



MEMORANDUM

ANDERSON COUNTY DEVELOPMENT STANDARDS

DATE: June 28, 2021

TO: Land Use and Zoning Board of Appeals Members

FROM: Brittany McAbee

SUBJECT: July 8, 2021

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on Thursday, July 8, 2021 at 5:15 PM at the Historic Courthouse, 101 South Main Street, Anderson, SC 29624.

The meeting agenda and packet are attached for your review.

Please email bdmcabee@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

Glenn Davis
Council District 2

Jimmy Davis
Council District 6

Lacey Croegaert
Clerk to Council

Rusty Burns | County Administrator
rburns@andersoncountysc.org

Anderson County Board of Zoning Appeals

Hubert McClure, Chair, District #5
John Farr, District #1
Vacant, District #4
Dan Harvell, District #7

Mike Miller, Vice-Chair, District #2
Allen Ashley, District #3
Vacant, District #6

AGENDA

Thursday, June 10, 2021

5:15 PM

Historic Courthouse
101 South Main Street
Anderson, South Carolina

- 1.) Call to Order: Mr. Hubert McClure, Chairman
- 2.) Invocation: Mr. Hubert McClure
- 3.) Approval of Minutes: Meeting held on May 24, 2021
- 4.) Public Hearing:
 - (A) Special Exception- request to allow expansion of existing abattoir for construction of a combined meat processing / abattoir facility, located at 2945 Lebanon Rd, Anderson [Council District 4]
- 5.) Old Business:
- 6.) New Business:
- 7.) Adjournment.

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

ANDERSON COUNTY
LAND USE AND BOARD OF ZONING APPEALS
MAY 24, 2021

PRESENT:

HUBERT MCCLURE, CHAIRMAN
ALLEN ASHLEY
DAN HARVELL
JOHN FARR
MIKE MILLER

ALSO PRESENT:
ALESIA HUNTER
BRITTANY MCABEE
TIM CARTEE
HENRY COPELAND
TRACY CHAPMAN

1 HUBERT MCCLURE: Okay. It's 5:17,
2 so let's go ahead and call this meeting to order. And
3 I will do the invocation. Let us pray.

4 **INVOCATION**

5 HUBERT MCCLURE: All right. I
6 wasn't here for the last meeting. Do we have any
7 additions or deletions with the last ---

8 ALLEN ASHLEY: Motion to approve.

9 HUBERT MCCLURE: --- notes? Say
10 again.

11 ALLEN ASHLEY: Make a motion to
12 approve.

13 HUBERT MCCLURE: Mr. Ashley says
14 make a motion. Do we have a second?

15 TRACY CHAPMAN: Mr. Chairman, do
16 you have the minutes packet.

17 HUBERT MCCLURE: We don't have the
18 minutes from the last meeting?

19 TRACY CHAPMAN: No, sir, that's why
20 you don't have it on the agenda. The stenographer is
21 still working on it.

22 HUBERT MCCLURE: Okay. I didn't --
23 I thought that was a typo. I thought y'all -- okay.
24 Then forget about the minutes. We just don't take the
25 minutes anymore. We just do what we want.

26 All right. Do we have any changes in the agenda;
27 anything besides that? I still think we need to meet
28 down here at Green Pond, but we'll bring that up at ...

29 All right. Variance request on front yard
30 setback, Council District 4, staff report.

31 TRACY CHAPMAN: All right. Thank
32 you, Mr. Chair, Vice Chair and board members.

33 The first item is 406 Scott Drive in Anderson.
34 The applicant and property owner is Tex Hughes. The
35 location is 406 Scott Drive. Council District 4. Tax
36 map number is provided for you. The property
37 description is .35 acres on Scott Drive, which is a
38 prescriptive and county road. The zoning is R-15,
39 which is single-family dwelling. The land use is
40 residence.

41 The variance request is for the reduction of a
42 front yard setback from twenty feet to seven feet from
43 edge of pavement for a carport. The finding of facts
44 is Chapter 70, Article 5, Section 5.3.5, minimum
45 requirements, residential lots number 2, minimum depth
46 of front yard measured from street right-of-way shall
47 be twenty feet on residential streets except when
48 right-of-way has not been established. Setback can be
49 measured from edge of pavement. And the current
50 condition of the property is .35 acres of residential

1 single family.

2 This is a picture that was taken showing the
3 carport built and it shows the right-of-way, as you can
4 see that in the gravel that has been drawn in.

5 This is an aerial copy of the property. The
6 second one is also an aerial copy of the property but
7 it shows R-15 zoning.

8 And the staff recommends approval of the variance
9 request for the following reasons: The property is a
10 single-family dwelling which is needed for handicap
11 accessibility for unloading on flat surfaces instead of
12 gravel. It is for the protection from inclement
13 weather, as well as Road & Bridges Department have gone
14 and saw the carport and stated that they have no issue
15 with the placement of the structure. Exceptional and
16 extraordinary conditions due to the size and shape of
17 the property and placement of the water line, which is
18 in the right-of-way, as well as parking, and no
19 detriment to public good or surrounding properties.
20 And it will need a compliance letter from Development
21 Standards and a building permit from Building Codes, if
22 approved. And that is the conclusions of my report.

23 HUBERT MCCLURE: Okay. Is there any
24 questions for staff at this time from the board?

25 MIKE MILLER: I have a question.

26 HUBERT MCCLURE: Yes, sir.

27 MIKE MILLER: Is it already
28 built?

29 TRACY CHAPMAN: Yes, it has
30 already been built. I do not know if it's completed,
31 but it has been started.

32 HUBERT MCCLURE: Any other questions
33 for staff?

34 JOHN FARR: Why didn't they get
35 a permit before they started the work?

36 TRACY CHAPMAN: Is your mic on?

37 JOHN FARR: I said, why didn't
38 they get a permit before they started?

39 TRACY CHAPMAN: Well, the
40 applicant is here if you would like to speak with him.
41 He is present if he would like to come up.

