



CITY OF WALHALLA BOARD OF ZONING APPEALS

Teara Barnwell, Chair
Josh Holliday

Jennifer Crawford
Frank Guldner

Thursday, February 2, 2023

Regularly Scheduled Board of Zoning Appeals Meeting

5:30 PM

206 North Church Street

Walhalla, South Carolina 29691

AGENDA

1. Call to Order
2. Approval of Agenda
3. Election of Officers
4. Approval of Minutes – July 26, 2021
5. Public Hearings
 - a. Appeal of Staff Interpretation: Minimum lot size requirements of Highway Commercial (HC)
6. Old Business
7. Public Comments, non-agenda items
8. Other Business
 - a. 2023 Meeting Schedule
 - b. 2023 ACOG CEU Schedule
9. Adjournment

City of Walhalla Board of Zoning Appeals
Monday, July 26, 2021 • 5:30 PM
Council Chambers • City Hall
Walhalla, South Carolina
Minutes

In accordance with the South Carolina Freedom of Information Act, Section 30-4-10 et seq., South Carolina Code, 1976, the media was duly notified of the date, time, and place of the meeting.

Members Present: Teara Barnwell, Josh Holliday and Frank Guldner

Members Absent: Jennifer Crawford and Josh Cox

Staff Present: Elijah Hayes

Call to Order: Chairwoman Barnwell called the meeting to order at 5:30PM, with a quorum present to conduct the meeting and welcomed all present to the meeting.

Approval of Minutes: Mr. Holliday moved to approve the minutes of the last meeting. The minutes were unanimously approved.

Public Comments: Chairwoman Barnwell called for any comments from the public. None were heard.

New Business: Request by Kaylee McAlister for a special exception to allow a new manufactured home at 114 Norton Street

Chairwoman Barnwell introduced the request for special exception. The applicant wishes to place a new manufactured home on a lot, located at 114 Norton St. The Chair followed with comments related to the standards required in the City's ordinance, such as the materials required and width measurements. Mr. Hayes confirmed that he would work with Ms. McAlister and the person installing the new home to ensure standards are met. He added that the Board was only deciding whether the special exception to allow the home was approved. Mr. Holliday noted that Ms. McAlister's parents were nearby, but this was a separate lot and would maintain a separate entrance. Both Ms. McAlister and Mr. Hayes confirmed that was accurate. Hearing no further comments, Mr. Guldner moved to approve the special exception request; Mr. Holliday seconded. The motion passed 3-0.

Other Business: Chairwoman Barnwell called for any other business.

Hearing no further business, Chairwoman Barnwell adjourned the meeting at 5:35 pm.

Respectfully Submitted,

Celia Boyd Myers, AICP
Community Development Manager

City of Walhalla
Board of Zoning Appeals
Staff Report
February 2023

Applicant:	Travis Chapman
Current Owner:	Gary Wood
Property Address:	North Catherine Street
TMS #(s):	500-04-01-003
Acreage:	+/- 1.33
Current Zoning:	HC (Highway Commercial)
Surrounding Zoning:	North: R-25 (Single-Family Residential, minimum lots 25,000 sq ft) South: HC (Highway Commercial) East: H-C (Highway Commercial) and R-25 (Single-Family Residential, minimum lots 25,000 sq ft) West: MFR (Multi-Family Residential)
Request:	Applicant is appealing staff's interpretation of minimum lot size.
Staff Interpretation:	<p>Staff determined that Highway Commercial (HC) permitted uses include "Residential activities as described in MFR Zoning District". This allows the applicant or others to build residential units within the HC District.</p> <p>However, further in the HC Zoning District description, it states "uses permitted in HC Zoning Districts shall be required to conform to the standards set forth in all other relevant portions of this Ordinance." Staff's interpretation of this language is that while the "use" is permitted, the remaining standards of HC apply. This includes a minimum lot size of 20,000 square feet.</p> <p>Staff concluded that a use refers to how a property/structure is used, but the standards set out the minimum design requirements. For staff to deviate from this stance would set a precedent that would allow future applicants to claim permitted uses may be held to differing standards than specified.</p>
Public Outreach:	<p>Staff hereby certifies that the required public notification actions have been completed, as follows:</p> <ul style="list-style-type: none">- January 18: Board of Zoning Appeals public hearing advertisement published in the <i>Seneca Journal</i>.
Public Feedback:	To date, staff has received no inquiries requesting more information.

