



MEMORANDUM

ANDERSON COUNTY DEVELOPMENT STANDARDS

DATE: April 6, 2023

TO: Land Use and Zoning Board of Appeals Members

FROM: Tyanna Holmes

SUBJECT: April 13, 2023

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on **Thursday, April 13, 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 tkholmes@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

Greg Elgin
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

Anderson County Board of Zoning Appeals

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

April 13, 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. January 12, 2023 minutes
 - b. March 09, 2023 minutes forthcoming
- 4.) Public Hearing:
 - A. Variance request to reduce the side setback from 10' to 3'. Located at 401 Fernwood Circle/TMS 124-03-01-020. Council District 2.
- 5.) Old Business:
- 6.) New Business:
- 7.) Adjournment.

State of South Carolina)
County of Anderson)

ANDERSON COUNTY COUNCIL
BOARD OF ZONING APPEALS MEETING
JANUARY 12, 2023

IN ATTENDANCE:
HUBERT MCCLURE, CHAIRMAN
JOHN FARR
MIKE MILLER
RUSSELL BARTON
TONY CIRELLI

ALSO PRESENT:
ALISIA HUNTER
TIM CARTEE
BRITTANY MCABEE
HENRY YOUMAN
TYANNA HOLMES
BRADEN BANNISTER

1 **AUDIO NOT AVAILABLE FOR BEGINNING OF MEETING**
2 **INVOCATION BY HENRY MCCLURE**

3 HUBERT MCCLURE: Approval of
4 minutes. Anybody got any additions or deletions from
5 the minutes of last -- two months ago meeting because we
6 didn't meet last month. Okay, so move -- anybody going
7 to move?

8 MIKE MILLER: I make a motion to
9 approve as mailed.

10 HAROLD MCCLURE: Motion by Mr.
11 Miller. Second by Mr. Cirelli. All those in favor show
12 by uplifted hand. Everybody voted for it.

13 Okay. Public hearing on A through E. Go ahead and
14 get the staff report on 304 Cheddar Road. Cheddar or
15 Cheddar depending on -- I don't -- I'm not from that
16 area. So I'm not going to claim to know how to say it.
17 But it's C-H-E-D-D-A-R. Okay. Go ahead, staff.

18 BRADEN BANNISTER: Thank you, Mr.
19 Chair. This is an application for a variance to allow
20 reduction of side setback from 50 feet to five feet.
21 The applicant is New South Surveying, Mr. Earl O'Brien.
22 The current owner of property is Billy Garrett. The
23 property location is 304 Cheddar Road, Belton, South
24 Carolina, Council District 7. It's a newly created 1.47
25 acre lot. Current zoning is R-A, residential
26 agriculture and current land use is residential.
27 The applicant request is -- the applicant is requesting
28 a variance to allow reduction of side setback from 50
29 feet to five feet to allow placement of a double wide
30 manufactured home.

31 Finding of facts, under Anderson County code of
32 ordinance under Chapter 48 section 5-2.6, the minimum
33 width of a residential site shall be 50 feet except that
34 any side yard abutting on a street or highway shall not
35 be less than 20 feet in width.

36 This is a site plan showing where the double wide
37 manufactured home will be placed; along with another
38 view, as well of the plat. And here's an aerial view
39 also showing the parcel in question. This is a view of
40 your R-A zoning map.

41 Staff recommendation is for approval of the variance
42 requested for the following reasons. Subject property
43 has been subdivided for applicant to maintain a
44 residence for -- to care for his father. Parent parcel
45 previously met all requirements for R-A ordinance. The
46 applicant will meet all other required setbacks front
47 and rear. The partial is irregularly shaped and does
48 not have the required width to meet required setbacks.
49 The proposed variance will not be a detriment to other
50 properties, and if approved, the applicant will be

1 required to obtain a residential compliance form from
2 Development Standards. This is your staff report.

3 HAROLD MCCLURE: Okay, thank you.
4 I'm just looking at something. Okay, that concludes the
5 staff report. Do we have any questions for staff at
6 this time from the board before I open up the public
7 hearing?

8 Okay, we'll open up the public hearing for anyone
9 speaking against. I know we may have somebody speaking
10 for, but we know that people speaking for are for it.
11 So we'll go ahead and attack -- not attack -- we will go
12 ahead and listen to the people that are speaking
13 against. So I've got three on the list. So I would ask
14 that you address the microphone with your name and your
15 address, please, whoever wants to speak first.

16 GEORGE SAWANSKI: My name is George
17 Sawanski, 308 Cheddar Road. It's the neighboring
18 property. Pretty much, we recently just moved to that
19 area. We did so because of the zoning. We wanted to
20 be, you know, in a rural setting. We moved from Las
21 Vegas where they, you know, build homes literally two
22 feet away from, you know, the property lines and, and
23 things like that. So the main reason that we did
24 actually move to that area was to avoid things like this
25 happening.

26 I think it is a detriment to the area, because it is
27 a -- once again a rural area all the way around it. I
28 just think that overall it'll decrease the property
29 values of the properties adjacent to that property,
30 which my property is.

31 HAROLD MCCLURE: Which one is your
32 property up there?

33 GEORGE SAWANSKI: 308 Cheddar Road.
34 So if you're looking at it, it's to the left -- it's the
35 other square shaped property that goes way back.

