

Tryon Board of Planning and Adjustment
Minutes
June 8, 2023
3:00 P.M.

Chairman John Walters called the meeting to order at 3:00 pm at the Tryon Town Hall with three other members present.

MEMBERS PRESENT: John Walters, Warren Carson, Wanda May, Al Alberto

STAFF PRESENT: Tim Daniels and Jordan McKeown

Minutes from April 2023 meeting

Wanda May motioned to approve minutes from the April 2023 meeting.

All in Favor.

342 East Lakeshore Drive Variance Application

Tim Daniels informed the board that Adam Johnson has applied to rebuild his nonconforming lake house. Due to South Carolina department of transportation regulations prohibiting construction 18 feet from the center line, the previous boat house was in violation of that. Mr. Johnson will lose substantial square footage of the house when gaining compliance for DOT. To obtain said square footage Mr. Johnson is asking for a variance to either move the original foot print out from the shoreline or to reconfigure the square footage to one side while maintaining Tryon's required 5 foot side setbacks.

Adam Johnson owner of 342 East Lakeshore Drive was sworn in. Johnson stated that he purchased 342 East Lakeshore Drive three years ago. He was aware that there was a foundation issue when it was purchased but were told when purchased if/when the structure needed to be rebuilt it could be rebuilt as it was. Since then they have been told by DOT they need to rebuild farther from the center of the road. What he would like to propose is moving the square footage that was the utility room located in basement from the back side to the side of the boat house, keeping the square footage the same.

Payton Peters resident of 310 Sandy Planes Rd was sworn in. Peters is Johnson's contractor.

Peters stated that he is working with Tommy Hood to engineer the sea wall that DOT has required for the property to be in compliance. The sea wall will cause them to lose 10 buildable feet. Peters is proposing two options. The first option is to keep the boathouse foot print the exact same. The structure

would have to be built farther out into the lake, which would push out 35 feet 8 inches out into the lake which is farther than the current 25 foot zoning ordinance. Peters feels like this option may cause a lot of conflict and may be dangerous. The second option is to shift the square footage from the back of the house to the left side. Peters passed around to the board the survey of the land, which also showed floor plans to the board and stated that with the second option the boat house would be at 24 feet 8 inches, which would be in compliance. Wanda May asked if the boat slip is on the right or left side. Peters stated that the boat slip would stay where it originally was but they will lose some length due to the new sea wall and may have to get a smaller boat. Peters clarified that the boat house is a two story structure as well reiterating that for the sea wall to be in compliance the boat house will be pushed out farther into that lake, that is why they are proposing the floor plan to have the living space on the side, making the boat house wider but keeping the same square footage so that they qualify for the grandfather permit. Daniels had provided the board with the lake Lanier non-conforming ordinance, which states that it can be built with the same dimensions and features in the original footprint. Section 9 item B states where a lawful structure exists at the effective date of the adoption of this declaration. May stated that the word lawful hanging her up, the structure was technically not lawful to begin with. Daniels explained that it would be considered lawful because at the time there were no rules in place.

Lisa Trojan of 1095 Tugaloo Rd was sworn in. She owns the boathouse next door to the Johnson's property and with option two they would be building towards her property. Trojan informed the board that both hers and the Johnson's boat houses were built in the early 60's and none of these current ordinances applied, they were lawful buildings when the ordinances were adopted. She believes that it may have been the same builder that built the boathouse as well and they may be two of the oldest structures on the lake.

John Walters asked if she would have the same issue with DOT. Trojan responded that yes, if they had to rebuild they would have the same issue with DOT.

Trojan stated that the Johnson's proposed plan would require them to move towards her property 8-10 feet and she has no problem with that.

Peters explained that this all started when he came to Daniels to get a tear down permit for their sea wall that was beginning to fail. Peters father, who does that foundations took a look at the wall a became worried that if they rebuilt the wall the way it was that the road could potentially fall into the Johnson's

boat house. Peters then notified Daniels of the issue concerned that if the town gave him approval and later on the road did fall in that the town could be held responsible. With the new reinforced sea wall there will be room behind it for the septic tank and a drain field, which there is not currently a drain field. Adding the sea wall and drain field will be major improvements to safety and the environment. Peters wants these changes to make the property better than it was and the Johnson's are willing to lose 200ft to do so.

May asked what prompted DOT's involvement. Peters was told by Daniels that he needed to get a letter from DOT to release the town from liability then he could get the tear down permit.

Walters asked if it was approved to have septic so close to the water. Peters responded that they allow for preexisting tanks to be repaired, his plans to put the septic behind the wall and to add a drain filed will be an improvement to the existing septic system. DOT allows for them to keep the septic as long as they maintain the same footprint that is why Peters is trying to maintain that corner of the property.