42 HUBERT MCCLURE: I'll go ahead and
43 open up the public hearing and you can address the
44 microphone. State your name and all that good stuff.

45 DAN HARVELL: Mr. Chairman, can I
46 ask for my mic to be turned on?

47 HUBERT MCCLURE: We don't want your
48 mic to be turned on, Dan.

49 MIKE MILLER: Here comes the man
50 with the plan.

1 DAN HARVELL: Thank you,
2 Clarence.
3 HUBERT MCCLURE: Go ahead and state
4 your name and all that.
5 TEX HUGHES: All right. First
6 off I'd like to thank the lady for helping me through
7 all this stuff that I didn't know about.
8 I knew that I needed a permit if I was building a
9 house or doing major renovations to a house. Just
10 putting holes in the ground, a roof over, I didn't
11 know. And that's my fault for not checking better.
12 I did make sure that my poles are inside -- just
13 inside the property line. And I didn't think there
14 would be any problem, especially since the water for
15 everybody, that line is right between me and the road.
16 So I didn't think they would be doing anything with the
17 road on that side.
18 HUBERT MCCLURE: So basically you
19 figured four poles, it didn't matter.
20 TEX HUGHES: I didn't think --
21 because I mean, you know, everybody can buy those pre-
22 made things and slap it on their property and I just
23 wanted to make something -- because the wind there
24 sometimes gets bad. I had a pontoon boat that had a
25 metal roof and several years ago the wind came through
26 and it was sitting on the dock. So I just needed to
27 make sure it was a good and solid one, sir.
28 HUBERT MCCLURE: And what was your
29 name again?
30 TEX HUGHES: Tex Clyde Graham
31 Hughes.
32 HUBERT MCCLURE: Anybody have any
33 questions for Mr. Sears? Did you say Sears?
34 TEX HUGHES: Hughes, H-U-G-H-E-
35 S.
36 HUBERT MCCLURE: I'm sorry, Mr.
37 Hughes.
38 TEX HUGHES: No problem.
39 HUBERT MCCLURE: Okay. Thank you,
40 Mr. Hughes.
41 TEX HUGHES: Thank you, sir.
42 HUBERT MCCLURE: Okay. We'll close
43 the public hearing unless there's somebody here
44 speaking against Mr. Hughes. Nobody speaking against
45 Mr. Hughes, so what is the feeling of the board?
46 MIKE MILLER: I make a motion to
47 approve.
48 HUBERT MCCLURE: Motion to approve
49 by Mr. Miller. Do we have a second.
50 ALLEN ASHLEY: Second.

1 HUBERT MCCLURE: Second by Mr.
2 Ashley. All those in favor by uplifted hand. Okay.
3 Five and zero.

4 Next, staff report on setback from recreational
5 fields. It says District 4, but I figure that's the
6 YMCA.

7 TRACY CHAPMAN: Yes, sir, it is.
8 It's item (b). It is 1660 Evergreen Drive. The
9 applicant is the YMCA. The property owner is Joe
10 Drennon. This is District 4. The description of the
11 property is 57.7 acres fronting Evergreen Road. It is
12 a collector road which is in the state highway system.
13 The present zoning is R-20 single-family dwelling.
14 The use is -- the land area is wooded vacant, with the
15 remainder of it outdoor recreation.

16 Required variance: The application is requesting
17 reduction of setback from the right-of-way and property
18 lines for baseball fields. Field one is for twenty-
19 five feet from the right-of-way. Field two is for five
20 feet from the right-of-way. And field three, which is
21 a multi-use field, is requesting twenty foot from the
22 right-of-way, as well as thirty-five feet from the
23 property line.

24 The finding of the facts is Chapter 70, Article 5,
25 Section 5.3.2 and 7.6 1-4 private recreational area or
26 country clubs may permit an R-20 district but is
27 subject to the following: Located on site no less than
28 two acres. All buildings, courts and etcetera shall
29 set back from the front side of rear property lines at
30 least fifty feet.

31 I did provide you with a site plan. And I have
32 shown the setback requirements for each field on it for
33 you. As well, this is an aerial view of the fields.
34 It's showing the existing fields and the proposed
35 fields on the left. This is -- this one and the next
36 one is the R-20 zoning showing both the existing fields
37 and the proposed use.

38 Staff recommends the approval for these reasons:
39 The property is constructed between existing right-of-
40 way, cell tower and the easement. Extraordinary or
41 exceptional conditions due to fields and the space on
42 site, as well as placement will not cause detriment to
43 public good or to property surrounding it.

44 If approved, they will be required to obtain a
45 commercial land use permit from Development Standards,
46 as well as a building code -- excuse me -- a building
47 permit from Building Codes Department for the
48 construction of the buildings that they will have on
49 site.

50 And that concludes my staff report.

1 HUBERT MCCLURE: So at this time
2 we'll see if there's any -- or we'll open the floor up
3 for public hearing. If there's anyone here speaking
4 against the Y? No one speaking against. I'm assuming
5 Mr. Drennon is here speaking for the Y. Any questions
6 for staff or Mr. Drennon at this time?

7 I was a product of Ducworth fields over forty
8 years ago on little football and baseball. I make a
9 motion to approve.

10 MIKE MILLER: I second.

11 HUBERT MCCLURE: Second. All in
12 favor show by uplifted hand. Okay. Thank you. I hope
13 those Ducworth fields keeps on going out there.

