



MEMORANDUM

ANDERSON COUNTY DEVELOPMENT STANDARDS

DATE: May 17, 2021

TO: Land Use and Zoning Board of Appeals Members

FROM: Alesia Hunter

SUBJECT: May 24, 2021 BZA Meeting

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on May 24, 2021 at 5:15 PM at the Civic Center, 3027 Martin Luther King Jr Blvd, Anderson, SC 29625.

The meeting agenda and packet are attached for your review.

Please email tjchapman@andersoncountysc.org or call 864-260-4719 to inform staff whether or not you will be in attendance. This ensures a quorum prior to arrival. Thank you.

Tommy Dunn
Chairman, District 5

John Wright, Jr.
Council District 1

Ray Graham
Council District 3

Cindy Wilson
Council District 7

ANDERSON COUNTY
SOUTH CAROLINA

Brett Sanders
V. Chairman, District 4

Gracie Floyd
Council District 2

Jimmy Davis
Council District 6

Lacey Croegaert
Clerk to Council

Rusty Burns | County Administrator
rbums@andersoncountysc.org

A G E N D A

ANDERSON COUNTY LAND USE AND ZONING BOARD OF APPEALS MEETING

Monday, May 24, 2021

5:15 PM

Civic Center

3027 Martin Luther King Jr Blvd.

Anderson, South Carolina

1.) Call to Order: Mr. Hubert McClure, Chairman

2.) Invocation: Mr. Hubert McClure

3.) PUBLIC HEARING:

(A) Variance request to reduce front yard setback from 20 feet to 7 feet from the road to construct an open carport at 406 Scott Dr, Anderson., [Council District 4]

(B) Variance request to allow reduction of setback for recreational fields within 50' right of way. The applicant is requesting a 25' setback for field #1, a 5' foot reduction of setback for field # 2, and a setback request of 20' from right of way and a 35' setback from property line for the Multiuse field #3 at 1660 Evergreen Rd., Anderson. [Council District 4]

(C) Variance request to allow reduction of required side yard setback from 10 feet to 7 feet, after the fact, to accommodate an in-ground pool, 211 Buxton Ct. [Council District 6]

(D) Variance request to allow reduction of required rear yard setback from 10 feet to 8 feet and a reduction of required side yard setback from 10 feet to less than 1 foot, after the fact, to accommodate a detached storage building, 112 Bragg Dr. [Council District 7]

4.) Old Business:

5.) New Business:

6.) Adjournment:

Staff Report
Application for Variance

Anderson County Land Use Board of Zoning Appeals Meeting – District 4
Civic Center, 3027 Martin Luther King Jr. Blvd.
Anderson, SC 29621
Monday, May 24, 2021

APPLICANT/
PROPERTY OWNER:

Tex Hughes

LOCATION:

406 Scott Dr. Anderson SC

COUNCIL DISTRICT:

Four (4)

CURRENT ZONING:

R-15 (Residential Single-Family Dwelling)

REQUEST:

The applicants seeks reduction of front yard setback for placement of open carport.

TAX MAP NUMBER (TMS) #:

93-01-02-023

PROPERTY DESCRIPTION:

.35 acres on Scott Dr., is listed as a county road. Scott Dr. is a prescriptive road.

LAND USE:

Single Family Residence

HISTORY: On March 17, 2021, The Development Standards office received a complaint regarding a newly constructed carport which appeared to encroach into the 20-foot front yard setback of the property. Upon inspection of the property by county inspector, he found a new carport built that was located in the setback and did not have a building permit to construct. A stop work order was then placed at the property. The applicant came into office and completed the variance request to ask for relief of front yard setback. The carport addition appears to encroach into the 20-foot front yard setback of property.

The applicant is requesting a **Variance** to allow a reduction of front yard setback requirement from 20 feet to 7 feet from edge of pavement on Scott Dr, which is a prescriptive road (does not have a dedicated right of way) at the end of cul de sac to accommodate the addition of an open carport.

ANALYSIS

Chapter 70 Article 5 Section 5.3.5 Minimum requirement - Residential Lots See No.2 of the Official Code of Ordinance.

	Required Setback	Requested
Front Yard	20'	7' edge of pavement

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 70 Article 5 Section 5.3.5 Minimum requirement -Residential Lots No 2 states that the minimum depth of the front yard measured from the street right of way line shall be 20 feet on a residential service street, except that when a right of way has not been established or is not known, the setback shall be measured from the edge of the pavement or back of the curb, if present, and each required setback shall be increased by a minimum of ten feet

STAFF RECOMMENDS APPROVAL: Following Reasons-

- 1) The property is a single-family dwelling. There is a need for handicap accessibility for unloading purposes on flat surface instead of unloading on gravel, and protection for disabled person during inclement weather.
- 2) Roads and Bridges Department stated they have looked at carport and they would allow as is in its current location.
- 3) There are extraordinary and exceptional conditions due to size and shape of the property, and the placement of water line, which is located in right of way, as well as parking.
- 4) The placement of the carport will not cause a detriment to the public good, or to surrounding properties.
- 5) If approved, the applicant will be required to obtain a compliance letter from Development Standards and a building permit from Building & Codes.



Variance Application

There is a Variance Application Fee of \$200.00

14 APRIL 2021
Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: TEY HUGHES
Mailing Address: 406 SCOTT DR ANDERSON SC 29625
Telephone and Fax: 864-642-5333 E-Mail: TEY@NED2EMAIL.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.