§ 330-1.20. HC Highway Commercial District.

A. Purpose.

- (1) It is the intent of this section that the HC Zoning District be developed and reserved for general business purposes and compatible residential activities with, particular consideration for the automobile-oriented commercial development existing or proposed along arterial streets. The regulations which apply within this district are designed to encourage the formation and continuation of compatible and economic uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, or other uses considered capable of adversely affecting the basic mixed-use character of the district.
- (2) If a property contained within the HC District is also included in the Downtown Development Overlay District, the requirements of § 330-1.10A of this Ordinance will also apply to said property. See § 330-1.25 for sign standards for properties within the Overlay District.

B. Permitted uses. The following uses shall be permitted in any HC Zoning District.

- (1) Any retail or wholesale business involving the sale or rental of merchandise on the premises, as set forth for OC Zoning District, § 330-1.19B(1).
- (2) Business involving the rendering of personal service as set forth for OC Zoning District, § 330-1.19B(2).
- (3) Residential activities as described in MFR Zoning District.
- (4) Off-street commercial parking lot or public garage.
- (5) Hotel, tourist home, boarding house, rooming house, bed-and-breakfast, or motel.
- (6) Commercial recreation facility, specifically including, but not limited to:
 - (a) Billiard parlor, pool parlor, and game room,
 - (b) Theater,
 - (c) Bowling alley,
 - (d) Golf course (including driving range or par three operation); including such activities customarily considered to be auxiliary to golf course.
- (7) Eating or drinking establishment including drive-in or curb service.
- (8) Horticultural activities, or Plant nursery and sales.
- (9) Automobile sales, new or used, as provided by one of the following:
 - (a) Parking and service areas are separated from adjoining residential properties by a suitable screen, fence with no more than 20% voids, or

wall at least six feet in height above finished grade.

- (10) Any commercial establishment selling or serving alcoholic beverages whether consumed on the premises or not.
- C. Conditional uses. The following uses as set forth for HC Zoning Districts and subject to the conditions:
- (1) Automobile, laundry, or car wash, provided an off-street paved parking area is provided and no standing water, safety hazard, or impediment to traffic movement is created by the operation of such an establishment, and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premise.
 - (2) Animal hospital or boarding facility provided all boarding arrangements are maintained within a building except for exercise facilities.
 - (3) Meat, fish, or poultry shop, provided that no slaughtering is permitted. Any cleaning of fish or poultry necessary for such use may be permitted, provided that cleaning activities are within the main building on the premises, and waste is removed daily.
 - (4) Open yard uses for the sale, rental, or storage of materials or equipment, excluding junk or other salvage, provided that such uses are separated from adjoining residential properties by a suitable planted screen, and fence or wall at least six feet in height above finished grade.
 - (5) All conditional uses set forth in OC Zoning District.
 - (6) Major retailers, provided they adhere to the following conditions: They must comply with the Downtown Design Guidelines. **[Added 9-21-2021 by Ord. No. 2021-17]**
- D. Special exception uses. Certain uses within any HC Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of § 330-1.47 and all subsections and all conditions stipulated herein.
- (1) Gasoline filling stations. In addition to all conditions of the special exception use permit, at a minimum all pumps are set back at least 25 feet from the right-of-way line of all abutting streets. No junk or salvage vehicles shall be stored on site.
 - (2) Automobile service station (not gasoline stations) involving major repairs, body and fender work, painting, or the sale or rental of new or used cars, trucks, trailers of any type, or boats. No junk or salvage vehicles shall be stored on site. All provisions of § 330-1.49, Performance Standards, must be met.
 - (3) Communications towers.
- E. Other requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in HC Zoning Districts shall be required to conform to the standards set

forth in all other relevant portions of this Ordinance.

