



MEMORANDUM

ANDERSON COUNTY DEVELOPMENT STANDARDS

DATE: December 2, 2021

TO: Land Use and Zoning Board of Appeals Members

FROM: Henry Youmans

SUBJECT: December 9, 2021 Meeting

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on Thursday, December 9, 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 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
Brad Swillen, District #6

AGENDA

Thursday, December 9, 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 November 18, 2021
- 4.) Public Hearing:
 - A) Variance- District 4, Not Zoned; (**Amended Application**) variance request to allow reduction of required side setback to construct a single family residence and personal workshop located at 1234 Pine Lake Dr, Townville. Code requires the side setback shall be 10 feet. (*TMS 27-03-01-005*).
 - B) Variance- District 4, Not Zoned; (**Amended Application**) variance request to allow reduction of required front setbacks to construct garage located at 137 Whitaker Rd, Townville. Code requires front setbacks shall be 20 feet from local roads and 40 feet from collector roads. (*TMS 17-05-04-020*).
 - C) Variance- District 5, Not Zoned, variance to allow a reduction in the rear setback for expansion and construction of existing deck located at 1410 Trusler Rd, Anderson. Code requires rear setback shall be 10 feet. (*TMS#: 49-02-01-009*).
 - D) Special Exception- District 4, R-20 District, special exception to expand the existing Ducworth-Tucker Sport Field to include a cross country trail on adjacent property located at 1939 Evergreen Rd, Anderson. Code requires a special exception for development of a private recreation center. (*TMS#: 144-00-06-008*).
 - E) Special Exception- District 4, R-20 District, special exception for the construction pump station for utility development. located at Nunnally Road, Anderson. Code requires a special exception for public utility building. (*TMS#: 27-00-01-031-portion of*).
 - F) Special Exception, District 4, RM-7 District, special exception to allow use of a single-family residence as a short-term rental/host home located 219 Seagull Lane, Anderson. Code requires a special exception for permitted use (i.e. host home) (*TMS#: 46-02-01-048*).
- 5.) Old Business:
- 6.) New Business:
- 7.) Adjournment.

State of South Carolina)
County of Anderson)

ANDERSON COUNTY COUNCIL
BOARD OF ZONING APPEALS MEETING
NOVEMBER 18, 2021

IN ATTENDANCE:
MIKE MILLER, VICE CHAIRMAN
JOHN FARR
ALLEN ASHLEY
DAN HARVELL
BRAD BOGGS

ALSO PRESENT:
ALISIA HUNTER
TIM CARTEE
BRITTANY MCABEE
HENRY COPELAND
HENRY YOUMANS

1 MIKE MILLER: Everybody good?
2 Since it's a little after 5:15, I'll go ahead and open
3 up Anderson County Land Use Board of Zoning Appeals.
4 I'll go ahead and open us up in prayer.

5 **INVOCATION BY MIKE MILLER**

6 MIKE MILLER: Our last
7 communication was held -- got to find it -- October the
8 14th, 2021. Are there any deletions or corrections to
9 the last communication that was held? I have a motion
10 from Mr. Ashley to accept.

11 DAN HARVELL: Second.

12 MIKE MILLER: I've got a second
13 from Mr. Harvell. All in favor raise your right hand.
14 All opposed like sign.
15 Staff report.

16 HENRY COPELAND: I'm Henry Copeland.
17 And the first item for review is a request for a second
18 wall sign for the Dollar General that is located on
19 Highway 29 North in Belton. It's located on Highway 29
20 in Belton. The request for the second wall sign is --
21 thanks -- the request for the second wall sign, as you
22 can see in your packet, essentially it's for the
23 property located at 4752 Highway 29 North in Belton. It
24 is located at the corner of intersection of the property
25 at Cheddar Road. It's 3.17 acres and it fronts three
26 public roads. The property is being developed for the
27 standalone Dollar General. The request is to allow the
28 placement of a second wall sign facing the side
29 elevation of the building visible from the street front
30 which has no other sign exposure.

31 Under Chapter 38 of the Anderson County Code, it is
32 permitted for one wall sign at a location such as this.
33 A second wall sign is -- a second wall sign is being
34 requested. A second free-standing sign is permitted for
35 a corner lot.

36 This is basically the site plan as you can see. The
37 proposal is for the new wall signs to be on a side where
38 there's a large parking area that is accessed from Big
39 Woods Circle, which is the third street that fronts the
40 property. The freestanding sign is going to be facing
41 Highway 29 and the existing wall sign that has been
42 approved is also facing Highway 29 near the intersection
43 with Cheddar Road.

44 This is a view of the proposed site on the left at
45 Cheddar Road and Highway 29. This is a view of Cheddar
46 Road from near the intersection with a Big Circle Road.
47 Also, this is a view on Highway 29 looking across
48 Cheddar Road. The competitor is Family Dollar across
49 the street. It does have two wall signs.

50 The overall site plan and location can be seen from

1 the aerial view here. This is a view of the zoning map
2 showing the same property.

3 The staff recommends denial of the variance request
4 for placement of a second commercial sign for the
5 following reasons: One wall sign and one freestanding
6 highway sign were recently approved with permits issued
7 at this location by Anderson County. This is a corner
8 lot with direct access to and frontage along three
9 public streets. It is entitled to a second freestanding
10 sign. A secondary entrance to the property is from Big
11 Woods Circle. But also, it's classified as a local road
12 and not documented as having significant through
13 traffic. An additional wall sign as proposed would not
14 increase sign visibility from either of the two other
15 major street fronts. A requirement for a variance is to
16 demonstrate the existence of a hardship. On our
17 determination no hardship has been shown, which would be
18 mitigated by the second wall sign as proposed. Denial
19 of the request would be in line with the previous
20 decisions of the board and also the county code, when
21 the applicant could choose alternatives and still comply
22 with code requirements.

23 That concludes the report from the staff. We are
24 available for any questions. I do believe a
25 representative of the sign company is also present to
26 answer any questions.

27 MIKE MILLER: Thank you, Henry.
28 I'm going to go ahead and open us up into public hearing
29 for this Dollar General. Are there anyone speaking
30 against? Are there anyone speaking against? Since
31 there's no one speaking against, I guess we'll go ahead
32 and hear from Donna. I'm assuming she's a
33 representative of St. Clair Sign Company.

34 HENRY COPELAND: Yes, that's right.

35 MIKE MILLER: Okay. Come to the
36 mic. State your name.

37 DONNA ZIELINSKI: I'm with St. Clair
38 Signs. They are requesting, like Henry said, a second
39 wall sign, which is of the same size, square footage, as
40 the front wall sign that has been approved. And they
41 just feel that it would -- I don't want to say increase
42 their business or decrease their business, but because
43 Family Dollar has two wall signs, the Exxon across the
44 street has two canopy signs and a large pylon monument
45 sign out in front, we feel like that they should --
46 Family Dollar should also get the allowance of a second
47 wall sign since the businesses surrounding them have two
48 wall signs.

49 MIKE MILLER: Do you have anything
50 else? All right. Thank you. I'm going to go ahead and

1 close. Are there any questions from staff -- I mean any
2 questions from the board to staff or to them?
3 DAN HARVELL: Yes, Mr. Chairman.
4 And pardon my laryngitis. I'm sorry about that. I'm
5 not sick. I just can't talk. Since the Family Dollar
6 does have two, did they come in under the square footage
7 requirements with those two signs?
8 ALESIA HUNTER: Henry.
9 HENRY COPELAND: I don't have the
10 details on that, but I do know that we are looking --
11 Family Dollar has been there for some number of years.
12 And we are attempting to strictly interpret the code as
13 is, allowing the board to make its decision in its
14 wisdom to decide whether deviations are warranted.
15 DAN HARVELL: Well, I asked that
16 because I think I've been on this board about fourteen
17 years and I don't ever recall us granting a two-sign
18 situation with that particular -- with Family Dollar.
19 But I was just wondering if the square footage allowance
20 made up for that and allowed it.
21 ALESIA HUNTER: Mr. Harvell, as Mr.
22 Copeland mentioned, that Family Dollar has been there
23 for a number of years. You're correct, you've been on
24 there fourteen years. And I don't believe that we had
25 granted a variance for that. So that's way before your
26 time.
27 DAN HARVELL: All right.
28 JOHN FARR: Does Family Dollar
29 have a monument sign?
30 HENRY COPELAND: They have an
31 elevated or pylon sign; yes, sir.
32 JOHN FARR: So they've got that
33 and the two signs?
34 HENRY COPELAND: Bear with me for a
35 moment.
36 ALESIA HUNTER: There is a
37 freestanding sign there, Mr. Farr.
38 HENRY COPELAND: Let me go back one
39 more to -- no, there's no evidence of a monument sign on
40 that side.
41 ALESIA HUNTER: It's a freestanding.
42 DAN HARVELL: I'm assuming that
43 Family Dollar freestanding is just off the right-of-way;
44 right? It's really back from the road there.
45 ALESIA HUNTER: Yeah, it's located
46 out of the right-of-way.
47 DAN HARVELL: It sort of looks
48 like the Family Dollar sign is a large one up front and
49 a smaller one on the side.
50 ALESIA HUNTER: Henry, go back to

1 the ---
2 DAN HARVELL: Yeah, I was looking
3 at that. See there. That's all right, Henry. You see
4 how the one on the front looks larger than the one on
5 the side?
6 ALESIA HUNTER: The one on the side
7 is very small. Very small.
8 DAN HARVELL: So in order to be
9 fair, what -- would the board consider allowing the
10 second signage, but just decrease the size of it?
11 MIKE MILLER: That's why we're in
12 discussion. So if you want to make a motion. I was
13 fixing to ask what was the pleasure of the board. So if
14 that's your ---
15 DAN HARVELL: Yeah, I'll put that
16 in the form of a motion, that we allow the secondary
17 wall sign, but it'll have to be commensurate with the
18 reduced size of the Family Dollar sign that's on the
19 side, so that we're doing apples to apples here.
20 JOHN FARR: I second.
21 MIKE MILLER: So we've got a
22 motion and we've got a second. All in favor raise your
23 right hand. All oppose like sign.
24 Mr. Henry, staff report.
25 HENRY COPELAND: Mr. Chairman, the
26 next item on the agenda is a lot 4 -- it's also a sign.
27 It's located what's identified as lot 4 on Highway 76 at
28 Circle Drive near Pendleton. The owner is Health Market
29 Insurance Agency. They're using this as an offsite sign
30 location and they're looking to replace a sign that has
31 been there for a number of years. The sign that is
32 there now appears to be roughly forty square feet. The
33 new sign that they're proposing to replace it with is
34 fifty square feet. There is no evidence of a permit
35 that has been granted for the original sign. This is
36 going to be relocated to be -- and I'll show you as this
37 develops.
38 This is a vacant corner lot containing approximately
39 one-fifth of an acre. It's not zoned. The applicants'
40 request is to allow the placement of an offsite
41 commercial sign with the total sign area, as I
42 mentioned, of fifty square feet. And it's replacing the
43 existing sign that was installed before 2008. The
44 estimated sign area of that is forty-two square feet.
45 And as I said there's no permit that we can locate on
46 it.
47 The finding of facts is that the offsite sign is --
48 offsite premises sign for a business is -- maximum size
49 allowed is thirty-two square feet. Of course, it needs
50 to be five feet from any defined right-of-way or

1 property line or within fifteen feet from the edge of a
2 roadway where a right-of-way is undefined. In this case
3 we have been able to define the right-of-way.

4 The proposed new sign overall it will be five feet
5 by ten feet which gives the total square footage of
6 fifty square feet. It'll be approximately seven feet
7 overall height. This is incorrectly show. This says
8 six feet. The location -- this is from a plat -- gives
9 you the size of the property. This is the street view
10 looking north toward Clemson -- toward Pendleton. The
11 sign is in the center. As you can see it's white with
12 some black lettering. This is a view of the same sign
13 in the reverse direction.

14 The site, again, from the tax -- aerial view from
15 the tax map is outlined in yellow. For interest, the
16 existing sign is circled in orange and yellow. The
17 proposed location, as best I can determine, is at the
18 site of a billboard that was removed there about two
19 years ago. It will be within the right-of-way -- excuse
20 me -- back from the right-of-way, so that's to improve a
21 question that exists about whether this existing sign is
22 in the right-of-way or not.

23 Again, this is the view and the surrounding area. I
24 was showing zoning differences. This area, again, as I
25 said, is not zoned.

26 The staff recommends denial of the variance request
27 for the following reasons: Though the existing sign is
28 located on a curve and nearby trees do not appear to be
29 an obstacle as stated by the applicant, the applicant
30 also states commercial businesses in the immediate area
31 appear to maintain larger signs. These signs in most
32 cases conform to onsite signage as allowed by the code.

33 The recent removal and relocation of a large
34 billboard on or adjacent to the subject site, there has
35 been a significant reduction in sign exposure in the
36 immediate area, leaving less competition for signs that
37 remain. The applicant has not demonstrated, as part of
38 the application, the existence of a hardship. Denial of
39 this request would be in line with the previous
40 decisions of the board when the applicant can make
41 adjustments to the proposal to comply with the code
42 requirements.

43 That concludes the staff report. We're available to
44 answer any questions. And I'm not sure if a
45 representative of the sign company is here. But if they
46 are, I'm sure they'll answer questions.

47 MIKE MILLER: Thank you, Henry.
48 I'm going to go ahead and open this up in public
49 hearing. Are there anyone speaking against? Are there
50 anyone speaking against? Hearing no one speaking

1 against. Are you Debbie? Do you want to come down and
2 talk to the board or whoever.

3 MICHAEL HELVIE: I'm Michael Helvie
4 with Paramount Custom Signs. We're the folks making the
5 sign. The property is -- the owner of the property is
6 not Health Markets. The owner of the property is Debbie
7 Whitworth, so it's her personal property. The sign
8 that's there now is delapidated and has not been
9 effective. The new sign, which is advertising Health
10 Markets, they have corporate branding standards that the
11 sign has to be made to. They tell us exactly what to
12 put on the sign, where to put it, the size. And as you
13 can see on the drawing, the bottom line and even some of
14 the other nomenclature is so small that you can't even
15 hardly read it.

16 So we was hoping to enlarge the sign a little bit.
17 Because also it's going to be further from the road than
18 the existing sign because of where the right-of-way is.
19 I don't know how or why the sign that's there now got
20 located where it is, but -- and the right-of-way could
21 have changed; I don't know. But to abide by the right-
22 of-way and the setback, it's got to be a little bit
23 further from the road. Plus that with the smaller
24 lettering on there, it's just not going to be effective.
25 We're not asking for a huge increase.

26 MIKE MILLER: Anyone on the board
27 got anything to ask?

28 BRAD SWILLEN: Two questions.
29 Number one, just so I'm clear here. Before 2008 there
30 was not a permit issue. Is that because there was not a
31 standard in place that required a permit? Just so I'm
32 clear on that.

33 HENRY COPELAND: The best that I can
34 discern, the sign was simply erected at that location
35 without a permit. We did have a permitting process in
36 place, but there's no record of this sign having been
37 permitted.

38 BRAD SWILLEN: And then the next
39 question I had, you had mentioned or at least the
40 gentleman here mentioned that Ms. Whitworth owned the
41 property, but Health Markets was putting the sign in.
42 And on this particular -- on the sign image here it says
43 David Whitworth, Licensed Insurance Agent. So ---

44 DEBBIE WHITWORTH: It's my sign and
45 Health Markets, I work for them and that's why I
46 (inaudible) if I work for that company. That's why.
47 It's my property and it's my sign.

48 BRAD SWILLEN: Okay. I just wanted
49 to make sure I was clear there.

50 MIKE MILLER: Anyone else have

1 anything? Hearing nothing from the board, I will go
2 ahead and close the public hearing. What's the pleasure
3 of the board?

4 DAN HARVELL: Well, I'll make a
5 motion that we grant it. It's not much of an increase
6 whatsoever. And I think it's pro business to be pro
7 business. So I make that motion to approve.

8 MIKE MILLER: I've got Mr. Ashley
9 as seconding. All in favor raise your right hand. All
10 opposed like sign.

11 Staff report.

12 HENRY COPELAND: That concludes mine.
13 I yield to Mr. Youmans.

14 MIKE MILLER: Are we switching up
15 Henrys?

16 HENRY COPELAND: Yeah, different
17 Henry this time.

18 HENRY YOUMANS: If it please the
19 board, the first item up is item (c) on your agenda. It
20 is an application for a variance to allow reduction of
21 the front setback for the construction of a thirty by
22 forty metal commercial building. The applicant's name
23 is Steve (verbatim) Miller. The property is located at
24 108 Corporate Drive in Easley. It is in Council
25 District 6. You have the information regarding the tax
26 map number in your packet. This is the application
27 submitted by Mr. Miller.

28 This is an aerial of the actual property. The
29 applicant is requesting a variance to allow the
30 reduction of the front setback requirements from twenty
31 feet to zero feet from the right-of-way of Corporate
32 Drive to allow the construction of a metal commercial
33 building.

34 The finding of facts: Anderson County Code of
35 Ordinance under Chapter 38, Section 38-120, the required
36 front setback shall be forty feet from the collector
37 roads. This lot has a common easement of ingress and
38 egress in the parking position of the angle of the
39 parcel. This is a non-conforming existing lot of .19
40 acres. The placement of the sewer easement limits the
41 placement of the building and the applicant has
42 demonstrated a hardship for the construction of the
43 thirty by forty commercial building.

44 The board has granted similar variances of requests
45 of one and a half feet to two feet and would be
46 consistent if approved.

47 The staff recommendation is that we are going to
48 rely on the guidance of the board in making this
49 decision. This is consistent with previous variances of
50 requests for a zero setback.

1 This is the old plat submitted. This is an updated
2 one, as well. This is the new proposed plat. And this
3 highlighted section shows the actual placement of the
4 building on the property in regards to the easements and
5 right-of-ways.

6 This concludes the staff report.

7 MIKE MILLER: Thank you, Henry.
8 I'm going to go ahead and open this up into public
9 hearing. Are there anyone speaking against? Are there
10 anyone speaking against? Anyone speaking against? Are
11 there anyone here representing ... Okay. Come to the
12 mic. State who you are, what company you're with and
13 your name.

14 SCOTT MILLER: My name is Scott
15 Miller. And I am owner of the MME Investments. I got
16 you guys a copy here -- I've got some pictures of actual
17 -- colored pictures of what I'm asking and why I'm
18 asking for the zero variance. Bottom line is these
19 commercial buildings that are in there, they're just
20 metal -- basically there's a plumbing business that
21 comes out of there and they all share a common area.
22 There's four owners in there, I being one of them.

23 Those buildings are twenty-four hundred square feet,
24 each one of them. And initially before the sewer lines
25 came through there, which was years ago, by the way,
26 they were all scheduled to be twenty-four hundred square
27 feet. I'm only asking to do -- this is personal use,
28 actually. It's a storage. I've got a ton of -- my wife
29 has accumulated a lot of things over thirty years of
30 marriage, so this is basically going to be for my
31 personal use. No employees, anything like that. It's
32 just a metal storage building. And I already own one
33 building right next to it, which is part of that L-
34 shaped property that you saw on that. I do have plats.
35 I've had it surveyed. You can actually share. There's
36 the survey they just looked at. And here's some
37 pictures, too, by the way. We can give each one of them
38 one of these. I think there's five there. I think
39 you've got five copies of what that plat looks like.

40 DAN HARVELL: Thank you.

41 SCOTT MILLER: And as you can see,
42 it comes -- has everybody got -- it comes from Cooper
43 Lane as you drive, it comes in, and it enters the common
44 area immediately. By the way, so you know where this
45 is, you know your Ingles on 81 in Powersville, that's
46 what we're talking about. It's in behind -- if you turn
47 between the Ingles and the SunTrust, that's Cooper. And
48 it's just down on the left. There's a lot of metal
49 storage buildings back in there. If you guys remember
50 Mr. Norman Garrison, he developed this. He passed away

1 years and years ago, but -- well, not years and years
2 ago, but he's the one that developed this.

3 And I bought this building and this parcel from
4 Norman years ago. But as you can see, it comes in --
5 the drive comes in. The sewer -- I think Norman was
6 instrumental in getting that sewer all in and around
7 that Powdersville area there from Anderson County. But
8 it crosses over the common area, runs down and then it
9 hits -- that manhole sits at the back back there on my
10 lot.

