

## A G E N D A

### ANDERSON COUNTY LAND USE AND ZONING BOARD OF APPEALS MEETING

Thursday, February 14, 2019

5:15 PM

Anderson County Courthouse Annex

401 East River Street

Anderson, South Carolina

- 1.) Call to Order: Mr. Mike Miller, Vice-Chairman
- 2.) Invocation: Mr. Mike Miller
- 3.) Approval of Minutes: Meeting held on January 10, 2019

#### 4.) PUBLIC HEARINGS:

- (A) Variance application request to allow the reduction of required side and rear yard setbacks for additions to an existing home located at 214 Lake Hills Dr., Townville, SC. Previously heard by Board property incorrectly identified.
- (B) Variance application request to allow a reduction of required side and rear yard setbacks for a detached garage located at 600 Sunrise Circle, Fair Play, SC.
- (C) Variance application request to allow a reduction of required front yard setback for a proposed detached garage located at 1204 Five Forks Road, Pendleton, SC.

---

5.) Old Business:

6.) New Business: Meeting March 14, 2019

7.) Adjournment:

MINUTES  
ANDERSON COUNTY LAND USE AND ZONING BOARD OF APPEALS  
Thursday, February 14, 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: John Farr, District #1, Mike Miller, Vice-Chairman, District #2, Allen Ashley, District #3, Ed Ballard, District #6, and Dan Harvell, District #7

MEMBERS ABSENT: Hubert McClure, Chairman, District #5

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

MEETING CALLED TO ORDER:

Mr. Mike Miller, Vice-Chairman, called the meeting to order at 5:15 PM and at this time, he gave the Invocation.

APPROVAL OF MINUTES:

Mr. Mike Miller asked for approval of the minutes of the meeting held on Thursday, January 10, 2019. He asked were there any corrections or changes to be made at this time. There were two corrections that needed to be made to the dates listed on the minutes. Both dates needed to be changed from January 10, 2018 to January 10, 2019. At this time, Mr. Harvell made a motion for the minutes to be approved with the corrections. Mr. Ballard seconded the motion. The minutes were approved 5-0 by a show of hands.

BLANKET ORDER ITEMS A-C

Mr. Henry Copeland began with the Staff Report for item A by stating that the resubmittal of this request was due to incorrect information for the property's location and parcel ID from last month's meeting. He stated that the applicant's request was to allow for the reduction of required side and rear yard setbacks for additions to an existing home located at 214 Lake Hills Dr., Townville, SC. 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. Mike Miller opened the Public Hearing and asked if there was anyone speaking against the variance. No one came forward. Mr. Miller closed the Public Hearing. Mr. Ed Ballard made a motion to approve item A and Mr. John Farr seconded it. The variance was approved 5-0 unanimously by a show of hands.

Mr. Henry Copeland began with the Staff Report for item B on the agenda. He stated that the applicant was demolishing a non-conforming structure and requesting a variance to allow a reduction of required side and rear yard setbacks for a detached garage located at 600 Sunrise Circle, Fair play, SC. 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. Mike Miller opened the Public Hearing, and asked if there was anyone speaking against the variance. No one came forward. Mr. Miller closed the Public Hearing. Mr. Allen Ashley made a motion to approve item B and Mr. Dan Harvell seconded it. The variance was approved 5-0 unanimously by a show of hands.

Mr. Henry Copeland concluded by giving the Staff Report for item C. He stated that the applicant was requesting a variance to allow a reduction of required front yard setback for a proposed detached garage located at 1204 Five Forks Road, Pendleton, SC. 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. Mike Miller opened the Public Hearing, and asked if there was anyone speaking against the variance. No one came forward. Mr. Miller closed the Public Hearing. Mr. Dan Harvell made a motion to approve item C and Mr. Ed Ballard 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. John Farr seconded it. The meeting was adjourned at 5:22 PM. Our next meeting will be held on Thursday, March 14, 2019 at 5:15 PM.



# DEVELOPMENT STANDARDS

**COPY**

February 14, 2019

Mr. Rick Bynum  
Bynum Architecture, LLC  
PO Box 25774  
Greenville, SC 29616

Re: **Variance** Request for property located at 214 Lake Hills Drive, Townville, SC 29689,  
TMS # 026-01-01-004

Dear Mr. Bynum:

The Anderson County Land Use Board of Zoning Appeals voted unanimously to approve your Variance request for the above referenced property which would reduce the required side and rear yard setbacks to accommodate additions to the residence. The approved reductions will allow a 3.0 foot setback from the rear property line and side yard setbacks of 5.0 feet as measured from both side property lines.

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 a building permit 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,

Mike Miller  
Vice-Chairman Land Use Board of Zoning Appeals

A handwritten signature in black ink that reads "Mike Miller".

**PUBLIC WORKS DIVISION**

**Alesia Hunter, Manager**

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

[www.andersoncountysc.org](http://www.andersoncountysc.org)

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  
February 14, 2019  
5:15 PM

Applicant: Rick Bynum (*contact: same*)

Owner of Property: John & Kelly O'Brien

Property Location: 214 Lake Hills Dr, Townville, SC 29689

Council District: Four (4)

Tax Map Number (TMS #): 026-01-01-004

Acreage of Property: approximately 0.258 acres (see recorded plat: Lot 16, Lake Hills subdivision)

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: The applicant is requesting the required rear yard setback, as measured from the corps line, be reduced from ten feet (10') to three feet (3'). The applicant is also requesting both required side yard setbacks be reduced from ten feet (10') to five feet (5') feet. The **Variance** requests for the reduction of required side and rear yard setbacks are to allow renovations and additions to be made to an existing home.

