



# MEMORANDUM

## ANDERSON COUNTY DEVELOPMENT STANDARDS

**DATE:** January 5, 2023

**TO:** Board of Zoning Appeals Members

**FROM:** Henry Youmans

**SUBJECT:** January 12, 2023 Meeting

The Anderson County Board of Zoning Appeals is scheduled to hold its next meeting on Thursday, January 12, 2023, at 5:15 PM at the Historic Courthouse, 101 South Main Street, Anderson, SC 29624.

The meeting agenda and packet are attached for your review.

Please email [hbyoumans@andersoncountysc.org](mailto:hbyoumans@andersoncountysc.org) or call 864-260-4719 to inform staff whether or not you will be in attendance. This ensures a quorum prior to arrival. Thank you.

**Tommy Dunn**  
Chairman, District 5

**John Wright, Jr.**  
Council District 1

**Ray Graham**  
Council District 3

**Cindy Wilson**  
Council District 7

**ANDERSON COUNTY**  
SOUTH CAROLINA

**Brett Sanders**  
V. Chairman, District 4

**Glenn Davis**  
Council District 2

**Jimmy Davis**  
Council District 6

**Renee D. Watts**  
Clerk to Council

**Rusty Burns** | County Administrator  
[rburns@andersoncountysc.org](mailto:rburns@andersoncountysc.org)

# Anderson County Board of Zoning Appeals

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Hubert McClure, Chair, District #5  
John Farr, District #1  
Tony Cirelli, District #4  
Debbie Chapman, District #7

Mike Miller, Vice-Chair, District #2  
Russell Barton, District #3  
Brad Swillen, District #6

## AGENDA

January 12, 2023

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:
  - a. September 8, 2022 minutes
  - b. October 13, 2022 minutes forthcoming
- 4.) Public Hearing:
  - A. Variance request to reduce the side setback from 50' to 5'. Located at 304 Cheddar Rd/TMS 223-00-03-011 p/o. Council District 7.
  - B. Variance request to reduce the side setback from 50' to 10' and allow two dwellings to remain on the same parcel, at 807 & 809 Cheddar Rd/ TMS 223-00-17-010. Council District 7.
  - C. Variance request to reduce the side setback from 10' to 2' at 3420 Hwy 153/ TMS 236-00-09-006. Council District 6.
  - D. Variance request to reduce front yard setback from 60' to 54.8' and side yard setback from 20' to 16.6', located on Highway 183, Piedmont TMS/ 237-00-05-041. Council District 6.
  - E. Special exception request to allow short term rental located at 420 Fields Ave/ TMS 28-07-02-001. Council District 4.
- 5.) Old Business:
- 6.) New Business:
  - a. Election of Officers (Nominations from the Floor)
    - i. Chair
    - ii. Vice-Chair
- 7.) Adjournment.

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

ANDERSON COUNTY  
LAND USE AND BOARD OF ZONING APPEALS  
SEPTEMBER 8, 2022

PRESENT:

HUBERT MCCLURE, CHAIRMAN  
JOHN FARR  
MIKE MILLER  
TONY CIRELLI  
RUSSELL BARTON  
BRAD SWILLEN  
DEBBIE CHAPMAN

ALSO PRESENT:

ALESIA HUNTER  
HENRY YOUMANS  
TIM CARTEE  
BRITTANY MCABEE  
TYANNA HOLMES  
BRADEN BANNISTER  
DANIEL COOPER

1 HUBERT MCCLURE: We'll go  
 2 ahead and call this meeting to order. I hate that, but  
 3 I have to. And by the agenda, we'll go by the agenda.  
 4 We have the invocation. Let us pray.

5 **INVOCATION**

6 HUBERT MCCLURE: Before we  
 7 get started, I'd like to have everybody's attention on  
 8 the screen up here. Because we would like for  
 9 everybody to be professional, we know that we've got a,  
 10 you know, open forum on the second thing. The first  
 11 thing I don't think we have very much to talk about --  
 12 talking points. But we do have the public hearing.  
 13 And that means -- and I'm just going to say this --  
 14 when you get into this kind of stuff that we're talking  
 15 about here, it doesn't help your situation. So if you  
 16 start with the name calling and the outbursts and the  
 17 said, she said, that's not going to help your situation  
 18 at all. So I'm just going to go ahead and tell you  
 19 that right now.

20 We've got a bunch of approval of minutes. I think  
 21 we've got like two or three months because of  
 22 something; I can't remember what. But do we have a  
 23 motion to approve?

24 MIKE MILLER: I make a  
 25 motion to approve.

26 HUBERT MCCLURE: We have a  
 27 motion.

28 JOHN FARR: Second.

29 HUBERT MCCLURE: Second. All  
 30 those in favor, show by uplifted hand. And that goes  
 31 by without any problem.

32 We've got a staff report and public hearing to  
 33 allow reduction of setback on the Williamston -- okay,  
 34 Saluda Road, number 8 Saluda Road. Staff report.

35 HENRY YOUMANS: Mr. Chair,  
 36 this is an application for a variance to allow the  
 37 reduction of a side setback from ten feet to three  
 38 feet. The applicants' names are Billy and Tori  
 39 Tompkins. They are the owners of the property. The  
 40 property is located at 8 Saluda Road, Williamston,  
 41 South Carolina, Council District 7. The tax map number  
 42 is there for your reference. It is described as lot 29  
 43 in the River Drive Extension. It is currently unzoned  
 44 and it's occupied single-family residence.

45 The applicants' request is requesting a variance  
 46 to allow the reduction of the front setback from ten  
 47 feet to three feet to complete the construction of a  
 48 detached garage.

49 The finding of facts. The Anderson County Code of  
 50 Ordinances under Chapter 38-120, Section 5(a),

1 accessory buildings, tennis courts, swimming pools and  
2 other structures may be located within the required  
3 setback area provided said uses shall be located no  
4 closer than three feet to the property lines.

5 This is a diagram of the property. And this is a  
6 sketch of the detached garage and proposed  
7 construction. This is a location map showing where the  
8 carport will be situated in the driveway on the  
9 property itself. This is a photo of where the proposed  
10 construction site is on the property. The actual  
11 footing for the detached garage. This is your tax map  
12 aerial map.

13 Staff recommendation is for board interpretation  
14 for the request of the variance for the following  
15 reasons: Under item 2 of the restrictive covenants for  
16 Riverview Subdivision, it states should terrain prove  
17 the above setback to be difficult to use, the declarant  
18 may at his sole discretion waive or amend the setback  
19 lines. The subdivision setback lines are fifteen feet.  
20 The applicant meets the restrictive setbacks on all  
21 other property lines. The parcel has a power line  
22 buried through the center of the property, which would  
23 hinder the building of the garage on any other location  
24 on the property. As such, the proposed building would  
25 not cause any detriment to the other properties. And  
26 the justification for the hardship exists to the  
27 topographical and terrain issues.

28 If approved, the applicant would be required to  
29 obtain a residential compliance letter from Development  
30 Standards and a residential building permit from  
31 Building and Codes.

32 This is your staff report.

33 HUBERT MCCLURE: Thank you,  
34 Henry. Just looking through and trying to find -- I  
35 didn't see a -- I see the neighbor. I just haven't  
36 seen a map or a plat. Okay. There's the last one back  
37 there. Okay. I see the neighbor's letter. I'd tell  
38 the board to look at the neighbor's letter. It's  
39 speaking for.

40 So at this time, I'll go ahead and start the  
41 public hearing, and open up the public hearing. If  
42 there's anyone speaking against Saluda Road,  
43 Williamston, number 8 Saluda Road, anyone speaking  
44 against?

45 Okay. At this time we'll close the public hearing  
46 and we'll reserve questions for staff or the owners if  
47 they are here. Mr. and Ms. Tompkins, are you here?  
48 Okay.

49 What's the feeling of the board?

50 DEBBIE CHAPMAN: That's in

1 my district and I've looked at it. I don't think it'll  
 2 be a problem among the neighbors or the setting there.  
 3 They're not far out of the city limits and we have a  
 4 five-foot setback on each side. So I don't think  
 5 that's going to be a problem since they -- the  
 6 neighbors don't have a problem.

7 So I move that we approve.

8 HUBERT MCCLURE: We have a  
 9 motion from Ms. Chapman. Do we have a second?

10 MIKE MILLER: Second.

11 HUBERT MCCLURE: Second. All  
 12 in favor. And that passes.

13 Okay. The next thing on the agenda is, let's see,  
 14 to allow the use of single-home short term rental in R-  
 15 20 zoning. This is 400 Lakewood Drive. Staff report.  
 16 This is a continuation from a tabled last month. So  
 17 the staff report is continued onto what we learned last  
 18 time. Staff.

19 HENRY YOUMANS: Mr. Chair,  
 20 before I present the staff report, there was a question  
 21 that was presented to know how many airbnb's that this  
 22 actual board had addressed since April -- December of  
 23 -- April of 2021. There have been four requests for  
 24 airbnb's in zoned areas before this board. One item  
 25 was withdrawn because of restrictions. One was denied  
 26 because it did not meet the qualifications. Two were  
 27 approved. Out of those two that were approved, one  
 28 would now be rescinded because we have discovered  
 29 restrictive covenants that would prohibit the operation  
 30 of an airbnb in that area. So that has been sent up to  
 31 the board as of now.

32 HUBERT MCCLURE: Okay.

33 HENRY YOUMANS: This is your  
 34 staff report. This is an application for special  
 35 exception to allow the use of a single-family residence  
 36 as a short term rental in R-20 zoning.

37 The applicant is Maelen Ignacio. She is the owner  
 38 of the property. The property is located at 400  
 39 Lakewood Drive in Anderson. This is Council District  
 40 1. Tax map number is there for your reference. It is  
 41 currently zoned R-20 and its land use it residential.

42 The applicant is requesting a special exception to  
 43 allow the use of the residence as a short-term rental  
 44 home.

45 Finding of facts: Anderson County Code of  
 46 Ordinances under Chapter 70, Section 7.17,  
 47 establishments are permitted by special exception, bed  
 48 and breakfasts, home stays, host homes and guest homes.  
 49 This is a plat view of the property. These are  
 50 pictures of the construction of the property located at

1 400 Lakewood Drive. This is the aerial tax map view of  
2 the property. And this is the zoning map showing R-20  
3 designation.

4 Staff recommendation is for denial of the special  
5 exception requesting the following reasons with the  
6 following conditions. State law under Section 6.29 --  
7 6-29-145 determining the existence of restrictive  
8 covenants and its effects. In the application of a  
9 permit, the local planning agency must inquire in the  
10 application or by written instructions to the applicant  
11 whether the tract or parcel of land is restricted by  
12 any recorded covenant that is contrary, conflicts with  
13 or prohibits the permitted activity. If the planning  
14 agency has actual notice of restrictive covenants on a  
15 tract or parcel of land that is contrary to, conflicts  
16 with or prohibits the permitted activity from any other  
17 source, including but limited to other property  
18 holders, the local planning agency must not issue the  
19 permit unless the local planning agency receives  
20 confirmation from the applicant that the restrictive  
21 covenants have been released for the tract or parcel of  
22 land by action of the appropriate authority or the  
23 property holders or by Court Order.

24 The established restrictions of Lakewood  
25 Subdivision, section A, item 1, states that the land  
26 use is for residential purposes only. The spirit and  
27 intent of a host home, break and breakfast guest home  
28 is contrary to the prescribed use for this subdivision.  
29 Under section 0 -- section O, item 1, if the applicant  
30 can provide staff with an updated amended covenants and  
31 restrictions allowing the use for a short term rental,  
32 the application can be resubmitted and evaluated.

