



MEMORANDUM

ANDERSON COUNTY DEVELOPMENT STANDARDS

DATE: September 7, 2023

TO: Land Use and Zoning Board of Appeals Members

FROM: Tyanna Holmes

SUBJECT: September 14, 2023

The Anderson County Land Use and Zoning Board of Appeals is scheduled to hold its next meeting on **Thursday, September 14, 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

September 14, 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. July 13, 2023 minutes
 - b. August 10, 2022 minutes (forthcoming)
- 4.) Public Hearing:
 - a. Variance Request to reduce the front setback from 30' to 18' located at 136 Norris Drive/ TMS 176-03-04-012. Council District 2.
 - b. Special Exception request to allow a short-term rental located at 4600 Pine Needle Circle/ TMS 44-07-04-003. Council District 4.
- 5.) Old Business:
- 6.) New Business:
 - a. Required Continuing Education Training Reminder
- 7.) Adjournment.

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

ANDERSON COUNTY
LAND USE AND BOARD OF ZONING APPEALS
JULY 13, 2023

PRESENT:
HUBERT MCCLURE, CHAIRMAN
MIKE MILLER
TONY CIRELLI
BRAD SWILLEN
DEBBIE CHAPMAN

ALSO PRESENT:
ALESIA HUNTER
HENRY YOUMANS
TYANNA HOLMES
BRADEN BANNISTER
CORBAN WILLIAMS

1 HUBERT MCCLURE: I call the
2 meeting to order of Planning Board of Appeals. At this
3 time I'll have the invocation. Let us pray.

4 **INVOCATION BY HUBERT MCCLURE**

5 HUBERT MCCLURE: This is
6 approval of minutes for May. June is forthcoming. So
7 anybody make a motion to approve? Any additions or
8 deletions. Okay. I have a motion to approve. Second.
9 All in favor. And that takes care of that.

10 **MR. MCCLURE DOES NOT HAVE MICROPHONE ON**
11 **THUS HE IS INAUDIBLE SOME OF THE TIME**

12 Public hearing. First thing on the docket is
13 Dogwood Lane, District 4. Staff report.

14 HENRY YOUMANS: Thank you, Mr.
15 Chair. This is an application for a variance to allow
16 the reduction of the side setback for an addition to be
17 added to the residence. The applicants name is John
18 Dunn. Property location is 826 Dogwood Lane in
19 Townville. Council District 4. Tax map number there
20 is for your reference.

21 Current zoning is unzoned and the land use is
22 residential. The applicant is requesting that the
23 variance allow the reduction of the side setback from
24 10 feet to five feet to allow additions to the existing
25 residence. Under our Code of Ordinances, under Chapter
26 24, section 24-117, the required side or rear setback
27 shall be 10 feet from the property line.

28 This is a plat layout of the property with the
29 addition to the existing residence. This is the tax
30 map layout view of the property. And this is the
31 aerial view showing that it is unzoned.

32 The staff recommendation is for approval. The lot
33 is a non-existing lot of record and is smaller than the
34 current lot requirements of 25,000 square feet which is
35 2.4 acres. The house's specific dimensions cannot meet
36 the required setbacks. And the various provides --
37 will provide the ability to make the house ADA
38 compliant for a handicapped family member. The board
39 has demonstrated -- the applicant has demonstrated the
40 additional to the single-family residence would not be
41 a detriment to the community. The board has granted
42 similar variances in the past. And if approved the
43 applicant will be required to get a residential land
44 use compliance letter and a building permit from
45 Building and Codes. This is your report.

46 HUBERT MCCLURE: Thank you.
47 At this time after the staff report, we'll open up a
48 public hearing for anyone speaking against Dogwood
49 Lane. Anyone speaking against? Since there's no one
50 speaking against, we'll close the public hearing and

1 reserve questions from the board, staff and Mr. Dunn,
2 if needed. What's the feeling of the board?

3 Mr. Miller makes a motion to approve. Do we have
4 a second?

5 DEBBIE CHAPMAN: Second.

6 HUBERT MCCLURE: I have a
7 second. All in favor.

8 Next on the docket is 227 Cole Road, Townville.
9 Staff report.

10 HENRY YOUMANS: Thank you, Mr.
11 Chair. This is an application for a variance. The
12 applicant's name is Linda Lewis. Property location is
13 227 Cole Road in Townville. It's Council District 4.
14 The property is currently unzoned and the land use is
15 residential.

16 The applicant is requesting a variance to reduce a
17 side setback from 30 feet to 15 feet on Bulldog Road
18 and Twin Cove Road right-of-ways to allow the placement
19 of a mobile home on said lot. Anderson County Code of
20 Ordinances, chapter 30, section 30-92, setback
21 requirements, no mobile home shall be located on an
22 individual lot and would be no less than five feet from
23 any property line and 30 feet from any road right-of-
24 way.

25 As the aerial demonstrates that this property sits
26 between three different road right-of-ways as
27 demonstrated and the diagram showing where the
28 placement of the mobile home would be. This is a tax
29 map aerial view of the property as well.

30 The staff recommendation is for approval. The
31 topography of the lot slopes significantly on Cole Road
32 and requires the home to be placed closer to the right-
33 of-ways of Bulldog Road and Twin Cove Road.

34 The applicant has demonstrated the hardship for
35 said request. There would be no adverse effects on
36 adjacent properties if the various is granted. The
37 board has granted similar variances and it will be
38 required of the applicant that he or -- she obtain a,
39 she obtain a building permit from Building and Codes,
40 and a compliance letter from Development Standards with
41 a revision of the side setbacks from 15 feet from each
42 right-of-way as stated.

43 This is your report.

44 HUBERT MCCLURE: Thank you,
45 staff. At this time I'll open up the public hearing
46 for anyone speaking against Cole Road. Anybody
47 speaking against Cole Road?

48 So with nobody speaking against, I'll reserve the
49 questions for staff and close the public hearing.
50 (Inaudible.) Questions? What's the feeling of the

1 board?
2 DEBBIE CHAPMAN: Motion to
3 approved.
4 HUBERT MCCLURE: Motion to
5 approve. Do I have a second?
6 TONY CIRELLI: I'll second
7 it.
8 HUBERT MCCLURE: Second. All
9 in favor. (Inaudible.)
10 Next is 3115 Whitehall Road and 187. Staff
11 report.
12 HENRY YOUMANS: Thank you, Mr.
13 Chair. The applicant is Paul Finke. It's owner is the
14 Finke Investments, LLC. Property is located at 3115
15 Whitehall Road in Anderson. It's Council District 5.
16 Property description is 3.11 acres on Whitehall Road
17 and Highway 187. It is currently unzoned. Land use is
18 vacant except for existing metal shed.
19 The applicant is requesting a variance to allow
20 the elimination of a buffer yard on the neighboring
21 property line and Highway 187 and the reduction of the
22 requirements on Whitehall Road.
23 Under Chapter 24 for the Anderson County Code of
24 Ordinances, buffer yards shall be located on the outer
25 perimeter of a lot parcel extending to the lot of the
26 parcel boundary line. When required buffer yards or a
27 buffer yard structure shall develop an integral part of
28 the proposed use.
29 This is a site layout of the proposed construction
30 showing the placement of said buffer yards on the
31 project. This is another diagram of said project
32 showing that -- the information, as well.
33 More engineering information.
34 Staff recommendation is for denial. The land use
35 permit was issued on March 28, 2023 for a type two
36 buffer yard along Whitehall Road and a type one along
37 Highway 187 and a type three along the western property
38 line. The buffer yards are required due to the
39 proximity to residential dwellings. Landscape plans
40 showing the buffer yards was submitted and approved and
41 the property owner signed the land use permit on March
42 28, 2023. Seven of the eight sites mentioned require
43 the other -- require buffer yards along the roads.
44 Most of those were permitted between 1990 and the early
45 2000s. Some buffer yards have been -- appear to be
46 removed. Two of eight sites mentioned utilize existing
47 vegetation to buffer between neighboring properties and
48 the storage facility. Natural vegetation is always
49 preferred over buffer yards that limits the amount of
50 disturbance and improves the immediate protection for

1 neighboring properties. Monetary investment is not
 2 considered for a variance. And if approved, the
 3 applicant will be required to obtain the updated land
 4 use permit from Development Standards and a permit for
 5 -- from Building and Codes, as well.