- (1) In addition: to minimize congestion at business access points, the following limitation shall apply to all arterial streets in the HC Zoning District. There shall be no more than two access points on an arterial street for every one lot of record provided, however, that:
 - (a) If a primary access to a lot of record is available on an intersecting street, then access on the arterial street shall be limited to one access per lot of record; and,
 - (b) Such access on an arterial street is granted only provided that there is a minimum of 80 feet from such access to the right-of-way of any intersecting street. This shall be limited to one access per lot of record; and,
 - (c) There shall be no more than one access point granted within a given 50 feet of frontage.
- (2) Minimum lot size: 20,000 square feet.
- (3) Minimum setback requirements.
 - (a) Front: 40 feet.
 - (b) Side: 10 feet on either side, but the total shall not be less than 25 feet.
 - (c) Rear: 20 feet.
- (4) Maximum height of building: four stories.
- (5) Maximum structure surface coverage of lot: 60%.
- (6) Rear yard setback areas may be used for parking.
- (7) Parking shall be located in the rear or side yard of the use. Parking areas existing when this ordinance provision became effective may be used to meet parking needs for reuse of existing buildings in the HC District.



CITY OF WALHALLA

Community Development

206 N Church St. • P.O. Box 1099 • Walhalla, SC 29691 • (864) 638-4343 • Fax (864) 638-4357 • www.CityofWalhalla.com

Board of Zoning Appeals Application

Date Filed: 1/3/23 Permit Application No. _____ Appeal No. 2023-01

INSTRUCTIONS

This application and its corresponding form must be completed for a hearing on **appeal** (corresponding form on page 2) from action of a zoning official, application for a **variance** (corresponding form on page 3), or application for **special exception** (corresponding form on page 4). This application shall be accompanied by a \$ 100.00 check made payable to the CITY OF WALHALLA, to help defray the cost of processing. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS: ☐ for action of zoning official ☐ for a variance ☐ for a special exception

Applicant(s)

Name: Travis Chapman, Top Quality Construction

Address: 1214 N. Catherine Street Walhalla SC 29691

Telephone: _____ Mobile: 8647232637 Email: topqualityconstruction1@yahoo

Note: Applicant has lot under contract to purchase from owner

Owner(s) (If other than the applicant)

Name: Gary T Wood

Address: _____

Telephone: _____ Mobile: _____ Email:

Designation of Agent (Complete, if the owner is not applicant)

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Owner's Signature: _____ Date: _____

Interest

Applicant holds the following interest: ☐ Owner ☐ Adjacent Owner ☐ Other, please explain _____

Property Description

Property Address: 1219 N Catherine ST, Walhalla, SC

TMS #: 500-04-01-003 Zoning District: Highway Commercial Acreage: 1.33

Lot: 1 Block: _____ Subdivision: n/a Lot Dimensions: 311' x 255' +/-

Plat Book: 2567 Page #: 146

I (we) certify that the information in this application and the attached is correct.

Applicant's Signature:

Travis Chapman

dotloop verified
12/29/22 2:12 PM EST
H4QP-AWY4-J4RR-VSKP

 Date: _____

Appeal from Action of Enforcement Official Application

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described on the grounds that: ☐ Granting ☐ Denial of an application of a permit to _____

allow minimum square footage exception from 20,000 Hwy Commercial to 15,000 per lot R-15 requirement

was erroneous and contrary to provisions of the zoning ordinance in Section 405.2/405.5/403.5

or other action/decision of the Zoning Official was erroneous, as follows: _____

Two different minimum square footage build requirements are listed, applicants is requesting clarification 15,000 minimum square footage requirement is allowed

2. Applicant is aggrieved by the action or decision in that: _____

Lot is zoned Highway Commercial which allows for residential activities as described in Multi Family Residential zoning district (see attached Section 504.2(C) and 403.5(A). MFR section states minimum 15,000 SQFT lot dimension; however, HC section has minimum 20,000 SQFT lot dimension. Standard practice in past, has allowed minimum 15,000 minimum square footage for R-15 build in Highway Commercial districts.