33 This is your staff report.

34 HUBERT MCCLURE: Thank you,  
35 Henry. Okay. Now, we've got several people that want  
36 to -- before I open the public hearing, I realize and  
37 I'm going to ask this question again, I would like to  
38 see hands or stand up of anyone speaking against this  
39 variance. Speaking against hands up or stand up.  
40 Okay. I just wanted everybody to see that.

41 The other thing I want to do is reiterate that if  
42 you get into the personalities, if you get into he  
43 said/she said and get into all that and talk while  
44 you're not being addressed, that's not going to help  
45 your situation. We understand that most of the  
46 community is against this. And we understand that  
47 because of your presence.

48 So I'm going to do something a little bit  
49 different with the public hearing. I'm going to open  
50 up the public hearing and I'm going to ask those people

1 speaking for to get questions -- to entertain questions  
2 from the board. And then we will go to those speaking  
3 against that have not spoke. Because we understand  
4 there's a lot of people here speaking against. So we  
5 can say against. You can say it a hundred times or you  
6 can say it ten times. We see the against.

7 So, at this time, I've got one, two, three, four,  
8 five, six, seven people that are signed up. Of those  
9 seven people, who are speaking for the variance? Okay.  
10 I want you to address -- I'll let you since you're --  
11 are you speaking for?

12 MALE: I'm not for  
13 or against. I'm for the law. I'm here to speak less  
14 than three minutes about the law.

15 HUBERT MCCLURE: Okay. Well,  
16 let me speak to the people that's actually for it that  
17 has something to do with it. Ms. Ignacio, correct?  
18 I'm going to let y'all speak. And try to keep it  
19 brief. We're not going to put a time, but if you can  
20 -- we know you're for it. Just tell us the high points  
21 and we'll address our questions to you. So go ahead  
22 and speak. Give your address, again, for the record  
23 and all that good stuff.

24 MAELEN IGNACIO: My name is  
25 Maelen Ignacio. I live at 400 Lakewood Drive. And I'd  
26 just like to address the staff's statement there that  
27 there's an assumption that we're in violation of the  
28 covenants. And I'd just like to go over the covenants  
29 really briefly.

30 So section I of the covenants allows advertising  
31 of the homeowners for their home to be used as a  
32 rental. So that is one of the permissible activities  
33 in the neighborhood, is to be able to rent your home.  
34 There's nowhere in the covenant that says there's a  
35 restriction about the duration of the amount of time  
36 homeowners are allowed to rent their home; a week, a  
37 day, a month, a year. There's no restriction  
38 whatsoever that states that in the covenants.

39 Secondly, residential purpose essentially means  
40 it's to be used for human habitation or ordinary living  
41 purposes, meaning eating, sleeping, bathing, cooking,  
42 that's what it means. And we have twenty cases that's  
43 been forwarded. And the Supreme Court has consistently  
44 ruled that as long as a rental is to be used by  
45 ordinary living purposes such as cooking, eating,  
46 sleeping, such as that nature, then it's considered to  
47 be a residential purpose.

48 Thirdly, I'd like for you guys to review your  
49 article -- I think it's Article 4 of the Chapter 70  
50 ordinance where it defines what a bed and breakfast, a

1 home stay is, a host home and a guest house, and in  
2 that definition is states that the primary function of  
3 a home shall remain as a residence. So this is all in  
4 compliance with the covenants.

5 HUBERT MCCLURE: Okay. Thank  
6 you. Next. State your name and your address.

7 ROBERT KORNWEISS: Robert  
8 Kornweiss speaking as to the same property.

9 HUBERT MCCLURE: Okay.  
10 ROBERT KORNWEISS: So building  
11 on those points, I just wanted to emphasize the  
12 background principal here that a restrictive covenant  
13 is a contract and it's to be interpreted consistent  
14 with contract law. And here that means that if there's  
15 an ambiguity, then that ambiguity needs to be resolved  
16 in favor of the free use of the property. That's the  
17 starting point here.

18 And not only is residential use an ambiguous term,  
19 it's more consistently been held to be consistent with  
20 the use that's requested here than not. So for example  
21 there's a South Carolina Court of Appeals case where  
22 residential use was not even a disputed issue. It was  
23 agreed and stipulated by the parties that residential  
24 use allowed for rental.

25 The Maryland Court of Appeals has also looked at  
26 this issue. Many courts have, but just as an example,  
27 the Maryland Court of Appeals says residential use  
28 without more has been consistently interpreted as  
29 meaning that the use of the property is for living  
30 purposes or a dwelling or a place of abode. The word  
31 residential has been applied to apartment buildings,  
32 fraternity houses, hotels and bed and breakfasts  
33 because such structures are used for habitation  
34 purposes. The transitory or temporary nature of such  
35 use does not defeat the residential status.

36 So there's much case law across the country  
37 stating very similar things. In other words, rental is  
38 not inconsistent with residential. And so renting this  
39 property out is a residential use. And the covenant is  
40 not violated. At most residential use is an ambiguous  
41 term that could be interpreted either way. And if  
42 that's the case, the permit should still be granted  
43 because ambiguous terms are to be interpreted in favor  
44 of the free use of the property.

45 HUBERT MCCLURE: Okay. Thank  
46 you.

47 BRAD SWILLEN: May I ask a  
48 question before you ---  
49 HUBERT MCCLURE: Go right  
50 ahead.



1 got your rental property?  
2 MIKE WALDSMITH: Like  
3 neighborhood restrictions?  
4 MIKE MILLER: Yes, sir.  
5 MIKE WALDSMITH: No.  
6 MIKE MILLER: Okay.  
7 That's what I needed to know.  
8 HUBERT MCCLURE: Thank you.  
9 MIKE WALDSMITH: I'm a law  
10 follower.  
11 HUBERT MCCLURE: Well, we all  
12 want to follow the law.  
13 Okay. Is there anyone speaking -- I know that  
14 everybody else is speaking against. But of these seven  
15 people, anyone want to speak on these seven people up  
16 here -- I think three have spoken, so that means four  
17 speaking against. Do you want to go ahead and say  
18 something right now? Go ahead. Please address your  
19 name -- state your name and your address and how far  
20 you live from the property, please.  
21 FRED KOCKENMEISTER: Good evening.  
22 My name is Fred Kockenmeister. I live at 116 Frances  
23 Cannon Drive, about 1,500 feet from the property in  
24 question.  
25 So one thing that is being discussed here is the  
26 use of this property as a short term rental. If that  
27 is the spirit of the objective, short term rental or  
28 airbnb or bed and breakfast or other names, implied or  
29 otherwise, would be subject to South Carolina law under  
30 45-410, also known as the Bed and Breakfast Act of May  
31 27, 1998. Bed and breakfast describes it as serves as  
32 both the innkeeper's place of residence and a place of  
33 lodging. At no time has it been suggested that this  
34 would be the primary residence for the applicant. So  
35 that would not be in compliance with that law.  
36 If the property is going to be used as a bed and  
37 breakfast, it would also be subject to the restrictions  
38 under the Bed and Breakfast Act, which includes a  
39 requirement for a commercial grade fume hood and  
40 extinguishing system in the kitchen as it is used as a  
41 food preparation area. It's applicable to all new  
42 construction. And as this is a new building and new  
43 construction and it's being used as a short term rental  
44 bed and breakfast, guest house, whatever, that would be  
45 compliant with that. Based upon the photos, there's no  
46 evidence to suggest that it would be compliant.  
47 Also would be subject to requisite commercial  
48 insurance requirements, local and residential insurance  
49 requirements, as well.  
50 That's all I have.

1 HUBERT MCCLURE: Okay. Thank  
2 you. Next person speaking against. Go ahead, ma'am.  
3 Please state your name and address and how far you live  
4 from the property.

5 And that was Mr. Fred. We'll just go with Fred.  
6 How about that? Thank you.

7 SARAH CHEEK: My name is  
8 Sarah Cheek. I live at 311 Lakewood Drive, which is  
9 directly in front of the home in question. I have  
10 lived there for forty-nine years. During that time my  
11 house has been broken into and robbed. That's a  
12 horrible experience, I'm here to tell you. To me  
13 having people in and out of that home on a frequent  
14 basis with no more concern for the property than the  
15 fact that they have to pay for what they're getting  
16 that particular night.

17 People who are on vacation do not have the same  
18 goals in mind as people who live there. If indeed this  
19 house were to hold twelve people, parking would be an  
20 issue because the driveway is so short, it'll hold two  
21 cars side by side. All other parking would have to be  
22 along the side of the road. And this particular home  
23 is in a very tight dead-end road. And there are five  
24 houses around it. Three of us are widows. Having  
25 people in and out, not knowing who they are and why  
26 they're there is a concern for us. We hope that this  
27 is not granted because we feel like our neighborhood is  
28 being put upon to become a situation that it was not  
29 designed to be. My house was not the first house in  
30 the neighborhood, but it was the fourth or fifth.  
31 Thank you for your time.

32 HUBERT MCCLURE: Thank you. I  
33 thought I saw -- okay. Come on up. What's your name  
34 so I can mark you off.

35 JAY FROBOESE: Jay Froboese,  
36 334 Greenhill Drive. We back up to the -- we're in the  
37 next subdivision over but we back up to the house, to  
38 this residence.

39 I spoke last time, and I'm mainly approaching it  
40 was law enforcement. I'm thirty-year law enforcement  
41 veteran, retired. And the community that I worked in,  
42 we had this very situation many, many times over where  
43 our city council in this municipal situation allowed  
44 some short term rentals to go in because there were no  
45 restrictions. And for our law enforcement services it  
46 became a constant drain. My entire career dealing with  
47 people that came in from out of town in a vacation mode  
48 causing issues with parking, causing issues with  
49 response for fire and police into the area.

50 This particular location on Lakewood is one way

1 in, one way out. And as this previous lady mentioned,  
2 there is nowhere to park a third car other than on the  
3 street. And they're in a cul-de-sac. The street is 28  
4 feet wide. You're going to be having to put cars on  
5 the grass. It's just not a situation that is conducive  
6 to a residential area. And we can put lipstick on the  
7 term residential as much as you want. The intent of  
8 cities and counties when they zone something  
9 residential is for owner-occupied residences. There  
10 may be other interpretations, yes. But this Lakewood  
11 Subdivision and then the one next to it, Greenhill  
12 Plantation, we are owner-occupied homes, almost a  
13 hundred percent. There are some long term rentals.  
14 Some homes are rented, you know, for several years.  
15 There are no short term rentals.

16 And bringing this one short term rental into the  
17 area is going to cause a lot of problems for Lakewood  
18 and it's going to spill over into our community next  
19 door, Greenhill Plantation, because the precedent would  
20 have been set where you have the Lakewood situation,  
21 where they have a rental there.

22 Our covenants and restrictions read exactly the  
23 same as Lakewood. No one ever saw this coming.  
24 Perhaps we need to do an amendment at some point.

25 But I don't believe the county should allow this.  
26 It's not the intent of R-20 residential zoning, to have  
27 a business come in -- and that's what this is, this is  
28 a business -- to come in and have different people week  
29 after week after week, parking issues, access issues  
30 for law enforcement and fire. It's just not the right  
31 community. I don't know if you've seen aerials, you've  
32 looked at aerials of this, but it's very, very tight  
33 down at the end of this street.

34 That's all I wanted to share with you. Thank you.

35 HUBERT MCCLURE: Thank you,  
36 sir. I think we've got one or two more people on here.  
37 Who else. And you're Mr. Froboese? Thank you.

38 DAVE AXTHELM: My name is David  
39 Axthelm. I live at 403 Lakewood Drive. One thing I  
40 wanted to say was you can split hairs on the document  
41 on the covenants, but it doesn't say just residential.  
42 It says single-family residential. This is a single-  
43 family neighborhood. So talking about the petition  
44 that we have, we filed it with (inaudible). We've  
45 contacted most of the 229 addresses that the county  
46 considers to be impacted by this request, and a 190 of  
47 our neighbors have signed a petition requesting you to  
48 deny this zoning residence -- I mean this zoning  
49 variance.