6 This is your report.
 7 HUBERT MCCLURE: Thank you,
 8 staff. At this time I'll open up for public hearing.
 9 Is there anyone here speaking against the variance for
 10 Whitehall Road? Anyone speaking against? (Inaudible.)

11 I do have a couple of questions. So at this time,
 12 I'll close the public hearing for anybody speaking
 13 against.

14 I have a question. Is this the -- is this the
 15 mandatory or the what is minimum for storage units? I
 16 think you in your presentation, but I just want to hear
 17 it again. Is this the minimum requirements for a
 18 storage facility?

19 BRITTANY MCABEE: The types of
 20 buffer yards that was mentioned in Henry's presentation
 21 are the minimum for that location just due to its
 22 proximity to the residential neighborhood.

23 HUBERT MCCLURE: Okay. What's
 24 the feeling of the board?

25 DEBBIE CHAPMAN: Can I see
 26 that picture one more time?

27 BRITTANY MCABEE: The site plan
 28 that you saw was what was submitted in March. That is
 29 what was submitted in March that shows the buffer yard,
 30 but he's asking for a reduction on Whitehall and an
 31 elimination between the neighboring property and on
 32 Highway 187. So that was what we saw back in March.

33 DEBBIE CHAPMAN: Okay.

34 TONY CIRELLI: I'm concerned
 35 because the type one buffer yard along the road right-
 36 of-ways, that's basically the only thing the land use
 37 ordinance has to stand on as far as vegetation. Is
 38 there any existing vegetation?

39 HUBERT MCCLURE: No. The line
 40 sight out there is open. That's why I was asking the
 41 minimum because, you know, it probably should be
 42 upheld.

43 DEBBIE CHAPMAN: Yeah, I think
 44 so, too.

INAUDIBLE CONVERSATION AMONGST COMMISSION

46 TONY CIRELLI: You've got
 47 both storage on the outside, as well as what's inside
 48 the units.

49 HUBERT MCCLURE: Okay. Any
 50 other questions or concerns before we bring this up?

1 BRAD SWILLING: I make a
2 motion we deny.

3 TONY CIRELLI: I second it.

4 HUBERT MCCLURE: We have a
5 second. All those in favor. And one abstention. Mr.
6 Miller abstains.

7 Next is 102 Woodson Street, Greenville, South
8 Carolina. I guess this is in Anderson, of course. But
9 go ahead, staff.

10 BRADEN BANNISTER: All right.

11 This is an application for a variance to allow an
12 additional wall sign. The address is 102 Woodson
13 Street, Greenville, South Carolina and your applicant
14 is Erin Silver. Owner of property is Ceen Holdings
15 LLC. This is Council District 6. And the tax map
16 number is there for your viewing. Currently unzoned
17 and the current land use is vacant.

18 The applicant is requesting a variance to allow
19 one additional wall sign. And finding of facts under
20 Anderson County Code of Ordinances under chapter 24
21 section 24-245, specifically wall signs and the number
22 of signs, only one projecting sign as defined in
23 section 24-24 is allowed per building frontage except
24 for shopping centers, which may have one projecting
25 sign for each business use, plus one aggregate
26 freestanding business identification sign for the
27 shopping center as prescribed in subsection 1-B of the
28 section.

29 This is one of the elevations of the proposed
30 salon. And this is each elevation for the salon
31 itself. And in the lower picture you can see both of
32 the proposed wall signs.

33 TONY CIRELLI: You blocked
34 up the letters to get the square footage?

35 BRADEN BANNISTER: That's
36 correct. And staff did go out to the site to see what
37 was there and surrounding properties, as well. This is
38 the property in question. This is the neighboring
39 property which is also in the same vicinity. This is
40 your aerial view of the property.

41 And staff recommendation is for denial for the
42 following reasons. The size will -- allowed by
43 ordinance will provide adequate visibility for all
44 motorists traveling Woodson Street. Surrounding
45 properties are compliant with Anderson County Code of
46 Ordinances and the requested variance will be
47 inconsistent with the surrounding area. Applications
48 have been denied previously based on similar variances.
49 There were no physical hardships that were presented in
50 order to approve this requested variance. And this

1 request is not compatible with the spirit and intent of
2 this ordinance.

3 This is your staff report.

4 HUBERT MCCLURE: At this time
5 I will open up a public hearing for anyone speaking
6 against. Anybody speaking against? Okay. We'll close
7 the public hearing. And we'll reserve questions for
8 staff. I know you've got a question for staff and Ms.
9 Silver. (Inaudible.)

10 BRADEN BANNISTER: So neither of
11 the signs have been permitted yet. So per ordinance,
12 you're only allowed one wall sign per building. So
13 they're requesting an additional wall sign.

14 DEBBIE CHAPMAN: On the side?

15 HUBERT MCCLURE: On the side?

16 BRADEN BANNISTER: Either way,
17 whichever way they want to permit it, really.

18 DEBBIE CHAPMAN: Yeah, they
19 probably want the side one as an extra one.

20 HUBERT MCCLURE: Ms. Silver, if
21 you want to, go ahead and address the board and tell
22 them why you need that sign.

23 ERIC SILVER: Yes. Well,
24 thank you guys so much for allowing this opportunity.
25 So I just wanted to kind of give my initial statement.
26 When you guys are looking at the renderings of all four
27 sides of our building, that was just a -- that -- well,
28 I'm sorry, go back one. So the way that our architect
29 designed this, they designed it to where -- you see the
30 two different signs, that was just a mock-up of our
31 rebrand of our logo. So that is not actually the logo.
32 The logo is on the one that's the close-up. If you
33 look at this one, and this one. So just kind of for
34 clarification. But if you'll notice, whoever went out
35 to look at the building, we had to position it based on
36 our architectural design, so everything about that
37 building was designed for the layout inside. So -- and
38 then also for the two signs that we have. We've
39 already -- we have electrical already prewired to have
40 two signs because up until about four to six weeks ago,
41 we didn't really -- we didn't realize that we couldn't
42 have two signs. So everything was just designed around
43 that in mind. I know Building Codes and this
44 particular meeting is a little bit different like as
45 far as approval goes. I didn't really realize that.
46 But -- so everything, like I said, we designed around
47 having two signs designed around the main entrance not
48 facing the largest portion of our business park. If
49 you guys live in Powdersville -- I grew up in
50 Powdersville. I love it. We chose to plant our

1 business in Powdersville. We're investing a lot of
2 money. We want the same thing that you guys want. We
3 want a beautiful community, a beautiful business park.
4 And I don't believe that this would inhibit or damage
5 anything within our business park.

6 The majority of our parking spots face the side of
7 our building. So when you come into that business
8 park, the main entrance, the main parking lot, it's
9 73.2% of the parking is not going to be able to see our
10 sign if we don't have one on the side.

11 I'm open to suggestions. I'm open to maybe making
12 the sign a little bit smaller but proportional to the
13 building. So I'm open to suggestions for sure.

14 And then I just wanted to speak to the hardship
15 side. We have been open for 11 years in Pickens County
16 and have rented a building for all of that time. We
17 made it through COVID like everybody else, which was --
18 I know everybody in here probably missed their hair
19 stylists during that time. But high visibility and
20 with our guests knowing where we're located, that's
21 huge for our current guests, for future guests. And so
22 I think having the two signs is really essential to our
23 success, for sure.