14 Next is variance request -- sir?

15 HENRY COPELAND: That's all right.
16 Go ahead.

17 HUBERT MCCLURE: Can I be in
18 control? Can I be in control for a moment?

19 HENRY COPELAND: By all means.

20 HUBERT MCCLURE: Let's get him out
21 of here. I tell you what. This is Buxton Court. This
22 is a variance request to allow reduction of required
23 side yard setback. Staff.

24 HENRY COPELAND: Mr. Chairman, thank
25 you very much. The owners of the property and
26 applicants, I believe, are present in case you have any
27 questions later.

28 The owner/applicant is Luke and Sarah Rapa. And
29 this is, as you pointed out, at 211 Buxton Court in
30 Easley. This is -- the council district and tax map
31 numbers are shown on your documents. It's a standard
32 .33 of an acre or third of an acre parcel located in
33 the Rose Hill Subdivision. It's irregularly shaped
34 because it's at the end of a cul-de-sac, somewhat
35 trapezoid shape. The dimensions across the front are
36 sixty feet and the back is a hundred and ninety-two
37 feet, with each of the side measurements about a
38 hundred and forty-one feet.

39 It's not zoned. The land use currently is a
40 single-family residence with an in-ground pool in
41 excess of six hundred square feet, currently under
42 construction. The utility easement supporting a public
43 sewer line runs along the west side of the property and
44 crossing the rear yard diagonally. And this easement
45 is twenty-five feet wide. The applicant's request is
46 for a variance to allow the reduction of the side yard
47 setback requirements from ten feet to seven feet to
48 accommodate an in-ground pool near the east side of the
49 property line.

50 The Anderson County code, under Chapter 38,

1 Section 38-120 relating to residential setbacks, the
2 code states where a detached accessory building --
3 which an in-ground pool is considered to be -- where
4 the floor area exceeds six hundred square feet, the
5 minimum side yard setback is ten feet.

6 If you will -- let's see -- if you will notice on
7 the screen, we have a tax map. The next shot is of the
8 aerial -- same area, but it's an aerial shot showing
9 the subdivision. Next is a copy of the recorded plat,
10 which also shows the utility easement cutting across
11 the back end of -- well, diagonally across the back end
12 of the property.

13 And the next shot is a site plan showing the
14 proposed pool, which is now under construction.
15 Although there is within the HOA a five foot side
16 setback, and that's where some of the confusion lay,
17 but when the pool was actually installed, it went
18 slightly over what the site plan showed.

19 The next shot is a detailed view of the swimming
20 pool. It actually ended up being a little bit closer.
21 As a result they are having to request the seven foot
22 side setback.

23 Staff recommends approval of the variance request
24 for the following reasons: The utility easement poses
25 an obstacle for placement of an in-ground pool in every
26 direction except along the east -- the eastern property
27 line. The applicant's site plan shows a side yard
28 setback of five feet as previously approved by the Rose
29 Hill HOA in conformity with existing covenants. So
30 there's no conflict there. The applicant has
31 demonstrated existence of a hardship requiring a
32 remedy. And this request is in line with the spirit
33 and intent of the ordinance to grant a variance when a
34 hardship exists. And the board would be consistent
35 with having granted similar variances of other
36 applications. And so this approval would be in line.

37 That concludes the report. We're available to
38 answer any questions. And as I said, I think the
39 applicant may also be here to answer any questions.

40 HUBERT MCCLURE: Okay. So we'll
41 open up the public hearing for this time. Anybody
42 speaking against Mr. and Ms. Rapa? Anyone speaking
43 against? Okay. We'll assume that Mr. and Mrs. Rapa
44 will be speaking for themselves and we'll reserve any
45 questions or comments. We'll close the public hearing.
46 Any questions or comments for staff or Mr. and Ms. Rapa
47 at this time? What's the feeling of the board?

48 MIKE MILLER: I make a motion to
49 approve.

50 HUBERT MCCLURE: Motion to approve

1 by Mr. Miller.

2 DAN HARVELL: Second.

3 HUBERT MCCLURE: Second by Mr.

4 Harvell. All in favor show by uplifted hand. And it
5 passes.

6 And the last thing on the agenda, Robert D. Hale
7 and Rosanna Baltruweit.

8 HENRY COPELAND: Mr. Chairman, this
9 is for the property located at 112 Bragg Drive near
10 Williamston. It's, as you said, Robert and Rosanna are
11 the applicant owners of the property. And the district
12 number and the tax map number appears on your
13 documents.

14 The property description is, it's an improved
15 residential lot containing slightly more than half an
16 acre located within the Bragg Estates Subdivision,
17 which by the way is a single cul-de-sac. The local is
18 regular with a width of a hundred and twenty feet
19 across the front and the back and a depth of two
20 hundred and seven feet running -- it fronts a county
21 road classified as a minor rural local road.

22 It's not zoned. The current land use is a one-
23 story single-family resident supported by an onsite
24 septic system. A detached storage building or garage
25 was recently constructed following the issuance of a
26 permit dated 18 March 2021.

27 The variance is to allow a reduction of the rear
28 and side yard setback requirements to accommodate
29 construction after the fact of a detached metal garage.
30 The request is to reduce the rear yard setback from ten
31 feet to eight feet. The request is also to reduce the
32 side yard setback from ten feet to six inches or half a
33 foot.

34 The findings of fact under the appropriate
35 sections in the Anderson County code relating to
36 residential setbacks, the codes states: Where a
37 detached accessory building floor area exceeds six
38 hundred square feet -- which in this case it does --
39 the required rear yard setback is ten feet and the
40 required side yard setback is also ten feet.