50 There's a map you probably have seen. Basically

1 we've colored in all of the people that have actually  
2 signed the petition, and you can see that 400 Lakewood  
3 is surrounded by a sea of red in Lakewood and a sea of  
4 orange in neighboring Greenhill, representing the  
5 houses that do not want this request approved.

6 Some important things to note. Last time in the  
7 meeting it was brought up that Columbia and Charleston  
8 do allow short term rentals. But you weren't told that  
9 due to problems with them, they have imposed strict  
10 rules. And Columbia is looking into restricting them  
11 even further.

12 A few important rules to note, in Charleston they  
13 limit residency to one family or four unrelated adults.  
14 Columbia is even stricter, allowing one family and only  
15 three unrelated adults. Charleston also requires that  
16 the house must be the owner's full time primary  
17 residence and as such must be the address of the  
18 owner's driver's license, voter's registration and so  
19 on. The owner must physically reside in the property  
20 for a minimum of 183 days per year. Investment  
21 properties aren't eligible to be residential short term  
22 rentals. Short term rental permits are needed to be  
23 renewed in Charleston annually.

24 Now item 3, there's another item that had come up  
25 last time about somebody was asking about safety and  
26 background checks. And I believe they asked the  
27 applicant about the background checks and the applicant  
28 stated they would be done. It wasn't clear who would  
29 do those; a short term rental site would do it, airbnb,  
30 VRBO, Estrada, etcetera, who was going to do them. But  
31 running background checks is difficult, incredibly time  
32 consuming and may bear an expense component, as well.  
33 Airbnb has a very detailed section on their webpage  
34 that points out how incomplete the background checks  
35 are and lists the pitfalls that they encounter when  
36 trying to check somebody's background.

37 It's important to note that airbnb states, and I  
38 quote from their site, these checks only work when  
39 people give us their full correct legal names and date  
40 of birth. Even if they provide all required  
41 information, we can't guarantee it's accurate or that  
42 it even really belongs to them. They continue, this is  
43 a quote, because our background checks are limited, we  
44 can't guarantee that they will identify all past  
45 criminal convictions or sex offender registrations by a  
46 guest or a host. Therefore, you shouldn't rely on them  
47 as a guarantee that the user has no criminal background  
48 or other red flags. Lastly, it's important to note  
49 that only the guest who makes the reservation will be  
50 checked. And then only if airbnb has the necessary

1 information. Background checks are not performed on  
2 any of the other guests.

3 Regarding the parking, that was brought up. You  
4 know, I think it was something about -- somebody said  
5 something about it being 28 feet wide there. It's  
6 actually -- this location has much potential to cause  
7 serious parking problems. The street is quite narrow;  
8 down to 12 feet in places. And it is on a steep hill.  
9 It's a T-intersection of dead-end streets. It's quite  
10 easy to block the entire street, which often happens  
11 with delivery and work trucks.

12 In a short term rental situation, you're looking  
13 at six, eight, maybe more people showing up at this  
14 house with multiple cars. And since the lake is  
15 nearby, probably some type of water craft trailer,  
16 possibly multiple trailers. As we've already  
17 personally experienced due to recent construction work  
18 going on here, it can be difficult for us and our  
19 neighbors to get in and out of driveways. This is an  
20 inconvenience, yes. But it can turn into a health and  
21 safety issue, as well, since emergency vehicles, fire  
22 trucks, ambulances, etcetera, are very wide and they  
23 need the entire street for access.

24 To illustrate, the nearest fire hydrant in this  
25 community is over 1,000 feet away from this site. Fire  
26 hoses do not reach this far. To overcome this  
27 limitation, the Hopewell Fire Department does have  
28 pumps that can pull water from the lake. But in order  
29 to do so, they need to get within 300 feet of the lake  
30 so their hoses can reach. As Lakewood Drive gets very  
31 narrow here, it doesn't take much to block access. And  
32 that negatively impacts fire protection for all homes  
33 in this part of the community.

34 The important point -- and I'll be wrapping up  
35 here; thanks for your patience -- is we bought into a  
36 community that was meant to be a single-family  
37 residential, single family residential. We've been --  
38 we do not feel the new homeowner who bought with the  
39 intention of running a business out of it, while  
40 knowing that such purpose was not allowed by the  
41 zoning, should be allowed to change the zoning of that  
42 house and impact the quiet residential nature of our  
43 neighborhood. We live here. We bought here knowing  
44 the zoning and restrictions and expect those to be  
45 followed. This owner, in our opinion, bought here with  
46 the express intention of not respecting the R-20 zoning  
47 and restrictions (inaudible).

48 So in closing, please reference this map once  
49 again. An overwhelming majority of residents directly  
50 affected by this zoning are opposed. We respectfully

1 ask that you acknowledge the concerns of the majority  
2 of the residents in the Lakewood area and please deny  
3 this zoning variance request.

4 Thank you very much for your time.

5 HUBERT MCCLURE: Thank you.  
6 And I think there was one more person on this list. I  
7 think it was like three or four people. Anybody else  
8 on this list?

9 UNIDENTIFIED: (Inaudible.)

10 HUBERT MCCLURE: I'm not going  
11 to start that. I'm sorry. I appreciate it, but I'm  
12 not going to start that. You can tell me if you're for  
13 or against it.

14 UNIDENTIFIED: Against it  
15 and I live in the neighborhood.

16 HUBERT MCCLURE: Okay. Thank  
17 you. I'm going to close the public hearing at this  
18 time. And I hate doing that. But I'm closing the  
19 public hearing.

20 I told the -- I was going to say congregation, but  
21 I'm not a preacher -- I told y'all the first day that  
22 we started this, last meeting, that there was a timing  
23 thing here going on. Okay. I believe there's a timing  
24 thing going on because we're seeing more and more of  
25 these. And of course, there was two or three that we  
26 voted on a couple of them got thrown out. One of them  
27 we voted on, but I don't think there was anybody here  
28 voting against it or it didn't have restrictions.  
29 Something like that.

30 But I think I said something at that time that we  
31 need to address this as a county. And that's why I  
32 wanted the definition of a short term. And to this day  
33 nobody has given it to me. Now everybody says thirty  
34 days or less, thirty days or less. That's not what  
35 we're talking about. Okay? And we found out that the  
36 county cannot give us a definition except for thirty  
37 days or less.

38 Now, we realize, Ms. Ignacio, you've made a big  
39 investment with this property. And I don't know how --  
40 and I would -- you know, I know you didn't build this  
41 property going against -- I don't know how that  
42 happened. But the purpose of this board is to try to  
43 get through things like this. But sometimes the board  
44 has got its hands tied. And with this one we have our  
45 hands tied.

46 And I'll tell you why. Because if we vote for  
47 this, we're going to set a precedent for every  
48 restricted community in Anderson County to come in here  
49 and have this or that. It doesn't have to be a bed and  
50 breakfast; it could be something else. Okay? We can't

1 go against the restrictions.  
2 And then if we vote for it -- I mean if we vote  
3 against it, then we've got another problem because  
4 we're going against the restriction of the community.  
5 Now, with the residence, I understand your argument  
6 against the residence. I understand that. A residence  
7 can be this, a residence can be that. But I think when  
8 those -- and that's for a court to decide. And I'm not  
9 passing the buck here, but there's some things the  
10 board can't do. We can't write law and we can't  
11 interpret law.

12 So I'm down the middle on this because I  
13 understand Ms. Ignacio. And I would suggest that, Ms.  
14 Ignacio, with your investment, I think that it needs to  
15 be searched a little bit more. Because I'm going to be  
16 honest with you. In Anderson County, I'm going to be  
17 honest, this is not -- we are walking not on -- we're  
18 walking on eggshells here. And I just think that this  
19 needs to be a learning experience because the county  
20 needs more definition on this.

21 And as a board member, I'm going to make a motion  
22 that we deny this because of the restrictions. Do I  
23 have a second?

24 MIKE MILLER: I second.  
25 HUBERT MCCLURE: All in favor  
26 uplifted arm. All denied? What are you going to stay?  
27 Okay. We've got one abstention. We thank y'all for  
28 being here tonight and y'all have a good night. That's  
29 it.

30 Any new business or old business?

31 HENRY YOUMANS: Mr. Chair,  
32 one item of old business, and Mr. Bannister will  
33 present it to the board.

34 HUBERT MCCLURE: Okay. Go  
35 right ahead.

36 BRADEN BANNISTER: Mr. Chairman,  
37 this is an update on the agenda item heard on the July  
38 22nd board meeting. The board approved an additional  
39 wall sign for Eagle Guard storage with the condition to  
40 remove the freestanding sign. As of today, the  
41 freestanding sign is still on the property. Staff has  
42 notified the applicant that the freestanding sign is to  
43 be removed. The applicant was notified by email as  
44 well as certified mail. The staff is also working to  
45 remove the freestanding sign. This is your update.

46 HUBERT MCCLURE: Thank you for  
47 that. Tell them where it is again. Mr. Farr didn't  
48 hear it.

49 JOHN FARR: Where are you  
50 talking about? Where is the sign?



Staff Report

Application for Variance- To allow a reduction of side setback from 50' to 5'

Anderson County Land Use Board of Zoning Appeals- District 7

Historic Courthouse

Thursday January 12, 2023

5:15 P.M.

Applicant: Nu-South Surveying (Earl O' Brien)

Owner of Property: Billy Garrett

Property Location: 304 Cheddar Rd. Belton, SC 29627

Council District: Seven (7)

Tax Map Number (TMS #): 223-00-03-011

Property Description: Newly created 1.47 acre lot

Current Zoning: R-A (Residential-Agriculture)

Land Use: Residential

Applicant Request: Applicant is requesting a Variance to allow a reduction of side setback from 50' to 5' to allow placement of a double wide manufactured home.

Findings of Fact: Anderson County Code of Ordinances, Under Chapter 48 Section 5:2.6, the minimum width of a residential side yard shall be 50 feet, except that any side yard abutting on a street or highway shall not be less than 20 feet in width.

Staff Recommendation:

1. Subject property has been subdivided for applicant to maintain a residence to care for his father.
2. Parent parcel previously met all requirements for R-A Ordinance.
3. The applicant will meet all other required setbacks (front & rear).
4. The parcel is irregularly shaped and does not have the required width to meet required setbacks.
5. The proposed variance will NOT be a detriment to other properties.
6. If approved, the applicant will be required to obtain a residential compliance from Development Standards.



# Variance Application

Processing Fee: \$200.00

Please submit applications and processing fees simultaneously to avoid delay in processing. Applications can be submitted by email, or if supporting documents (reference page 3) is greater than 1 pages, applications should be mailed or brought in person. For payment cash (in-person only), check (in-person or by mail), and cards (call to pay over phone) are accepted.

Date Application Received

Application Status (Approved or Denied)

All variance applicants are required to go before the Anderson County Board of Zoning Appeals and must attend the live scheduled Board of Zoning appeals meeting when their request is to be heard. Applicants may be exempt from attending the scheduled meeting for the following reasons only: an unexpected illness or passing of oneself or a loved one or if an applicant is on active military duty or deployed.

### Applicant's Information

Name: Nu-South Surveying (EARL O'BRIEN)  
Mailing Address: 115 E. MAULDIN ST. ANDERSON 29621  
Telephone and Fax: 864-224-2754 E-Mail: nusouthsc@gmail.com

### Property Owner's Information

(Only complete if Applicant and Property Owner are not the same)

Name: BILLY GARRETT  
Mailing Address: 304 CHEDDAL ROAD BELTON SC 29627  
Telephone and Fax: 1-864-741-5678 Email: billygarrett67@icloud.com  
Designated Agent Name (Representative of Property Owner): EARL O'BRIEN

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

[Signature]  
Owner's or Designated Agent Signature

Nov. 28, 2022  
Date

### Project Information

Please Indicate Current Use of Property: Commercial  or Residential   
Property Location: 304 CHEDDAL ROAD  
Parcel Number(s)/TMS: 223-00-03-011  
County Council District: \_\_\_\_\_ School District: \_\_\_\_\_  
Total Acreage: 1.470 AC Current Zoning: RA  
Requested Variance: SIDE BUILDING SETBACK  
Please check to indicate if setback variance  sign variance  or minimum lot size variance .

