



# MEMORANDUM

## ANDERSON COUNTY DEVELOPMENT STANDARDS

**DATE:** September 28, 2021

**TO:** Land Use and Zoning Board of Appeals Members

**FROM:** Henry Youmans

**SUBJECT:** October 14, 2021 Meeting

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on Thursday, October 14, 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 [hbyoumans@andersoncountysc.org](mailto:hbyoumans@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](mailto: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  
Brad Swillen, District #6

## AGENDA

Thursday, October 14, 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 September 9, 2021
- 4.) Public Hearing:
  - (A) Variance application- request to allow front setback reduction to allow construction of single family residence, located at 327A Hopkins Rd, Townville  
[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  
SEPTEMBER 9, 2021

PRESENT:

MIKE MILLER, VICE CHAIRMAN  
ALLEN ASHLEY  
DAN HARVELL

ALSO PRESENT:  
BRITTANY MCABEE  
TIM CARTEE  
HENRY COPELAND

1                   MIKE MILLER:                   I will go ahead and  
2 call Anderson County's Land Use Zoning Board of Appeals  
3 meeting into order. I will open us in prayer.

4                   **INVOCATION BY MIKE MILLER**

5                   MIKE MILLER:                   Our next business  
6 we need to do, we do have two regular communications  
7 that needs to be approved; one for June the 9th and one  
8 for July the 8th. Are there any deletions or  
9 corrections to the minutes? Mr. Ashley?

10                  ALLEN ASHLEY:                  I make a motion we  
11 accept them.

12                  MIKE MILLER:                  Mr. Ashley makes a  
13 motion to accept.

14                  DAN HARVELL:                  Second.

15                  MIKE MILLER:                  Mr. Harvell  
16 seconds. All in favor raise your right hand.

17                  Staff report, please.

18                  HENRY COPELAND:                  There are two items  
19 on the agenda. Both are requests for variances for  
20 setbacks. Start with the first, which is 625 George  
21 Albert Lake Road. This is a request for adjusting the  
22 front yard setback to accommodate an after-the-fact  
23 construction of an attached carport. The property is  
24 currently an improved residential lot. It's a rather  
25 small house, containing approximately 2.46 acres. It's  
26 nearly square, which is rather unusual. The property  
27 is within the Green Oaks Subdivision and fronts a state  
28 maintained collector road, so as a result it qualifies  
29 as a collector road, therefore a larger setback is  
30 required.

31                  Let's see. It's -- the area is not zoned. The  
32 single-family resident setback of the original house is  
33 approximately fifty-four feet back from the front  
34 property line. A carport was recently added and is  
35 attached to the front elevation because there are  
36 limitations on both the side and the original carport  
37 or garage was enclosed and made a part of the living  
38 area, so that's not an option.

39                  The right-of-way edge as measured from the  
40 property line, may be short of the property line, but  
41 we're not absolutely sure of that. The carport was  
42 constructed in early 2021 following issuance of a  
43 residential compliance letter permitting a front yard  
44 setback of forty feet as is required by the collector  
45 road designation.

46                  The applicant's request is to allow the reduction  
47 of the front yard setback requirement to accommodate  
48 the construction after-the-fact of the attached  
49 carport. The requested front yard setback as measured  
50 from the front property line is a reduction from forty

1 feet to thirty-four feet.

2 Let's see, finding of facts: Anderson County's  
3 ordinances under the Chapter 38 relating to residential  
4 setbacks, the code states, where a principal  
5 residential structure or dwelling, including any  
6 attachments or additions, the required front yard  
7 setback is forty feet if the public road or street is  
8 classified as a collector road.

9 This is the layout of the property showing where  
10 the carport is relative to the residence. As you can  
11 see, the side area would not accommodate it and  
12 likewise, the existing double driveway is already in  
13 place.

14 But when you look at the aerial photograph you can  
15 see that the yard may actually be further back from the  
16 edge of the right-of-way, but we can't document that  
17 and verify that, so we're using the front property line  
18 as the default position for the edge of the right-of-  
19 way. Even so, that gives a thirty-four foot setback  
20 for the newly constructed carport.