41 Under the illustrations that you will see, this is
42 again a tax map showing the specific location of the
43 property along the cul-de-sac of Bragg Drive. The
44 aerial image is the next one showing the density of a
45 built-out and rather mature subdivision. And the next
46 image is the applicant's site plan showing that much of
47 the back yard is taken up by a septic system or drain
48 field. And the next one is a view of the new storage
49 building that has been recently constructed and placed
50 there.

1 Now, one thing about it, I need to point out, is
2 that it has what I call carport type structures on
3 either side of the main structure, which is thirty-by-
4 thirty. The twelve-foot-wide carport structure does
5 have a solid wall on the outer sides of it. So it's
6 actually a -- it's open on two sides rather than a
7 typical carport, which would be open on at least three.

8 The other aspect is the roof of the add-on carport
9 or lean-to structure does not have an eave. Where the
10 roof ends is where the wall begins, and so it's --
11 there's no projection further out than what you see.
12 The next picture image is the rear setback which has
13 been measured from the approximate fence line to the
14 building, and that is at least eight feet.

15 The next image, that's an aerial view of the
16 actual property with the yellow outlines in the area to
17 the rear showing you the approximate location of the
18 new building.

19 And then this is actually a site plan that has
20 been drawn on top of the recorded plat. So that gives
21 you a much better idea of what's there.

22 In conclusion, the staff recommends approval.
23 This is a two-part request. The staff recommends
24 approval of the variance request to reduce the required
25 rear setback from ten feet to eight feet for the
26 following reasons. Existing septic system or drain
27 fields occupies much of the back yard, which poses an
28 obstacle for the placement of the detached garage any
29 further out from the rear property line. The applicant
30 has demonstrated the existence of a hardship. The
31 request is in line with the spirit and intent of the
32 ordinance to grant a variance when a hardship exists.
33 And the board has granted other variances similar to
34 this request and would be consistent with its approval.

35 The staff makes no recommendation for the variance
36 request to reduce the required side yard setback from
37 ten feet to one-half foot or six inches, and seeks the
38 guidance of the board.

39 This concludes the report. And if there are any
40 questions of staff, we're certainly available for it.
41 And I believe that Mr. Hale is present -- I believe
42 he's present to answer any questions that you might
43 have. That concludes.

44 HUBERT MCCLURE: Thank you, staff.
45 I don't like the half foot. I don't like that at all.
46 Why is -- staff, why is the primary reason -- because
47 of the drain lines or why is the primary reason they
48 put up against that line? Because of the drain lines?

49 HENRY COPELAND: As far as pushing
50 it back for the rear line ---

1 HUBERT MCCLURE: I'm not worried
2 about the rear line. I'm talking about the side line.
3 HENRY COPELAND: There was no
4 hardship that we could detect other than the fact that
5 it has been constructed and ---
6 HUBERT MCCLURE: I don't want to
7 butcher this up, but Mr. Baltruweit?
8 HENRY COPELAND: No, that would be
9 Mr. Hale.
10 HUBERT MCCLURE: Huh?
11 HENRY COPELAND: Mr. Hale.
12 HUBERT MCCLURE: Hale?
13 HENRY COPELAND: That's Robert Hale.
14 HUBERT MCCLURE: Okay.
15 HENRY COPELAND: And the other owner
16 is out of the country right now.
17 HUBERT MCCLURE: Okay. Is either
18 one of those people here? Come on up. We're worried
19 about the half a foot.
20 ROBERT HALE: Yes, sir, I
21 understand.
22 HUBERT MCCLURE: Can you tell us why
23 it needs to be a half a foot from the property line?
24 Why can't it be moved over a little bit?
25 ROBERT HALE: Well, sir, when we
26 had the building built, we was told we didn't need any
27 permits or anything like that. So we had the concrete
28 pad poured, which was the thirty by thirty enclosed
29 building.
30 HUBERT MCCLURE: You already poured
31 the concrete pad?
32 ROBERT HALE: Say what now?
33 HUBERT MCCLURE: You already poured
34 the pad?
35 ROBERT HALE: I'm sorry, I
36 didn't ---
37 HUBERT MCCLURE: You already poured
38 the pad?
39 ROBERT HALE: Yes, sir. Yes,
40 sir. Yes, sir. So it was so wide that the only way it
41 would stretch across because there was a pool in the
42 middle, you know, the pad was already poured and the
43 lean-to -- you may have a picture -- so the lean-to ---
44 MIKE MILLER: Looking at the
45 building that way from the front, which side of the
46 lean-to is closest to the property line, the left side
47 or the right side?
48 ROBERT HALE: The left. If
49 you're looking at it right here, it's left.
50 MIKE MILLER: So you cannot

1 narrow that lean-to down?
2 ROBERT HALE: Possibly.
3 MIKE MILLER: Because I've been
4 on this board a -- well, it hasn't been a long time
5 like some of the rest of them, but we have never given
6 anybody less than one foot.
7 HUBERT MCCLURE: Yeah, that's just
8 ---
9 MIKE MILLER: And we can't -- I
10 won't vote for it because we're setting preference for
11 everybody else.
12 ROBERT HALE: I understand that.
13 HUBERT MCCLURE: I've got one
14 question, though, Mr. Miller. And this is a staff
15 question. Why -- he said that -- go ahead and say that
16 again. You said you didn't know that you didn't need a
17 permit or what?
18 ROBERT HALE: Yeah, the building
19 company we bought it from -- and I'm assuming they
20 subcontracted out to the builders -- never said
21 anything about -- they said if it was in the county
22 we're good. So ...
23 HUBERT MCCLURE: It's not up to the
24 ---
25 JOHN FARR: But they did it.
26 ALESIA HUNTER: Mr. Chairman, this
27 happens quite frequently with these prefab buildings.
28 We have a lot of property owners that do contact the
29 office after the fact because they're told that they
30 don't need a building permit. So this is another case
31 where the gentleman was told that he didn't need an
32 actual building permit. This happens quite often.
33 JOHN FARR: The building permit
34 is up to the property owner, though, not the fellow
35 that's building the building.
36 ALESIA HUNTER: The building permit
37 should be pulled by the actual person that's
38 constructing the building.
39 JOHN FARR: Correct. That's
40 what I had to do with mine. Yeah.
41 ROBERT HALE: So I had a wood
42 fence that went literally along that property line.
43 And we took it down to put the lean-tos up. So I guess
44 in my ignorance I just thought that it was okay. From
45 where they poured the concrete pad, it really should
46 have probably been over a little bit, but that's what
47 we run into.
48 MIKE MILLER: So the center
49 section of the building is the concrete slab.
50 ROBERT HALE: Yes, sir.

