

# Anderson County Board of Zoning Appeals

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

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

## AGENDA

October 10, 2024

5:15 PM

Historic Courthouse  
101 South Main Street  
Anderson, South Carolina

- 1.) Call to Order: Mr. Hubert McClure, Chairman
- 2.) Invocation: Mr. Hubert McClure
- 3.) Approval of Minutes:
  - A. September 12, 2024
- 4.) Public Hearings: None
- 5.) Old Business:
  - A. Special Exception to allow the use of property for short-term rental/vacation home. Located at 329 Garden Way Dr. / TMS 45-04-01-020 (DISTRICT 4)
- 6.) New Business: None
- 7.) Other Business: None
- 8.) Adjournment.

STATE OF SOUTH CAROLINA )

COUNTY OF ANDERSON )

ANDERSON COUNTY

LAND USE AND BOARD OF ZONING APPEALS

SEPTEMBER 12, 2024

PRESENT:

HUBERT MCCLURE, CHAIRMAN

MIKE MILLER

JOHN FARR

TONY CIRELLI

ALSO PRESENT:

TIM CARTEE

HENRY YOUMANS

JOAN HOLLIDAY

QUANESHIA HAMMOND

SARAH LYONS

1 HUBERT MCCLURE: I'll call  
2 this meeting to order. We'll go ahead with the  
3 invocation.

4 **INVOCATION BY HUBERT MCCLURE**

5 HUBERT MCCLURE: Deletions  
6 and additions to the minutes from the last meeting.

7 MIKE MILLER: I make a  
8 motion to approve.

9 HUBERT MCCLURE: Motion to  
10 approve.

11 TIM CARTEE: Hubert,  
12 will you turn your mic on?

13 HUBERT MCCLURE: It's on.  
14 I'm sorry. Thank you very much. It's on now.  
15 Sorry.

16 All right, okay, all those in favor show by  
17 uplift hand, and that's four and nobody else here.

18 All right, first staff report. We've got two  
19 staff reports on variance requests. First one is on  
20 Old Pendleton Road. Staff report.

21 HENRY YOUMANS: Mr. Chair, the  
22 applicant's name is Nicholas Elton. He is the owner  
23 of the property. It's located at 512 Old Pendleton  
24 Road in Easley. It's Council District 6. Tax map  
25 number is there for your reference. And the current  
26 zoning is unzoned. The applicant is requesting a  
27 variance to reduce the side and rear setbacks from 10  
28 feet to four feet to allow for the placement of his  
29 storage building.

30 Finding of facts: under the county code Chapter  
31 24, under 24-117 setbacks for residential, accessory  
32 building setbacks for property lines is 10 feet.

33 This is a tax map aerial of the property. This  
34 is also another aerial of the property showing the  
35 home. On this plat description, you see a small  
36 building in the back which was the original storage  
37 building.

38 The recommendation is for approval of the -- to  
39 reduce the rear and front side -- it should be rear  
40 and side setbacks from 10 feet to four feet. The  
41 applicant has limited space for placement of the  
42 storage building due to the location of the septic  
43 system in the rear of the home that was placed closer  
44 to the side and rear property lines, so no adverse  
45 effects on adjacent properties if the variance is  
46 granted. The applicant can meet all other required  
47 setbacks. The board has granted other variances  
48 similar to this request. And the applicant will  
49 request a re-inspection upon approval, so he can be  
50 issued a certificate of occupancy.