21 Staff recommends approval of the variance request  
22 for the following reasons: The original attached  
23 garage or carport was enclosed before the purchase of  
24 the home. The state maintained road right-of-way is --  
25 in front of the home may fall short of the property  
26 line and it appears in the site plan and submitted by  
27 the applicant and when compared to the county GIS to  
28 actually have at least a forty foot setback, but that  
29 can't be verified. The carport is to provide shelter  
30 from weather for vehicles close to the existing front  
31 entrance. The location of the driveway and the  
32 narrowness of the side yard make reasonable alternative  
33 placements for a carport difficult. The applicant has  
34 demonstrated the existence of a hardship in placement  
35 of a carport and this location would not be a detriment  
36 to traffic or safety. This request is in line with the  
37 spirit and intent of the ordinances to grant a variance  
38 where a hardship exists and the board has granted other  
39 variances similar to this request and would be  
40 consistent with its approval.

41 That concludes the report from staff, Mr.  
42 Chairman, and we're available to answer any questions.  
43 I do not see the applicant present, but Lonnie Watt has  
44 been guiding this through on behalf of the official  
45 applicant.

46 MIKE MILLER: Thank you, staff.

47 I will go ahead and open this up into public  
48 hearing. Are there anyone speaking against? Are there  
49 anyone speaking against. Hearing no one speaking  
50 again, I will close the public hearing, but reserve the

1 right to be able to ask staff, and since the owner is  
2 not here, any questions as needed.

3 What is the pleasure of the board?

4 DAN HARVELL: I go by there a  
5 lot. It's so far back you would never even think it  
6 was encroaching on the right-of-way.

7 MIKE MILLER: Okay.

8 DAN HARVELL: In fact, I went by  
9 there today. So I make a motion that we approve.

10 MIKE MILLER: We have a motion.

11 ALLEN ASHLEY: Second.

12 MIKE MILLER: I have a second  
13 from Mr. Ashley. All in favor raise your right hand.  
14 Thank you, board.

15 Staff report on the second one.

16 HENRY COPELAND: All right. Mr.  
17 Chairman, thank you.

18 The second item and last item on the agenda is 131  
19 Preamble Court in Anderson. The applicant, who is  
20 present, is Kurt Brower from Carolina Botanical. The  
21 property is in a commercial area on Preamble Court. It  
22 was essentially a small cul-de-sac that had been set up  
23 for commercial and industrial development a number of  
24 years ago.

25 The property description, the specific site on  
26 which this building is located is 1.61 acres and it's  
27 part of a small industrial park located on a cul-de-  
28 sac, as I mentioned, just off Liberty Highway adjacent  
29 to Lake Hartwell. The lot is rectangular with a width  
30 of a hundred and twenty feet and a depth of two hundred  
31 and seven feet, fronting the county road on the front  
32 and it also backs up to the Corp property in Lake  
33 Hartwell. But this is not what I would call a lake  
34 view property. But it is still, nevertheless, Corp  
35 property.

36 The zoning is S-1, services district. The land  
37 use, the lot was a commercial building intended for a  
38 single tenant with office, commercial, warehouse and  
39 limited industrial capabilities with open paved  
40 parking, truck loading and commercial deliveries. The  
41 applicant's request is to allow a reduction of the rear  
42 yard setback requirement to accommodate construction of  
43 an addition to the warehouse at the rear of the present  
44 building. The requested setback as measured from the  
45 rear property line to the closest corner of the  
46 proposed addition is a reduction of twenty-five feet to  
47 fifteen feet.

48 The findings of fact is under Chapter 70 relating  
49 to setbacks within the service district zones, the code  
50 states where a principal commercial structure,

1 including any major structural attachments or  
2 additions, the required rear yard setback is twenty-  
3 five feet.

4 As you can see from this plan, which may have a  
5 lot of details that may not be able to be perceived  
6 easily, is the rear addition, you can see it's the last  
7 rectangle to the rear of the existing building, would  
8 be approximately forty feet deep on that one corner,  
9 which I guess is on the eastern extreme of the corner  
10 of the building, it oversteps slightly less than nine  
11 feet. But to allow for any kind of variation there, a  
12 ten-foot setback adjustment is being requested.

