

City of Barnwell Order on Variance Application Board of Zoning Appeals

Date Filed: 07/30/24 Permit Application No. 2024-3 Appeal No. 2024-3

The City of Barnwell Board of Zoning Appeals held a public hearing on 08/26/2024 to consider the appeal of Wanda Buas for a variance from the strict application of the Zoning Ordinance as set forth on the Form Var.App. affecting the property described on Form 2024-3 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. The Board concludes that Applicant **has** - **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact: _____
due to the nature of the lot and the size and shape of the lot

2. The Board concludes that these conditions **do** - **do not** generally apply to other property in the vicinity based on the following findings of fact: _____
all other properties on the street are grandfathered in.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property **would** - **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: lot is very small in size

4. The Board concludes that authorization of the variance **will** - **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district **will** - **will not** be harmed by the granting of the variance based on the following findings of fact: _____
the building of the house will bring value to the area and other properties

5. The Board concludes that the effect of the variance **would** - **would not** be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section 4-102 of the ordinance; **would** - **would not** extend physically a nonconforming use of the land; and **would** - **would not** change the zoning district boundaries shown on the official zoning map, based on the following findings of fact: in the middle of the district.

THE BOARD, THEREFORE, ORDERS that the variance is **DENIED** - **GRANTED**, subject to the following conditions: move the house plan further close to the road (setback 10-13 ft)

Date issued: 8/26/2024

Date mailed to parties in interest: 9/4/2024

Approved by the Board by majority vote.

[Signature]
Chairman

[Signature]
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

CITY OF BARNWELL— BOARD OF ZONING APPEALS
MINUTES OF PUBLIC HEARING — AUGUST 26, 2024, 5:30 PM

MEETING LOCATION

CITY HALL, CITY COUNCIL CHAMBERS

130 MAIN ST., BARNWELL, SC 29812

City of Barnwell Board of Zoning Appeals met for a hearing: Wanda Buggs variance on the setbacks for Residential 15 Zoning.

Board Members Present: Acting Chairman Marty Harvey, Kent Kirkland, Linda Knapp

Board Member Absent: Wil Alexander (conflict), Cam Halford

Others Present: City Administrator/Zoning Administrator Lynn McEwen, Wanda Buggs, and other residents and property owners of the neighborhood.

HEARING

Chairman Harvey called the hearing to order and stated that there was a quorum of the members of the board to be able to proceed.

Lynn McEwen, Zoning Administrator, stated the facts of the case: Ms. Wanda Buggs had purchased this property with the intentions of building a house to live in. The property purchased by Ms. Buggs include one parcel on Turner St. and one behind that property, slightly offset from the front parcel. The problem is the setbacks in the R-15 (which are not much different than other residential areas) are 10 feet for the side yards from the principal structure, minimum of 20 feet in the front and 30 feet in the rear yard. The lot is only just over 5000 square feet. Ms. Buggs is still wanting to build her house on this lot. The other houses on Turner (which have been grandfathered in zoning) are all very close (some between 10-15 feet) to the road. Smallness of the lot makes it difficult to build. Ms. Buggs is asking the board to consider a variance to the setbacks since the lot is so small and it will not hurt or hinder other properties in the area. The rear setback is in question as $\frac{3}{4}$ of the property has a full 30 foot setback since Ms. Buggs owns that piece, but the $\frac{1}{4}$ to the property line of Ms. Newton is only 23 feet, and the back corner is almost at 5 feet but the area that it abuts is an easement for Ms. Newton's driveway. There is also a proposal from the builder to move the house closer to the road, adjusting the front setbacks less than the minimum 20 feet but would be similar to the other setbacks of the houses in the front. This would allow an extra amount of room in the back. Maps and photos were provided to the board.

Letters had been sent to all surrounding neighbors and, a notice of the hearing had been posted in the newspaper.

COMMENTS FROM MS BUGGS

Ms. Buggs had no comments at this time.

Board member Kent Kirkland asked Ms. Buggs about the additional property that she purchased and that she understood that building with the smaller setbacks will limit what can be done on that property. She said she understood, and also stated that nothing could be done on that property due to the fact that it can't be built up enough. She also stated that when talking with the water department, they had told her that the house would need to be at least 10 feet from the road for the line that they will have to extend to her location. Administrator McEwen stated that the right of way would be just at the edge of the road.

COMMENTS FROM THE NEIGHBORS OR OTHER PUBLIC

Letter from Ms. Newton states that she has no issue with Ms. Buggs building that close to the lot line.

Mr. Herman Harley and his family have property on Leby St. and have no objection to her building on Turner.

Mary Ann Bishop Frank has property at 84 Turner St. and is happy with Ms. Buggs building on the lot.

Sara Carter grew up on Turner St. and was there to boast that she hopes Ms. Buggs brings back some life on the street with her building this house. Ms. Buggs also stated that she has already helped a couple of neighbors with a USDA grant to help fix up their homes.

RULING FROM THE BOARD

Board member Linda Knapp stated that she didn't have this much room in her yard (which is also in town) and she didn't have any issues with the back setback or the front setback. The board discussed the additional option of moving the house closer to the road, which would still be inline with the existing homes on the street, so that it would give a few more feet in the back corner in front of the easement (Betty Ann Newton-Hill). Please see the ruling made on the Variance for the entire completed approval. Accommodate the water dept and the builder to center the house in an appropriate location with the 10 foot side yard setbacks being set.

Minutes Provided by Zoning Administrator Lynn McEwen