1 staff. So is there anyone speaking here against Mr.  
2 Landrum? Anybody here speaking against? I like  
3 these meetings. Okay, since there's no one speaking  
4 against, we will reserve questions and discussion for  
5 Mr. Landrum and staff. Anybody have any questions  
6 for staff or Mr. Landrum?  
7 MIKE MILLER: Henry?  
8 HENRY YOUMANS: Yes, sir.  
9 MIKE MILLER: One  
10 question. By moving the house forward, then what  
11 does it do to the side setback?  
12 HENRY YOUMANS: The side  
13 setbacks can -- he can still maintain those.  
14 MIKE MILLER: Okay.  
15 HENRY YOUMANS: Yeah, there  
16 was only the issue with the placement of the septic  
17 system, since there's a flood plain on the property.  
18 TONY CIRELLI: Henry, when  
19 was this lot cut? Surveyed?  
20 HENRY YOUMANS: This survey  
21 was done April of this year. April of this year.  
22 TONY CIRELLI: I got no  
23 problem with it.  
24 HUBERT MCCLURE: Okay. Any  
25 other questions for staff? What's the feeling of the  
26 board?  
27 TONY CIRELLI: I recommend.  
28 HUBERT MCCLURE: Mr. Cirelli  
29 has made a motion. Do we have a second?  
30 JOHN FARR: Second.  
31 HUBERT MCCLURE: Second by  
32 Mr. Farr. All those in favor uplifted hand. Mr.  
33 Cirelli, you voting for it? Okay. Four and zero.  
34 Okay, the next on the agenda is old business.  
35 This is a special exception. We do not have to have  
36 a -- since we tabled this, and I'm the one that made  
37 the motion to table, we do not have to have an open  
38 forum on it. We just need to talk to the two parties  
39 involved.  
40 So at this time, is there anything you need to  
41 say for staff?  
42 HENRY YOUMANS: Yes, Mr.  
43 Chair.  
44 HUBERT MCCLURE: Okay. Go  
45 ahead.  
46 HENRY YOUMANS: I think the  
47 last time we went through all the particulars with  
48 the property. This was some new information that was  
49 provided by Mr. Powell in regards to the questions  
50 about the easement. There was an original plat done

1 in 1995 showing 10 foot easement that is expressed on  
2 this plat. And an easement was granted off of 10  
3 feet from the property line. This was done in 1995.  
4 This survey was redone in 2006 showing -- the red  
5 circled area shows the current layout with only a  
6 small part of the drive that she's entitled to as use  
7 for her easement. Notice that she has a driveway and  
8 it is outside of the easement line. This survey was  
9 recently done, and it shows a full layout. And I  
10 believe the packet -- in your package, you have a  
11 copy of that survey showing the access, the driveway  
12 and the easement to the property.

13 And this is an aerial of that showing the  
14 driveway access. This is the actual driveway and the  
15 proximate easement line.

16 So I relinquish the rest to the Chair.

17 HUBERT MCCLURE: Thank you.

18 Back up one or two so that -- I want to -- back up  
19 one. Okay. There it is, right there. I went out  
20 there and looked at it, and I can see basically the  
21 property line is going down the woods. And we all  
22 know easements can be anywhere. They're supposed to  
23 be up against, you know, the property line, but they  
24 can be -- so that's not a problem.

25 Mr. Powell, where are you at? There you are.  
26 Could you come up? I want to talk to you about a  
27 couple of things. And you'll have to excuse me. I'm  
28 a teacher, but I got -- my two weaknesses are names.  
29 I'm trying to get there. Hold on just a second. The  
30 neighbor, Ms. ... Waters, yeah.

31 MIKE MILLER: Jane Waters.

32 HUBERT MCCLURE: Yes. Ms.

33 Waters, I'm going to ask you a couple of questions.  
34 I think I have a -- I think I have a solution to this  
35 after I went out and looked at it. My question to  
36 you is, do you have a problem with meeting with Ms.  
37 Waters, and let's maybe getting some yellow paint and  
38 painting a couple of stripes with some cross bars on  
39 it for Ms. Waters?

40 ROBERT POWELL: I don't have  
41 a problem with that.

42 HUBERT MCCLURE: You have no  
43 problem with that? Okay. And that way, that way --  
44 and with that, because I'm going to make the motion  
45 that we do that, because we can't tell you what to do  
46 with your property, but we have to give her access.  
47 And my question, if somebody parks on it, they would  
48 be responsible if she calls the law, they're  
49 responsible for -- you know, the law has to, you  
50 know, if -- do you have a problem with that?