11 And what I'm proposing is if I can get that zero
12 variance across the front that bites into a little bit
13 of the common area which is really permeable -- I mean
14 it's only dirt and rock. And as far as the parking,
15 everybody kind of parks in front of their building
16 anyway. This is really just to get in there and maybe
17 turn around or whatever, you know, it's used for.
18 Nothing else there except for gravel. And I'm going to
19 slide it over towards -- you guys may even know Freddie
20 Zink. Mr. Zink owns that building right there to the
21 left if you're driving in, and I own the building to the
22 right. So to slide it over and to have enough clearance
23 from everything else, I can get a twelve hundred square
24 foot building in there, which means I cut it in half of
25 what it was originally proposed for because of that
26 sewer line.

27 Now, you can skip over these first two pages, since
28 you're looking at the plat. Those first two are just a
29 plat and a flow up view. On your third page you can see
30 what it looks like when you drive in there. That's just
31 the drive where the gravel and you've got grass. That's
32 Concrete Elementary in the distance back there that you
33 see, the brick building, and that steeple on the back
34 side, the plumbing business on the right. So you've got
35 one, two, three buildings that are all twenty-four
36 hundred square feet. The lot that we're looking at is
37 against the fence towards that Concrete Elementary. Mr.
38 Zink's building is on the left. All of those are
39 twenty-four hundred square feet.

40 If you look at your second page of your second
41 picture, you'll see that's the building that I currently
42 own and the lot that I'm asking for is to the left of
43 those vans. There's a manhole that sits just to the
44 left of those vans. And the lot actually borders that
45 fence line. But the sewer actually borders that fence
46 line, comes across at an angle right there.

47 Your third photo gives you a view of the lot looking
48 straight on. And I'm standing about not even where the
49 front of that building will be. I mean it's on back a
50 little bit because it's only thirty feet deep, basically

1 off that fence line. And then that's another view.
2 That's a view of your manhole looking back out towards
3 the entrance is what the last page is.
4 And that's -- those are the reasons I was asking for
5 a zero variance is just to keep it off of that easement
6 and that sewer line that comes in. I've already slid it
7 about as far as I can slide it just to get the twelve
8 hundred square feet. And like I said, it's just
9 personal use. It's just basically I need to put some
10 tools in my car that's currently sitting in the
11 driveway. I'm going to put some of that kind of stuff
12 in there. Put some shelving in that thing.
13 MIKE MILLER: All right. I've got
14 several questions ---
15 SCOTT MILLER: Okay.
16 IKE MILLER: --- on the plat.
17 SCOTT MILLER: Yes, sir.
18 MIKE MILLER: The proposed metal
19 commercial building that's shown, a thirty by forty,
20 which is twelve hundred square feet.
21 SCOTT MILLER: Yes, sir.
22 MIKE MILLER: That is the building
23 that you're requesting; correct?
24 SCOTT MILLER: That's correct.
25 That is correct.
26 MIKE MILLER: The other two
27 commercial buildings that's on the plat belongs to
28 someone else or either one of those is yours?
29 SCOTT MILLER: Yes, sir.
30 MIKE MILLER: All right. Who owns
31 the common area?
32 SCOTT MILLER: The whole --
33 everybody who's in there basically. It's just a common
34 area that's shared by each individual owner that's in
35 there.
36 MIKE MILLER: But on your plat to
37 that property does it show you have an easement to that
38 commons area?
39 SCOTT MILLER: Does it show an
40 easement?
41 MIKE MILLER: Because if everybody
42 owns it, then your plat or your deed or whatever would
43 show that you've got access to the commons area.
44 SCOTT MILLER: That is correct.
45 MIKE MILLER: So do you have
46 anything showing that you've got access to the commons
47 area and everybody else don't own it or everybody else
48 does own it besides you. Have you got any documentation
49 that says I've got -- I own part of that commons area?
50 SCOTT MILLER: I think -- well,

1 I've got some restrictions that's here as far as the ---
2 MIKE MILLER: What is the
3 restrictions on the commons area?
4 SCOTT MILLER: I'm thinking that I
5 turned that in to Brittany, but ---
6 MIKE MILLER: But does the
7 restrictions on the commons area, does it tell you the
8 footage that you have to be with the building from the
9 commons area?
10 SCOTT MILLER: No. Does it, that I
11 read through the restrictions. It doesn't mention
12 anything as far as how many feet that you have to be off
13 of it or anything like that.
14 MIKE MILLER: And when you're
15 talking about doing a thirty by forty, which is twelve
16 hundred square feet, are you basing your setback off of
17 the wall or are you basing your setback off of the
18 boxing of the building?
19 SCOTT MILLER: I'm basing the
20 setback off of the property line.
21 MIKE MILLER: But you're putting a
22 thirty by forty and that's zero restrictions. And then
23 your building's going to have a boxing off of it;
24 correct?
25 SCOTT MILLER: No. No. It won't
26 have a -- you're talking about overhang off of the
27 building?
28 MIKE MILLER: Yeah.
29 SCOTT MILLER: No, sir. It'll have
30 a gutter.
31 MIKE MILLER: But that gutter will
32 be sticking outside the edge of the wall; correct?
33 SCOTT MILLER: Well, yes. Yeah. I
34 mean it ---
35 MIKE MILLER: So you're basing it
36 off the wall; not off the gutter. So actually the
37 gutter will actually be over and beyond that setback
38 area or that commons area?
39 SCOTT MILLER: Yes, if it's on the
40 gutter.
41 MIKE MILLER: Because that's part
42 of the building.
43 SCOTT MILLER: Right.
44 MIKE MILLER: I mean the building
45 isn't in your gutter. So really you're going to a
46 negative six inches into the commons area?
47 SCOTT MILLER: Right. And I can --
48 I do have a little room, if you notice, on the back
49 corner. I can move it back six inches if need be on
50 this back corner. See that back corner on that plat, on

1 that initial big plat that I gave you.

2 MIKE MILLER: And then outside of
3 the commons area -- and I don't know if this has been
4 picked up -- your front easement on the sewer right-of-
5 way, which you may own, you're showing 1.5 feet off the
6 sewer right-of-way.

7 SCOTT MILLER: That is correct.

8 MIKE MILLER: And then the right
9 property line, you're showing only 5.3 feet. Is that
10 within the requirements to the county?

11 SCOTT MILLER: Yes. I think that's
12 five feet. Five foot as far as ---

13 MIKE MILLER: But what does
14 restrictions show on that property line? How many feet
15 do you have to be off of that property line?

16 SCOTT MILLER: I think it's five
17 feet off the property line. And then he's got five feet
18 off of his building to the property line. So there's
19 ten feet in between the buildings themselves. And he's
20 got -- and I think as far as ---

21 MIKE MILLER: It becomes a fire
22 issue.

23 SCOTT MILLER: Yeah. And I've
24 covered that. He told me that once -- so I would have
25 to have a firewall -- if I'm within so many feet I would
26 have to have a firewall ---

27 MIKE MILLER: Three hour
28 firewall?

29 SCOTT MILLER: That's correct.
30 And I'm willing to do that. I mean, you know, as long
31 as I've got enough room here to build the building, as
32 far as the firewall and the regulations on being the
33 distance, I mean, I don't have a problem with it. And I
34 know that's coming. I know that's going to be a little
35 more expensive to build that firewall as opposed to just
36 a metal hull building. But I mean that's basically what
37 I've got. So you've got -- and I can -- if six inches
38 is an issue I can -- I do have a foot and a half, so I
39 can back it off of that common area at least a foot or
40 six inches on the front.

41 MIKE MILLER: Does anybody on the
42 board have any other questions? With no one else having
43 any other questions, I will now close the public
44 hearing. Alesia.

45 ALESIA HUNTER: Mr. Chairman, just
46 to be clear. Is he asking for a side yard setback, as
47 well? Mr. Miller, are you asking for a side -- because
48 the side setback has to be eight feet on the side
49 because it's on sewer. It's normally ten feet on the
50 side, but since they have access to sewer it drops down

1 to eight feet. Because his application only requested a
2 reduction on the front.
3 MIKE MILLER: That's what I was
4 thinking.
5 ALESIA HUNTER: Yeah.
6 MIKE MILLER: That's why I was
7 going to the five foot setback off on that property
8 line. I thought it had to be eight.
9 ALESIA HUNTER: Yes.
10 SCOTT MILLER: But is this
11 grandfathered from 1998? I was thinking that you guys
12 issued something from Freddie Zink, maybe, that was
13 grandfathered from when that sewer was installed to keep
14 it at that five foot?
15 JOHN FARR: Sewer may be
16 different. I don't know about the sewer.
17 MIKE MILLER: But even if it was
18 grandfathered for him, it wouldn't be grandfathered for
19 you.
20 SCOTT MILLER: Okay.
21 BRAD SWILLEN: Where is Freddie's
22 building? I keep hearing that. Where is ---
23 SCOTT MILLER: If you're going in,
24 it's to the left right there, the metal commercial
25 building on that left hand corner.
26 BRAD SWILLEN: Is that MFZ
27 Properties, is that ---
28 SCOTT MILLER: No, that's me. The
29 MEE Properties is on the right. If you're going into
30 the property going straight in -- so in other words ---
31 ALESIA HUNTER: That's right. Yeah.
32 SCOTT MILLER: --- if you're coming
33 from here, this is Freddie's building you're looking at.
34 This is my building right here. I'm trying to build
35 this twelve hundred in between those.
36 BRAD SWILLEN: You're saying he got
37 a variance ---
38 ALESIA HUNTER: He was the old
39 master plan prior to us even having these guidelines.
40 So he was grandfathered in for the entire master plan
41 that he had submitted.
42 MIKE MILLER: Any other questions?
43 I know I've closed, but we still doing this?
44 DAN HARVELL: This is off the
45 record.
46 **OFF THE RECORD**
47 MIKE MILLER: All right. What is
48 the pleasure of the board?
49 ALESIA HUNTER: Mr. Chairman, if
50 he's needing a request on the side then we've got a ---

1 MIKE MILLER: Can you tell us he's
2 got to have that?
3 ALESIA HUNTER: Because we haven't
4 advertised for a reduction on the side yard setback.
5 We've only -- the variance is only for the front. So
6 you could vote on the front. He would have to come back
7 for the side because he didn't request the side.
8 MIKE MILLER: Would it be just
9 easier for me to go ahead and table it then until he
10 does this? Is he going to have to ---
11 ALESIA HUNTER: Yeah, because he'll
12 have to reapply. But if he's needing to get started on
13 the -- you know, for the front, then you could go ahead
14 and act upon that.
15 MIKE MILLER: Can't do the front
16 without doing the side.
17 SCOTT MILLER: No. Because I'll
18 have to pour a slab. I mean, it's a metal building. It
19 comes as a ---
20 MIKE MILLER: What she's saying
21 is, where you're showing the 5.3, by county ordinance
22 you're going to have to be at eight feet. That's what
23 I'm understanding from staff.
24 ALESIA HUNTER: Let's see here. Let
25 me check this ---
26 MIKE MILLER: Ms. Alesia, I'm
27 assuming, will try to explain it to us.
28 ALESIA HUNTER: Hold on one second,
29 Mr. Chairman.
30 Mr. Miller, what number is this building on this?
31 Are these your buildings?
32 SCOTT MILLER: No, I just have ---
33 ALESIA HUNTER: Okay.
34 SCOTT MILLER: Right here is the
35 building proposed. That's me right there. But Freddie
36 had -- that was the proposed site, right there. That
37 was the original -- how that thing was originally laid
38 out prior to sewer coming in there.
39 ALESIA HUNTER: You're at number 5
40 or ---
41 SCOTT MILLER: I'm at that one is
42 where I'm ---
43 ALESIA HUNTER: This one?
44 SCOTT MILLER: --- adding for the
45 building to be built.
46 ALESIA HUNTER: This one or this
47 one?
48 SCOTT MILLER: No. That one on
49 your back property line. See, this is your entrance
50 that comes in.

1 ALESIA HUNTER: Right.
2 SCOTT MILLER: I'm asking for the
3 twelve hundred square feet building to be built right
4 here, as opposed to the -- this shows twenty-four
5 hundred.
6 ALESIA HUNTER: This building that's
7 shown here.
8 SCOTT MILLER: Right. That's
9 actually -- the spec called for twenty-four hundred and
10 I'm going down.
11 ALESIA HUNTER: Okay. Mr. Chairman,
12 ---
13 MIKE MILLER: Yes.
14 ALESIA HUNTER: Okay. So according
15 to this we could go ahead and use this master plan
16 because he's showing this building inside this actual
17 master plan. So we could move forward with just the
18 front.
19 MIKE MILLER: It's in compliance
20 with Anderson County?
21 ALESIA HUNTER: Yeah. It's under
22 the old five feet.
23 MIKE MILLER: Okay.
24 ALESIA HUNTER: So we can go ahead
25 with that because that was -- oh, gosh, what's the date
26 on this?
27 SCOTT MILLER: Probably 1998,
28 maybe.
29 ALESIA HUNTER: --- nineteen ninety
30 ... it's cut off there, but '97 or 1998. So since that
31 building is shown there and shown at that footprint,
32 then we can move forward with just the front.
33 MIKE MILLER: Okay. So what is
34 the pleasure of the board? I've got a motion from Mr.
35 Ashley to accept. Do I have a second?
36 DAN HARVELL: Second.
37 MIKE MILLER: Mr. Harvell seconds.
38 All in favor, raise your right hand. All opposed like
39 sign.
40 Staff report.
41 HENRY YOUMANS: This is item (d) on
42 your agenda.
43 SCOTT MILLER: Thank you.
44 HENRY YOUMANS: This is an
45 application for a variance to allow ---
46 ALESIA HUNTER: Mr. Chairman, I'm
47 sorry. What was -- for Mr. Miller?
48 MIKE MILLER: Approval.
49 ALESIA HUNTER: Approval for zero?
50 MIKE MILLER: Zero is what he was

1 after.
2 ALESIA HUNTER: Okay.
3 DAN HARVELL: With the allowance
4 of the six inches.
5 MIKE MILLER: With allowance of
6 the six inches at the rear.
7 DAN HARVELL: Right.
8 MIKE MILLER: It's right on it
9 with the gutter. So it's got to be in play.
10 HENRY YOUMANS: This is an
11 application for a variance to allow the reduction of the
12 front setback for construction of a single-family
13 residence and an eighteen by thirty-two workshop. The
14 applicant's name is Lisa R. Martinez. She is the owner.
15 The property is located at 1234 Pine Lake Drive in
16 Townsville. It is Council District 4. You have the tax
17 map information available to you. It is unzoned. And
18 the land use is residential.
19 The applicant is requesting a variance to allow the
20 reduction of the front setback requirements from ten
21 feet to six feet from the right-of-way of Pine Lake
22 Drive to allow the construction of a single-family
23 residence and an eighteen by thirty-two workshop.
24 This is her application that was submitted. This is
25 a letter from Thomas Hood. He is a -- from Tommy Hood
26 Engineering. He stated that the front is capable of
27 supporting twenty-five hundred pounds per square foot
28 and is suitable for a building being constructed. The
29 footer is able to support the given -- the road as
30 indicated on that report. The lot is an existing non-
31 conforming lot of record of fourteen thousand two
32 hundred forty-six feet. A single-family home
33 construction and attached garage meets the rear
34 setbacks. The proposed construction of the 18.32
35 workshop would meet the setbacks as an accessory
36 construction. There's a natural outcropping of granite
37 located on the property of the proposed construction.
38 Topography limits the placement and location of the
39 building. The applicant has demonstrated a hardship and
40 the proposed construction would not be a detriment to
41 the area.
42 This is a diagram of the proposed garage, the layout
43 of the single-family residence, a diagram of the
44 residence indicating the granite outcropping
45 incorporated into that build. Another view of that
46 build showing that outcropping. This is an overhead
47 view of the property.
48 Staff recommends the approval of the variance
49 request allowing the setback to be moved from ten feet
50 to six feet.

1 MIKE MILLER: Thank you, staff.
2 I'll go ahead and open us up into public hearing. Are
3 there anyone speaking against? Are there anyone
4 speaking against? Hearing no one speaking against, are
5 you Ms. Lisa?
6 LISA MARTINEZ: Yes, sir.
7 MIKE MILLER: All right. Come to
8 the mic and tell us who you are.
9 LISA MARTINEZ: I'm Lisa Martinez.
10 I designed that little house, by the way. I'm very
11 proud of it. I'm actually -- the shop is already there.
12 So I don't need a variance for the shop. Just the six
13 feet on the back side. It's supposed to be ten, I think
14 it is, but I need six.
15 On the front roadway, it's supposed to be forty-five
16 feet from the center of the road before you start your
17 construction of your home. And I'm asking for a
18 variance of thirty-five because of the shop being there.
19 MIKE MILLER: So the information
20 that we've got here does not match what you're asking
21 for?
22 LISA MARTINEZ: It should.
23 Everything was written down.
24 MIKE MILLER: We'll get Alesia ...
25 ALESIA HUNTER: Let's see here.
26 Application is -- this is Whitaker? No, Pine Lake.
27 Let's see. Okay. The application is at six feet and
28 ten feet. Six feet for the shop and ten feet reduction
29 for the construction of the house. This is what her
30 application says.
31 LISA MARTINEZ: On the shop it needs
32 to be ten feet, if I can get a variance; instead of ten
33 feet, six feet on the back.
34 ALESIA HUNTER: Well, you'll have to
35 come back, because we advertise exactly what's on your
36 application here.
37 LISA MARTINEZ: I don't -- okay.
38 DAN HARVELL: We don't see a shop
39 on any of this plat work.
40 ALESIA HUNTER: Well, she ---
41 LISA MARTINEZ: That was what the
42 ---
43 ALESIA HUNTER: The application was
44 ---
45 LISA MARTINEZ: --- engineer had to
46 come out and look at for the footings and everything.
47 That was what that letter was about.
48 MIKE MILLER: I don't. Because
49 the way I looked at it was the shop was being built and
50 the house was sitting on top of it, the way I looked at

1 it to start off with.
2 BRAD SWILLEN: So the shop is
3 already built. Is that what you're telling us?
4 LISA MARTINEZ: Yes, sir. It's
5 already there.
6 DAN HARVELL: Does it show in this
7 aerial photograph?
8 LISA MARTINEZ: You see the rock
9 wall in the back? It's actually ---
10 BRAD SWILLEN: Excuse my ignorance,
11 but how was it built if it required a ten-foot setback
12 and it was built with a six-foot setback?
13 LISA MARTINEZ: So I got the permit
14 and they did have the setback and everything on the
15 permit. But the guy that built it didn't -- I don't
16 know what happened.
17 MIKE MILLER: So it's not -- the
18 shop that's built now is not in compliance to Anderson
19 County codes?
20 LISA MARTINEZ: Exactly. It should
21 be -- the way the property is shaped like a pie at the
22 back. That's actually -- the corner of the building is
23 actually six feet instead of ten on the property --
24 toward the property line.
25 BRAD SWILLEN: When was that shop
26 built?
27 LISA MARTINEZ: Last year.
28 MIKE MILLER: So the inspector did
29 not pick that up when he was out?
30 LISA MARTINEZ: Yes, he did. That's
31 why we're here. We asked for that to be fixed and ---
32 MIKE MILLER: So why has it taken
33 that long to get to us, since it's in non-compliance?
34 LISA MARTINEZ: I don't know. I
35 mean like I didn't know that it needed -- like I knew it
36 needed to be inspected once they got it done. It took
37 them a while to get it done. And then when they come
38 out to inspect it is when he let me know that it was too
39 close to the property line on that back corner. So then
40 I had to take care of that.
41 MIKE MILLER: Is the shop stick
42 built or is it a metal building or ---
43 LISA MARTINEZ: It's a metal
44 building.
45 MIKE MILLER: So it was actually a
46 fab building that was brought in, poured a concrete slab
47 and then put it up on it?
48 LISA MARTINEZ: It wasn't brought
49 in. It was built onsite, welded and everything. It was
50 still not -- like aluminum.

