

CITY OF WALHALLA BOARD OF ZONING APPEALS

Teara Barnwell, Chair Kenny Johns

Dustin Raines

Frank Guldner, Vice-Chair Amy Welch

Thursday, September 18, 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. Approval of Minutes July 24, 2023
- 4. Public Hearings
 - a. Variance: Request for variance from minimum width at setback line on N Church Street (TMS 500-07-03-041)
- 5. Old Business
- 6. Public Comments, non-agenda items
- 7. Other Business
- 8. Adjournment

City of Walhalla Board of Zoning Appeals Thursday, July 24, 2023 • 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 Kenny Johns

Members Absent: Frank Guldner

Staff Present: Celia Myers

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 Agenda: Mr. Johns moved to approve the agenda with Mr. Holliday seconding. The motion to approve the agenda was unanimous.

Approval of Minutes: Mr. Holliday moved to approve the minutes of the April 6, 2023 meeting; and Mr. Johns seconded. The vote was 3-0.

Public Hearing:

Special Exception: Request to place a manufactured home on Chris Court (TMS 500-14-13-003)

Mrs. Celia Myers presented the request by Ms. Jane Finkenstadt to place a manufactured home at Chris Court, near Coffee Road. Manufactured homes are allowed in General Residential (GR) zoning, with a special exception approval by the Board of Zoning Appeals. Additional conditions are placed on the approval, including porch size, masonry foundation, multiple sections, etc. Chairwoman Barnwell opened the public hearing. Ms. Fikenstadt was presented and shared that manufactured homes had been present on the site for years, but had been removed some time ago. She was requesting approval in order to allow a tenant to place a home on the property. Hearing no other comments, the public hearing was closed. Mr. Holliday moved to approve the special exception with the conditions stated in the Walhalla Municipal Code; Mr. Johns seconded. The vote was 2-1, with Mrs. Barnwell opposing.

Special Exception: Request to place a manufactured home on West Ervin Street (TMS 500-22-01-002)

Mrs. Myers presented the request by Mr. Benito Zapata to place a manufactured home on West Ervin Street. She added that a home had been located on this parcel, but it had been recently demolished due to its dilapidated state. Manufactured homes are allowed in General Residential (GR) zoning, with a special exception approval by the Board of Zoning Appeals. Additional conditions are placed on the approval, including porch size, masonry foundation, multiple sections, etc. Chairwoman Barnwell opened the public hearing. Hearing no comments, the public hearing was closed. Mr. Johns moved to approve the special exception with the conditions stated in the Walhalla Municipal Code; Mr. Holliday seconded. The vote was 2-1, with Mrs. Barnwell opposing.

Variance: Request for variance from minimum setbacks on West Main Street (TMS 500-14-02-005)

Mrs. Myers presented the request by Mr. Eugene Smith to reduce the minimum side setback in order to allow for the placement of a carport. The placement of the home and driveway, prior to the current zoning code, presented the hardship. Chairwoman Barnwell opened the public hearing. Hearing no comments, the public hearing was closed. Mr. Holliday moved to approve the request for a reduction of side setback, in order to allow a carport; Mr. Johns seconded. The motion to approve the variance request was unanimous.

Variance: Request for variance from minimum width at setback line on North Church Street (TMS 500-07-03-041)

Mrs. Myers presented the request by Ms. Glory Hotko on behalf of Mr. Gerardo Carillo. The applicant wishes to subdivide the +/-1.8 acre parcel into three lots. Due to the triangular shape of the parcel, the applicant states a hardship in meeting the minimum width at setback line and requests the allowance of a shared driveway, as recommended by SCDOT. Ms. Hotko was present. Before Chairwoman Barnwell could open the public hearing, Mr. Johns stated that he lived next door to this parcel and felt he should recuse himself due to a conflict of interest. With Mr. Johns recusal, there was no longer a quorum to consider this item. Therefore Mr. Holliday moved to table the item until the next meeting when more members may be presented. Mrs. Barnwell seconded; and the motion was approved unanimously.

Old Business

Tabled Appeal: Status of Family Fence LLC's use of 135 Kelly Drive as a permitted non-conforming use.

