



MEMORANDUM

ANDERSON COUNTY DEVELOPMENT STANDARDS

DATE: May 4, 2023

TO: Land Use and Zoning Board of Appeals Members

FROM: Tyanna Holmes

SUBJECT: May 11, 2023

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on **Thursday, May 11, 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

May 11, 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. March 09, 2023 minutes forthcoming
 - b. April 13, 2023 minutes forthcoming
- 4.) Public Hearing:
 - a. Medical exception request to allow a temporary secondary dwelling (mobile home) to be placed on the property located at 310 Garden Way Dr./ TMS 45-04-01-025. Council District 4.
 - b. Variance request to reduce the front setback from 30' to 25'. Located at 510 Masters Dr. / TMS 125-13-06-005. Council District 2.
- 5.) Old Business:
- 6.) New Business:
- 7.) Adjournment.

Application for a Special Exception (Medical Exception)
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
May 11, 2023
5:15 PM

Staff Report

Applicant: Nancy Lynn Darby (Medical Exception for Dora Gaynell Selvey)

Owner of Property: Nancy Lynn Darby & Donna Robin Fuller

Property Location: 310 Garden Way Drive, Anderson, SC 29625

Council District: Four (4)

Tax Map Number (TMS #): 45-04-01-025

Property Description: LT D1 Garden Way Drive

Current Zoning: R-20

Land Use: Residential

Applicant's Request: Applicant is requesting use of a manufactured home as accessory for temporary residential use for a medical exception.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 48, Section 7:9, A manufactured home may be permitted in any zoning district as a temporary accessory residential use which shall be clearly subordinate to a principal single-family detached dwelling or manufactured home, whether or not such principal use is conforming, subject to all of the requirements listed below. In authorizing the temporary accessory residential use, the board of zoning appeals may impose such reasonable and additional stipulations, conditions, or safeguards that in the board's judgment will better fulfill the intent of this chapter.

Staff Recommendation:

- 1) The use is not detrimental to public health or general welfare.
- 2) The request meets the standards of Chapter 48, Section 7:9.
- 3) The use will not violate neighborhood characteristics nor adversely affect surrounding land uses.
- 4) The Board has granted other special exceptions similar to this request and would be consistent with its approval.
- 5) Applicant will be required to obtain all permits from Anderson County Building and Codes and a residential compliance letter from Development Standards.



Development Standards Department

401 E. River Street, Anderson, SC 29624 • (864) 260-4774 • Fax (864) 260-4795 Email: dsapplications@andersoncountysc.org

Medical Exception Application Form (Zoned Areas)

(Applications may be submitted in person, by mail, or through email.)

Application Processing Fee \$200.00

Date: 3-2-23

Applicant's Name: Nancy Lynn Darby / Dara Gaynell Selvey

Address: 419 W. Whitner St. lot 4 Anderson, SC 29624

TMS#: 450401025

Phone Number: 864-772-7759

Alternate Number: 864-287-4708

Email Address: nlsd@live.com

Mailing Address: Same

Please list zoning area: R-20

Is there already an existing septic tank on the property?
Yes No ()

Has a septic tank permit been obtained for the structure / home?
Yes () No

A new septic tank permit is required prior to the issuance of the permit.

Reason for Medical Exception:

My mom is 91 and needs extra care. I would like to move on the property to take care of her.

310 Garden Way dr. Anderson SC 29625



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Medical Exception Information Form (Zoned Areas)

R-40, R-20, R-15, R-12, R-10, R-8, Single Family Districts. R-M, R-M1, R-M2, R-M7, R-MA, R-A, and R-A2

Are there any private covenants or deed restrictions on the property? Yes () No (✓)

If you checked 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. If your property is deed restricted or has a current mortgage, please check to ensure there is no conflict with your financial institution.

Anderson County Code of Ordinances Chapter 48, Article 7, Section 7:9

Uses permitted by special exception. The following uses may be permitted by special exception by the board of zoning appeals in accordance with provisions in article 7:

Section 7:9. Temporary accessory residential use

A manufactured home as defined in article 4 of this chapter may be permitted in any zoning district as a temporary accessory residential use, which shall be clearly subordinate to a principal single-family, detached dwelling or manufactured home, whether or not such principal use is conforming, subject to all the requirements listed below. In authorizing the temporary accessory residential use the board of zoning appeals may impose such reasonable and additional stipulations, conditions, or safeguard that in the board's judgment will better fulfill the intent of this chapter.