Tey Hughes
Owner's Signature

14 APRIL 2021
Date

Project Information

Property Location: 406 SCOTT DR ANDERSON SC 29625
Parcel Number(s)/TMS: 930102023
County Council District: Tax 4 School District: _____
Total Acreage: 0.35 Current Zoning: RESIDENTIAL R15
Requested Variance: SET BACK VARIANCE from front yard setback
Please indicate if setback variance, sign variance or minimum lot size variance.
Purpose of Variance: CAN PART FULL USE AND PROTECTION OF DISABLED PERSONS

Private Covenants or Deed Restrictions on the Property: Yes _____

No

If you indicated no, your signature is required.

Max Hugh
Applicant's Signature

14 APRIL 2021
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.

BUILDING A CARPORT

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:

PERSONS LIVING THERE ARE 100% DISABLED

Conditions do not generally apply to other properties in vicinity, as shown by: OTHER PROPERTIES HAVE VERY GOOD PARKING AREA

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: INABILITY TO PARK VEHICLES AND SIMPLY MOVE ABOUT AND BE PROTECTED DURING UNCLEMATE WEATHER

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 AT THE END OF A DEAD END ROAD

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.

Max Hugh
Applicant's Signature

14 APRIL 2021
Date

For Office Use Only:

Application Received By: TJC Date Complete Application Received: _____

Application Fee Amount Paid: 200.00 Check Number: _____

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

Staff Recommendation: _____ Advisory Recommendation: _____

Land Use/Board of Zoning Appeals' Decision: _____

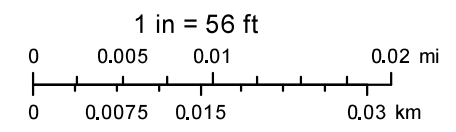


Anderson County



May 17, 2021 Disclaimer accepted.

TMS:	930102023		
Owner:	HUGHES TEX + SHEREE D		
Owner Address:	406 SCOTT DR		
City/State:	ANDERSON SC	Zip Code:	29625
Deed Book:	10445	Deed Page:	27
Tax District:	4	Description:	LT 2 SCOTT DR .35 AC
Sale Year:	2012	Sale Price:	\$288,700
		Market Value:	\$271,140



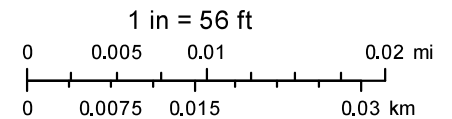
ESRI, Highland Mapping, and Anderson County GIS

Anderson County



May 17, 2021 Disclaimer accepted.

TMS:	930102023		
Owner:	HUGHES TEX + SHEREE D		
Owner Address:	406 SCOTT DR		
City/State:	ANDERSON SC	Zip Code:	29625
Deed Book:	10445	Deed Page:	27
Tax District:	4	Description:	LT 2 SCOTT DR .35 AC
Sale Year:	2012	Sale Price:	Market Value:



ESRI, Highland Mapping, and Anderson County GIS

Staff Report
Application for Variance

Anderson County Land Use Board of Zoning Appeals Meeting – District 4
Civic Center, 3027 Martin Luther King Jr. Blvd.
Anderson, SC 29621
Monday, May 24, 2021

APPLICANT: Anderson Area YMCA

PROPERTY OWNER: Joe Drennon

LOCATION: 1660 Evergreen Dr., Anderson SC

COUNCIL DISTRICT: Four (4)

CURRENT ZONING: R-20 (Residential Single-Family Dwelling)

REQUEST: Applicant seeks a variance for reduction of the setback requirement from right of way and property line for placement of baseball fields.

TAX MAP NUMBER (TMS) #: 144-00-06-008/ 145-00-03-002

PROPERTY DESCRIPTION: Approximately 57.7 acres (combined area for both parcels) fronting Evergreen Rd, classified as a collector road within the state highway system

LAND USE: As of 2020, a majority of the land area was vacant(wooded) with the remainder in sue for outdoor recreation.

ANALYSIS Chapter 70 Article 5, Section 5:3.2 Uses permitted by special exception and Section 7.6. 1-4 Private recreation area of the Official Code of Ordinance: The applicants seek reduction of setback requirements.

The applicant is requesting a **Variance** to allow a reduction setback requirement from the right of way for placement of baseball fields. Ballfield #1 is requesting 25' setback from the right of way, ballfield # 2 requesting 5' from the right of way, and Multiuse field #3 is requesting a setback of 20' from the right of way and 35' from the property line.

	Required Setback	Requested
Ballfield 1	50' r/w	25' r/w
Ballfield 2	50' r/w	5' r/w
Multi Use 3	50' r/w	20' r/w
Multi Use 3	50' property line	35' property line on Eastside of property

Findings of Fact: Anderson County Code of Ordinances, Findings of Fact: Anderson County Code of Ordinances, Under Chapter 70, Article 5, Section 5:3.2, and Section 7.6 1-4 –A private recreation area or country club may be permitted in R-20 district subject to the following requirements: shall be located on a site no less than two acres in area, all buildings, courts, pools and similar structures shall be set back from front, side, and rear property lines a minimum of 50 feet.