1 ROBERT POWELL: No.  
2 HUBERT MCCLURE: Okay. Ms.  
3 Waters, do you have a problem with that? If you have  
4 access to your property and it's not blocked?  
5 JANE WATERS: Yes, I do.  
6 HUBERT MCCLURE: Well, what's  
7 your problem with it?  
8 **INAUDIBLE COMMENT FROM JANE WATERS**  
9 HUBERT MCCLURE: Well, you --  
10 -- technically, if you, if you go by the plat, you  
11 have to get in the woods for a driveway.  
12 JANE WATERS: Pardon?  
13 HUBERT MCCLURE: If you go by  
14 the plat, you would have to put a driveway along the  
15 woods. And right now you have a nice driveway with  
16 the cement.  
17 **INAUDIBLE COMMENT FROM JANE WATERS**  
18 HUBERT MCCLURE: No, you and  
19 him would get together on where to mark it.  
20 **INAUDIBLE COMMENT FROM JANE WATERS**  
21 HUBERT MCCLURE: No,  
22 technically, technically, he has to give you access.  
23 He has -- if he was to push it, yes, he could make it  
24 go against the driveway. But I don't think, I don't  
25 think you want to do that, do you?  
26 **INAUDIBLE COMMENT FROM ROBERT POWELL**  
27 HUBERT MCCLURE: I'm trying  
28 to -- that's what I'm trying to do. Okay? So what I  
29 would suggest is you and him with staff -- staff, do  
30 you mind doing -- being like a mediator with this?  
31 HENRY YOUMANS: Yes, sir.  
32 HUBERT MCCLURE: And that  
33 would make this motion that you would come together  
34 and put a 10 foot -- and just have a 10 foot striped  
35 area hatched however you want to do it, to go with  
36 her sign that says, do not park. And then, if your  
37 tenants are the people that park there, and she is  
38 one second delayed, she can call the law. Now, are  
39 you acceptable to that?  
40 TIM CARTEE: Mr.  
41 Chairman, can I throw something in there? Would it  
42 be advisable to maybe have a surveyor to go out there  
43 to show exactly where the lines are?  
44 HUBERT MCCLURE: Yeah, you  
45 can do that. That would that would be fine, but I  
46 don't think -- the reason I don't think this is  
47 needed, the reason I don't think it's needed is  
48 because she has been traveling this access for how  
49 many years you've been living there?  
50 JANE WATERS: Well, on and

1 all, I wasn't driving at the very beginning, but  
2 since 1960.

3 HUBERT MCCLURE: She's been  
4 out there a while. It's going to take a Philadelphia  
5 lawyer to move it now. Okay, the whole point is it's  
6 been there for a long time?

7 JANE WATERS: Yes.  
8 HUBERT MCCLURE: All right.  
9 And I'm trying to do, I'm trying to do the best thing  
10 here. If you want -- if y'all want to drag this out,  
11 we can drag this out. But if you want an amicable  
12 way to do it, what I would suggest, and you could  
13 easily go down the edge of that, edge of that  
14 concrete, right to the edge of that concrete, go 10  
15 feet, and that would be your access. And nobody  
16 could park there.

17 JANE WATERS: I'm not  
18 agreeable with that, because if you look at the way  
19 that is at the end of that road ---

20 HUBERT MCCLURE: I've been  
21 there.

22 JANE WATERS: --- I don't  
23 even know if a car could come and turn in right there  
24 that way. Okay, so if Robert puts something up says,  
25 don't park here, they may not see it at night. A  
26 boat may pull over it. So if they can't park there,  
27 they may decide, oh, we're going to park out here  
28 beside the mailboxes on the road, which they have  
29 several times.

30 HUBERT MCCLURE: No, they  
31 can't do that.

32 JANE WATERS: Well, they  
33 do.

34 HUBERT MCCLURE: Well,  
35 that's something for the law. That's, that's --  
36 okay. I don't have anything over the -- that's,  
37 that's the county.

38 **INAUDIBLE COMMENT FROM JANE WATERS**

39 HUBERT MCCLURE: Well, I'm  
40 going to try to do it the most amicable way I can.  
41 Mr. Powell, do you see a problem with putting a  
42 hatched area along the edge or wherever.

43 ROBERT POWELL: I think the  
44 main thing I would say is it's got to be (inaudible).  
45 I don't want to encroach where we don't have any room  
46 to park. That's the main thing.

47 HUBERT MCCLURE: Well, I've  
48 been out there. There's plenty of room to park in  
49 front of that house. Now, if you got a problem with  
50 that driveway, that's a problem with the driveway.