24 Any questions that you guys ---

25 TONY CIRELLI: Let me ask
26 you a question. Where's your pole sign going to be?

27 ERIN SILVER: Our pole sign is
28 actually way on the 81 side. So I noticed that you
29 guys have like the option to have a freestanding, but
30 it's -- like y'all know where Walgreens is in
31 Powdersville. It's all the way on that side. And
32 we're on the other side of Woodson.

33 TONY CIRELLI: Can you put
34 the site plan drawing up so you can show us where on
35 the lot it's going to be.

36 ERIN SILVER: Well, it's
37 not even on that lot like -- are you talking about the
38 main sign for the whole business park that has like the
39 small signs? Yeah, the marquee sign? It's, I mean, it
40 is -- do what?

41 **INAUDIBLE COMMENT FROM AUDIENCE**

42 ERIN SILVER: 200 yards.
43 So we have, we have access -- Woodson Street connects
44 to 81 and it also connects to Three Bridges. So we're
45 on the Three Bridges side. So it's like we, we just --
46 we're just trying to maximize -- like we're about to
47 spend \$900,000 on this particular property. We're a
48 small business. We are like -- we're swinging for the
49 fences here to impact our community. And we want to
50 just maximize the risk -- or the success of our

1 business. So that's really why for the sign.
2 HUBERT MCCLURE: (Inaudible.)
3 ERIN SILVER: If you --
4 yeah, I guess -- I mean it is. So the front of our
5 building is north. Yeah, so if you guys noticed, like
6 when we went out there, roughly 73% of our parking lot
7 faces the side of our building. Again, that wasn't
8 necessarily anything that we were like setting out to
9 do, but just because it was designed and the layout was
10 designed the way it was, like the open area that you
11 guys see right there at the very bottom of our floor
12 layout, that's where all of our stations are. So when
13 you look at the outside of the building where we want
14 that additional sign, all the windows are really high
15 and we created that really beautiful like stucco, like
16 dark, you know, area for a sign. And we have three
17 goosenecks on order in order to light up that sign.
18 So, yeah.
19 HUBERT MCCLURE: Thank you.
20 ERIN SILVER: Any questions
21 for me, anymore clarity?
22 HUBERT MCCLURE: (Inaudible.)
23 ERIN SILVER: Okay.
24 HUBERT MCCLURE: Of course, I
25 don't have to tell y'all how I feel about this because
26 I've said it in many meetings (inaudible).
27 BRAD SWILLING: Motion to
28 approve.
29 DEBBIE CHAPMAN: I second.
30 HUBERT MCCLURE: Second. All
31 in favor?
32 MIKE MILLER: I abstain.
33 HUBERT MCCLURE: We have one
34 abstention. Okay. So that passes.
35 Next we have 4600 Pine Needle Circle, Anderson.
36 Staff report.
37 HENRY YOUMANS: This is a
38 special exception to use a single family residence as a
39 short term rental under R20 zoning. The applicant is
40 Taylor DeRosa. He is the owner of the property at 4600
41 Pine Needle Circle in Anderson. Council District 4.
42 The tax map number is there for your reference. It is
43 currently zoned R20. And land use is residential.
44 The applicant is requesting this special exception
45 to allow the use of the residence as a short term
46 rental home.
47 Under finding of facts under the Code of
48 Ordinances under Chapter 70 section 7.17,
49 establishments are permitted by special exception, bed
50 and breakfasts, home stays, host homes and guest homes.

1 The issues, the GPHOA opposes granting this special
2 exemption. The property is zoned residential. We'd
3 like to keep it that way. We believe it increases the
4 risk to our security because of transient people in the
5 area day and night. Transiting through Pine Needle
6 Circle, which is a little more really than a country
7 lane, will be more restrictive and dangerous. Parking
8 on Pine Needle by current residents already there
9 restricts access on this very narrow road already.
10 Approving this special exemption would set a precedent
11 for future homeowners to seek a special exemption both
12 on Pine Needle Circle and in our subdivision. We are a
13 prime tourist area with access to Lake Hartwell
14 waterfronts, Clemson University, Portman Marina, and
15 Green Pond Landing, all of which would attract large
16 numbers of short term renters. The impact would be --
17 it would curtail homeowners' expectations of living in
18 the residential community, less overall security both
19 day and night, less safe and effective transit over
20 Pine Needle Circle. It would open the door to others
21 seeking special exemptions for the same purpose. It
22 would have negative impact on our property values and
23 the saleability of our homes. The real question to
24 this board is, would you like to have a short term
25 rental property next to your house?

26 Thank you very much.

27 HUBERT MCCLURE: Next would be
28 Mr. Jenkins. Microphone, please.

29 JACK JENKINS: Excuse me,
30 I'm Jack Jenkins. I live at 134 Gareloch Lane in
31 Gambrell Point Subdivision. I am the president of the
32 homeowners association. And our main concern is
33 security and getting in and out. We have people
34 walking around at night, shining flashlights in
35 garages, all kinds of things that go on. And we feel
36 that this is going to make it worse. The short term is
37 the problem; it's not renting. Short term, you get
38 more and more people in more often. And as they wander
39 around, they see houses and causes problems. So that's
40 mainly -- what Bill said is what was agreed to or what
41 we do, you know. Thank you for my time.

42 HUBERT MCCLURE: Thank you,
43 sir. Joanne Webbenhurst.

44 JOANNE WEBBENHURST: Thank you
45 very much. My name is Joanne Webbenhurst and I live at
46 152 Gareloch Lane. And I am definitely opposed for the
47 reasons that have been stated here. But I would also
48 like to say that Pine Needle is so narrow that we often
49 have to pull over and stop our vehicle to allow other
50 vehicles to pass on that road. And the shoulders in

1 some cases drop off eight inches. And so it's just not
2 a safe road. So I mean, I realized there's multiple
3 issues here. So that's in one area. And then we have
4 a hairpin turn in there that has a very significant
5 drop off. If you get your wheel in that on a narrow
6 turn that's so deep, it is a problem. And that will be
7 a problem. You know, who knows when there's a fire and
8 you have to have your fire trucks. I've had -- we've
9 had multiple ambulances that have had to get through to
10 the neighborhood. When you have situations like that,
11 it just is dangerous. People live there. They're
12 aware of these things. And they're very, you know,
13 careful. But you can't expect that of people who are
14 just there for a day or two days. And I do have some
15 pictures on my cell phone if you want to see some, you
16 know, pretty horrible photography. But I did take some
17 pictures.

18 Now and the other thing I would like to say is
19 that I don't think that people coming into the
20 community are all that concerned about what the
21 neighbors think of their visit. And people coming
22 often are there to party. And it is a very quiet
23 neighborhood. We have a lot of people that are -- I
24 hate to say that I'm elderly, but I'm old. But there's
25 people that are older than me, the people across the
26 street from the one in question is a 90 year old
27 individual.

28 I knocked on doors -- on every door in that
29 community. And of the people that opened their door to
30 me and talked to me, eight people are opposed. And
31 there was one person that said they weren't really
32 sure. And I have a piece of paper here where they did
33 put their information, their names, their addresses,
34 and it says that they are opposed to this for the
35 reasons that have been cited here. And there is one
36 name that I added in blue ink with -- when I put my
37 initials there. This person is headed to Florida, but
38 when we contacted her she said that she is opposed as
39 well. And she lives -- so if you see where the
40 residence is in question, the house across the way is
41 definitely very significantly impacted, and this woman
42 that's headed to Florida, because they're sort of
43 surrounding that property.