1 MIKE MILLER: Okay. Can you help
2 us out, Alesia?
3 ALESIA HUNTER: Mr. Chairman, it
4 looks like -- well, the report -- Mr. Henry, you've got
5 on the report here, single-family residence and an
6 eighteen by thirty-two square foot workshop. But then
7 in the body here, it's ten feet for the single-family.
8 Well, he's got single-family and that. So how much does
9 she need, because the request was from ten to six.
10 MIKE MILLER: And it's already in
11 place, so we need to grant that variance because she's
12 using the building.
13 LISA MARTINEZ: Right. There's
14 actually two variances I'm asking for. I'm asking you
15 to please grant the mistake that my builder did on that
16 shop. And then for me to build the house in front of
17 the shop there. It's supposed to be forty-five feet
18 from the center of the road. But because of the way the
19 property is, I could only do thirty-five feet from the
20 center of the road to start the house.
21 MIKE MILLER: So does she need to
22 come back and reapply to the county?
23 ALESIA HUNTER: We can give her --
24 do what we call a lot average on the front, Mr.
25 Chairman. It would take a lot average from the nearest
26 house there, within two hundred feet, so we could grant
27 her that in-house. And then we would have to deal with
28 the workshop. So she needs to tell us exactly how much
29 she needs, because it's a lot of confusion, because her
30 application has got two different things down.
31 LISA MARTINEZ: It's two different
32 variances I'm asking for.
33 MIKE MILLER: Does she need to
34 come back and reapply?
35 ALESIA HUNTER: She needs to tell us
36 ---
37 MIKE MILLER: We're going to try
38 to do this tonight?
39 ALESIA HUNTER: I think we need to
40 just table it and then we'll sit down with her and then
41 work it out and then come back.
42 MIKE MILLER: All right. We've
43 got a recommendation from staff to table. And I will go
44 ahead and make that motion to table. Do I have a
45 second? I got a second. All in favor raise your right
46 hand. All opposed like sign. So it has been tabled.
47 You will need to go back and talk to Alesia or
48 whoever with the county. It doesn't mean that we're
49 throwing it away, but the way it's set up now we can't
50 vote on it because of the way it's been written up. And

1 so we need to change some verbiage to this of what
2 you're wanting. And then once we do that, then next
3 month we can vote on it. And we'll bring it back
4 because it'll be a tabled item that will automatically
5 be put back on the agenda as long as you meet with her.

6 LISA MARTINEZ: Will I need to be
7 here?

8 MIKE MILLER: Yes.
9 Staff report.

10 HENRY YOUMANS: This is item (e) on
11 the agenda. It's an application for a variance to allow
12 the reduction of a setback for construction of a twenty-
13 eight by forty garage on Lakewood Drive and Whitaker
14 Road. The applicant's name is Collin Nikkila. He is
15 also the owner of the property. The property is located
16 at 137 Whitaker Road in Townville. Council District 4.
17 It is currently unzoned and the land use is residential.

18 The applicant is requesting a variance to allow the
19 reduction of the setback requirements from twenty feet
20 to .5 feet of the right-of-way of Lakewood Drive and
21 from the right-of-way of Whitaker Road to allow the
22 construction of a twenty-eight by forty garage.

23 Finding of facts: The Anderson County Code of
24 Ordinance under Chapter 38, Section 38-374, requires
25 that the front setback shall be twenty feet from local
26 roads. The parcel -- the lot is a parcel hook with the
27 majority of the land across Whitaker Road. The parcel
28 hook is between two roads, Whitaker Road and Lakewood
29 Drive. Lakewood Drive is a collector, requiring a
30 forty-foot setback which the applicant intends to meet.
31 His application is listed there. This is a diagram of
32 the property. The main residence sits at the lower part
33 of the survey. The proposed construction is in the
34 upper part of the survey between Whitaker Road and
35 Lakewood Drive.

36 This diagram shows the proposed construction of the
37 garage. This is a letter from DOT stating that there
38 are no required changes as far as expansion on Lakewood
39 Drive as it now exists, and that the right-of-way for
40 Lakewood Drive is showing in our plans -- their plans as
41 thirty-three feet from the center line of the roadway.
42 And there could be no building constructed within the
43 DOT -- South Carolina DOT roadway -- right-of-way.

44 The lot has two hundred and one feet of road
45 frontage with the road positioning at the angle of the
46 parcel. The lot is the existing non-conforming lot of
47 record. The property where the proposed garage will be
48 is located approximately on approximately four thousand
49 four hundred and fifty-four square feet. The lot ranges
50 from 44.46 feet to 12.87 feet in width, according to the

1 survey. Both SCDOT and Anderson County Roads and
2 Bridges has stated the reduction of the setback is
3 allowed as long as it does not encroach into the right-
4 of-way.

5 The applicant has demonstrated a hardship and the
6 twenty-eight by forty garage structure would not be a
7 detriment to the area and does not encroach on
8 neighboring properties.

9 These are exhibits from the DOT report. This shows
10 an aerial of the actual property with Whitaker Road
11 going between both upper and lower parcels. This is
12 another diagram showing the proposed construction of the
13 garage. This is an example of the proposed garage as
14 being presented. This is the aerial from Anderson
15 County showing both parcels.

16 The board has granted other variances similar to
17 this request and would be consistent with its approval.
18 And the staff is seeking the board's guidance for a
19 reduction of the setback to .5 feet. This is consistent
20 with previous variances requesting less than a one-foot
21 setback.

22 That's the report.

23 MIKE MILLER: Thank you, staff. I
24 will now open us up in public hearing. Are there anyone
25 speaking against? Are there anyone speaking for it?

26 Since there's no one here speaking against or for
27 it, I will now close the public hearing. Have you got
28 any questions, board, to the staff? I've got some
29 concerns.

30 On the little drawing that we've got, I'm assuming
31 that that building has been set on that .102 acres and
32 the little black box that's right there is where they're
33 trying to put that building?

34 HENRY YOUMANS: That's correct.

35 MIKE MILLER: And which corner is
36 the six-inch setback? And since we have no one here
37 speaking for it, we can't get answers.

38 HENRY YOUMANS: It would be off of
39 Lakewood.

40 MIKE MILLER: I mean, I'll make a
41 motion, but my motion is to deny.

42 BRAD SWILLEN: I second that.

43 MIKE MILLER: All in favor raise
44 your right hand. Three to two?

45 DAN HARVELL: Yep, three/two.

46 MIKE MILLER: Three/two.

47 Staff report.

48 HENRY YOUMANS: The final item on
49 the agenda for this evening is item (f). This is an
50 appeal of the parking regulation for proposed

1 subdivision on the provisions of outlining Chapter 38,
2 Section 38-37 et al. The appellate is J. Scott
3 Seagraves. The property is located at 119 Cely Lane,
4 Piedmont. Council District 6. It is currently unzoned
5 and land use is residential.

6 The applicant is requesting a variance appealing the
7 staff's report recommendation for the parking
8 requirements for townhouses.

9 Findings of facts is that Anderson County Code of
10 Ordinance under Chapter 38, Section 38-37, which defines
11 townhouses, 38-208 defining off-street parking, 38-209
12 purpose of off-street parking, 38-210 a dwelling unit
13 requires 1.5 spaces for each one-bedroom unit and two
14 more spaces for each unit with two or more bedrooms, and
15 section 38-214 under design standards. In his attached
16 letter that came with the application he cited all of
17 these sections as being his concern in determining -- of
18 the staff's determination of the recommendation of the
19 parking standard.

20 The appellate is seeking separate definition
21 classification for townhouses as described in Section
22 38-37. The request for appeal isn't proper. The
23 appellant has failed to demonstrate the existence of
24 undue hardship for the proposed construction.

25 The staff's report recommendation clearly states the
26 intended purpose of the ordinance and the requirement to
27 provide off-street parking. The appellant's
28 consideration that the staff's recommendation somehow
29 influences the price of housing in Anderson County is
30 not applicable and not to be considered in this
31 proceeding before the board. The board has approved the
32 staff recommendations of similar projects to this
33 request and would be consistent with denial of this
34 appeal.

35 The BZA does not have the authority or subject
36 matter jurisdiction to adhere to this appeal. This is
37 something that should be brought before the Planning
38 Commission and it will require changes in the ordinances
39 which this body does not have the authority to do.

40 The staff recommends that the board upholds the
41 staff's interpretation of the off-street parking as
42 defined in Chapter 38, Section 38-209.

43 This is the report and recommendation.

44 MIKE MILLER: Thank you, staff. I
45 will now open us up into public hearing. Are there
46 anyone speaking against? Are there anyone speaking for
47 it? Mr. Wesley.

48 WESLEY WHITE: Thank you. Wesley
49 White, Ridge Water Engineering. I represent the
50 applicant, Mr. Seagraves. The letter was pretty

1 detailed. I don't know if many of you had a chance to
2 go through it. Do you have our PDF of the site plan on
3 there at all?

4 HENRY YOUMANS: All that I received
5 was the letter that was attached with the appeal.

6 WESLEY WHITE: Okay. So in essence
7 there's two different standards in Anderson County,
8 alone; one for zoned and one for unzoned areas. In
9 unzoned areas townhomes are considered under a
10 regulation that requires each townhome to only count the
11 garage and parking space -- or garage and driveway as
12 one parking space.

13 And in doing that, to meet the requirement of this
14 one, we have to have forty-seven parking places
15 somewhere on the site. And so what we're asking for is
16 a reduction down to only eleven additional parking
17 spaces to allow us to count the garage and the driveway
18 as two parking spaces.

19 In zoned areas this is not an issue. Staff and I
20 have had this discussion. I've had this discussion with
21 the council chairman, as well. It's -- in my opinion
22 this is the only county that this interpretation in the
23 ordinance is written this way. Greenville County,
24 Spartanburg, city of Greenville, all -- city of
25 Anderson, all have -- they allow a parking space -- two
26 parking spaces to be counted as a driveway and a garage.
27 So we're simply -- in addition, we would have had the
28 option had we waited probably another six months to go
29 through the conservation ordinance that's now in place
30 with the county. Obviously we were trying to pursue and
31 get out grading permit ahead of time. So conservation
32 easement, you know, asks for lower impact, you know,
33 lower stormwater runoff, lower green space -- or more
34 green space requirements. So that's all we're doing.
35 We're not actually changing anything other than taking
36 the approved plan that we've got and removing about
37 sixteen thousand square feet worth of asphalt.

38 MIKE MILLER: I've got a question.

39 WESLEY WHITE: Uh-huh

40 (affirmative).

41 MIKE MILLER: The owner of the
42 property is shown as Palmetto Baptist Church ---

43 WESLEY WHITE: That's correct.

44 MIKE MILLER: --- of the Upstate.

45 WESLEY WHITE: That's correct.

46 That's who Mr. Seagraves is purchasing it from.

47 MIKE MILLER: So right now it
48 still belongs to the church.

49 WESLEY WHITE: As of today. I
50 think they close tomorrow actually.

1 MIKE MILLER: Okay. And then the
2 second thing that I'm worried about being on the board
3 is looking at the ordinance that's through Anderson
4 County, and me being as vice chairman and representing
5 the chairman tonight, that we do not have the ability to
6 overrule the -- our bylaws or either down to the
7 ordinance of Anderson County.

8 WESLEY WHITE: What about a
9 variance? I mean are y'all allowed to do a variance
10 from it?

11 MIKE MILLER: Well, I don't really
12 know ---

13 WESLEY WHITE: Because we weren't
14 instructed that way.

15 ALESIA HUNTER: Mr. Chairman, his
16 letter says he is requesting a reduction, right here.
17 To be clear we are not requesting a reduction. But he
18 says here that -- he just said a reduction of eleven.

19 WESLEY WHITE: Reduction to eleven.

20 ALESIA HUNTER: To eleven.

21 WESLEY WHITE: Down to eleven.

22 ALESIA HUNTER: But his letter says
23 that they are not asking for a reduction of parking
24 spaces. His whole thing is for an appeal of the
25 interpretation.

26 WESLEY WHITE: All right. So when
27 we initially ---

28 ALESIA HUNTER: Because then we
29 can't -- we have to stop the meeting because we haven't
30 advertised for a reduction of parking. The public
31 hearing is for an interpretation because his document
32 clearly stated that he is not requesting a reduction,
33 and he just said he is, of eleven spaces. And we
34 haven't properly advertised that.

35 MIKE MILLER: So ---

36 WESLEY WHITE: Your interpretation
37 was that we were required to have forty-seven parking
38 spaces; one space -- that the garage and the driveway
39 only count for one parking space. That was your
40 interpretation. That's the way we went forward with the
41 design.

42 We're asking for -- we were instructed to, and
43 that's why we're here today, was we were instructed that
44 we had to appeal her decision. And there's actually an
45 application for appealing her decision as the
46 administrator of development standards. That's why
47 we're here. We're appealing her decision. It doesn't
48 matter what -- you know, we're asking for something
49 different than her opinion. And her opinion of the
50 ordinance was forty-seven spaces.

1 MIKE MILLER: But when you say her
2 opinion, you mean Anderson County's opinion?
3 WESLEY WHITE: No, it's her
4 position. Her position's opinion.
5 ALESIA HUNTER: And we've had
6 several projects that we've done with him that comply
7 with our interpretation of what the ordinance is. So he
8 has designed projects to meet the ordinance.
9 WESLEY WHITE: Right. That doesn't
10 -- but that's just because those clients chose now to
11 appeal them -- or appeal her decision. We've had this
12 discussion before. But I mean I think our application
13 is correct. I don't think we have to re-advertise
14 anything.
15 And I'm a little confused on why we would get to
16 this point and just now be instructed that we can't do
17 this because it's -- you know, we've got to go somewhere
18 else. So I'm a little ---
19 ALESIA HUNTER: His appeal was that
20 he didn't agree with the way we were interpreting the
21 ordinance, is what ---
22 MIKE MILLER: And that's the way I
23 read it and that's the way I took it.
24 WESLEY WHITE: Right.
25 JOHN FARR: Question. In the
26 townhouse construction in Anderson County -- my son just
27 bought one.
28 ALESIA HUNTER: Yes.
29 JOHN FARR: And he has a
30 driveway that has two parking places.
31 ALESIA HUNTER: Two spaces per unit;
32 yes.
33 JOHN FARR: Two places to park
34 and that's it.
35 ALESIA HUNTER: Yes.
36 JOHN FARR: Where is all these
37 other parking places coming in?
38 ALESIA HUNTER: They're supposed to
39 have two -- so they don't park on the road. That's why
40 we have it that way. They have to have their own -- two
41 parking spaces per unit to keep the cars off of the road
42 and off of the right-of-way.
43 JOHN FARR: His townhouses do
44 not?
45 ALESIA HUNTER: Yeah. And he's
46 saying he doesn't agree with that.
47 WESLEY WHITE: Well, we have a
48 garage and a driveway.
49 ALESIA HUNTER: But the garage
50 doesn't count as off-street parking.

1 JOHN FARR: Oh, I've got you.
2 Okay.
3 WESLEY WHITE: But it does in
4 single-family residences, it counts as two spaces.
5 ALESIA HUNTER: See, we don't even
6 do parking for single-family. They're exempt.
7 WESLEY WHITE: But if you read
8 through the ordinance -- you know, and that's the
9 confusion of this whole thing. And I have talked to
10 county council about trying to -- basically you're just
11 forcing people in unzoned areas to put parking that
12 nobody uses. You know, they end up having boats stored
13 there. You know, cars go bad and sit there. So it kind
14 of goes against every other ordinance that they have.
15 And it's in our opinion that townhomes should be allowed
16 to count both the garage and driveway as two parking
17 spaces and not be required -- because it's the same
18 interpretation in zoned areas. Zoned areas has the same
19 verbiage but just -- it's not required to be -- not
20 required to have an extra parking space.
21 BRAD SWILLEN: So just to make sure
22 the math adds up in my head here. So we're talking
23 about forty-seven ---
24 WESLEY WHITE: There are forty-
25 seven townhome units.
26 BRAD SWILLEN: --- townhome units.
27 WESLEY WHITE: And forty-seven
28 parking spaces.
29 BRAD SWILLEN: Okay. So all forty-
30 seven townhome units have a garage; right?
31 WESLEY WHITE: Correct. And a
32 driveway.
33 BRAD SWILLEN: Okay.
34 JOHN FARR: But that garage is
35 not considered a parking place.
36 ALESIA HUNTER: No, it's ---
37 WESLEY WHITE: According to her
38 interpretation of the ordinance.
39 ALESIA HUNTER: --- not -- for the
40 homeowner it's considered that, but the off-street
41 parking is required so that people don't -- because most
42 people have two cars or three cars, and if they have
43 teenagers they have more than that. So that means that
44 people that come to visit don't have a place to park.
45 That's the reason it's set up that way.
46 In zoned areas it is different because the lots are
47 smaller. So they do give them that benefit of having
48 the garage used as off-street parking because the lots
49 can go down to eight thousand square feet, and some of
50 them smaller than that. So they do allow that in zoned

1 areas, but not unzoned areas. And even there, Mr.
2 Swillen, in Powdersville, we just did one, a townhome
3 development and they've had to provide that off-street
4 parking, the two spaces.
5 MIKE MILLER: But getting back to
6 what you just said a few minutes ago, Alesia. We don't
7 even really need to be discussing this based off of the
8 information that was given to Anderson County?
9 ALESIA HUNTER: Yeah. The way that
10 I understood it was he was appealing the way we were
11 interpreting the ordinance. It was never about any
12 reduction of that.
13 WESLEY WHITE: We say that
14 throughout the letter.
15 ALESIA HUNTER: To be clear, we are
16 not requesting a reduction in the number of required
17 parking spaces for our forty-seven unit townhome
18 development.
19 WESLEY WHITE: I think you're --
20 where are you reading from?
21 ALESIA HUNTER: It's on page four of
22 seven. It was just my ---
23 MIKE MILLER: So at the
24 recommendation of Anderson County that we're being told
25 that we do not need to discuss this. Do I need to table
26 this or what do we need to do until we get better
27 clarification?
28 ALESIA HUNTER: Well, you can act on
29 what staff -- what we reported to you. That it is our
30 interpretation that providing two off-street parking
31 spaces is consistent with what the Planning Commission
32 and county council has approved by ordinance. That's
33 what we're asking the board to -- because the board
34 doesn't have the authority to change the numbers.
35 MIKE MILLER: So if we approve the
36 ordinance and approve this, then we just changed the ---
37 ALESIA HUNTER: Yeah, and you don't
38 have the authority ---
39 MIKE MILLER: I don't have the
40 authority to do that?
41 ALESIA HUNTER: Right. So you're
42 here to uphold or not uphold what our interpretation is
43 in terms of what off-street parking is considered.
44 WESLEY WHITE: So they can vote on
45 your interpretation?
46 MIKE MILLER: Well, first of all
47 it's not her's. It's Anderson County's.
48 WESLEY WHITE: Well, the way the
49 statute reads is that the -- what's your title?
50 Development Standards Administrator.

1 ALESIA HUNTER: Yeah, he keeps
2 saying me individually. It's not -- it's the way the
3 ordinance is written.

4 WESLEY WHITE: I'm not attacking
5 Alesia at all. This is -- for me it's been an issue
6 with design that I've done on numerous projects, but
7 this just happens to be one where the client is like,
8 you know, hey it would really help if we didn't have to
9 do all that extra parking because it's useless. And
10 nobody else requires it anywhere else. So that's why
11 we're pursuing -- and I have a little bit of concern
12 with the fact that we were instructed to -- that this
13 was the route we had to take to resolve the issue, but
14 now we're being told y'all don't have the ability to
15 address the issue. So it's a little ---

16 ALESIA HUNTER: No, he's in the
17 right place. He's saying that he's appealing our
18 interpretation. So he's at the right board. He's been
19 given the correct instructions.

20 DAN HARVELL: Well, if that's a
21 process that's allowed, then we have authority to make
22 the decision; right?

23 ALESIA HUNTER: We're giving you
24 this because this is the way that the law is set up for
25 him to have due process to come and tell you all he
26 doesn't agree with what -- the way we're interpreting
27 the ordinance. This gives him this due process to come
28 to the board. It doesn't mean that anything has
29 changed.

30 MIKE MILLER: But we don't have --
31 being able to do this, the way I read it, was that we
32 don't have the ability to change the ordinance.

33 ALESIA HUNTER: Now if he's asking
34 for the reduction down to eleven, that's totally
35 different, but that's not what is -- what that was.