1 MIKE MILLER: The two lean-tos
2 are nothing but natural dirt?
3 ROBERT HALE: Yeah. Well,
4 there's nothing on the front or the back.
5 HUBERT MCCLURE: So you would have
6 to cut the lien-to to ten feet or eleven feet or
7 whatever.
8 ROBERT HALE: And there's twelve
9 foot between the enclosed to the property line.
10 There's actually about thirteen foot, twelve and a
11 half, thirteen foot.
12 MIKE MILLER: I've got another
13 question.
14 ROBERT HALE: Okay.
15 MIKE MILLER: Have you talked to
16 your property owner that's adjoining you about it being
17 right on the property line?
18 ROBERT HALE: Yes, sir. You can
19 see his house right there on -- below. And he said he
20 would sign whatever paperwork he needed to. He said he
21 didn't have a problem with it. When I started running
22 into all of this, you know -- because you see the red.
23 There was a fence all the way enclosed in there. So
24 it's nothing more than a fence, especially to him. I
25 mean ...
26 MIKE MILLER: ... people on the
27 other side.
28 HUBERT MCCLURE: You should have
29 shifted the building ---
30 ROBERT HALE: Then I'm kind of
31 learning about the fire barrier thing. It's like a
32 wood fence versus a metal building and it's open. So I
33 guess that was my kind of question, like ...
34 MIKE MILLER: What is the lean-to made
35 out of? Is it metal also?
36 ROBERT HALE: Yes, sir.
37 MIKE MILLER: And then the
38 builder that got you in this mess, then if you have to
39 move it, then is he going to move it on his own or is
40 this going to be something that you're going to have to
41 pay out of your pocket?
42 ROBERT HALE: It's definitely
43 going to be out of my pocket. And the problem is, they
44 can't find anyone to move existing buildings. No one
45 does it. They'll build it from scratch or new or
46 whatever you want to call it, but to have someone come
47 out there and do it ...
48 DAN HARVELL: Mr. Chairman?
49 HUBERT MCCLURE: Hold on a second.
50 Hold on just a second, Dan.

1 Staff, where is -- I just want to understand what
2 the breakdown here was. Say it one more time.

3 ALESIA HUNTER: As the gentleman
4 had mentioned, a lot of times these prefab buildings,
5 the contractors have an idea that they think that they
6 don't need a building permit for these carports. But
7 any structure that's in excess of two hundred square
8 feet does require a building permit so that we can give
9 you those actual setbacks on that. This happens a lot
10 of times.

11 HUBERT MCCLURE: Okay. So, Mr.
12 Hale, who told you that you didn't need a building
13 permit?

14 ROBERT HALE: The building
15 people, contractor company, whatever.

16 HUBERT MCCLURE: What company is
17 that?

18 ROBERT HALE: It was All-Star
19 over off 24.

20 HUBERT MCCLURE: That's who needs to
21 be discussing -- that's who needs to be here.
22 Go ahead, Dan.

23 DAN HARVELL: What I was about to
24 ask if, I mean if we have companies coming in here
25 building without permits and telling their customers or
26 clients that they don't have to have them, do we not
27 have a way to restrict that company from doing business
28 in the county?

29 ALESIA HUNTER: Mr. Harvell, what
30 Building Codes has done is try to educate all these
31 builders and prefab erectors at all these meetings that
32 they attend in terms of the Homebuilders' Association
33 to try to educate these constructors that you do have
34 to have a building permit. Mr. Holcombe makes that
35 available on his website. He's there for questions.
36 The inspectors are there for questions. But this
37 happens quite frequently. But Mr. Holcombe is going to
38 work again this year to make sure that these
39 individuals that are erecting these carports, detached
40 garages, steel buildings, that they are properly
41 educated. And he does that every year.