Purpose of Variance: REDUCE SIDE SETBACK FOR THE PLACEMENT OF A DOUBLE WIDE HOME TO BE CLOSE TO CAFE FOR FATHER  
5' SIDE SETBACK REQUESTED.

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?  
Yes  No: \_\_\_ Date visited ROD or Date searched online. NOV. 15, 2022

Private Covenants or Deed Restrictions on the Property: Yes  No

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

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.

For a variance to potentially be considered for approval by the Board of Zoning Appeals the applicant must establish a hardship.

Hardship: A hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

The applicant hereby request a variance to the Board of Zoning Appeals for the following reasons:

What are the extraordinary and exceptional conditions pertaining to the particular piece of property:

THE LOT IS VERY LONG AND NARROW.

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

THERE ARE SEVERAL LONG AND NARROW LOTS ADJOINING THIS PROPERTY WITH EXISTING HOMES.

Reasons why property is prohibited or limited in its uses:

NARROW

Application of the variance will not be of detriment to adjacent properties 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:

EXISTING NARROW LOTS ARE DEVELOPED

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

BOUNDARY SURVEY PLAT  
ANDERSON COUNTY GIS MAPPING

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

**For Office Use Only:**

Application Received By: \_\_\_\_\_ Date Completed Application Received: \_\_\_\_\_

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

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

# Variance Application Checklist

## Anderson County Code of Ordinances Chapter 48 Zoning- Article 9.- Board of Zoning Appeals

### Section 9:5.- Powers and Duties

Section 9:5.1 Review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.

Section 9:5.2 Variances. The board of zoning appeals may authorize upon written appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship or peculiar and exceptional practical difficulties.

Before action is taken on a request for a variance, the board shall hold one or more public hearings at which any party may appear in person, by agent, or attorney. The planning commission staff will also refer the request to the appropriate zoning advisory group for review and report to the board of zoning appeals. The zoning advisory group will meet in public sessions and shall provide a written report and recommendation to the board of zoning appeals.

Notice shall be given at least 15 days in advance of a public hearing. The owner of the property for which the variance is requested of their agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at the Anderson County Square.

In addition, the planning commission staff shall send letters notifying current owners of record of all properties adjacent to and/or within 1,000 feet in any direction of the subject property and provide proof of such mailing.

A variance from the terms of this Ordinance may be granted by the Board upon a finding that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

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

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

### Application Submittal Requirements

- \*Completed and Signed Variance Application
- \$200 Processing Fee
- One (1) Accurate, Legible Plot Plan with Dimensions and Locations of Structures and Improvements of the Property
- Clear Statement of why the variance is being requested
- One (1) Copy of all Private Covenants and Deed Restrictions Related to the property, if applicable (Can be obtained from Anderson County Register of Deeds)
- Written statement from property owner granting permission to allow variance (only needed if applicant and property owner or not the same).

**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.**

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

Applicant's Signature

Date

Page 3 of 3



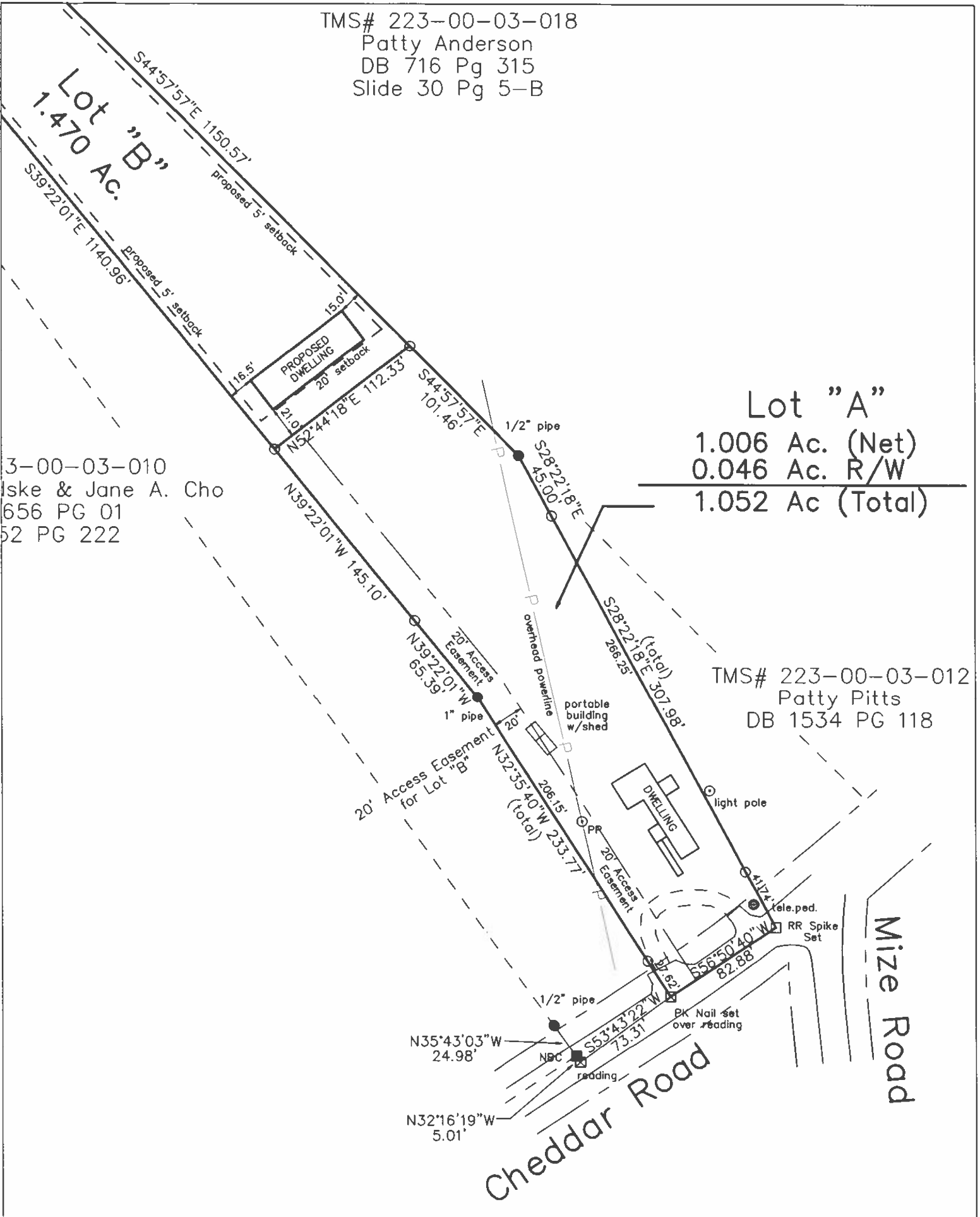
TMS# 223-00-03-018  
 Patty Anderson  
 DB 716 Pg 315  
 Slide 30 Pg 5-B

Lot "B"  
 1.470 Ac.

Lot "A"  
 1.006 Ac. (Net)  
 0.046 Ac. R/W  
 1.052 Ac (Total)

3-00-03-010  
 Mike & Jane A. Cho  
 656 PG 01  
 52 PG 222

TMS# 223-00-03-012  
 Patty Pitts  
 DB 1534 PG 118



N 1,002,357.260  
E 1,547,665.462  
1/2" pipe

220036164 11/30/2022 Bk: S2983 Ps: 00002

220036164 11/30/2022 02:56:25 PM  
FILED, RECORDED, INDEXED  
Bk: S2983 Ps: 00002 Pages: 1001  
Rec Fee: 25.00 St Fee:  
Co Fee:  
REGISTER OF DEEDS, ANDERSON CO, SC  
Cynthia D. Redford

TMS# 223-00-03-018  
Patty Anderson  
DB 716 Pg 315  
Slide 30 Pg 5-B



Vicinity Map (NTS)



TMS# 223-00-03-018  
Patty Anderson  
DB 716 Pg 315  
Slide 30 Pg 5-B

Lot "B"  
1.470 Ac.

Lot "A"  
1.006 Ac. (Net)  
0.046 Ac. R/W  
1.052 Ac (Total)

TMS# 223-00-03-010  
George Sawadske & Jane A. Cho  
DB 1656 PG 01  
PB 52 PG 222

TMS# 223-00-03-012  
Patty Pitts  
DB 1534 PG 118



Development Standards Approval

THIS IS NOT A SUBDIVISION AS DEFINED BY  
ANDERSON COUNTY SUBDIVISION REGULATIONS  
*Henry Pitts* 11/30/22  
SUBDIVISION ADMINISTRATOR DATE

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.

*Earl B. O'Brien* R.L.S. No.10755

- NOTES:
- 1) Parent TMS# 223-00-03-011
  - 2) St. Add: 304 Cheddar Road
  - 3) Reference Deed: DB 15763 Pg 65
  - 4) Reference Plat: PB 52 PG 222
  - 5) 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 those 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
12898	EBO, JC	EBO	EBO

THIS DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF NU-SOUTH SURVEYING, INC. THE REPRODUCTION, COPYING OR USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.

- Legend
- (Old) ● 1/2" Rebar
  - (New) ○ 1/2" Rebar
  - Mag Nail
  - △ Computed Pt.

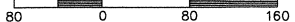
Nu-South Surveying Inc.  
115 E. Mauldin St.  
Anderson S.C. 29621  
(864) 224-2754  
nusouthsc@gmail.com

Survey and Certification for

*Index* Billy Garrett

NON-Transferable

Anderson County South Carolina  
Scale 1" = 80' Date: Nov. 17, 2022







Staff Report

Application for Variance- To allow a reduction of side setback from 50' to 10'

Anderson County Land Use Board of Zoning Appeals

Historic Courthouse

Thursday, January 12, 2023

5:15 P.M.

Applicant: Nu-South Surveying

Owner of Property: Willie Lollis

Property Location: 811 Cheddar Rd., Belton, SC 29627

Council District: Seven (7)

Tax Map Number (TMS #): 223-00-17-010

Property Description: Portion of 223-00-17-010

Current Zoning: R-A (Residential-Agriculture)

Land Use: Residential

Applicant Request: Applicant is requesting a **Variance** to allow a reduction of side setback from 50' to 10' and to allow two dwellings to remain on the same parcel after division.

Findings of Facts: Anderson County Code of Ordinances, Under Chapter 48 Section 5:2.6, the minimum width of a residential side yard shall be 50 feet, except that any side yard abutting on a street or highway shall not be less than 20 feet in width.

Under Chapter 48 Section 6:3, there shall be not more than one principal building and its accessory buildings on one lot.

Staff Recommendation:

1. Subject property is being subdivided for potential sale.
2. Parcel requires variance to follow R-A Ordinance requirements.
3. The applicant meets setbacks on all other property lines.
4. The proposed variance will NOT be a detriment to other properties.
5. If approved, the applicant will be required to obtain a residential compliance from Development Standards.



# Variance Application

Processing Fee: \$200.00

Please submit applications and processing fees simultaneously to avoid delay in processing. Applications can be submitted by email, or if supporting documents (reference page 3) is greater than 11 pages, applications should be mailed or brought in person. For payment cash (in-person only), check (in-person or by mail), and cards (call to pay over phone) are accepted.