1 We can't do anything about that.  
2 ROBERT POWELL: I think  
3 what I'm saying is, I don't want to go so far to the  
4 right that we ---  
5 HUBERT MCCLURE: No, no, I'm  
6 saying along the edge of that, along the edge of the  
7 -- 10 feet from the edge of that, that concrete.  
8 **INAUDIBLE COMMENTS FROM JANE WATERS AND ROBERT POWELL**  
9 HUBERT MCCLURE: Yeah, and  
10 that could be the easement, unless y'all want to go  
11 against the property line, and then you'd have to get  
12 a surveyor out there, and then you'd have to get a  
13 bobcat to clean out those, you know. And I don't  
14 know who would pay for that. But y'all are welcome  
15 to do that too.  
16 JANE WATERS: Did you  
17 consider the easement when it turns and goes down  
18 between the two properties there?  
19 HUBERT MCCLURE: Well, that's  
20 -- you already -- all you have to have is access to  
21 your property.  
22 JANE WATERS: Yes. And  
23 that's to my -- I mean, that's to my property.  
24 HUBERT MCCLURE: Yeah, and  
25 that's what I'm saying.  
26 JANE WATERS: If an  
27 ambulance comes, if an ambulance comes, they're going  
28 to have to come around to that side door where the  
29 easement is at to pick me up. That's where they're  
30 going to have to come and get me at.  
31 HUBERT MCCLURE: I don't see  
32 what that has to do with what we're talking about,  
33 because we -- you only have to have access to your  
34 property.  
35 JANE WATERS: Yes, but  
36 there is an easement that goes between the two.  
37 That's my property. That's the way I get to it. My  
38 property ---  
39 HUBERT MCCLURE: Okay. I  
40 understand that.  
41 JANE WATERS: It goes  
42 down there, and then I buy a permit from the -- I buy  
43 a permit from the ---  
44 HUBERT MCCLURE: But who's  
45 going to block that? Who's going to block that?  
46 JANE WATERS: Three  
47 fishing boats, four to five fishing boats have  
48 blocked it before.  
49 HUBERT MCCLURE: You have  
50 fishing boats on your side of the property?

1 JANE WATERS: On the  
2 easement.  
3 HUBERT MCCLURE: I am trying  
4 to fix it to where nobody will park there.  
5 JANE WATERS: On the whole  
6 easement, all the way down. You're just talking  
7 about the easement to get to the driveway.  
8 HUBERT MCCLURE: I'm talking  
9 about the easement that goes from the road to your  
10 property line. That's the only thing that's  
11 considered here.  
12 JANE WATERS: Are you  
13 looking at the whole easement, though? Are you just  
14 looking at the one that gets me to the driveway,  
15 right there in front of the carport, is that the one  
16 you're looking at?  
17 HUBERT MCCLURE: Your  
18 property line is where the sign is that says, don't  
19 park, correct?  
20 **INAUDIBLE COMMENTS FROM JANE WATERS AND ROBERT POWELL**  
21 HUBERT MCCLURE: Well, okay.  
22 Well, the whole point is your property line is  
23 somewhere in that area, right? Okay, that's the only  
24 part that you had -- need to have access to, right?  
25 JANE WATERS: No.  
26 HUBERT MCCLURE: Well, I'm,  
27 I'm confused now, because I don't ---  
28 JANE WATERS: Look at the  
29 picture.  
30 HUBERT MCCLURE: I've looked  
31 at it.  
32 MIKE MILLER: Henry, go  
33 back to the plat.  
34 JANE WATERS: There beside  
35 the ditch ---  
36 HUBERT MCCLURE: Yeah.  
37 JANE WATERS: --- and then  
38 it turns and it goes down beside -- between.  
39 HUBERT MCCLURE: But your  
40 driveway is over that right there. Your driveway is  
41 right there.  
42 JANE WATERS: His fence is  
43 five foot over the easement. It's five foot on me  
44 and five foot on him.  
45 HUBERT MCCLURE: Okay, okay,  
46 well, we'll just -- okay. There's no amicable way to  
47 solve this, so we'll just ---  
48 JANE WATERS: I'm worried  
49 about somebody being five minutes to me whether like  
50 the ambulance comes or the undertaker comes. I'm

1 scared of complaining to the police before, because I  
2 was afraid of retribution.