36 MIKE MILLER: Can we go back to
37 the aerial? So yours is where?

38 GEORGE SAWANSKI: To the left hand
39 side if you're looking at this. It's another large
40 square shaped -- or not, I'm sorry -- triangle shaped
41 property.

42 HAROLD MCCLURE: Over there toward
43 the bottom corner, toward the bottom corner?

44 GEORGE SAWANSKI: Yeah, it's, it's on
45 the -- it's, it's literally to the side of that one.
46 It's the other triangle that goes all the way back and
47 meets the end of their triangle.

48 HAROLD MCCLURE: Okay. Anything
49 else?

50 GEORGE SAWANSKI: No. Thank you.

1 HAROLD MCCLURE: Okay. Thank you,
2 sir. Andy Callaham.
3 ANDY CALLAHAM: I didn't realize it
4 was just -- if -- we're just talking about one home.
5 I'm not in opposition. If we're talking about bringing
6 an older gentleman in. I was under the impression they
7 was going to put in a big trailer park right in there.
8 So if anybody lives in our neighborhood, we already know
9 that on one end of my street, we have a trailer park.
10 On the other end we had a drug house and we have some
11 unique people transverse at night. And I just didn't
12 want to see another place like that.
13 I will tell you this though. About if we do
14 reducing any zoning, the water pressure and the
15 infrastructure in our area is starting to get pretty
16 low.
17 HAROLD MCCLURE: Yeah.
18 ANDY CALLAHAM: So a lot of times in
19 the mornings you have zero pressure so ...
20 HAROLD MCCLURE: What water are y'all
21 with?
22 ANDY CALLAHAM: Big Creek.
23 HAROLD MCCLURE: Y'all need to talk
24 to them because that's who -- that's who's in charge of
25 that.
26 ANDY CALLAHAM: Yeah.
27 HAROLD MCCLURE: I'm just telling you
28 from personal experience, you need to go right to the
29 source.
30 ANDY CALLAHAM: Yeah.
31 MIKE MILLER: Can you do one
32 thing? Will you state your name and address for the
33 record so we know who it is.
34 ANDY CALLAHAM: I'm sorry. Yeah.
35 Andy callaham, 564 Crawford Road, Belton. I'm about a
36 mile away as the, you know, as the crow flies across.
37 HAROLD MCCLURE: But you don't have a
38 problem, you just -- this is just two pieces. You're
39 fine with -- you're not -- you just didn't want
40 something else?
41 ANDY CALLAHAM: With this first one,
42 you know, if we're just talked about one home and an
43 older gentleman, you know, I ain't got no problem with
44 that. I just don't want to get to where it was back 20,
45 30 years ago when we were stacking them.
46 HAROLD MCCLURE: I know what you're
47 talking about.
48 ANDY CALLAHAM: And it was turned
49 into a slum.
50 HAROLD MCCLURE: Yeah, I know what

1 you're talking about. Thank you, Mr. Callahan.
2 Go ahead. I would assume you're Mr. Heney.
3 NICK HENEY: Yes, sir.
4 HAROLD MCCLURE: Just state your name
5 and your address.
6 NICK HENEY: Nick Heney, I'm at
7 2220 Maxie Drive, Belton. And I echo what Mr. Callahan
8 said. The biggest thing is on that one, I didn't, I
9 didn't want to see multiple trailers brought in. Seems
10 about every time you drive in that area now, it seems
11 they're attempting to throw another, another trailer and
12 trailer park up. So that was, that was my biggest, I
13 guess, against. But not as much heartache if it's just
14 going to be a one home on that property. But it's like
15 I said just echoing what Mr. Callahan said on that. I
16 mean, on this particular parcel, not as, not as much
17 heartburn with the, with the one home.
18 HAROLD MCCLURE: Okay. Okay, thank
19 you Mr. Heney.
20 Okay. At this time if there's nobody else speaking
21 against, I'm going to close the public hearing and
22 reserve questions from the board after the public
23 hearing to staff or anybody here for. Okay, so at this
24 time I'm going to close the public hearing since we
25 heard from those that spoke against and reserve
26 questions for staff. I have a question. I have a
27 couple of questions. And then we'll go from there.
28 Staff, was there a mobile home on this property
29 before? Yes or no?
30 BRADEN BANNISTER: No, there was not a
31 a piece of property on this.
32 HAROLD MCCLURE: Okay. So ---
33 BRADEN BANNISTER: The applicant had an
34 option of doing a medical exception on there, which he
35 could have put another mobile home on the same piece of
36 property. But he didn't want to have to go to that
37 experience. Because once the person that he's taking
38 care of, if when they pass away, he has to remove that
39 mobile home.
40 HAROLD MCCLURE: That's my next
41 question. So this falls under that. So, so we're
42 talking about Lot B.
43 BRADEN BANNISTER: Right.
44 HAROLD MCCLURE: Okay. And if
45 something happens and the building is just there empty,
46 then the county will remove it or -- not the county will
47 remove it, the owner is supposed to remove it?
48 BRADEN BANNISTER: Right. If he
49 didn't have this option, that would have been his last
50 option.