13 The Corp line, as you can see on the property line  
14 is to the rear of that would still have at least  
15 fifteen feet from the building as proposed. And beyond  
16 that -- as I said, this is not lake view, it's also not  
17 adjacent to any kind of residential area either. So  
18 it, in a sense, has an extensive buffer that falls into  
19 the category of being Corp property.

20 There is a second parcel, but all of the what you  
21 see adjacent to the southeast is surface parking. And  
22 you can get a better view of it at this one. The area  
23 that's surrounded by the red perimeter is where the  
24 building is located. And you can see where the  
25 addition would be added to the rear. Again, it would  
26 be awkward to add something to the side. It would  
27 change the orientation of the interior use of the  
28 building, plus also would infringe upon the surface  
29 parking and truck delivery.

30 The zoned area, as you can see, is mostly  
31 commercial in the immediate area. It's a service area  
32 for the S-1 designation with the Corp property to the  
33 rear. You can see how much of a buffer that is.

34 Staff recommends approval of the variance request  
35 for the reduction of the rear yard setback from twenty-  
36 five feet to fifteen feet for the following reasons:  
37 The rear property line is irregular at the side of the  
38 parcel, meaning it's not parallel to the front line,  
39 therefore limiting full use of the site in this  
40 direction. Open areas along the street front and the  
41 southeast of the present building are reserved for  
42 surface parking, deliveries and other truck access.  
43 Proposed addition will extent the existing work area  
44 within the present structure without requiring a turn  
45 in the building's layout and without eliminating  
46 existing onsite parking, employee entrances or delivery  
47 bays. One corner of the proposed addition will fall  
48 within the present setback requirements relative to the  
49 Corp line. Applicant has demonstrated the existence of  
50 a hardship. The addition would not be a detriment to

1 the area. The request is in line with the spirit and  
2 intent of the ordinance to grant a variance when a  
3 hardship exists. And the board has granted other  
4 variances similar to this request and would be  
5 consistent with its approval.

6 This concludes the staff report. Again, we will  
7 remain available to answer any questions from the  
8 board. And also, Mr. Brower is also here to answer any  
9 questions since he is the applicant.

10 MIKE MILLER: Thank you, staff.

11 I will go ahead and open this meeting up to a  
12 meeting hearing. Are there anyone here speaking  
13 against? Are there anyone here speaking against?  
14 Hearing no one speaking against -- and I'm assuming the  
15 owner here is speaking for it -- so I will go ahead and  
16 close the public hearing and reserve the right for any  
17 questions of the board to staff or to the owner.

18 What is the feeling of the board?

19 ALLEN ASHLEY: I make a motion to  
20 accept.

21 MIKE MILLER: Mr. Ashley makes a  
22 motion to accept.

23 DAN HARVELL: Second.

24 MIKE MILLER: Mr. Harvell  
25 seconds. All in favor raise your right hand.

26 Are there any other old business?

27 BRITTANY MCABEE: No, sir.

28 MIKE MILLER: Are there any new  
29 business?

30 BRITTANY MCABEE: Yes, sir. Our  
31 continuing education is coming up in October. You will  
32 be notified of additional details via email soon.  
33 Thank you.

34 MIKE MILLER: Are there anything  
35 else?

36 BRITTANY MCABEE: No, sir.

37 MIKE MILLER: All right. Hearing  
38 nothing else, do I have a motion to adjourn?

39 DAN HARVELL: Motion.

40 MIKE MILLER: Mr. Harvell and Mr.  
41 Ashley. All in favor.

42 Thank you, board. Thank you, staff.

43

44

**MEETING ADJOURNED AT APPROXIMATELY 5:28 P.M.**

Staff Report

Application for a **Variance** – To allow a reduction of front setback for construction of a Single Family Home  
Anderson County Land Use Board of Zoning Appeals Meeting - District 4  
Historical Courthouse  
101 S Main St  
Anderson, SC 29622

Applicant: James R. Mayo

Owner of Property: James R. and Cindy S. Mayo

Property Location: 327-A Hopkins Rd, Townville

Council District: Four (4)

Tax Map Number (TMS #): 26-03-01-008

Property Description: . Lot 40 Hopkins Road.