The board of zoning appeals may authorize issuance of a permit for a temporary accessory residential use for a period not to exceed one year. At the end of that year and each subsequent year thereafter, the board may, after a complete review of the request, grant an extension of the original application procedure. It shall be the responsibility of the zoning administrator to present to the board after each one-year period a status report of the conditions and to notify the applicant of the review.

The board of zoning appeals may at any time terminate the authorization at the request of the initiating applicant or upon the finding that the extenuating conditions no longer exist. The temporary accessory residential use and any associated services shall be removed from the premises within 30 days after notice of termination.



Development Standards Department

The Board shall determine that the following requirements have been satisfied:

- A. The use shall be necessitated by the incapacity, infirmity, or extended illness of an individual who requires continuous nursing care. The attending physician shall certify the physical and or mental condition of the person in question.
- B. The use is intended only to meet a temporary need or hardship.
- C. If the principal residential use is nonconforming, the provisions of section 6:2.1 shall be satisfied. (6:2 Nonconforming uses of land or structures existing at the time of initial adoption of the precinct zoning map shall not hereafter be enlarged or extended in any way except as outlined: Nonconforming single-family residential structures may be enlarged or extended in any zoning district provided that the new additions conform to the setback requirements provided in the zoning district in which such structures or uses are located. In addition to the right to enlarge or extend in any way, legally nonconforming farms shall be permitted to diversify or change the scope of their agricultural activities.)
- D. The temporary accessory residential use shall meet all of the requirements contained in this chapter for accessory uses.
- E. The temporary accessory residential use shall conform to all of the requirements for uses permitted by special exception as set forth in section 7:1. (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 may grant, deny, or modify any request for a use permitted by special exception after a public hearing has been held on the written request submitted by an applicant in accordance with article 9, section 9:5.3. It may also attach any necessary conditions such as time limitations or requirements that one or more things be done before the request can be initiated. Additionally, the board may require an acceptable bond to ensure that uses allowed on review are completed consistent with proposed time schedules. This bond may be issued for a maximum period of one year, renewable upon request to the board of appeals. The board shall act on requests for uses permitted by special exception within 60 days of the date of submittal. Failure to act within 60 days shall constitute approval of the request. If the request is granted, 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.

If the board denies the request, the reasons shall be entered in the minutes of the meeting at which the permit is denied. In granting the permit, the board may designate any necessary and appropriate conditions in addition to the specific conditions contained in this chapter to assure that the proposed use will be in harmony with the area in which it is to be located and within the spirit of this chapter.)

- F. No minimum lot area or lot width requirements shall be required for the temporary accessory residential use.
- G. The temporary accessory residential use shall conform to the front, side, and rear yard requirements established for the district in which the use is located.
- H. Off-street parking shall be provided in accordance with the provisions set forth in section 6:9 for the principal residential dwelling only.
- I. A manufactured home that is being utilized as a temporary accessory residential use may not be physically attached to or be a part of the principal structure located on the lot.
- J. No permit to allow a temporary accessory residential use shall be issued until all applicable regulations to the Anderson County codes department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection. In seeking approval of the temporary accessory residential use, the applicant must demonstrate to the board of zoning appeals that these facilities and services are adequately situated with respect to the lot in question.
- K. The principal for whom the accessory use is requested must be a relative by blood or marriage or in a relationship created through adoption or through foster parental care.



Development Standards Department

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Medical Exception Information Form (Zoned Areas)

Medical Exception (Zoned Areas) Applicant Signature Page:

Medical Exception Renewals (for future use): **Please note that annual medical exception renewals are accompanied by a \$100 renewal fee.**

I, Nancy L. Darby have read and understand the requirements for a Medical Exception.

Attach Physician Statement of Approval. Please Note That We Cannot Accept Application Without The Physician Statement Of Approval.

Signature: Nancy L. Darby Date: 3/2/23

Development Standards Associate: Jyanna K. Holmes Date: 3/3/23

(Updated September 2022)

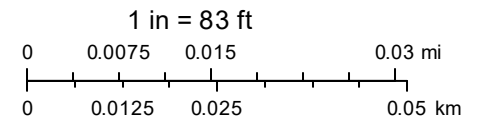
Anderson County



310 GARDEN WAY DR, Anderson - 29625

March 3, 2023 Disclaimer accepted.