36 WESLEY WHITE: Part of the reason
37 that was written in there is because originally we
38 thought we had to apply for a variance request to the
39 ordinance. And that's kind of the way we -- and then
40 once we did that, we were informed, no, you're actually
41 probably more likely asking for an appeal of her -- of
42 the decision. And I didn't even realize there was an
43 actual form that's separated out for that specifically.
44 So that's the process that we're trying to follow.

45 DAN HARVELL: I don't know where
46 we go with this.

47 MIKE MILLER: The only thing I can
48 say is based off of the facts and findings of Anderson
49 County ordinance, I do not have the permission to change
50 that. And if -- I brought it before, we're going to

1 either table it or deny it.
2 WESLEY WHITE: But we're not
3 changing anything.
4 JOHN FARR: How does he give him
5 permission to do that?
6 WESLEY WHITE: Is it a variance?
7 Because I mean aren't variances changing -- that's what
8 a variance is.
9 ALESIA HUNTER: It's not a variance
10 because you're making ---
11 WESLEY WHITE: Well, we were
12 instructed not to do a variance.
13 HENRY YOUMANS: Point of order, Mr.
14 Chairman. I think the board can actually vote on what's
15 the staff's recommendation was and uphold that
16 recommendation. He doesn't have other legal processes
17 that he can go through with.
18 JOHN FARR: That was my
19 question. What is the process?
20 HENRY YOUMANS: He's come before
21 this board asking that the recommendation of the staff
22 be changed. We've done similar projects with similar
23 subdivisions in the county that have been approved using
24 the same standard. He's asking us to deviate from that
25 standard and create a new standard for this project.
26 And I think the board's position should be that it
27 should uphold what the staff's recommendation was based
28 on the project, which was approved, and if he wishes to
29 pursue other legal processes, he has it on the record
30 how your vote would be and he could pursue whatever
31 actions he wants to pursue at that point.
32 ALESIA HUNTER: Uh-huh
33 (affirmative).
34 BRAD SWILLEN: Can I ask one more
35 question. I guess I'm a little confused here. But on
36 your request here on page four where it says our
37 request, it says, to be clear we are not requesting a
38 reduction in the number of required parking spaces ---
39 WESLEY WHITE: Should have said the
40 full number.
41 BRAD SWILLEN: I'm sorry.
42 WESLEY WHITE: It should have said
43 the full number of -- or full reduction. I'm sorry.
44 That word full should have been in there.
45 BRAD SWILLEN: That's sort of
46 critical.
47 WESLEY WHITE: I understand.
48 BRAD SWILLEN: Because what you're
49 asking is completely different than what that says. And
50 I'm not trying to ---

1 WESLEY WHITE: I understand.
2 BRAD SWILLEN: You know, if we're
3 going to have a standard then I think we need ---
4 WESLEY WHITE: Right. Sure.
5 MIKE MILLER: So what is the
6 pleasure of the board?
7 JOHN FARR: I make a motion we
8 deny as staff said.
9 BRAD SWILLEN: I would second that.
10 WESLEY WHITE: Hold on. Are y'all
11 denying their opinion? Because he talked about -- can
12 you clarify whether you're denying their opinion or
13 whether you're denying the applicant's request to ---
14 MIKE MILLER: Mr. Farr, do you
15 want to ---
16 JOHN FARR: We're denying the
17 fact that you want to count the garage as a parking
18 place.
19 BRAD SWILLEN: We're upholding the
20 staff interpretation.
21 JOHN FARR: We're upholding what
22 the staff recommended.
23 WESLEY WHITE: Okay.
24 JOHN FARR: And to be honest
25 with you, Henry might can tell you, I don't know where
26 you go with this. And if I was you, I'd go somewhere
27 but I don't know where. But that's just up to you. My
28 motion is just to deny the claim as it's put forth.
29 MIKE MILLER: So I got a motion
30 from Mr. Farr on denial. I've got a second from Brad.
31 All in favor.
32 DAN HARVELL: Discussion.
33 MIKE MILLER: Any discussion?
34 DAN HARVELL: Yes. I'm going to
35 abstain from this because I think this is a -- I think
36 this is almost a double jeopardy situation. I don't see
37 this as being fair, necessarily, to us or the applicant
38 based on the odd situation. I don't ever remember us
39 getting -- I don't even remember us getting a request
40 that was worded like this.
41 MIKE MILLER: See, I really think
42 that's the county attorney that needs to be doing that.
43 ALESIA HUNTER: Well, they've
44 already ---
45 WESLEY WHITE: I'd love it if they
46 just changed the ordinance.
47 ALESIA HUNTER: They've already
48 looked at that and they have not -- they've decided
49 they're not going to change it because this is what they
50 -- and it's mainly, Mr. Chairman, it's to keep people

1 from parking on the streets.
2 MIKE MILLER: I understand.
3 BRAD SWILLEN: Mr. Chairman, just
4 to be clear, do you think it would be a good idea to
5 define exactly what we're voting on? I know we said
6 deny, but just to make sure we've voting to uphold the
7 staff interpretation. Would that ---
8 MIKE MILLER: Do you want to amend
9 that?
10 BRAD SWILLEN: I'd like to amend
11 that just to be clear.
12 MIKE MILLER: You amend it.
13 BRAD SWILLEN: Amend it to we are
14 going to vote to uphold the staff interpretation of off-
15 street parking as defined in Chapter 38, Section 38-209.
16 MIKE MILLER: So that is the new
17 motion that has been amended.
18 JOHN FARR: That's fine. Yeah.
19 DAN HARVELL: You have to make a
20 motion to amend.
21 MIKE MILLER: All right. Do I
22 have a motion to amend? I'll make that motion.
23 JOHN FARR: Second.
24 MIKE MILLER: All right. We
25 second it.
26 DAN HARVELL: And then discussion.
27 MIKE MILLER: All right. Are
28 there any discussion?
29 DAN HARVELL: Yeah, I still -- I'm
30 still hanging on this phraseology here of appeal from
31 action of enforcement official application. I just --
32 I'm not wrapping my brain around that. And I will not
33 vote for this one way or the other because I -- this is
34 something we've never seen before. I don't think we've
35 ever done this before.
36 JOHN FARR: I agree with that.
37 MIKE MILLER: We've still got a
38 motion. We've got a second. Are we through with
39 discussion? All in favor raise your right hand. All
40 opposed like sign.
41 DAN HARVELL: Abstain.
42 MIKE MILLER: And Dan abstains.
43 WESLEY WHITE: Thank y'all.
44 Appreciate it.
45 MIKE MILLER: Thank you.
46 Okay. Are there any more old business? Are there
47 any new business?
48 Hearing nothing do I have a motion to adjourn?
49 JOHN FARR: So moved.
50 MIKE MILLER: Motion. Second.

1 All in favor raise your right hand. Thank y'all.

2

3

(MEETING ADJOURNED AT 6:32 P.M.)

Amended Application for a Variance
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
December 9, 2021
5:00PM
Amended Staff Report

Application for a **Variance** – To allow a reduction of side setback from 10’ feet to 5’ feet for construction of a single family residence and personal workshop.

Applicant: Lisa R. Martinez

Owner of Property: Lisa R. Davis aka Lisa R. Martinez

Property Location: 1234 Pinelake Dr, Townville

Council District: Four (4)

Tax Map Number (TMS #): 27-03-01-005

Property Description: Lot 81, Pinelake Drive

Current Zoning: Unzoned

Land Use: Residential

Applicant Request: Applicant is requesting a Variance to allow a reduction of side setback from 10’ feet to 5’ feet for construction of a single family residence and personal workshop. The proposed construction of the single-family home and personal workshop meet the rear setbacks.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-371, item (5) Minimum side/rear setback. No residence shall be placed within ten feet of a side or rear lot line.

Staff Recommendation:

- 1) The lot is an existing, non-conforming lot of record approximately 14,246 square feet.
- 2) The proposed construction of the single-family home and personal workshop meet the rear setbacks.
- 3) A natural outcropping of granite determines the location of proposed construction. The topography limits the placement and location of building.
- 4) Applicant has demonstrated the existence of a hardship and the proposed construction would not be a detriment to the area.
- 5) The Board has granted other variances similar to this request and would be consistent with its approval.
- 6) 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

PAID
21-2484

There is a Variance Application Fee of \$200.00

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Lisa R Martinez

Mailing Address: 1232 Pine Lake Dr Townville SC 29689

Telephone and Fax: 804-667-8298 E-Mail: LisaRMartinez1232@gmail.com

Owner's Information

(If Different from Applicant)

Name: Same as Above

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: 1234 Pine Lake Dr. Townville SC 29689 Lot 81

Parcel Number(s)/TMS: Lot 81 TMS 270301005

County Council District: 4 School District: _____

Total Acreage: ~.327 Current Zoning: unzoned

Requested Variance: side setback reduction from 10' to 5'

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

Purpose of Variance: To Construct House + Shop

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 2, 2016

Private Covenants or Deed Restrictions on the Property: Yes copy of covenants 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.

[Signature]
Applicant's Signature

Sept 14, 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.

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:
Property is three different levels and has granite to big to remove

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

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: Smaller lot than current ordinance allows, a small house is needed on this property to take care of my elderly father

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

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

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

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

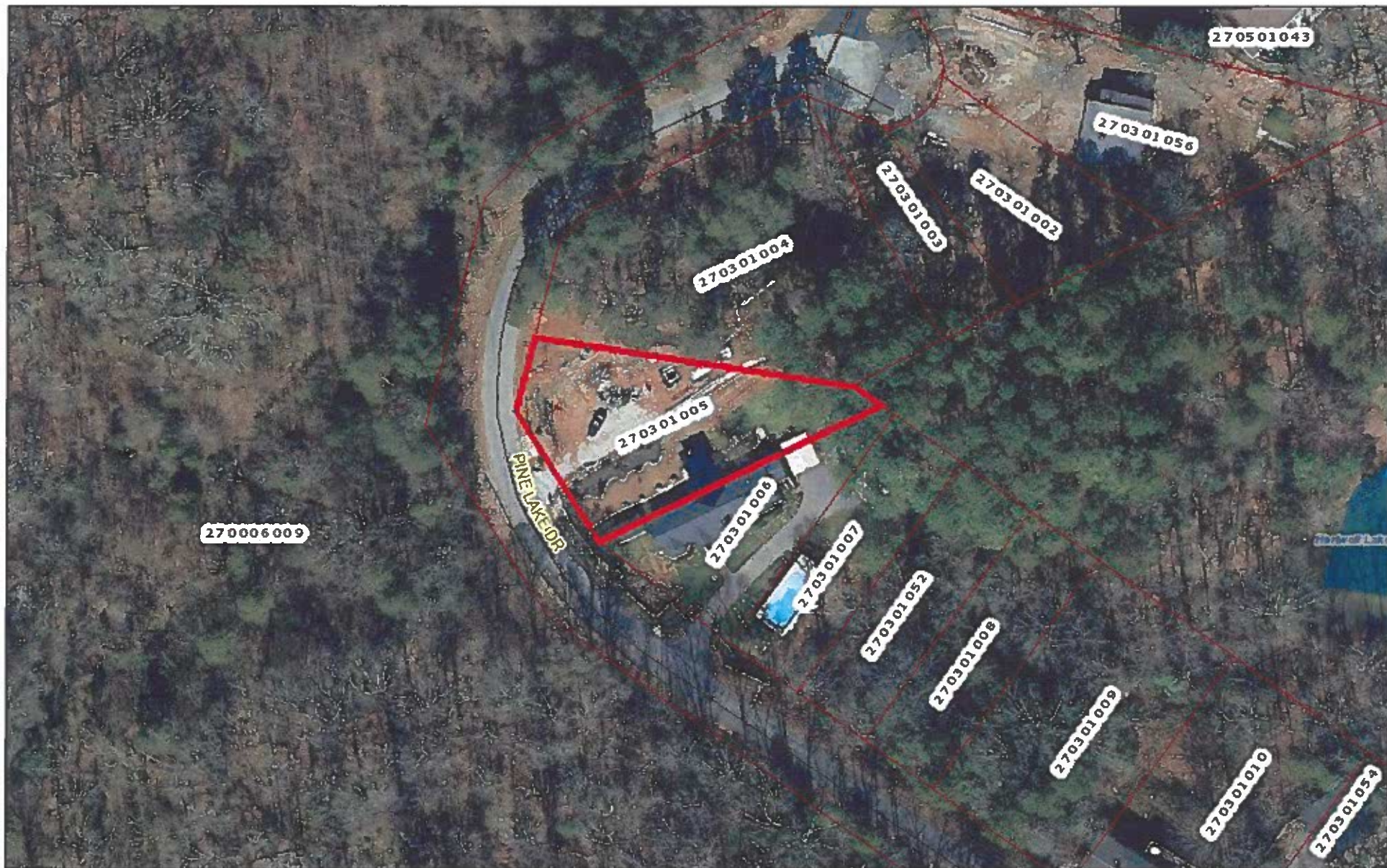
[Signature]
Applicant's Signature

Sept 14, 2021
Date

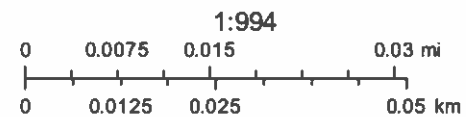
For Office Use Only:
Application Received By: B.M. Abce Date Completed Application Received: 9/14/21
Application Fee Amount Paid: _____ Check Number: _____
Scheduled Board Hearing Date: _____ Land Use/Board of Zoning Appeals' Decision: _____



Anderson County

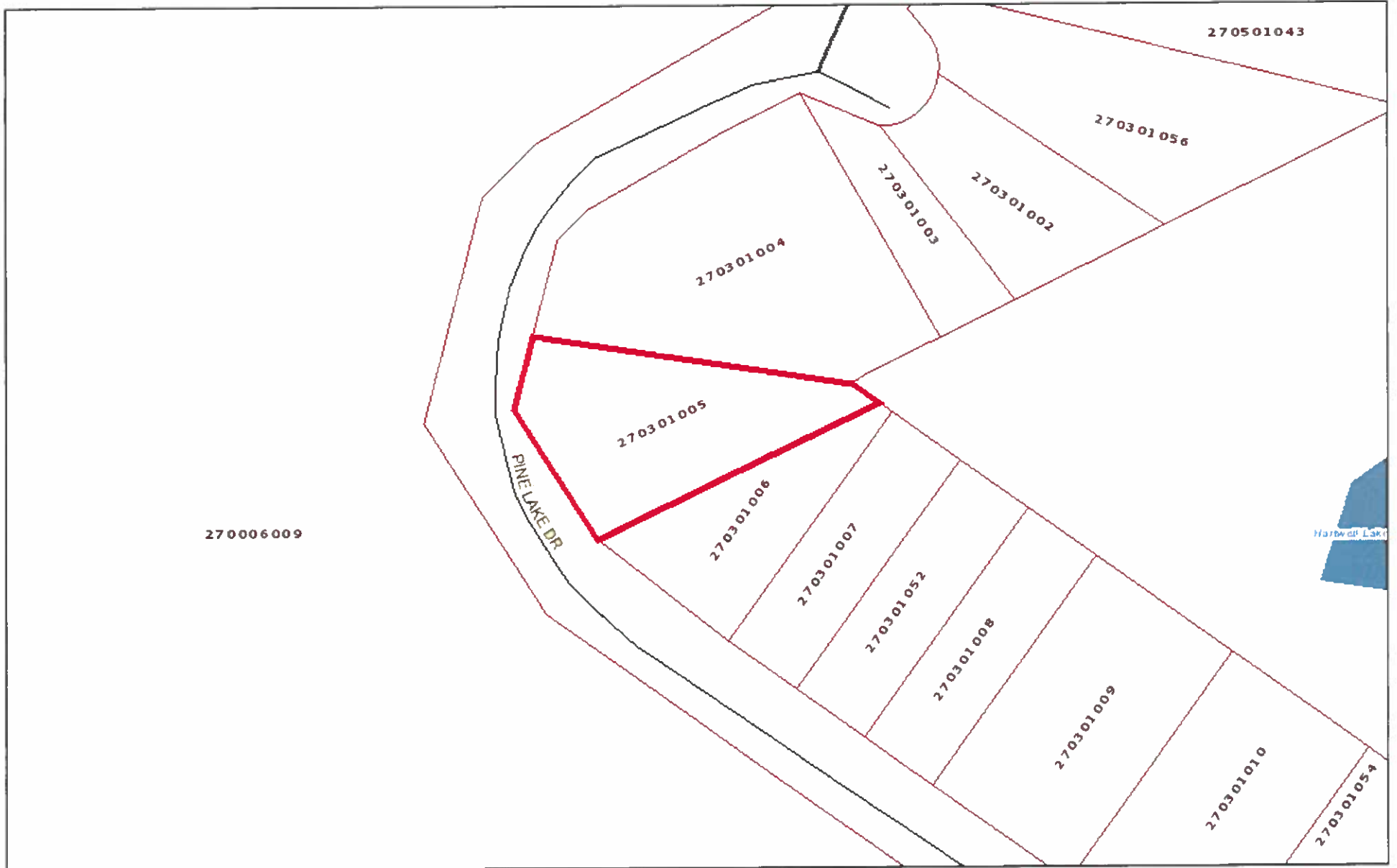


November 23, 2021

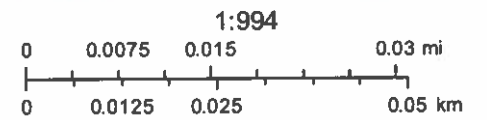


ESRI, Highland Mapping, and Anderson County GIS

Anderson County



November 23, 2021



ESRI, Highland Mapping, and Anderson County GIS

Amended Application for a Variance
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
December 9, 2021
5:00PM

Amended Staff Report

Application for a **Variance** – To allow a reduction of setback for construction of a 28 x 40 garage on Lakewood Drive and Whitaker Road.

Applicant: Colin Nikkila

Owner of Property: Colin Nikkila and Debra Nikkila

Property Location: 137 Whitaker Road, Townville

Council District: Four (4)

Tax Map Number (TMS #): 17-05-04-020

Property Description: Lot 2, Whitaker 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 .5 feet from the right-of-way of Lakewood Drive and Whitaker Road to allow construction of a 28 x 40 garage.

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 and 40 feet from collector roads.

Staff Recommendation:

- 1) The lot is a parcel hook with the majority of the land across Whitaker Rd. The parcel hook is between two roads, Whitaker Rd and Lakewood Dr.
- 2) A planned addition to the residence limits the construction of the garage by the residence.
- 3) The lot is an existing, non-conforming lot of record, and the property where the proposed garage will be located is approximately 4,454 square feet.
- 4) Both SCDOT and Anderson County Roads & Bridges have stated that a reduced setback is allowed as long as it does not encroach into the right-of-way.
- 5) Applicant has demonstrated the existence of a hardship, and the 28 x 40 garage structure would not be a detriment to the area and does not encroach on neighboring properties.
- 6) The overhang of the proposed garage is included in the variance request for the reduction of the setback,
- 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.

10/27 /2021

To the Members of the Anderson County Land Use/Board of Zoning Appeals;

Thank you for hearing our request for variance. We purchased 137 Whitaker Rd., Townville, SC, 29689 on August 16th, 2021 and are in the process of making it our primary residence this year as we begin our post Army career retirement transition after 27 years of service. We are active duty Army currently stationed in Maryland, our apologies for not being there in person for this important meeting.

Our parcel is divided by Whitaker road. We are requesting a 6 inch setback from the property line on the where it runs along Lakewood Drive and also Whitaker Road in order to build a garage. In our case, the setback requirements from the State and County Right of Ways eliminate all use of this section of our property and makes it unusable and unbuildable due to the parcel's unique shape. We are not asking for a variance for the sides of the property where it joins to the neighbor's property, there is ample space to meet side setback requirements.

We would very much appreciate being able to use the land and believe improving it will add aesthetic value to our neighborhood and improve the State's and County's access to their right of way, specifically as we will be removing trees which will improve access to overhead power lines, increase electricity reliability because of less falling trees/ limbs onto power lines and reduce root damage to Pioneer Water water lines.

