

# 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  
Russ Brown, District #3  
Vacant, District #6

## AGENDA

April 9, 2026

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: May 08, 2025 and January 08, 2026
- 4.) Public Hearings:
  - A. Variance Request: To build a detached garage on the side other than the rear of the property. Located at 210 Altamont Court. / TMS 120-03-03-029 **(Council District 1)**.
- 5.) New Business: None
- 6.) Old Business:
  - A. Special Exception: To allow the use as a short-term rental. Located at 1021 Arrowhead Point. / TMS 26-04-01-021 **(Council District 4)**.
  - B. Special Exception: To allow the use as a short-term rental. Located at 226 Indian Trail. / TMS 26-04-01-009 **(Council District 4)**.
- 7.) Public Comments, non-agenda items – 3 minutes limit per speaker
- 8.) Adjournment.

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

ANDERSON COUNTY  
LAND USE AND BOARD OF ZONING APPEALS  
MAY 8, 2025

PRESENT:

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

ALSO PRESENT:  
ALESIA HUNTER  
TIM CARTEE  
HENRY YOUMANS

1 HUBERT MCCLURE: We'll call  
 2 this meeting to order of the land use board. And today  
 3 is May the eighth. Let us pray.

4 **INVOCATION BY HUBERT MCCLURE**

5 HUBERT MCCLURE: First thing  
 6 on the agenda is approval or additions to minutes.  
 7 Does anybody have a motion? Or does anybody want to  
 8 change the minutes?

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

11 HUBERT MCCLURE: Make a motion  
 12 to approve. Do I have a second?

13 TONY CIRELLI: Second.

14 HUBERT MCCLURE: Second. All  
 15 those in favor. And that takes care of that.

16 First is public hearings. Special exception, Lake  
 17 Grove Road (verbatim). Staff report.

18 HENRY YOUMANS: Thank you,  
 19 Mr. Chair. This is an application for special  
 20 exception to allow for part time use of short term  
 21 rental in R-20. The applicants are Robert and Melissa  
 22 Thompson. They are the owners. The property is  
 23 located at 201 Lake Grove Lane in Townville. It  
 24 consists of two lots, lot 15 and 15-A, on Lake Grove  
 25 Lane. Current zoning is R-20. Land use is  
 26 residential.

27 This is a tax map aerial representation of the  
 28 property. This is the R-20 zoning map showing that the  
 29 property is zoned R-20. This is a layout sketch of the  
 30 house showing the additional lot at the time the  
 31 property was purchased.

32 This is the front picture of the residence. This  
 33 is a rear picture of the residence. This is an overall  
 34 aerial of the property. And this is the sign we put on  
 35 the property as notice for this meeting today.

36 Finding the facts: Under Anderson County Code of  
 37 Ordinances, Chapter 48, Section 5:3.2, use is permitted  
 38 in R-20 by special exception. That would be bed and  
 39 breakfast, host homes and guest homes. And if -- no  
 40 other short term rentals will be allowed within 1500  
 41 feet of this property if it is approved. So anything  
 42 less than 1500 feet is not going to be allowed in this  
 43 area.

44 The staff assessment is this meets all the  
 45 requirements of section 5:3.2, uses by special  
 46 exception. The applicants have indicated and certified  
 47 there are no private covenants or restrictions. The  
 48 use is not detrimental to the public health or general  
 49 welfare. The use will not violate the neighborhood  
 50 characteristics nor adversely affect surrounding

1 properties. The applicants also own the adjacent lot,  
2 180701016, next to the proposed short term rental.

3 And if this is approved, the applicants must meet  
4 all state, fire and building code requirements  
5 pertaining to the expansion, and obtain all necessary  
6 permits.

7 This is your report, Mr. Chairman.

8 HUBERT MCCLURE: Thank you,  
9 Henry. At this point, I'm going to ask a question of  
10 staff. Is there any restrictions, homeowners  
11 association, or anything having to do with this  
12 property?

13 HENRY YOUMANS: The only thing  
14 that exist are old deed restrictions back in 1982,  
15 when the deed was recorded, but is not self-renewing.  
16 And the owners are using the residents to stay in as  
17 part of one of those requirements, as use for  
18 residential purposes only.

19 HUBERT MCCLURE: Okay, but as  
20 far as the homeowners associations or subdivision  
21 restrictions, or anything like that, is anything on  
22 that piece of property?

