

CITY OF SENECA

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Edward R. Halbig, AICP Director

ZONING BOARD OF APPEALS June 20th, 2019 Council Chambers – City Hall 6:00 PM

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

Docket Item 1:

VA-2019-03

Property Owner:

Henry and Vanessa Craig

Applicant:

Same

Property Address:

308 Creek Dr.

Tax Map #:

520-19-03-015/520-19-03-045

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

Seneca Zoning Board of Appeals February 21st, 2019 Page 1 of 3

The Seneca Zoning Board of Appeals met on Thursday, February 21st, 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.

Docket No 1:

Property Owner: Larry and Sue Shiel

Applicant David Gully/Central Contracting

VA 2019-01

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.

VA-2019-01 Seneca Zoning Board of Appeals February 21st, 2019 Page 2 of 3

MOTION: VA 2019-01

VA 2019-

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.

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

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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 Harbig, Birector Planning & Development Tracy C. Smith, Administrative Assistant

Planning & Development

Zoning Variance Application

City of Seneca		Planning & Development
Variance #: ZA - 201	9-03 Date:	5/22/19
Property Owner:	HENRY & VANOSSA CRAIG	Do Not Write In This Space
Owner Address:	308 Chark Du.	Do Not write in This Space
	SENECH, G.C. 29678	Advertised:
		Public Hearing:
Applicant:	Honry Craig	Receipt #:
Applicant Address:	308 CRUSK DR.	Property Posted:Fee Paid:
	Sonlacy 3.C.	Application Taken By:
Applicant Phone Number:	(864) 568-6847	
Property Interest:	Posidontal	
D	DAG AID	10-11 the 121 the 10-71 on
Property Location: (a plat mu	st accompany this application) 308 CV 20-19-03-015/320-049 Lot Dimensions:	cock Dr. Plat # 4760
Tax Map Number: 52		Box Plat
Zoning Classification:	R-15000 Lot Area:	
Use of Property:	<u> Viosidontal</u>	
Property Characteristics:	3 bodizoom/z both wit	h attached composet
	V	· · · · · · · · · · · · · · · · · · ·
Has any application involving Board of Appeals? If yes, ple	g this property been considered previously by the case state details.	e Seneca Planning Commission or
	following provisions of the Ordinance so that the ated by the plot plan (cite section numbers):	e property listed in this application
5ZZ.8A / 5	ido yard Bot back yarı	ANCE
I (we) attest that there are no are contrary to, conflict, with,	recorded deed restrictions or restrictive covenar or prohibit the permitted activity being requested back.	nts that apply to this property which
Signature of Applicant:	Henry Cralg	Date: 5/22/19
	free holder(s) of the property(s) involved in this apple represent me (us) in this variance.	ication and further that I (we) designate
Approved Detail		
Approved Date:	Owner	Date
	O WILL	15410
Chairman, Board of Appeals		

Staff Report

To: Zoning Board of Appeals Date: June 10, 2019
From: Edward Halbig Public Hearing: June 20, 2019

Planning Director Docket: VA-2019-03

PROPERTY OWNER: Henry and Vanessa Craig APPLICANT: Same

<u>LOCATION</u>: 308 Creek Drive <u>ZONING</u>: R-10

<u>REQUEST</u>: Variance from Section 522.6 Table A –Side yard setback requirements

<u>TAX MAP #</u>: 520-19-03-015

ANALYSIS:

The applicant seeks relief from Section 522.6 as it relates to side yard setback for construction of an attached garage on side of home.

	Required Setback	Requested	Variance
Side Yard	15'	0'	100%

The Applicants have a residence in a subdivision that is zoned R-15 (single family, 15,000 square foot lots). Most homes in the subdivision were built without garages; a few have one car garages; several have added metal carports afterward. The applicants sought to add a site-built carport/garage approximately 24 feet in width. The applicants hired a builder who failed to obtain a permit. The building inspector discovered the work being done and placed a "stop work" order on the property. When the applicant's builder sought a permit, it was determined that the structure that had been erected may actually encroach onto the adjacent property, owned by Duke Energy (this was later verified with the attached survey). It was also too close to a portion of the neighbor's property. They settled with the neighbor by buying a portion of the adjacent property, thereby enlarging their property and relieving the need for an additional side yard setback variance.

The applicants are asking to be permitted to build to the property line, essentially a zero foot setback. Because of the work that was done without a permit, the structure stands partially completed. It will require modification by the builder, regardless of the outcome of this variance request. The applicants may not claim a hardship as it would be considered self-induced. The cost to change the structure to correct the encroachment may change with consideration of the extent to which a variance is granted.

The Planning Staff does not recommend the approval of a zero-foot setback for a number of reasons: First, at zero feet, the potential for encroachment increases. Second, with a zero foot setback, the applicant cannot legally traverse the property without trespassing onto the adjacent property. Third, the adjacent property owner also has the right to fence their property at the property line; therefore, the adjacent property owner has an established right that would come into conflict with this requested variance. Finally, the building codes require additional structural changes to any part of a building that is within five feet of a property line. City planning staff would recommend that the setback be no

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.