1 TONY CIRELLI: I've got a problem
2 with that. Because over the years, we -- I'd end up
3 having a mobile home or something put on site -- on the
4 site, and then father, mother, whoever, the caretaker
5 can access them. However, if they pass away, the mobile
6 home is still sitting there, they'll start renting it
7 out.

8 HAROLD MCCLURE: How do we how, do we
9 get back ---

10 TIM CARTEE: They have to update
11 their medical exception every year with the county.

12 HAROLD MCCLURE: Every year. They
13 have to update the medical exception every year.

14 MIKE MILLER: I've got one
15 question. The restrictions in that area was changed in
16 -- when on the setbacks and stuff?

17 TIM CARTEE: I believe in '21.

18 MIKE MILLER: So the restrictions
19 -- if the restrictions wasn't changed, then this
20 probably would have went through without coming before
21 us?

22 TIM CARTEE: Yes.

23 MIKE MILLER: Okay.

24 TONY CIRELLI: Thank you.

25 HAROLD MCCLURE: Any other questions
26 for staff or for anyone speaking for? Anybody got any
27 more questions?

28 What's the feeling of the board? Based on a medical
29 exception, what's the feeling of the board?

30 JOHN FARR: Vote to approve.

31 HAROLD MCCLURE: We have Mr. Farr,
32 motion to approve. Do we have a second?

33 TIM CARTEE: Mr. Chairman, this
34 is not for a medical exception. This is for side
35 setbacks only.

36 HAROLD MCCLURE: I thought you said
37 ---

38 TIM CARTEE: That was his option
39 if he couldn't get the variance, then he would have to
40 do the medical exception on that.

41 HAROLD MCCLURE: Okay.

42 TIM CARTEE: So this is his
43 alternative is to subdivide the property because he
44 wanted ---

45 HAROLD MCCLURE: Okay, well, then
46 that changes things because I -- if it's a medical
47 exception. Yes, come on up.

48 EARL O'BRIEN: May I speak?

49 HAROLD MCCLURE: Yeah, go ahead.
50 This is Mr. O'Brien speaking for the people.

1 EARL O'BRIEN: Earl O'Brien, New
2 South Surveying. I'm just doing a job for a client. I
3 would like to touch on a couple of things here. What
4 was brought up by Mr. Miller is correct. These
5 properties have existed for 20 years as they are. They
6 would meet all setback standards and requests. If it
7 were not changed last year -- two years ago to an R-A,
8 meaning there's over two acres on the property, we're
9 not asking for a zoning variance; the back lot will be
10 over an acre, the front lot will be over an acre. It
11 will meet the zoning request. We're only asking for a
12 side setback, because the new setbacks require 50 feet
13 from the sideline on 120 foot wide lot, which would
14 eliminate the ability for him to put a home there.
15 That's -- and in the county mobile home restrictions for
16 side lots are much less. But because the zoning was
17 changed to R-A, therefore it made it impossible for the
18 owner to go ahead and utilize what he had always thought
19 he was going to do when his -- he got older and have his
20 son coming in, put a home back there and -- we're not
21 asking for a medical situation. We're asking for a
22 legitimate lot that meets the zoning requirements. It
23 just need -- we're asking for a variance for setback
24 only.

25 HAROLD MCCLURE: Okay. I understand
26 now. I thought it was a medical exception. Okay. But
27 this is trying to -- a medical exception would be the
28 next step. Correct? If we ---

29 TIM CARTEE: If you do not pass
30 the variance, then he would have to leave it as one lot
31 and ask for a medical exception. Yeah, it's just to
32 change the restrictions.

33 Okay. I'll still go with my second. I'll still go
34 with my second to the, to the motion. So we have a
35 motion by Mr. Farr, seconded by myself. All those in
36 favor show by uplifted hand. And everybody votes that
37 one in. Okay, thank you.

38 All right. Next on the agenda is -- this is the
39 same road, 811 Cheddar Road. Staff report.

40 BRADEN BANNISTER: Thank you, Mr.
41 Chair. This is a variance for 811 Cheddar Road. The
42 applicant is New South Surveying and the owner of the
43 property is Willy Lollis. Council District 7. The tax
44 map number is there for your reference. The current
45 zoning is also R-A, residential agriculture, and the
46 current land use is residential.

47 The applicant is requesting a variance to allow
48 reduction of side setback from 50 feet to 10 feet and to
49 allow two dwelling to remain on the same parcel after
50 division.

1 Finding of facts under Anderson County code of
2 ordinance, under Chapter 48 and section 5-2.6, the
3 minimum width of residential side yard shall be 50 feet
4 except that any side yard abutting on a street or
5 highway shall not be less than 20 feet in width.

6 This is a view of the plat of the property, along
7 with the aerial view itself. And a view of the zoning
8 map showing R-A.

9 Staff recommendation is for approval of the variance
10 request for the following reasons. Subject property is
11 being subdivided for potential sale. Parcel requires a
12 variance to follow R-A ordinance requirements. The
13 applicant meets setbacks on all other property lines.
14 The proposed variance will not be a detriment to other
15 properties. And if approved, the applicant will be
16 required to obtain a residence compliance form from
17 Development Standards.

18 This is your staff report.

19 HAROLD MCCLURE: Thank you, staff.

20 Okay, I'll open up the public hearing for anyone
21 speaking against. I think we have two people speaking
22 against, Mr. Callahan and Mr. Heney. I would assume you
23 want to speak. Just state your name and address again,
24 please.

