

PICKENS COUNTY PLANNING COMMISSION

MINUTES

of

November 11th, 2013

6:30pm

**PICKENS COUNTY ADMINISTRATION BUILDING
Main Conference Room**

MEMBERS PRESENT:

Jim Wilkie, Chair
Weldon Clark
Dennis Reinert
Henry Wilson
Bob Ballentine

STAFF PRESENT:

Ken Roper, County Attorney
Chris Brink, Community Development Director

Welcome and Call to Order

Mr. Wilkie, presiding official, called the meeting to order at 6:30 p.m.

Mr. Wilkie asked those in attendance to join in a moment of silence. Mr. Wilkie led the recital of the Pledge of Allegiance.

Mr. Wilkie asked the members of the commission to introduce themselves and to state which County Council member they represent.

Approval of Minutes

Mr. Wilkie asked for a motion regarding the minutes of the October 14th, 2013, meeting. Mr. Ballentine motioned to approve the minutes. Mr. Clark seconded the motion; motion passed unanimously.

Public Comments

No one was present wishing to address the commission.

Public Hearings

Mr. Wilkie opened the public hearing portion of the meeting and asked staff to give a brief overview of the hearing procedures.

Mr. Wilkie asked staff to announce the public hearing.

1. SDV-13-003 Subdivision Variance to allow an extra mobile home on lot less than 1.00 acre. Site is located on Enon Church Road, Easley.
Tax Map# 5009-19-61-9829

Mr. Wilkie opened the public hearing and asked if the applicant was present.

Mr. William Lee and Mrs. Barbara Lee, applicants and property owners, appeared before the commission and gave an overview of their request; that they would like to bring in a second home onto their property for their mother, Ms. Donna Lee, who 74 years old and in bad health, battling cancer, and has fallen recently; that Ms. Lee lives in an apartment complex that isn't suited to her needs; that they would like her closer so that they can watch over her while still allowing her to be somewhat on her own; that having an additional home on their property would allow them to take better care of her while still providing her with her own home; that the county requires 1 acre in order to have a second dwelling and that they only have a little more than 1/2 acre.

Mrs. Lee asked if it would be possible to turn the proposed second dwelling in such a way that it could become part of their home, by attaching it. Mrs. Lee also asked for clarification regarding the proposed conditions, specifically the immediate removal of the temporary home.

Mr. Brink clarified that building codes wouldn't allow the attaching of two separate manufactured homes together and that it was not the staff's intention to require the immediate removal of the temporary home once it is not needed; that a reasonable amount of time would be allowed for its removal; that staff would support a condition that would provide a time definite for the home's removal.

There being no further discussion or questions of the applicant, Mr. Wilkie opened the public hearing for those in opposition to the request.

Ms. Teri Zook, representing the owners in Enon Acres addressed the commission and stated that they did not know what was being proposed on the property; that they were concerned with what was meant by single family residential.

Mr. Brink read aloud the definition listed in the UDSO, Section 16, page 16-8 for single family residential, detached dwelling.

The applicant, Mrs. Lee, stated that a double wide manufactured home will be placed behind the current home with brick underpinning.

Ms. Zook stated that they were concerned that by allowing this second dwelling, others in the neighborhood would be allowed the same thing.

Ms. Zook asked if the second home will have a separate septic tank.

Mr. Wilkie stated that a separate tank would be needed based upon the regulations set by SCDHEC.

Mr. Clark asked if it would be best if the proposed staff recommendations were read. Mr. Clark read the recommendations and they are included here for the record.

1. The proposed 2nd dwelling shall only be a temporary use; for the primary residence of Ms. Donna Lee.
2. Prior to the filing of a septic tank permit, a site plan must be provided (having been drawn by a professional surveyor licensed in the State of South Carolina) showing the siting of the existing residence and the proposed location of the 2nd dwelling on the lot.
3. The 2nd dwelling must meet all applicable setbacks and installation requirements as established for "Enon Acres" and any applicable building code.
4. The 2nd dwelling shall only be for the primary residence of Ms. Donna Lee. When the proposed 2nd dwelling ceases to become the primary residence for Ms. Lee, the dwelling and all associated utilities, including but not limited to the electrical service and meter, water service lines and meter, and septic system (tank and lines), must be removed and the property returned to pre-existing conditions.

Ms. Barbara Duncan asked for verification, if it is correct, that once the home is no longer needed for Ms. Lee, that it would be removed, along with the septic, water, and power

Mr. Brink stated that staff has proposed in their recommendation that once the home is no longer needed as a temporary residence it and all utilities should be removed within a reasonable amount of time.

Mr. Ballentine asked if on the site plan access to the home would be included.

Mr. Lee stated that they were not proposing to construct a separate driveway to the home; that they are proposing to extend an existing sidewalk/deck to connect the new home to their home and utilize the existing driveway.

Ms. Zook stated that it appears the covenants do not permit multi-family housing; that they were concerned with what could be started in the neighborhood; that there are other issues in the subdivision and this may compound those issues.

Ms. Zook further stated it was clear, based on their understanding, that the covenants would not permit a second dwelling since they state that only single-family uses are permitted. Ms. Zook read the applicable section from the covenants for Enon Acres.

Since the Planning Commission was been duly noticed by the opposition to the request that covenants exist for the property in question and that those covenants appear to prohibit the proposed use of the property, according to SC Code of Laws 6-29-1145, "...the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.". Based upon the applicable State Statute, no further action can be taken on this request at this time.

Discussion continued regarding this issue, what was needed to release the restrictive covenant restriction, when the issue could be brought up again, and how proper notice would be provided.

The applicant must determine who controls the covenants and restrictions for Enon Acres and have that individual or party approve the request. Once that release or waiver is obtained, it must be provided to staff so that this case can be placed on the next available agenda.


Mr. Clark motioned that this item be tabled, seconded by Mr. Ballentine. Motion was approved unanimously.

Staff stated that since this item has been tabled, there will be no requirement to re-notice the hearing; that tabling extends the public hearing and subsequent action to another meeting; that

all interested parties would need to monitor the postings of any upcoming planning commission agenda.

Adjourn

With no additional business before the commission, Mr. Ballentine motioned to adjourn the meeting. Mr. Clark provided the second. The meeting adjourned at 7:13 pm.


Chairman

12-9-13
Date