Chairwoman Barnwell asked for a motion to remove the item from the table. Mr. Holliday moved to do so; Mr. Johns seconded. The motion to remove the item from the table was unanimous. The Board was presented with videos supplied by the Stoudemires and Reitanos. The Board questioned staff on whether they found any evidence on the videos supplied by the Reitanos of manufacturing. None was found. The members of the Board added that they saw no evidence on the video supplied by the applicant. Mr. Johns proposed that no machines be run before 8 am or after 5 pm. Mrs. Cindy Reitano stated that they usually did not; however, it was possible that a truck arrived earlier or later with supplies to be unloaded. She added that if the Board would not allow the use of 135 Kelly Drive, she could move the operation entirely to 328 North Pine, as it was a permitted non-conforming use and not under question. Mr. Holliday moved to uphold previous zoning administrator's Daniel Fletcher's decision and allow the continue use of 135 Kelly Drive for Family Fence's storage needs. Mr. Johns seconded. The motion was approved 3-0.

Public Comments, non-agenda items: None were presented.

Other Business: Chairwoman Barnwell called for any other business. None was presented.

Hearing no further business, Chairwoman Barnwell adjourned the meeting at 5:57 pm.

Respectfully Submitted,

Celia Boyd Myers, AICP Community Development Director



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: ______ Permit Application No. 2023-89 Appeal No. 2023-05

Request for Variance Application

	1.	Applica	int hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the	
		proper	ty described on page 1 of this application of the following provisions of Zoning Ordinance:	
		330-1.	14 E.(2) Minimum width in feet at setback line	
		so that	a zoning permit may be issued to allow use of the property in a manner shown on the attached plot	
		plan, d	escribed as follows: Minimum width at setback line is less than 100', but equal to or greater than	
		the mi	minimum required 25' at the right-of-way line for each proposed lot	
		for whi	ch a permit has been denied by a zoning official on the grounds that the proposal would be in	
		violatio	on of the cited sections(s) of the Zoning Ordinance.	
•	2.	2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance		
	by State law and the ordinance are met by the following facts.		e law and the ordinance are met by the following facts.	
			***NOTE: All of the standards set forth in a, b, c and d below must be met before the Board of Appeals can grant a variance. ***	
		a.	There are extraordinary and exceptional conditions pertaining to the particular piece of property	
			as follows: the lot is an odd shape & created before standards were in place	
		b.	These conditions do not generally apply to the property in the vicinity as shown by:	
			lots in the vicinity do not have an odd shape	
		c.	Because of these conditions, the application of the ordinance to the particular piece of property	
			would effectively prohibit or unreasonably restrict the utilization of the property as follows:	
			prohibit access to the rear lot	
		d.	The authorization of the variance will not be of substantial detriment to the adjacent property or	
			to the public good, and the character of the district will not be harmed by granting the variance for	
			the following reasons: the proposed lots will meet all other requirements as outlined in section E for District R-25, the local road can accommodate the additional traffic, SCDOT has been consulted	
	3.		lowing documents are submitted in support of this application: (A plot plan must be submitted.) psed Preliminary Plat (plot plan), Property Deed, SCDOT communication	
		гторс	sed Freinfillary Flat (plot plan), Froperty Deed, SCDOT continuincation	
App	olica	nt's Sigr	nature: Gerardo Carrillo Date: 06-29-93	
			For Official Use	
			earing: 7/241203 Board of Zoning Appeals' Decision:	
			oning Appeals Chair: Date:	

Photographs







Applicant: Glory Hotko Location: North Church Street (Across from Holloway Street)

§ 330-1.14. R-25 Single-Family Residential District.