42 DAN HARVELL: Well, Mr. Chairman,
43 have we asked if anyone is here that opposed this?

44 HUBERT MCCLURE: No. I don't think
45 there is anyone here opposing it. Anyone here opposing
46 it?

47 ALESIA HUNTER: Mr. Chairman, and
48 also if the ---

49 HUBERT MCCLURE: I don't think so.
50 ALESIA HUNTER: --- if the board

1 does approve this, then we need to look at some fire
2 rating, because it's on that side property line. It's
3 less than three feet. So if it's approved we'll need
4 to talk with Building Codes to find out what type of
5 fire rating. Might probably be familiar with that.
6 When you're less than three feet ---
7 HUBERT MCCLURE: They've still got
8 to jump through some hoops.
9 ALESIA HUNTER: Yes, sir, they ---
10 HUBERT MCCLURE: Before they can
11 keep going.
12 ALESIA HUNTER: Yeah, we'll need to
13 -- if the board does determine that you all are going
14 to approve this, we'll need to sit down with the
15 property owner and building codes to talk about and
16 discuss some fire rating.
17 HUBERT MCCLURE: Well, again, I
18 think the people that need to be here is the people
19 that started the mess, and that's the -- who is it
20 again?
21 MIKE MILLER: All-Star. That's
22 what he said.
23 HUBERT MCCLURE: All-Star. Now, I
24 don't want to penalize the property owner and you for
25 this because, you know, you got caught between a rock
26 and a hard place.
27 ROBERT HALE: Yes, sir.
28 HUBERT MCCLURE: Concrete and a hard
29 place. But if we were to approve this, it would be
30 under special exception because of this All-Star
31 company going around telling everybody that ---
32 ALESIA HUNTER: Yes. We certainly
33 could ask them to come in and meet with them and advise
34 them that they are required to get permits for any
35 buildings that they erect that's two hundred square
36 feet.
37 HUBERT MCCLURE: I'll be honest with
38 you, Mr. -- is it Mr. Hale?
39 ROBERT HALE: Yes, sir.
40 HUBERT MCCLURE: You've got grounds
41 -- they should pay for this.
42 MIKE MILLER: Yeah.
43 HUBERT MCCLURE: I mean, honestly.
44 Any more questions for Mr. Hale or staff at this
45 point?
46 DAN HARVELL: Well, I will ask if
47 it was removed, that would require removal of the pad,
48 too, that extends out there?
49 ROBERT HALE: Yes, sir.
50 DAN HARVELL: Would it require

1 the removal of the pad itself?
2 HUBERT MCCLURE: Yeah, the pad would
3 have to be moved over.
4 DAN HARVELL: So it would have --
5 yeah.
6 HUBERT MCCLURE: That's why we're
7 here because the pad was poured before ---
8 MIKE MILLER: The pad is only in
9 the center. You know, you've got a what, twelve foot
10 wing on the left and twelve foot -- you can move the
11 inside that's toward the property line and move it to
12 ten feet. And by doing that ---
13 HUBERT MCCLURE: You would move the
14 whole building over.
15 MIKE MILLER: No, you wouldn't
16 have to move the building. You would just have to move
17 the left side shed off of it.
18 HUBERT MCCLURE: Well, you could put
19 the left side shed on the right side.
20 MIKE MILLER: All you would have
21 to do is move that wall. And I know, I've got one just
22 like it with the steel structure. But you would have
23 to move the left against the property line over. And
24 cut it down from twelve foot to ten foot.
25 ROBERT HALE: Do you know anybody
26 that can do that, though?
27 MIKE MILLER: No, I don't.
28 ROBERT HALE: Nobody does.
29 That's the problem. I've asked. I would have already
30 done it, but you can't find nobody to do it.
31 HUBERT MCCLURE: The only other
32 alternative that he would have to pay for is he would
33 have to add another ten foot and make one shed dirt and
34 have one shed in concrete and the middle in concrete.
35 Move it all over.
36 DAN HARVELL: Well, I stand
37 corrected because I thought the pad was going out
38 underneath the lean-to.
39 ROBERT HALE: Oh, no, sir, that's
40 gravel underneath the lean-tos.
41 HUBERT MCCLURE: There's no way for
42 the property owner or Mr. Hale to get out of this
43 without paying money, and it's not their fault. I
44 don't think it's their fault. So ...
45 ROBERT HALE: And all the
46 neighbors were okay with it. I mean if don't know if
47 that helps or hurts, but nobody is complaining about
48 it. I even talked to the neighbor -- he even helped me
49 put the rock over there.
50 HUBERT MCCLURE: All right. I'm

1 going to make this motion. I don't want to, but I'm
2 going to make it. But we don't have -- we don't have
3 -- we don't have a problem with the back one. Part A
4 we don't have a problem with that one. We have a
5 problem with this one, but I think we need to -- I'm
6 going to make a motion to approve based on a special
7 exception that this company was telling Mr. Hale and
8 the property owner that they didn't have to have a
9 permit. And that's where this mess started from. So I
10 think we need to make -- I will make a motion to
11 approve based on that special exception. Do we have a
12 second?

13 ALLEN ASHLEY: Second.

14 HUBERT MCCLURE: Second by Mr.

15 Ashley. All in favor. And that passes.

16 ROBERT HALE: Thank you. I
17 appreciate it, y'all.

18 HUBERT MCCLURE: Alesia, if we
19 could, we need to nip this in the bud.

20 ALESIA HUNTER: We'll contact them
21 tomorrow and ask them to come in and sit down and meet
22 with Building Codes Manager and myself and the
23 Assistant Building Codes Manager to make sure that they
24 fully understand moving forward that we should not have
25 any more of these instances.

26 HUBERT MCCLURE: Or they pay for the
27 next one.

28 JOHN FARR: They need to pay
29 for this one.

30 HUBERT MCCLURE: Well, they ought to
31 pay for this one. Yes. What they ought to do is give
32 you another slab and move that whole thing over ten
33 feet, is what they ought to do.