Current Zoning: Unzoned

Land Use: Residential

Applicant Request: Applicant is requesting a Variance to allow a reduction of front setback requirements from 20 feet to 8 feet from the right-of-way of Hopkins Road to allow construction of a single family residence home.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-374, the required front setback shall be 20 feet from local roads.

Staff Recommendation:

- 1) The lot has 119 feet of road frontage with the road's positing angling the parcel.
- 2) The lot is an existing, non-conforming lot of record approximately 9,583 square feet.
- 3) The position of the septic tank and lines requires that the house be positioned closer to the road.
- 4) The proposed house meets the side and rear setbacks of 10'.
- 5) Applicant has demonstrated the existence of a hardship and the single family residence would not be a detriment to the area.
- 6) This request is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 7) The Board has granted other variances similar to this request and would be consistent with its approval.
- 8) If approved, the applicant will be required to obtain a residential compliance letter from Development Standards and a building permit from Building & Codes.



## Variance Application

There is a Variance Application Fee of \$200.00

Date of Application Completion \_\_\_\_\_

Application Status (Approved or Denied) \_\_\_\_\_

### Applicant's Information

Name: James R. and Cindy S. Mayo

Mailing Address: 6 Northvalley Dr Weaverville, NC 28787

Telephone and Fax: 828-712-7762 E-Mail: jczawnc@gmail.com

### Owner's Information

*(If Different from Applicant)*

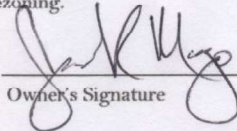
Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone and Fax: \_\_\_\_\_ Email: jczawnc@gmail.com

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

9/27/21  
Date

### Project Information

Property Location: 327-A Hopkins Rd Townville, SC 29689

Parcel Number(s)/TMS: 026-03-01-008

County Council District: 4 School District: 4

Total Acreage: 0.22 Current Zoning: unzoned

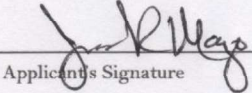
Requested Variance: Reducing 20' setback by 8' from road to a 12' setback  
*Please indicate if setback variance, sign variance or minimum lot size variance.*

Purpose of Variance: To allow construction of new home

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

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.

  
Applicant's Signature

9-12-21  
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:

See attached

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

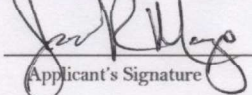
Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: see attached

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:  
see attached

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) 1) Responses to this page 2) Plat

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

9/12/21  
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: \_\_\_\_\_

Page 2 of 2

## Variance Appliace Checklist

The following checklist is to aid the applicant in providing the necessary materials for submittal.

### Application Submittal Requirements and Process

To submit a Variance Application, you must provide the following to the Development Standards Office:

- \*Completed and Signed Variance Application ✓
- \*One (1) Copy of all Private Covenants and Deed Restrictions Related to the property, if applicable X
- \*One (1) Accurate, Legible Plot Plan with Dimensions and Locations of Structures and Improvements of the Property ✓
- \*Check made payable to Anderson County for Variance Application Fee of \$200.00

The Development Standards's Staff will recommend approval or denial to the Land Use/Board of Zoning Appeals at a scheduled Public Hearing. Applicants are notified of the date, time, and location of this meeting; and are encouraged to attend, in case questions arise. The Land Use/Board of Zoning Appeals will make the final decision.

Additional Requirements/Comments: \_\_\_\_\_

See 2 attachments

**Attachment for Variance Application – James R and Cindy S Mayo  
327-A Hopkins Road  
Townville, SC 29689**

*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 lot is constricted for building construction due to position of the septic tank, permanent easement of building next door, a road runoff drainage channel and the road ROW making the lot irregular shaped.**

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

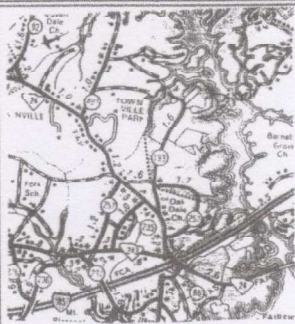
**Property acreage being taken up by an unusual easement and a drainage channel for this spur's road runoff for the common good of all residents there.**