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is: _____

to allow R-15 minimum square footage requirement to apply to Highway Commercial Zoning district which allows for multi-family residential activities.

4. Applicant requests the following relief: _____

allow R-15/MFR district minimum square footage of 15,000 per lot instead of 20,000 sqft per lot so three homes can be built instead of two at this site providing additional homes in the community

Applicant's Signature: _____

Travis Chapman

dotloop verified
12/29/22 2:12 PM EST
JHN3-3561-151L-ZD6O

Date: _____

For Official Use

Date of Hearing: 2/2/2023 Board of Zoning Appeals' Decision: _____

Reason: _____

Board of Zoning Appeals Chair: _____ Date: _____

Section 406 HC Highway Commercial District

Section 406.1 Purpose

It is the intent of this section that the HC Zoning District be developed and reserved for general business purposes and compatible residential activities with, particular consideration for the automobile-oriented commercial development existing or proposed along arterial streets. The regulations which apply within this district are designed to encourage the formation and continuation of compatible and economic uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, or other uses considered capable of adversely affecting the basic mixed-use character of the district.

If a property contained within the HC District is also included in the Downtown Development Overlay District, the requirements of Section 301.1 of this Ordinance will also apply to said property. See Section 501 for sign standards for properties within the Overlay District.

Section 406.2 Permitted Uses

The following uses shall be permitted in any HC Zoning District.

- A. Any retail or wholesale business involving the sale or rental of merchandise on the premises, as set forth for OC Zoning District, Section 404.2 A.
- B. Business involving the rendering of personal service as set forth for OC Zoning District, Section 404.2 B.
- C. Residential Activities as described in MFR Zoning District.**
- D. Off-street commercial parking lot or public garage.
- E. Hotel, tourist home, boarding house, rooming house, bed and breakfast, or motel.
- F. Commercial recreation facility, specifically including, but not limited to:
 - 1. Billiard parlor, pool parlor, and game room,
 - 2. Theater,
 - 3. Bowling alley,
 - 4. Golf course (including driving range or par 3 operation); including such activities customarily considered to be auxiliary to golf course.
 - 5.
- G. Eating or drinking establishment including drive-in or curb service.
- H. Horticultural activities, or Plant nursery and sales.
- I. Automobile sales, new or used, as provided by one of the following:
 - 1. Parking and service areas are separated from adjoining residential properties by a suitable screen, fence with no more than twenty (20) percent voids, or wall at least six (6) feet in height above finished grade.
- B. Any commercial establishment selling or serving alcoholic beverages

- D. Maximum Height of Building – 2.5 stories
- E. Maximum Structure Surface Coverage of Lot – 60%

Section 404 MFR Multi-Family Residential District

Section 404.1 Intent of District

It is the intent of this section that the MFR Zoning District be developed and reserved for medium and high density residential purposes on lots or parcels not less than fifteen thousand (15,000) square feet. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy environment and to discourage unwarranted uses capable of adversely affecting the residential character of the district.

If a property contained within the MFR District is also included in the Downtown Development Overlay District, the requirements of Section 301.1 of this Ordinance will also apply to said property. See Section 501 for sign standards for properties within the Overlay District.

Section 404.2 Permitted Uses

The following uses shall be permitted in any MFR Zoning District:

- A. All permitted uses in the R-15 Single Family Residential District, as shown in Section 401.2;
- B. Multi-family dwellings;
- C. Duplex dwellings

Section 404.3 Conditional Uses

The following uses shall be permitted in any MFR Zoning District on a conditional basis:

- A. All conditional uses permitted in the R-15 Zoning District.