STAFF RECOMMENDS APPROVAL: Following Reasons-

- 1) The property is constricted between existing right of way, existing cell tower, and an easement on site.
- 2) There are extraordinary and exceptional conditions due to the fields being able to be incorporated into the site with the space restriction.
- 3) The placement of the fields will not cause a detriment to the public good, or to surrounding properties
- 4) If approved, the applicant will be required to obtain a compliance letter from Development Standards and a building permit from Building & Codes for construction of buildings on site.



Variance Application

There is a Variance Application Fee of \$200.00 *NC 70*

04/29/21

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Anderson Area YMCA (contact: Joe Drennon)

Mailing Address: 201 East Reed Road Anderson, SC 29621

Telephone and Fax: 864-716-6262 E-Mail: joed@andersonareaymca.org

Owner's Information

(If Different from Applicant)

Name: Joe Drennon

Mailing Address: 201 East Reed Road

Telephone and Fax: 864-716-6262 Email: joed@andersonareaymca.org

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.

Joe Drennon
Owner's Signature

4/29/21
Date

Project Information

Property Location: 1939 Evergreen Road

Parcel Number(s)/TMS: 1440006008, 1450003002

County Council District: CCD FOUR School District: 05

Total Acreage: 57.7 Current Zoning: R-20

Requested Variance: Setback Variance

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

Purpose of Variance: Request of setback variance to recreational fields within 50' setback requirement.

Requested setbacks: 25' setback baseball field 1, 5' setback baseball field 2, 20' setback multiuse field 3

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?

Yes: No: Date visited ROD or Date searched online: 04/29/21

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

If you indicated no and covenants/deed restrictions are discovered after application submittal, the application will be removed from the agenda and any approvals granted by the Board of Zoning Appeals or Planning Commission will be null and void. If you indicated no, your signature is required.

Joe Newman
Applicant's Signature

4/29/21
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 site is constricted between existing r/w and existing cell tower/easement on site

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

The existing site includes recreational fields that are inside of the 50' setback

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: Two of the four baseball fields and one of the 5 soccer fields would be unable to be

incorporated into the site with the space restrictions between a 50' setback and the existing cell tower on site.

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 existing site includes similar conditions with fields in 50' setback.

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) 8.5"x11" exhibit with requested setbacks.

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

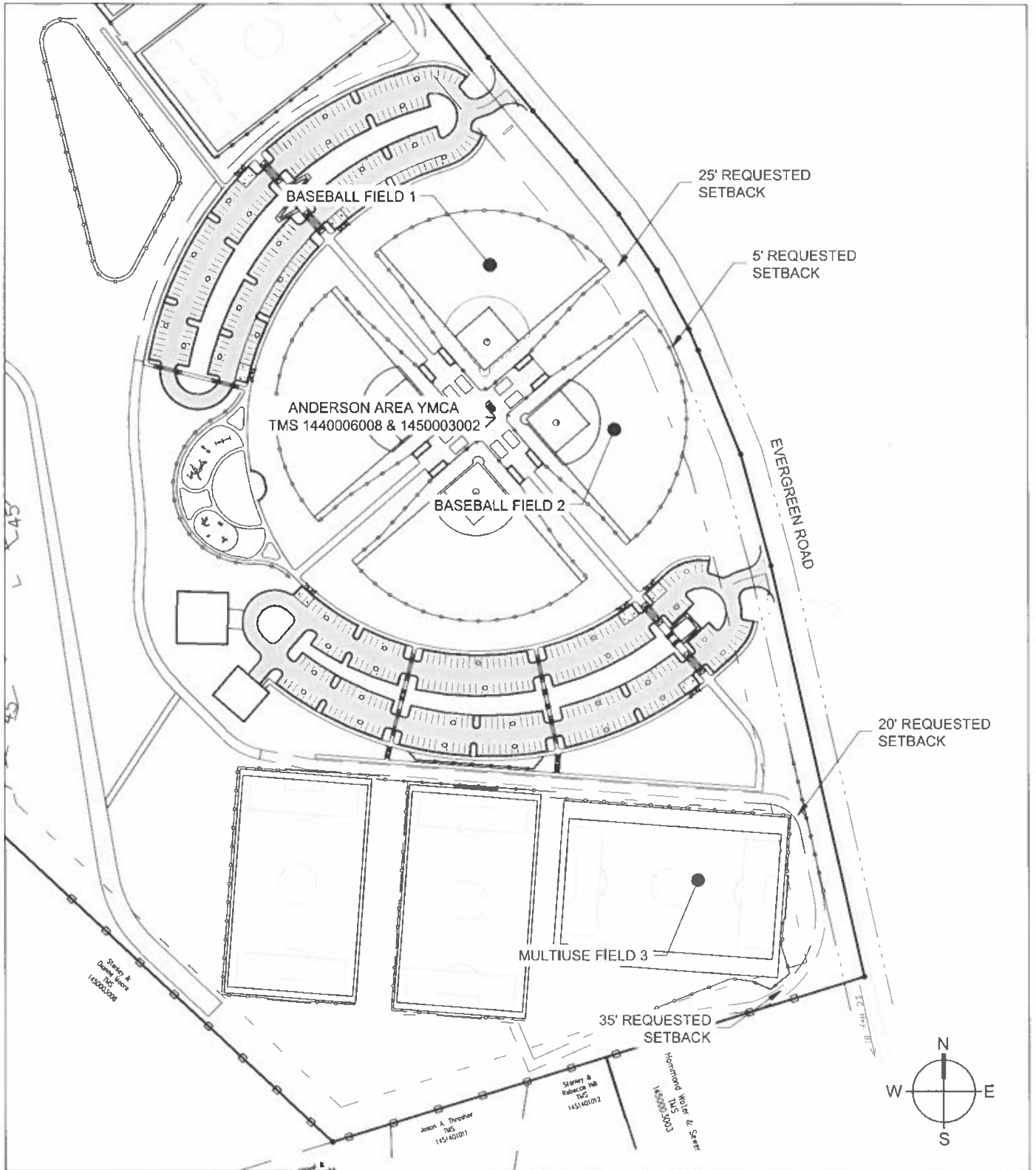
As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to the Anderson County Development Standards Office.