25 ANDY CALLAHAM: Andy Callahan, 564
26 Crawford Road. And we just ask that it remains R-A, as
27 is. And we just don't want to see multiple trailers on,
28 on parcels. So if you would just please remain -- let
29 it stay R-A.

30 HAROLD MCCLURE: Okay, thank you.

31 MIKE MILLER: Can I ask you one
32 question? I know you live there. How long has this
33 been here like that?

34 ANDY CALLAHAM: What the R-A or ---

35 MIKE MILLER: No. The house and
36 around the pond and everything right there? Do you
37 know?

38 ANDY CALLAHAM: I have no clue.

39 HAROLD MCCLURE: Staff, can you
40 answer that?

41 TIM CARTEE: I mean, I don't have
42 an exact date. But it's been there since I've been a
43 teenager, so if that tells you anything?

44 HAROLD MCCLURE: You're old as dirt.

45 MIKE MILLER: That's what I was
46 after is ... So you have a problem with splitting the
47 lot and then -- and doing those two ---

48 ANDY CALLAHAM: Well, back in the
49 90s, that's why we went with the R-A route -- R-A1,
50 because it was -- I mean, it was everywhere. And I just

1 know that once you give an inch, it's going to start up
2 again and we're going to have a mess. And almost ever
3 crime that happens in our community, there's one or two
4 places that's usually going -- when they track it down
5 or you talking to any of the deputies, they know exactly
6 ---

7 NICK HENEY: Down there on
8 the left.

9 ANDY CALLAHAM: Yeah. They know
10 exactly where it is. I just hope we won't make another
11 magnet because it may start off nice but what's it going
12 to be in 10 years? And any development that comes in
13 our community, 10 years from now I want it to make our
14 community even better. I want the people that move in
15 to make it even better.

16 HAROLD MCCLURE: I agree with
17 you. Mr. Heney go ahead.

18 NICK HENEY: Nick Heney, 220
19 Maxie Drive. Same thing. I don't want to see any more
20 properties subdivided up into smaller parcels than
21 what's required to place multiple trailers on areas. It
22 seems as I stated earlier, especially with the
23 applicant, every time anything goes their way, or piece
24 of property, they move -- that place out there, it's --
25 a trailer's been moved in. And it's -- people in that
26 community have worked very hard to make that community
27 what it is. Take pride in ownership of what they have.
28 And the last thing I want to see, especially with the
29 younger, the younger with raising kids coming into that
30 community is to bring in more trailers. And like I said
31 it may start out with the best intentions, but it's --
32 it's always got a track record. It always leads to the
33 same, the same end result. Especially with the multiple
34 dwellings on one parcel. I just don't want to see that.
35 That's not what that community is set up to be.

36 HAROLD MCCLURE: Okay. All right.
37 Thank you. Go ahead. We'll go ahead and close the
38 public hearing and reserve questions for the end for
39 Earl since he's here or for staff. So I think you have
40 a question for staff or Earl?

41 MIKE MILLER: I've got a question
42 for Earl, since he's representing the owner.

43 EARL O'BRIEN: Yes, sir.

44 MIKE MILLER: Looking -- can we go
45 back to the plat that shows the dwellings? Not that
46 one. The next one. That one. So what are their --
47 what is their intentions there, Earl?

48 EARL O'BRIEN: Can I back up? The
49 statement requested two units on -- two dwellings on
50 one. That one is a barn, the other is a single wide

1 home.
2 MIKE MILLER: Yeah, because it
3 looks like back up under the 1.503 acres, that is a
4 single -- I would say a single wide mobile home.
5 EARL O'BRIEN: That's correct.
6 MIKE MILLER: You've got a barn
7 right there?
8 EARL O'BRIEN: So we're not asking
9 for two dwellings on the same property.
10 MIKE MILLER: And you're going
11 back and you've got another single wide mobile home
12 that's down below it?
13 EARL O'BRIEN: On the remaining
14 property.
15 MIKE MILLER: What is that other
16 dwelling?
17 EARL O'BRIEN: That's another
18 rental home on that other piece, the remaining property.
19 MIKE MILLER: Okay, so ---
20 EARL O'BRIEN: There's three
21 existing homes there now; have been there for thirty
22 years.
23 HAROLD MCCLURE: But the one we're
24 voting on is the 1.5 acres; right?
25 EARL O'BRIEN: 1.5 acres; correct.
26 And the barn that's there is a -- wanting to be -- the
27 person buying the mobile home wants to use the barn for
28 storage and equipment. And there's only 26 feet between
29 the existing home and the barn. Meaning, there again,
30 it would have met the 10 foot setback before zoning was
31 changed to R-A. So there again, we're not asking for
32 new zoning. This meets the zoning. It's one and a half
33 acres; it's not less than an acre. It just requests a
34 setback variance on that one line.
35 MIKE MILLER: One other question.
36 So the other partial that is remaining that picks up the
37 mobile home and the dwelling and pond, what kind of
38 acreage is left there?
39 EARL O'BRIEN: I'm going to guess;
40 maybe 15 or 20 acres?
41 HAROLD MCCLURE: That would be a
42 staff question on that. Because I don't -- they would
43 have to been there for more than 20 years for them to be
44 there because it hasn't been addressed, has it? So
45 that, you know, those two would have to be there a long
46 time.
47 MIKE MILLER: What I'm seeing is
48 that would still be all that would be left all the way
49 around that pond.
50 HAROLD MCCLURE: Yeah. So basically,

1 they're cutting out, they're cutting out a piece of
2 property for something -- for two buildings that's been
3 there for a long time.