Section 404.4 Special Exception Uses

Certain uses within any MFR Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

Section 404.5 Other Requirements

Uses permitted or conditioned in MFR Zoning District shall be required to conform to the specific dimension requirements unless otherwise specified. All other relevant portions of this Ordinance shall apply. ,

- A. Minimum Lot Requirements – 15,000 square feet except that the minimum area per dwelling unit on a lot for multi-family dwellings shall not be less than indicated by dwelling unit type in the following table:





Looking Northwest onto the Property, North Catherine Street



Looking Northwest onto the Property, North Catherine Street

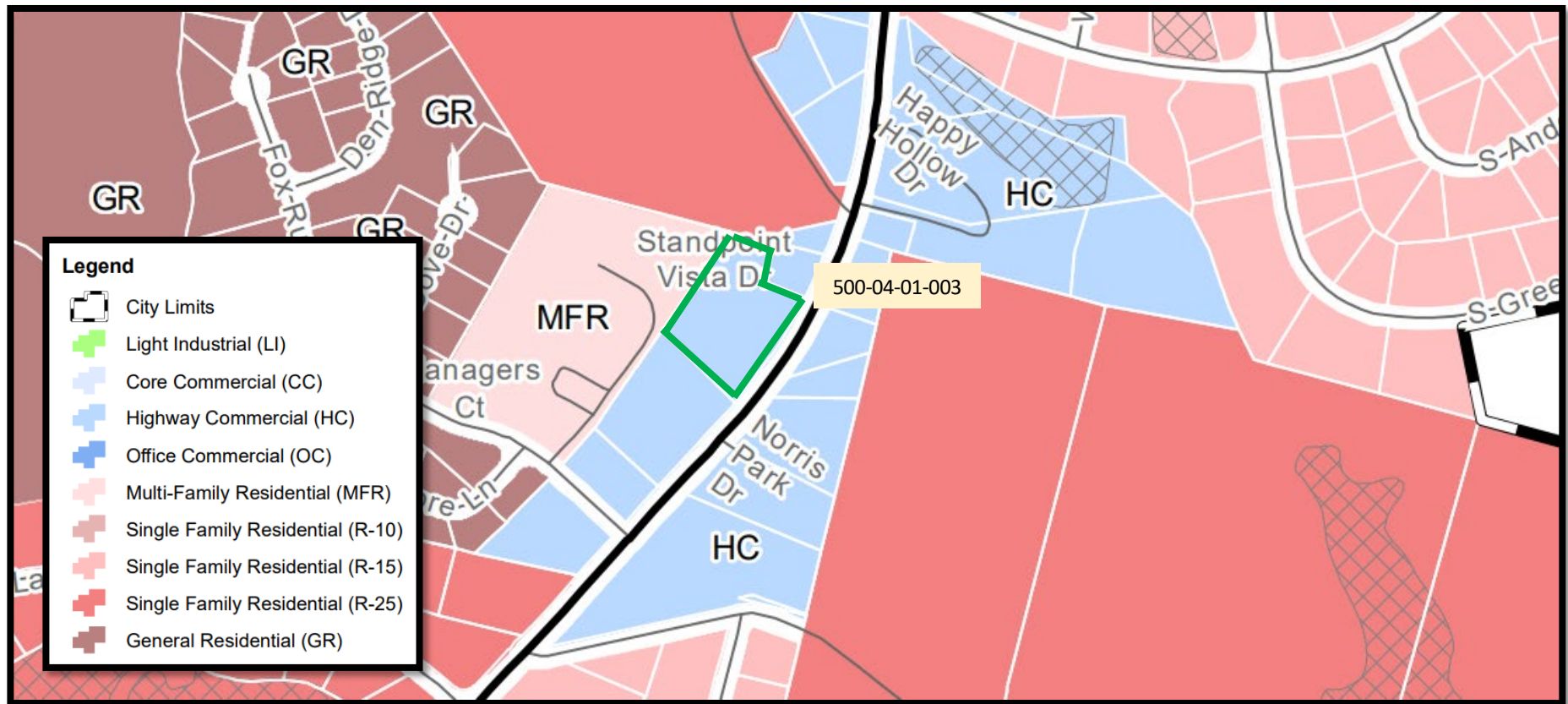


Looking Southwest onto the Property, North Catherine Street



Looking Southwest onto the Property, North Catherine Street

Zoning Map



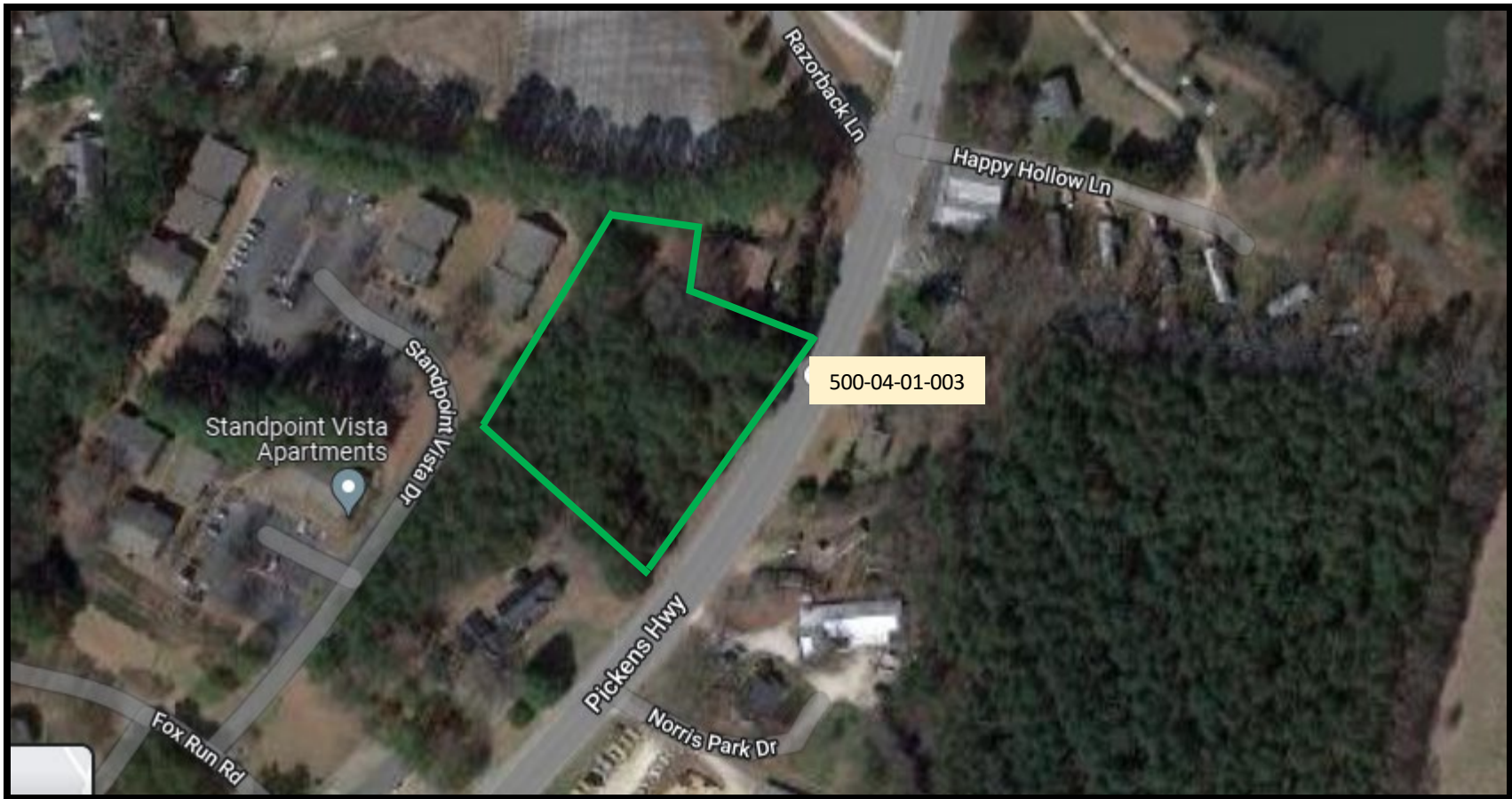
Request for Appeal of Staff Interpretation