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 and rear yard setback requests for the following reasons and with the following conditions:

- 1) **This is a new application to consider side and rear yard setback variance requests that were approved by the Board in January as described here, but were for a similar property incorrectly identified in the previous application.**
- 2) The applicant has demonstrated that there are extraordinary and exceptional conditions in support of granting the variance requests.
- 3) The existing septic tank and drain field are located in the front yard of the house as it faces the street, making expansion of the residence in this direction not possible.
- 4) 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.
- 5) Though the existing residence is placed so as to have what is described as a near zero (0') lot line setback from the rear property boundary (resulting in little or no setback from the corps line), it would be appropriate to allow a rear yard setback of not less than three feet (3') for the proposed new additions.
- 6) Minimum side yard setbacks of five feet (5') and a minimum rear yard setback of three feet (3') would be sufficient to allow for reasonable additions and renovations.
- 7) 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.
- 8) The requests for a reduction of the required side yard and rear yard setbacks are in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 9) The Board has granted other variances similar to the requests for a reduction in the side and rear yard setbacks and would be consistent with its approval.



# Variance Application

Date of Application Completion: 12/15/16

Revisions and Resubmitted: 1/14/2019

RTB

Application Status (Approved or Denied)

Name: Rick Bynum, RA

Address: PO Box 25774

Greenville, SC 29616

Telephone and Fax:

864-235-2724

864-990-8070 (fax)

### Applicant's Information

Rick Bynum, RA

Principal, Bynum Architecture LLC

E-Mail: rick@bynumarchitecture.com

(Working as the Architect for the Homeowner)

### Owner's Information

(If Different from Applicant)

Name: John and Kelly O'Brien

Mailing Address: 304 Balfrey Drive Greer, SC

Telephone and Fax: 867-714-6432

E-Mail: john.obrien@a-4ec.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: 214 110 Lake Hills Drive

Towerville SC 29689

Parcel Number(s) / TMS (201-21-01-000-000 Corns): 260101004

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 will need 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

Note: A 3' Rear Yard setback is requested pursuant to what was approved on 1/10/2019

  
Applicant's Signature

If you indicated no, your signature is required.

Date: 12/13/2018

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:

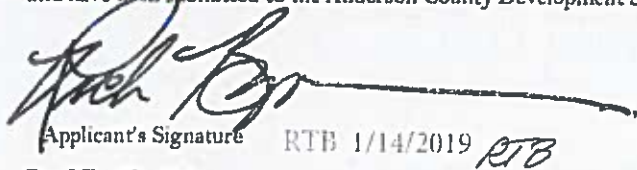
Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows:

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: 12/13/18

RTB 1/14/2019 RTB

For Office Use Only:

Application Received By: \_\_\_\_\_ Date Complete Application Received: \_\_\_\_\_

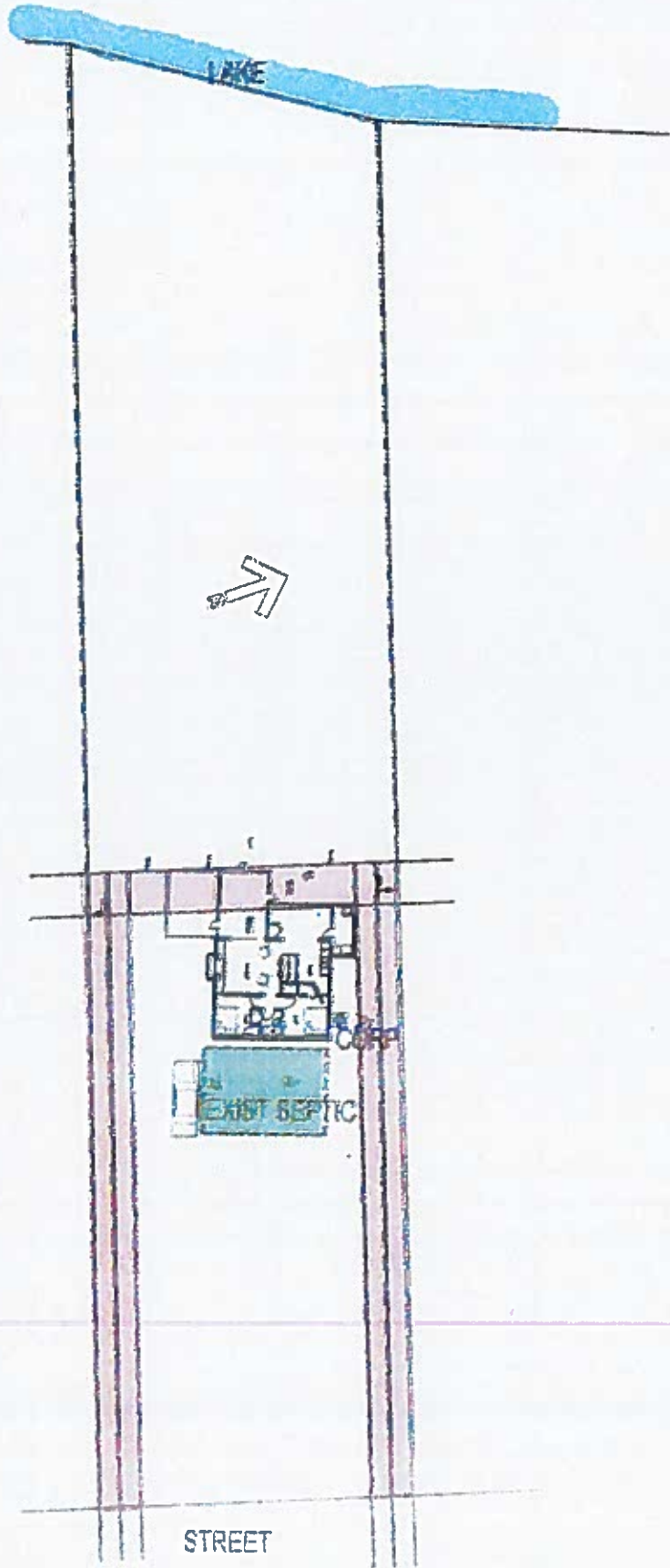
Application Fee Amount Paid: \_\_\_\_\_ Check Number: \_\_\_\_\_