Joe Newman
Applicant's Signature

4/29/21
Date

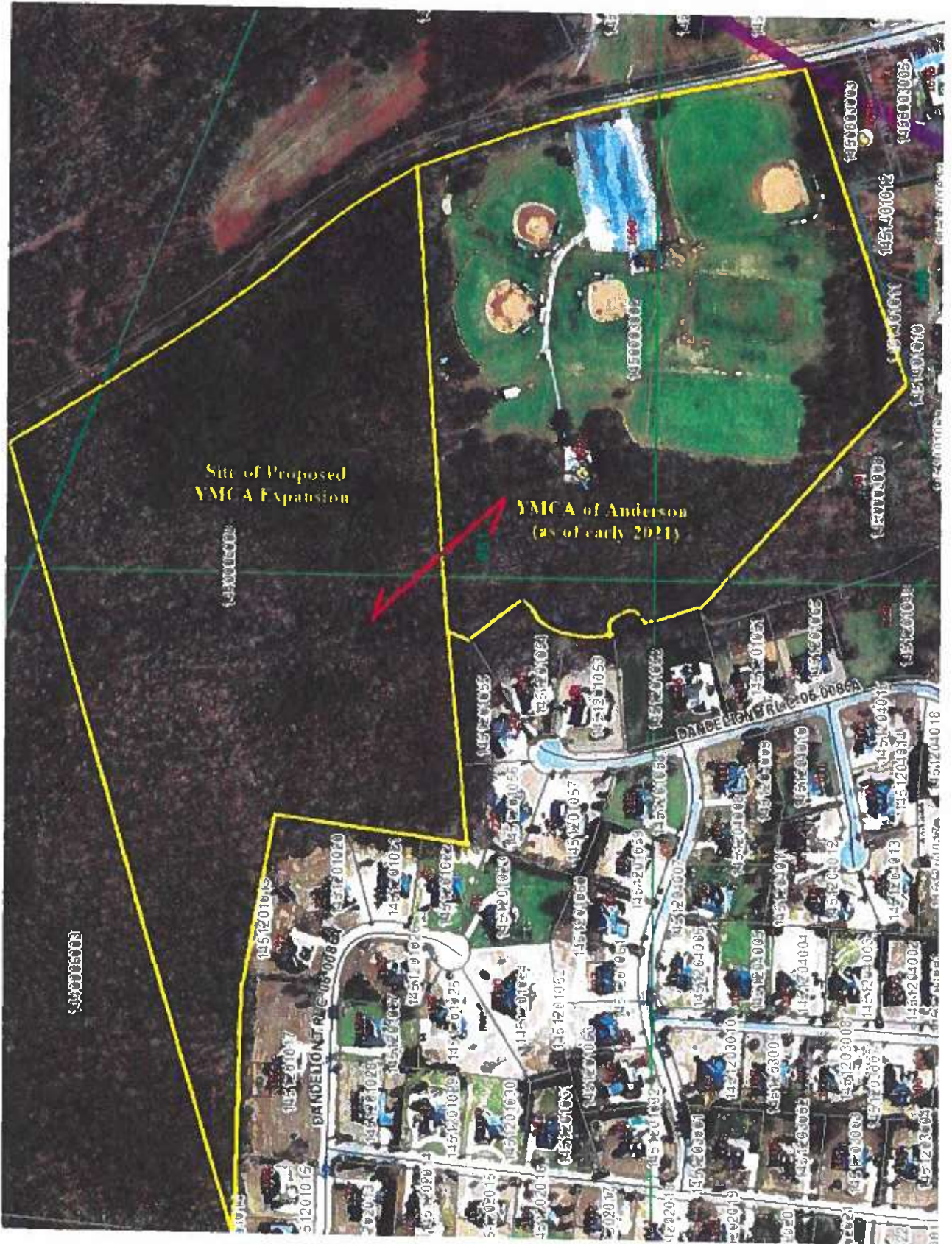
For Office Use Only:

Application Received By: _____ Date Completed Application Received: _____
Application Fee Amount Paid: _____ Check Number: _____
Scheduled Board Hearing Date: _____ Land Use/Board of Zoning Appeals' Decision: _____



DUCWORTH-TUCKER SPORTS PARK
GR3371
DATE: 2021-04-29
SCALE: 1" = 200'

VARIANCE
EXHIBIT



Site of Proposed
YMCA Expansion

YMCA of Anderson
(as of early 2011)