44 **INAUDIBLE COMMENT FROM AUDIENCE**

45 JOANNE WEBBENHURST: So -- I will.
46 So this is the original, so ---

47 BRAD SWILLING: Just so I'm
48 clear, is this house part of the subdivision or not
49 part, Henry?

50 JOANNE WEBBENHURST: Which house?

1 I'm sorry.

2 **INAUDIBLE COMMENT FROM AUDIENCE**

3 HENRY YOUMANS: It is

4 directly across from that neighborhood or subdivision.

5 HUBERT MCCLURE: They were

6 both -- it's not part of this community?

7 HENRY YOUMANS: That's

8 correct. That's correct. It's some of the ingress and

9 egress in and out of that subdivision.

10 JOANNE WEBBENHURST: So, so the

11 community that you're speaking of, this -- where we

12 have a homeowner's association, you know, it's somewhat

13 insulated. But the people that have signed this

14 document, that document that I forwarded to you, they

15 are all on Pine Needle, each of them are on Pine

16 Needle. So I appreciate you listening and taking this

17 into consideration. Thank you.

18 HUBERT MCCLURE: And next is

19 Ms. Beck.

20 KAREN BECK: Thank you for

21 letting me speak. I am the property directly across

22 from this property. I am highly opposed to this. I've

23 lived in the neighborhood since 1986. I'm way up on a

24 hill. You can't see my house from the road unless it's

25 wintertime, and the leaves are off of the trees.

26 Renting property in that neighborhood, we've had

27 issues in the past. My neighbor that is below me, who

28 I absolutely adore, has bought that house. It was

29 rented over and over for approximately probably five

30 years. It was very unsafe for the people that were

31 renting that house. I had people with guns, people

32 using drugs. We called law enforcement on them several

33 times. That issue is resolved since that property sold

34 and there is a permanent resident there.

35 But I am directly across the street from this

36 property. And I disagree with it. And everything

37 that's been said is very true. The road is very

38 narrow, it doesn't accommodate a large amount of

39 traffic. If you meet somebody on the road, yes, you

40 have to get over. I own a Class A RV. We've come down

41 the road and if you meet somebody, you've got to head

42 for the ditch. That's almost impossible. Before that

43 I had a Class C and where she was talking about, that

44 hard curve where there is a big drop-off, we about

45 dropped off in that because somebody was coming through

46 in the middle of the road. It's just not accessible

47 for a large amount of traffic. But I've lived there

48 for my entire marriage. And it's a great community,

49 it's a quiet community. There's no theft in the area.

50 There's very little of anything. It's quiet. We all

1 stay to ourselves. So that that's my two cents.
2 HUBERT MCCLURE: At this time
3 I'll close the public hearing (inaudible.) Anyone
4 speaking for? (Inaudible) microphone. State your name
5 and your address.
6 TAYLOR DEROSA: My name is
7 Taylor. This is my property. I didn't actually
8 prepare anything. But just to, I guess, rebuttal,
9 there won't be really a change in any traffic. I
10 probably have the largest property in the circle. And
11 this would allow me to put some more money into the
12 property to create a larger driveway for myself. And
13 for better parking. It is a single family home. So
14 there's not a big influx of people, maybe one or two
15 cars at most at a time, if this were to even go
16 through. But I do agree that it's a very narrow road.
17 I also believe that we're in different class
18 neighborhoods. I think that they have a lovely
19 neighborhood and we're a little bit less put together
20 right outside their door. But I would allow -- this
21 would allow me to, like I said, put more money into the
22 property and I think that it would actually affect the
23 property values in a more positive manner than
24 negative.
25 HUBERT MCCLURE: What did you
26 say your name was?
27 TAYLOR DEROSA: Taylor
28 DeRosa. It's my property.
29 BRAD SWILLING: Mr. Chairman,
30 can I ask a question?
31 HUBERT MCCLURE: Go right
32 ahead.
33 BRAD SWILLING: So you have
34 mentioned that it would allow you to expand your
35 driveway and that sort of thing. So are you renting
36 rooms or are you renting ---
37 TAYLOR DEROSA: No, the whole
38 -- I actually currently live in the property. But I
39 would be -- if I went through with this, I would rent
40 it out as a property as a unit. It's just a single
41 family home with a garage.
42 BRAD SWILLING: So like
43 Airbnb, VRBO, kind of ---
44 TAYLOR DEROSA: Yeah, mid
45 term rentals as well for traveling nurses, stuff like
46 that.
47 MIKE MILLER: So what do
48 you consider short term rental?
49 TAYLOR DEROSA: I consider a
50 three night stay a short term rental. My target market

1 for this would have been the boating community for all
2 the fishing tournaments that happen on Lake Hartwell.
3 I know it's a little bit more difficult to get this
4 kind of rezoning for a lakefront property. So I
5 invested a little bit off the shore just so I could
6 possibly have a better chance of going through with
7 this.

8 BRAD SWILLING: Henry, what
9 is the definition for short term rental?

10 HUBERT MCCLURE: That's what I
11 was going to ask, if the county has made any progress
12 on that.

13 HENRY YOUMANS: The county is
14 still working towards that.

15 HUBERT MCCLURE: That's why
16 we're still dealing with this.

17 HENRY YOUMANS: Yes.

18 HUBERT MCCLURE: I mean, it
19 needs to be addressed. I mean, we have one every other
20 month.

21 HENRY YOUMANS: That's right.

22 HUBERT MCCLURE: Excuse me for
23 saying this, but we're kind of on -- we're not on sandy
24 ground; we're on swampy ground, because we can't make
25 these decisions, because we have no backing. And that
26 needs to be addressed. But go ahead and ask your
27 questions.

28 MIKE MILLER: Henry, are
29 there any restrictions to that lot?

30 HENRY YOUMANS: Well,
31 according to the title insurance information from the
32 closing attorney, this particular property in question
33 is free and clear of any covenants, restrictions of
34 that type of nature.

35 DEBBIE CHAPMAN: But you have
36 them next door in the subdivision?

37 HENRY YOUMANS: Subdivision is
38 different from that.

39 HUBERT MCCLURE: That's across
40 the road.

41 HENRY YOUMANS: That's
42 correct; yes, sir.

43 DEBBIE CHAPMAN: Yeah, I got
44 you. Right there, yeah.

45 BRAD SWILLING: I think my
46 general concern is similar to past situations, I think
47 we tabled it just to try to kick it back to the county
48 or the state legislature to get a definitive answer.

49 HUBERT MCCLURE: Well, I don't think
50 we're tabling it or denying it. Before I say that, Mr.

1 DeRosa, it's nothing to do with you. It's just the
2 timing. We've had to turn these things down because of
3 what's happening here. It's damned if we do, damned if
4 we don't.

5 TAYLOR DEROSA: Right.
6 HUBERT MCCLURE: And there's
7 nothing wrong with you having a house that you want to
8 rent. There's nothing wrong with that. And there's
9 nothing wrong with you saying you don't want it. The
10 problem is we don't have anything to stand on to limit
11 or to make a minimum of what a short term rental is.

12 TAYLOR DEROSA: Right.
13 HUBERT MCCLURE: And that's
14 why we've been trying to get council to give us some
15 kind of definition if it's 30 days, 45 days, three
16 months, or two days. So whatever happens here doesn't
17 have to do with you, really, as a property owner. It
18 has to do with the timing of this. You're about the
19 fifth one that we've turned down or tabled or whatever.

20 TAYLOR DEROSA: Right.
21 HUBERT MCCLURE: And we
22 haven't approved any. The only ones we've approved is
23 the ones that sitting out in the middle of nowhere that
24 have no houses around it. That's the only ones we've
25 approved. And we can't, we can't make a decision on
26 swampy land on a swampy base with people not wanting it
27 there. So I want you to understand that before we do
28 anything, because it's nothing against the property
29 owner, nothing against the community.