Scheduled Advisory Hearing Date: \_\_\_\_\_ Scheduled Board Hearing Date: \_\_\_\_\_

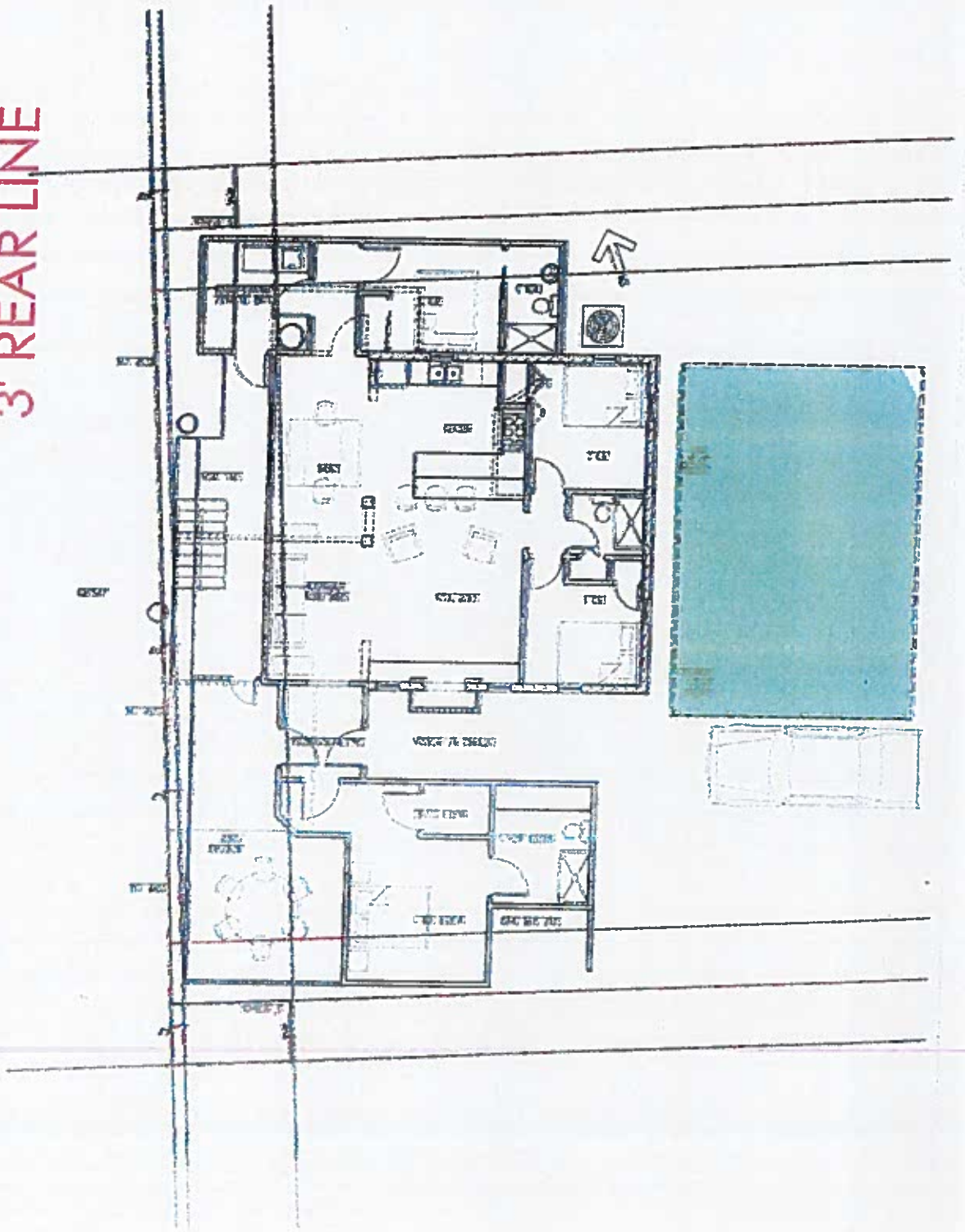
Staff Recommendation: \_\_\_\_\_ Advisory Recommendation: \_\_\_\_\_