Location: 1200 block of North Catherine Street

Current Zoning: Highway Commercial (HC)

Surrounding Zoning: R-25 (North); MFR (West); HC (South); HC and R-25 (East)

Aerial Map



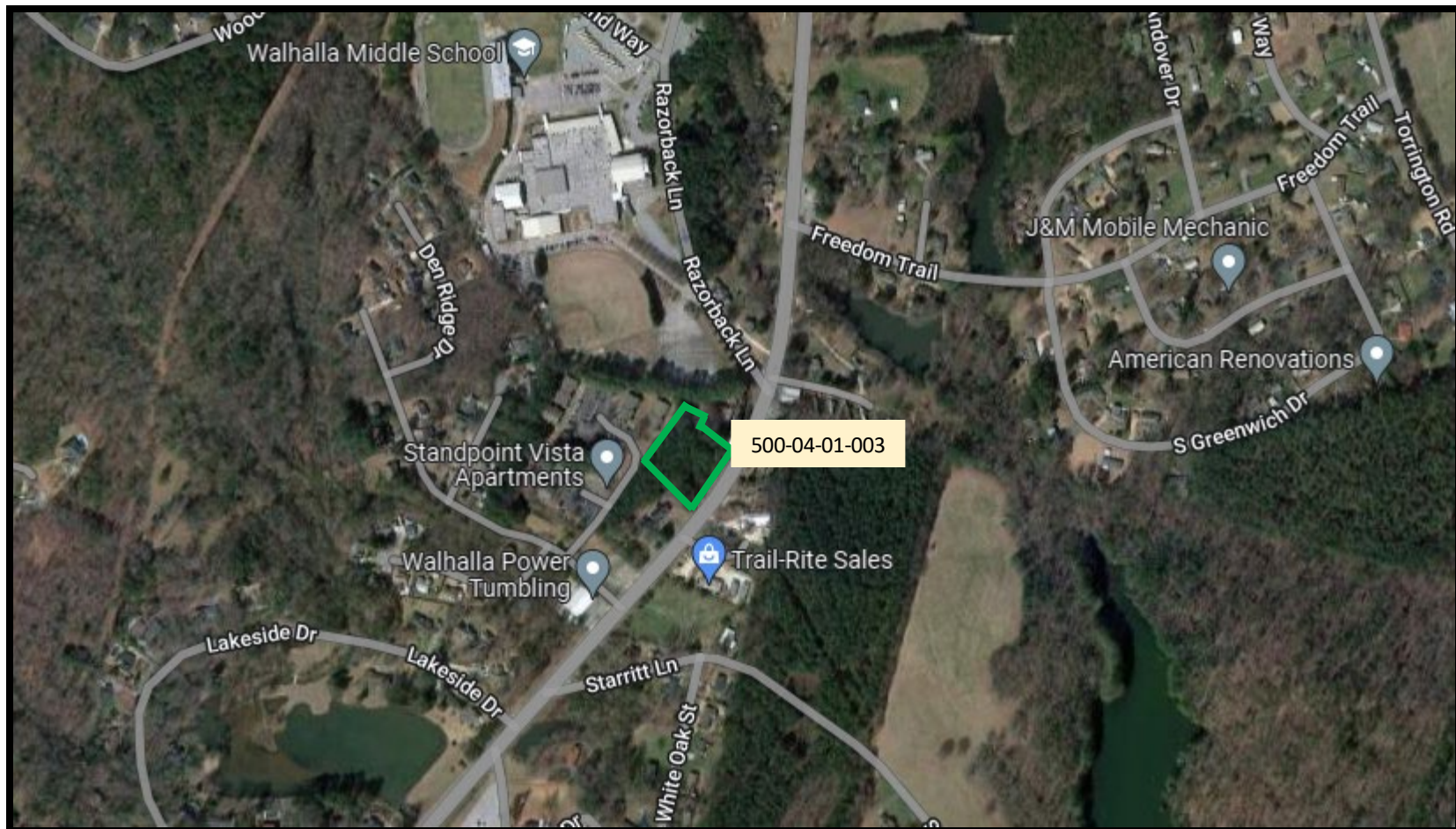
Request for Appeal of Staff Interpretation