30 TAYLOR DEROSA: No, that's
31 fine.

32 HUBERT MCCLURE: It's just the
33 timing.

34 TAYLOR DEROSA: I have nothing
35 against the rebuttals against what I'm trying to do
36 here as well. I will be able to rent this property
37 regardless of the decision. I'm here to figure out if
38 I can make it a shorter term. Yeah.

39 HUBERT MCCLURE: Any other
40 questions for Mr. DeRosa?

41 TONY CIRELLI: Mr. Chairman,
42 I ---

43 HUBERT MCCLURE: Do you have a
44 question for him?

45 TONY CIRELLI: No.
46 HUBERT MCCLURE: Okay.
47 Anybody else?

48 BRAD SWILLING: I have one
49 comment. But go ahead, Tony. I'm sorry.

50 TONY CIRELLI: I was going

1 to say that if we -- well, never mind. Let me back up.
2 HUBERT MCCLURE: If we table
3 it, tabling is not going to do any good. Because we're
4 not going to get anything done ---
5 TONY CIRELLI: That's where
6 I was ---
7 BRAD SWILLING: That's going
8 to kick it back.
9 HUBERT MCCLURE: And we can't
10 approve it. Because I'm not going to -- I mean, as
11 Chairman, I'm not going to let any of these approve
12 when we've got people and we've got no, no kind of
13 definition.
14 MIKE MILLER: And for
15 instance, a \$450,000 house sitting on the lake that we
16 denied.
17 HUBERT MCCLURE: Yeah, we did
18 that.
19 MIKE MILLER: It was in the
20 middle of a subdivision that these people bought his
21 house, and they were told they didn't have no
22 restrictions. But they bought his brand new house and
23 it was on the lake and we wound up denying it.
24 HUBERT MCCLURE: We denied it
25 because we ---
26 MIKE MILLER: And we were
27 sorry to do that, but we are kind of hung by county
28 council. Because when owners like y'all that show up
29 and said we don't want it with 20 lots there and there
30 were 19 speaking against, you know, what do we do?
31 BRAD SWILLING: I'm a free
32 market guy, and I'm all about not, you know, people not
33 telling me anything to what I can do with my property.
34 Except for zoning; I get that. But Powdersville and
35 that area is the epitome of what happens when there's
36 no zoning. But I think my concern is that I think this
37 is exactly to what you're saying here. But I think
38 this is something that either the legislature or county
39 council is going to have to address. And the reason
40 for that is because, you know, 100 years ago, nobody
41 thought about Airbnb and nobody thought about VRBO.
42 And it causes consternation ---
43 MIKE MILLER: In the lower
44 part of state, they're dealing with, so around the
45 lakes that nobody knows what to do with.
46 BRAD SWILLING: I empathize
47 with both sides. But I think at this point, I would,
48 you know ---
49 TONY CIRELLI: You know, I
50 gave Tim some information where I was working on one

1 when I was working as the planner for Pendleton. And
2 the County Association in Columbia has some
3 information, but they're still struggling with certain
4 parts of it as well.

5 HUBERT MCCLURE: It's not an
6 open and shut deal. It's not black and white. It's
7 something that has to be sifted out. And reason it's
8 sifted out is because you've got like the \$450,000
9 house, they were told that there's no restrictions,
10 boom, then build the house. And hey, there's some --
11 there's restrictions in the subdivision. And this one
12 doesn't have restrictions, but it's the same effect.
13 Because you're putting a piece of property -- I mean,
14 you're putting a house with a rental that's not
15 defined. I mean, short term, whatever that is,
16 whatever that is. And that's not fair to the other
17 people that are around it.

18 So as I said, Mr. DeRosa, it doesn't have anything
19 to do with you. It's the timing. And we could table
20 it, but tabling it is not going to do any good.

21 So with that, I'm going to make a motion we deny
22 it. But we have got to get Anderson County Council on
23 this because we're going to keep denying them until
24 they address this. I hate to say that, but we're going
25 to.

26 TONY CIRELLI: I second the
27 motion.

28 HUBERT MCCLURE: Because it's
29 not fair. It's not fair to the property owner that
30 does it and it's not fair to the community that lives
31 around it, unless there's some more definitions and
32 guidelines.

33 So with that, I'm gonna make a motion to deny.

34 TONY CIRELLI: I'll second
35 it.

36 HUBERT MCCLURE: Second. All
37 in favor. And hopefully, Mr. DeRosa, we can get this
38 fixed, and hopefully you can rent it to somebody that's
39 more longer term, hopefully, and that'll help fix
40 everything until we can get it fixed. Okay?

41 All right. Next -- I hate doing that, but I think
42 that's the right thing to do.

43 Next, we have -- and I don't have a sign-up sheet
44 for this next one. Do y'all have a sign-up sheet?
45 Unless I've lost it. Oh, thanks. All right. So we
46 have -- there's nobody on there. This is a special
47 exception for Evergreen Road, 1939. Staff report.

48 HENRY YOUMANS: Thank you,
49 Mr. Chair. This is an application for a special
50 exception to expand the existing Ducworth-Tucker cross

1 country running trail for the YMCA and to expand it on
2 the adjacent property. The applicant is Austin Horvat.
3 John Tucker is the owner. It is Council District 4.
4 Property is located at 1939 Evergreen Road.

5 The current zoning is R20 for the -- land use for
6 that lot is vacant and residential. The applicant is
7 requesting a special exception to expand the cross
8 country trail on the adjacent property to meet the
9 distance requirements and complete the project.

10 Finding of facts: Anderson County code of
11 ordinances under chapter 48, section 7.6 1-4, basically
12 states that a private recreational area or country club
13 may be permitted in R20 district subject to the
14 following requirements and it can only be allowed by
15 special exception by the Board of Zoning Appeals.

16 This is the adjacent property, what the proposed
17 extension would be for the cross country trail to
18 complete that for the project. This is the zoning map
19 R20 showing the entire 65 acres. It is zoned R20.
20 This is another area map of the tax map view of the
21 property.

22 Staff recommendation is for approval of the
23 special exception for the following reasons: The land
24 use -- the use is not detrimental to public health or
25 general welfare. The special exception would allow the
26 completion of the previous design located on the
27 adjacent parcel. The use will not violate the
28 neighborhood characteristics or adversely affect the
29 surrounding land uses. The board has granted the other
30 special exceptions to this project and similar to this
31 request, it will be consistent with its approval. If
32 approved, all additional permitting requirements and
33 requests will be met as far as the previous special
34 exceptions as granted for this project.

35 This is your report.

36 HUBERT MCCLURE: So staff, I
37 take it this is just the kind of extension technicality
38 because it's on another piece of property.

39 HENRY YOUMANS: That's
40 correct. As they began to complete it, they realized
41 that they needed to have that additional distance to
42 round that project off to complete it.