Date Application Received

Application Status (Approved or Denied)

All variance applicants are required to go before the Anderson County Board of Zoning Appeals and must attend the live scheduled Board of Zoning appeals meeting when their request is to be heard. Applicants may be exempt from attending the scheduled meeting for the following reasons only: an unexpected illness or passing of oneself or a loved one or if an applicant is on active military duty or deployed.

### Applicant's Information

Name: NU-SOUTH SURVEYING (EARL O'BRIEN)  
Mailing Address: 115 E. MAULDIN ST, ANDERSON 29621  
Telephone and Fax: 864-224-2754 E-Mail: nusouthsc@gmail.com

### Property Owner's Information

(Only complete if Applicant and Property Owner are not the same)

Name: WILLIE LOUIS  
Mailing Address: 320 MAXCY DR.  
Telephone and Fax: 1-864-293-5364 Email: NONE  
Designated Agent Name (Representative of Property Owner): EARL O'BRIEN

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

[Signature]  
Owner's or Designated Agent Signature

Nov. 30, 2022  
Date

### Project Information

Please Indicate Current Use of Property: Commercial  or Residential   
Property Location: 811 CHEDDAR RD.  
Parcel Number(s)/TMS: PORTION OF TMS# 223-00-17-010  
County Council District: 7 School District: 4  
Total Acreage: 1.503 AC Current Zoning: RA

Requested Variance: PLEASE CHECK TO INDICATE IF SETBACK VARIANCE  SIGN VARIANCE  OR MINIMUM LOT SIZE VARIANCE   
THE EXISTING PROPERTY HAS THREE EXISTING HOMES  
Purpose of Variance: ON THE PROPERTY AND THERE IS A BUCKLE FOR  
THE EXISTING MOBIL HOME + BARN.

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

Yes:  No:  Date visited ROD or Date searched online: NOV. 02, 2022

Private Covenants or Deed Restrictions on the Property: Yes  No

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

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.

For a variance to potentially be considered for approval by the Board of Zoning Appeals the applicant must establish a hardship.

Hardship: A hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

The applicant hereby request a variance to the Board of Zoning Appeals for the following reasons:

What are the extraordinary and exceptional conditions pertaining to the particular piece of property:

THE EXISTING HOMES AND BARN HAVE BEEN ON THE PROPERTY FOR SEVERAL YEARS. THEY MET THE NECESSARY SETBACK AT THE TIME THEY WERE CONSTRUCTED.

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

THIS PROPERTY WAS RECENTLY ZONED RA WHICH CANCELLED THE SETBACK REQUIREMENT FOR NEW CONSTRUCTION.

Reasons why property is prohibited or limited in its uses:

EVERY STRUCTURE IS ALREADY IN PLACE AND UNDER USE. THERE IS ALSO A SHARED DRIVE RUNNING BETWEEN THE BUILDINGS

Application of the variance will not be of detriment to adjacent properties 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:

THAT IS CORRECT

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

NEW SURVEY PLOT SHOWING BUILDING LOCATIONS AND AN ANDERSON CO. GIS MAP.

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

For Office Use Only:

Application Received By: \_\_\_\_\_ Date Completed Application Received: \_\_\_\_\_

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

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

# Variance Application Checklist

## Anderson County Code of Ordinances Chapter 48 Zoning- Article 9.- Board of Zoning Appeals

### Section 9:5.- Powers and Duties

Section 9:5.1 Review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.

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Before action is taken on a request for a variance, the board shall hold one or more public hearings at which any party may appear in person, by agent, or attorney. The planning commission staff will also refer the request to the appropriate zoning advisory group for review and report to the board of zoning appeals. The zoning advisory group will meet in public sessions and shall provide a written report and recommendation to the board of zoning appeals.

Notice shall be given at least 15 days in advance of a public hearing. The owner of the property for which the variance is requested of their agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at the Anderson County Square.

In addition, the planning commission staff shall send letters notifying current owners of record of all properties adjacent to and/or within 1,000 feet in any direction of the subject property and provide proof of such mailing.

A variance from the terms of this Ordinance may be granted by the Board upon a finding that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

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

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

### Application Submittal Requirements

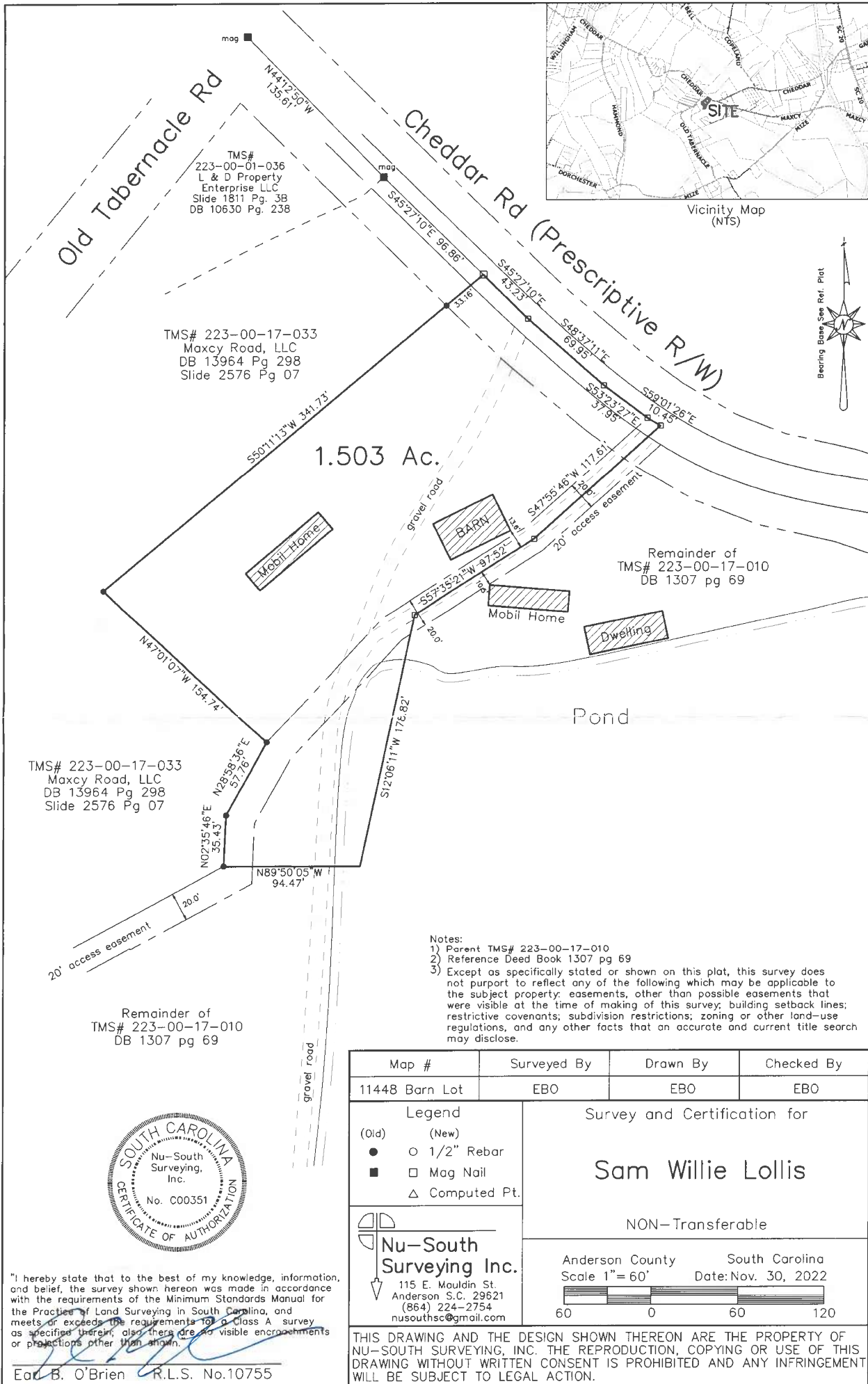
- \*Completed and Signed Variance Application
- \$200 Processing Fee
- One (1) Accurate, Legible Plot Plan with Dimensions and Locations of Structures and Improvements of the Property
- Clear Statement of why the variance is being requested
- One (1) Copy of all Private Covenants and Deed Restrictions Related to the property, if applicable (Can be obtained from Anderson County Register of Deeds)
- Written statement from property owner granting permission to allow variance (only needed if applicant and property owner or not the same).

**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.**

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

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



TMS# 223-00-01-036  
L & D Property Enterprise LLC  
Slide 1811 Pg. 3B  
DB 10630 Pg. 238

TMS# 223-00-17-033  
Maxcy Road, LLC  
DB 13964 Pg 298  
Slide 2576 Pg 07

TMS# 223-00-17-033  
Maxcy Road, LLC  
DB 13964 Pg 298  
Slide 2576 Pg 07

Remainder of  
TMS# 223-00-17-010  
DB 1307 pg 69

Remainder of  
TMS# 223-00-17-010  
DB 1307 pg 69

Notes:

- 1) Parent TMS# 223-00-17-010
- 2) Reference Deed Book 1307 pg 69
- 3) 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; 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
11448 Barn Lot	EBO	EBO	EBO

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

Survey and Certification for

**Sam Willie Lollis**

NON-Transferable

**Nu-South Surveying Inc.**  
115 E. Mauldin St.  
Anderson S.C. 29621  
(864) 224-2754  
nusouthsc@gmail.com

Anderson County South Carolina  
Scale 1"=60' Date: Nov. 30, 2022



"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."

Earl B. O'Brien R.L.S. No.10755

THIS DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF NU-SOUTH SURVEYING, INC. THE REPRODUCTION, COPYING OR USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.





Staff Report

Application for Variance- To allow a reduction of side setback from 10' to 2'

Anderson County Land Use Board of Zoning Appeals

Historic Courthouse

Thursday, January 12, 2023

5:15 P.M.

Applicant: Amanda Bishop (Interplan LLC)

Owner of Property: Chick Fil A

Property Location: 3420 Highway 153, Piedmont, SC 29673

Council District: Six (6)

Tax Map Number (TMS #): 236-00-09-006

Property Description: Hwy. 153 1.36 ac.

Current Zoning: Unzoned

Land Use: Commercial

Applicant Request: reduction of side setback from 10' to 2' due to the canopy encroaching into the setback along the eastern property line.

Finding of Facts: Anderson County Code of Ordinances, Under Chapter 24-117, nonresidential uses are required to be 10' from side and rear property lines.

Staff Recommendation:

1. The property is located among other commercial properties.
2. The proposed variance will allow proper storage of vehicles waiting in the drive thru.
3. The proposed variance will NOT be a detriment to surrounding properties.
4. If approved, the applicant will be required to obtain a Land Use Permit from Development Standards along with all building permits required through Building & Codes.



# Variance Application

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

Date of Application Completion

Application Status (Approved or Denied)

### Applicant's Information

Name: Amanda Bishop; Interplan LLC c/o Chick-fil-A, Inc.  
Mailing Address: 220 East Central Parkway, Suite 4000 Altamonte Springs, FL  
Telephone and Fax: 407-645-5008 E-Mail: abishop@interplanllc.com

### Owner's Information

*(If Different from Applicant)*

Name: Chick-fil-A  
Mailing Address: 5200 Buffington Road, Atlanta, GA 30349  
Telephone and Fax: 407-645-5008 Email: abishop@interplanllc.com

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

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

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

11/11/2022

### Project Information

Property Location: 3420 Highway 153, Piedmont, SC 29673  
Parcel Number(s)/TMS: ~~236-00-09-006~~ 236-00-09-006  
County Council District: N/A School District: N/A  
Total Acreage: 1.360 Current Zoning: N/A  
Requested Variance: Side Building Setback Variance Section 24-1-17

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

Purpose of Variance: A variance will be required due to the canopy encroaching into the required ten-foot (10') side setback along the eastern property line.  
The proposed canopy edge to the property line is approximately two (2) feet.