Walters asked how high the lower level of the boat house will be above the water. Peters responded that the deck would be in compliance and be 18-22 inches above the water.

Option two is the preferred option. With option two the boat slip doesn't move, all living space will be upstairs as well as some downstairs, square footage will stay the same as will as the height and roof.

May asked for clarification between new construction and rebuild. May stated that it looks like brand new construction to her. Peters agrees that it would be considered brand new construction. He explains that the materials that the boat house was originally built are not of the best quality and it needed to be torn down.

Walters read section 9 of the ordinance where it states that where a lawful structure exists at the effective date of the adoption of this declaration that did not built by the terms be built under the terms of this Declaration by reason of restrictions of area, height, length, width or other characteristics of the structure, such structure may be continued..

Walters states basically it states that it can stay, but it has been torn down. Then Walters read further down in the ordinance that an existing structure that has been destroyed, burned down, or otherwise demolished may be replaced in the originally foot print and the original features and dimensions. Walters stated that the ordinance states that it can be rebuilt but the variance would be that it would need to be rebuilt with a different footprint, features and dimensions. May doesn't think

the dimensions are the problem she continued by reading section 7b, which states no boat houses or new structures on or over the lake shall be furnished or used as living quarters, no toilets are permitted in any boathouse or any new structure. May states that is where she is getting hung up. Daniels stated that in section 9b may be replaced in the original footprint with original features and dimensions. He stated that a restroom is a feature. He also explained that when there is a nonconforming use clause it overrides the other. Walters stated the variance would only be for the dimensions. May stated that she feels like they are honoring the dimensions the best that they can. Walters asked for verification that the structure will not stick out any further into the lake than the original boat house. Peters confirms that with proposed option two it will not, which will be around 27 feet. With proposed option 1 it would stick out another 10 feet.

Walters reads out loud the check list, the checklist is 4 statements that must be voted yes on by all the board members present for the variance to be approved.

- A. Unnecessary hardships would result in the strict application of the ordinance. All yes.
- B. The hardship results from conditions that are peculiar to the property such as location size or topography. All yes.
- C. The hardship did not result from actions taken by the applicant or property owner. All yes.
- D. The requested variance is consistent with the spirit purpose and intent of the ordinance such that public safety is secure and substantial justice is achieved. All yes.

May motioned to approve the variance proposed option 2 to reconfigure the original footprint by moving lost square footage to one side.

Warren Carson second the motion.

All in favor.

Citizen Comments

Tim Daniels informed that he received a letter from Mr. Johnson's neighbor, Brad Hollifield. Mr. Hollifield states in his letter that he is in full support of Mr. Johnson's variance application. Due to him not being able to make it to the meeting and was unable to be sworn in the letter was read after the board had made their decision. The letter is considered a citizen comment. The letter is being included in the minutes. Payton Peters requested a signed document stating the board had approved the variance. Daniels confirmed that he would be getting him what he needs to move forward.

Meeting Adjourned

Meeting was adjourned at 3:55 PM.

Prepared by:



Jordan McKeown
Billing Clerk

Approved by:



John Walters
Chairman

Brad Hollifield
1647 Butter St.
Landrum, SC 29356

Lake Lanier Board of Directors
Tryon Town Hall
301 N. Trade St.
Tryon, NC 28782

To whom it may concern:

I have received the letter notifying me of this Variance meeting taking place on June 8th at 3:00 p.m. in Tryon, North Carolina. Unfortunately, I will be absent due to illness, and the attached letter is drawn as response.

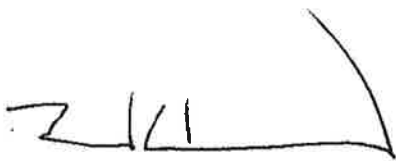
After reading through the letter and speaking with my Neighbor, Adam Johnson, it is my understanding that the Variance meeting is to address the rebuilding the structure located on 342 E. Lakeshore Dr., Landrum, South Carolina.

As a fellow Lake Lanier property owner, I am familiar with the ordinances stipulated by the town of Tryon and Greenville County for new and existing structures. Mr. Johnson has identified the need for the application based on the conflicting ordinances and regulations between the two governmental entities. Tryon states, an existing structure can be rebuilt in its original footprint. However, to meet Greenville county's regulations they would lose square footage.

Therefore, I am in full support of my neighbor's variance application. My neighbor and other fellow neighbors should have the ability to rebuild existing structures as they were as it is stated in the ordinances.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Hollifield', with a long horizontal stroke extending to the right and a curved line above it.

Brad Hollifield