

## MINUTES OF THE MANNING BOARD OF APPEALS

**Monday, August 25, 2014  
6:00 P.M.**

**Council Chambers  
City Hall Bldg.**

**Members Present:**

Ted Gardner  
Levy Young  
James Zimmerman

**Members Absent:**

None

**Staff Present:**

Mary Adger  
Administrator Services Coordinator

Donna Walker  
Administrative Services Clerk

**Others Present**

Marvin L. Brewer- Alternate

**I. Welcome/Introductory Remarks:**

Mr. L. Young welcomed all and presented the Board Members. In addition, Mr. Young reminded everyone to turn off their cell phones or to put them on vibrate. Furthermore Mr. Young stated that everyone speaking needed to state their names and sign in if they were “for” or “against” a request when coming forth.

**II. Invocation:** Mr. T. Gardner

**III. Approval of Minutes:**

**Minutes of the Regular Meeting of June 23, 2014.** A motion was made by Mr. T. Gardner and was seconded by Mr. J. Zimmerman to accept the minutes. All favored the motion.

**IV. Request No. A-2014-02 by Esther Parker to appeal the administrative decision to be allowed a six foot privacy fence in the front yard instead of the required thirty inches in accordance with the city’s ordinance.**

**Mrs. Mary Adger (Staff)**

Mrs. Adger stated that in lieu of the above appeal, we are here to discuss the matter at 539 S. Boundary Street, Tax Map# 168-16-06-039-00, owned by the Parkers. On or about June 1<sup>st</sup> Bill of Lowe’s called and left Mrs. Adger a message regarding the zoning requirements regulations for a privacy fence. She returned his called and provided the zoning regulations for a privacy fence and made him aware that the information was on the city’s website too. Also, on June 9<sup>th</sup> Mr. Jimmy Byrd of Lowe’s called and left another message regarding the privacy fence.

**Page 2. Minutes of the Manning Board of Appeals, August 25, 2014.**

In addition, around the 9<sup>th</sup> or 10<sup>th</sup> of June, both Mrs. Adger and myself discussed the city's regulations regarding fencing at length with Mr. Byrd. During the conversation, Mr. Byrd expressed his concerns regarding the height of the fence in front of the property (Section 704.6). On June 10<sup>th</sup>, a zoning permit was obtained and at that time a copy of the city's ordinance was provided. Not long after, the police department notified the city about the fence possibly being out of compliance and a safety hazard. After further investigation the fence was found to be out of compliance, and the property owners were contacted to notify them that only 30 inches in height was allowed in front of the property.

**Mrs. Esther Parker, Property Owner**

Mrs. Parker stated that she would like to keep her fence up due to her health problems and because her neighbor's children were being a nuisance by driving motorcycles on her property and spitting at her and her family.

**The following inquiries were made by the Board:**

**Mr. L. Young**

Mr. Young asked which neighbor was being a nuisance, the neighbor on the side or on the back.

**Mrs. Parker**

Mrs. Parker replied the neighbor on the side.

**Mr. Brewer**

Mr. Brewer asked if he could ask a question. He asked Mrs. Parker if she was aware that the ordinance only allowed 30 inches in the front.

**Mrs. Parker**

Mrs. Parker stated that she was not aware of the ordinance's regulations.

**Mrs. Adger**

Mrs. Adger stated that Lowe's was acting on behalf of the property owners and they pulled the permit.

**Mr. J. Zimmerman**

Mr. Zimmerman asked when did the problem started with the neighbors.

**Page 3. Minutes of the Manning Board of Appeals, August 25, 2014.**

**Mrs. Parker**

Mrs. Parker replied about two or three years ago.

**Mrs. Brenda Williams, Nursing Aide**

Mrs. Williams stated that she is the nurse's aide for Mrs. Parker and since she had arrived Mrs. Parker has had some issues with her neighbors. She stated that Mrs. Parker has a heart condition, trimmers and Epilepsy. On two occasions while being on duty her tires had gone flat with a knife being in one tire.

**Mr. L. Young**

Mr. Young asked Mrs. Williams if she had notified the police when she found the knife in her tire.

**Mrs. Williams**

Mrs. Williams replied that she did not notify the police because the property owners bought her a tire. She further stated that she saw the permit and read over the permit and saw where a six feet privacy fence was allowed but not in excess of seven feet in height.

**Mrs. Adger**

Mrs. Adger stated that the problem here is dealing with the contractor who was fully aware of the ordinance and what it allowed and did not. She stated that when we spoke to the contractor about the fence being out of compliance he stated that they were trying to comply with the property owners and what they wanted and not with our ordinance.

**Opponents:**

No one was in attendance to oppose the request.

Following some discussion, a **motion** was made by Mr. J. Zimmerman to follow the guidelines of the ordinance to keep the front fence at the thirty inches in height to uphold the ordinance as it is written. The motion was seconded by Mr. L. Young. All favored the motion.

**Page 4. Minutes of the Manning Board of Appeals, August 25, 2014.**

**VI. Board Comments:**

Mrs. Adger reminded the Board that training would be available soon now that Santee Lynches COG has a new director and a zoning consultant.

**VII. Adjournment:**

A **motion** was made by Mr. J. Zimmerman to adjourn and Mr. T. Gardner seconded the motion. All favored the motion.

**Time:** 6:34 P.M.

**Respectfully Submitted,**

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**Donna Walker, Administrative Services Clerk**