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?  
Yes: Yes No:      Date visited ROD or Date searched online, November 11, 2022 - Also sent an email     

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

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

Amanda Bishop  
Applicant's Signature

Digitally signed by Amanda Bishop  
Date: 2022.11.11 11:50:19 -0500

11/11/2022  
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:

Please see variance narrative attached for additional information.

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

Please see variance narrative attached for additional information.

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: Please see variance narrative attached for additional information.

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:

Please see variance narrative attached for additional information.

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) Civil plans, Variance Application & Narrative, Aerial, Deed page, Property ID Card.

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.

Amanda Bishop  
Applicant's Signature

Digitally signed by Amanda Bishop  
Date: 2022.11.11 11:50:41 -0500

11/11/2022  
Date

For Office Use Only:

Application Received By:      Date Completed Application Received:     

Application Fee Amount Paid:      Check Number:     

Scheduled Board Hearing Date:      Land Use/Board of Zoning Appeals' Decision:     

Page 2 of 2

December 5, 2022

**Tim Cartee**  
**Anderson County Planning Division-Development Standards**  
401 East River Street, Anderson, SC 29624  
(864) 260-4719  
[tcartee@andersoncountysc.org](mailto:tcartee@andersoncountysc.org)

**Reference: Chick-fil-A # 3330 Powdersville**  
**Address: 3420 Highway 153, Piedmont, SC 29673**  
**I.P. # 2022.0548**  
**Variance Narrative**

To Whom It May Concern,

Chick-fil-A is proposing to make drive-thru modifications, including drive-thru modification, dual lane order meal delivery (OMD) canopy, approximately 1,264 sf off-site land acquisition, Patio Seating to be adjusted, CFA sign relocation, and curb inlet to be replaced with grate inlet for an existing Chick-fil-A restaurant part of the proposed improvements to the property, and lack of compliance with the City of Piedmont Code of Ordinances Section (s)24-1-17.

**Variance: A variance will be required due to the canopy encroaching into the required ten-foot (10') side building setback along the eastern property line. The Canopy is two (2) feet away from the property line.**

Please see the attached application and responses below to be heard at the Board of Adjustment Meeting, to appeal the decision of the official responsible for Ordinance administration, interpretation or enforcement

1) Extraordinary and exceptional conditions pertaining to the particular piece of property, as follows:  
The current Chick-fil-A business has prompted the need to increase efficiency and the amount of stacking in the drive-thru lane, but due to the size of the existing developed site, and existing utilities, this cannot be achieved without adding a second lane to the drive-through creating dual lane fulfillment. The proposed multi lane order meal delivery (OMD) canopy will allow more efficient traffic stacking while alleviating traffic congestion to the site and adjacent properties. It will also allow the staff more of an opportunity to keep the traffic flowing while delivering meals in a more efficient manner.

2) Conditions do not generally to other properties in vicinity, as shown by:  
The special conditions and circumstances do not result from the actions of the applicant. The drive-thru dual lane fulfillment and dual lane canopy system will improve on site traffic circulation, traffic congestion to adjacent properties and will protect the employees and guests from inclement weather all while maintaining a safe environment for the staff and public. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property. The layout proposed is similar to the existing layout but with improvements to the number of cars able to be serviced in the drive-thru lane. Due to the shape of the site and the existing access drives, the proposed layout is the best configuration to provide for maximum drive thru stacking and efficiency for the site and surrounding properties.



Chick-fil-A #3330 Powdersville

December 2, 2022

Page 2 of 2

3) Application of the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as it will not allow protection to the employees and guests from inclement weather and would not allow the most efficient service possible for meal delivery to guests as we see on other Chick-fil-A sites.

4) 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: Granting of the canopy setback encroachment variance would not confer upon the applicant any special privilege and will be in harmony with the general intent and purpose of the code and that such variance will not be injurious to the area involved or otherwise detrimental to the safety and health of the public. The new proposed layout seeks to provide and allow for better and increased onsite stacking in the drive thru lane and therefore reduces any offsite backup or traffic congestion issues which is causing to be a problem on site and to adjacent properties. Installation of the dual lane order meal delivery canopy will allow a more efficient meal delivery system to guests, increasing the efficiency of the site while alleviating traffic congestion. The intent is rather to improve existing conditions, specifically traffic congestion and circulation during peak hours all while allowing for more cars to stack onsite rather than on adjacent properties or roadways.

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

Please see the provided supporting documentation including the Variance Application, signed and sealed Site Plan, and the aerials provided showing traffic congestion to the site.

Should you have any questions or need any additional information, you can contact me at (407)645-5008 or via email at [abishop@interplanllc.com](mailto:abishop@interplanllc.com). If I am not available, Nancy Carreras is the Permit Manager and can be contacted at [ncarreras@interplanllc.com](mailto:ncarreras@interplanllc.com). Tan Vu is the Architectural Manager and will also be able to answer your questions.

Sincerely,  
INTERPLAN LLC

*A. Bishop*

Amanda Bishop  
Development Services/Permit Lead

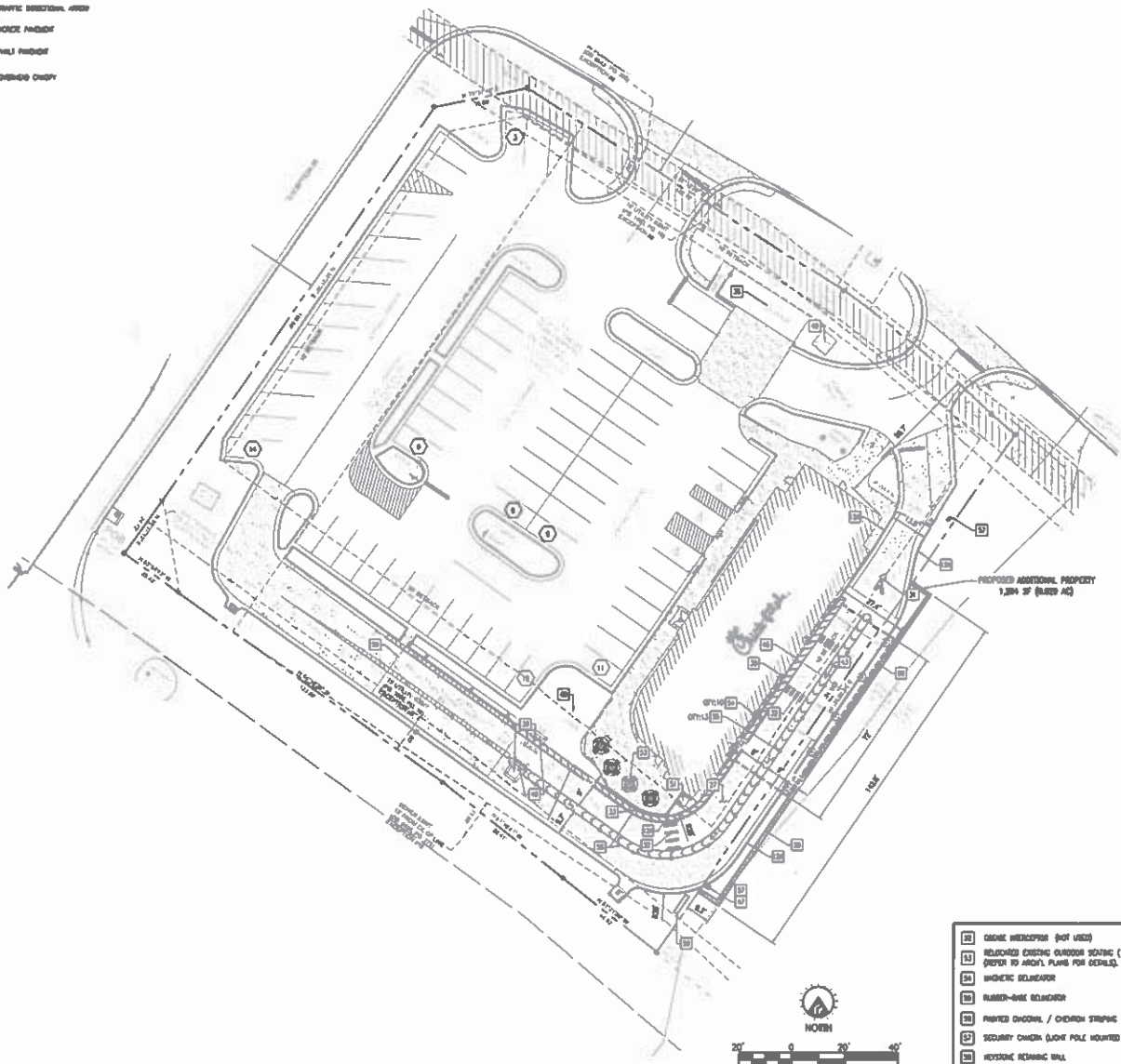
**LEGEND**

- PARKING SPACE STALLS
- MEDIA MASTER SHEET NUMBER
- TRAFFIC DIRECTIONAL ARROW
- CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- DRAINAGE CHOPPY

**PAVING NOTE:**  
CONCRETE SHALL PRODUCE CRACKS STRONG WITH DRYER SAND BLASTING OR WACKER PROCEDURE THEN SEAL. DESIGN ASPHALT BEFORE APPLYING NEW STRIPES. DO NOT PAINT THE CRACKS STRONG BLACK.

**SITE PLAN DESIGN NOTES & KEY PLAN**

- 1) MEDICINAL WARD (NOT USED)
- 2) PAINTED WOODCHIP PARKING STRIPS (NOT USED)
- 3) BIRD-IMPACT GRAPHICS (NOT USED)
- 4) STOP LINE GRAPHIC (NOT USED)
- 5) STANDARD PARKING SIGN (NOT USED)
- 6) COLLAPSE MOUNTED SIGN (NOT USED)
- 7) ACCESSIBLE PARKING SIGN (NOT USED)
- 8) MEDICINAL SIGNAGE (NOT USED)
- 9) SIGNAGE: ALL SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE U.S. DEPARTMENT OF TRANSPORTATION.
- 10) SIGNS SHALL BE PROVIDED AND INSTALLED BY CHICK-FIL-A GENERAL CONTRACTOR.
- 11) "ORACLE BUILDING FOR ONE-WAY" SIGN
- 12) "LEFT TURN ONLY" SIGN
- 13) "RIGHT TURN ONLY" SIGN
- 14) "CAUTION - BRUSH FOR PROCESSION" SIGN
- 15) "THE WAY" SIGN ABOVE SIGN
- 16) "TO HOT CORNER" SIGN
- 17) "STOP" SIGN (NOT USED)
- 18) CONCRETE SIDEWALK (NOT USED)
- 19) SIDEWALK WITH CURB AND CURTUP (NOT USED)
- 20) 24" CONCRETE CURB AND CURTUP
- 21) SPILLING CURB AND CURTUP
- 22) CHANGING CURB AND CURTUP (NOT USED)
- 23) REPROCESSED SPILLING CURB AND CURTUP (NOT USED)
- 24) REPROCESSED CHANGING CURB AND CURTUP (NOT USED)
- 25) CONCRETE PROVISIONS (NOT USED)
- 26) WEEDS DIRT
- 27) HEAVY DIRT
- 28) CURB RAMP w/ STAIR FLARED SIGNS (NOT USED)
- 29) CURBED RAMP WITH FLARED SIGNS (NOT USED)
- 30) SIDEWALK ACCESSIBLE RAMP (NOT USED)
- 31) TRUNCATED DOWNS - CURB IN PLACE (NOT USED)
- 32) SOLID YELLOW PLASTIC SHEET SHOP (NOT USED)
- 33) CURBSTOP JOINT
- 34) FIBROGLASS & LAMINATION CORRODED CORST. JOINT REVEAL CONSTRUCTION JOINT (NOT USED)
- 35) CONSTRUCTION JOINT
- 36) FIBROGLASS & LAMINATION CONSTRUCTION JOINT PROTECTIVE COAT (NOT USED)
- 37) CONCRETE JOINT AT SHAMPOO ENCLOSURE (NOT USED)
- 38) UNDERDRAIN, BUT JOINT
- 39) CONCRETE FINISH AT ONE-WAY LINE
- 40) TYPICAL HANG (SHOULDER) PROTECTIVE SECTION (NOT USED)
- 41) BUTT JOINT (NOT USED)
- 42) CONCRETE BELLAIR
- 43) HALF-LINE MEDICINAL GRAPHICS
- 44) CONCRETE SPANDRILS
- 45) ALUMINUM HANDRAIL
- 46) TYPICAL ADA RAMP AND WALKWAY (NOT USED)
- 47) ENTRY DOOR PROTECT SLAB (NOT USED)
- 48) CHANGING SIGNAGED REVERSE ENCLOSURE
- 49) SIGNAGED REVERSE ENCLOSURE PLAN (ALL) (NOT USED)
- 50) SIGNAGED REVERSE ENCLOSURE (PL. FINISHED) (NOT USED)
- 51) CHANGING MEDIA BOARD LOCK DETECTION SYSTEM
- 52) CHANGING ONE-WAY ORDER POINT (GLASS CURB (MEDIA BOARD))
- 53) ONE-WAY PLAN (MEDIATION BOARD) (NOT USED)
- 54) ONE-WAY CLEARANCE SIGN (NOT USED)
- 55) ONE-WAY SCHEMATIC
- 56) ROLLER / MOUNTABLE CURB (1 FT. HIGH) (NOT USED)
- 57) CHANGING ONE-WAY PLAN (PICK-UP WINDOW)
- 58) REVERSE/SHOULDER BUILDING (NOT USED)
- 59) TYPICAL LIGHT POLE CURB
- 60) CHANGING PLANTPOTE
- 61) CHANGING AND MOUNTED SIGNPOSTER
- 62) CHICK-FIL-A PRISM (MOUNTMENT) SIGN (1 FT. HIGH)
- 63) THESE SIGNAGE CONSTRUCTION SHALL COORDINATE WITH SIGN CONTRACTOR IF THERE WILL BE SPECIAL FROM REQUIREMENTS AT THE END OF THE MOUNTMENT SIGN.
- 64) RELOCATED COVERED CURB SIGNAGE (REFERENCE ARCH. PLANS)