4 EARL O'BRIEN: One a home that
5 exists and one a barn that exists. No new dwellings.

6 HAROLD MCCLURE: Okay. All right.
7 Thanks, Earl. Any other questions for Earl? Go ahead.

8 TONY CIRELLI: Just one question.
9 So the intent is not to put a second dwelling on what's
10 being ---

11 EARL O'BRIEN: No. It's just to
12 -- as is.

13 TONY CIRELLI: Okay.
14 HAROLD MCCLURE: Any other
15 questions for staff or Earl? Okay, it's -- Mr.
16 Callaham, I can attest to what you're talking about
17 during the 90s. That's when the county went through the
18 zoning fiasco. And Tony, you were here when that
19 happened. And I remember it. I remember it. So I know
20 what you're saying. But this is an existing and is
21 putting up one and a half acres with the two dwellings,
22 which -- not two dwellings, two buildings.

23 So what's the feeling of the board?

24 TONY CIRELLI: I'll recommend
25 approval.

26 HAROLD MCCLURE: Mr. Cirelli makes a
27 motion.

28 MIKE MILLER: All right. Can I
29 amend to his motion that this here, they never can come
30 back and put another mobile home to that 1.5 acres.

31 HAROLD MCCLURE: But they would have
32 to remove the mobile home.

33 MIKE MILLER: They can but they
34 can't add the second dwelling.

35 HAROLD MCCLURE: Yeah, that's, that's
36 a given, is it not?

37 EARL O'BRIEN: Yes. It would not
38 be ---

39 HAROLD MCCLURE: Okay. They can't do
40 that.

41 MIKE MILLER: All right. I just
42 want to make sure.

43 HAROLD MCCLURE: Yeah, this is just
44 for the existing. And you know, anything else would
45 fall under the, you know ... Okay, so we have, we have
46 a second for Mr. Miller?

47 MIKE MILLER: Yeah, I'll second
48 it.

49 HAROLD MCCLURE: All those in favor
50 show by uplifted hand. And it passes.

1 Okay, next. This is Chick fil A. Chick fil A on --
2 and of course, it's not west of Anderson. So I'll just
3 go ahead and say this not west of Anderson. But anyway,
4 go ahead. Staff report.

5 BRADEN BANNISTER: Thank you, Mr.
6 Chairman. This is a request for a variance for 3420
7 Highway 153 in Piedmont. Applicant is Amanda Bishop
8 with Interplan, LLC. Current owner is Chick fil A.
9 Council District 6. Current zoning is unzoned and land
10 use is commercial.

11 Applicant requests a reduction of side setback of 10
12 feet to two feet due to the canopy encroaching into the
13 setback along the eastern property lines.

14 Finding of facts: Anderson County code of
15 ordinances under Chapter 24-117, non-residential uses
16 are required to be ten feet both from side and rear
17 property lines.

18 This is a view of your site plan; along with the
19 aerial showing the tax map, as well.

20 And the staff recommendation is for approval of the
21 various with the following -- for the following reasons.
22 The property is located among other commercial
23 properties. The proposed variance will allow proper
24 storage of vehicles waiting in the drive-thru. The
25 proposed variance will not be a detriment to surrounding
26 properties. And if approved, the applicant will be
27 required to obtain a land use permit from Development
28 Standards along with all building permits required
29 through Building & Codes. This is your staff report.

30 HAROLD MCCLURE: Thanks staff.

31 So, we are going to open up the public hearing.
32 First I will ask for anyone speaking against Chick fil
33 A. I don't think there is anybody to speak against, but
34 we'll ask anyway.

35 MIKE MILLER: They could be
36 standing out there right now.

37 HAROLD MCCLURE: Yep. Anybody
38 speaking against Chick fil A? Okay, we'll close the
39 public hearing and reserve questions for those that are
40 in favor or staff. I don't have any questions. So I'm
41 just going to open it up to see if there's any
42 discussion. What's the feeling of the board?

43 TONY CIRELLI: Motion to approve.

44 HAROLD MCCLURE: We have a motion to
45 approve. Do we have a second?

46 JOHN FARR: Second.

47 HAROLD MCCLURE: All those in favor
48 show by uplifted hand. And that passes.

49 Next -- oh, yeah, Chick fil A people, in West
50 Anderson we got a Bojangles. So you know, y'all can --

1 competition against Bojangles, y'all can come out there
2 and look to see if there's any property out there.

3 All right. This is Highway 183, Piedmont. Staff
4 report.

5 HENRY YOUMAN: Mr. Chairman, the
6 property is located at 600 Highway 183, Piedmont, South
7 Carolina. The applicant is Shatki Corporation, George
8 Patel, who represents them. It is 2.3 acres to
9 currently -- it is currently unzoned. It's proposed
10 commercial. The applicant is requesting a variance to
11 reduce the side setback from 20 feet to 16.6 feet and
12 the front setback from 60 feet to 54.6 feet for the
13 construction of a multi-level hotel.

