

Zoning Variance Application

City of Seneca

Planning & Development

Variance #: VA 2018-2019-01  
 Property Owner: Larry & Sue Shiel  
 Owner Address: 107 Westchester Drive  
Seneca, SC 29672  
 Applicant: David Gully/Central Const.  
 Applicant Address: 501 Rochester Hwy, Ste A3  
Seneca, SC 29672  
 Applicant Phone Number: (864) 303-5199  
 Property Interest: 107 Westchester Drive  
Seneca, SC 29672

Date:

Do Not Write In This Space
Advertised: _____
Public Hearing: <u>2/21/19</u>
Receipt #: _____
Property Posted: _____
Fee Paid: <u>50.00</u>
Application Taken By: <u>[Signature]</u>

Property Location: (a plat must accompany this application) Normandy Shores 107 Westchester  
 Tax Map Number: 520-01-01-015 Lot Dimensions: 388 x 138  
 Zoning Classification: Lake Residential Lot Area: .47 Ac/20,473 sf  
 Use of Property: Residential

Property Characteristics: This is a pie shaped lot at the end of a street that is extremely tight on setbacks

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  
Requesting a 10' variance in the front/road setback as the house is extremely close to all of the lake setbacks.  
The neighborhood review committee as already approved the plans including the encroachment.

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: 1/10/19

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: 1/10/19 [Signature] 1/10/19  
 Disapproved  Owner Date

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

**Staff Report**

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

Date: February 4, 2019  
Public Hearing: February 21, 2019  
Docket: VA-2019-01

PROPERTY OWNER: Larry and Sue Shiel

APPLICANT: David Gully/Central  
Signature Construction

LOCATION: 107 Westchester Drive

ZONING: R-20

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

TAX MAP #: 520-01-01-015

**ANALYSIS:**

The applicant seeks relief from Section 522.6 as it relates to front yard setback for construction of an attached garage on an irregularly shaped piece of property.

	Required Setback	Requested	Variance
Front Yard	40'	30' (needs 28')*	12', or 30%

\*The submitted application has requested a 10 foot variance; the architectural plans submitted show need for a 12 foot variance; Planning staff has presented the report with a 12 foot variance for consideration.

The applicant has begun construction of a new residence at the subject property. Due to setbacks and geometry of the property, a large portion of the side property is challenged; Slope issues occur toward the rear of the property; the street side of the property is less challenged. The applicant seeks to avoid the slope and encroach into to the front setback.

There have been two similar variances on Westchester Drive, in 1993 and 2002. Along the street, most of the houses are challenged with slope issues and do not conform to the required front yard setback. The request of the reduction to 28 feet allows for most vehicles to be parked on the property without encroachment into the street right-of-way.

**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 setbacks on the property, combined with its irregular shape, slope, floodplain with less slope at front and more at lake side may affect the ability to utilize the property for building of garage.

*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;*

The topography is common to the area, but the shape and setbacks create conditions that are peculiar to this piece of property.

*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;*

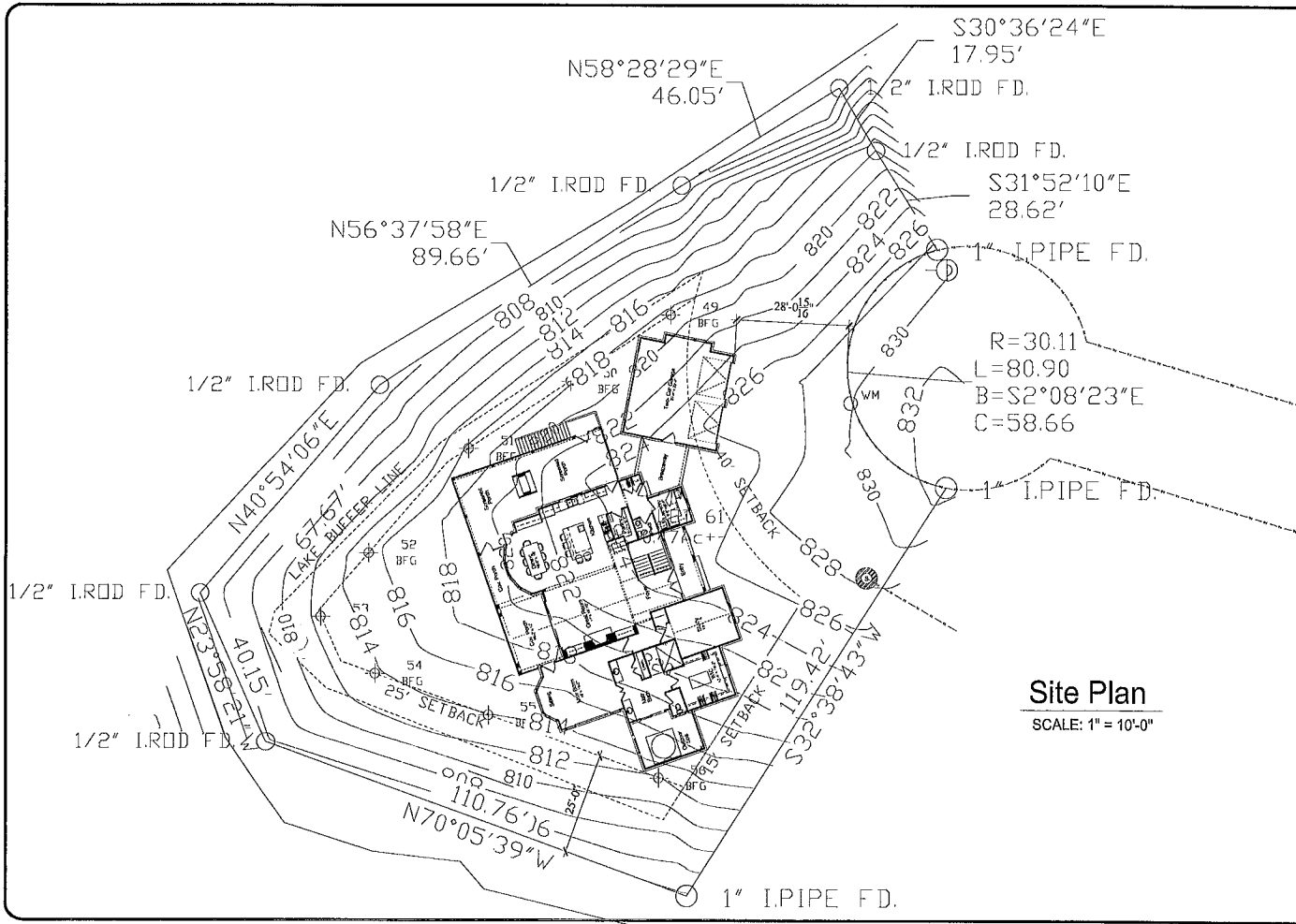
The property can be utilized as residential.

