

**MINUTES OF THE REGULAR MEETING
OF THE
MANNING BOARD OF ZONING APPEALS**

Thursday, July 19, 2007
6:30 p.m.

Breedin Assembly Room
Pansy Ridgeway Admin. Bldg.

Members Present:

Larry Williamson
Levy Young

Members Absent - Excused (E)

Thomas James - E
Ted Gardner (Alternate) - E

- I. Welcome/Introductory Remarks:** Mr. Williamson welcomed all present and recognized Mr. Pete Hipps, Consultant, from Santee Lynches Regional Council of Governments.
- II Invocation:** Mr. Williamson.
- III. Request No. A-2007-01. An appeal to the Administrator's decision to issue a permit to construct a storage room attached to a house at 318 E. Huggins Street, Tax Map #187-03-10-016-00, Residential-6 (RS-6):**

Mr. Williamson read the appeal and asked if there was anyone in favor of the request to come forward and sign in.

Opponent

Mrs. Eva Frierson, 318 Huggins Street

Mrs. Evan Frierson was sworn in by Mr. Williamson.

Mrs. Frierson stated that her first request (permit) was to close in her carport; however, after work had begun on the structure, there was much damage to the roof and the structure was torn down and restarted. As a result, a second permit was obtained to start over the work. Mrs. Frierson further stated that after construction started the second time she was notified that the building was on the property line of the neighboring property.

After being notified that the property was on the line, Mrs. Frierson stated that she tried to get her property surveyed but was unable to have it done. To her knowledge, the building (storage room added onto the house) was not on the property line but very close to it;

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however, the flowers were indeed on the other property as well as the fence from more than 30 years ago. Mrs. Frierson further acknowledged receiving a letter from Ms. Huline Goodman concerning her new addition being on the property line.

No one else spoke against the appeal.

Proponent

Mrs. Huline Goodman

Ms. Huline Goodman was sworn in by Mr. Williamson.

Ms. Goodman stated that she had death in her family and would not be able to stay long.

Ms. Goodman presented pictures to the Board indicating where the property line was located by the surveyor in relation to the building/storage room added onto the house at 318 E. Huggins Street. Also, Ms. Goodman presented pictures to the Board that showed the string installed by the surveyor. Ms. Goodman stated that the string when pulled would touch the building. In addition, Ms. Goodman asked the Board to review the permits issued to Mrs. Frierson on September 29, 2006 and April 11, 2007 in order to see what precipitated the second request for a permit.

Following, Ms. Goodman stated that she sent a letter to Mrs. Frierson under the advisement of her attorney to notify Mrs. Frierson that she was building on her property, not to tell Mrs. Frierson to tear her building down.

Ms. Goodman stated that she has conformed to the laws of the State, the County, and the City. She respects the laws and governing boards. She has tried her best to abide by the laws, rules and regulations because she wants to be a good citizen. Therefore, she asked no more than anybody else would ask, and that is that others are governed by the laws the same.

Ms. Goodman stated that she had staves outside on her property when the land was surveyed, and that she always had her properties surveyed. Ms. Goodman stated that she would not do something if it is wrong. And, at the time, when she lived next to Mrs. Frierson there was nothing there on the property. It was an open space. And, later she moved.

Ms. Goodman stated that the law says that you can put your fence on the line. But, as a good neighbor, she tried to be a good neighbor and did not put her fence on the line but left some room. But, as the law stated, and from now on, she will do what the law says and put her fence on the line. After all, "good fences, make good neighbors." So, that's what she did. Ms. Goodman put up a fence. And, from the photos as Ms. Goodman pointed out, there was no room for Mrs. Frierson to maneuver around her building.

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Then, Ms. Goodman stated that when she wrote Mrs. Frierson a letter, she was hoping to come to some conclusion. She had spoken to Mrs. Adger, who was Interim Administrator at the time, and stated that she was going to get the surveyor to come out. Ms. Goodman stated that she had spoken to Mrs. Frierson, too, on several occasions and during that time, the surveyor would have adjusted the whole thing.

