

AGENDA

ANDERSON COUNTY LAND USE AND ZONING BOARD OF APPEALS MEETING

Thursday, January 10, 2019

5:15 PM

Anderson County Courthouse Annex
401 East River Street
Anderson, South Carolina

- 1.) Call to Order: Mr. Hubert McClure, Chairman
- 2.) Invocation: Board Member
- 3.) Approval of Minutes: Meeting held on December 13, 2018

- 4.) PUBLIC HEARINGS:
 - (A) Variance application request to allow the installation of a 24 square foot freestanding digital sign located at 5302 US Hwy 76, Pendleton, SC.
 - (B) Variance application request to allow a reduction of the required side yard setbacks in order to accommodate additions to an existing home located at 183 Hudgins Lake Road, Townville, SC.
 - (C) Variance application request to allow the reduction of required side and rear yard setbacks to allow renovations to be made to an existing home located at 110 Lake Hills Dr., Townville, SC.
 - (D) Variance application request to allow the temporary use and occupancy of a mobile home on the same property as the owner/occupant constructs a new residential dwelling located at 414 Sunrise Circle , Fair Play, SC.

- 5.) Old Business
- 6.) New Business: Election of Officers Anderson County Land Use Board of Zoning Appeals, By-Laws Article III-Membership 2.) The Appeals Board shall annually elect a Chairperson and Vice-Chairperson from among the regular members.
Board of Appeals meeting time change.
- 7.) Adjournment

MINUTES
ANDERSON COUNTY LAND USE AND ZONING BOARD OF APPEALS
Thursday, January 10, 2019
5:15 PM

Mr. Hubert McClure, District #5, Chairman
Anderson County Annex
Planning Conference Room
401 E. River Street
Anderson, South Carolina

In accordance with the South Carolina Freedom of Information Act, Section 30-4-10 et Seq., South Carolina 1976, amended and the Anderson County Ordinance #386, as adopted on September 21, 1993, the media was duly notified of the date, time and place of the meeting by the Clerk to Council.

MEMBERS PRESENT: Mike Miller, District #2, Allen Ashley, District #3, Hubert McClure, Chairman, District #5, Ed Ballard, District #6, and Dan Harvell, Vice-Chairman, District #7

MEMBERS ABSENT: John Farr, District #1

STAFF PRESENT: Alesia Hunter, Stefine Chastain, Tim Cartee, Henry Copeland, and Whitney Storz

PRE-MEETING INFORMATION:

Mrs. Alesia Hunter informed the Board that the 2019-2020 nominees for the Election of Officers were, Mr. Hubert McClure for Chairman and Mr. Michael Miller for Vice-Chairman. The Board voted unanimously for Mr. Hubert McClure to be the Chairman, and for Mr. Michael Miller to be Vice-Chairman.

Mr. Miller made a motion to keep the Land Use & Zoning Board of Appeals Meeting the same day and time. Mr. Ballard seconded it. The Board voted unanimously to approve the motion with the understanding that Mrs. Alesia Hunter would inform the Board if a meeting will last longer than an hour.

MEETING CALLED TO ORDER:

Mr. Hubert McClure, Chairman, called the meeting to order at 5:15 PM and at this time, he gave the Invocation.

APPROVAL OF MINUTES:

Mr. Hubert McClure asked for approval of the minutes of the meeting held on Thursday, December 13, 2018. He asked were there any corrections or changes to be made at this time. At this time, Mr. Ashley made a motion for the minutes to be approved as mailed. Mr. Dan Harvell seconded the motion. The minutes were approved 5-0 by a show of hands.

BLANKET ORDER ITEMS A-D

Mr. Henry Copeland began with the Staff Report for item A on the agenda. He stated that the applicant was requesting a variance to allow the installation of a 24 square foot freestanding digital sign located at 5302 US Hwy 76, Pendleton. He proceeded by stating that the Staff's

recommendation was for approval, and listed the reasons for approval as listed on the Staff Report. Mr. Hubert McClure opened the Public Hearing and asked if there was anyone speaking against the variance. Ms. Pam Kamp came forward to speak against the variance request. She stated "the bigger size and brightness of the sign would be a problem and possibly bring about more car accidents in that area." The Board, applicant, and Ms. Kamp continued in discussion, and then Mr. McClure closed the Public Hearing. Mr. Miller made a motion to approve item A and Mr. Ballard seconded it. The variance was approved; 3 for, 1 against, and 1 abstained.

Mr. Henry Copeland began with the Staff Report for item B on the agenda. He stated that the applicant was requesting a variance to allow a reduction of the required side yard setbacks in order to accommodate additions to an existing home located at 183 Hudgins Lake Road, Townville. He continued with the Finding Facts and stated that the Staff's recommendation was for approval. He proceeded by stating the reasons for approval as listed on the Staff Report. Mr. Hubert McClure opened the Public Hearing, and asked if there was anyone speaking against the variance. No one came forward. Mr. McClure closed the Public Hearing. Mr. Dan Harvell made a motion to approve item B and Mr. Miller seconded it. The variance was approved 5-0 unanimously by a show of hands.

Mr. Hubert McClure asked Mr. Henry Copeland to give the Staff Report for item D next, and save item C for last. Mr. Henry Copeland began with the Staff Report for item D on the agenda. He stated that the applicant was requesting a variance to allow the temporary use and occupancy of a mobile home on the same property as the owner/occupant constructs a new residential dwelling located at 414 Sunrise Circle, Fair Play. He continued by stating the Finding Facts and that the Staff's recommendation was for approval. He proceeded by stating the reasons for approval as listed on the Staff Report. Mr. Hubert McClure opened the Public Hearing, and asked if there was anyone speaking against the variance. No one came forward. Mr. McClure closed the Public Hearing. Mr. Dan Harvell made a motion to approve item D. Mr. Harvell recommended that time be allowed for completion of the new home from 180 days to 240 days due to the weather. Mr. Joseph Ballard seconded it. The variance was approved 5-0 unanimously by a show of hands.

Mr. Henry Copeland concluded with the Staff Report for item C on the agenda. He stated that the applicant was requesting a variance to allow the reduction of required side and rear yard setbacks to allow renovations to be made to an existing home located at 110 Lake Hills Dr., Townville. He continued by stating the Finding Facts and that the Staff's recommendation was for approval. He proceeded with the reasons for approval as listed on the Staff Report. Mr. Hubert McClure opened the Public Hearing, and asked if there was anyone speaking against the variance. No one came forward. Mr. McClure closed the Public Hearing. Mr. McClure informed the applicant that a 0 setback did not exist and they began with discussion. The Board and applicant reached a consensus. Mr. Michael Miller made a motion to approve item C; the applicant is allowed 5 feet from the side yard setbacks and 3 feet from the rear. Mr. Allen Ashley seconded it. The variance was approved 5-0 unanimously by a show of hands.

NEW BUSINESS:

Since there was no further business, Mr. Allen Ashley made a motion to adjourn the meeting. Mr. Michael Miller seconded it. The meeting was adjourned at 6:00 PM. Our next meeting will be held on Thursday, February 14, 2019 at 5:15 PM.



DEVELOPMENT STANDARDS

COPY

January 10, 2019

Mr. Greg Marzolf
Sandy Springs Dental
5302 US Hwy 76
Pendleton, SC 29670

Re: **Variance** Request for property located at 5302 US Hwy 76, Pendleton, SC 29670,
TMS # 065-00-04-028

Dear Mr. Marzolf:

The Anderson County Land Use Board of Zoning Appeals voted three in favor, one opposed with one abstention to approve your Variance request for the above referenced property. The **Variance** request granted allows the installation of a freestanding digital sign, 24 square feet as indicated by Option A on the drawing submitted by the applicant.

The Board's Conclusion:

The applicant has demonstrated that there are extraordinary and exceptional conditions due to the location of the property.

Please provide a copy of this letter to the Anderson County Development Standards Department when requesting a sign permit. Contact the Building Codes Department (tel. 864-250-4158) to obtain the appropriate information regarding submittals needed for building permits.

If you have any additional questions, please contact the Development Standards Department by telephone at (864) 260-4719.