43 HUBERT MCCLURE: Is there
44 anyone speaking against the YMCA or this special
45 exception? Anybody speaking against?

46 **INAUDIBLE COMMENT FROM AUDIENCE**

47 HUBERT MCCLURE: Yes, sir.
48 Address the microphone so we can hear you, please.

49 TERRY OREN (PHONICS): I'm here to
50 speak. I didn't realize there was a sign-up sheet.

1 HUBERT MCCLURE: That's okay.
2 And your name and your address.
3 TERRY OREN: I'm Terry
4 Oren. We live at 236 Dandelion Trail, which is
5 adjacent to where the YMCA is building the cross
6 country track. And the only question I have, it's
7 presented as extending the cross country track. But I
8 know in part of the presentation, it showed it -- as
9 part of this allowance would allow it to have food,
10 beverage and all the other things, but I just wanted to
11 ensure that it was just for the cross country track and
12 nothing else. Because it's a big tract of land that
13 goes across the interstate. Which that's a long way
14 for ---
15 HUBERT MCCLURE: That would
16 probably a question for staff. Do y'all know that?
17 HENRY YOUMANS: All the
18 amenities, the food and beverage, things that have been
19 mentioned, all of those are on the previous lower
20 parcel that have been approved. Those things are
21 pretty much completed and in place.
22 HUBERT MCCLURE: But not this?
23 HENRY YOUMANS: This is for
24 the loop extension to round off to make it the 26 mile
25 requirement for the cross country trail. There's no
26 plans for any other development other than the actual
27 loop to complete that track.
28 TERRY OREN: Yes, sir. But
29 if it's approved, they could go ahead and add those
30 things to it under that approval?
31 HENRY YOUMANS: Under this
32 special exception, they're only asking for the loop.
33 HUBERT MCCLURE: They would
34 have to come before ---
35 HENRY YOUMANS: They would
36 have to come before us again if they want to add any
37 other amenity or anything additional to that. They're
38 just asking for the extension to be completed. And
39 that's all we're considering.
40 TERRY OREN: Yes, sir.
41 Thank you for the clarification.
42 HUBERT MCCLURE: Anybody else
43 was speaking against? Okay. In that case, we will
44 reserve any questions for staff or Mr. Horvat, if
45 needed. Any questions for staff or Mr. Horvat if he's
46 present.
47 MIKE MILLER: I make a
48 motion to approve.
49 HUBERT MCCLURE: Motion to
50 approve. I'll second it. All in favor. And that

1 passes.
2 And let's see, is there any new business or staff
3 business?
4 HENRY YOUMANS: No, sir. Not
5 at this time.
6 HUBERT MCCLURE: Okay. Do we
7 have a motion? Yes, sir.
8 PAUL FINKE: Paul Finke.
9 I have the property at 3115 Whitehall, and I feel like
10 I wasn't given an opportunity. You asked for people
11 not in favor of it.
12 HUBERT MCCLURE: Yeah.
13 PAUL FINKE: But you
14 didn't ask for me.
15 HUBERT MCCLURE: I did ask for
16 anybody speaking for it. But go ahead. I mean, we've
17 already made the decision, but go ahead.
18 PAUL FINKE: I just -- I'm
19 Paul Finke. And I just wanted to clarify that the risk
20 -- or not the risk, but the hardship I didn't feel was
21 adequately presented. Because what we requested in our
22 application was to move the fence out to the property
23 line on the three sides so that we could make use of
24 more efficient and safe maneuvering of vehicles as they
25 back trailers into the buildings. That would have been
26 an additional 10 feet, so that's what the variance was
27 requesting. The vegetation would have been a secondary
28 thing because moving the fence out would have taken
29 away the space for the vegetation.
30 HUBERT MCCLURE: Okay, tell us
31 where you're talking about, in which part of the
32 property.
33 PAUL FINKE: On all three
34 sides.
35 HUBERT MCCLURE: On all three
36 sides you're wanting to move the fence what now? I'm
37 looking ---
38 MIKE MILLER: The screens
39 is cleared.
40 HUBERT MCCLURE: Can y'all get
41 that back up for us, Henry? Okay, here's the property.
42 I've got it right here. So now that we've got or y'all
43 got -- it's this picture right here with the studio
44 main. That's it. Now tell us again what you're ---
45 PAUL FINKE: So on the
46 Highway 187 side boundary, the fence was pulled back in
47 off the property line 10 feet to accommodate
48 landscaping. And my variance request was to move the
49 fence back out to the property line so we had adequate
50 room to maneuver vehicles pulling boats, trailers, so

1 that they can back in safely and efficiently into the
2 buildings. Because there's buildings on -- I mean,
3 openings on both sides of the buildings down that white
4 -- that Highway 187 side. And it's real hard to see on
5 there and even on the other map what those distances
6 are. But it's anywhere from about 40 feet to 60 feet.
7 And that additional 10 feet really helps out people
8 that are backing vehicles. So that was, that was the
9 variance we were requesting.

10 HUBERT MCCLURE: So you're
11 saying you want to move the fence?

12 PAUL FINKE: Yes.

13 MIKE MILLER: So you would
14 be moving the fence from a 10 foot setback to the
15 property line.

16 PAUL FINKE: Correct.

17 MIKE MILLER: And then
18 putting the fence in there. Then are you doing away
19 with the landscape buffer?

20 PAUL FINKE: And that's
21 what I said in here was to construct a security fence
22 along the property line, not 10 feet off the line and
23 do away with landscaping.

24 HUBERT MCCLURE: Why are you
25 going to do away with the landscaping because you have
26 to do it on all the others in the county. Why are you
27 doing here?

28 PAUL FINKE: Well, the
29 hardship was that I needed the room to back vehicles
30 into those sheds into their storage units.

31 TONY CIRELLI: You can have
32 the fence right there on the edge of the road right-of-
33 way. But that landscaping along the road has to be a
34 minimum five feet from the fence, which is on the
35 property line.

36 HUBERT MCCLURE: So would that
37 helps you if we did move the fence within the property
38 line? And then you can move a buffering out another
39 five feet or whatever -- however you think it is?
40 Would that give you some more room?

41 PAUL FINKE: Every bit of
42 room we can get will help. By moving it out gives us
43 additional room for outside storage, as well, down in
44 some of the other areas.

45 HUBERT MCCLURE: Okay, staff,
46 how much are we talking? I'm trying to look. If he
47 moves -- you're talking about 187; right.

48 PAUL FINKE: Right now
49 we're just talking 187. But we're looking at moving
50 the fence to the property line on all three sides.

1 MIKE MILLER: I got a
2 question.
3 HUBERT MCCLURE: Go ahead.
4 PAUL FINKE: Yes.
5 MIKE MILLER: All right.
6 Who told him that he would have to be 10 foot off of
7 the property line?
8 BRITTANY MCABEE: Fences do not
9 have setbacks, so he can be -- as long as he's not in
10 the right-of-way with the fence, he can be ---
11 MIKE MILLER: So he can go
12 right -- that's where I'm going to, is -- because
13 that's a state highway right-of-way.
14 BRITTANY MCABEE: Right.
15 MIKE MILLER: So he could
16 stay two inches or one foot off of the right-of-way,
17 and put the fence in.
18 BRITTANY MCABEE: Right.
19 MIKE MILLER: So that's
20 where I was going to because I haven't found out what
21 he's talking about in this packet.
22 HUBERT MCCLURE: So he would
23 have to get a surveyor to come out and mark the right-
24 of-way, and then he could put the fence right up to the
25 right-of-way.
26 MIKE MILLER: Up to the
27 right-of-way.
28 BRITTANY MCABEE: Correct.
29 PAUL FINKE: I have a
30 surveyor that already put in the corners for the
31 property line, which is, I'm assuming, the right-of-
32 way?
33 HUBERT MCCLURE: You can go up
34 to the right-of-way ---
35 PAUL FINKE: So how does
36 that affect the landscaping then?
37 HUBERT MCCLURE: The
38 landscaping would have to be moved out; correct, with
39 the fence?
40 PAUL FINKE: Out into the
41 right-of-way?
42 BRITTANY MCABEE: No.
43 TONY CIRELLI: The road
44 right-of-way comes from the road to the right-of-way to
45 the property line. The fence, as staff said, can go
46 right on the edge of that property line. And then five
47 feet out is the required type one buffer yard, as
48 minimum five feet.
49 HUBERT MCCLURE: Within the
50 fence?

1 BRITTANY MCABEE: Yes, you can
2 you can do the landscaping within the fence or outside
3 the fence. It will be his choice.

4 HUBERT MCCLURE: Well,
5 basically, once he puts his fence where he wants to put
6 it, he can put the buffer inside the fence?