3 JOHN FARR: How long have  
4 you lived there?

5 JANE WATERS: And I didn't  
6 have Robert's number. But I don't, I don't want to  
7 be a nuisance. I don't want to be calling the police  
8 every five minutes. If something happens to me and I  
9 have a blood clot, I'm not going to get up and go and  
10 look and see if somebody's parked over the easement.  
11 I'm not going to have time to do that. If I call my  
12 daughter and say I've fallen and I'm hurt, I'm  
13 bleeding, or I can't call her and somebody comes in  
14 there to get me at midnight, Robert's not going to  
15 know. If they're up there drinking and having a  
16 party, smoking pot, like they have been once before  
17 that I know who's going to move those cars? How do  
18 they get moved?

19 HUBERT MCCLURE: Okay. Thank  
20 you. Well, we're back to a stalemate. So the only  
21 thing I suggest for you, Mr. Powell, we might have to  
22 table this again and get you to mark the property  
23 lines. Because I've tried to -- I thought we could  
24 go with a, with a marked area to get to the property  
25 line. But I don't understand what the problem is,  
26 unless the fence is over on her or something, and  
27 they can't do that, I don't know. I don't, I don't  
28 understand either, because once you get to her  
29 property, that's all you're, that's all you're  
30 obligated to.

31 **INAUDIBLE COMMENT FROM ROBERT POWELL**

32 HUBERT MCCLURE: Well, it's  
33 the easement. The easement is.

34 ROBERT POWELL: But once she  
35 gets to her property it's not?

36 HUBERT MCCLURE: Exactly.  
37 And that's what I've been trying to say. But I know  
38 there's a, I know there's an easement going down the  
39 line, but unless there's a driveway going down the  
40 line ---

41 JANE WATERS: There is a  
42 driveway going down.

43 HUBERT MCCLURE: And it goes  
44 all the way down to the lake. Is that what you're  
45 saying.

46 JANE WATERS: It's all the  
47 way down to that my side door, and that's where ---

48 HUBERT MCCLURE: And you  
49 cannot access that?

50 JANE WATERS: I can't

1 access it unless I go down the easement.  
2 HUBERT MCCLURE: I'm sorry,  
3 I'm a little bit confused. Unless you've got people  
4 driving all the way down to the lake on that  
5 easement, I don't see how it can be ---  
6 JOHN FARR: I'm  
7 confused, too.  
8 HUBERT MCCLURE: That goes  
9 down the property line. Okay, are there boats that's  
10 driving down that property line?  
11 JANE WATERS: Absolutely.  
12 ROBERT POWELL: They're not  
13 staying there. They may turn around.  
14 JANE WATERS: If somebody  
15 comes in at night, a boat, which they usually come in  
16 late at night, if four -- three or four big  
17 tournament people come in there, first of all,  
18 they're not going to see those lines at night and  
19 where it says do not park here. They're going to go  
20 straight down there. They're going to turn down that  
21 driveway. The easement, I mean, which is five, five  
22 foot on Robert, five foot on me, they're going to  
23 drive down there. They're going to continue across  
24 where I pay for a turnaround from the Corps of  
25 Engineers. They're going to go down on the Corps and  
26 they're going to turn around, and then they're going  
27 to come back up. And they do that twice a day. So  
28 they do that twice a day, when they leave out, when  
29 they come back in. When they park their boats,  
30 they're not going to park them way, way far away.  
31 They park them right there so they can plug them up  
32 to electricity and go out there and do everything  
33 they have to do at night. Plus they have to leave  
34 that kind of equipment, expensive equipment, out  
35 parked, you know, a mile down the road. They park it  
36 right there. And they line them up down that  
37 easement right there. They've been where a car could  
38 not -- they've had to drive through my flower bed,  
39 and hit a couple of my palm trees. But at night, I  
40 mean, like I said before, 10:30 at night, my camera  
41 shows me two men walking around in my yard. I didn't  
42 know who it was.  
43 HUBERT MCCLURE: Okay, okay.  
44 JANE WATERS: They're on  
45 my driveway and turn around.  
46 ROBERT POWELL: So I think  
47 that's no different than all the delivery trucks that  
48 you have that destroyed my driveway.  
49 HUBERT MCCLURE: Well, we'll  
50 have to ---



1 is.