DANDELION RD 06-0078

DANDELION RD 06-0086A

1451201000

1451201000

1451201000

1451201015

1451201017

1451201020

1451201026

1451201022

1451201025

1451201027

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Staff Report

Application for a **Variance** – To allow a reduction of side yard setback to accommodate an in-ground pool
Anderson County Land Use Board of Zoning Appeals Meeting - District 6
Civic Center, 3027 Martin Luther King Jr Blvd.
Anderson, SC 29625
Monday, May 24, 2021
5:30 PM

Property Owner / Applicant: Luke and Sarah Rapa

Property Location: 211 Buxton Ct, Easley, SC 29642

Council District: Six (6)

Tax Map Number (TMS #): 213-12-01-210

Property Description: This is an improved residential lot located within an established subdivision (Rose Hill). The lot is described as irregular, similar to a trapezoid, located at the end of a cul-de-sac. The parcel contains 0.33 acres, with approximate dimensions of 60 feet across the front, 141 feet along each side and 192 feet across the rear line.

Current Zoning: The property is not zoned.

Land Use: The lot has been improved with a single-family residence. An in-ground pool is currently under construction. A utility easement, 25 feet wide, runs along the west side of the property, then turns diagonally across yard to the rear of the property. This easement supports of a public sewer collector line.

Applicant Request: Applicant is requesting a **Variance** to allow a reduction of side yard setback requirements from 10 feet to 7 feet to accommodate an in-ground pool near the east side property line.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-120 – relating to residential setbacks, the code states where a detached accessory building's floor area exceeds 600 square feet, the minimum side yard setback is ten feet (10'). The required front yard setback is 20 feet from the edge of the R/W.

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

- 1) The presence of the utility easement poses an obstacle for placement of an in-ground pool in every direction except along the east eastern property line.
- 2) The applicant's site plan shows a side yard setback of 5 feet as previously approved by the Rose Hill HOA in conformity with existing covenants.
- 3) The applicant has demonstrated the existence of a hardship requiring a remedy.
- 4) This request is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 5) The Board has granted other variances similar to this request and would be consistent with its approval.

PAID
\$ 121-1040



Variance Application

There is a Variance Application Fee of \$200.00

April 23, 2021

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Luke and Sarah Rapa
Mailing Address: 211 Buxton Ct., Easley, SC 29642
Telephone and Fax: (616) 481-4176 E-Mail: rapa.sarah@gmail.com

Owner's Information *(if Different from Applicant)*

Name: _____
Mailing Address: _____
Telephone and Fax: _____ Email: _____

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: 211 Buxton Ct., Easley, SC 29642
Parcel Number(s)/TMS: 2131201210
County Council District: Anderson 6 School District: Anderson SD #1
Total Acreage: .33 acres Current Zoning: Unzoned
Requested Variance: a reduction of the side yard setback from 10 feet to 7 feet
Please indicate if setback variance, sign variance or minimum lot size variance.
see next sheet, if approved, the pool will remain in its current location with a setback of 7 feet

Purpose of Variance: _____

Page 1 of 2



Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?
Yes No Date visited ROD or Date searched online: April 22, 2021

Private Covenants or Deed Restrictions on the Property. Yes Rose Hill No

If you indicated no and covenants/deed restrictions are discovered after application submitted, the application will be removed from the agenda and any approvals granted by the Board of Zoning Appeals or Planning Commission will be null and void. If you indicated yes, your signature is required.
Subdivision Covenants

Applicant's Signature

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:
see attached sheet

Conditions do not generally apply to other properties in vicinity, as shown by: none

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: if not approved, pool will need to be relocated, resulting in significant and unnecessary hardship to us as homeowners

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:
Pool resides inside privacy fence; the adjacent property and public good will be unaffected

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) HOA architectural review approval, compliance letter

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.

Julie Ryan / Sarah A. Ryan
Applicant's Signature

4/23/21
Date

For Office Use Only:

Application Received By: HDC Date Completed Application Received: 4.23.2021
Application Fee Amount Paid: \$200.00 Check Number: CC
Scheduled Board Hearing Date: 6-10-2021 Land Use/Board of Zoning Appeals Decision: _____

Page 2 of 2

Purpose of Variance:

Pool contractor did not comply with compliance letter indicating 10 ft. side setback for pool greater than 600 square feet (compliance permit 202100250). Pool was set less than 10 feet from property line.

Extraordinary and Exceptional Conditions:

Pool contractor did not apply appropriate side yard setback per compliance letter. We, the homeowners, were unaware of setback imposed via compliance letter, having knowledge only of setback requirements per Rose Hill subdivision covenants. Notwithstanding, pool contractor dug pool, poured concrete walls, installed coping, and set plumbing. Pool location was approved by HOA. Pool contractor completed all permitting paperwork; we were not privy to the compliance letter stipulations as homeowners.



Rose Hill Homeowners Association SC
Care of Cedar Management Group
PO Box 26844
Charlotte, NC 28221
ARC@mycmg.com

Phone: 704-644-8808

Fax: 704-509-2429

October 22, 2020

Luke and Sarah Rapa
211 Buxton Court
Easley, SC29642

RE: ARC Request – 211Buxton Court

Dear Luke and Sarah Rapa,

Thank you for submitting an architectural application for a modification to your home. The Board of Directors and/or the Architectural Committee has reviewed your application for consistency with and adherence to the Covenants & Restrictions for Rose Hill Homeowners Association SC.