7 BRITTANY MCABEE: Yes, he can
8 do it either way, whichever one he prefers.

9 HUBERT MCCLURE: So we don't
10 really have to vote on anything, do we? Because as
11 long as he stays inside the fence in the right-of-way,
12 he's good.

13 TONY CIRELLI: But he wants
14 to do away with the landscaping.

15 HUBERT MCCLURE: Well, that's
16 not -- we can't change -- didn't County Council, didn't
17 they ---

18 BRITTANY MCABEE: The vote for
19 the reduction and elimination of the buffer yard has
20 already occurred. You voted to deny it. He is asking
21 about the fence which isn't a variance process because
22 he already has that right to put the fence ---

23 HUBERT MCCLURE: So that can
24 be under your house? Y'all can take care of that?

25 BRITTANY MCABEE: Yes.

26 HUBERT MCCLURE: Yeah. So we
27 don't have to vote on that. You can, you can put your
28 fence up, you know, with the surveyor and the staff.
29 You can do that and then push your buffering right up
30 to the fence. And that will give you the room you
31 need, correct?

32 PAUL FINKE: Well, it
33 helps. But if I still have to put vegetation in there,
34 then your vehicles are still running into ---

35 HUBERT MCCLURE: How many
36 storage places have you done?

37 PAUL FINKE: How many have
38 I built? This is my first one.

39 HUBERT MCCLURE: Oh, it's your
40 first one.

41 PAUL FINKE: Yeah, I'm,
42 I'm retired. My son ---

43 HUBERT MCCLURE: Well, I think
44 that they all have a minimum -- if you were putting
45 this on 81 North, would you be asking for the same
46 variance?

47 UNIDENTIFIED MALE: Well, the
48 existing building that's there right now, I've got my
49 boat in. It's a 24 (Inaudible). When I hook that up
50 to my truck, I'm 50 feet. So when we were measuring

1 and placing the buildings, we were counting on that
2 real estate property line to be able to back the longer
3 rigs in.

4 HUBERT MCCLURE: What's the
5 minimum buffer that they have to put within the fence?

6 TONY CIRELLI: Type one
7 buffer yard is required to be a minimum of five feet
8 was six trees and eight bushes every 100 feet.

9 HUBERT MCCLURE: Is that
10 right?

11 BRITTANY MCABEE: For type one,
12 yes. He is required a type three along that
13 residential property line. I can't remember what the
14 minimum is. But we did give him a little bit of leeway
15 because he has an existing building.

16 HUBERT MCCLURE: I think the
17 problem is the size. Correct?

18 PAUL FINKE: Correct.

19 HUBERT MCCLURE: So, I mean,
20 you're talking five feet off the fence. I mean, I
21 think you should be able to work with that, can't you?
22 I mean a little bit?

23 PAUL FINKE: When you say
24 five feet off the fence, as long as we have plants,
25 like you said, within five feet of the fence, we're
26 good?

27 TONY CIRELLI: That's the
28 type one along the road. Yeah.

29 HUBERT MCCLURE: Yeah, that's
30 not us. That's for staff.

31 BRITTANY MCABEE: Yes, we can
32 help him in determining what that width of the buffer
33 yard is required. He can also work with his engineer
34 as well, which designed this landscape plan for him.

35 HUBERT MCCLURE: Once a surveyor
36 stakes it, and once you get -- then you can put your
37 fence up, and then the staff can mandate whatever the
38 buffer is from the fence. And then after that,
39 whatever's left you need to be able to work with. You
40 see what I'm saying?

41 BRITTANY MCABEE: And he can
42 also cluster things together to give him more room as
43 well.

44 HUBERT MCCLURE: I mean,
45 whatever can help them out. Let's try to help them
46 out.

47 BRITTANY MCABEE: Okay.

48 HUBERT MCCLURE: But I don't
49 want to set a precedent because as many of these
50 storage units go up, if we start setting the precedent

1 and changing what the council has done, then, we're
2 going to end up in a mess, and we're going to set a
3 precedent. Everybody's going to say, well, we did it
4 for this one. We did it for this one. So, but yeah,
5 thank you. And I'm sorry we had that miscommunication,
6 but at least we were able to -- at least we were able
7 to iron that out for you.

8 PAUL FINKE: Yeah, that
9 helps some. Thanks.

10 HUBERT MCCLURE: Okay. Thank
11 you.

12 PAUL FINKE: Thanks.

13 HUBERT MCCLURE: All right. Do
14 we have a motion to adjourn? Motion and second. All
15 in favor. Okay.

16

17

MEETING ADJOURNED AT APPROXIMATELY 6:28 P.M.

Application for a Variance
Anderson County Land Use Board of Zoning Appeals Meeting

County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
September 14, 2023
5:15 PM

Staff Report

Applicant: Victor Coultrap

Owner of Property: Same

Property Location: 136 Norris Drive, Belton, SC 29627

Council District: Two (2)

Tax Map Number (TMS #): 176-03-04-012

Property Description: TR 4 Norris DR 3.39 AC

Current Zoning: Un-Zoned

Land Use: Vacant and Residential

Applicant's Request: Applicant is requesting a variance to reduce the front setback from 30 feet to 18 feet to allow for construction of residence.

Findings of Fact: *Anderson County Code of Ordinances*, Under **Sec. 24-433. - Setback lines from roadways. modified.** (a)*Residential roads.*(1) Front setback: 30 feet from road right-of-way.

Staff Recommendation:

- 1) The lot is a non-conforming parcel and the proposed addition will not meet the previous setback with the new property line.
- 2) The Applicant has demonstrated a hardship for said request due to the flood plain on the property and placement of utility lines that are on the property.
- 3) There will be no adverse effects on adjacent properties if the variance is granted.
- 4) The Board has granted other variances similar to this request and would be consistent with its approval.
- 5) A Building Permit will be required from Building and Codes and a compliance letter from Development Standards with the revision of front setback to 18 feet.



Variance Application

Processing Fee: \$300.00

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.

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: VICTOR E. COULTRAP
Mailing Address: 136 NORRIS DR BELTON SC 29627
Telephone and Fax: 864-723-7001 E-Mail: VICTOR.COULTRAP@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.

Owner's or Designated Agent Signature

Date

Project Information

Please Indicate Current Use of Property: Commercial or Residential
Property Location: 136 NORRIS DR BELTON SC 29627
Parcel Number(s)/TMS: 176-03-04-012
County Council District: 2 School District: ANDERSON COUNTY 5
Total Acreage: 3.39 Current Zoning: UNRESTRICTED
Requested Variance: SETBACK 18 FEET FROM ROW
Please check to indicate if setback variance sign variance or minimum lot size variance .
Purpose of Variance: TO RESTORE WATER & ELECTRIC TO PROPERTY

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

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:

TREE LINE POWER LINE AND FLOOD PLAIN

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

ALL OTHER PROPERTIES ARE ABOVE THE FLOOD PLAIN AND ON DIFFERENT RDS.

Reasons why property is prohibited or limited in its uses:

SITS LOW WITH LARGE CREEK AS BACK PROPERTY LINE VERY LARGE FLOOD PLAIN AREA

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:

MY PROPERTY IS THE ONLY DEVELOPED (IMPROVED) PROPERTY ON NORRIS DR.

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.

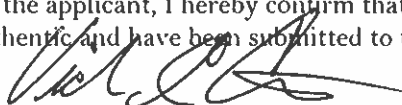
To submit a Variance Application, you must provide the following to the Development Standards Office:

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.