14 Finding of facts: The Anderson County code of
15 ordinances under chapter 24-118, the standards, any
16 structure of 30 feet or more must have -- shall have a
17 setback for each minimum building or setback line for
18 the additional distance equal to one foot of horizontal
19 distance for the property. Initially a 30 foot rise is
20 permitted at and perpendicular to the building line. As
21 the building increases in height it must distance itself
22 from the minimum building line the same rate of the
23 increased one to one.

24 This is a site plan of the proposed construction
25 showing the hotel itself. This is the aerial map
26 showing both parcels that are included -- which will be
27 included in the construction of the hotel showing I-85
28 and the two other roadways connected to the property.

29 Staff recommendation is for approval. The variance
30 request for the following reasons and with the following
31 conditions. The applicant's land use application for
32 this project was approved, meeting all the requirements
33 of Chapter 24. The parcel requested is a non-conforming
34 lot of record. The parcel is situated between two
35 roadway frontages. The parcel is irregular shape and
36 topography of the contour of the property lines limits
37 to area of construction. The setback of I-85 also
38 limits the area of construction. The applicant has
39 demonstrated a hardship for this request. There are no
40 adverse effects on the additional properties if the
41 variance is granted. The board has granted other
42 variances similar to this request. And if approved a
43 commercial land use permit will be required in addition
44 to stormwater approval and a grading permit, along with
45 the customary paperwork from Building and Codes and
46 Development Standards. This is your report.

47 HAROLD MCCLURE: Thank you, Henry.

48 At this time I will open up the public hearing for
49 anyone speaking against Shatki or Mr. Patel. Anyone
50 speaking against? Okay. Then I'll close the public

1 hearing and reserve questions for Mr. Patel or
2 representative from Shatki or staff. Any questions? No
3 questions. No discussion. What's the feeling of the
4 board?

5 MIKE MILLER: Mr. Chair, I'll
6 make a motion to approve.

7 HAROLD MCCLURE: I'll second it. All
8 those in favor show by uplifted hand. And it passes.

9 And the last one. Henry, your microphone is messing
10 up. You know what that means, don't you? You're fired.

11 HENRY YOUMAN: Yeah, I know. Just
12 trying to hold on to my job.

13 HAROLD MCCLURE: Okay. Well, just
14 finishing and we'll pack up after the meeting.

15 HENRY YOUMAN: Yes, sir.

16 HAROLD MCCLURE: All right. 420
17 Fields Avenue.

18 HENRY YOUMAN: Yes, sir. This is a
19 special exception for the operation of use of single
20 family residence for short term rental in RM-7 zoning.
21 The applicant's name is Scott Bryan. The property is
22 located at 420 Fields Avenue in Anderson. Council
23 District 4. It's approximately .18 acres. Zoning is
24 RM-7 and its land use is residential. The applicant is
25 requesting a special exception to allow the use of the
26 residence as a short term rental home. Under the Code
27 of Ordinances under Chapter 48 Section 7.17,
28 establishments are only permitted by special exception,
29 bed and breakfast, home stays, host homes and guest
30 homes.

31 This is the plat of the property and lot 5-B is also
32 owned by the applicant. So he had -- does have adequate
33 space for parking if needed for that property. This is
34 the aerial map showing the tax map numbers and the
35 property in question for the request. And this is their
36 RM-7 zoning map.

37 Staff recommendation is for approval of the special
38 exception request for the following reasons and with the
39 following conditions: The use meets the requirements of
40 section 5:7.2, uses permitted by special exception. It
41 does meet all the requirements of zoning. There are no
42 restrictions or covenants of record or filed with the
43 register of deeds office and there are none existing of
44 record. It meets the 1500 square foot distance
45 requirement between bed and breakfasts that have been
46 met which are permitted. This is the only one that we
47 have in this area to ask for permission. The use is not
48 detrimental for the public health and general welfare.
49 It does not violate the neighborhood characteristics.
50 If the applicant is approved, he must meet all tax,

1 fire, and building code requirements pertaining to a
2 residential structure and obtain necessary permits from
3 Building & Codes and a land use permit from Development
4 Standards. The board has granted similar requests for
5 similar special exceptions. And this is your report.
6 HAROLD MCCLURE: Thank you, Henry.
7 At this time, is there anyone here -- I will open up the
8 public hearing. Anyone here speaking against this
9 special exception? Okay, no one's speaking against. So
10 I will close the public hearing. And first of all, I
11 want to start off with this is a bed and breakfast and
12 we already are having a time with these. Let me ask, is
13 Mr. Bryan here?
14 SCOTT BRYAN: Yes.
15 HAROLD MCCLURE: Okay. Do you live
16 at the property or do you live in that community or ---
17 SCOTT BRYAN: No, sir, I do not
18 live in that community.
19 HAROLD MCCLURE: Come to the mic and
20 just state your name and address, please?
21 SCOTT BRYAN: Scott Bryan, 420
22 Fields Avenue.
23 HAROLD MCCLURE: Okay, so you do, you
24 do live on the property?
25 SCOTT BRYAN: No, I do not live on
26 the property.
27 HAROLD MCCLURE: Okay. Where do you
28 live? Just curious.
29 SCOTT BRYAN: I live in Dacula,
30 Georgia.
31 HAROLD MCCLURE: Okay. And how long
32 have you had this property?
33 SCOTT BRYAN: Was a year in
34 December.
35 HAROLD MCCLURE: Okay.
36 MIKE MILLER: So your bed and
37 breakfast, what is your intentions? Is it short time
38 rental?
39 SCOTT BRYAN: Short term rental.
40 MIKE MILLER: So you're looking at
41 less than a week?
42 SCOTT BRYAN: Anywhere a week to a
43 month or a few days to a month, correct. Now, if I can
44 mention, we do take a lot of precautions. I know there
45 are some horror stories to short term rentals. We do
46 have cameras on the property to prevent gatherings or
47 parties. We also will put in the listing that there
48 will be no parties and parties will not be permitted at
49 the residence. Also, we have a -- what's called a
50 minute device, which monitors the amount of people that