2 **INAUDIBLE COMMENT FROM ROBERT POWELL**

3 MIKE MILLER: On the  
4 driveway easement, anything that's easement.

5 HUBERT MCCLURE: Anything  
6 that has anything to do with the easement, we need to  
7 see it.

8 **INAUDIBLE COMMENT FROM ROBERT POWELL**

9 MIKE MILLER: They're  
10 actually ---

11 HUBERT MCCLURE: They can  
12 market it with paint. They can market with plastic  
13 stakes. They can market with whatever.

14 MIKE MILLER: There should  
15 be a three quarter inch rebar that's showing right  
16 there, that should be there, that should be able to  
17 be found. If it's not and it's been destroyed, then  
18 they can put a bottle cap or something there that we  
19 can see where this property line is.

20 HUBERT MCCLURE: We need to  
21 see the property line because we need to come out  
22 there and look at it so we can determine what to do.  
23 Remember, we told you this before, this is a, this is  
24 a very weird thing, because you have access across  
25 this property to another piece of property. That's  
26 the only reason we're having this problem. And we're  
27 going to have to say -- when I, you know, I didn't  
28 think that people were driving down the property  
29 line. I didn't think that. So now we've got to mark  
30 the property line. Well, not mark the property line,  
31 you need to mark the easement on each side, wherever  
32 it is so we can go out there and look at it, so then  
33 we can come back and render a judgment on that.

34 Okay, you want to make that in the form of a  
35 motion?

36 MIKE MILLER: I make this  
37 as a motion that it will be tabled until the easement  
38 has been located in wherever discussion that we're  
39 there, because, you know, front, side, wherever the  
40 easement's at. So we've got proof of who owns -- who  
41 is on what property, because it may come down to it  
42 where we were looking at the house while ago, her  
43 easement may be all the way over, and that concrete  
44 driveway going down through there may be all on you.

45 HUBERT MCCLURE: Yeah.

46 MIKE MILLER: So this is  
47 where we're at. Flip back to that picture, Henry,  
48 that shows the house and the driveway. Right there.  
49 So if that easement and that property line is to the  
50 left and wherever that easement's at, then that

1 easement's marked. And then if it comes back, and if  
2 her property is not on that concrete, then she's  
3 going to have to move her easement and put her a new  
4 driveway in. That's the easiest way to do this. I  
5 mean, we could sit here for 10 hours and discuss  
6 this, and nobody's going to be happy, but once it's  
7 surveyed, then once you know where it's at, then we  
8 got a place to stand and say, all right, you're off  
9 your easement. You've got to build you a new  
10 driveway. I don't want to get into that. This is  
11 not what we do.

12 JANE WATERS: But you  
13 know, this never was a problem for all those years.  
14 I never had ---

15 MIKE MILLER: It may be  
16 ---

17 JANE WATERS: There's an  
18 exception ---

19 MIKE MILLER: And I'm not  
20 trying to, I'm not trying to be disrespectful, but we  
21 tried to come up with an issue to do it this way.  
22 Now it can't be, it can't be, he's on my property.  
23 So once it's surveyed, then you're going to know if  
24 it's on your property or if it's on his property.  
25 And then we can determine at that point in time,  
26 since you can't settle this dispute between the two  
27 of you, then we will determine at that point in time  
28 if your easement is in the wrong location, then you  
29 will have to build yourself a new driveway to get to  
30 your house.

31 **INAUDIBLE COMMENT FROM JANE WATERS**

32 MIKE MILLER: So we will  
33 see once it's surveyed. So I'm making a motion,  
34 making a motion to be tabled until it's surveyed, and  
35 we would notify staff -- you will notify staff, and  
36 then at that point, we can set this thing to come  
37 back up.

38 HUBERT MCCLURE: I'll second  
39 it. All in favor. Okay, four to zero.

40 HENRY YOUMANS: I have a  
41 point of order.

42 MIKE MILLER: Point of  
43 order, he's hollering.

44 HUBERT MCCLURE: Who?

45 MIKE MILLER: Henry.

46 HENRY YOUMANS: Because the  
47 ordinance reads that anything that's tabled, it's  
48 going to have to be done in the next 30 days. So  
49 you're going to have to have this survey done before  
50 the meeting in October, because if it goes beyond