We are happy to inform you that your request for the inground pool has been **APPROVED** as submitted.

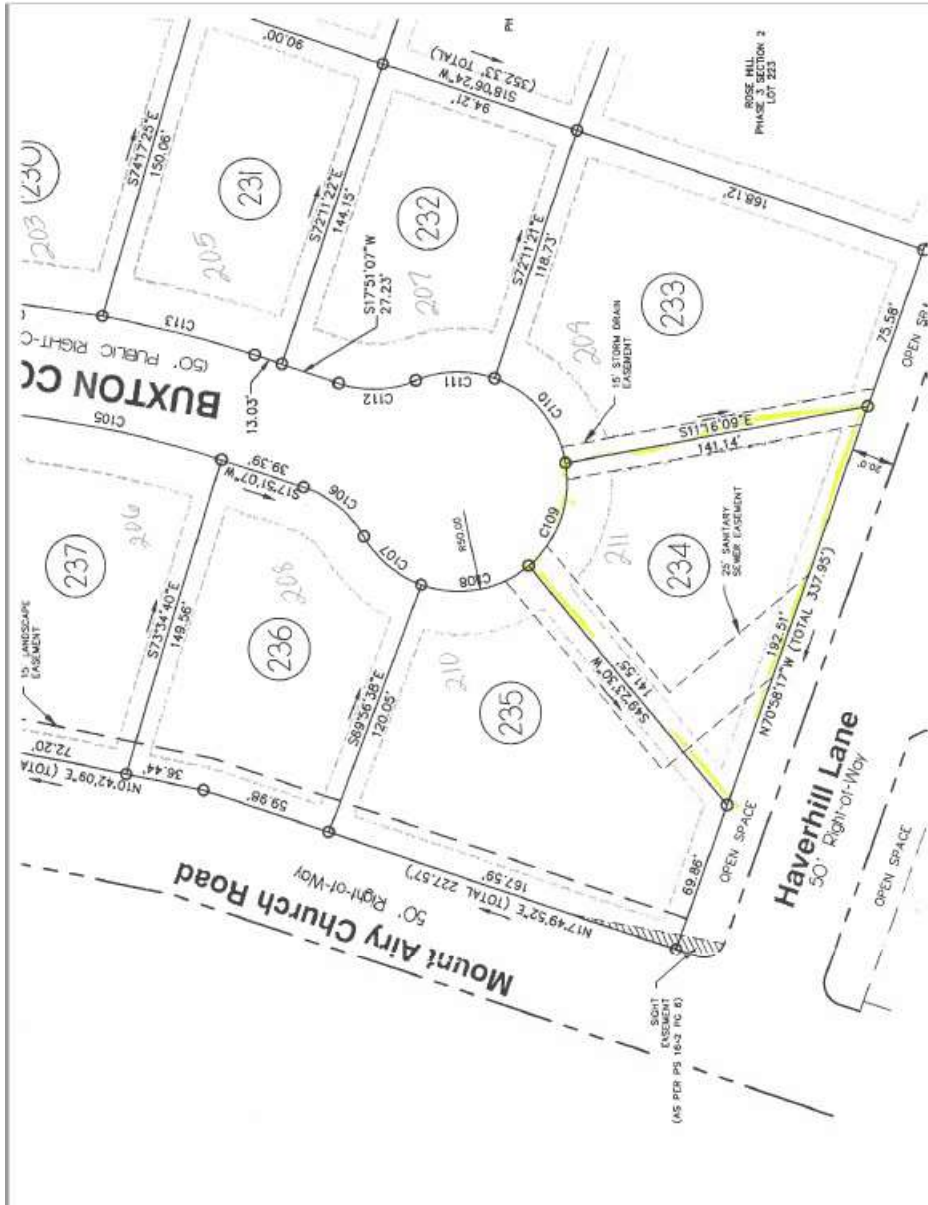
Please note that the HIOA governs compliance with the Covenants & Restrictions ONLY and is not responsible for compliance with city, state, local, or county ordinances. It is the homeowner's responsibility to obtain permits for any and all necessary requirements.

Please be advised that you are responsible for the maintenance and appearance of the improvement or other structure as is consistent with the Rose Hill Homeowners Association SC Covenants and Restrictions. If you will be digging, please make sure to have underground utilities marked as you will be held accountable for damage to any underground utility lines, systems, materials, irrigation and drainage swales.

Additionally, a member of the Architectural Committee or Management Company may verify compliance with this approval. Please communicate these specifications to your installer. Also, keep a copy of the application and this approval for your records.

Thank you for your cooperation and enjoy your new addition to your home.