Land Use/Board of Zoning Appeals' Decision: \_\_\_\_\_

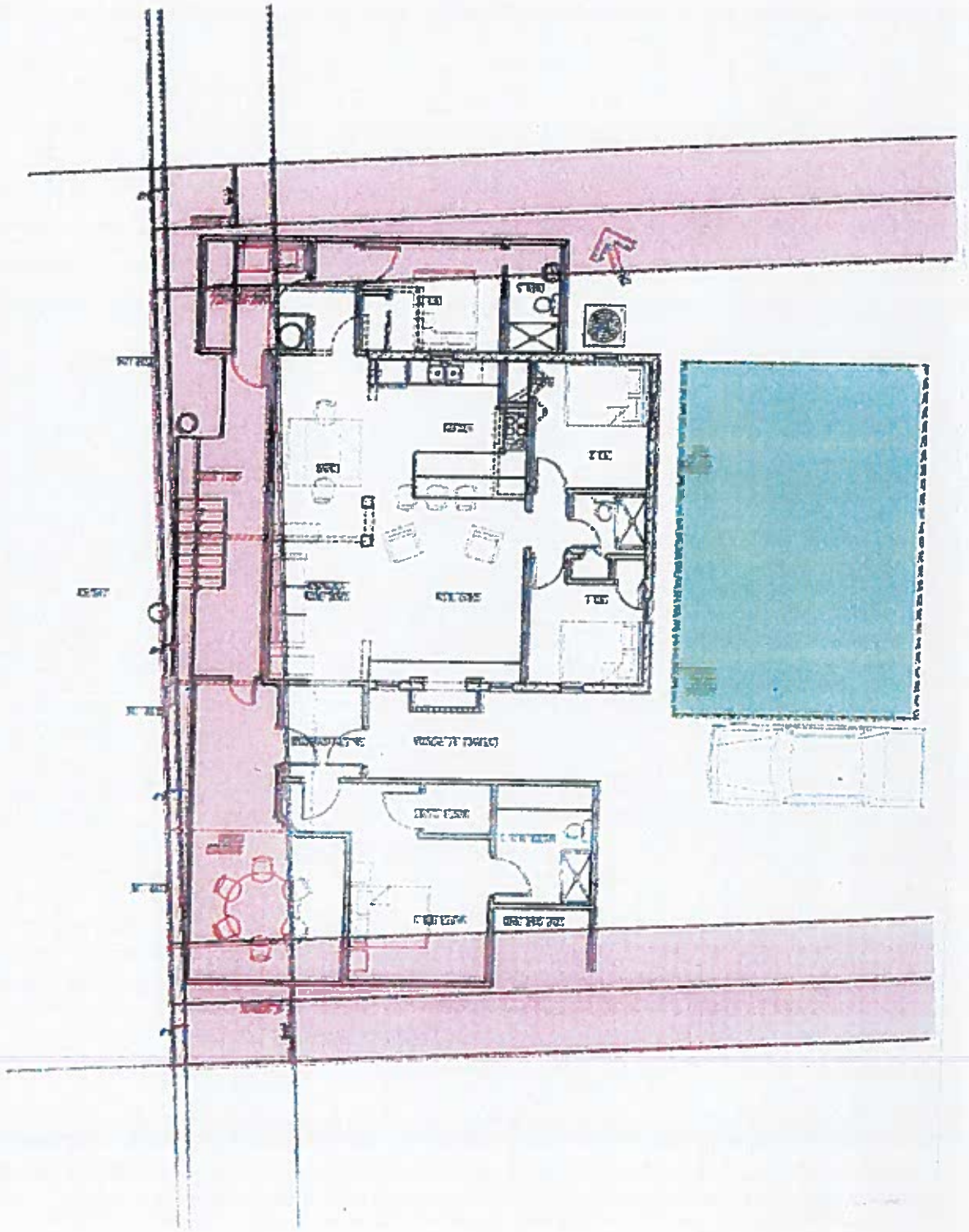
PROPERTY- EXISTING



5' SIDEYARD SETBACK & 1' CORP LINE SETBACK  
3' REAR LINE



# 10' SIDEYARD SETBACKS







# DEVELOPMENT STANDARDS

**COPY**

February 14, 2019

**Mr. John J. Pendergast, III**  
600 Sunrise Circle  
Fair Play, SC 29643

Re: **Variance** Request for property located at 600 Sunrise Circle, Fair Play, SC 29643,  
TMS # 006-06-02-039

**Dear Mr. Pendergast:**

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 setbacks in order to accommodate a new detached garage to replace an existing structure which is to be demolished. The required side and rear yard setbacks are reduced from ten feet (10') to five feet (5').