We have placed the proposed garage location with dimensions to the property lines in the packet for reference. Our design calls for a 28x40 metal garage. To be very clear, the garage will only be built within our property line as shown on the drawing and will more than meet all setback requirements on our neighbor's sides. Actual planned setbacks are 6 inches along Lakewood Drive and 2 feet along Whitaker, including overhang. We are still requesting a 6 inch setback along Whitaker in case we run into any construction issues that may have to slightly adjust the garage foundation.

While it might be possible to add the garage on the lower lot area near the residence, we are currently designing an addition to the primary residence. This garage, if placed in the lower lot area, would not meet right of way setback requirements given the location of the future new addition, location of utilities and location of the future driveway.

We have coordinated with the District 2, SCDOT Engineering Office, Mr. Ryan Balentine and Mr. Billy Lybrand, 864-227-6971 on 9/22/2021 (see attached letter) and they did not appear to object to our plan as long as we build on our property and not on the SCDOT right of way.

Thank you for your time and consideration.

Colin & Debra Nikkila

September 27, 2021

RE: 137 Whitaker Road
Townville, SC

To Whom It May Concern:

SCDOT does not have any authority off of SCDOT Right-of-Way. The Right-of-Way for Lakewood Drive (S-4-160) is shown in our plans as 33 feet from the centerline of the roadway. There can be no buildings constructed within SCDOT Right-of-Way. Given the location of the property, we do not have any issues as long as the building is constructed on private property.

Sincerely,



D. Ryan Balentine
District Two Assistant Permit Engineer

DRB/drb
File: D2/DRB
Enclosure

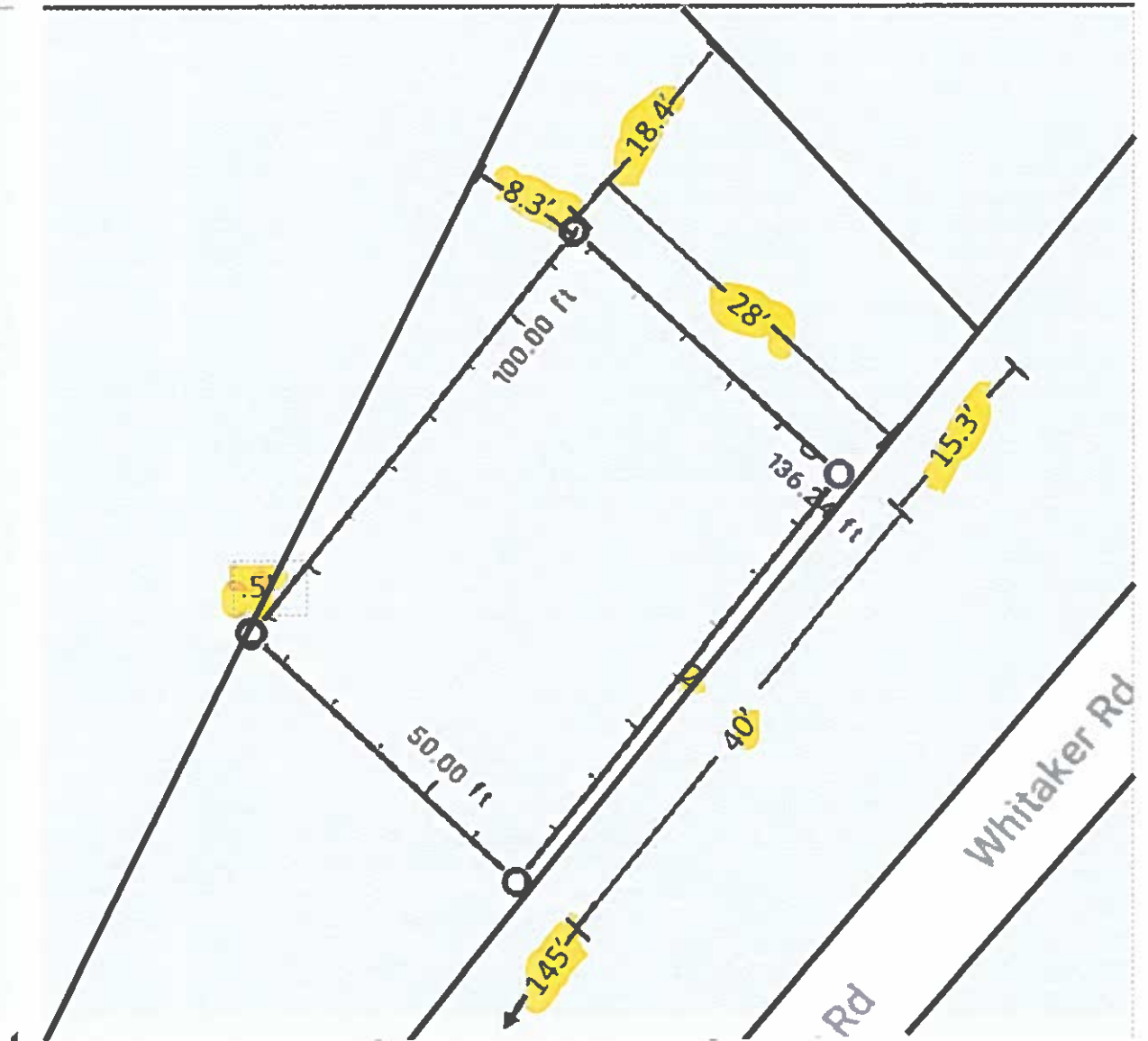


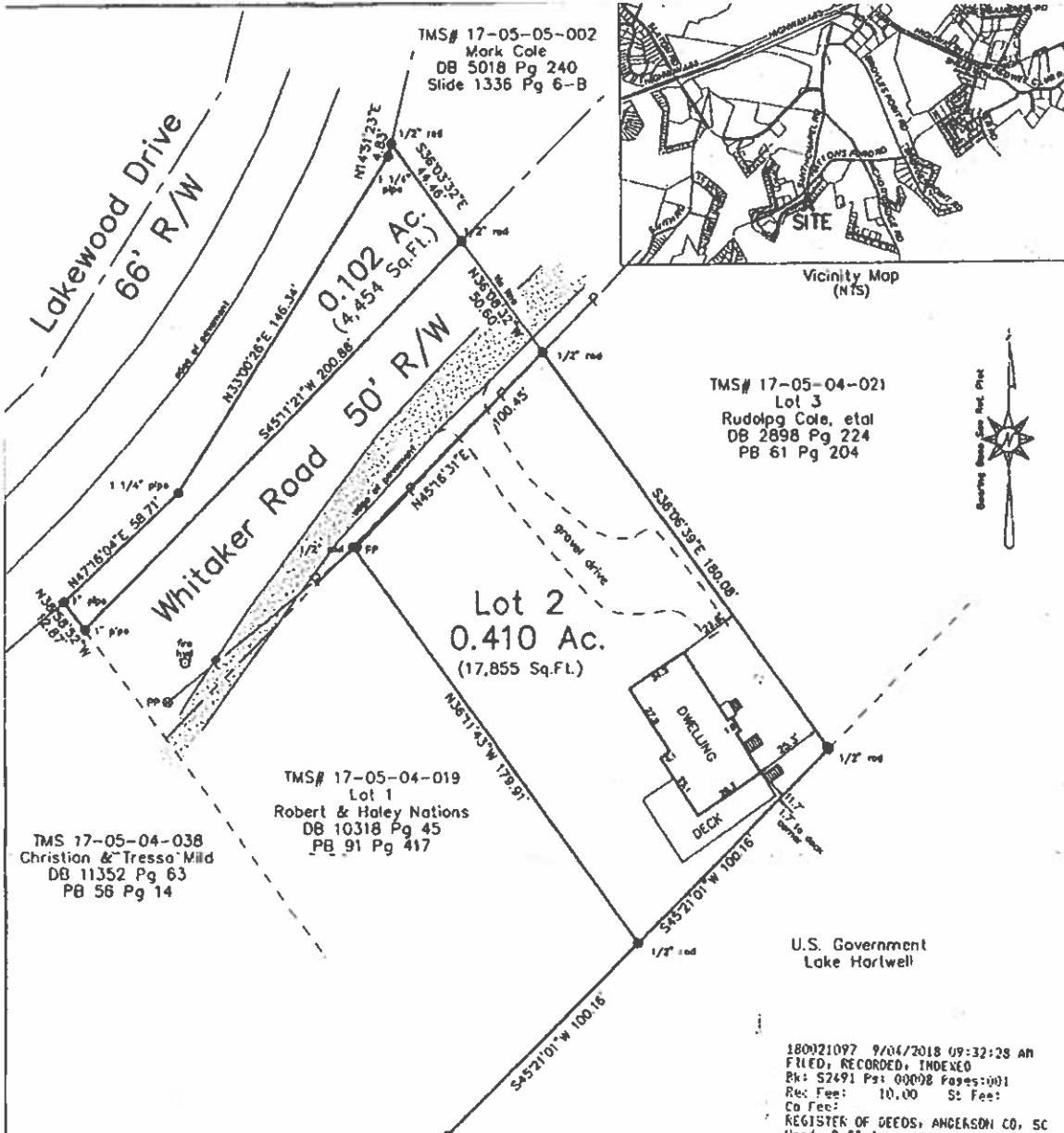
Example Garage





Site dimensions
of garage
and
distance to
property lines.





180021097 9/04/2018 09:32:28 AM
FILED, RECORDED, INDEXED
Bk: S2491 Ps: 00008 Pages:001
Rec Fee: 10.00 St Fee:
Co Fee:
REGISTER OF DEEDS, ANDERSON CO, SC
Wenda Reffel

NOTES:

- 1) TMS# 17-05-04-020
- 2) St. Add: 137 Whitaker Road
- 3) Lot 2 & strip
- 4) Reference Deed: DB 12181 Pg 33
- 5) Reference Plat: Slide 1583 Pg 3-B

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

Map #	Surveyed By	Drawn By	Checked By
11234	EBO, AE	EBO	EBO

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EXEMPTION FROM REVIEW PROCESS
This plat is a RESURVEY of an existing lot of record.
[Signature]
Earl B. O'Brien, PLS SC#10755

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

[Signature]
Earl B. O'Brien R.L.S. No.10755

- Legend**
- (Old) ●
 - (New) ○ 1/2" Rod
 - Mog Nail
 - △ Computed Pt.

Nu-South Surveying Inc.
117 E. Mauldin St
Anderson S.C. 29621
(864) 224-2754

Survey and Certification for
Index: Phillip C. Goolsby
and
Joanna H. Goolsby
NON-Transferable

Anderson County South Carolina
Scale 1" = 40' Date: Aug. 17, 2018

Application for a Variance
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #5)
Anderson, South Carolina
December 9, 2021
5:00PM

Staff Report

Application for a **Variance** – To allow a reduction of rear setback for expansion and construction of an existing deck.

Applicant: John H. Stiles

Owner of Property: John H. Stiles and Valerie Stiles

Property Location: 1410 Trusler Rd., Anderson, SC 29626

Council District: Five (5)

Tax Map Number (TMS #): 49-02-01-009

Property Description: .679 acres, Lots 5 and 4A, Trusler Rd

Current Zoning: Unzoned

Land Use: Residential

Applicant Request: Applicant is requesting a Variance to allow a reduction of rear setback requirements from 10 feet to 1 feet from rear property line to allow construction and expansion of the existing deck.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 38, Section 38-371, Minimum side/rear setback. No residence shall be placed within ten feet of a side or rear lot line.

Staff Recommendation: Staff makes **No Recommendation** for the **Variance** request for the reduction of the front setback to 1' and seeks the guidance of the Board. This is consistent with previous variances requesting 1' setback. Building and Codes Department has been notified and does not have an issue with the placement due to the encroachment being in the rear of the COE property.

- 1) (1410 Trusler Rd) the corner of house is 6.7' from COE line (see green string). The existing deck corner is 4.5' from the line.
- 2) The position of the septic tank requires placement of the deck to be shifted back.
- 3) The existing house meets the side and rear setbacks of 10'.
- 4) Applicant has demonstrated the existence of a hardship and the deck construction would not be a detriment to the area.
- 5) This request is in line with the spirit and intent of the ordinance to grant a variance when a hardship exists.
- 6) The Board has granted other variances similar to this request and would be consistent with its approval.
- 7) If approved, the applicant will be required to obtain a residential compliance letter from Development Standards and a building permit from Building & Codes.



\$ PAID
21-2957

Variance Application

There is a Variance Application Fee of \$200.00

Oct 29, 2021

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: John H. Stiles

Mailing Address: 1410 Trusler Road, Anderson, SC 29626

Telephone and Fax: 404-819-7340

E-Mail: _____

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: 1410 Trusler Road

Parcel Number(s)/TMS: 49-02-01-009

County Council District: _____ School District: _____

Total Acreage: 0.679 Acre

Current Zoning: _____

Requested Variance: Reduction of rear setback from 10' to 1'

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

Purpose of Variance: To allow for a reasonable size deck

Variance Appliance Checklist

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

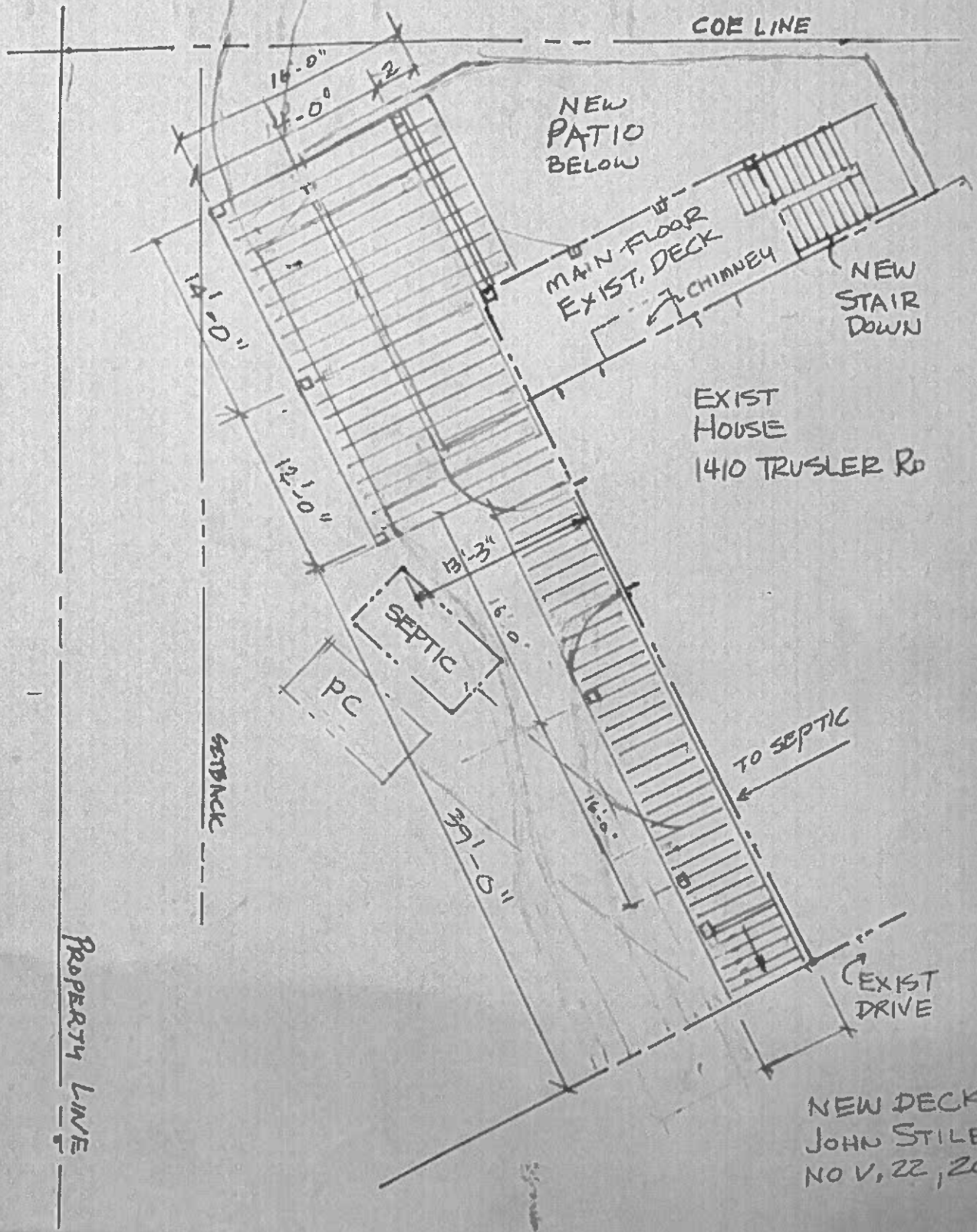
Application Submittal Requirements and Process

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
- *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: _____



COE LINE

NEW PATIO BELOW

MAIN FLOOR EXIST. DECK

CHIMNEY

NEW STAIR DOWN

EXIST HOUSE
1410 TRUSLER RD

SEPTIC

PC

TO SEPTIC

EXIST DRIVE

NEW DECK
JOHN STILES
NOV, 22, 2021

SETBACK

PROPERTY LINE

18'-0"
4'-0"

141'-0"

12'-0"

13'-3"

16'-0"

391'-0"

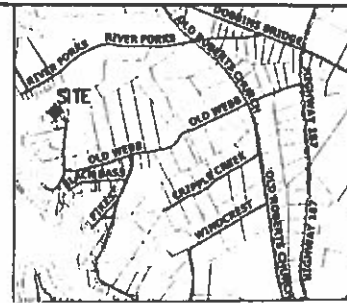
16'-0"

EXEMPTION FROM REVIEW PROCESS

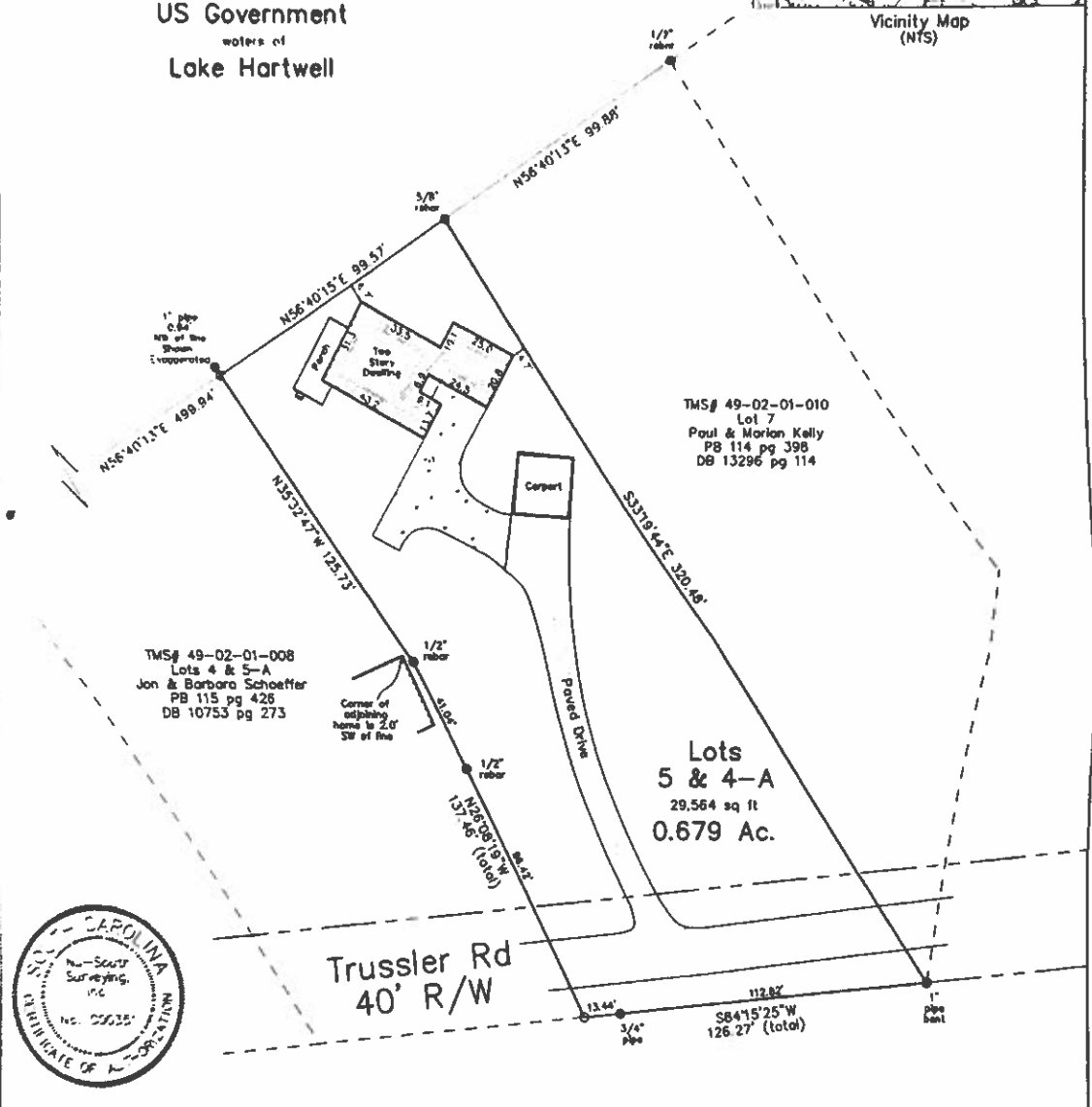
This plot is a RESURVEY of an existing lot of record.