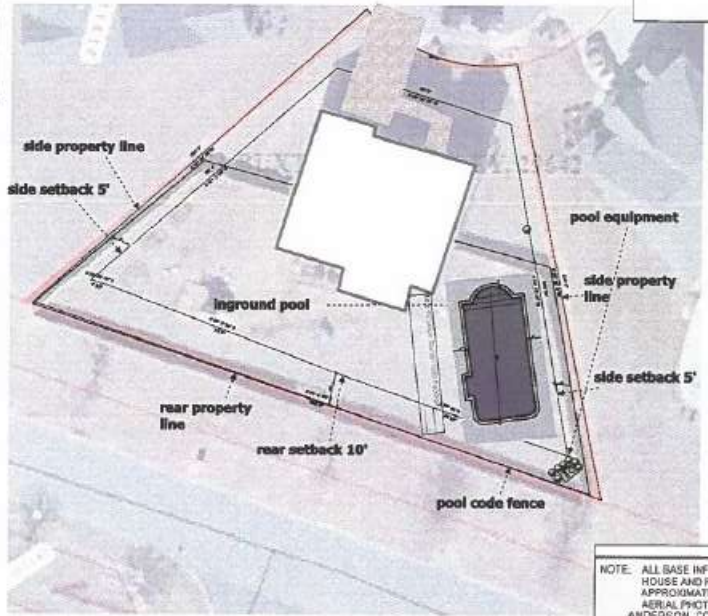
Regards,
ARC Support
C/o Cedar Management Group
For Rose Hill Homeowners Association SC



Project Info	
Project Name:	Rapa Pool Project
Client Name:	Sarah or Luke Rapa
Client Email:	211 Buxton Ct.
Client Phone:	(816)481-4176
Address:	211 Buxton Ct.
City:	Eastby
State/Province:	SC
Zip/Postal Code:	29642
Designer Name:	Scott Schlock
Company Name:	Aqua Blue Pools

aqua-blue
POOLS INC.

The 3D pool and yard depiction was made for illustration purposes only and your pool project may be different and not include features used to enhance drawing.



NOTE. ALL BASE INFORMATION, INCLUDING HOUSE AND PROPERTY LINES, ARE APPROXIMATE. AERIAL PHOTOS, ETC. ARE TAKEN FROM ANDERSON COUNTY WEBSITE. NO SURVEY WAS PERFORMED.

Staff Report

Application for a **Variance** – To allow reduction of rear & side yard setbacks to accommodate a detached storage building

Anderson County Land Use Board of Zoning Appeals Meeting - District 7
Civic Center, 3027 Martin Luther King Jr Blvd.
Anderson, SC 29625
Monday, May 24, 2021 5:30 PM

Owner of Property / Applicant: Robert D. Hale and Rosanna Baltruweit

Property Location: 112 Bragg Drive, Williamston, SC 29697

Council District: Seven (7)

Tax Map Number (TMS #): 193-07-01-006

Property Description: This parcel is an improved residential lot containing 0.574 acres located within Bragg Estates subdivision. The lot is described as a rectangle with a width of 120 feet and a depth of 207 feet. The property fronts a county road classified as Minor Rural Local.

Current Zoning: The property is not zoned.

Land Use: The lot has been improved with a single-family residence. The current residence is supported by an on-site septic system. A detached storage building or garage was constructed in early 2021 following the issuance of a permit dated 18 March 2021.

Applicant Request: Applicant is requesting a **Variance** to allow a reduction of the rear and side yard setback requirements to accommodate the construction (after the fact) of a detached metal garage. The requested rear setback, as measured from the property line, is a reduction from 10 feet to 8 feet. The requested side setback, as measured from the property line, is a reduction from 10 feet to 0.5 feet (or 6 inches).

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-120 – relating to residential setbacks, the code states where a detached accessory building's floor area exceeds 600 square feet, the required rear yard setback is ten feet (10'). The required side yard setback is also ten feet (10'). The required front yard setback is twenty feet (20') from the edge of the R/W.

Staff Recommendation: Staff recommends **APPROVAL** of the **Variance** request for the reduction of the rear setback from 10' to 8' for the following reasons:

- 1) An existing septic system with drain fields occupies much of the back yard of this parcel which poses an obstacle for the placement of the large detached storage building.
- 2) The applicant has demonstrated the existence of a hardship.
- 3) 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.

Staff makes **No Recommendation** for the **Variance** request for the reduction of the side setback from 10' to 0.5' (6 inches) and seeks the guidance of the Board.



Variance Application

There is a Variance Application Fee of \$200.00

PAID
#21-889

03/25/21
Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Robert Hale
Mailing Address: 112 Bragg Dr Williamston, SC 29697
Telephone and Fax: (864) 504-0062 E-Mail: rmb1710@gmail.com

Owner's Information *If Different from Applicant*

Name: same as above
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

3/25/21
Date

Project Information

Property Location: 112 Bragg Dr. Williamston, SC 29697
Parcel Number(s)/TMS: 193-07-01-006
County Council District: 7 School District: 1
Total Acreage: 0.57 acres Current Zoning: not-zoned
Requested Variance: Reduce setback requirement
Please indicate if setback variance, sign variance or minimum lot size variance

Purpose of Variance: Reduce the required side and rear yard setbacks from 10ft to near property line for detached storage building.

Private Covenants or Deed Restrictions on the Property: Yes No



If you indicated no, your signature is required!

Applicant's Signature

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:

contractor told owners that permit was not required significant cost to disassemble, break up concrete foundation to move.

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

neighbor two houses down has easement because driveway was partially poured on another neighbor's property

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

and two different sets of septic tank drain lines limits

location of building to back left corner of property

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:

building has privacy wall built to line up w/ fence.

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) satellite view, photos, building plans, plot diagram

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.

[Handwritten Signature]
Applicant's Signature

3/25/21
Date

For Office Use Only:

Application Received By: HDC Date Complete Application Received: 4-8-2021

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

Scheduled Advisory Hearing Date: Scheduled Board Hearing Date: 5-24-2021

Staff Recommendation: Advisory Recommendation:

Land Use/Board of Zoning Appeals Decision:

Google Earth View (04/02/21)

Total Footprint of Building:
54' W x 30' D (1,620 sq. ft.)