- 65) ONE-WAY MEDICINAL (NOT USED)
- 66) RELOCATED EXISTING GLASS SIGNAGE (16 SEATS) (REFER TO ARCH. PLANS FOR DETAILS)
- 67) MEDICINAL BELLSIGN
- 68) RUBBER-ONE BELLSIGN
- 69) PAINTED CHICKEN / CHICKEN STRIPING
- 70) SECURITY CAMERA (LOW POLE MOUNTED - COORD. WITH SIGNAGE SYSTEMS)
- 71) REVERSE SIGNAGE WALL
- 72) CHANGING HALF-LINE ORDER POINT (GLASS) CHOPPY
- 73) ORDER MEDIA BELLSIGN (ONE) CHOPPY



SITE PLAN

1" = 20'



**Chick-fil-A**  
Chick-fil-A  
5200 Buffington Road  
Atlanta, Georgia  
30349-2998



17 6 CHICK-FIL-A LLC AND  
17 1000 700 (P) 11 21 2019  
00 00 00 00



CORPORATE SEAL



**CHICK-FIL-A**  
**POWDERSVILLE**  
3420 HIGHWAY  
153, PIEDMONT,  
SC 29673

**FSR#03330**

PROJECT INFORMATION

PROJECT NO.	03330
DATE	03/20/19
DESIGNER	010
CHECKED BY	010
DATE	03/20/19
PROJECT NAME	CHICK-FIL-A
PROJECT ADDRESS	3420 HIGHWAY 153, PIEDMONT, SC 29673
PROJECT SHEET	SITE PLAN

C-2.0



Application for a Variance  
Anderson County Land Use Board of Zoning Appeals Meeting  
County Council Chambers 2<sup>nd</sup> Floor-Historic Courthouse (DISTRICT #6)  
Anderson, South Carolina  
January 12, 2023  
5:15 PM

Variance request to allow reduction of reduction of setbacks for the construction of a hotel

Staff Report

Applicant: Shatki Corporation- George Patel

Owner of Property: Same as Applicant

Property Location: 600 Highway 183, Piedmont, SC.

Council District: Six (6)

Tax Map Number (TMS #): 237-00-05-041 and 237-00-05-042

Property Description: 2.3 acres

Current Zoning: Unzoned

Land Use: Proposed Commercial

Applicant's Request: Applicant is requesting a variance to reduce side setback from 20 feet to 16.6 feet and the front setback from 60 feet to 54.6 feet for construction of multi-level hotel.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 24-118, (c) *Standards*. Where a building or structure of 30 or more feet is proposed for a site, the building or structure shall set back from every minimum building or setback line an additional distance equal to one foot in horizontal distance for each one foot in additional vertical distance (building height). Initially, a 30-foot rise is permitted at and perpendicular to the building line. As the building or structure increases in height, it must distance itself from the (minimum) building line at the same rate of increase (1 to 1) (see appendix C (section [24-252](#))).

Staff Recommendation:

- 1) The Applicant's Land Use Application for the project was approved meeting all the requirements of Chapter 24.
- 2) The parcel in question is a non-conforming lot of record.
- 3) The parcel is situated by two roadway frontages. The parcel's irregular shape and the topography of the contour of the property limits the area for construction.
- 4) The setback of I-85 also limits the area for construction.
- 5) The Applicant has demonstrated a hardship for said request.
- 6) There will be no adverse effects on adjacent properties if the variance is granted.
- 7) The Board has granted other special exceptions similar to this request and would consistent with its approval.
- 8) A Commercial Land Use Permit will be required in addition to Stormwater Approval and a grading permit along with customary paperwork from Building and Codes and Development Standards.



**\$ PAID**  
22-2841

# Variance Application

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

2022-12-01

Date of Application Completion

Application Status (Approved or Denied)

### Applicant's Information

Name: Shatki Corporation - George Patel

Mailing Address: 409 Elbert Way, Elberton, GA 30635

Telephone and Fax: 706.436.2222 E-Mail: georgepatel2000@yahoo.com

### Owner's Information

*(If Different from Applicant)*

Name: Shatki Corporation - George Patel

Mailing Address: 409 Elbert Way, Elberton, GA 30635

Telephone and Fax: 706.436.2222 Email: georgepatel2000@yahoo.com

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

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

Owner's Signature

Date

### Project Information

Property Location: 600 Hwy 183 - Frontage Road, Piedmont, SC

Parcel Number(s)/TMS: 2370005041 and 2370005042

County Council District: CCD 6 School District: Anderson 01

Total Acreage: 2.3 Current Zoning: unzoned

Requested Variance: Setback Variances

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

Purpose of Variance: To be able to situate a hotel site on an irregular shaped parcel

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

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

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

\_\_\_\_\_  
Applicant's Signature

December 2, 2022  
\_\_\_\_\_  
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:  
Lot is irregular in shape

Conditions do not generally apply to other properties in vicinity, as shown by: The parcel is irregular shapes it has two roadway frontages and the topogarchy is difficult to work with

Application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property as follows: The setback along I85 forces the builing to be to close to the and creates difficult traffic maneuvers

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:  
there will be no adverse affect on adjacent properties if the variance is given

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.) Site plan will be attached

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.

agent for George Pikel  
Applicant's Signature

12-1-2022  
Date

For Office Use Only:

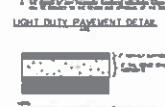
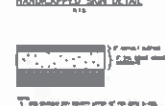
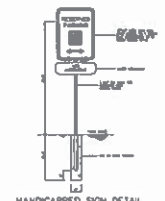
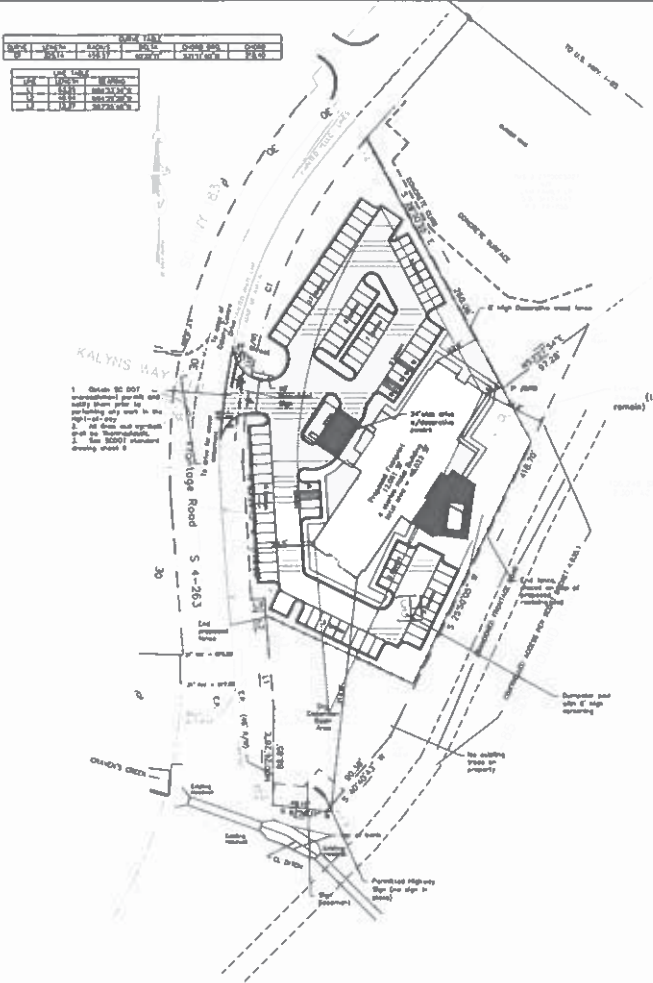
Application Received By: \_\_\_\_\_ Date Completed Application Received: \_\_\_\_\_  
Application Fee Amount Paid: \_\_\_\_\_ Check Number: \_\_\_\_\_  
Scheduled Board Hearing Date: \_\_\_\_\_ Land Use/Board of Zoning Appeals' Decision: \_\_\_\_\_

Page 2 of 2

Anderson County Public Works Division – Development Standards • 401 East River Street

• Anderson, South Carolina 29624 • Phone: (864) 260-4719 • Fax: (864) 260-4795

SURVEY DATA			
NO.	LENGTH	BEARING	AREA
1	151.17	S 89° 51' 00" W	12,000.00
2	151.17	S 89° 51' 00" W	12,000.00
3	151.17	S 89° 51' 00" W	12,000.00
4	151.17	S 89° 51' 00" W	12,000.00
5	151.17	S 89° 51' 00" W	12,000.00



**Introduction**

The project consists of the construction of a 12,000 sq ft dining hall located at the intersection of S 73-1000 and S 4-263. The project will include the construction of the building, parking area, site access, site grading, and site drainage. The project will be completed in 12 months.

**Location and description**

The project is located in Anderson County, South Carolina. The project is situated on a 12.00 acre site bounded by S 73-1000 to the north, S 4-263 to the east, and S 73-1000 to the south.

**Plan 1:** The site plan shows the location of the building, parking area, and site access. The site plan also shows the location of the site drainage system. The site plan is shown in Figure 1.

**Plan 2:** The site plan shows the location of the building, parking area, and site access. The site plan also shows the location of the site drainage system. The site plan is shown in Figure 2.

**Site plan**

The site plan shows the location of the building, parking area, and site access. The site plan also shows the location of the site drainage system. The site plan is shown in Figure 1.