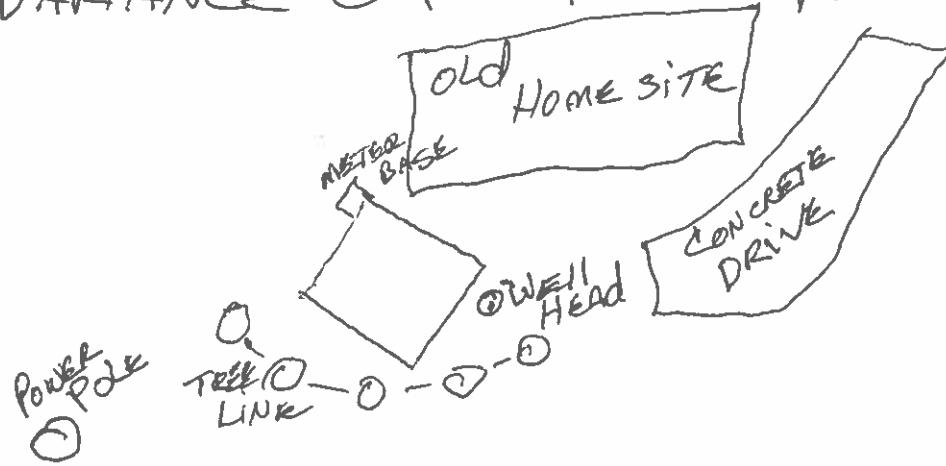
Applicant's Signature

08/15/23
Date

~~25 FT. ROW~~ =

25 FT. ROW
30 FT SETBACK

REQUEST VARIANCE OF 18 FT FROM RIGHT OF WAY



1750005012

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1760003001

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1760304012

NONPISDR

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1760302014

1760304013

1760302012

1760302001

1760302004

1760302003

1760302002

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1760302007

1760302006

1760302005

STANLEY DR

1760303001

1760303002

1760303003

SMITH DR

Application for a Special Exception
Anderson County Land Use Board of Zoning Appeals Meeting
County Council Chambers 2nd Floor-Historic Courthouse (DISTRICT #4)
Anderson, South Carolina
September 14, 2023
5:15 PM

Staff Report

The following special exception request was previously denied at the July 13th and August 10th 2023 BZA public hearings.

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

Applicant: Taylor DeRosa

Owner of Property: Same as above

Property Location: 4600 Pine Needle Cir., Anderson, SC 29625

Council District: Four (4)

Tax Map Number (TMS #): 44-07-0003

Property Description: 12+12A+13+28+28A PINENEEDLE CR

Current Zoning: R-20

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.....

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.
- 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 compliances 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 **PAID** 2023-0988

(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.

5/4/2023
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: Taylor DeRosa
Mailing Address: 4600 Pine Needle Circle Anderson SC 29625
Telephone and Fax: (828)-275-1625 E-Mail: Taylor.James.DeRosa@gmail.com

Owner's Information

(If Different from Applicant)

Name: _____
Mailing Address: _____
Telephone and Fax: _____ E-Mail: _____
Designation of Agent: (Complete only if owner is not the applicant)

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

[Signature]
Owner's Signature

5/4/2023
Date

Project Information

Property Location: 4600 Pine Needle Circle Anderson SC 29625
Parcel Number(s)/TMS: 044 - 07 - 04 - 003 - 000
County Council District: 4 School District: 4
Total Acreage: 1.15 Current Zoning: R 20
Requested Special Exception: _____
Purpose of Special Exception: for periodic use as a STR
while not home / travelling

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?
Yes: No: Date visited ROD or Date searched online: 5/4/23

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 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: _____

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: HVS Date Complete Application Received: 5/4/23

Application Fee Amount Paid: 200.00 Check Number: 1096

Scheduled Board Hearing Date: July

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 decided 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

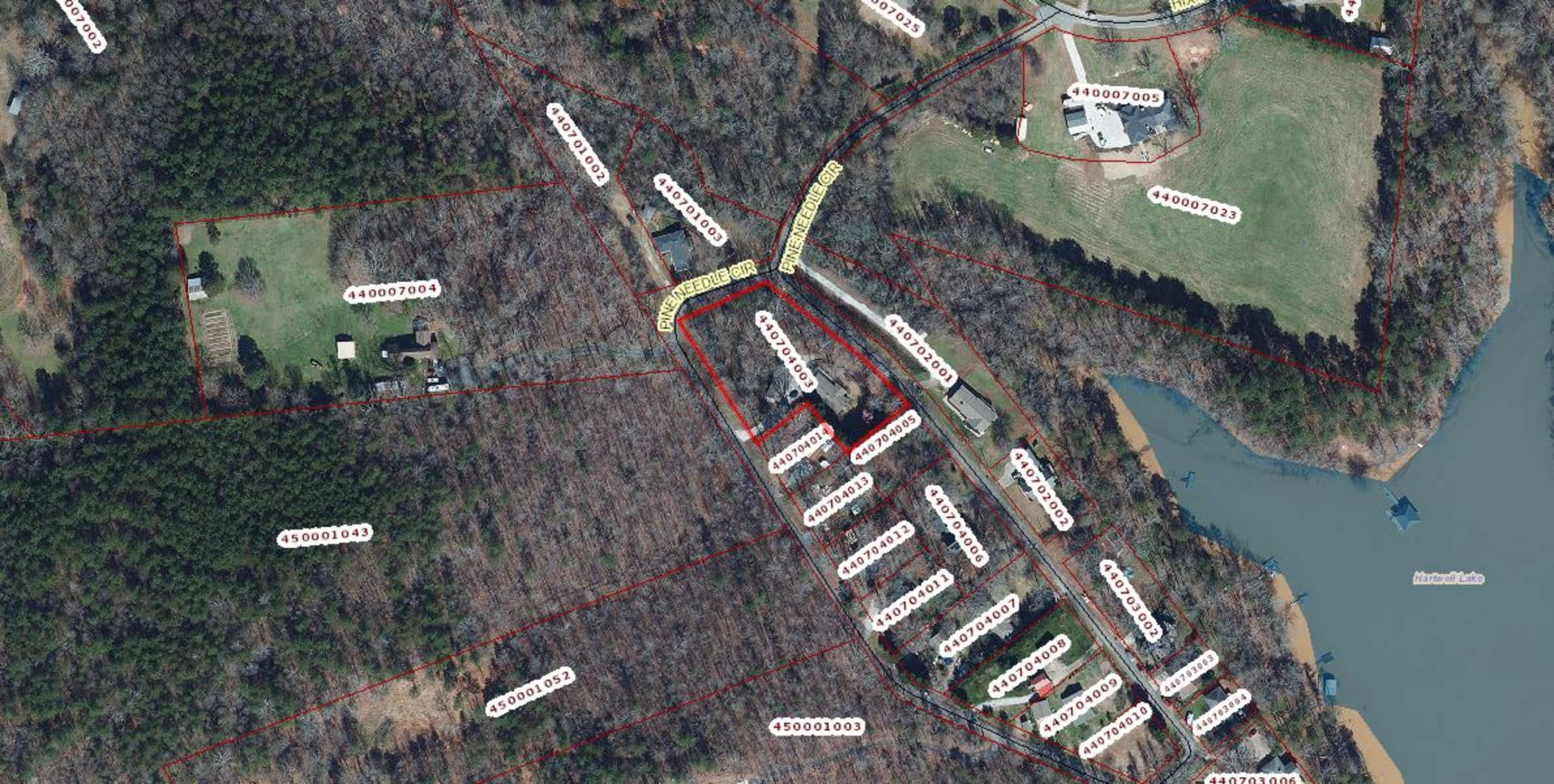
- Completed and Signed Special Exception Application
- \$200 Processing Fee
- Site Plan or diagram of property for the proposed special exception
- Clear Statement of why the special exception is being requested
- Valid contact information on application
- Covenants and Deed Restrictions (Can be obtained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

5/4/23
Date



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Hatfield Lake

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