23 HENRY YOUMANS: No, sir.

24 HENRY YOUMANS: All right. At  
25 this time, we'll open a public hearing for this special  
26 exception. I lost it, whatever Road, Lake Grove Lane.  
27 Is there anyone speaking against? Okay, go ahead and  
28 address the mic, please. Let us know where you live  
29 pertaining to the property.

30 GERRITT BEATTY: Good evening.  
31 My name is Gerritt Beatty, District Four, and I am  
32 located -- my property line is about 960 feet away from  
33 201 Lake Grove Lane.

34 In the email dated March the 25th, 2024 at 2:16  
35 p.m., the zoning administrator authorized the property  
36 owner of 1408 Cherokee Road, County of South Carolina,  
37 to operate as an Airbnb. This authorization has never  
38 been rescinded. 201 -- excuse me -- Lake Grove Lane is  
39 1146 feet from the 1408 Cherokee Road STR as measured  
40 in the GIS.

41 Chapter 48, Section 717.3 of the Anderson County  
42 Code of Ordinance states: Bed and breakfast facilities  
43 and residential zoning districts shall not be located  
44 within 1500 feet of another STR; boarding house,  
45 rooming house, inn or hotel.

46 On line 49, page 17 through line four, page 18 of  
47 the March 24, 2024 meeting minutes of the county Land  
48 Use Board of Appeals regarding a similar request -- I  
49 think it was in Hunters Trail -- the zoning  
50 administrator advised the board, if this is approved,

1 the way the ordinance states, there can be no other  
 2 Airbnb operation within that area. The requirement is  
 3 1500 feet. So if there are houses adjacent to this  
 4 property, if it is approved, no one else will be  
 5 allowed to open up that type of operation in the area.  
 6 The zoning administrator just repeated what he told the  
 7 board on the 24th of March.

8 We already have an approved STR which is within  
 9 the 1500 foot legislative requirement. Records  
 10 indicate that this prohibition has been included in  
 11 many others STR cases before the board. We believe the  
 12 board is bound by the legislative intent of the 1500  
 13 ---

14 TIM CARTEE: Time, Mr.  
 15 Chairman.

16 GERRITT BEATTY: ---  
 17 prohibition and should deny the application in  
 18 compliance with the zoning ordinance.

19 HUBERT MCCLURE: Okay. Thank  
 20 you.

21 Mr. Henry, would you address that please? Is it  
 22 within 1500 feet of another Airbnb?

23 HENRY YOUMANS: The property  
 24 that he's talking about is 1408 Cherokee Road. I  
 25 cannot certify that it is within that distance. I'm  
 26 assuming that the properties that are around that  
 27 current proposal for this Lake Grove Lane to see if  
 28 anything had been approved and ---

29 HUBERT MCCLURE: So we do not  
 30 know if it's within 1500 feet?

31 HENRY YOUMANS: Yes.

32 MIKE MILLER: Put the tax  
 33 map back up.

34 HUBERT MCCLURE: Can we put  
 35 the tax map back up here? Okay, Alesia, do you know is  
 36 that enough, right off the cuff?

37 ALESIA HUNTER: Mr. Chairman,  
 38 I didn't work on that application. Mr. Youmans worked  
 39 on it, so I'm not familiar with that case at all. If  
 40 we go to the zoning map, the other one.

41 MIKE MILLER: One question.  
 42 Is this based off of (unintelligible) or is this based  
 43 off of the ---

44 HUBERT MCCLURE: They don't  
 45 know. So ---

46 FEMALE: (Unintelligible).

47 MIKE MILLER: I'm looking at  
 48 it on GPS.

49 HUBERT MCCLURE: Okay. Next  
 50 person that's speaking against? You said you were

1 speaking against?

2 ANDY DORSKI: Yes. Good  
3 evening. My name is Andy Dorski, and I live at 211  
4 Lake Grove Lane. There's one house between me and the  
5 subject property.

6 This is a small neighborhood with a dead end, with  
7 only 13 homes, two are vacant, leaving 11 active  
8 neighbors. My wife and I purposely chose this  
9 neighborhood in July of 2020 to raise a family due to  
10 the dead end road, lake front and the rural quietness  
11 that we felt would (unintelligible) before we purchased  
12 it.

13 We have a four and a five year old that are now  
14 spending more and more time outdoors as the years pass.  
15 We recently got them a three wheeled scooter, bicycles,  
16 and they often ride in the road in front of our  
17 property because we have a stone driveway, and in front  
18 of the subject property as well. It's all right there  
19 together.