Sincerely,

A blue ink signature of Hubert McClure, written in a cursive style.

Hubert McClure
Chairman Land Use Board of Zoning Appeals

PUBLIC WORKS DIVISION

Alesia Hunter, Manager

O: 864-260-4719 | F: 864-260-4795 | ahunter@andersoncountysc.org
Courthouse Annex | 401 East River Street, Anderson SC 29624

www.andersoncountysc.org

Staff Report

Application for a **Variance** – To allow the installation of a digital sign within existing monument sign
Anderson County Land Use Board of Zoning Appeals Meeting - District 4
Courthouse Annex, 401 E. River Street – Planning Conference Room
Anderson, South Carolina
January 10, 2019
5:15 PM

Applicant: Sandy Springs Dental (*Greg Marzolf*)

Owner of Property: Gregory A. and Julie C. Marzolf

Property Location: 5302 US Hwy 76, Pendleton, SC 29670

Council District: Four (4)

Tax Map Number (TMS #): 065-00-04-028

Acreage of Property: approximately 1.00 acre

Current Zoning: The property is zoned (C-2) Highway Commercial District. The Anderson County Citizens Advisory Committee for District 4 met on January 2, 2019, at 6:30 pm to consider the application. The CAC voted 2-0 recommending APPROVAL of the request.

Surrounding Zoning Districts: C-2 (Highway Commercial District)

Land Use: Dental Office

Applicant Request: Applicant is requesting a Variance to allow the installation of a freestanding digital sign, 24 square feet as indicated by Option A on the enclosed drawing.

Findings of Fact: Chapter 38 in the Anderson County Land Use and Development Standards Ordinance, Section 38-255, Permanent freestanding business identification signs, allowable area. Freestanding signs may contain 1 1/3 square feet of total signage area per lineal foot of street frontage for each developed site, lot of parcel, up to a maximum of 300 square feet of total signage area.

Staff Recommendation: Staff recommends APPROVAL of the Variance request for the following reasons and with the following conditions:

- 1) The applicant has demonstrated that there are extraordinary and exceptional conditions pertaining to the property.
- 2) The fact that there is justification to grant a variance due to visibility.
- 3) The fact that vehicle traffic on US Hwy 76 is traveled at a high speed, motorist will ride pass the location.
- 4) The existing sign has brick façade that makes it difficult to see the signage.
- 5) This request is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 6) The Board has granted other variances similar to this request and would be consistent with its approval.



Greg MARZOLF Variance Application

Dec. 17, 2018

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: GREG MARZOLF (Sandy Springs Dental)
Mailing Address: 5302 Highway 76 Pendleton SC 29170
Telephone and Fax: 264-622-8213 E-Mail: marzolfgreg@hotmail.com

Owner's Information

(If Different from Applicant)

Name: _____
Mailing Address: _____
Telephone and Fax: _____ E-Mail: _____

Designation of Agent: (Complete only if owner is not the applicant)

I (We) hereby appoint the person named the Applicant as my (our) agent to represent me (us) in this request for rezoning.

[Signature]
Owner's Signature

12/17/18
Date

Project Information

Property Location: 5302 Highway 76 Pendleton SC 29170
Parcel Number(s)/TMS: 650004028
County Council District: 4 School District: 4
Total Acreage: 1.0618 Current Zoning: C2
Requested Variance: Sign Variance 2110A 3ft by 8ft
Please indicate if setback variance, sign variance or minimum lot size variance.

Purpose of Variance: to allow for digital sign for advertising purposes and allow for main entrance compliance to find us.

Private Covenants or Deed Restrictions on the Property: Yes _____ No

If you indicated no, your signature is required.

Applicant's Signature

Date

12/17/18

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application - pursuant to State Law (Section 8-29-1146: July 1, 2007) - determining existence of restrictive covenants. Copies may be obtained at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provision of the Development Standards Ordinance.

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

Extraordinary and exceptional conditions pertaining to the particular piece of property, as follows:

Poor commercial visibility due to distance from Clinch Road

Conditions do not generally apply to other properties in vicinity, as shown by:

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows:

limit my ability to attract new patients coming to their facility and be incorporated into their dental program due to lack of visibility.

Authorization of variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance for the following reasons:

This is a rural district with very few signs. Commercial section with few residents.

The following documents are submitted in support of this application. (Please attach copies of all additional information to this application)

Please attach an accurate, legible plot plan showing the dimensions and locations of structures and improvements of the property to this application.

As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to the Anderson County Development Standards Office.

Applicant's Signature

Date

12/17/18

For Office Use Only:

Application Received By: Abdove Date Complete Application Received: _____

Application Fee Amount Paid: \$200.00 Check Number: Card

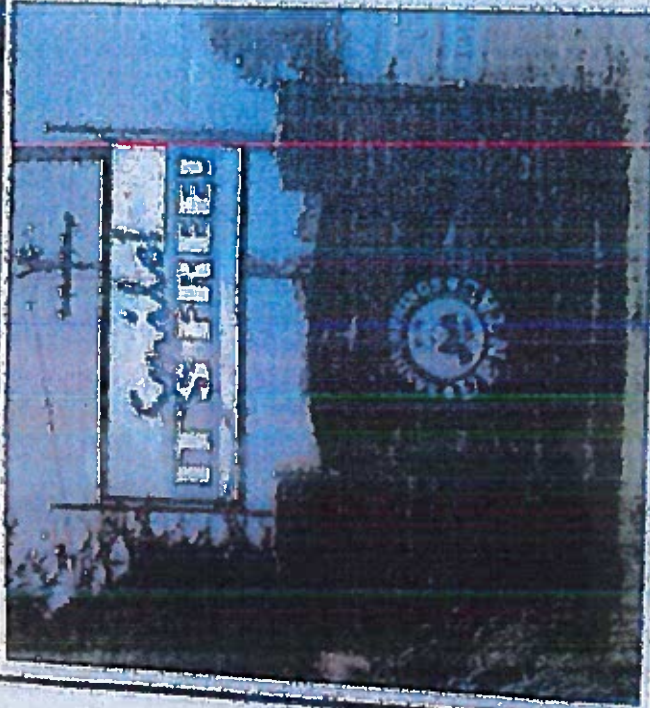
Scheduled Advisory Hearing Date: _____ Scheduled Board Hearing Date: _____

Staff Recommendation: _____ Advisory Recommendation: _____

Land Use/ Board of Zoning Appeals' Decision: _____

05-00-04-028

DIGITAL BOARD

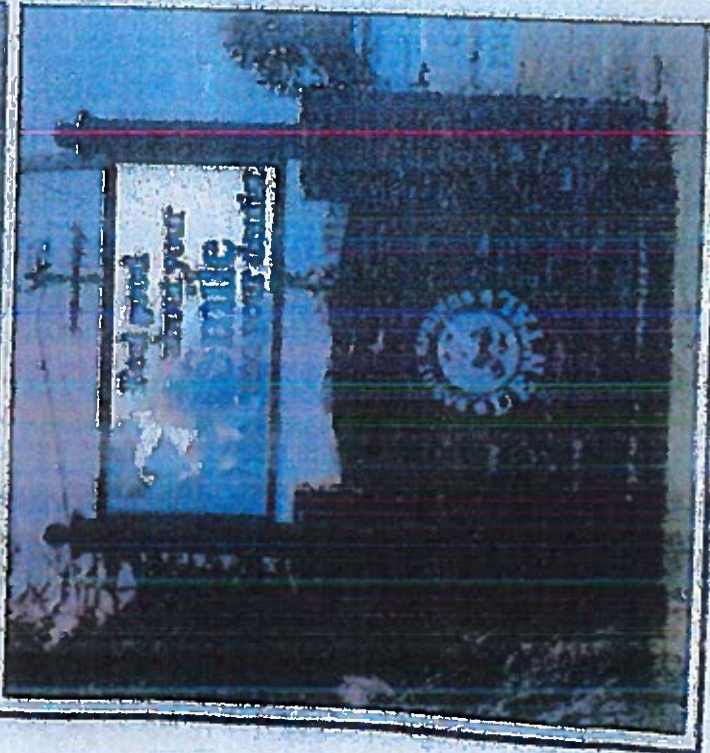


OPTION A

SPECIFICATIONS:

- DOUBLE SIDED FULL COLOR PRINTED FINISH
- Aluminum Frame Exposed Sign

zoned



OPTION B

EAST GAVASE

166 New Forest Church Rd.
Aubrey, MS 38821
Phone: 662-251-1234

Created for
Smiley Springs Dental
Address / City / State

Sandy Jackson, MS
Sales Representative
Chris Chandrahoff
Resigner Applicant

Logo
Language Applies

Finance
Smiley Springs Dental

Created by D. Gibson

Date 5/1/2014 1:08

Sheet 1 of 1





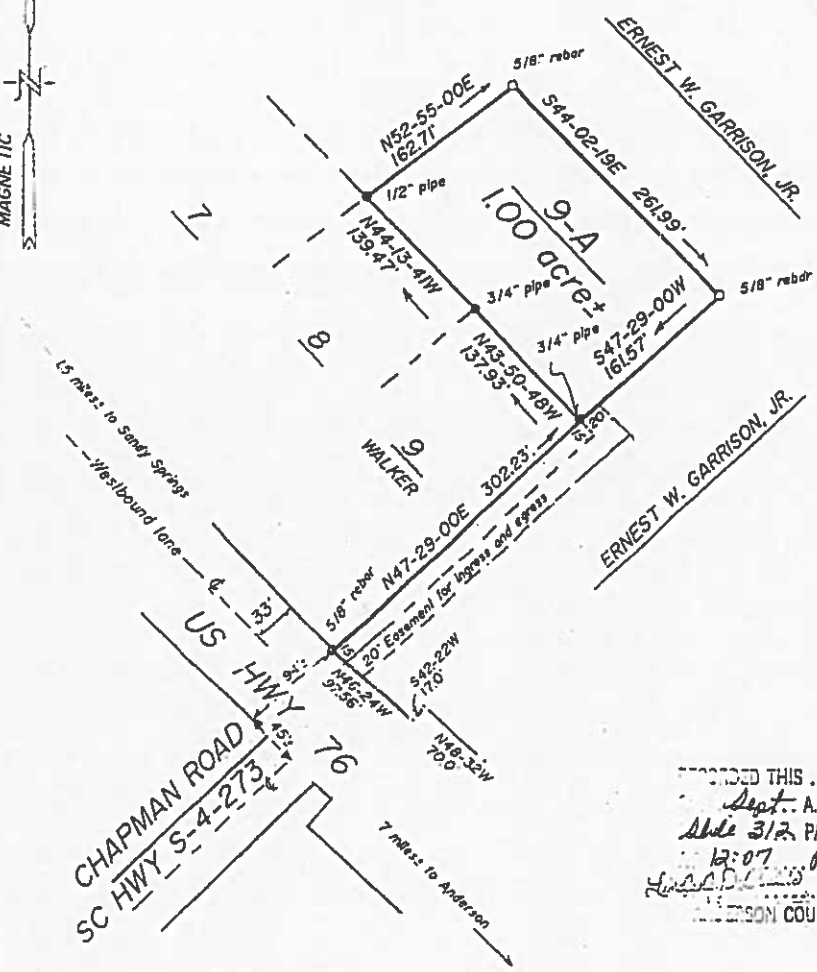
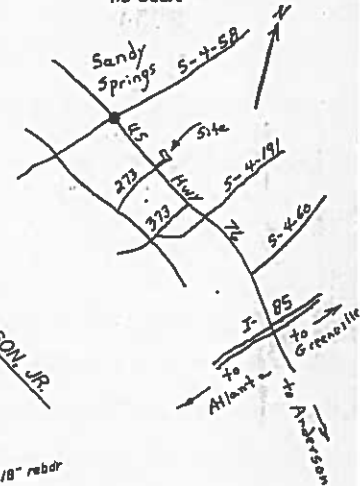
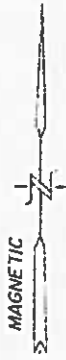
Google

Navigation and utility icons including a search icon, a location pin icon, a street view icon, a compass icon, a scale bar icon, a zoom in/out icon, a street view pegman icon, a location pin icon, a street view icon, a compass icon, a scale bar icon, a zoom in/out icon, a street view pegman icon, a location pin icon, a street view icon, a compass icon, a scale bar icon, a zoom in/out icon, a street view pegman icon.

22595

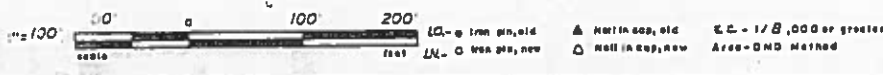
SLIDE 312 PAGE 8-B

LOCATION MAP
no scale



RECORDED THIS ... BY
Sept. A.D., 1992
Slide 312, PAGE 8-B
12:07 P.M.
ANDERSON COUNTY, S.C.

FILED
SEP 9 12 07 PM 1992
ANDERSON COUNTY, S.C.



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
TOWNSHIP OF PENDLETON
SCHOOL DISTRICT NO. 4

BOUNDARY SURVEY

At the request of ERNEST W. GARRISON, JR.
August 7, 1992

Remarks: Property of Ernest W. Garrison, Jr.
Surveyed August 7, 1992
This property is subject to any and all rights of way an/or easements of record.
No title examination by this firm.
Reference plat by Applewhite and Applewhite dated August 18, 1982 for Ernest W. Garrison, Jr.
To be conveyed to Gregory A. Marzolf and Julie C. Marzolf