1 are in the property, the amount of people that connect
2 to the Wi-Fi, so we will know if there's more people at
3 the property than there's supposed to be at the
4 property. So we have a maximum of six people at the
5 property at this time. So we -- like I said, the
6 cameras also, it's a ring doorbell camera and outside
7 floodlight camera. So we can monitor the amount of
8 vehicles that are on the property, as well.

9 HAROLD MCCLURE: Just one other
10 question. I'm curious, you've got one, two, three,
11 four, five, six, seven neighbors.

12 SCOTT BRYAN: Yes.

13 HAROLD MCCLURE: Eight if you count
14 the corner lot down there. Have you -- I know you're
15 not supposed to discuss what you want to do with your
16 property. But since this is a bed and breakfast, have
17 you mentioned it to them? Or ---

18 SCOTT BRYAN: Yes, George, I
19 forget his last name, lives right across from the
20 property, we've -- he's been over to my house a few
21 times. And we've talked about it. I had a phone
22 conversation just before -- when we thought the meeting
23 was going to be in December, I had a phone conversation
24 the night of that meeting, and he said that, you know,
25 that everybody thought we'd improved the property. And
26 he was not against it in anyway. He did mention there
27 are other people in the area that are using short term
28 rentals without, without permitting.

29 HAROLD MCCLURE: Okay.

30 MIKE MILLER: I've got a question
31 for staff. What is the restrictions in that area?

32 HAROLD MCCLURE: Is there
33 restrictions?

34 MIKE MILLER: Are there
35 restrictions?

36 HAROLD MCCLURE: Community
37 restrictions or anything? We want to make sure, you
38 know ---

39 SCOTT BRYAN: Well, it's zoned RM-
40 7, so we have to go by what the RM ---

41 HAROLD MCCLURE: But there's not like
42 any subdivision restriction?

43 HENRY YOUMAN: No subdivision
44 covenants or restrictions are recorded.

45 HAROLD MCCLURE: Say again.

46 HENRY YOUMAN: There are none.

47 HAROLD MCCLURE: Okay.

48 TIM CARTEE: And notices were
49 sent out to all the residents 15 days prior to this
50 meeting.

1 TONY CIRELLI: I wanted to ask you,
2 and you and Alisia can answer this question. What's the
3 timetable for getting something over to Planning
4 Commission and then on to Council on dealing with ---
5 TIM CARTEE: We're not certain at
6 this time, really.
7 HAROLD MCCLURE: Okay. Just to give
8 you a little bit of background, Mr. Bryan, we've had
9 some problems with this. And we're a little bit, a
10 little bit gun shy. And the good thing is there's
11 nobody here against you. And that's why I was asking
12 the question I was asking. There is no restrictions
13 community-wise recorded.
14 HENRY YOUMAN: Right.
15 HAROLD MCCLURE: And so if there was
16 problems then we would have them up here right now, you
17 know.
18 HENRY YOUMAN: Mr. Chair, I would
19 add, if this is allowed, if there is another Airbnb
20 operating in the area, we will make them -- we will make
21 sure it is shut down because they do not -- only one
22 could be within 1500 square feet of his property. And
23 we will make sure that one will be shut down because it
24 would not have been permitted by this board.
25 HAROLD MCCLURE: Okay. Well, with
26 the, with the two things, there's no community members
27 here speaking against and they had, what, 15 days'
28 notice. And also there are no recorded restrictions on
29 the property. What is the feeling of the board?
30 RUSSELL BARTON: I make a motion
31 we approve.
32 HAROLD MCCLURE: We have a motion
33 to approve. Do we have a second? I'll go ahead and
34 second it. And where did he go? Okay. We have a
35 motion and a second. I second it. All those in favor
36 show by uplifted hand. All opposed? Mr. Cirelli
37 opposes.
38 Okay. All right. It passes. Thank you.
39 All right, next. Let's see what's on the agenda
40 after that. I know we've got some business to take care
41 of.
42 HENRY YOUMAN: Yes, Mr. Chair ---
43 HAROLD MCCLURE: I can't find the
44 agenda. There it is. First of all, before we get into
45 old -- I want to do some old business first. And y'all
46 can put this on a record or not. I don't care. How is
47 our last bed and breakfast, what's the, what's the
48 situation there?
49 ALESIA HUNTER: Which, which one,
50 Mr. Chairman?