20 And also, there's a -- on one street you can see  
21 the big curve and a lot of traffic in and out.  
22 Anything can happen, and we worry about an accident.  
23 All the neighbors are aware of our kids, but you know,  
24 extra traffic in and out, people unfamiliar with the  
25 area, we just worry about what could happen.

26 Also, we live on the lake, and as you can see, the  
27 subject property is in the back of a narrow cove. If  
28 the short term renters bring a boat, you know, it's  
29 extra traffic in and out of the lake. I mean, my kids  
30 are always out there learning to swim and all that.  
31 And obviously it's, you know, anybody can be in the  
32 lake at any time, but that's just additional traffic  
33 if, you know, somebody's renting that out.

34 Lastly, no matter what you decide, someone will be  
35 upset here. But we like our quiet neighborhood like it  
36 is. And I know if you guys were raising kids, you  
37 wouldn't want this going on two doors down from you.

38 And I do have a map, as well, showing the 1500  
39 feet in a straight line if you want to see it.

40 HUBERT MCCLURE: That's okay,  
41 because it's not going to matter. We're going to have  
42 to get somebody to officially make sure before we do  
43 anything.

44 ANDY DORSKI: Okay.

45 HUBERT MCCLURE: Thank you,  
46 sir. And I'm saying Mr. Boyle. And if the owners are  
47 here, I'd like to speak with them also. Mr. Boyle, do  
48 you want to speak?

49 DAVID BOYLE: Uh, I think  
50 everything's (unintelligible). I think everything's

1 been sort of clarified for me already, but I was  
2 thinking about the, you know, 15 lot and the 16 lot.

3 HUBERT MCCLURE: Where do you  
4 live?

5 DAVID BOYLE: Sorry?  
6 HUBERT MCCLURE: Where do you  
7 live in ---

8 DAVID BOYLE: I live  
9 directly across, yeah, 206.

10 HUBERT MCCLURE: Okay.  
11 DAVID BOYLE: And I was  
12 thinking about the -- it's like two -- lot 105 is here  
13 and 106 is here. They got all of that. And I would  
14 have a concern if there was going to be, like, more  
15 building and more renting on the other lots, but I  
16 think the 1500 rule would just prevent that. So I  
17 think that's kind of been clarified for me already, but  
18 if anyone has any ---

19 HUBERT MCCLURE: So you're not  
20 for it?

21 DAVID BOYLE: I'm kind of  
22 neutral, but I was thinking about the effect of, you  
23 know, precedence and other things happening.

24 HUBERT MCCLURE: Oh, Lord, he  
25 knows the precedent. We know that.

26 DAVID BOYLE: Yeah, thank  
27 you. But that's my comment on that. Just don't want a  
28 campground basically across from me. You know, one  
29 thing is one -- if there were two buildings or  
30 something like that, that was split and there was  
31 another building over there, that kind of thing, that  
32 would be a bigger concern for me.

33 HUBERT MCCLURE: Okay, thank  
34 you, sir. Do we have any property owners here?

35 ROBERT THOMASON: Yes, sir.  
36 HUBERT MCCLURE: Okay, y'all  
37 can address the microphone, please. I'm not going to  
38 ask you where you live, because you live there.

39 I would like to ask you, how far is the -- I mean,  
40 I could -- if I wanted to, I could scale it. But could  
41 you tell me about how far it is off the road, your  
42 house? Or does staff know that?

43 MELISSA THOMASON: Two hundred  
44 feet.

45 HUBERT MCCLURE: About what?  
46 MELISSA THOMASON: Two hundred  
47 feet.

48 HUBERT MCCLURE: Okay. Go  
49 ahead and -- we just have some questions for you. One,  
50 could you address the -- I mean, you said something

1 about the distance awhile ago. So that's why I'm  
 2 asking. Because no matter 15 people, or we're going to  
 3 have 15 different distances, so we're going to have to  
 4 go out there with measure wheel and measure it. So go  
 5 ahead.

6 ROBERT THOMASON: (Inaudible.)

7 HUBERT MCCLURE: What did you  
 8 say about the distance?

9 MELISSA THOMASON: Oh, well,  
 10 when you do the maps, it's 1.2 miles, like if you were  
 11 driving ---

**INAUDIBLE COMMENT**

13 HUBERT MCCLURE: Okay, we're,  
 14 we're going to -- tomato, tomato, we're going to split  
 15 fine hairs there. Go ahead. You say it's about -- the  
 16 way the crow flies, how much?