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 a building permit 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,

*Mike Miller*  
**Mike Miller**  
Vice-Chairman Land Use Board of Zoning Appeals

**PUBLIC WORKS DIVISION**

**Alesia Hunter, Manager**

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

[www.andersoncountysc.org](http://www.andersoncountysc.org)

Staff Report

Application for a **Variance** – To allow a reduction of required side and rear yard setbacks for a detached garage  
Anderson County Land Use Board of Zoning Appeals Meeting - District 4  
Courthouse Annex, 401 E. River Street – Planning Conference Room  
Anderson, South Carolina  
February 14, 2019  
5:15 PM

Applicant: John and Amy Pendergast (*contact: same*)

Owner of Property: John and Amy Pendergast

Property Location: 600 Sunrise Circle, Fair Play, SC 29643

Council District: Four (4)

Tax Map Number (TMS #): 006-06-02-039

Acreage of Property: approximately 0.274 acres (see recorded plat: Lot 30, Cove Inlet)

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

Land Use: The property's current use is as a single family residence, which is the same as for the surrounding neighborhood.

Applicant Request: Applicant is requesting a **Variance** for the reduction of the required side and rear yard setbacks from ten feet (10') to five feet (5') to allow for the construction of a detached garage containing 770 square feet.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-120 – relating to setbacks, the code states that where a detached accessory building's floor area exceeds 600 square feet, the minimum side yard setback is ten feet (10') and the minimum rear yard setback is also ten feet (10').

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 in support of granting the variance requests.
- 2) A detached accessory building north of the existing house and a septic system and drainfield on the south side of the property occupy the only potential sites for a proposed garage.
- 3) Because of its age and condition, applicant intends to demolish the existing detached accessory building which includes a storage area, an attached screen porch and deck, containing an approximate total of 850 square feet. This is to be replaced with a new detached garage containing 770 square feet.
- 4) Existing building's footprint is situated less than two feet (2') from the north (side) property line with a corner of the structure less than seven feet (7') from the east (rear) property line (corps line), all within the required side and rear yard setbacks of ten feet (10'). Since the structure predates the applicable ordinances, this is considered to be a pre-existing, non-conforming condition.
- 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

1-9-2019  
Date of Application Completion

Application Status (Approved or Denied)

### Applicant's Information

Name: John J. Pendergast III

Mailing Address: 600 Sunrise Circle

Telephone and Fax: 203-948-9493 E-Mail: jpendergast14@gmail.com

### Owner's Information

*(If Different from Applicant)*

Name: Same

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: 600 Sunrise Circle Fair Play S.C.

Parcel Number(s)/TMS: 60602039

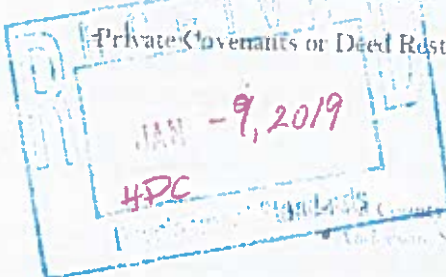
County Council District: Anderson School District: Anderson Dist 5

Total Acreage: 0.274 Current Zoning: \_\_\_\_\_

Requested Variance: Reduce Minimum Setback from 10' to 5' on left side and Rear  
There is a Variance Application fee of \$200 if in a zoned area.  
Please indicate if setback variance, sign variance or minimum lot size variance.

Purpose of Variance: Replace Nonconforming structure with setback of 13" with new structure with 5" setback

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



If you indicated no, your signature is required.

[Signature]  
Applicant's Signature

1-7-2019 <sup>19</sup> (P)  
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.

To move from Nonconforming to 5' Set back

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:

There is no other space to put the structure, ie Septic in front of House  
Core line to Rear of House  
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: To Pull Back of Front property's

Line from 0 To NOT LESS than 5'

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:

Replacing with clean, Colo. permitted, structure

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

1-7-2019  
Date

For Office Use Only

Application Received By HDCopeland Date Complete Application Received 1-9-2019

Application Fee Amount Paid N/A Check Number N/A

Scheduled Agency Hearing Date \_\_\_\_\_ Scheduled Board Hearing Date 2-14-2019

Staff Recommendation \_\_\_\_\_ Advisory Recommendation \_\_\_\_\_

Land Use/Board of Zoning Appeals Decision \_\_\_\_\_



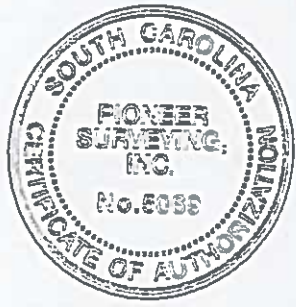
# PIONEER SURVEYING, INC.

PioneerLandSurvey@gmail.com  
 PioneerLandServices.com  
 906 Freeman Road  
 Liberty S.C. 29657  
 (864) 231-6820