ANDERSON SURVEYING ASSOCIATES, INC.
P. O. Box 784 Phone 226-7813
108 E. Morris
ANDERSON, S. C. 29622

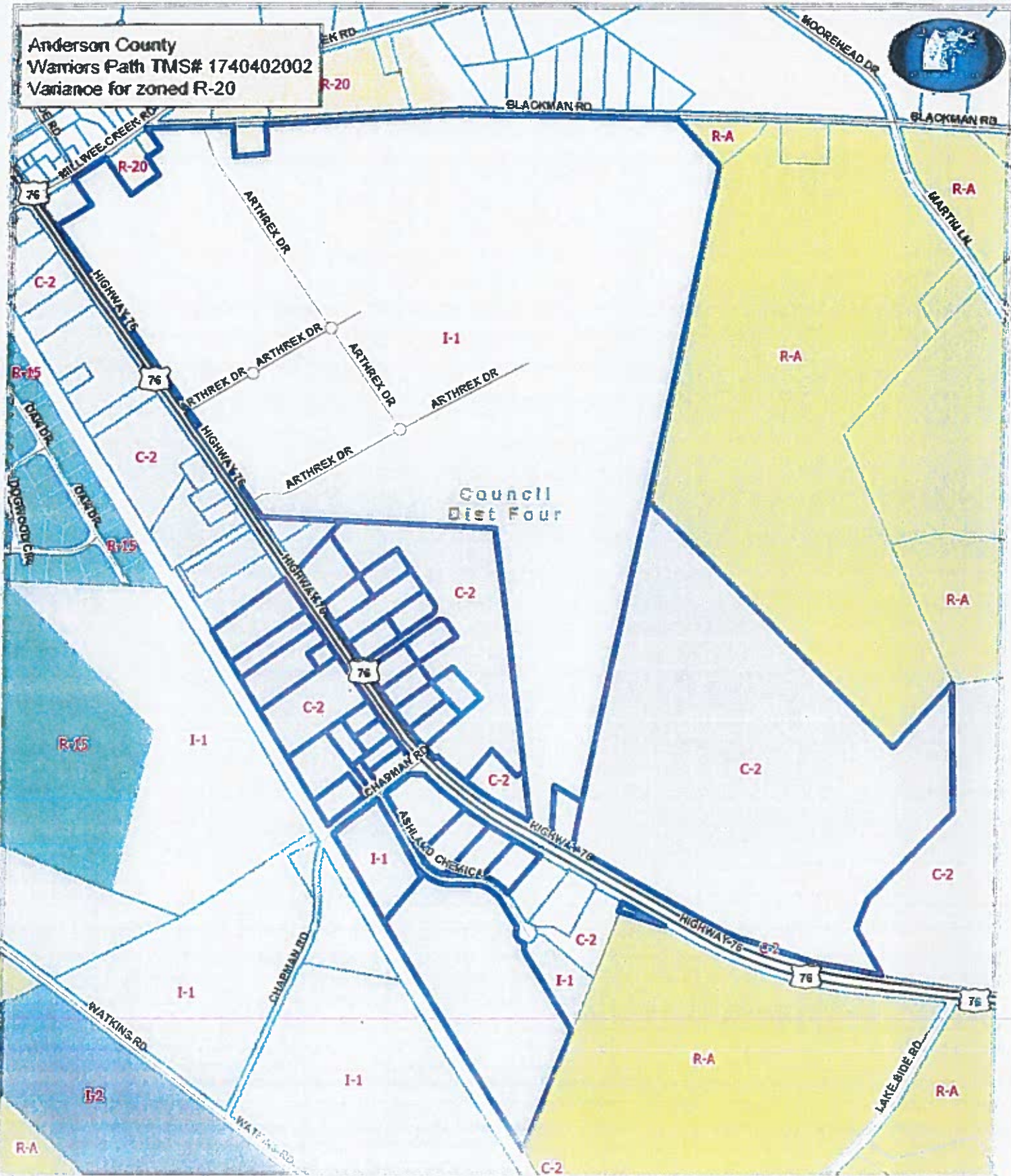
8-7-92

Don M. Kelly

Don M. Kelly
R/S 9318

FROM TMS 65-00-04-013

Anderson County
Warriors Path TMS# 1740402002
Variance for zoned R-20



Anderson County GIS

11/20/2018



THIS MAP IS A PRODUCT OF ANDERSON COUNTY. REASONABLE EFFORTS HAVE BEEN MADE TO ENSURE ITS ACCURACY. ANDERSON COUNTY DISCLAIMS ANY LIABILITY FROM THE USE OF THIS MAP. MAP PRODUCED BY ANDERSON COUNTY DEPARTMENT OF GEOGRAPHICAL INFORMATION SERVICES AND 911 ADDRESSING.



DEVELOPMENT STANDARDS

COPY

January 10, 2019

Mr. Gary E. Comprini & Ms. Marilee A. Comprini
Comprini Living Trust
1 Dellany Ct
Greer, SC 29651

Re: **Variance** Request for property located at 183 Hudgins Lake Road, Townville, SC 29689, TMS # 029-01-01-029

Dear Mr. and Ms. Comprini:

The Anderson County Land Use Board of Zoning Appeals voted unanimously to approve your Variance request for the above referenced property. The approval granted allows you to reduce the required side setbacks to accommodate additions to the existing dwelling. The side yard setbacks would be as follows: 9.5 feet as measured from the north (or right) property line and 7.0 feet from the south (or left) property line.

The Board's Conclusion:

The applicant has demonstrated that there are extraordinary and exceptional conditions due to the size and configuration of the property.

A residential compliance permit as well as building permits will be required prior to commencing with development of this project.

Please provide a copy of this letter to the Anderson County Development Standards when requesting a residential compliance permit. Contact the Building Codes Department (tel. 864-250-4158) to obtain the appropriate information regarding submittals needed for building permits.

If you have any additional questions, please contact the Development Standards Department by telephone at (864) 260-4719.

Sincerely,

Hubert McClure
Chairman Land Use Board of Zoning Appeals

PUBLIC WORKS DIVISION

Alesia Hunter, Manager

☎ 864-260-4719 | F: 864-260-4795 | ahunter@andersoncounty.sc.gov
Courthouse Annex | 401 East River Street, Anderson SC 29624

www.andersoncounty.sc.gov

Staff Report

Application for a **Variance** – To allow allow reduction of the required side yard setbacks for additions to existing home
Anderson County Land Use Board of Zoning Appeals Meeting - District 4
Courthouse Annex, 401 E. River Street – Planning Conference Room
Anderson, South Carolina
January 10, 2019
5:15 PM

Applicant: Gary E. Comprini & Marilee A. Comprini (contact: same)

Owner of Property: Comprini Living Trust

Property Location: 183 Hudgins Lake Road, Townville, SC 29689

Council District: Four (4)

Tax Map Number (TMS #): 029-01-01-029

Acreage of Property: approximately 0.18 acres.

Current Zoning: The property is not zoned; therefore a report from the Citizens Advisory Committee Meeting is not required.

Land Use: single family residence

Applicant Request: Applicant is requesting a **Variance** to allow a reduction of the required side yard setbacks in order to accommodate additions to an existing home. From the required setback of 10 feet, the applicant is requesting a reduction of 0.5 feet from the north (right) property line and a reduction of 3.0 feet from the south (left) property line.

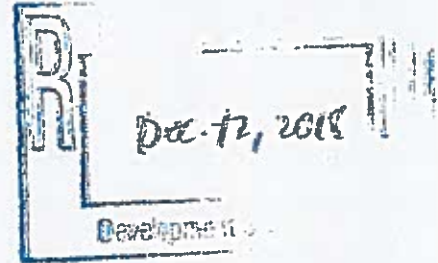
Findings of Fact: Anderson County Code of Ordinances, Chapter 38, Section 38-371 - relating to setbacks as applicable to lots with access to public water and a septic tank. The minimum side yard setbacks shall be ten feet from a side lot line.

Staff Recommendation: Staff recommends **APPROVAL** of the **Variance** request for the following reasons and with the following conditions:

- 1) The existing septic tank and drain field is located in the front yard of the house as it faces the street, making expansion of the residence in this direction not possible.
- 2) Because of existing hardships identified by the applicant, remaining potential buildable area, additions and renovations are not possible while remaining within the required side yard setbacks of ten feet.
- 3) To accommodate proposed additions utilizing the remaining side yards, a reduction of both side setbacks is needed. A reduction of the side yard setback from 10 feet to 9.5 along the north side line and a reduction from 10 feet to 7 feet on the south side line are necessary.
- 4) Because of the presence of an irregularity in the side line granted some years ago to accommodate a neighbor's sidewalk giving access to the lake, only a small section of a proposed addition nearest the south side line will benefit from the setback reduction. A majority of the proposed additions facing the south side line will be more than the current minimum setback of 10 feet.
- 5) With the reduction of the required minimum side yard setbacks, there would be sufficient area to allow for the additions and renovations as proposed.
- 6) The owner is responsible for making certain that there are no deed restrictions or private covenants associated with the property that would prevent the placement of the proposed additions.
- 7) The request for a reduction of both required side yard setbacks is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 8) The Board has granted other variances similar to the request for a reduction in the side yard setbacks and would be consistent with its approval.



Variance Application



12/12/2018
Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: GARY E. COMPRINI AND MARILEE A. COMPRINI

Mailing Address: _____

Telephone and Fax: 864 915 3079 E-Mail: G.COMPRINI@HOTMAIL.COM

Owner's Information

(If Different from Applicant)

Name: _____

Mailing Address: _____

Telephone and Fax: _____ E-Mail: _____

Designation of Agent: (Complete only if owner is not the applicant)

I (We) hereby appoint the person named the Applicant as my (our) agent to represent me (us) in this request for rezoning.

Owner's Signature _____

Date _____

Project Information

Property Location: 183 HADGINS LAKE ROAD TOWNVILLE, SC 29689

Parcel Number(s)/TMS: 029-01-01-029

County Council District: 4 School District: 4

Total Acreage: 0.18 Current Zoning: NONE

There is a Variance Application fee of \$200 if in a zoned area.

Requested Variance: SETBACK
Please indicate if setback variance, sign variance or nonconform lot size variance.

Purpose of Variance: ADDITION TO EXISTING HOME

FEET TO PROPERTY LINE ON LEFT 9.5 FEET TO REAR RIGHT

Private Covenants or Deed Restrictions on the Property: Yes No

If you indicated no, your signature is required.

Marilyn A. Compriani
Applicant's Signature

11 December 2018
Date

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application - pursuant to State Law (Section 6-29-1145: July 1, 2007) - determining existence of restrictive covenants. Copies may be obtained at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provision of the Development Standards Ordinance.