- A. Intent of district. It is the intent of this section that the R-25 Zoning District be developed and reserved for low-density single-family residential purposes. No use or activity shall be permitted that would disturb or impair the natural character of the district. Areas impaired during construction shall be corrected, so as not to disturb the character of the district. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy environment with single-family dwelling units situated on lots of 25,000 square feet or more, and to discourage any encroachment by commercial, industrial or other use capable of adversely affecting the residential character of the district.
- B. Permitted uses. The following buildings and uses shall be permitted in any R-25 Zoning District:
 - (1) Single-family dwellings, detached (other than mobile homes);
 - (2) Cultivation of land and general gardening, horticulture or growing agricultural crops, and plant nursery and sales;
 - (3) Accessory buildings and structures in conjunction with permitted uses as prescribed in § 330-1.46.
- C. Conditional uses. The following uses shall be permitted in any R-25 Zoning District, subject to the conditions of this Part 1:
 - (1) Temporary use in compliance with the provisions of § 330-1.45.
 - (2) Lots containing one acre or more which is suitable for agriculture purposes, and which are in the R-25 Zoning District, may have horses and cattle at one animal per acre of pasturage, unless the County Extension Services Officer certifies that the land uses will support additional animals, grandfathered for one year and ceases to exist. This subsection is not to exclude Subsection B(3) or uses therein.
 - (3) A single parcel or lot which is two acres or greater may have one horse or head of cattle for each two acres unless the County Extension Service Officer certifies that the land uses will support additional animals. Such certificate shall be presented to the Zoning Administrator. Any such conditional use is subject to an annual review. This subsection is not to exclude Subsection B(3) or uses therein.
 - (4) Home occupations pursuant to § 330-1.43.
 - (5) Bed-and-breakfast facilities shall be allowed but must meet the following requirements:
 - (a) The building shall be occupied by an owner or tenant at any time that a room is leased.
 - (b) One sign shall be allowed on the property, no larger than six feet tall and eight feet long.
 - (c) A maximum of six bedrooms shall be allowed, with no more than two adults in each room.
 - (d) All occupants shall sleep in bedrooms only.
 - (e) Parking shall conform to Article VI of this Part 1.
 - (f) Rooms shall be rented to tenants for a maximum of 14 consecutive days.
 - (g) Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills.

§ 330-1.14 D. Speci \$ 330-1.14 Special exception uses. Certain uses within an R-25 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) Antennas, towers, masts and similar structures measuring over 17 feet above the top of the highest peak of the roofline.
- Other requirements. Uses permitted or conditionally permitted in R-25 Zoning Districts shall be required to conform to the specific dimensional requirements unless otherwise specified. All other relevant portions of this Part 1 shall apply.
 - (1) Minimum lot requirements: 25,000 square feet.
 - (2) Minimum width in feet: 100 feet measured at the front setback line; but in no case is the lot to be less than 25 feet at the right-of-way line.
 - (3) Minimum setback requirements:
 - (a) Front: 30 feet.
 - (b) Side: 10 feet.
 - (c) Rear: 15 feet.
 - (4) Maximum height of building: 2.5 stories or 35 feet. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (5) Maximum structure surface coverage of lot: 35%.

§ 330-2.27. Lots.

- A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- B. Where easements for public utilities and sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction and maintenance of such improvements.
- C. Lot areas shall not be less than minimum zoning requirements in the area in which the property is located.
- D. All side lines of lots shall be at right angles or radial to street lines, except where a variation will provide a better street and lot layout.
- E. Double-frontage lots shall be avoided wherever possible.
- F. Corner lots for residential use shall have additional width sufficient to provide equal setback from front and side streets.
- G. Every lot shall abut on a street. In no case shall an alley serve as the only access to a lot.
- H. The depth of a lot shall not be less than 100 feet, and excessive depth in relation to width shall be avoided.

2023-236 CARRILLO

FILED OCONEE COUNTY: SC ANNA K.DAVISON AND PEGISTER OF DEEDS

STATE OF SOUTH CAROLINA EGISTER OF DEEDS 2023 JUN 27 PM 4: 06

TITLE TO REAL E BK 2956

Anna Davison - Register Of Deeds
Page 1 of 2

BK2956 PG228-229

Oconee, South Carolina, Register Of Deeds

Recorded: 06/27/2023 at 04:06:00 PM

Barcode ID: 2350430

'Fee Amt: \$200.00

Tax: \$185.00

COUNTY OF OCONEE

KNOW ALL MEN BY THESE PRESENTS THAT, CESAR SOSA AND ALEJANDRO SOSA, herein referred to as Grantor, for and in consideration of the sum of FIFTY THOUSAND AND 00/100 DOLLARS (\$50,000.00) to me paid by GERARDO CARRILLO AND ALISHA GENIS VILLALBA, as joint tenants, with the right of survivorship and not as tenants in common, hereinafter referred to as Grantees, in the state aforesald, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto said Grantees, GERARDO CARRILLO AND ALISHA GENIS VILLALBA, as joint tenants, with the right of survivorship and not as tenants in common, their heirs, successors and assigns forever.

ALL that certain piece, parcel or lot of land with any improvement thereto, situate, lying and being in the State of South Carolina, County of Oconee, containingh 1.788 acres, more or less, as shown and designated and more fully described on Plat prepared by James G Hart, RLS #6674 dated June 23, 2003 and recorded on July 21, 2003 in Plat Book A952, at Page 1, records of Oconee County, South Carolina. Reference being hereby given for a more complete metes and bounds description thereof.