Ms. Goodman stated that she tried very hard to resolve the matter. But, there was no way Mrs. Frierson could walk around the building without trespassing on her property. The line is on the building. And, in no way, did she ask Mrs. Frierson to tear her property down. Mrs. Goodman followed by reading her letter sent to Mrs. Frierson.

Next, Ms. Goodman stated that she had presented the her case and asked her renter if he had anything to say on the matter. The renter did not desire to speak.

In her closing, Ms. Goodman stated that the initial permit was incorrect as she presented in the first hearing and asked that the Codes be followed because as it is now, there is an encroachment on her property. In addition, Ms. Goodman asked that the Board would make a decision based on the evidence presented that included the surveyor's information.

No one else spoke against the appeal.

Following the testimonies of both sides, Mr. Williamson asked Mr. Hipps if he desired to add or provide any comments for the Board.

Pete Hipps, Santee Lynches RCOGs

Mr. Hipps was sworn in by Mr. Williamson.

Mr. Hipps stated that often he gives Mrs. Adger advice based upon the information given on the phone. And, Mrs. Adger called about the situation and gave a description of the project. It appeared to be a storage room added to the building. However, since the hearing was scheduled and based on the appeal, Mr. Hipps took time to come and look at the property (The Board was looking at the drawing of the new room/storage room).

Mr. Hipps stated that when he got to the property, he examined what was being built and the distance of the structure. What was there before was a shed. And, what appeared to be built had intensified or come to change to a room added to the house.

There were grandfather provisions in the ordinance that as long as you have a nonconforming use you can maintain it, but if you tear that structure down you can not build it back. So when the other structure was torn down they lost their nonconformity. What was under construction and/or being built back did not conform to the ordinance.

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Mr. Hipps stated that he researched the City plats done years ago and found that there was a structure there (showed on plat from 1992).

Again, Mr. Hipps stated that there was a structure there and he wanted to bring it to the Board's attention. In addition, Mr. Hipps stated that when plans are given, you never see what is happening or what is on the ground until something starts going up. And, from his point of view, it looked like an addition was being added onto the house. Mr. Hipps stated that in the future, rather than just give advice on the phone, he will go out and look at the site.

Following, Mr. Hipps stated that he knew this was a difficult situation since the activities have gone so far. In addition, Mr. Hipps stated that he owed Mary Adger an apology. However, the nonconformity was torn down. And, you just cannot tear down a nonconformity and build it back. Once it has been torn down, it has to be built back in accordance with the ordinance.

Mr. Hipps then entertained questions.

Mr. Levy asked if everything had changed when Mrs. Frierson tore the carport down.

Mr. Hipps responded affirmatively, and added that all rights to rebuild were lost when the structure was torn down. He further stated that the structure could have been repaired, strengthened, re-shingled, etc. Any change could have been made, until the structure was torn down.

Mr. Hipps again stated that when the structure was torn down, it should not have been allowed to be rebuilt. Mr. Hipps stated that the ordinance has grand-fathering provisions for nonconforming uses.

Mr. Hipps again brought it to the attention of the Board that there once was a structure there; however, looking at the structure, it is more of an addition than storage. When the structure was there it could have been reinforced. The initial problem is that it was torn down. You can not tear a nonconforming structure down and then rebuild it over again.

Following, Mr. Young stated that based on the testimony of Mr. Hipps that when the building/structure was torn down the non-conformity was lost and **moved** to grant the appeal and that the building be constructed to meet conforming laws (to meet side setback requirement of five feet). The motion was seconded by Mr. Williamson. All favored.

Mr. Williamson stated that the appeal was granted and the decision of the Board can be appealed through the Courts.

IV. Orientation Training for Local Planning & Zoning Officials.

Mrs. Adger stated that the flyer was a reminder of required training.

Mr. Williamson stated that he attended the June session.

Mr. Young asked to be signed up for the July 26 session.

V. Board Comments: None.

VI. Adjournment: A **motion** was made by Mr. Young and was seconded by Mr. Williamson to adjourn. All favored.

Time: 7:12 pm

Respectfully submitted,

Mary G. Adger
Administrative Services Coordinator