TMS:	450401025		
Owner:	FULLER DONNA ROBIN + NANCY LYNN DARBY		
Owner Address:	310 GARDEN WAY DR		
City/State:	ANDERSON SC	Zip Code:	29625
Deed Book:	16456	Deed Page:	210
Tax District:	4	Description:	LT D1 GARDEN WAY DR
Sale Year:	2022	Current Plat:	CP 113/239
	Sale Price:	Market Value:	



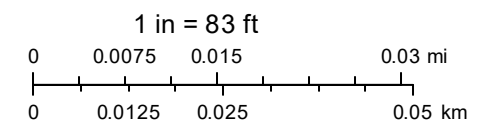
ESRI, Highland Mapping, and Anderson County GIS

Anderson County



March 3, 2023 Disclaimer accepted.

TMS:	450401025
Owner:	FULLER DONNA ROBIN + NANCY LYNN DARBY
Owner Address:	310 GARDEN WAY DR
City/State:	ANDERSON SC
Deed Book:	16456
Tax District:	4
Sale Year:	2022
Deed Page:	210
Description:	LT D1 GARDEN WAY DR
Current Plat:	CP 113/239
Zip Code:	29625
Market Value:	\$33,820
Sale Price:	\$5



ESRI, Highland Mapping, and Anderson County GIS

Application for a Variance
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #2)
Anderson, South Carolina
May 11, 2023
5:15 PM

Variance request to allow reduction of the front setback from 30 feet to 25 feet.

Staff Report

Applicant: Kenneth R. Lee

Owner of Property: Same as above

Property Location: 510 Masters Drive, Anderson SC

Council District: Two (2)

Tax Map Number (TMS #): 125-13-06-005

Property Description: Lot 3 Masters Dr

Current Zoning: Unzoned

Land Use: Residential

Applicant's Request: Applicant is requesting a variance to reduce the front setback from 30 feet to 25 feet to allow the placement of a mobile home on said lot.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 30, Sec. 30-92. - Setback required. No mobile home located on an individual lot may be located less than five feet from any property line and 30 feet from any road right-of-way line.

Staff Recommendation:

- 1) The Applicant demolished the previous single family residence that was on the parcel prior to the placement of the mobile home.
- 2) The placement of the mobile home encroaches on the road right-of-way standard as stated under Chapter 30 and is closer than the previous single family home footprint.
- 3) The Applicant has demonstrated a hardship for said request.
- 4) There will be no adverse effects on adjacent properties if the variance is granted.
- 5) The Board has granted other variances similar to this request and would be consistent with its approval.
- 6) A re-inspection of the mobile home will be required from Building and Codes and a revised compliance letter from Development Standards to designate the front setback to 25 feet.



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 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.

April 10, 2023
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: Kenneth R. Lee
Mailing Address: 405 Binewood Ln. Anderson SC 29625
Telephone and Fax: 864-999-8913 E-Mail: rascalee2164@gmail.com

Property Owner's Information

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

Name: _____
Mailing Address: _____
Telephone and Fax: _____ Email: _____
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.

Kenneth Lee
Owner's or Designated Agent Signature

4/5/2023
Date

Project Information

Please Indicate Current Use of Property: Commercial or Residential

Property Location: 510 MASTERS DR ANDERSON SC 29625

Parcel Number(s)/TMS: 125-13-06-005

County Council District: _____ School District: _____

Total Acreage: 50' x 150' Current Zoning: unzoned

Requested Variance: I 2'3 1/2" closer to Road than Set Back
Please check to indicate if setback variance sign variance or minimum lot size variance

Purpose of Variance: Get Power and Finish Mobil Home

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?
Yes: No: Date visited ROD or Date searched online: 4-10-23

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:

2' 3 1/2" closer TO Road Than Set Back
Required

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: _____ 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

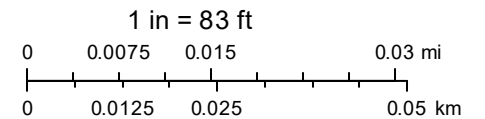
4/5/23
Date

Anderson County



April 11, 2023 Disclaimer accepted.

TMS:	1251306005		
Owner:	LEE KENNETH		
Owner Address:	510 MASTERS DR		
City/State:	ANDERSON	SC	Zip Code: 29626
Deed Book:	11269	Deed Page: 198	Current Plat: CP 029/138
Tax District:	555	Description: LT 3 MASTERS DR	
Sale Year:	2014	Sale Price: \$9,000	Market Value: \$22,000



ESRI, Highland Mapping, and Anderson County GIS