Edil B. O'Brien, PLS SC#10755

US Government
waters of
Lake Hartwell



Vicinity Map (NTS)



TMS# 49-02-01-010
Lot 7
Paul & Marion Kelly
PB 114 pg 398
DB 13296 pg 114

TMS# 49-02-01-008
Lots 4 & 5-A
Jon & Barbara Schoeffler
PB 115 pg 426
DB 10753 pg 273

Lots 5 & 4-A
29,564 sq ft
0.679 Ac.

Trussler Rd
40' R/W



Notes:

- 1) 49-02-01-008
- 2) Physical Address: 1410 Trussler Rd
- 3) Reference Plat Book 95 pg 210
- 4) Reference Deed Book 20-1 pg 758
- 5) Except as specifically stated or shown on this plot, this survey does not purport to reflect any of the following which may be applicable to the subject property: assessments, other than possible assessments that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.

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

Edil B. O'Brien PLS No.10755

Map #	Surveyed By	Drawn By	Checked By
11442	JW	JW	EBO

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Legend

(Old)	(New)
●	○ 1/2" Rod
■	□ Mag Nail
△	Computed Pt.

Nu-South Surveying Inc.
117 E. Mauldin St.
Anderson S.C. 29621
(854) 224-2754

Survey and Certification for
Timothy T. Broderick & Joan K. Broderick
NON-Transferable

Anderson County South Carolina
Scale 1" = 40' Date: March 18, 2019



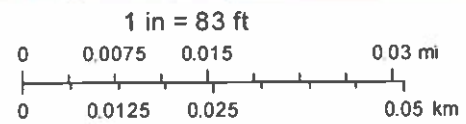


Anderson County



November 30, 2021 Disclaimer accepted.

TMS:	490201009
Owner:	STILES JOHN HAMILTON JR + VALERIE JENNIN
Owner Address:	1410 TRUSLER RD
City/State:	ANDERSON SC
Deed Book:	15009
Tax District:	5
Sale Year:	2021
Deed Page:	17
Current Plat:	CP S 2562/2
Description:	LOTS 5 + 4A TRUSLER RD
Sale Price:	\$480,000
Market Value:	\$303,450
Zip Code:	296265770



ESRI, HighLand Mapping, and Anderson County GIS

Application for a Special Exception
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
December 9, 2021
5:00PM

Staff Report

Application for a **Special Exception** – To expand the existing Ducworth-Tucker Sports Fields to include a cross country trail on adjacent property.

Applicant: Seamon Whiteside

Owner of Property: Joe Drennon

Property Location: 1939 Evergreen Rd., Anderson, SC 29621

Council District: Four (4)

Tax Map Number (TMS #): 144-00-06-008

Property Description: Evergreen Road, 35.01 AC

Current Zoning: R-20 (Residential Single Family)

Land Use: Vacant and Residential

Applicant Request: Applicant is requesting a Special Exception to expand existing facilities to include a cross country trail with amenities open on Evergreen Road adjacent to the Special Exception approved in the spring.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 70, 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, all food and entertainment for members and guest may be permitted provided that such provision shall not cause a nuisance in the residential district in which it is located and is permitted by special exception by the Board of Zoning Appeals.

Staff Recommendation:

- 1) The use is not detrimental to public health or general welfare.
- 2) The appearance and primary function of the park shall remain as is located on the adjacent parcel.
- 3) The use will not violate neighborhood characteristics nor adversely affect surrounding land uses.
- 4) The Board has granted other special exceptions similar to this request and would consistent with its approval.
- 5) A Commercial Land Use Permit will be required in addition to Stormwater Approval and a grading permit.



Special Exception Application

11/11/2021

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Seamon Whiteside

Mailing Address: 508 Rhett St, Suite 101

Telephone and Fax: 864-298-0534

E-Mail: jbryant@seamonwhiteside.com

Owner's Information

(If Different from Applicant)

Name: Joe Drennon

Mailing Address: 201 East Reed Road

Telephone and Fax: 864-716-6262

E-Mail: 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.

Owner's Signature

Date

Project Information

Property Location: 1939 Evergreen Road

Parcel Number(s)/TMS: 1440006008

County Council District: CCD FOUR

School District: 05

Total Acreage: 22.33

Current Zoning: R-20

Requested Special Exception: Allowance of private recreation in R-20 zoning

Purpose of Special Exception: Expansion of the existing Ducworth-Tucker Sports fields to include a cross country running trail on the adjacent property.

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?
Yes: No: Date visited ROD or Date searched online: 11/11/2021

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 will be null and void. 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 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: _____

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

Date

For Office Use Only:

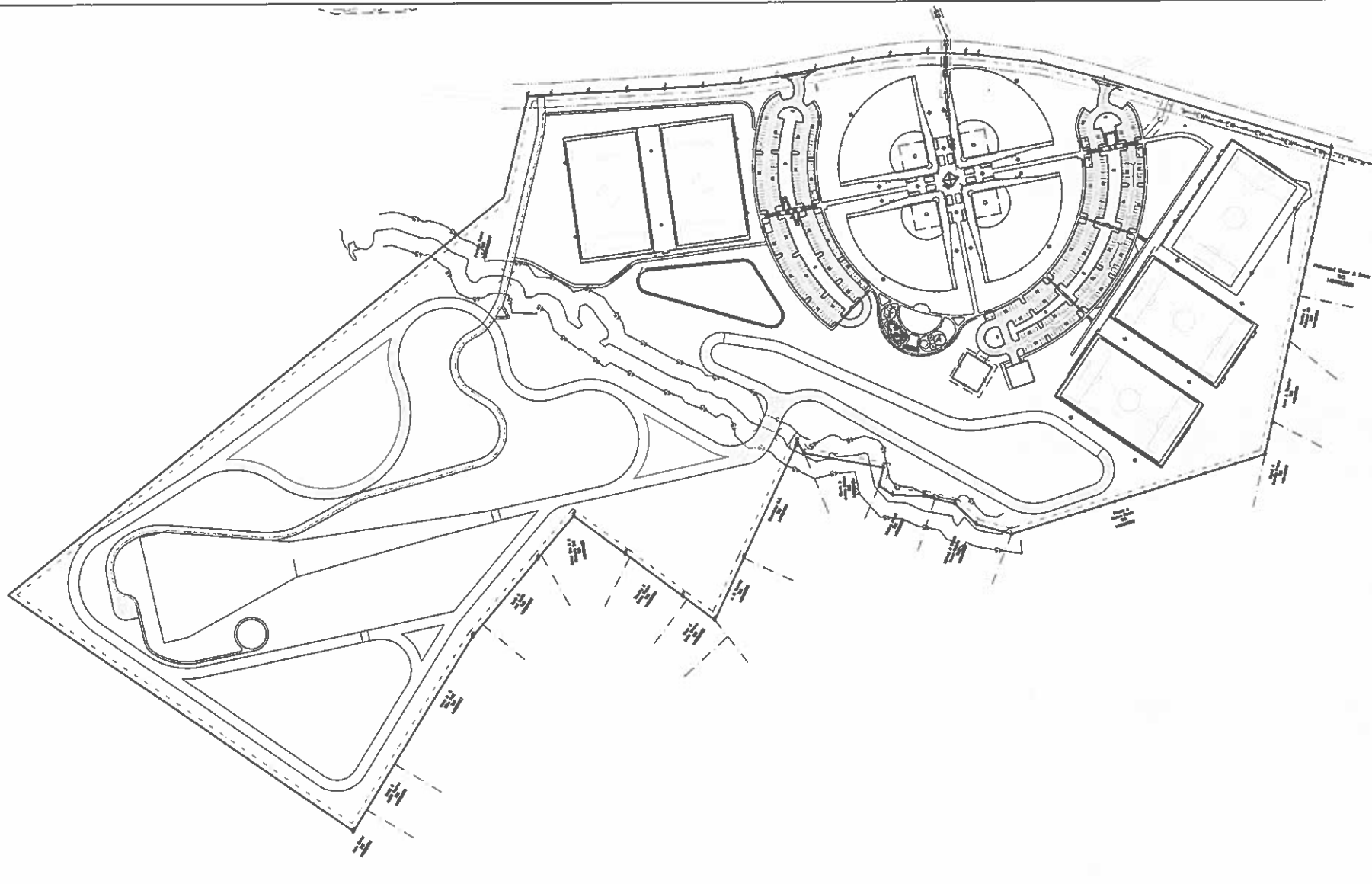
Application Received By: _____ Date Complete Application Received: _____

Application Fee Amount Paid: _____ Check Number: _____

Scheduled Board Hearing Date: _____

Land Use/Board of Zoning Appeals' Decision: _____

801 WINDO PARK BOULEVARD, SUITE 200 MOUNT PLEASANT, SC 29501 | 803 937-2700 | 803 937-2700 FAX | 803 937-2700
 COPYRIGHT © SEAMON WHITESIDE & ASSOCIATES, INC. THE DRAWINGS SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.



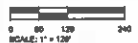
CONTRACTOR NOTE:
 CONTRACTOR TO FIELD VERIFY LOCATION OF ALL EXISTING UTILITY LINES BEFORE CONSTRUCTION ACTIVITIES BEGIN. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE THAT OCCURS TO EXISTING UTILITIES.

CONTRACTOR NOTE:
 CONTRACTOR TO FIELD VERIFY LOCATION OF ALL EXISTING UTILITY LINES BEFORE CONSTRUCTION ACTIVITIES BEGIN. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE THAT OCCURS TO EXISTING UTILITIES.

SURVEY NOTE:
 BOUNDARY AND ALL ELEVATIONS ARE BASED ON THE TOPOGRAPHIC SURVEY COMPLETED BY SAS PROFESSIONALS, LLC DATED JULY 24, 2002. THE VERTICAL ELEVATION DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) AND THE HORIZONTAL DATUM IS NAD83.



FOR NOTES AND LEGEND, SEE SHEET C1.1



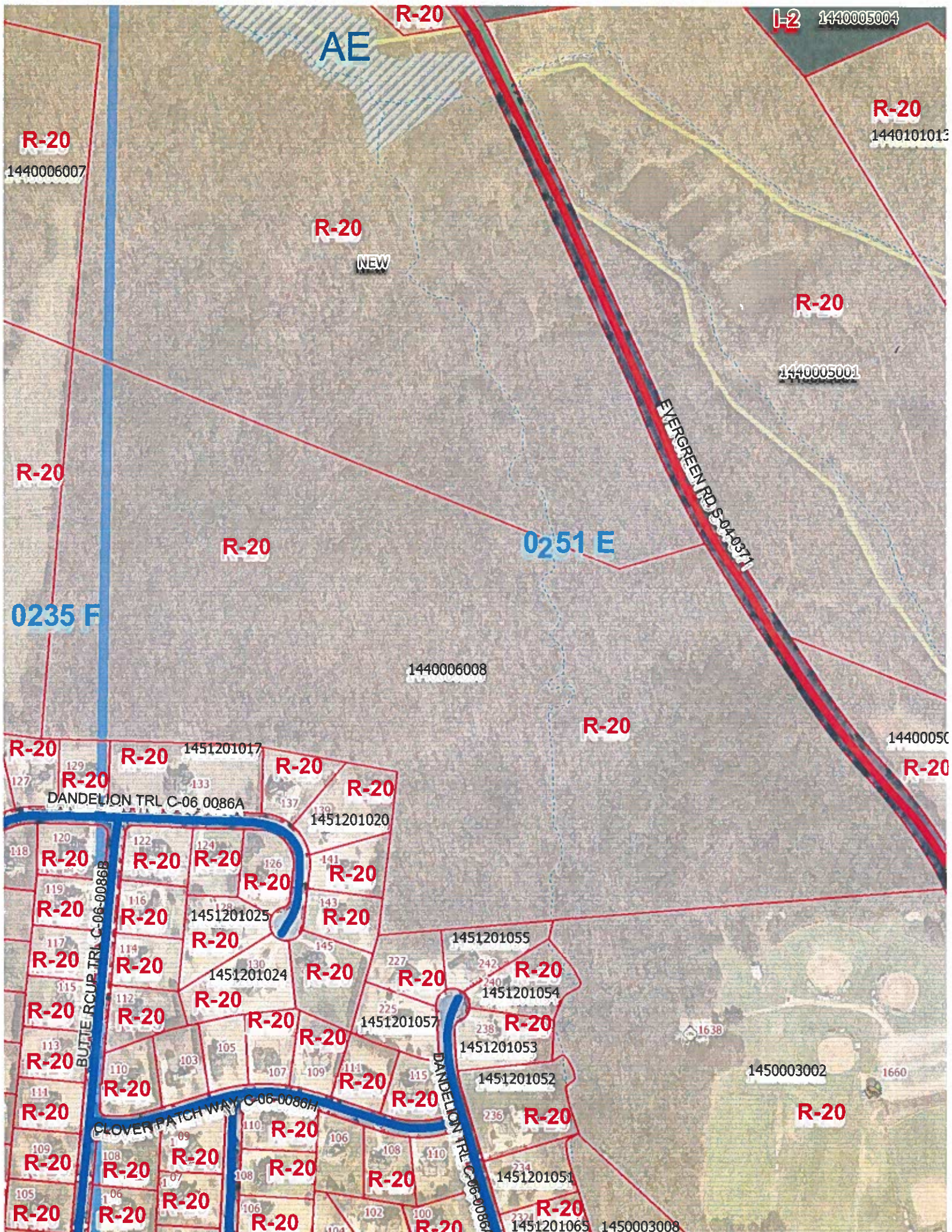
MOUNT PLEASANT, SC 29504-1007
 GREENVILLE, SC 29615-0004
 SUMMERVILLE, SC 29586-0004
 SPARTANBURG, SC 29176-1272
 CHARLOTTE, NC 28212-2446
 www.seamonwhite.com



**DUCWORTH-TUCKER
 SPORTS PARK**
 ANDERSON COUNTY, SC

BNS PROJECT: 020271
 DATE: 02/14/2020
 DRAWN BY: AHW
 CHECKED BY: JLB
 REVISION HISTORY
 A. 02/17/21

OVERALL SITE PLAN



R-20
1440006007

R-20
NEW

I-2 1440005004

R-20
1440101013

R-20
1440005001

R-20

R-20

0251 E

EVERGREEN RD. S-04-0371

0235 F

1440006008

R-20

144000500

R-20

R-20 129 R-20 1451201017 R-20
127 R-20 133 DANDELION TRL C-06 0086A R-20
137 R-20
1451201020

118 R-20 120 R-20 R-20 126 R-20
119 R-20 116 R-20 1451201025 R-20 141 R-20
117 R-20 114 R-20 1451201024 R-20 145 R-20
115 R-20 112 R-20 R-20 227 R-20 242 R-20
113 R-20 110 103 105 R-20 1451201057 R-20 240 R-20
111 R-20 107 109 111 R-20 115 R-20 1451201054
109 R-20 108 R-20 109 R-20 238 R-20
105 R-20 106 R-20 110 R-20 1451201053
106 R-20 107 R-20 111 R-20 1451201052
108 R-20 109 R-20 110 R-20 236 R-20
105 R-20 106 R-20 107 R-20 110 R-20 234 R-20
106 R-20 108 R-20 109 R-20 110 R-20 1451201051
105 R-20 106 R-20 107 R-20 110 R-20 232 R-20
104 R-20 102 100 R-20 1451201065 1450003008

BUTTE RCIUP TRL C-06-0086B

CLOVER PATCH WAY C-06-0086H

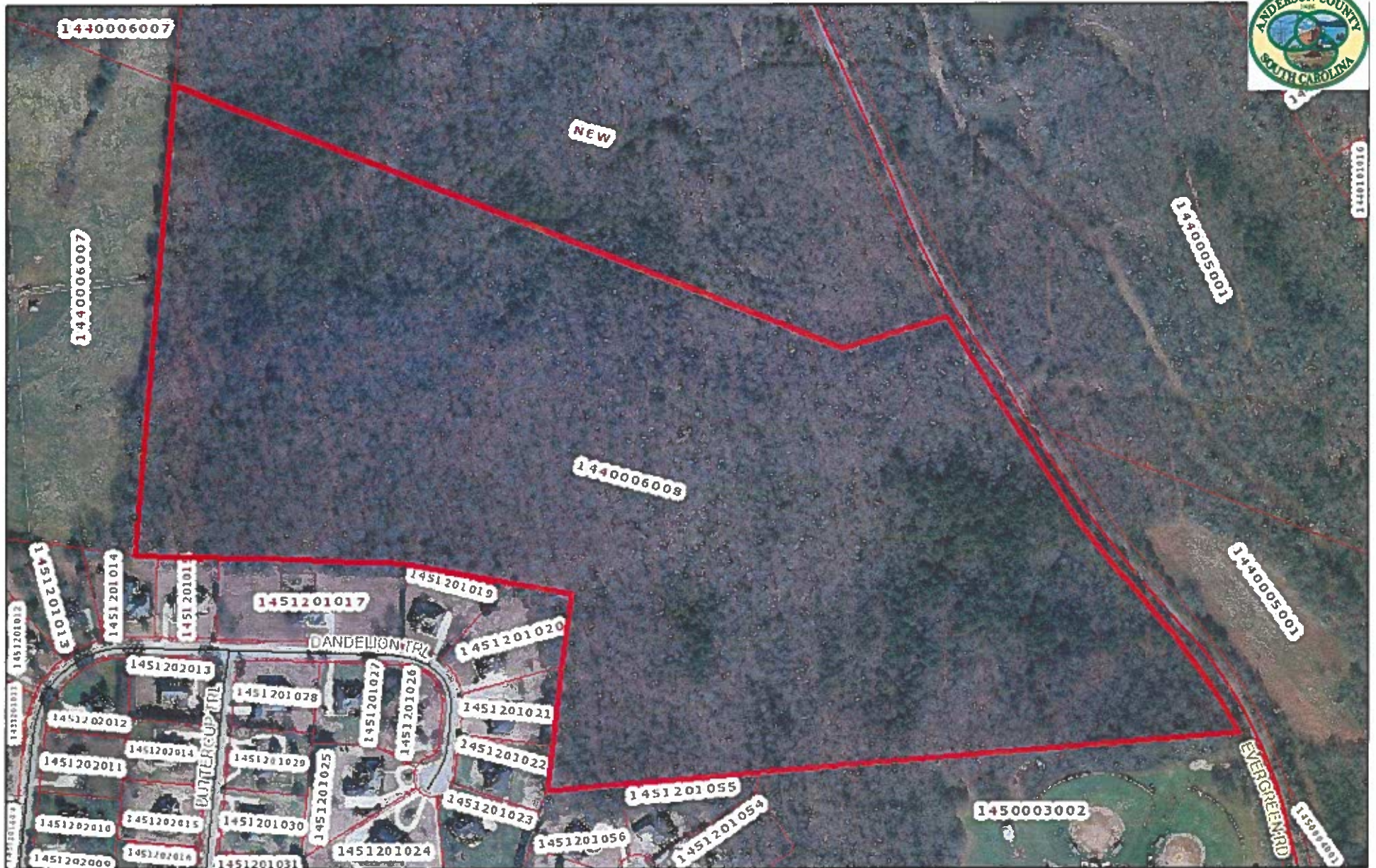
DANDELION TRL C-06-0086A

1450003002

1660

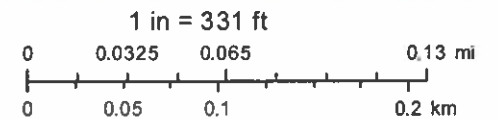
R-20

Anderson County



November 24, 2021 Disclaimer accepted.