17 MELISSA THOMASON: One point two  
 18 miles.

19 HUBERT MCCLURE: One point two  
 20 miles?

21 MELISSA THOMASON: Yes, sir.

22 HUBERT MCCLURE: Y'all go  
 23 ahead and ask questions if you got any for the owners.  
 24 How many, how many -- percentage-wise, I mean, how  
 25 much are y'all going to spend time out there, living  
 26 there? You said something about ---

27 MELISSA THOMASON: So, it's our  
 28 -- it is our second home. We only live like 25, 30  
 29 minutes. I work remote, so I'm going to try to go over  
 30 there as much as I can. Can you hear me? So it's,  
 31 it's a part-time. We're not planning on renting it out  
 32 that much. We just -- when we found out that we had to  
 33 apply for this, we just want to make sure we're doing  
 34 the right thing and the right steps, we follow the  
 35 rules. So that's kind of why we're here. If we decide  
 36 to, you know, rent it out every once in a while.

37 HUBERT MCCLURE: Okay. When  
 38 y'all say, rent it out, what do y'all think renting it  
 39 out every once in a while, what would your scenario  
 40 be?

41 MELISSA THOMASON: Maybe like  
 42 twice a month, at the most. Long weekends. That kind  
 43 of thing.

44 HUBERT MCCLURE: Okay, the  
 45 staff -- does the board have any questions for the  
 46 owners?

47 RUSSELL BARTON: For staff.  
 48 Do we know if the 1500 foot rule is from the residence  
 49 to the residence or property line to property line?

50 HENRY YOUMANS: It's from the

1 property line.

2 RUSSELL BARTON: Okay. Thank

3 you.

4 JOHN FARR: So we don't

5 know that now?

6 HUBERT MCCLURE: No, we have

7 three different people gonna say three different

8 things. So we're gonna have to ---

9 MELISSA THOMASON: I have to

10 say that other property -- I tried to search. There's

11 no active listing, like it's listed to rent out right

12 now. He's a neighbor. I'm sure he's not going to rent

13 out for a while. But if it is ---

14 HUBERT MCCLURE: Well, we will

15 -- I'm going to make a -- okay, thank you. I want to

16 go ahead and make a motion now, if you would -- we're

17 finished. Thank you.

18 All right, at this time I'm going to make a

19 motion. I know you usually don't have a chair with a

20 motion, but I know this is going to -- this is not

21 going to work. So I'm going to table this -- make a

22 motion to table this until we get two things. I want

23 to know the status of the other bread and breakfast.

24 And then I want somebody to go out there and either I

25 want a (unintelligible) from Road and Bridges to go to

26 property line to property line, because I know it's

27 within eight feet of the GPS. I know that's within

28 eight feet. And I want to -- I want it done --

29 however, it's done, maybe ask the county attorney how

30 it's supposed to be, if you have to.

31 Because when you come back next month, I want to

32 make sure when you say so many feet, I don't want

33 anybody to say, well, that's, that's not right. I

34 want, I want that taken care of. And find out about

35 the other bed and breakfast.

36 Okay. So I'll make a motion to table. Do I have

37 a second?

38 RUSSELL BARTON: I second.

39 HUBERT MCCLURE: All in

40 favor. That passes. Well, the tabling passes. And

41 we're going to table that because we don't want it to

42 come back to bite us and the county or you. We want to

43 make sure we got all our -- if it is 1500 or more, then

44 so be it. If it's not, then, you know, we can't go

45 against our own rules. Okay, thank you.

46 Next is variance to reduce size setback, 601

47 Clement Road. There's no comments on this one. So be

48 a public hearing. Staff report.

49 HENRY YOUMANS: Mr. Chair,

50 this is an application for a variance to reduce the

1 side yard setback from 50 feet to 13 feet for the  
2 construction of a garage for storage purposes. The  
3 applicant is Garritt Geary. He is the owner and lives  
4 at 601 Clement Road in Belton.

5 This is Council District Three. This is a 1.5  
6 acre tract located there. It is currently zoned R-A,  
7 residential agricultural, and the land use is  
8 residential. This is the tax map representation of the  
9 property. This is the zoning matching the R-A  
10 designation. This is a side view of the applicant's  
11 house where the proposed garage is to be placed. This  
12 is our notification of variance.