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

**Construction of new home replacing a thirty-six-year-old mobile home.**

*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:*

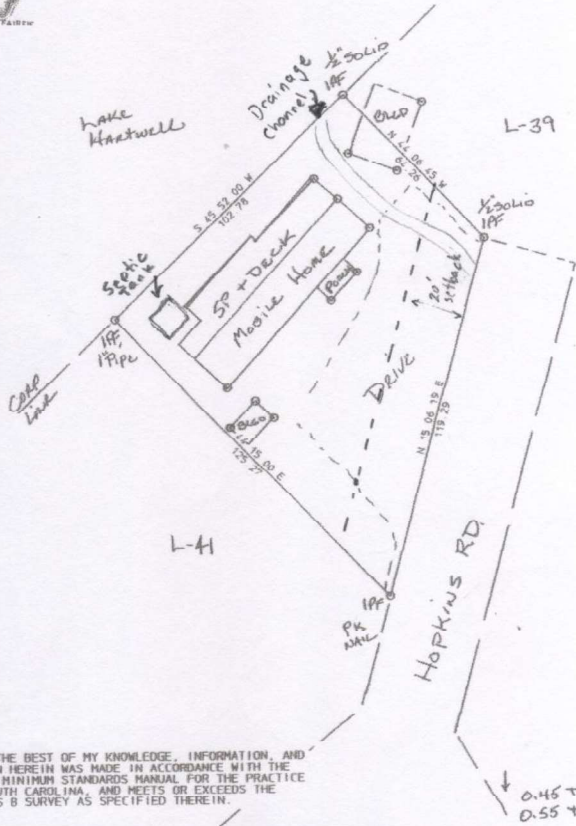
**The road is dead-end spur off Hopkins Road and only serves as access to five residences. It is not a through road and the area of the variance need is at the end of this spur.**



Plat will Mobile Home (gone now) ~26'  
New Home ~45'

Depths

EXEMPTION FROM REVIEW PROCESS  
This plat is a RESURVEY of an existing lot of record with no changes to existing lot lines.  
X *R. Jay Cooper*  
SC attorney/Registered Surveyor or Engineer  
Printed name: R. JAY COOPER  
Lic. Cert. or Bar # S.C. 4682