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Surrounding Zoning: R-25 (North); MFR (West); HC (South); HC and R-25 (East)

Aerial Map

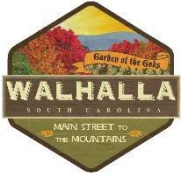


Request for Appeal of Staff Interpretation

Location: 1200 block of North Catherine Street

Current Zoning: Highway Commercial (HC)

Surrounding Zoning: R-25 (North); MFR (West); HC (South); HC and R-25 (East)



CITY OF WALHALLA

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APPLICATION DEADLINES AND MEETING SCHEDULE 2023

Application deadlines for any item that must be heard by the Planning Commission or Board of Zoning Appeals is the second Wednesday of each month. The deadlines (listed below) allow for the posting of legally required public hearing notices and will be strictly enforced. Should an application be submitted after the stated deadline, the application will be moved to the following month's agenda. All applications are to be submitted to the Community Development office in City Hall. Electronic submissions are not permitted, at this time.

Unless otherwise noted, all meetings will be held at 5:30 PM, in the City Council Chambers at City Hall, 206 North Church Street. Meetings may be cancelled, if there is no business scheduled. Please confirm with the Community Development office prior to attending.

The Planning Commission meets the 2nd Monday of each month. The Board of Zoning Appeals meets the 1st Thursday of every other month. Changes may be made due to holidays or other City sanctioned events.

Application Deadline	Planning Commission Meeting	Board of Zoning Appeals Meeting
December 14, 2022	January 17, 2023 (Joint Council) *	No meeting
January 11, 2023	February 13, 2023	February 2, 2023
February 8, 2023	March 13, 2023	No meeting
March 8, 2023	April 10, 2023	April 6, 2023
April 12, 2023	May 8, 2023	No meeting
May 10, 2023	June 12, 2023	June 1, 2023
June 14, 2023	July 10, 2023	No meeting
July 12, 2023	August 14, 2023	August 3, 2023
August 9, 2023	September 11, 2023	No meeting
September 13, 2023	October 9, 2023	October 5, 2023
October 11, 2023	November 13, 2023	No meeting
November 8, 2023	December 11, 2023	December 7, 2023
December 13, 2023	January 8, 2023	No meeting

**Date changed, as this is a joint meeting with City Council.*

Planning Officials Orientation and Continuing Education Training

2023

Date/Time	Training Type	Location	Deadline
February 22 nd 1 PM	OR	Pickens County	February 15
March TBD	CE	City of Belton	TBD
March 8 th 9:30	OR	ACOG	March 1 st
March 8 th 5:00	OR	ACOG	March 1 st
April 11 th 10 AM	CE	Oconee County	April 4 th
April 27 th 5 PM	OR	City of Spartanburg	April 20 th
May TBD	CE	City of Spartanburg	TBD
June 1 st	CE	City of Easley	May 25 th
June 14 th 10 AM	CE	ACOG	June 7 th
June 14 th 5 PM	CE	ACOG	June 7 th
July TBD	CE	Travelers Rest	TBD
August 23 rd 1 PM	CE	Cherokee County	August 16 th
November 1 st OR 9:30 AM	OR	ACOG	October 25 th
November 1 st 5 PM	OR	ACOG	October 25 th
December 13 th 10 AM	CE	ACOG	December 6 th
December 13 th 5 PM	CE	ACOG	December 6 th

Per state law, all new board members and staff members are required to take orientation within one year of the appointment/hiring date. After orientation, members are required to take continuing education once a year. Orientation is available online if any members are interested.

Forms will be sent out to municipalities and counties prior to each training as well as invoices after registration. Please note that dates, times, and locations are subject to change.

If you have any questions or concerns, please contact Jennifer Vissage at 864 241 4627 or vissage@scaog.org.