13 Under the facts under the Anderson County code of  
14 ordinances, Chapter 48, 5:2.6, side yard, the minimum  
15 width of residential side yard should be 50 feet. This  
16 is a non-conforming parcel. The topography of the lot  
17 limits the remaining use of the lot because it  
18 significantly slopes off, so that it would provide --  
19 it would require significant grading to correct that.

20 The applicant has already demonstrated a hardship  
21 from the previous variance that was granted April 11,  
22 2024 to reduce the side yard setbacks for the placement  
23 of his mobile home and that was provided to you in your  
24 packets. Placement of the garage will fit the existing  
25 home site if the variance is granted. The applicant  
26 will need -- also meets all other setback requirements.  
27 There would be no adverse effects on the adjacent  
28 properties. And if approved, he will be required to  
29 get a compliance, a residential compliance and a  
30 building permit in order to proceed with construction.

31 This is your report.

32 HUBERT MCCLURE: Thank you,  
33 Henry. It says tract 3C to be deeded to tract 4.  
34 Tract 4, is that to the left? Can you tell me? I  
35 can't read that because it's so small a font. That  
36 strip that I'm asking about -- is the owner here?  
37 Could you come up? I want to ask you one question.

38 See the problem, but I just want to ask a couple  
39 of questions. On the left hand side of the property,  
40 west side of the property, it says lot 3C to be deemed  
41 (inaudible) tract four.

42 ROBERT THOMASON: Yes, sir.

43 HUBERT MCCLURE: Where is  
44 tract four? I'm looking for it.

45 ROBERT THOMASON: I'm not sure.  
46 Are you talking about the left side, like if you're  
47 looking at my house from the road?

48 HUBERT MCCLURE: Yeah.

49 ROBERT THOMASON: I think a  
50 woman named Carolyn (unintelligible) that, that little

1 tiny strip that ---  
2 HUBERT MCCLURE: Yeah.  
3 ROBERT THOMASON: Yeah, she  
4 owned the land on the left.  
5 HUBERT MCCLURE: That's what I  
6 was asking. That's probably hers.  
7 ROBERT THOMASON: Yes, sir.  
8 HUBERT MCCLURE: Okay. So as  
9 far as -- has she got houses behind you and to the  
10 right?  
11 ROBERT THOMASON: I have one to  
12 the right.  
13 HUBERT MCCLURE: Okay.  
14 They're not here.  
15 ROBERT THOMASON: No, sir.  
16 HUBERT MCCLURE: Okay. And  
17 you said their terrain is like yours?  
18 ROBERT THOMASON: Yes.  
19 HUBERT MCCLURE: So it must be  
20 sloping off on that right hand side?  
21 ROBERT THOMASON: Yes.  
22 HUBERT MCCLURE: It is. Okay.  
23 Anybody -- what's your name?  
24 GERRITT BEATTY: Gerritt  
25 Beatty.  
26 HUBERT MCCLURE: All right.  
27 Anybody got any questions for Mr. Gerritt?  
28 All right. Thank you, sir.  
29 ROBERT THOMASON: Thank you.  
30 HUBERT MCCLURE: Now we'll  
31 close the public hearing. What's the motion of the  
32 board? What's the feeling of the board?  
33 RUSSELL BARTON: I move to  
34 approve.  
35 HUBERT MCCLURE: I'll second.  
36 All those in favor. And it's approved.  
37 All right. Next on the list, I'm trying to get  
38 there, eventually. Okay, here we go. This is Leader  
39 Drive; right? Leader? Staff report. My notes got  
40 mixed up. I'm sorry.  
41 TIM CARTEE: Thank you,  
42 Mr. Chairman.  
43 HUBERT MCCLURE: Changed  
44 horses in midstream, huh?  
45 TIM CARTEE: Here we go.  
46 The applicant is Patty Ables. Property owner is Connor  
47 Enterprise 24 LLC. Property Description: Location is  
48 at 129 Leader Drive, Piedmont. Council District Six.  
49 The tax map number is there for your viewing. It is  
50 currently unzoned. And the land use is commercial.

1 And the applicant is requesting existing pavement  
2 creates peculiar and exceptional practical difficulties  
3 to planting the required buffer plants.