1 HAROLD MCCLURE: The one that caused
2 all kinds of problems.
3 ALESIA HUNTER: At Lakewood?
4 HAROLD MCCLURE: Yeah.
5 ALESIA HUNTER: That's in
6 litigation.
7 HAROLD MCCLURE: Okay. I've heard
8 that they were operating.
9 ALESIA HUNTER: They're still
10 operating, but we're in the court system.
11 HAROLD MCCLURE: Wow. That's, that's
12 something. Okay. I just wanted to know what was going
13 on.
14 Okay, next, new business. I'll let Alisia and staff
15 handle it.
16 HENRY YOUMAN: Yes, Mr. Chair, it's
17 time to elect your chair and vice chair for this year.
18 We have some ballots. If you could just write the names
19 that you want for chair and vice chair, we can take care
20 of this pretty quickly and vote. Okay, well, we --
21 nomination and then doing the voter process for the
22 record.
23 MIKE MILLER: Are you opening it
24 up for nominations? I make a nomination to elect Hubert
25 MCCLure as Chair.
26 TONY CIRELLI: I second it.
27 JOHN FARR: I nominate Mr.
28 Miller as Vice Chair.
29 HAROLD MCCLURE: I'll second that
30 one. So we've got two nominations.
31 All in favor, show by uplifted hand. Okay, there
32 you go. We just did an open ballot.
33 HENRY YOUMAN: Thank you, Mr.
34 Chair. And that concludes the meeting for today.
35 HAROLD MCCLURE: Okay, anything else?
36 Do we have a motion to adjourn?
37 MIKE MILLER: I make that motion.
38 HAROLD MCCLURE: And I second it.
39 All in favor. And we are adjourned.
40
41

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

Application for a Variance
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #5)
Anderson, South Carolina
April 13, 2023
5:15 PM

Variance request to allow reduction of the side setback from 10 feet to 3 feet.

Staff Report

Applicant: Stacy Crooks

Owner of Property: Same as above

Property Location: 401 Fernwood Circle, Anderson SC

Council District: Two (2)

Tax Map Number (TMS #): 124-03-01-020

Property Description: 1.75 Acre Parcel

Current Zoning: Unzoned

Land Use: Residential

Applicant's Request: Applicant is requesting a variance to reduce the side setback from 10 feet to 3 feet to allow the construct of a detached garage.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 24, Section 432 (b)(5), Minimum side/rear setback. No residence shall be placed within ten feet of a side or rear lot line.

Staff Recommendation:

- 1) The Applicant has a non-conforming lot of record with irregular lot lines.
- 2) The placement of the residence meets the required setbacks at the time of construction.
- 3) The placement of the septic tank in proximity to the existing steps to the residence and the pool will make the placement and construction of the garage on any other part of the parcel impossible to complete.
- 4) The Applicant has demonstrated a hardship for said request.
- 5) There will be no adverse effects on adjacent properties if the variance is granted.
- 6) The Board has granted other variances similar to this request and would be consistent with its approval.
- 7) A Building Permit will be required from Building and Codes and a compliance letter from Development Standards with the requirements that the garage be used for storage purposes only and not residential occupancy.



Variance Application

Processing Fee: \$200.00

PAID
23-0402

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 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.

2/22/23

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: Stacy Crookes
Mailing Address: 401 Fernwood Cir Anderson SC
Telephone and Fax: 864-934-0426 E-Mail: SCROOKS2108@YAHOO.COM

Property Owner's Information

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

Name: Stacy Crookes
Mailing Address: 401 Fernwood Cir Anderson SC
Telephone and Fax: 864-934-0426 Email: SCROOKS2108@YAHOO.COM

Designated Agent Name (Representative of Property Owner): _____

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

Owner's or Designated Agent Signature

Date

Project Information

Please Indicate Current Use of Property: Commercial or Residential

Property Location: 401 Fernwood Cir Anderson SC 29626

Parcel Number(s)/TMS: _____

County Council District: _____ School District: 5

Total Acreage: 1.25 Current Zoning: _____

Requested Variance: Build Garage 3ft From Property Line
Please check to indicate if setback variance sign variance or minimum lot size variance .

Purpose of Variance: Septic System is on that side of the house and the steps for the side door require garage to be over within 3 feet of the line

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

Private Covenants or Deed Restrictions on the Property: Yes No

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

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:

Septic system is on that side of the home,
Due to the existing steps and pool the building
can not go any further from the property line
Conditions do not generally apply to other properties in vicinity, as shown by:

Reasons why property is prohibited or limited in its uses:

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:

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

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

For Office Use Only:

Application Received By: H. Gunn Date Completed Application Received: 2/22/23

Application Fee Amount Paid: \$200.00 Check Number: 1001

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

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

Yes: ___ No: Date visited ROD or Date searched online: _____

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

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

For Office Use Only:

Application Received By: H. [Signature] Date Completed Application Received 2/22/23

Application Fee Amount Paid: \$ 200.00 Check Number: 1001

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.

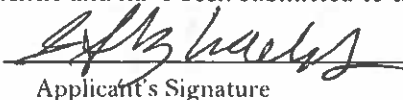
To submit a Variance Application, you must provide the following to the Development Standards Office:

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

2-22-23
Date