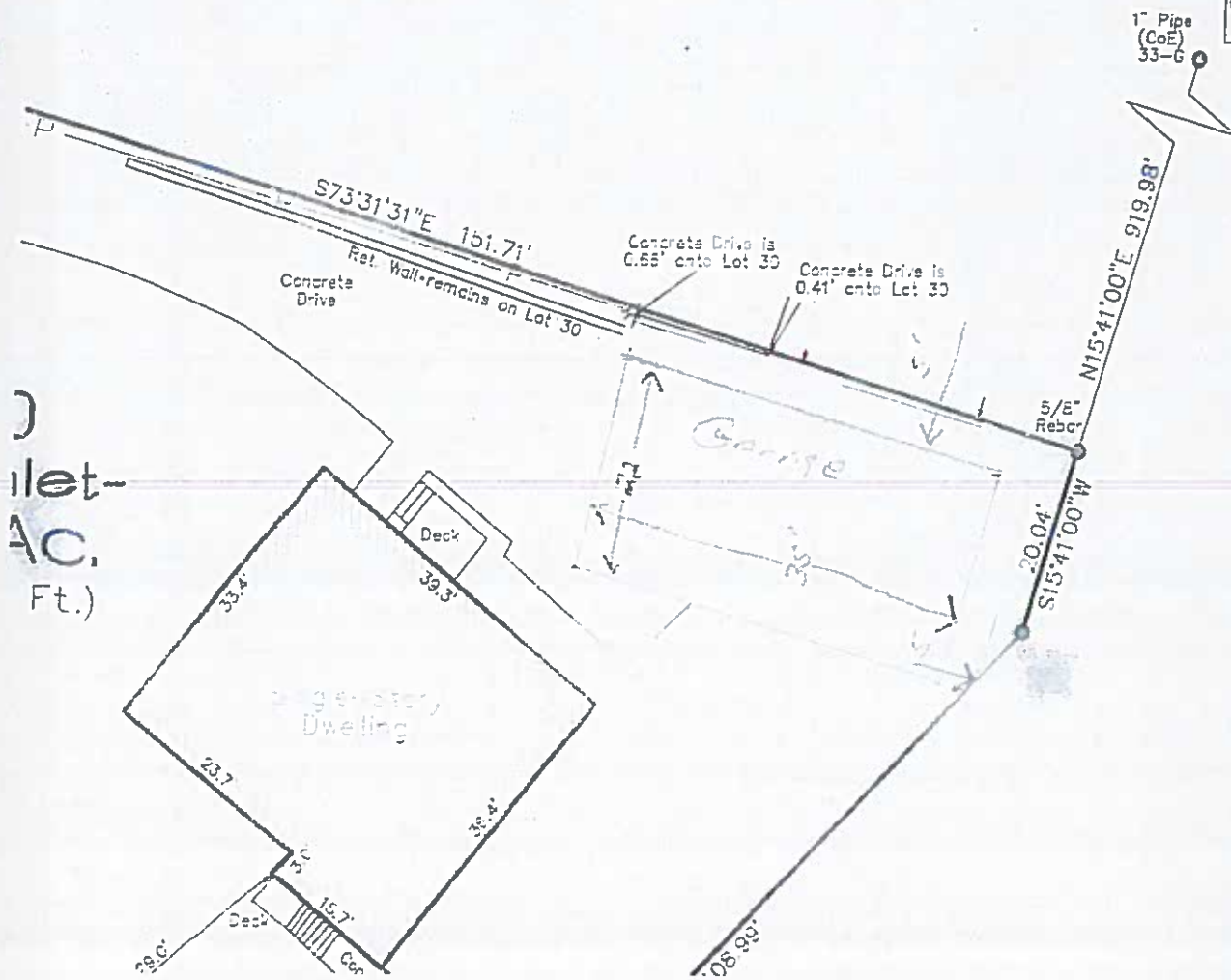
Map # 1B154dim  
 Field Crew GK, NS  
 Drawn By SG

Road Frontage differs as Plat 55 pg. 40 contains of closure error along road.

- Legend**
- |       |         |                |
|-------|---------|----------------|
| (New) | (Found) |                |
| ○     | ●       | 1/2" Rod/Rebar |
| □     | ■       | Mag Nail       |
| △     |         | Computed Point |



Lot 29  
 -Cove Inlet-  
 TMS# 006-06-02-038  
 Harold L. & Marilyn T. Martin  
 Deed 4122 pg. 131  
 Plat S-1217 pg. 4-A

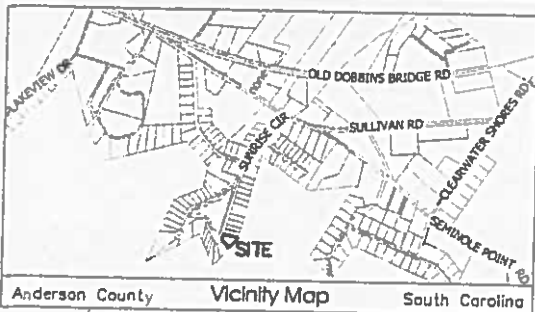


Cove Inlet-  
 Ac.  
 Ft.)

# PIONEER SURVEYING

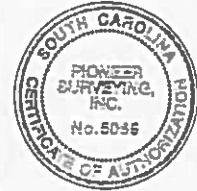
PioneerLandSurvey@gmail.com  
 PioneerLandServices.com  
 906 Freeman Road  
 Liberty S.C. 29657  
 (864) 231-6820

Map # 18154  
 Field Crew GK, NS  
 Drawn By SG



Legend

| (New) | (Found)          |
|-------|------------------|
| ○     | ● 1/2" Rod/Rebor |
| □     | ■ Mag Nail       |
| △     | ▲ Computed Point |



Road Frontage differs as Plat 55 pg. 40 contains 9.72' of closure error along road.