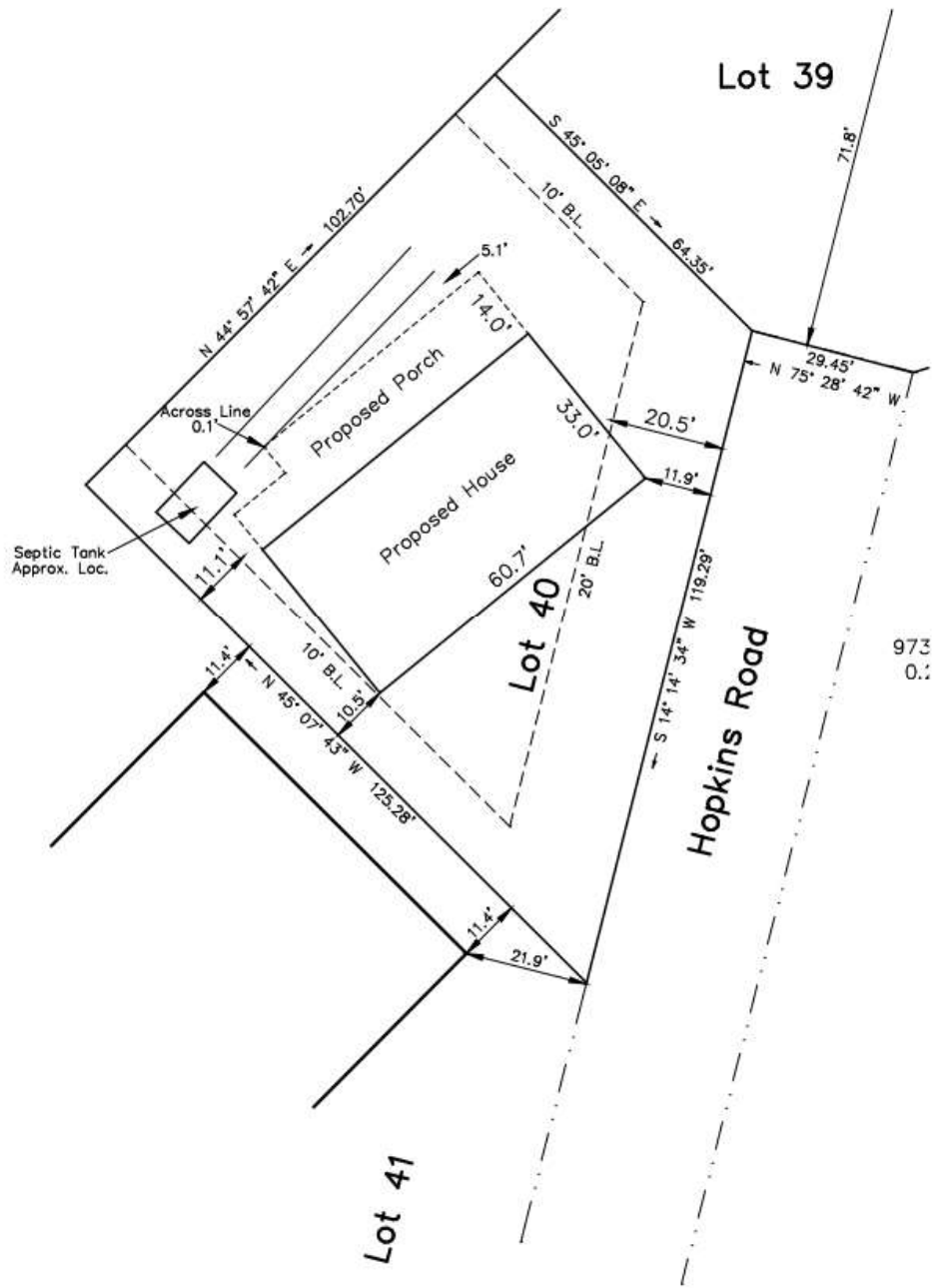


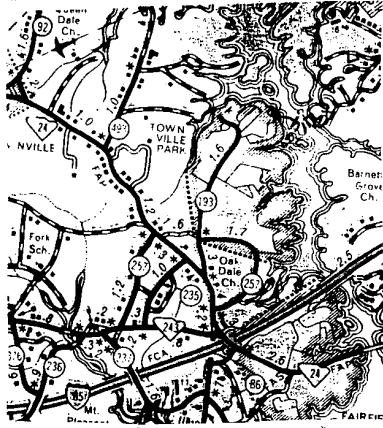
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.

CLEMSON ENGINEERING SERVICES	
ACREAGE - .22 (DMD) PLAT OF UNBALANCED TRAVERSE PRECISION OF FIELD SURVEY - 1:10000 SCALE 1 IN. = 30 FT. 30 0 30	DATE: JUNE 24, 2014 STATE OF SOUTH CAROLINA COUNTY OF ANDERSON TOWNSHIP OF CENTER LOT 40 HOPKINS CIR. T.M. 026-03-01-008
PLAT PREPARED FOR <b>JAMES R. MAYO</b> <b>CINDY S. MAYO</b>	AREA WAS CALCULATED BY THE DMD METHOD <i>R. Jay Cooper</i> R. JAY COOPER P.E. & L.S. 4682 PHONE 864-654-2573

PROPERTY SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, EASEMENTS, OR RESTRICTIONS OF RECORD  
REF PLAT BK: 47 PG: 80  
FIELD WORK BY LARRY COOPER