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

Extraordinary and exceptional conditions pertaining to the particular piece of property, as follows:

NONE

Conditions do not generally apply to other properties in vicinity, as shown by:

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows:

NO RESTRICTIONS

Authorization of variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance for the following reasons:

YES NO HARM

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.)

PLOT PLAN / PHOTO

Please attach an accurate, legible plot plan showing the dimensions and locations of structures and improvements of the property to this application.

As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to the Anderson County Development Standards Office.

Marilyn A. Compriani
Applicant's Signature

11 DECEMBER 2018
Date

Page 2 of 2

For Office Use Only:

Application Received By: dlagrouse Date Complete Application Received 12/11/2018

Application Fee Amount Paid: 0 Check Number: 0

Staff Recommendation: 0 Advisory Recommendation: 1/10/2018

Final Use/Board of Zoning Appeals' Decision: _____

Henry D. Copeland

From: Gary <gcomprini@hotmail.com>
Sent: Thursday, January 03, 2019 1:04 PM
To: Henry D. Copeland
Cc: Alesia Hunter; gary.comprini@fluor.com
Subject: Variance Request Application for property located at 183 Hudgins Lake Rd, Townville

Henry,

Mailing Address:
1 Dellany Court
Greer, SC 29651

Extraordinary and exceptional conditions pertaining to the particular piece of property:

North side property line (right side) is irregular (triangle shape) due to adjacent owner adding a sidewalk from front to back of house. No structure is within the footprint of the offset property line.

The offset on the right property line causes the proposed home expansion to be shifted to the left which results in a 7.0 foot setback from property on the left. Our proposed home addition building line on the East (toward the road) does not encroach on the adjacent neighbor's building line (their West building line).

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows :

The triangular offset on the North property line restricts the home expansion to the East (toward the road).

Thanks for your help....let me know if you need further explanation.

Gary Comprini

Variance Request for property at 029-01-01-029 Legal Lot # 39

December 13, 2018

Debra,

We are planning to provide an addition to our home which is currently a one bedroom house. We want to expand the home toward the road by adding more bedrooms and bathrooms to accommodate our family. The addition as planned will be seven feet from the adjacent property on the left as you look at the property from the road. On the right side the addition will be nine and one half feet from the adjacent property.

This variance request is submitted since the building lines of the addition will be less than 10 feet from side properties on the left and right of our home.

Regards,

Gary Comprini

183 Hudgins Lake Road

Townville, SC 29689







Staff Report

Application for a **Variance** – To allow the reduction of required side and rear yard setbacks for additions to an existing home
Anderson County Land Use Board of Zoning Appeals Meeting - District 4
Courthouse Annex, 401 E. River Street – Planning Conference Room
Anderson, South Carolina

January 10, 2019 5:15 PM

Applicant: Rick Bynum (contact: same)

Owner of Property: John & Kelly O'Brien

Property Location: 110 Lake Hills Dr, Townville, SC 29689

Council District: Four (4)

Tax Map Number (TMS #): 026-01-01-016

Acreage of Property: approximately 0.268 acres (or 11,250 square feet)

Current Zoning: The property is not zoned; therefore a report from the Citizens Advisory Committee Meeting is not required.

Land Use: : single family residence

Applicant Request: Applicant is requesting a **Variance** to allow the reduction of required side and rear yard setbacks to allow renovations to be made to an existing home. From the required side and rear setbacks of 10 feet, the applicant is requesting a reduction to allow a 0.0 setback as measured from the rear property line (a/k/a the corps line) and side yard setback of 5.0 feet as measured from both side property lines.

Findings of Fact: *Anderson County Code of Ordinances*, Chapter 38, Section 38-371 - relating to required setbacks as applicable to dwellings located on lots with access to public water and on-site waste water systems (septic tanks), the minimum side yard setbacks shall be ten feet from a side lot line and ten feet from the rear lot line.

Staff Recommendation: Staff recommends **APPROVAL** of the side yard setback request and **DENIAL** of the rear yard setback request for the following reasons and with the following conditions:

- 1) The existing septic tank and drain field is located in the front yard of the house as it faces the street, making *expansion of the residence in this direction not possible.*
- 2) With extreme limitations to the remaining potential buildable area, additions and renovations are not possible while remaining within the required side yard setbacks of ten feet.
- 3) To accommodate proposed additions utilizing the remaining side yards, a reduction of both side setbacks from 10.0 feet to 5.0 feet is necessary.
- 4) Though the existing residence is placed so as to have a 0.0 setback from the rear lot line (or a "zero lot line" at the corps line), it would not be appropriate or consistent with previous decisions to allow a rear yard setback of less than 3.0 feet for the proposed new additions.
- 5) Should the Board grant a variance to allow a minimum side yard setback of 5 feet and a minimum rear yard setback of 3 feet, for example, there would be sufficient area to allow for reasonable additions and renovations.
- 6) The owner is responsible for making certain that there are no deed restrictions or private covenants associated with the property that would prevent the placement of the proposed additions. This would include any required approval by the US Army Corps of Engineers.
- 7) *The request for a reduction of both required side yard setbacks is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists. The request for a reduction to the rear yard setback so as to allow no required setback (or a setback of 0.0 feet) is not in line with the spirit and intent of the ordinances.*
- 8) The Board has granted other variances similar to the request for a reduction in the side yard setbacks and would be consistent with its approval. The Board has denied other variances similar to the request to eliminate the rear yard setback to 0.0 feet and would be consistent with the Board's prior disapprovals.



Variance Application

Date of Application Completion: 12/15/16

Application Status (Approved or Denied)

Name: Rick Bynum, RA
Address: PO Box 25774
Greenville, SC 29616
Telephone and Fax:

Applicant's Information
Rick Bynum, RA
Principal, Bynum Architecture LLC
E-Mail: rick@bynumarchitecture.com
(Working as the Architect for the Homeowner)

864-295-2724
864-990-3070 (fax)

Owner's Information
(If Different from Applicant)

Name: John and Kelly O'Brien
Mailing Address: 304 Belfrey Drive Greer, SC
Telephone and Fax: 847-714-6402 E-Mail: john.obrien@a-dec.com; k.obrien6@att.net

Designation of Agent: (Complete only if owner is not the applicant) Architect

I (We) hereby appoint the person named the Applicant, Rick Bynum, as my (our) agent to represent me (us) in this request for rezoning. (Setback Variance)

Owner's Signature: John or Kelly O'Brien

Date: 12/15/16

Project Information

Property Location: 110 Lake Hills Drive
Townville SC 29639
Parcel Number(s)/TMS: 026-01-01-016-000 County: _____ School District: _____
Council District: N/A Total Acreage: _____ Current Zoning: Un-Zoned

There is a Variance Application fee of \$200 if in a zoned area.

Requested Variance: Partial Setback Variance (5' Setbacks on Each Side, 0' on Rear)
Purpose of Variance: The existing residence is against the Corp line on the rear/lake side and the septic tank and drain field (laterals) are immediately adjacent/against the front/street side of the house. The existing house side yard setback to the north will prevent any expansion unless the 10' sideyard setback can be reduced to 5'. The sideyard setback to the South also prevents a habitable room to fit unless the sideyard setback can be reduced to 5'. The owner requests that the existing 0' setback from the Corp line at the rear of the house remain unchanged. The existing construction on the rear (West/Lakeside) wall needs to be rebuilt with proper framing, insulation. The owner requests the rear yard property setback be waived since it will still comply with the Corp line as already established. A 0' rear yard setback is requested for the purposes of life safety, new code compliant steps from the lower grade and to construct a small screen porch to replace the existing one that is not structurally sound.

Private Covenants or Deed Restrictions on the Property: NO


Applicant's Signature

If you indicated no, your signature is required.

Date: 12/15/2018

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application - pursuant to State Law (Section 6-29-1145, July 1, 2007) - determining existence of restrictive covenants. Copies may be obtained at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provision of the Development Standards Ordinance.