Lot 29  
 -Cove Inlet-  
 TMS# 006-06-02-038  
 Harold L. & Marilyn T. Martin  
 Deed 4122 pg. 131  
 Plat 5-1217 pg. 4-A

Sunrise Circle  
 (C-20-36)



- NOTES:
- TMS# 006-06-02-039
  - Reference Deed 13726 pg. 68
  - Reference Plat: 55 pg. 40
  - Physical Address: 600 Sunrise Circle
  - North Reference: US Army Corps Lake Hartwell Boundary Data pg. 225
  - 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 possible easements that were visible at the time of making of this survey; building 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.

**EXEMPTION FROM REVIEW PROCESS**  
 This plat is a RESURVEY of an existing lot of record.

*WCH*

William C. Hutchins, PLS SC#29117

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.

*WCH*

William C. Hutchins P.L.S. No.29117

Lake Hartwell  
 US Army Corps  
 of Engineers  
 Savannah District

Survey and Certification For

**John J. Pendergast, III**  
 and  
**Amy S. Pendergast**

Date: May 7, 2018





# DEVELOPMENT STANDARDS

**COPY**

February 14, 2019

Ms. Kristie Brock  
1204 Five Forks Rd  
Pendleton, SC 29670

Re: **Variance** Request for property located at 1204 Five Forks Road, Pendleton, SC 29670, TMS # 117-02-01-013

Dear Ms. Brock:

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 setbacks in order to accommodate construction of a detached garage. The required front yard setback measured from the edge of the Five Forks Road public right of way is reduced from forty feet (40') to twenty feet (20').

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 a building permit 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,

Mike Miller  
Vice-Chairman Land Use Board of Zoning Appeals

Handwritten signature of Mike Miller in black ink.

**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 a reduction of required front yard setback for a proposed detached garage  
Anderson County Land Use Board of Zoning Appeals Meeting - District 4  
Courthouse Annex, 401 E. River Street – Planning Conference Room  
Anderson, South Carolina  
February 14, 2019  
5:15 PM

Applicant: Kristie Brock (contact: same)

Owner of Property: Kristie Brock

Property Location: 1204 Five Forks Road, Pendleton, SC 29670

Council District: Four (4)

Tax Map Number (TMS #): 117-02-01-013

Acreage of Property: approximately 0.897 acres (see recorded plat: Lot 5, Five Forks, Garvin Township)

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

Land Use: The property's current use is as a single family residence, which is the same as for the surrounding neighborhood.

Applicant Request: Applicant is requesting a **Variance** to allow for the reduction of the required front yard setback from forty feet (40') to twenty feet (20'), as measured from the edge of the prescriptive right of way. This is to permit the construction of a detached garage to be located adjacent to an existing concrete pad and thirty-five feet (35') from the edge of Five Forks Road's paved roadway.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-120 – relating to setbacks, the code states that the minimum front yard setback for a detached accessory building fronting a public road classified as a "collector" shall be forty feet (40') from the property line or the road right of way, if the right of way overlaps the property line. This section of Five Forks Road is a state highway with a collector road designation.

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 are located in the rear yard of the house, making the placement of a garage in this location on the property not possible.
- 2) The remaining side yard to the left of the existing house, and the secondary front yard to the right of the house adjacent to Fitzroy Road are both insufficient to support a garage, attached or unattached.
- 3) The applicant has demonstrated that a hardship exists and therefore this request is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 4) The Board has granted other variances similar to this request and would be consistent with its approval.



# Variance Application

10 January 2019  
Date of Application Completion

Application Status (Approved or Denied)

### Applicant's Information

Name: Kristie Brock  
Mailing Address: 1204 Five Forks Rd, Pendleton, SC 29670  
Telephone and Fax: 864-221-4308 E-Mail: kbrock05@gmail.com

### Owner's Information (If Different from Applicant)

Name: Same  
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: 1204 Five Forks Rd, Pendleton, SC 29670  
Parcel Number(s)/TMS: 117-02-01-013  
County Council District: District 4 School District: Anderson District 4  
Total Acreage: 0.897 Current Zoning: N/A  
Requested Variance: set back variance  
There is a Variance Application fee of \$200 if in a zoned area.

Please indicate if setback variance, sign variance or minimum lot size variance.

Purpose of Variance: To build a garage to park our vehicles and to store lawn equipment so it doesn't get stolen again.

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

JAN 10, 2019  
#DC  
11:01 AM

If you indicated no, your signature is required.

Christie Brock  
Applicant's Signature

1/9/19  
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:

The shape of the lot and sewage & drain field lines prevent building a garage in the back yard.  
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: We would be unable to have a garage if we can't utilize our large side yard.

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.

Christie Brock  
Applicant's Signature

1/9/19  
Date

For Office Use Only:

Application Received By: H.D. Copeland Date Complete Application Received: 10 January 2019  
Application Fee Amount Paid: N/A Check Number: N/A  
Scheduled Advisory Hearing Date: \_\_\_\_\_ Scheduled Board Hearing Date: 14 Feb. 2019  
Staff Recommendation: \_\_\_\_\_ Advisory Recommendation: \_\_\_\_\_  
Land Use/Board of Zoning Appeals' Decision: \_\_\_\_\_

To Whom It May Concern:

The purpose of our variance application is to get permission to build a garage in our side yard. The shape of our backyard and the location of the septic drain line field prohibit us from building the garage in our backyard. Our yard is "pie shaped" and the backyard narrows as it goes back. Our septic drain field also covers the majority of the backyard and we are unable to drive over or build on the area. The only other viable location is our side yard, which is the largest open part of our lot.