TMS:	1440006008
Owner:	YMCA OF ANDERSON
Owner Address:	201 E REED RD
City/State:	ANDERSON SC
Deed Book:	15583
Tax District:	51
Sale Year:	2021
Deed Page:	155
Description:	EVERGREEN RD 35.01 AC
Sale Price:	\$1
Zip Code:	29621
Current Plat:	CP 1182/8B
Market Value:	\$245,070



ESRI, Highland Mapping, and Anderson County GIS

Application for a Special Exception
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
December 9, 2021
5:00PM

Staff Report

Application for a **Special Exception** – To allow for construction of pump station for utility development in R-20 Zoning District.

Applicant: Anderson County Wastewater Department

Owner of Property: Lola B. Wermager as Trustee

Property Location: Nunnally Road, near Interstate 85, Exit 14, Anderson, SC 29625

Council District: Four (4)

Tax Map Number (TMS #): 27-00-01-031 (portion of)

Property Description: Nunnally Rd, Anderson 62.01AC (portion of)

Current Zoning: R-20 (Single Family Residential)

Land Use: Residential

Applicant Request: Applicant is requesting a Special Exception in R-20 zoning to allow construction of pump station for utility development purposes.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 70, Section 7:2. - Public utility buildings and uses. Public utility buildings and uses such as sewage lift stations pump stations, electrical substations, and telephone equipment buildings which are not detrimental to other uses permitted in the district may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be appropriately landscaped..

Staff Recommendation:

- 1) Pump station is needed for current development and for future development capacity.
- 2) The use is not determinential to the public health or general welfare
- 3) The use will not violate neighborhood character nor adversely affect surrounding land uses.
- 4) A commercial land use permit and building permit will be required pror to commencing with the development of the project.
- 5) A stormwater/grading permit approval will be required for land disturbance with SCHEC.
- 6) The Board's granting of the approval for this Special Exception is in keeping with similar requests previously granted.



Special Exception Application

11-29-2021
Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Derrick Singleton
Mailing Address: 1500 Dalrymple Rd.
Telephone and Fax: 260-4023 E-Mail: dsingleton@andersoncountysc.org

Owner's Information

(If Different from Applicant)

Name: Anderson County Wastewater
Mailing Address: 1500 Dalrymple Rd
Telephone and Fax: 260-4023 E-Mail: dsingleton@andersoncountysc.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.

[Signature]
Owner's Signature

11-29-21
Date

Project Information

Property Location: Off of Nunnally Road
Parcel Number(s)/TMS: 21-00-01-031
County Council District: 4 School District: 4
Total Acreage: 62.01 Current Zoning: R-20 (Residential Single Family)
Requested Special Exception: Public Service Use to install new sewer pump station
Purpose of Special Exception: Anderson County to provide sewer services to proposed new projects for commercial and industrial development

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

M-H Light
Applicant's Signature

11-29-21
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 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: _____

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.

M-H Light
Applicant's Signature

11-29-21
Date

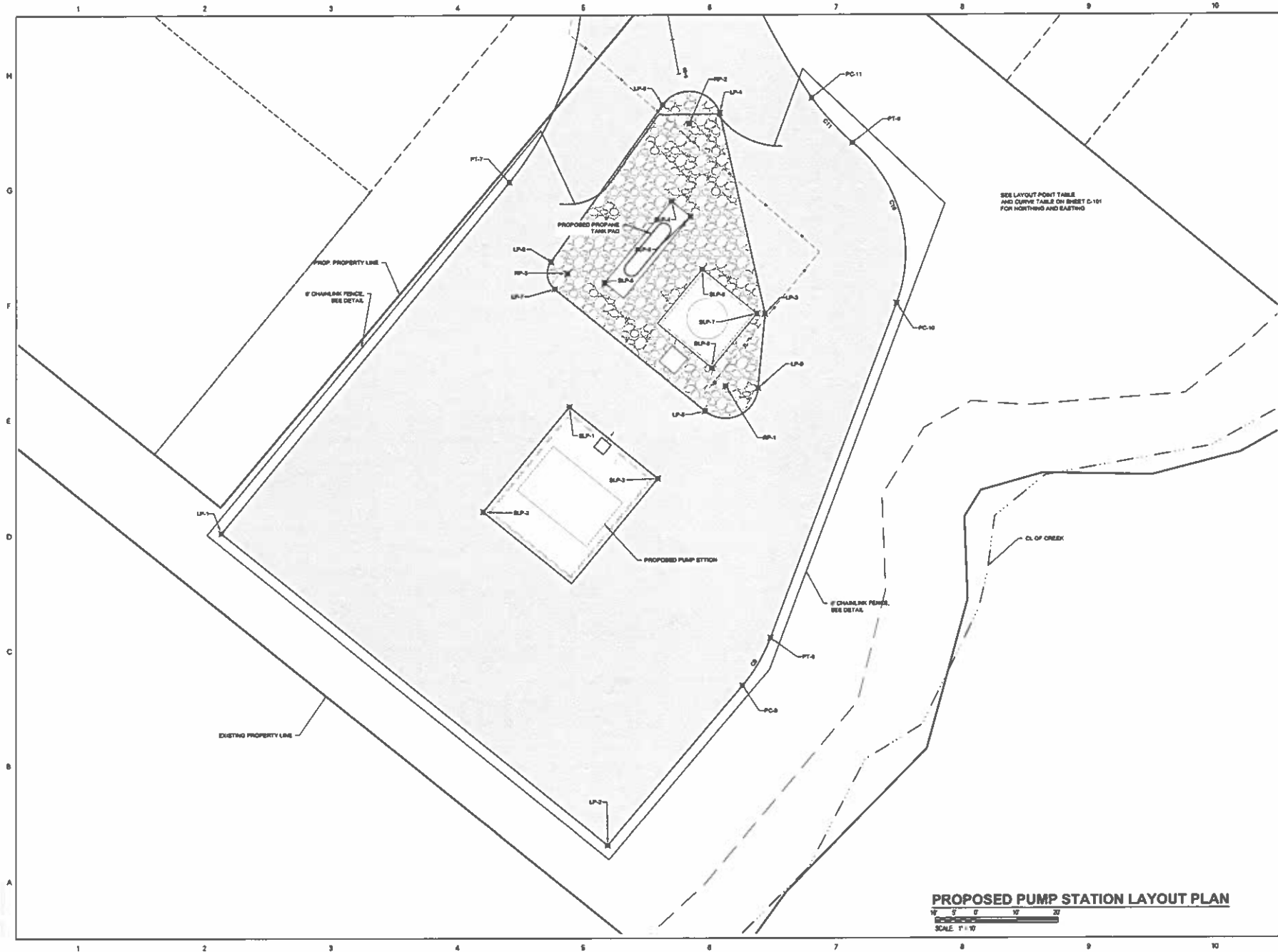
For Office Use Only:

Application Received By: *Alexander* Date Complete Application Received: 11/2/2021

Application Fee Amount Paid: n/change Check Number: M/G

Scheduled Board Hearing Date: December 9, 2021

Land Use/Board of Zoning Appeals' Decision: _____



PROPOSED PUMP STATION LAYOUT PLAN
 SCALE: 1" = 10'



Goodwyn, Mills & Crane
 537 East Lytle Avenue
 St. Louis, MO 63105
 Tel: 314.537.2400
 Fax: 314.537.2400



ISSUE DATE	PERMITTED BY	DRAWN BY	CHECKED BY
08-28-2011			

EXIT 14 SEWER IMPROVEMENTS
 Anderson County, Mo

CGRE170026

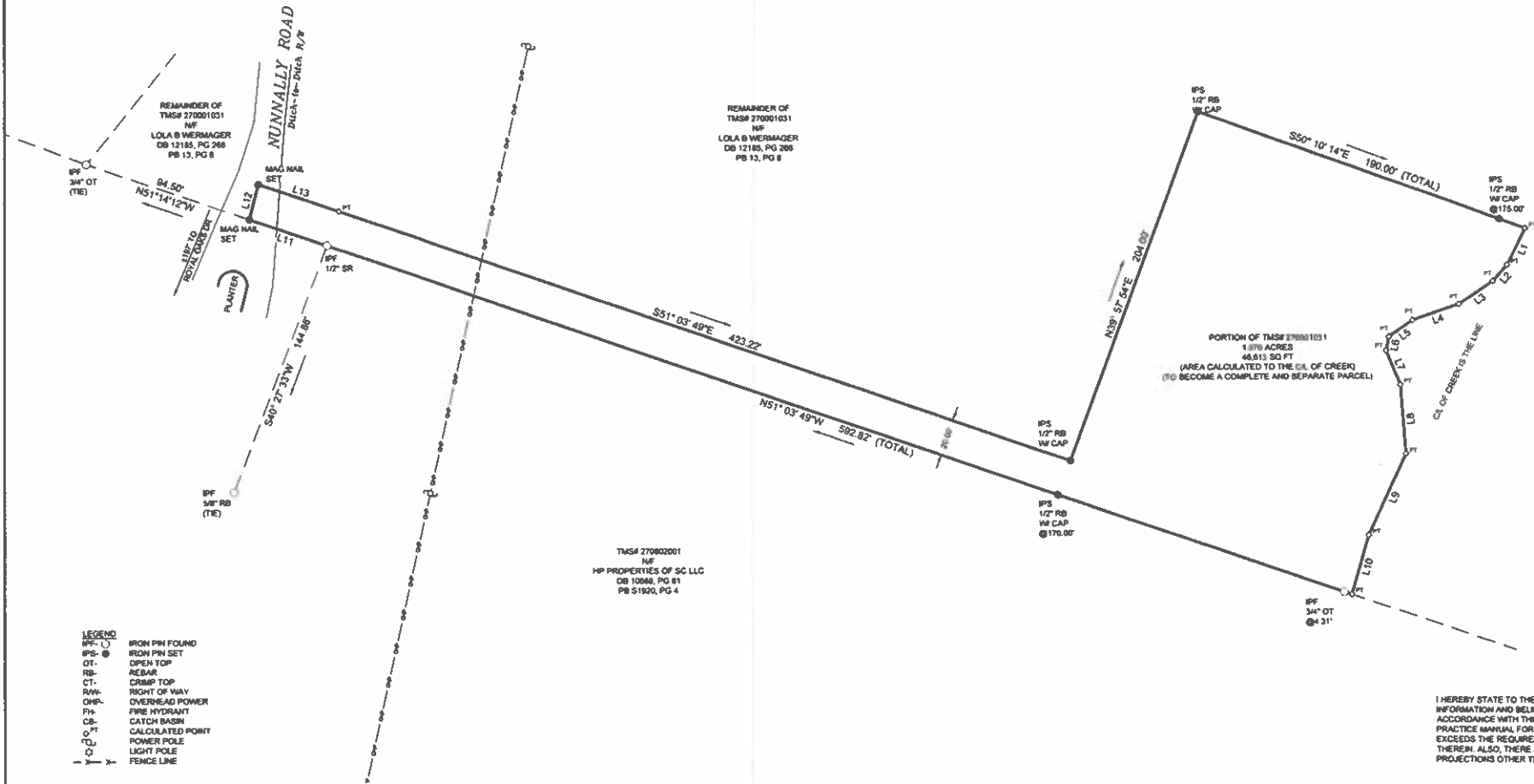
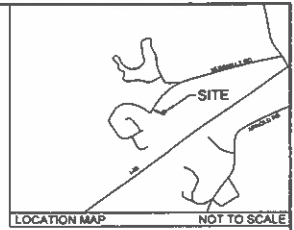


PROPOSED PUMP STATION SITE LAYOUT PLAN

C-102

210034323 9/30/2021 02:19:56 PM
 FILED, RECORDED, INDEXED
 Bk: S2840 Pt: D0009 Pages: 001
 Rec. Fee: \$t Feet
 Co Fee:
 REGISTER OF DEEDS, ANDERSON CO., SC
 Cynthia D. Radford

THIS IS NOT A SUBDIVISION AS DEFINED BY
 ANDERSON COUNTY SUBDIVISION REGULATIONS
 SUBDIVISION ADMINISTRATOR DATE 9/29/21



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S46° 10' 51"W	22.60'
L2	S60° 45' 12"W	11.88'
L3	S75° 32' 58"W	22.35'
L4	N88° 57' 04"W	26.80'
L5	S74° 19' 40"W	15.74'
L6	S31° 44' 06"W	7.83'
L7	S2° 10' 55"E	20.45'
L8	S15° 15' 23"W	38.09'
L9	S44° 23' 25"W	49.05'
L10	S35° 50' 40"W	33.66'
L11	N51° 14' 12"W	45.02'
L12	N34° 06' 03"E	20.07'
L13	S51° 14' 12"E	46.66'

- LEGEND**
- IPF-○ IRON PIN FOUND
 - IPs-● IRON PIN SET
 - OT-○ OPEN TOP
 - RB- REBAR
 - CT- CRAMP TOP
 - RHW- RIGHT OF WAY
 - OWP- OVERHEAD POWER
 - FP- FIRE HYDRANT
 - CB- CATCH BASIN
 - CP- CALCULATED POINT
 - POWER POLE
 - LIGHT POLE
 - - - FENCE LINE

- NOTES**
1. REFERENCE
 - A) PLAT ENTITLED "H.P. PROPERTIES, LLC", DATED FEBRUARY 16, 2011, PREPARED BY H&M SURVEYING INC., RECORDED IN PLAT BOOK S1920, PAGE 4 IN THE R.O.D. OFFICE OF ANDERSON COUNTY.
 - B) DEED DATED FEBRUARY 2, 2018, RECORDED IN DEED BOOK 12185, PAGE 288 IN THE R.O.D. OFFICE OF ANDERSON COUNTY.
 2. THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
 4. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY AND/OR RESTRICTIONS OF RECORD OR NOT OF RECORD.
 5. THIS PARCEL IS NOT IN A DESIGNATED FLOOD HAZARD AREA.



I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN THOSE SHOWN.

H & M Surveying, LLC

35 OELAND DRIVE, GREENVILLE, SC 29609
 Phone: 864-335-8995 www.hmsurveying.com

BOUNDARY SURVEY FOR

ANDERSON COUNTY

NUNNALLY ROAD
 ANDERSON, SC 29625

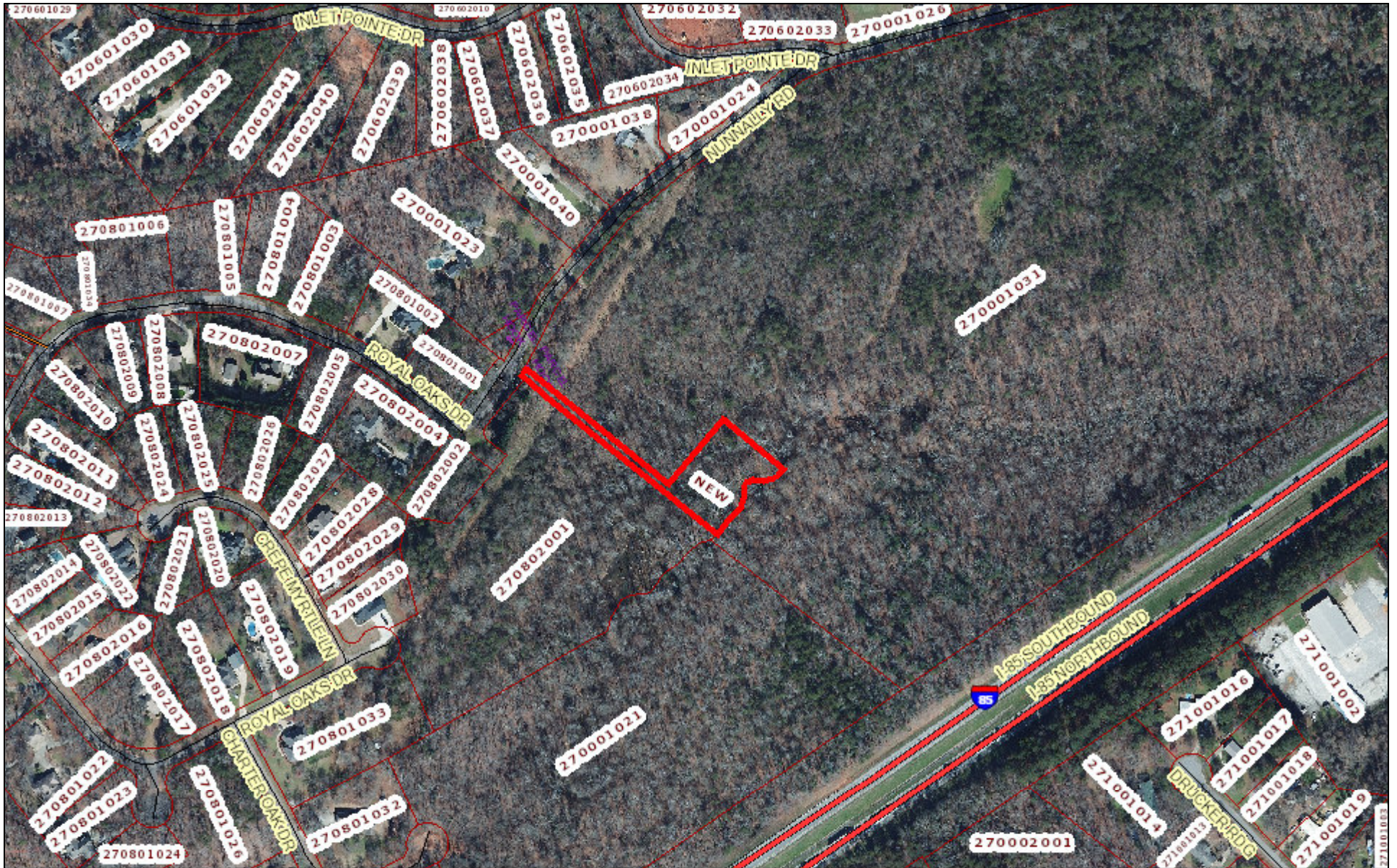
ANDERSON COUNTY SOUTH CAROLINA

DATE: 9/29/2021 PROJECT #21-230
 SCALE: 1" = 40' TMS# 270001031

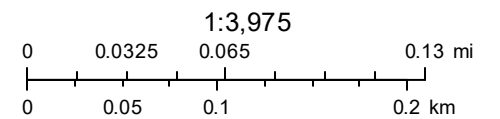
JAY C. HIPPI, PLS REG. #20115



Anderson County



December 2, 2021

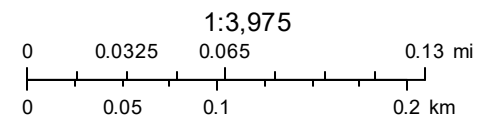


ESRI, Highland Mapping, and Anderson County GIS

Anderson County



December 2, 2021



ESRI, Highland Mapping, and Anderson County GIS

Application for a Special Exception
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
December 9, 2021
5:00PM

Staff Report

Application for a **Special Exception** – To allow the use of a Multi-Family Residence as a short-term rental/host home.

Applicant: Renee Bailey

Owner of Property: Christopher L. Bailey and Renee C. Bailey

Property Location: 219 Seagull Lane, Anderson, SC 29625

Council District: Four (4)

Tax Map Number (TMS #): 46-02-01-048

Property Description: Lots 16B + Lot 17 Seagull Lane

Current Zoning: RM-7 (Multi Family Residential District)

Land Use: Residential

Applicant Request: Applicant is requesting a Special Exception to allow the use of residence as a short-term/rental home.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 70, Section 7:17, establishments are permitted uses by special exception – Bed and breakfast, homestays, host homes and guest homes provided that they meet the following: 1. The applicant does not reside on the property and leases the home on a daily basis.