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

Extraordinary and exceptional conditions pertaining to the particular piece of property, as follows:

Conditions do not generally apply to other properties in vicinity, as shown by:

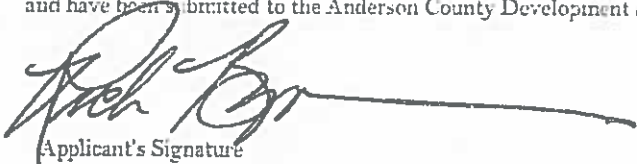
Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows:

Authorization of variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance for the following reasons:

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.)

Please attach an accurate, legible plot plan showing the dimensions and locations of structures and improvements of the property to this application

As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to the Anderson County Development Standards Office.


Applicant's Signature

Date: 12/19/18

For Office Use Only

Application Received By: _____ Date Complete Application Received: _____

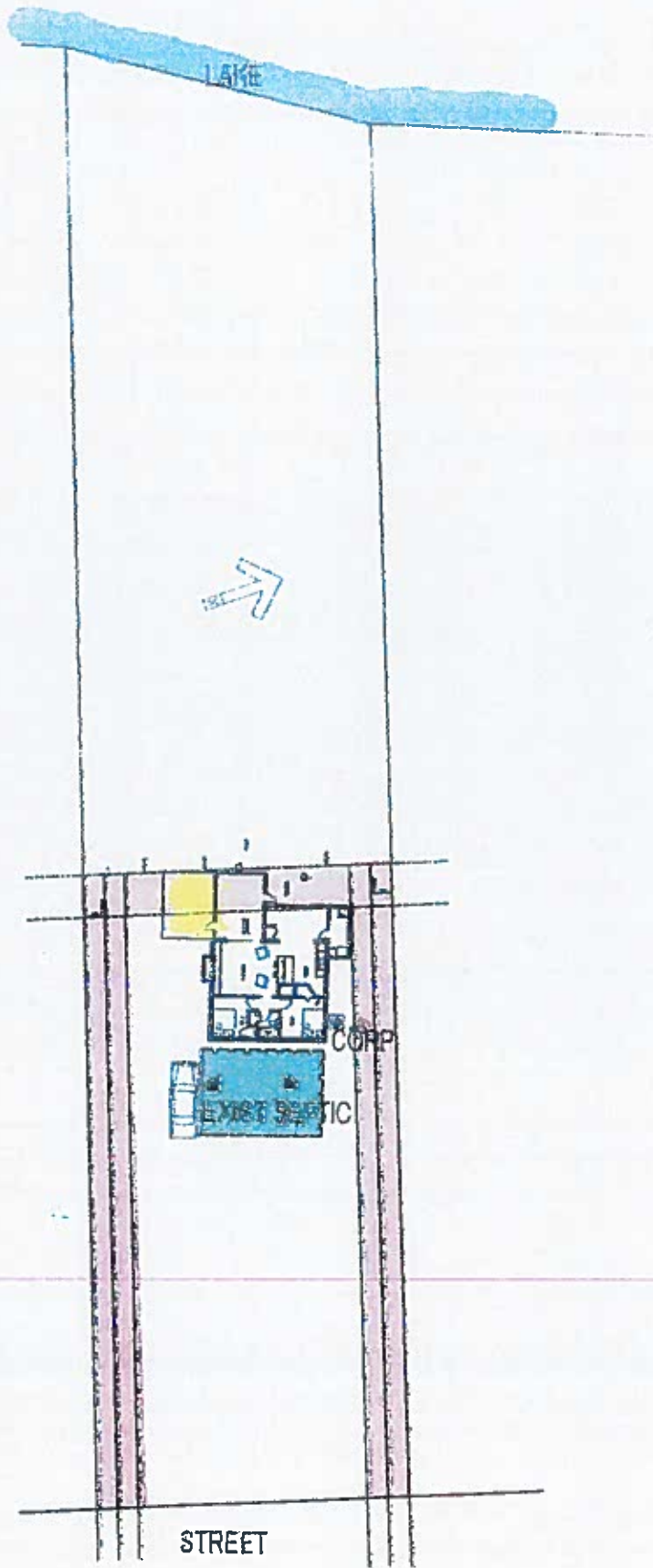
Application Fee Amount Paid: _____ Check Number: _____

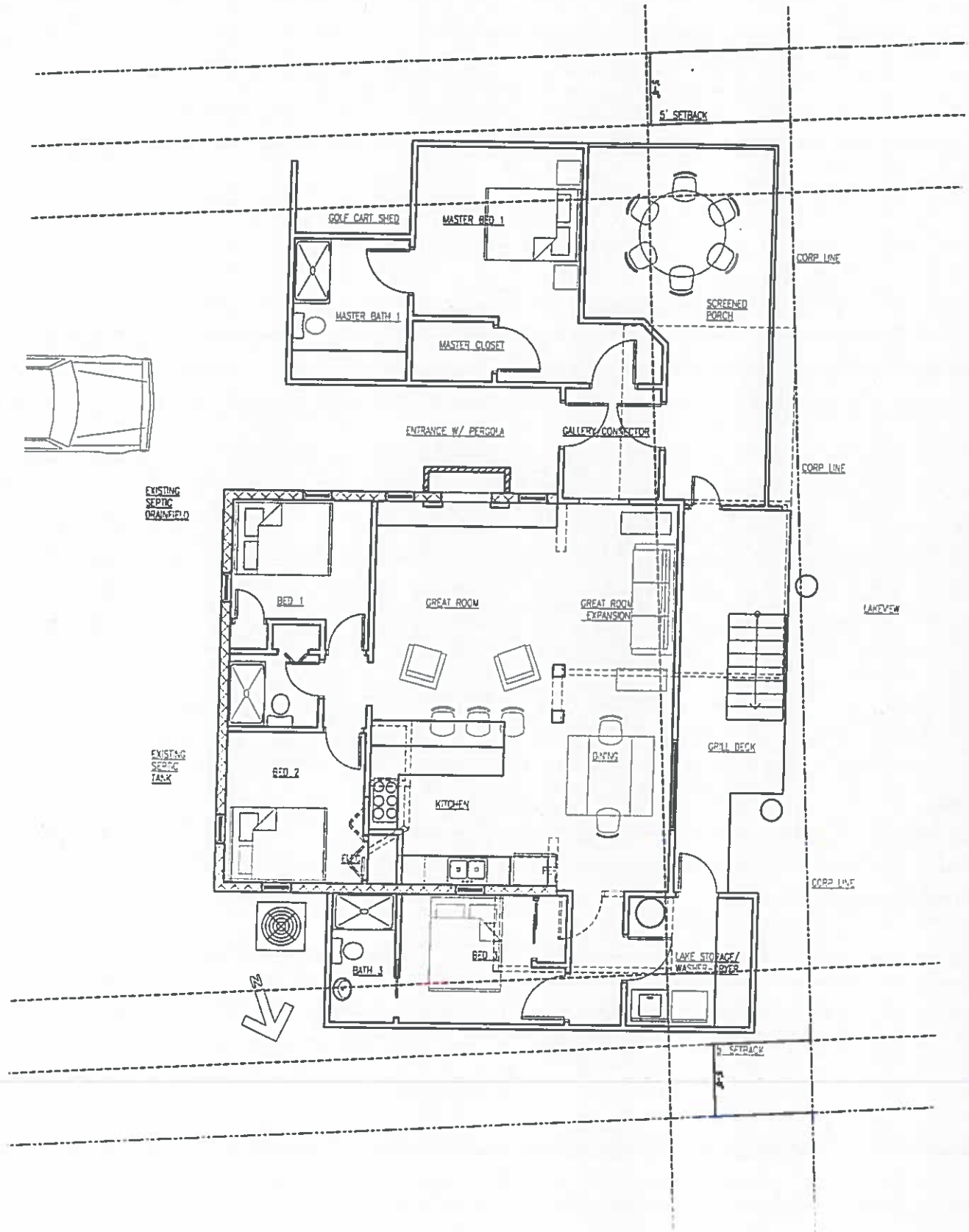
Scheduled Advisory Hearing Date: _____ Scheduled Board Hearing Date: _____

Staff Recommendation: _____ Advisory Recommendation: _____

Land Use/Board of Zoning Appeals' Decision _____

PROPERTY- EXISTING









DEVELOPMENT STANDARDS

COPY

January 10, 2019

Mr. John W. McWhirter
5019 Willow Rd
Hendersonville, NC 28739

Re: **Variance** Request for property located at 414 Sunrise Circle, Fair Play, SC 29655,
TMS # 006-06-02-049

Dear Mr. McWhirter:

The Anderson County Land Use Board of Zoning Appeals voted unanimously to approve your Variance request for the above referenced property. The approval granted allows you to temporarily use and occupy an existing mobile home while a new dwelling is constructed and a replacement septic system is installed on the same property, with the new residence to be completed within 240 days. Approval also requires that before a C.O. is issued for the new residence, the existing mobile home must be removed and its septic system abandoned.