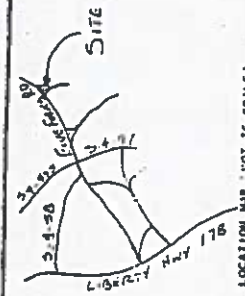
We would like to build a garage so we can park our cars inside it and also store our lawn equipment. We had over \$10,000 in equipment stolen from our yard 3 years ago and it was never recovered. We need to be able to secure our personal belongings to help deter this from happening again.

The structure we want to build will be approximately 28 ft x 32 ft and will be set back approximately 35 feet off the road. It will be designed to match the style and color of the house. Our house is situated on a straight away portion of Five Forks Road and will not block the view of traffic on the road or neighbors entering the road from their driveways.

Thank you for your consideration.

Kristie Brock

96010511 04/22/1996 8667 P59



**CERTIFICATION**  
 This is to certify to M S HUDSON that an actual field survey was made and performed on the property under my supervision and that the same is shown on this map in accordance with the requirements of the Statute in force at the time of the survey and that this map represents a true and correct survey of the subject property and that the information shown hereon is correct to the best of my professional knowledge and belief.

(1) All measurements, bearings and distances were taken from field observations of the subject property at the time of the survey and as shown.

(2) The area of the subject property was calculated by coordinates.

**PROPERTY SURVEY FOR**  
**MONICA S. HUDSON**

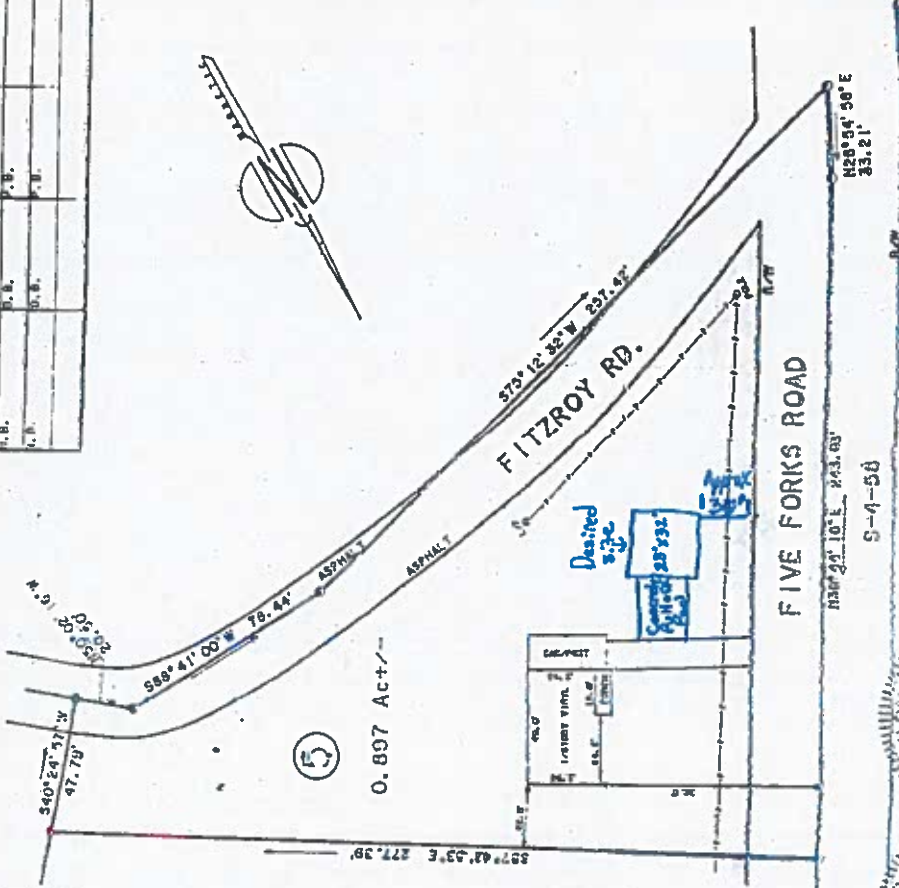
DATE: 4-19-96  
 SCALE: 1" = 200'

**ROMO LAND SURVEYS**  
 P.O. BOX 8496  
 GREENVILLE, SOUTH CAROLINA

**REFERENCES**

|              |         |
|--------------|---------|
| 17-02-01-013 | 1907-9A |
| 1908-242     | 1907-9A |
|              |         |
|              |         |

3/4" IRON PIPE IN EACH CORNER FOUND UNLESS NOTED OTHERWISE.



**NOTES:**  
 (1) There is no utility and declivity monument along each side of all side lines and a survey monument along each side of every section in a "true X" according to F.M.S.

SLIDE 6667 PAGE 5-A

④

96010511 RECORDED, INDEXED  
 04/22/1996 10:00A  
 8667 P59A  
 RECORDS DIVISION  
 COUNTY OF GREENVILLE  
 REC'D DEPARTMENT ANDERSON CO  
 REC'D DEPARTMENT ANDERSON CO  
 REC'D DEPARTMENT ANDERSON CO  
 REC'D DEPARTMENT ANDERSON CO

*Handwritten note on yellow paper:*  
 1/1/96  
 edge of parcel  
 66