Enclosed Space on Concrete Pad:
30' W x 30' D

Open Lean-To's on Either Side on Gravel:
12' W x 30' D (each)

Enclosed section is mounted to concrete and lean-to sections are mounted using mobile home anchors.

Left most wall was intended to line up with fence line to create seamless look. Direct path from driveway to building.

Drain lines for septic tank and existing pool restrict placement of building from other locations on the property.

Metal exterior is similar color as house to match look of existing construction. Use is for storage of boat, tractor, and trailers. Fence blocks neighbor view from the back and metal sides create privacy on side.



Request for Hardship Variance: 112 Bragg Drive, Williamston



Building was constructed on Friday, 03/05/21 by licensed builder. Information was provided to property owners that building permit is not required in Anderson County for building only. Permit would be required for utilities. Cost to move building would required complete disassembly, break-up of 30'x30' concrete pad, re-pour of pad, and re-assembly.

Distance to Property Line - SIDE

Tax Map

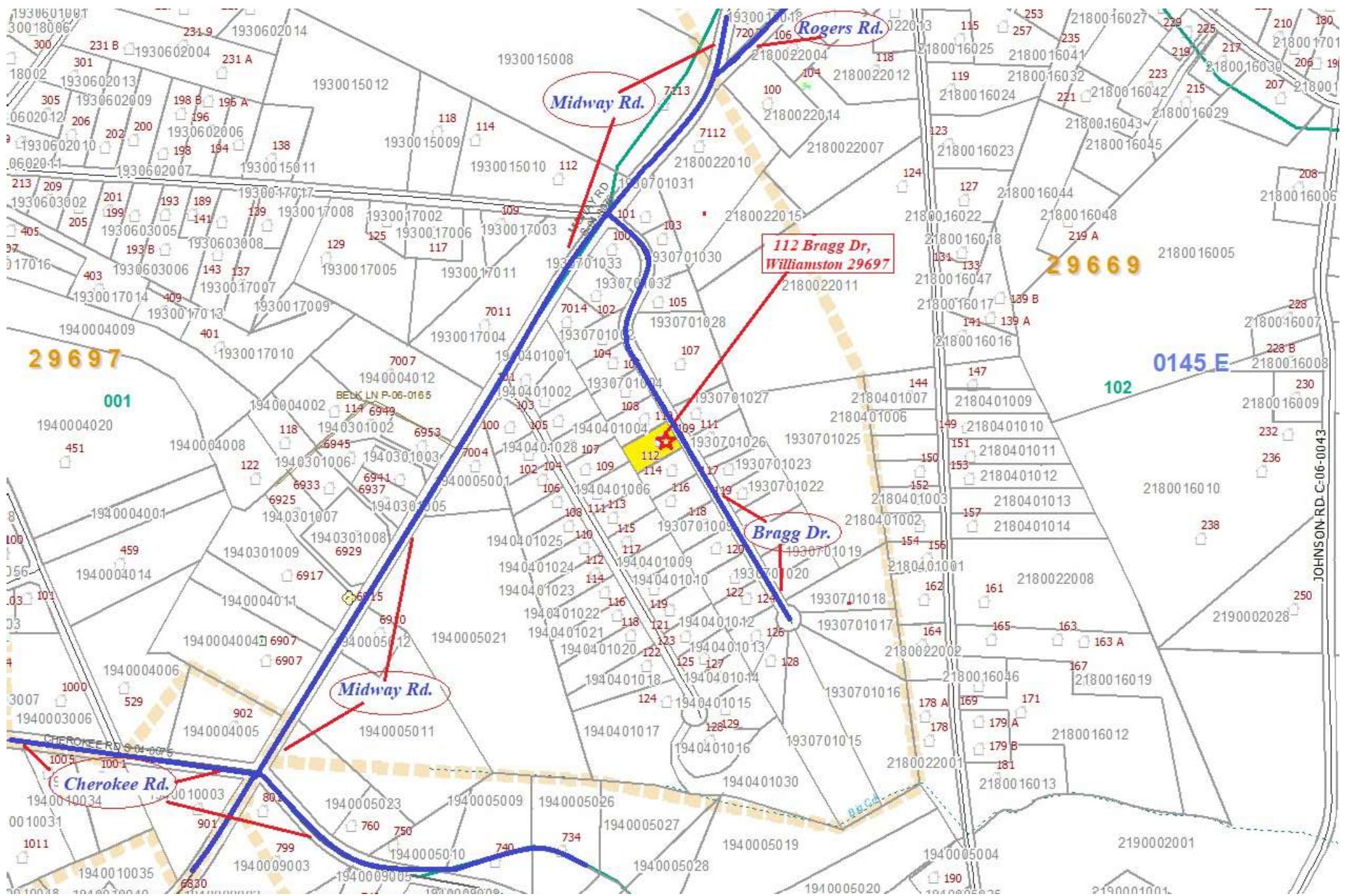


Actual



Distance to Property Line - BACK





Midway Rd.

Rogers Rd.

112 Bragg Dr,
Williamston 29697

Bragg Dr.

Midway Rd.

Cherokee Rd.

29697

001

29669

0145 E

102

JOHNSON RD. C-06-0043