the building was damaged during the EF3 tornado of April 13, 2020.

The property is currently being repaired. During the repair, the applicant seeks to enlarge the garage of the structure. The garage will be attached by a breezeway, which makes it part of the principal use and therefore requires the 15-foot setback, per the zoning ordinance. The applicant is seeking to encroach into the 15-foot setback approximately 8.68 feet, reducing the distance from the property line to the structure to 6.32 feet.

### 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;*

The property is a corner lot; it is of sufficient size and shape. Topography does not appear to be an issue.

*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 are 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;*

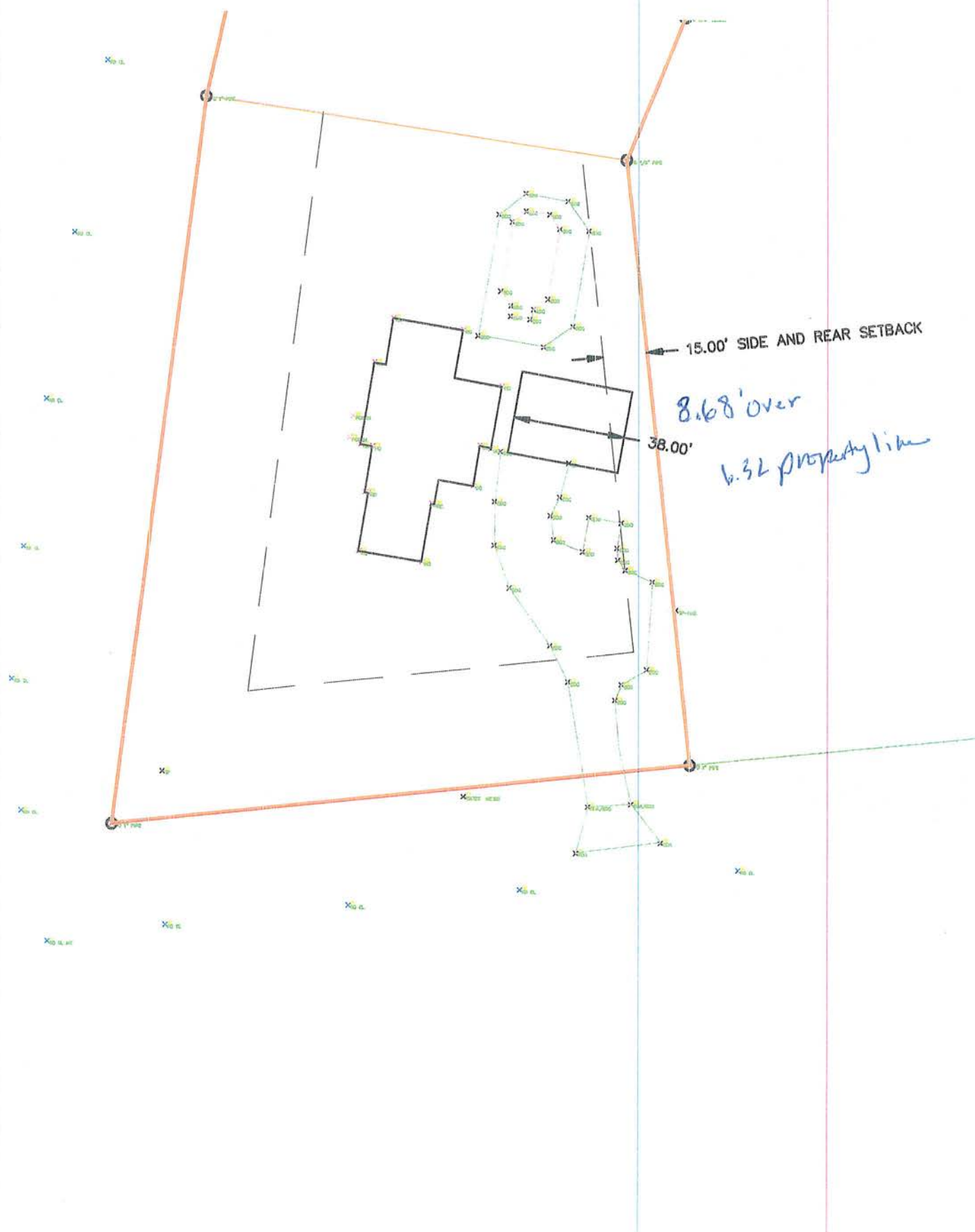
The property has currently been used as a residence; it is expected to continue such use after repair.

*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 will not be of substantial detriment to the public good, and the character of the district will not be harmed by granting of the variance.

*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.



15.00' SIDE AND REAR SETBACK

8.68' over

38.00'

b.32 property line





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Oconee County, SC



#### Overview



#### Legend

- Parcels
- Landhook
- Roads

Parcel ID	520-44-02-006	Alternate ID	58340	Owner Address	EDWARDS LANCE & RACHEL	Last 2 Sales			
Sec/Twp/Rng	n/a				618 PINECREST DR	Date	Price	Reason	Qual
Property	618	Class	Residential 1		SENECA, SC 29678	5/25/2012	\$215000	Transfer resulting from for	U
Address	PINECREST DR	Acreage	0.9			1/20/2012	\$150000	Other Not Valid	U
District	200								
Brief	MapPlatB S MapPlatP 37A								
Tax Description	LOT 2 ADAMS PINECREST REF -007 ALSO								
	(Note: Not to be used on legal documents)								

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