34 ROBERT HALE: That would be nice.

35 HUBERT MCCLURE: Okay. I'm sorry.
36 I'm venting. I'm sorry. That's just ...

37 All right. Any old business or new business from
38 staff?

39 ALESIA HUNTER: Mr. Chairman, we
40 wanted to talk with you about possibly the first of
41 January moving our meetings back to the ---

42 HUBERT MCCLURE: We're not going to
43 have any more meetings.

44 ALESIA HUNTER: Mr. Chairman ...

45 MIKE MILLER: You said first of
46 January?

47 ALESIA HUNTER: Yes, sir.

48 HUBERT MCCLURE: Are we going to
49 have it at the mall next time?

50 ALESIA HUNTER: We're going to have

1 it at the Haywood Mall. How about that?
2 MIKE MILLER: Why first of
3 January?
4 HUBERT MCCLURE: We can't hear
5 anything in here.
6 ALESIA HUNTER: So this is what
7 we're trying to discuss with you, with your schedule,
8 Mr. Chairman, of meeting. So it's convenient for you
9 now to still continue to come here until the 1st of
10 January.
11 HUBERT MCCLURE: When can we go back
12 to the courthouse?
13 ALESIA HUNTER: We can go back to
14 the courthouse probably in July. July 1st.
15 MIKE MILLER: I've like to go
16 back to the courthouse.
17 HUBERT MCCLURE: We want to go to
18 the courthouse as soon as possible. Because it sounds
19 like Charlie Brown's teacher in here. Everybody that
20 talks sounds like (unintelligible).
21 So our next meeting is January? What did she say?
22 ALESIA HUNTER: No, sir, I will see
23 you on June 10th.
24 MIKE MILLER: We do not want to
25 meet until we move to the courthouse.
26 HUBERT MCCLURE: Yeah, there we go.
27 ALESIA HUNTER: Mr. Chairman, we've
28 already advertised for this ---
29 HUBERT MCCLURE: I make a motion
30 that we have the next meeting whenever county council
31 fills the two vacancies.
32 ALESIA HUNTER: That's in the
33 works, Mr. Chairman.
34 MIKE MILLER: Everybody's
35 laughing at us.
36 ALESIA HUNTER: Thank you.
37 HUBERT MCCLURE: Do we have a motion
38 to -- did you say -- what date?
39 ALESIA HUNTER: June 10th.
40 HUBERT MCCLURE: June 10th. Does
41 anybody have a problem with June 10th?
42 ALESIA HUNTER: We'll be back here,
43 Mr. Chairman, one more time.
44 HUBERT MCCLURE: June 10th, 5:15.
45 Anybody have a problem with that?
46 ALESIA HUNTER: Mr. Chairman, as
47 far as your schedule for July, is 5:15 still the time
48 with your schedule?
49 HUBERT MCCLURE: Yeah, that's fine.
50 I don't have any night classes. The only reason I have

1 night classes is because they don't have anybody to
2 take them, so I end up with them.

3 ALESIA HUNTER: Okay. Thank you,
4 Mr. Chairman.

5 HUBERT MCCLURE: Anyway, do we have
6 a motion to adjourn?

7 DAN HARVELL: Motion to adjourn.

8 HUBERT MCCLURE: Second. All in
9 favor. And it passes.

10

11

MEETING ADJOURNED AT APPROXIMATELY 5:52 P.M.

12

Staff Report

Application for a **Special Exception** – to allow for meat processing/ abattoir facility
Anderson County Land Use Board of Zoning Appeals Meeting - District 4
Historic Courthouse
101 S Main St
Anderson, South Carolina
July 8, 2021
5:15 PM

Applicant: PF Meats Holding Co. (David Werth/ Donald Snow)

Owner of Property: Walker Investment Management Trust (David Walker)

Property Location: 2945 Lebanon Rd, Anderson

Council District: Four (4)

Tax Map Number (TMS #): 118-00-06-007, -010

Property Description: The property is two separate parcels located at 2945 Lebanon Rd. The existing abattoir is located on TMS 118-00-06-007, and the expansion would be located on TMS 118-00-06-010. The two properties are linked via the owner as well as operations. The existing abattoir's lagoon is located on -010.

Current Zoning: The property is currently zoned I-2 (Industrial Park District).

Land Use: Existing agriculture and abattoir. Zoning was implemented in 1999, and Clemson University agriculture inspection reports from 1995 confirm the grandfathered land use.

Applicant Request: A **Special Exception** to allow for expansion of existing abattoir for construction of a combined meat processing / abattoir facility.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 70, Article 6, Section 6:1.5 Nonconforming uses. After the effective date of this chapter [July 20, 1999] structures or uses of land or structures which would be prohibited under the regulations for the district in which such structures or uses are located shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the provisions contained in section 6:2. In the same chapter and article, Section 6:2 other nonconforming buildings, structures, land, or portions thereof, may be maintained or rebuilt as they existed at the time they became nonconforming, and may, by special exception of the board of zoning appeals, be expanded by a maximum of 3000 square feet or 25 percent of the portion of the land, building or structure dedicated to the nonconforming use at the time of the adoption of this amendment

Staff Recommendation:

- 1) The land has grandfathered agriculture and abattoir uses since 1967. An expanded meat processing / abattoir operation is an accessory use to the grandfathered land use.
- 2) The expansion will require accessing sewer that will discontinue the current open-air lagoon use. Accessing sewer and minimizing the open-air lagoon will be an improvement to the overall property and reduce the impact on neighboring properties.
- 3) The use is not detrimental to the public health or general welfare at the location.
- 4) The use will not violate neighborhood character nor adversely affect surrounding land uses.
- 5) If approved, a land use permit, bufferyards, and building permits will be required.
- 6) Any additional permit with the state of SC regarding agriculture and USDA that may be required will be the responsibility of the owner. In addition, onsite measures to protect groundwater from contamination will be required.