The Board's Conclusion:

The applicant has demonstrated that there are extraordinary and exceptional conditions.

On-site waste water permit issued by DHEC, residential compliance permit as well as building permits will be required prior to commencing with development of this project.

Please provide a copy of this letter to the Anderson County Development Standards when requesting a residential compliance permit. Contact the Building Codes Department (tel. 864-250-4158) to obtain the appropriate information regarding submittals needed for building permits.

If you have any additional questions, please contact the Development Standards Department by telephone at (864) 260-4719.

Sincerely,

A handwritten signature in black ink, appearing to read "Hubert McClure".

Hubert McClure
Chairman Land Use Board of Zoning Appeals

PUBLIC WORKS DIVISION

Alesia Hunter, Manager

O 864-260-4719 | F 864-260-4795 | ahunter@andersoncountysc.org
Courthouse Annex | 401 East River Street, Anderson SC 29624

www.andersoncountysc.org

Staff Report

Application for a **Variance** – To allow temporary occupancy of mobile home on property while new residential dwelling is under construction

Anderson County Land Use Board of Zoning Appeals Meeting - District 4
Courthouse Annex, 401 E. River Street – Planning Conference Room
Anderson, South Carolina
January 10, 2019
5:15 PM

Applicant: John W. McWhirter (contact: same)

Owner of Property: John W. McWhirter & Shannon M. McWhirter

Property Location: 414 Sunrise Circle, Fair Play, SC 29655

Council District: Four (4)

Tax Map Number (TMS #): 006-06-02-049

Acreage of Property: approximately 1.271 acres

Current Zoning: The property is not zoned; therefore a report from the Citizens Advisory Committee Meeting is not required.

Land Use: : single family residence (mobile home) to be replaced with new site-built residence

Applicant Request: Applicant is requesting a **Variance** to allow the temporary use and occupancy of a mobile home on the same property as the owner/occupant constructs a new residential dwelling and installs a replacement septic system.

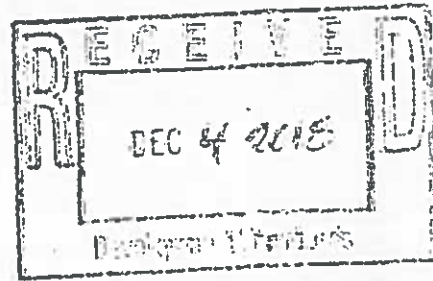
Findings of Fact: *Anderson County Code of Ordinances*, Chapter 50, Section 50-96 - Additional requirements for individual mobile home. The Board may grant a temporary variance to allow two residential structures on the same parcel. For example, the Board may approve for residential occupancy only, and only so long as annually certified by a physician for medical necessity or for a caregiver, a mobile home and a house or two mobile homes may occupy one lot subject to DHEC approval, if not restricted by deed. Under Section 38-74. The Board is also authorized to grant a variance from applicable ordinances as will not be contrary to public interest and where a literal enforcement of the ordinance will result in an unnecessary hardship to the applicant. Such variance shall be granted in such individual case of unnecessary hardship upon a finding by the Board.

Staff Recommendation: Staff recommends **APPROVAL** of the **Variance** request for the following reasons and with the following conditions:

- 1) The applicant is the owner/occupant and will be his own general contractor for the construction of a new site-built home which will replace the mobile home and septic system currently on the same parcel.
- 2) The applicant/owner is responsible for making certain that a proper septic tank is permitted and can be installed adequately sized for the new home.
- 3) The period of time allowed for the completion of the new home is not to exceed 180 days, which is to allow for delays due to current weather conditions.
- 4) Upon completion of the new dwelling, and before a certificate of occupancy is issued, the existing mobile home will be removed and the septic system associated with it will be removed or rendered unusable.
- 5) This request is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 6) The Board has granted other variances similar to this request and would be consistent with its approval.



Variance Application



12-4-18
Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: John W. McWhirter
Mailing Address: 5019 Willow Rd. Hendersonville NC 28739
Telephone and Fax: 814-280-0046 E-Mail: jwmcwhirt@gmail.com

Owner's Information (If Different from Applicant)

Name: _____
Mailing Address: _____
Telephone and Fax: _____ E-Mail: _____

Designation of Agent: (Complete only if owner is not the applicant)

I (We) hereby appoint the person named the Applicant as my (our) agent to represent me (us) in this request for rezoning.

[Signature]
Owner's Signature

12-4-18
Date

Project Information

Property Location: 414 Sunrise Circle, Fair Play NC, 29643
Parcel Number(s)/TMS: 006-06-02-049
County Council District: 4 School District: 4
Total Acreage: 1.271 Current Zoning: CH20K2d

Requested Variance: Land Use Variance
Please indicate if setback variance, sign variance or minimum lot size variance.

Purpose of Variance: Please allow me to keep mobile home on property while I construct a new house on same property

Private Covenants or Deed Restrictions on the Property: Yes _____ No X

If you indicated no, your signature is required.

[Signature]
Applicant's Signature

12-4-18
Date

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application - pursuant to State Law (Section 6-29-1145: July 1, 2007) - determining existence of restrictive covenants. Copies may be obtained at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provision of the Development Standards Ordinance.

Land Use

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

Extraordinary and exceptional conditions pertaining to the particular piece of property, as follows:

want to keep mobile home until ~~project~~ ^{house built} on same site

Conditions do not generally apply to other properties in vicinity, as shown by: _____

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: I would not move into new house

until mobile home is taken away (down) nor would I try for CO

Authorization of variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance for the following reasons:

It wouldn't affect anyone

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) _____

Please attach an accurate, legible plot plan showing the dimensions and locations of structures and improvements of the property to this application.

As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to the Anderson County Development Standards Office.

[Signature]
Applicant's Signature

12-4-18
Date

For Office Use Only:

Application Received By: dragone Date Complete Application Received: _____

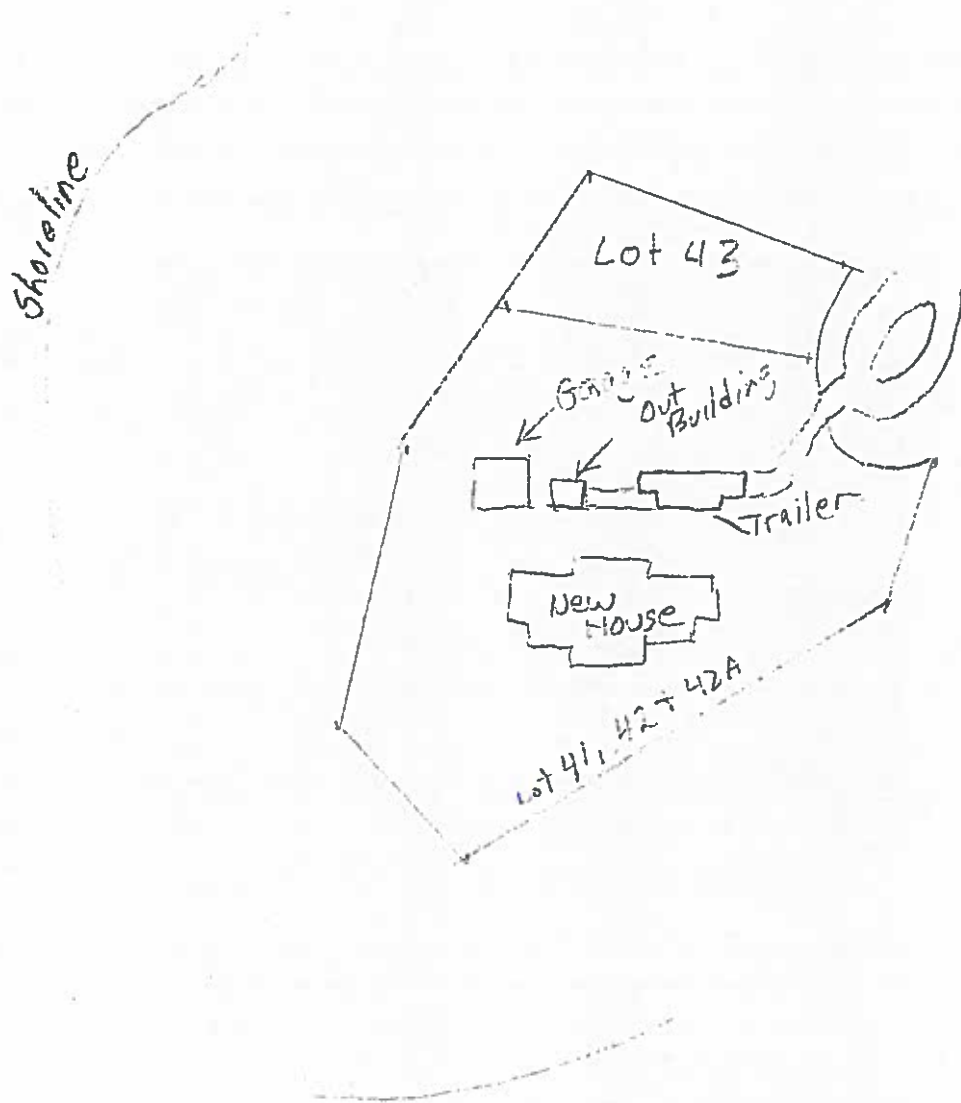
Application Fee Amount Paid: _____ Check Number: _____

Scheduled Advisory Hearing Date: _____ Scheduled Board Hearing Date: 1/10/2019

Staff Recommendation: _____ Advisory Recommendation: _____

Land Use/Board of Zoning Appeals' Decision: _____

Site Plan Not To Scale
Positions of Buildings and
Garage Building are approximate



John + Shannon McWhirter

714 SUT 50 Circle

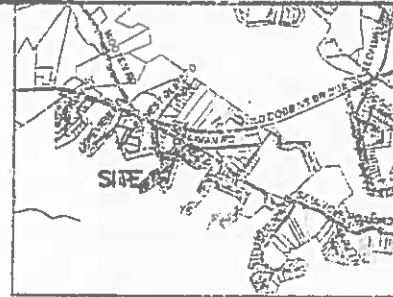
Fairfax, VA 22643

Development Standards Approval

THIS IS NOT A SUBDIVISION AS DEFINED BY ANDERSON COUNTY SUBDIVISION REGULATIONS

[Signature] 11/27/18
SUBDIVISION ADMINISTRATOR DATE

COPY



Vicinity Map (N.S.)

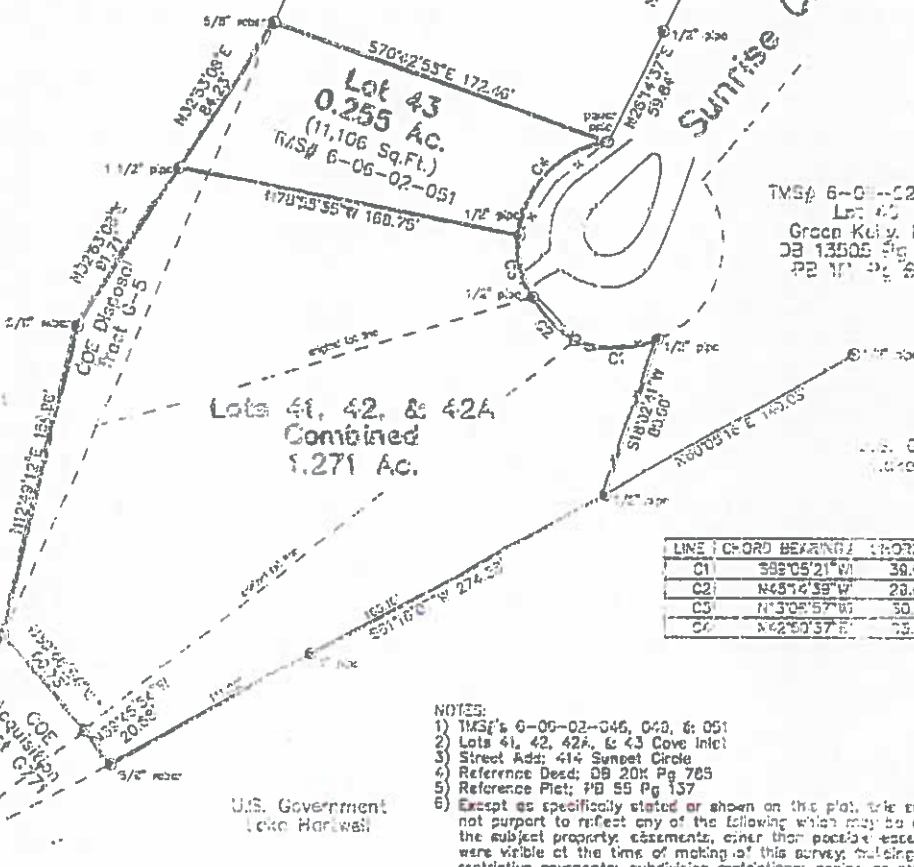
Approval is requested because there are three existing parcels show on the same plat.

Revised to combine Lots 41, 42, & 42A
TMS#s 6-06-02-048 & 049.

11/07/2018 12:01:2018 01:19:23 PM
C:\P\RECORDED\INDEXED
DB 13505 Pg 274
DB 13505 Pg 274
DB 13505 Pg 274
DB 13505 Pg 274
DB 13505 Pg 274
DB 13505 Pg 274

TMS# 6-06-02-052
Lot 44
Sabrina Honea
DB 1948 Pg 28
PB 55 Pg 137

U.S. Government
Lake Hartwell



TMS# 6-06-02-047
Lot 43
Green Kuty, LLC
DB 13505 Pg 274
PB 11 Pg 489

LINE	COORD	BEARING	LENGTH	AREA
C1	S88°05'21\"	W	39.83'	50.00'
C2	N43°14'39\"	W	28.89'	50.00'
C3	N1°30'57\"	W	30.6'	50.00'
C4	N42°50'37\"	E	33.7'	50.00'

NOTES:

- 1) TMS#s 6-06-02-046, 049, & 051
- 2) Lots 41, 42, 42A, & 43 Cove Inlet
- 3) Street Add: 414 Sunset Circle
- 4) Reference Deed: DB 20K Pg 785
- 5) Reference Plat: PB 55 Pg 137

6) Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject property, easements, other than positive easements that were visible at the time of making of this survey, including setback lines, restrictive covenants, subdivision restrictions, zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.

Map #	Surveyed By	Drawn By	Checked By
11173rev	AE	EEO	EEO



Legend
(Doc) (Non)
C 1/2" Plot
D 1" Plot
E 2" Plot

Survey and Certification for
John W. McWhirter
and
Shannon M. McWhirter
Professional Surveyors

Revised Nov. 27, 2018 to combine lots 41, 42, & 42A

Ku-South Surveying Inc.
117 E. Vaughn St.
Anderson, S.C. 29622
(864) 224-0754

Anderson County, South Carolina
Scale 1"=50'
Date: Nov. 01, 2018

"I hereby state that to the best of my knowledge, in addition, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in North Carolina, and the rules and regulations of the Board of Professional Land Surveyors of the State of North Carolina, and that the same are true and correct to the best of my knowledge and belief."

E. B. O'Connell, P.L.S. No 10755

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