*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.*

Other properties along the street have received variances and have similar front yard setbacks.

*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.*

Granting of a 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.



**Site Plan**

SCALE: 1" = 10'-0"



Project No.:  
CSH-Shiel-17

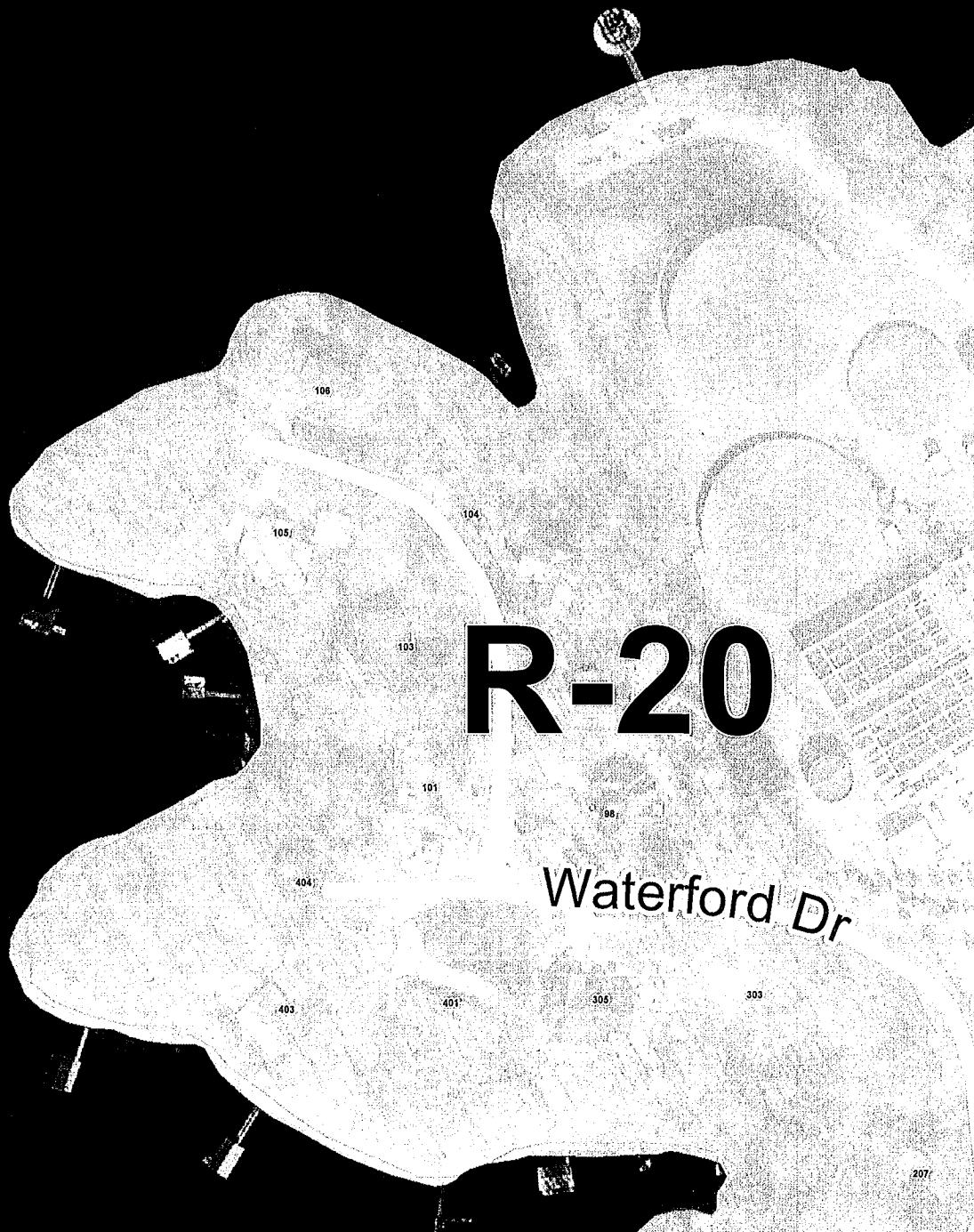
Cover Sheet & Site Plan  
The Shiel Residence  
Lot 61 - Normandy Shores

DraftWright, Inc.  
Phone: (850) 888-0983  
wendy@draftwrightinc.com

Dtr: WLK  
Scale: Noted  
Date: 10.31.18

Sheet  
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Waterford Dr