TMS# 500-07-03-041

This being the same property conveyed unto Cesar Sosa and Alejandro Sosa from Ronald A Mattox and Sandra E Mattox by deed dated August 9, 2018 and recorded on August 13, 2018 in Deed Book 2387 at Page 3, records of Oconee County, South Carolina.

This conveyance is made subject to any and all existing reservations, easements, rights of way, zoning ordinances, setback lines, and restrictions or protective covenants that may appear of record, on the recorded plat(s), or on the premises.

Grantee's Address: 415 PITCH FORD ST WALHALLA, SC 29691

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto said Grantees, Gerardo Carrillo and Alisha Genis Villalba, as joint tenants, with the right of survivorship and not as tenants in common, their heirs, successors and assigns forever.

AND GRANTOR, Cesar Sosa and Alejandro Sosa, does hereby bind Grantor, and Grantor's heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto said Grantees, Gerardo Carrillo and Alisha Genis Villalba, as joint tenants, with the right of survivorship and not as tenants in common, their heirs, successors and assigns, against Grantor and Grantor's heirs, successors and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

FOR OFFICE USE ONLY
THIS PROPERTY DESIGNATED AS
MAPSOOSUS OF BLK OF PARCOA)
ON OCCURE COUNTY TAX MAPS

JUN 2 8 2023

Auditor, Oconee County S.C.

OCONEE COUNTY
STATE TAX 130.00
COUNTY TAX 55.00
EXEMPT

OCONEE COUNTY ASSESSOR

2023-236 CARRILLO

COUNTY OF OCONEE

Witness Our hand and seal this 23rd day of June 2023.

Signed, Sealed and Delivered in the Presence of:

Witness Cesar Sosa

Alejandro Sosa

STATE OF SOUTH CAROLINA

ACKNOWLEDGMENT

I, a Notary Public, within and for the state and county aforesaid, do hereby certify that the foregoing instrument of writing was this day produced to me in the above state and county by Grantor and was executed and acknowledged to be the free act and voluntary deed of Grantor.

WITNESS my signature this 23rd day of June, 2023.

Notary Public for South Carolina

My Commission Expires: 1/- (4-27

Prepared by Bagwell & Corley Law Firm, PC

Town of Vehicle

P

(3)

R

PROPERTY

File MATTOX, RONALD A.

Magnily

SIRVETED BY JAYES & HATT LS A 8574
285 FRONS-SP VALEY ROAD /
SENECA, SC 25576
TELEPHONE G6-9 832-5288

LOCATION MAP--NO SCALE



From: To: Dean, Barbara keoweecs@gmail.com

 Subject:
 RE: Property ID#500-07-03-041

 Date:
 Friday, June 2, 2023 2:35:42 PM

Glory—hope you are doing well. We would recommend that all lots come off of the flagged lot access point. As for sight distance concerns that would need to be checked through my office. If the storm drains onto the property that is the way it would has always drained as the drain is at the lowest point on the property.

Thank you

From: keoweecs@gmail.com <keoweecs@gmail.com>

Sent: Thursday, June 1, 2023 3:18 PM
To: Dean, Barbara < DeanBS@scdot.org>
Subject: Property ID#500-07-03-041

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi Barbara,

Attached is a draft Preliminary Plat for the proposed subdivision of the subject property. My client wishes to build three, small single-family homes over time for his family. I will be applying for a variance on his behalf with the City of Walhalla because the flag lot does not meet the minimum required road frontage of 100 feet. Before we go through that exercise, can you review and provide feedback as to whether or not the driveway encroachment for each lot would be approved, or if anything needs to be addressed?

The Preliminary Plat shows a proposed location for each driveway, but those are flexible, except for the flag lot. The driveways would be a minimum of 10 feet wide. The existing drainage pattern dictates a culvert would be necessary under each driveway. There is a low point at the SW corner of the lot that I am a bit concerned about. It appears that the storm drain system in N Church Street discharges onto the property here, can you verify? Is there a drainage easement on the property for this purpose; would I need to include that on the Plat? Because of this, I would suggest moving the driveway north (towards the flag lot driveway) as much as allowable. Let me know your thoughts.

I've also attached the existing Plat, county topo, and a few pictures for your reference.

N Church St: S-37-148, est. AADT for 2022 was 1150. The speed limit is 35MPH. There are no site distance concerns related to topography, sharp turns, or hazards.

That's all the information I have to share at this time. Let me know if you have any questions. Thanks so much for your assistance.