1 that, then we're not in sync with what the ordinance  
2 reads.  
3 HUBERT MCCLURE: But the  
4 board -- but we can read -- we can, we can vote to  
5 bring it back up? So either way, we can still do it.  
6 **INAUDIBLE COMMENT FROM ROBERT POWELL**  
7 HUBERT MCCLURE: We will.  
8 We will vote to bring it back up.  
9 MIKE MILLER: We just, we  
10 just need to know where the evidence of the property  
11 that's in dispute is located.  
12 HUBERT MCCLURE: We want it  
13 done right, and that's what we're trying to do.  
14 Since it is a walking on eggshells because of the  
15 access, we have to do it right, and that's what we're  
16 trying to do. Okay?  
17 Any old or new business? Motion to adjourn.  
18 JOHN FARR: Motion to  
19 adjourn.  
20 HUBERT MCCLURE: Second?  
21 All those in favor. Y'all have a good day.  
22  
23 **MEETING ADJOURNED AT APPROXIMATELY 5:46 P.M.**

Application for a Special Exception  
Anderson County Land Use Board of Zoning Appeals Meeting  
County Council Chambers 2<sup>nd</sup> Floor-Historic Courthouse (DISTRICT #4)  
Anderson, South Carolina  
October 2024  
5:15 PM

Staff Report

Applicant: Robert Powell on behalf of 329 Garden Way, LLC

Owner of Property: 329 Garden Way, LLC

Property Location: 329 Garden Way Dr., Anderson, SC 29625

Council District: Four (4)

Tax Map Number (TMS #): 45-04-01-020

Property Description: Rocky Creek Acres/Garden Way Drive

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: Approval of the Special Exception request for the following reasons and with following conditions.

- 1) The residence meets all the requirements for R-20 Zoning.
- 2) Has operated as a host home since July 2018.
- 3) No Restrictions are recorded in the deed and Rocky Creek Acres does not have restrictive covenants.
- 4) The use is not detrimental to public health or general welfare.
- 5) If approved, 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
- 6) The Board's granting of the approval for this Special Exception is in keeping with similar requests previously granted for zoned areas.



# Special Exception Application

(For Zoned Areas Only)

**Processing Fee: \$300**

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.

6/18/24

Date Application Received

Application Status (Approved or Denied)

All special exception applications are required to go before the Anderson County Board of Zoning Appeals. All applicants are strongly encouraged to attend the Board of Zoning Appeals public hearing in which their application is to be reviewed.

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: Robert Powell / 329 Garden Way LLC  
Mailing Address: 100 Garden Trl, Greenville, SC 29605  
Telephone and Fax: 864-688-9069 E-Mail: powellrealtyandtradingsc@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.

Robert Powell, Manager

Owner's Signature

6/18/2024

Date

### Project Information

Property Location: 329 Garden Way Dr, Anderson SC, 29625  
Parcel Number(s)/TMS: 45-04-01-020  
County Council District: District 4 School District: District 4  
Total Acreage: 0.265 Current Zoning: Single Family Residential  
Requested Special Exception: Single Family Residential with Exemption 5:3.2  
Purpose of Special Exception: Short-term family vacation rental 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: Friday June 14th, 2024

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: HRB Date Complete Application Received: 4/18/24  
Application Fee Amount Paid: \$ 300.00 Check Number: \_\_\_\_\_  
Scheduled Board Hearing Date: 8/8/24  
Land Use/Board of Zoning Appeals' Decision: \_\_\_\_\_

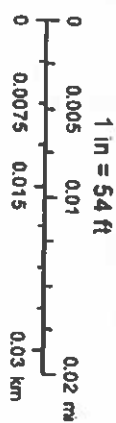


# 329 Garden Way Anderson County



June 18, 2024 Disclaimer accepted.

TMS: 450401020  
Owner: 329 GARDEN WAY LLC  
Owner Address: 100 GARDEN TRAIL  
City/State: GREENVILLE SC  
Deed Book: 13322  
Tax District: 4  
Sale Year: 2018  
Deed Page: 115  
Description: GARDEN WAY DR  
Sale Price: \$220,000  
Zip Code: 29605  
Current Plat: CP 110/367  
Market Value: \$252,940



ESRI | Highland Mapping, and Anderson County GIS



# Survey Re-done by Janice Waters in 2006

- The circled red area shows current layout with only a small part of the drive that she is entitled to use as her easement.
- Notice where she has her driveway is outside of her easement line.