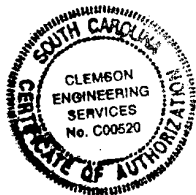
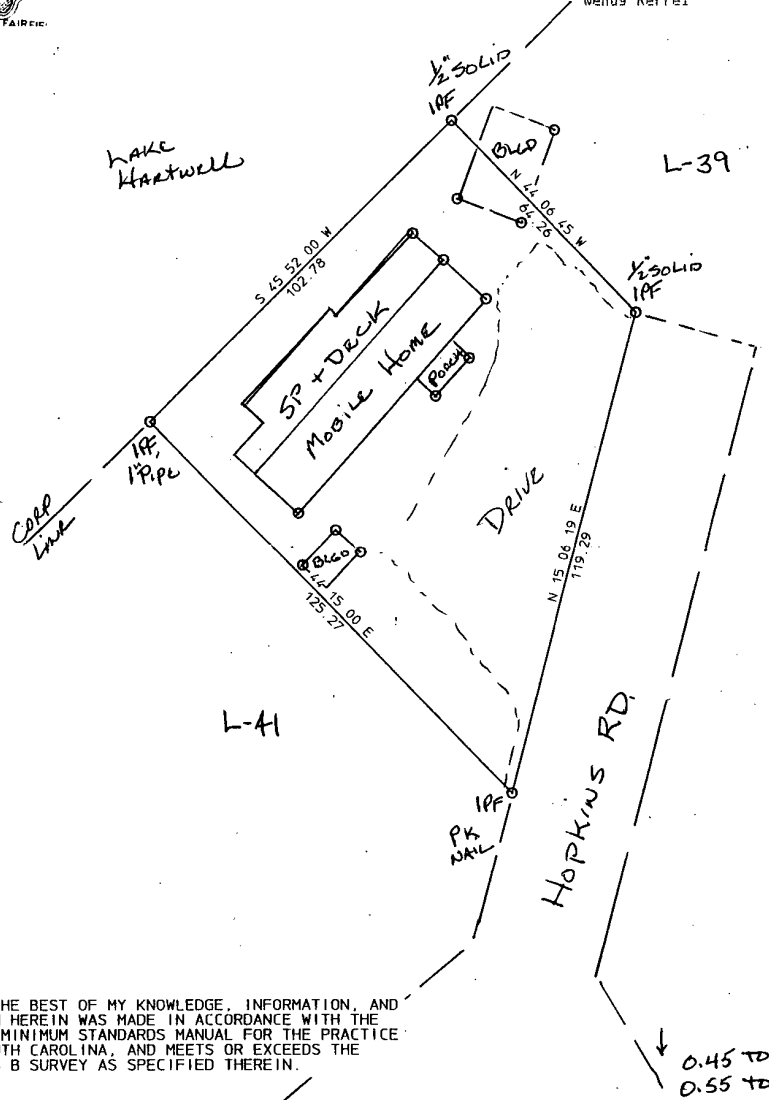
# Proposed House Placement





**EXEMPTION FROM REVIEW PROCESS**  
 This plat is a RESURVEY of an existing lot of record with no changes to existing lot lines.  
 X *R. Jay Cooper*  
 SC attorney, Registered Surveyor or Engineer  
 Printed name: R. JAY COOPER  
 Lic., Cert., or Bar # S. C. 4682

140013513 7/10/2014 03:00:13 PM  
 FILED, RECORDED, INDEXED  
 Bk: S2110 Pg: 00003 Pages:001  
 Rec Fee: 10.00 St Fee:  
 Co Fee:  
 REGISTER OF DEEDS, ANDERSON CO, SC  
 Wendy Ruffel



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 B SURVEY AS SPECIFIED THEREIN.

CLEMSON ENGINEERING SERVICES	
ACREAGE- .22(DMD) PLAT OF UNBALANCED TRAVERSE PRECISION OF FIELD SURVEY- 1:10000 SCALE 1 IN. = 30 FT. 	DATE: JUNE 24, 2014 STATE OF SOUTH CAROLINA COUNTY OF ANDERSON TOWNSHIP OF CENTER LOT 40 HOPKINS CIR. T.M. 026-03-D1-008
PLAT PREPARED FOR Index → JAMES R. MAYO → CINDY S. MAYO	AREA WAS CALCULATED BY THE DMD METHOD  R. JAY COOPER P. E. & L. S. 4682 PHONE 864-654-2573

PROPERTY SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, EASEMENTS, OR RESTRICTIONS OF RECORD.  
 REF. PLAT BK: 47 PG. 80 FIELD WORK BY CARTER-COOPER