Special Exception Application

3-June-2021

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: David Werth / Donald Snow - PF Meats Holding Co.
Mailing Address: 123 Connelly Werth Lane, Pendleton, SC 29670
Telephone and Fax: 864-506-4046 E-Mail: dwerth@ceh-lab.com

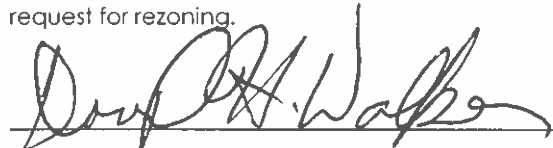
Owner's Information

(If Different from Applicant)

Name: David Walker / Walker Investment Management Trust
Mailing Address: 1011 Walker Circle, Anderson SC
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

3-June-2021

Date

Project Information

Property Location: 2945 Lebanon Road
Parcel Number(s)/TMS: 1180006007 / 1180006010 (we are purchasing both parcels)
County Council District: Four School District: 04
Total Acreage: 33 acres +/- Current Zoning: _____
Requested Special Exception: Expansion of nonconforming land use (modern combined processing / abattoir)
Purpose of Special Exception: To construct an approximately 6,000 sq-ft combined meat processing / abattoir (slaughterhouse) facility on TMS 118-00-06-010 approx. 300-ft from the existing abattoir (TMS 118-00-06-007)

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?
Yes: ___ No: ___ Date visited ROD or Date searched online, 3-June-2021

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

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 will be null and void. If you indicated no, your signature is required.



Applicant's Signature

3-June-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 obtain at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Comments: We are requesting the exception so we can modernize the existing abattoir into a new modern combined processing floor and abittoir under the same roof on property which has been a State of South Carolina inspected abattoir operation since 1967.

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

There is a Special Exception Application Fee of \$200.

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



Applicant's Signature

3-June-2021

Date

For Office Use Only:

Application Received By: _____ Date Complete Application Received: _____

Application Fee Amount Paid: _____ Check Number: _____

Scheduled Board Hearing Date: _____

Land Use/Board of Zoning Appeals' Decision: _____

June 24, 2021

Anderson County Planning and Development

RE: TMS# 118-00-06-010/1180006010 Expansion of Non-Conforming Use Special Exception Request

Dear Zoning Board,

Thank you for considering our special exception application for the referenced property. Our application packet is attached. We are in process of purchasing the loan and while preparing for closing, our banking partner identified the potential zoning concern requiring the special exception before finalizing the loan. We are purchasing TMS 1180006007 and 1180006010 and recently requested a zoning letter from your office (also attached). The properties are contiguous and have been owned and operated as a combined farm / abattoir (slaughterhouse) since at least 1967 and solely as a farming operation long before that.

The zoning opinion was that the farming and abattoir operation can continue as a grandfathered operation but that any expansion would require a special exception. We would like to combine the abattoir and the final meat processing/packaging under one roof. The existing abattoir will need to remain in operation so we are requesting the special exception to construct a new facility approximately 300 feet (+/-) from the existing operation. **We are requesting as an expansion because the existing abattoir uses both TMS properties as the building is on one TMS parcel and the permitted and connected discharge lagoon is on the other.** Construction of the new combined facility would occur over the next two years but will require the existing abattoir remain in operation so expanding in place is not possible. **We plan to work with the County to access the on-property sewer line allowing the new abattoir/processing building to minimize and reduce use of the permitted open-air lagoon. Minimizing and reducing use of the open-air lagoon will result in an overall property improvement and a net impact reduction to neighboring properties than what is currently permitted and in place.**

We greatly appreciate your consideration and will be happy to answer any questions. Please feel free to e-mail me at dwerth@ceh-lab.com or call at 864-506-4046.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Werth".

David Werth, Ph.D., P.E.



CLEMSON UNIVERSITY

GRANT OF INSPECTION

DIVISION OF AGRICULTURE AND NATURAL RESOURCES
LIVESTOCK-POULTRY HEALTH PROGRAMS
MEAT-POULTRY INSPECTION DEPARTMENT

- 1. **Date:** June 27, 1995
- 2. **S.C. Establishment #:** 82

3. Name & Mailing Address of Applicant:

Mr. Johnnie H. Walker, Owner
Mr. David H. Walker, Manager
Anderson Frozen Foods, Inc.
222 West Benson Street
Anderson, SC 29624

4. Location of Establishment, if Different Than Block 3:

Howard's Abattoir (Slaughter Plant)
Box 4829 Liberty Hwy.
Anderson, SC 29621

5. Type of Inspection: Poultry Meat

6. Date of Inauguration of Service:

July 1, 1967

A survey of your establishment at the location shown above (Item 3 or 4) indicated compliance with the applicable requirements of the regulations under the Federal Meat Inspection Act or the Poultry Products Inspection Act, or both and South Carolina Meat-Poultry Inspection Acts. Accordingly, inspection service is hereby granted.

Your **PERMIT** for South Carolina Meat-Poultry Inspection is enclosed. Your application specified the type of operation conducted at your establishment and contains your agreement and certification that you will conform strictly to applicable South Carolina and Federal Laws and Regulations pertaining to meat and/or poultry inspection.

Your establishment is under the supervision of the Area Supervisor whose name and address are given below. Call on him if you need help in interpreting the provisions of the regulations and laws.

"This is an equal opportunity program. If you believe you have been discriminated against because race, color national origin, age, religion or handicap, write immediately to the Secretary of Agriculture, or Administrator, FSIS, Washington, DC 20250."

Name of Area Supervisor:

Dr. Edward L. Chandler, III

Mailing Address:

500 Wellesley Place
Easley, SC 29642

Telephone Number:

(803) 855-9540

Beeper Number:

1-800-402-1932

Remarks: Slaughtering & Processing

Charles C. King, DVM
Director, South Carolina
Meat-Poultry Inspection Department

- cc: Area Supervisor
- Assistant Area Supervisor
- Plant Inspector

SCMPID Form 12, December 1994

THE CLEMSON UNIVERSITY MEAT-POULTRY INSPECTION DEPARTMENT OFFERS ITS PROGRAMS TO PEOPLE OF ALL AGES, REGARDLESS OF RACE, COLOR, SEX, RELIGION, NATIONAL ORIGIN, OR HANDICAP AND IS AN EQUAL OPPORTUNITY EMPLOYER