**Site plan**

The site plan shows the location of the building, parking area, and site access. The site plan also shows the location of the site drainage system. The site plan is shown in Figure 2.

**Site plan**

The site plan shows the location of the building, parking area, and site access. The site plan also shows the location of the site drainage system. The site plan is shown in Figure 1.

**Site plan**

The site plan shows the location of the building, parking area, and site access. The site plan also shows the location of the site drainage system. The site plan is shown in Figure 2.

**3 DAYS BEFORE DIGGING IN SOUTH CAROLINA CALL 811 PALMETO UTILITY PROTECTION SERVICE**

1. Understand that the user of this sign will be responsible for the installation and maintenance of the sign. The sign will be installed at the location of the sign. The sign will be maintained by the user of the sign.

2. An individual who is responsible for the sign will be responsible for the sign. The sign will be installed at the location of the sign. The sign will be maintained by the user of the sign.

3. A sign that is not in compliance with the sign will be removed. The sign will be installed at the location of the sign. The sign will be maintained by the user of the sign.

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3 DAYS BEFORE DIGGING IN SOUTH CAROLINA CALL 811 PALMETO UTILITY PROTECTION SERVICE



**PROJECT NAME**  
Fairfield Inn of Powdersville  
Hwy 183  
Anderson County, South Carolina

**CLIENT**  
Shadd Corp.  
498 Ebert Way  
Columbia, SC 29255  
(716) 263-3443 (F) 716 263-8823  
(410) 581-2222

**MDE ENGINEERING**

P.O. Box 2587  
Coker, SC 29641-2587  
Tel. No. 804.333.5708  
www.mde-engineering.com

PROJECT No: 21-011  
DATE: 12-07-22  
SCALE: 1" = 40'  
DRAWN: MLD

Variance Exhibit

Sheet No. 1 of 10

3001 High  
153

2370005027

Piedmon

29673

590 Highway  
183

2370005041

2370005042

571 Highway  
183

Highway 183 S-04-1144

I-85 Southbound Ramp R



Application for a Special Exception  
Anderson County Land Use Board of Zoning Appeals Meeting  
County Council Chambers 2<sup>nd</sup> Floor-Historic Courthouse (DISTRICT #7)  
Anderson, South Carolina  
January 12, 2023  
5:15 PM

Staff Report

Application for a **Special Exception** – To allow the use of a single-family residence as a short-term rental in R-20 Zoning.

Applicant: Scott Bryan

Owner of Property: Same as above

Property Location: 420 Fields Ave., Anderson, SC 29625

Council District: Four (4)

Tax Map Number (TMS #): 28-07-02-001

Property Description: approximately .18 acres

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

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 requirements/provisions of Section 7:17

Staff Recommendation:

- 1) The use meets all of the requirements in Section 5:7.2. Uses permitted by special exception.
- 2) The residence meets all of the requirements for R-20 Zoning.
- 3) No restrictions or covenants are recorded or filed with the Register of Deeds, and none are on the record.
- 4) The 1,500 sq. ft distance requirement between bed and breakfasts has been met.
- 5) The use is not detrimental to public health or general welfare.
- 6) The use will not violate neighborhood character nor adversely affect surrounding properties.
- 7) Applicant must meet all tax, fire and building code requirements, pertaining to the residential structure and obtain all necessary permits from Building and Codes and Land Use Permit from Development Standards
- 8) The Board's granting of the approval for this Special Exception is in keeping with similar requests previously granted for zoned areas.



# Special Exception Application

(For Zoned Areas Only)

**Processing Fee:\$200**

Please submit applications and processing fees simultaneously to avoid delay in processing

Applications can be submitted by email, or if supporting documents (reference page 3) is greater than 10 pages, applications should be mailed or brought in person.

For payment cash(in-person only), check (in-person or by mail), and cards(call to pay over phone) are accepted.

Date Application Received

Application Status (Approved or Denied)

All special exception applicants are required to go before the Anderson County Board of Zoning Appeals and must attend the live scheduled Board of Zoning appeals meeting when their request is to be heard. Applicants may be exempt from attending the scheduled meeting for the following reasons only: an unexpected illness or passing of oneself or a loved one or if an applicant is on active military duty or deployed.

**Deadlines for all special exception applications and supporting documents are due by the first business day of each month.**

Applications and supporting documents that are submitted by the first of each month will go before the Board of Zoning Appeals the following month (example: deadline is July 1st, application and supporting documents are submitted by July 1st, request will go before the board in August). Those that do not submit applications and supporting documents before the first of each month, the request will automatically be delayed and will not go before the board until both the application and supporting documents are received (example: due date July 1st, application submitted July 2nd, request will not appear before the board until September) (Date for request to appear before the board is continuously extended (by month) until both applications and supporting materials are received).

### Applicant's Information

Name: Scott Bryan  
Mailing Address: 1558 Franklin Circle, Dacula GA 30019  
Telephone and Fax: 404 867 8873 E-Mail: topturf1@bellsouth.net

### 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 a special exception.

Scott Bryan  
Owner's Signature

10/17/22  
Date

### Project Information

Property Location: 420 Fields Ave, Anderson SC 29625  
Parcel Number(s)/TMS: 0280702001  
County Council District: Anderson 4 School District: Anderson 4  
Total Acreage: .18 Current Zoning: RM7  
Requested Special Exception: Short Term Rental  
Purpose of Special Exception: We would like to use our property as a short term rental

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?  
Yes:  No:  Date visited ROD or Date searched online: 10/17/2022

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.

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application – pursuant to State Law (Section 6-29-1145: July 1, 2007) – determining existence of restrictive covenants. Copies may be obtain at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Comments: We also own the adjacent property that can serve as overflow parking.

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

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: \_\_\_\_\_

# Special Exception Application Checklist

## Anderson County Code of Ordinances Chapter 48 Zoning- Article 7.- Provisions for uses permitted by special exception

### Section 7:1.- General Provisions

The board of zoning appeals may issue permits for those uses permitted by special exception which are in accordance with the provisions of this chapter and the specific conditions set forth below. The board shall determine that:

- A. The use meets all required conditions.
- B. The use is not detrimental to the public health or general welfare.
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses.

## Anderson County Code of Ordinances Chapter 48 Zoning- Article 9.- Board of Zoning Appeals Section 9:5.-Powers and Duties

Section 9:5.1 Review. The board shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, determination made by the zoning administrator in the enforcement of this chapter

Section 9:5.3 Uses permitted by special exception. The board of zoning appeals may hear and decide upon uses permitted by special exception specifically authorized by the terms of this chapter. A use permitted by special exception shall not be authorized by the board unless and until:

- A. A written application is submitted.
- B. Notice shall be given at least 15 days in advance of a public hearing in a newspaper of general circulation.
- C. The request has been referred to the appropriate zoning advisory group for review and report to the board of zoning appeals. The planning commission staff will also refer the request to the appropriate zoning advisory group for review and report to the board of zoning appeals. The zoning advisory group will meet in public sessions and shall provide a written report and recommendation.
- D. A public hearing shall be held.
- E. The board shall make findings.
- F. The board shall make written findings certifying compliance with the regulations governing the special use.

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

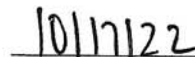
#### Application Submittal Requirements

- Completed and Signed Special Exception Application
- \$200 Processing Fee
- Site Plan or diagram of property for the proposed special exception
- Clear Statement of why the special exception is being requested
  
- Valid contact information on application
- Covenants and Deed Restrictions (Can be obtained from Anderson County Register of Deeds)

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

**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

Anderson County Development Standards \* 401 East River Street \* Anderson, South Carolina 29624

Phone: (864) 260-4719 \* Fax: (864) 260-4795

Email: dsapplications@andersoncountysc.org





280706001

HIGHWAY 24

280702001

280702002

FIELDSAVE

280701001

280701002

280701003

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Hartwell Lake

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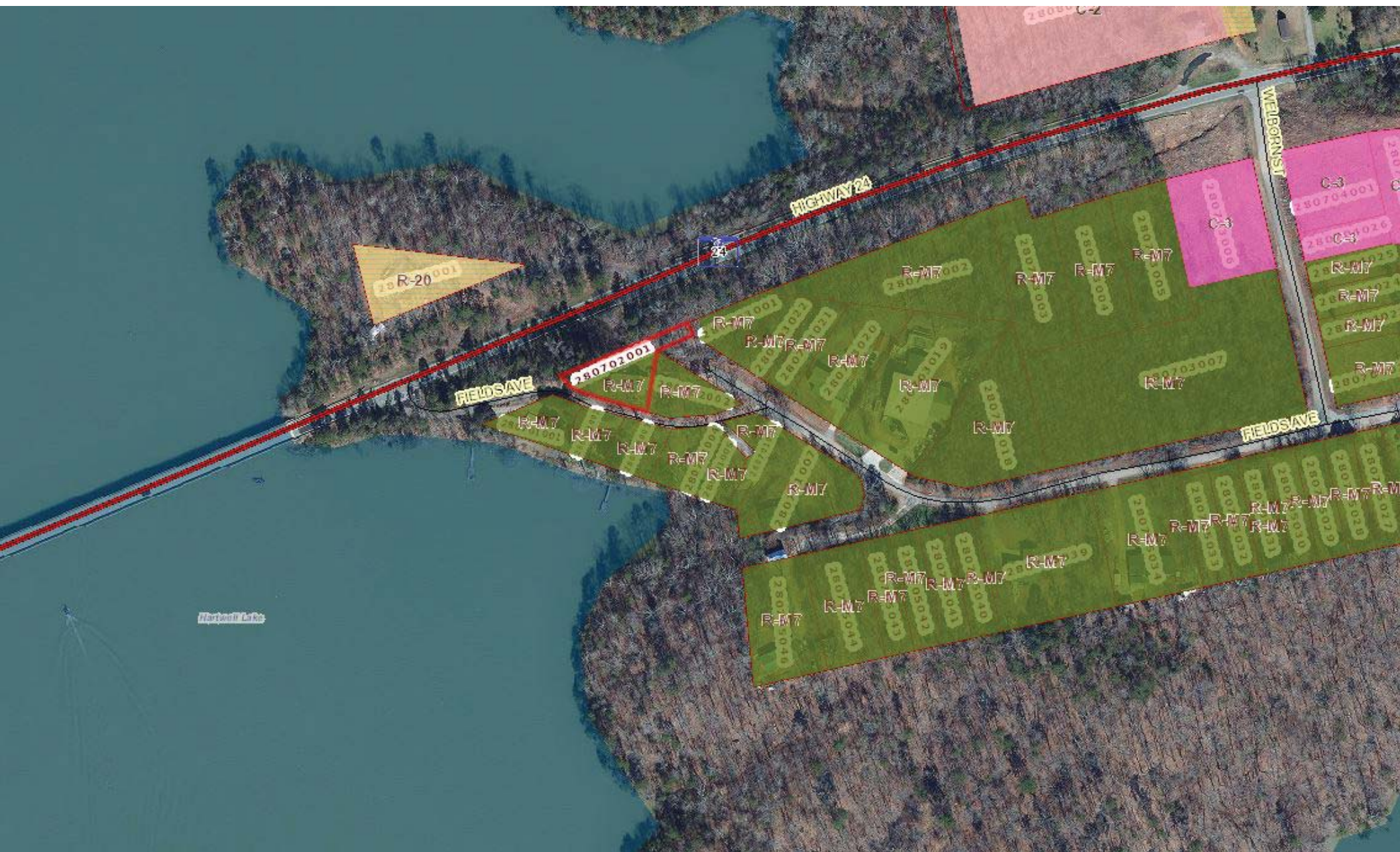
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280702001 R-20

FIELDWAY

HIGHWAY 24

WILSONS

Hartwood Lake

280702001 R-M7

280702002 R-M7

R-M7

280702003 R-M7

280702004 R-M7

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FIELDWAY

C-3

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