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

- 1) The use meets all of the requirements in Section 5:7.2. Uses permitted by special exception. The following uses may be permitted by special exception by the board of zoning appeals in accordance with the provisions in article 7. Bed and breakfast homestays, host homes, guest homes, inns, lodges, and cottages.
- 2) Use parking is allowed to the 2-car garage and park in the driveway. There is no allowance for any street parking.
- 3) The 1,500 sq. ft distance requirement between bed and breakfasts has been met.
- 4) The use is not detrimental to public health or general welfare.
- 5) The use will not violate neighborhood character nor adversely affect surrounding properties.
- 6) Applicant must meet all tax, fire and building code requirements, pertaining to the residential structure.
- 7) The Board's granting of the approval for this Special Exception is in keeping with similar requests previously granted.



\$ PAID
21-2770

Special Exception Application

10/27/2021

Date of Application Completion

Application Status (Approved or Denied)

Applicant's Information

Name: Renee Bailey

Mailing Address: 21 Canso Street Greenville SC 29607

Telephone and Fax: 864-517-8398

E-Mail: rcnb2497@gmail.com

Owner's Information

(If Different from Applicant)


Name: _____

Mailing Address: _____

Telephone and Fax: _____ E-Mail: _____

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

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


Owner's Signature

10/27/2021
Date

Project Information

Property Location: 219 Seagull Lane Anderson SC 29625

Parcel Number(s)/TMS: 460201048

County Council District: CCD4 School District: 04

Total Acreage: .33 Current Zoning: R-M7

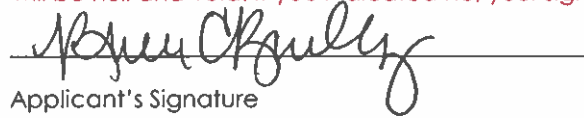
Requested Special Exception: Chapter 70 Section 7:17 Host Home

Purpose of Special Exception: Special exception to use the property as a short term rental/host 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: June 2020

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


Applicant's Signature

10/27/2021

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: Thank you for your consideration in permitting the use of this property as a short term rental.

Please let me know if any further information is needed.

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

10/27/2021

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: _____

October 27, 2021

Development Standards

401 East River Street

Anderson, South Carolina 29624

To whom it may concern:

Please find enclosed my Special Exception Application and fee, requesting permission to utilize 219 Seagull Lane (Parcel #460201048) as a short-term rental (rentals less than 30 days.)

In honesty, I purchased this property in July 2020 with the intent of using it as a short-term rental. Prior to closing I called the permitting department of the City of Anderson to inquire about ordinances and permitting requirements. At that time, I was told that because the home was not in the City limits there were no restrictions. Knowing there were other short-term rentals located on Harbor Drive I believed that to be true. They advised I contact the county to inquire about taxes. I received information from the county regarding the appropriate taxes and have been remitting the appropriate State and County taxes since our first rental in November 2020.

I communicated with all the neighbors on my street prior to listing the property as a rental and have remained in communication with them to ensure there are never any issues. I remain invested in the improvement of the property and surrounding area and maintain the property weekly. I have been successfully renting the property since November 2020 through the Airbnb platform. However, as I learn more about this business, I discovered there are restrictions in Anderson County for the zone R-M7. It was never my intention to operate in a manner that was not in compliance. Therefore, I am requesting Special Exception to continue to rent the property in accordance with the county ordinances.

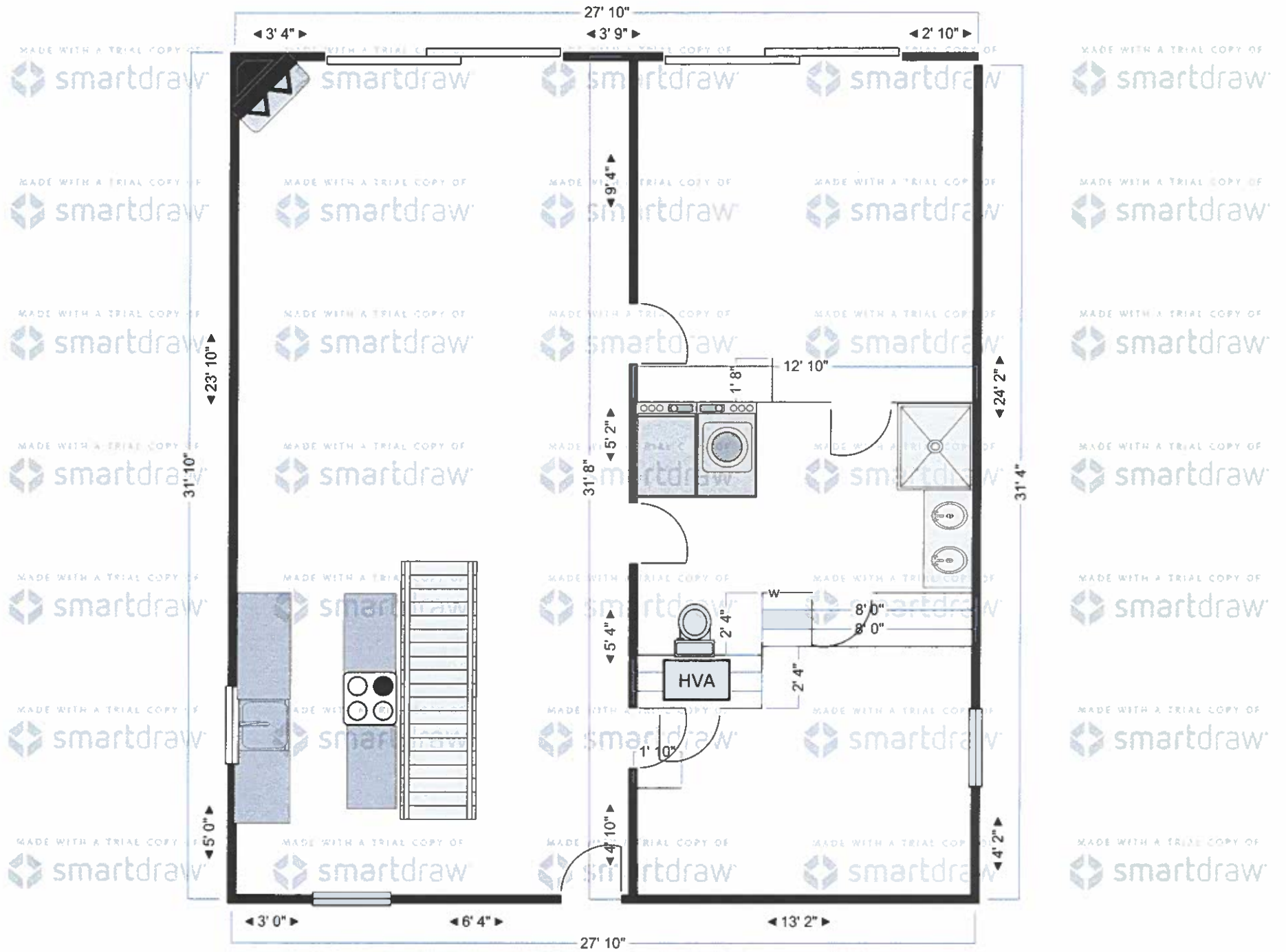
I appreciate your consideration of the application provided. Please let me know if there is any further information needed.

Sincerely,

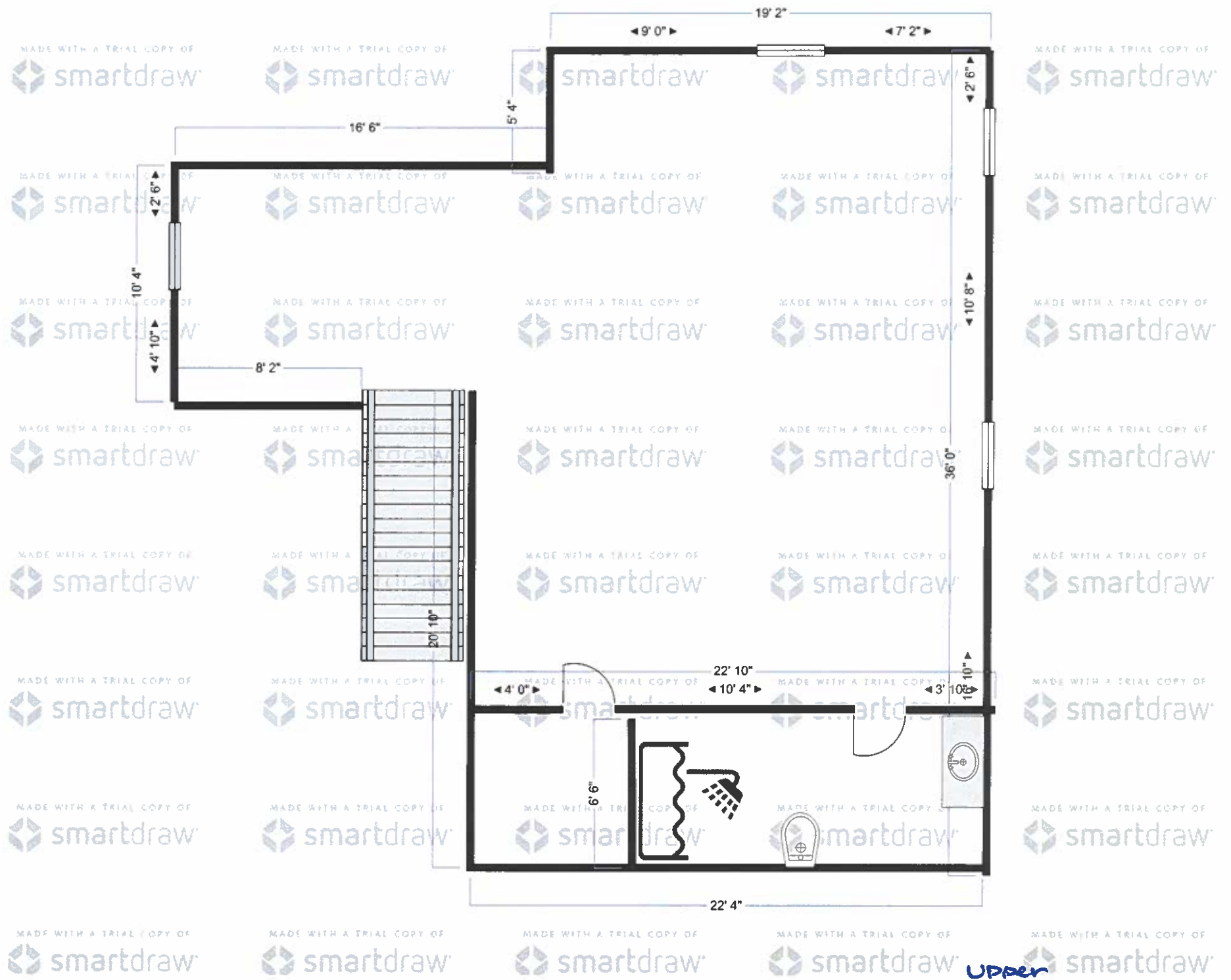
Renee Bailey

Rcnb2497@gmail.com

864-517-8398



Lower









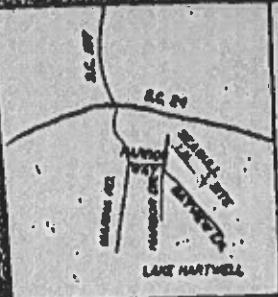




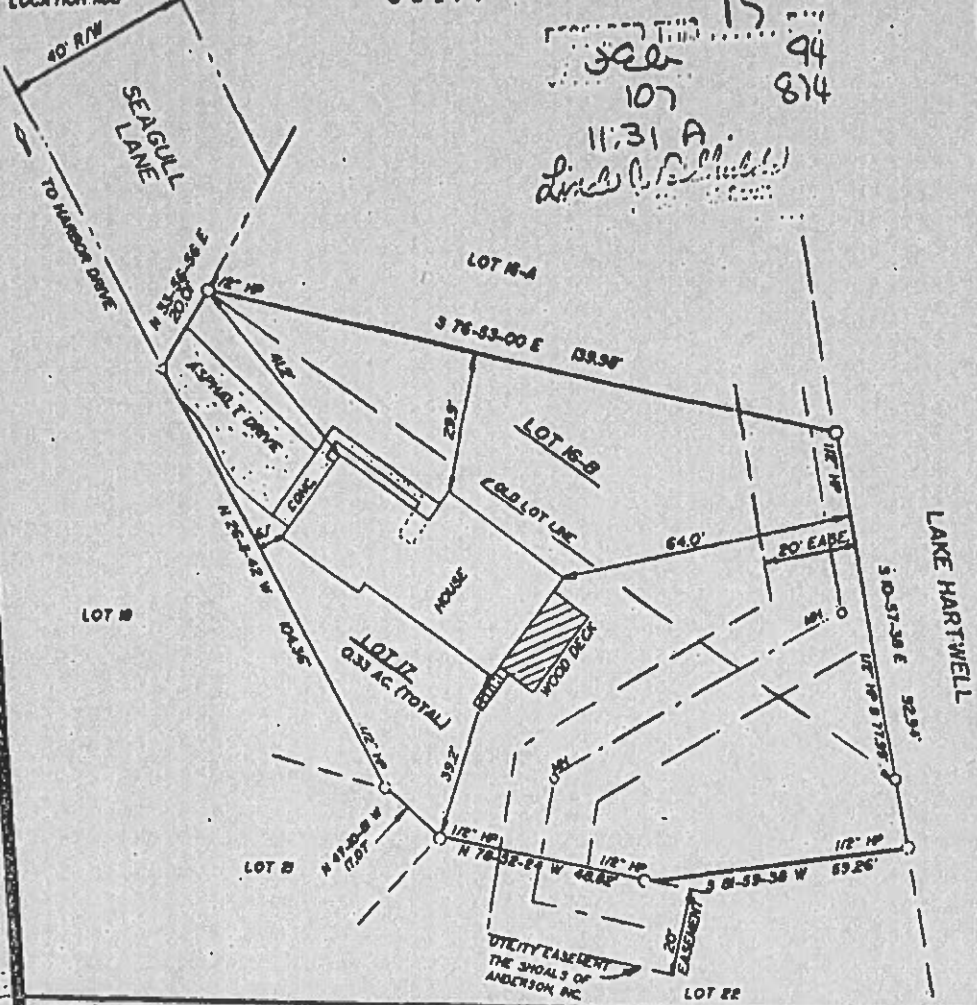


FEB 11 11 30 AM '94

04477



LOCATION MAP



REFERENCE PLAT

17
94
107
814
11.31 A.
Dunn & Dunn

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY SHOWN HEREON MEETS OR EXCEEDS THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, AND THERE ARE NO OTHER ENCROACHMENTS OTHER THAN SHOWN HEREON, AND THE PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD ZONE.

[Signature]
DUNN & DUNN, S.C. R.L.S. & P.C. (820)

PROPERTY DESIGNATION 219 SEAGULL LANE
LOT 16-B AND LOT 17
PREVIOUS PLAT BOOK REFERENCE 98 PAGE NO. 779
104 221

PROPERTY SURVEY FOR
JOHN W. TONJES
KIMBERLY A. TONJES

STATE SOUTH CAROLINA COUNTY ANDERSON

SCALE 1"=30' DATE 2-2-94 GRAPHIC SCALE 30'

LEGEND

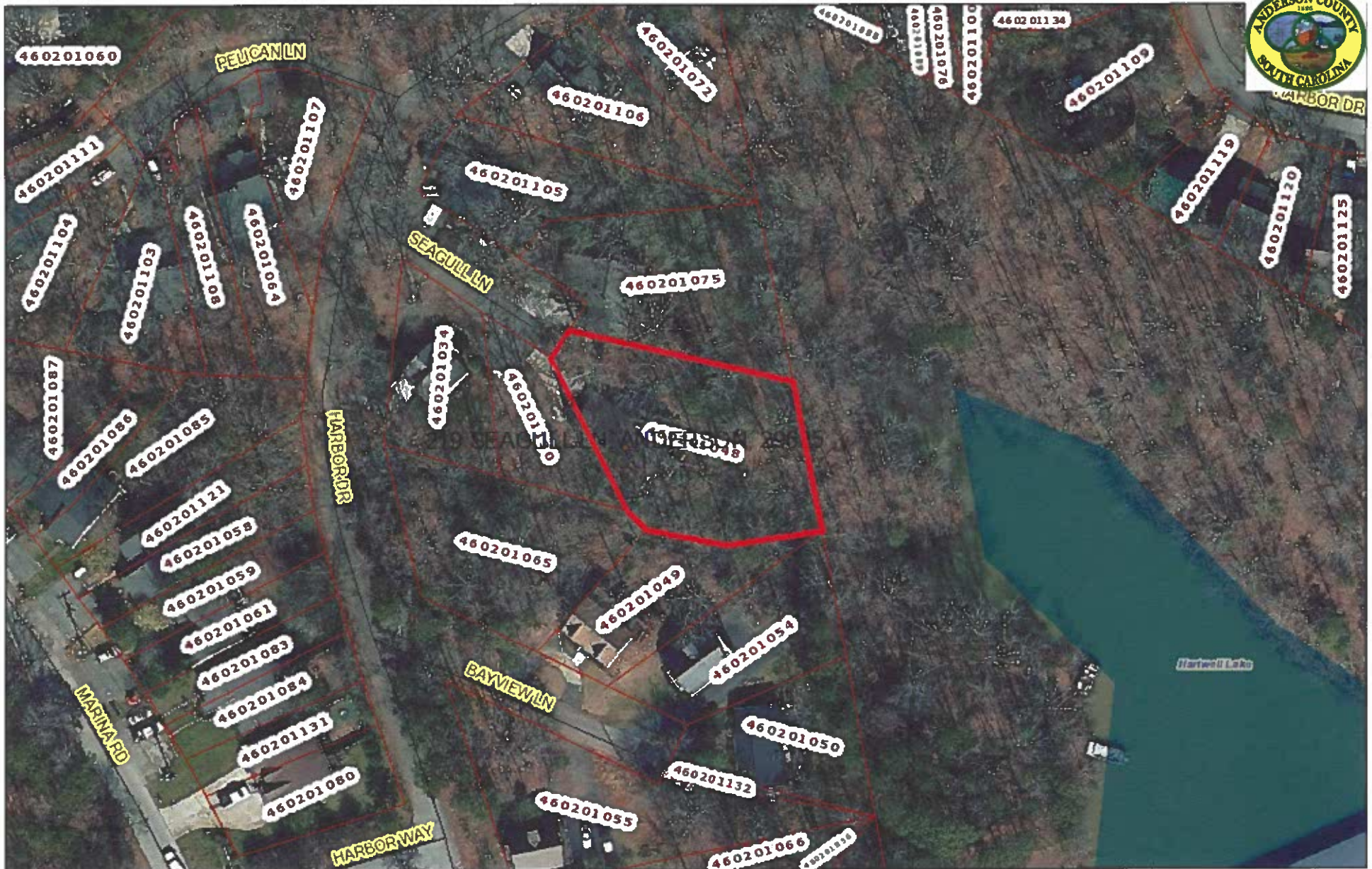
(NEW) (OLD)

● ○ IRON PIN
▲ △ NAIL & CAP
■ □ AS NOTED

DUNN & DUNN, INC.
Engineers & Land Surveyors
2708 North Main Street
Anderson, South Carolina
Phone (803) 224-4296

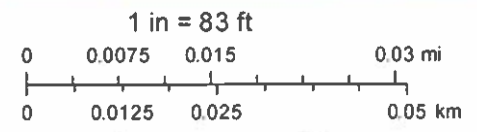
JOB NUMBER 4153

Anderson County



November 30, 2021 Disclaimer accepted.

TMS:	460201048		
Owner:	BAILEY CHRISTOPHER L + RENEE C		
Owner Address:	219 SEAGULL LN		
City/State:	ANDERSON	SC	Zip Code: 29625
Deed Book:	14629	Deed Page: 255	Current Plat: CP 107/874
Tax District:	4	Description: LTS 16B + 17 SEAGULL LN	
Sale Year:	2020	Sale Price: \$191,500	Market Value: \$191,930

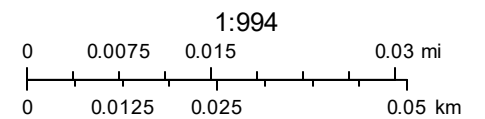


ESRI, Highland Mapping, and Anderson County GIS

Anderson County



December 2, 2021



ESRI, Highland Mapping, and Anderson County GIS