4 Request to eliminate bufferyard requirements or  
5 install fence instead of required plantings. Property  
6 is within a commercial/light industrial area, the  
7 street is surrounded by commercial/light industrial  
8 buildings. Surrounding buildings do not have  
9 bufferyards. Anderson County Roads and Bridges require  
10 installation of a three foot apron along the entire  
11 road frontage because the great quality of water  
12 traveling down Leader Drive. Additional parking:  
13 additional parking was needed due to employees added  
14 since the site plan was created, which incorporated the  
15 difference between the planned paved area to the  
16 required three foot apron.

17 Mr. Henry, would you assist me on this?

18 MR. HENRY: Sure.

19 TIM CARTEE: Go back one  
20 more. All right. This is the plat showing the layout  
21 for the building. Here's the aerial showing the  
22 property. Here's another view, street view. And  
23 here's the sign posted for notification.

24 Finding of facts: Anderson County Code of  
25 Ordinances, under section 24-119 - bufferyards.

26 Proposed: The purpose of the bufferyard is to  
27 eliminate nuisances between adjacent land use and  
28 promote compatibility. Additionally, the bufferyard  
29 offers the developer several options, each of which is  
30 calculated to buffer to an equivalent degree through  
31 distance (setbacks) and/or density (mass). The unique  
32 feature of the bufferyard is that it is flexible. It  
33 may vary in distance and density based on what is  
34 proposed, what is existing on the adjacent property,  
35 and the type of bufferyard selected from one of the six  
36 prescribed options shown on appendix D (section 24-  
37 253).

38 Definition: A bufferyard is an area within a  
39 parcel, together with plantings, fences, berms, walls,  
40 and other screening devices required thereon.

41 Location of bufferyards: Bufferyards shall be  
42 located on the outer perimeter of a lot or parcel,  
43 extending to the lot or parcel boundary line.  
44 Bufferyards shall not be located on any portion of an  
45 existing public or private road or right-of-way,  
46 however, they may occupy part or all of any front, side  
47 or rear yard setback required by article III of this  
48 chapter. Where required, bufferyards and/or bufferyard  
49 structures shall be developed as a integral part of the  
50 proposed use.

1 Staff assessment: commercial land use permit 24-  
2 072 was approved and signed by the applicant with the  
3 bufferyard requirements in place before any land  
4 disturbance was conducted. See attached aerial photo.  
5 And that's what you saw prior to the wooded area.

6 The Board will need to determine if the applicant  
7 has demonstrated a hardship for the variance to remove  
8 the bufferyard requirements and if there is no  
9 extraordinary or exceptional conditions pertaining to  
10 this piece of property.

11 HUBERT MCCLURE: Okay, for  
12 staff, I've got a question right quick. And the reason  
13 I got a question is these last -- you got one, you got  
14 one picture with the two power poles and the stop sign  
15 right at Leader Road. You see that? Why does that one  
16 not have a buffer? And another question is, when was  
17 the ordinance of the bufferyard, when did that come  
18 about round?

19 TIM CARTEE: April 15,  
20 2003.

21 HUBERT MCCLURE: Okay, were  
22 some of these properties out there before 2003?

23 TIM CARTEE: I am unaware  
24 if they were or not.

25 HUBERT MCCLURE: The reason  
26 I'm asking is I want to go ahead and get this in the --  
27 address the elephant in the room. Why is the -- why is  
28 that one -- I would assume because of utilities. But  
29 I'm asking.

30 TIM CARTEE: I'm not aware  
31 of that. If you continue on down, you'll see another  
32 bufferyard a little further down in that same section.

33 HUBERT MCCLURE: Yeah, I see  
34 the bufferyard with the three trees. That looks very  
35 nice. I like that.

36 What about the one with the fences and -- the  
37 fence?

38 TIM CARTEE: That I don't  
39 have any information on that, and that may have been  
40 before.

41 HUBERT MCCLURE: You see where  
42 I'm going with this, right?

43 TIM CARTEE: Because that,  
44 that road has been there for a very long time.

45 HUBERT MCCLURE: I know it  
46 has. That's why I was wondering about those buildings.  
47 Because if they were before 2003, which I don't know  
48 whether they were or not, then we could, you know, say  
49 that's why.

50 Okay, is there anyone speaking against? I know

1 there's somebody probably speaking for. Is there  
2 anyone speaking against this special exception?

3 Okay, I'll close the public hearing and let Mr.  
4 Pruitt come up. I would assume Mr. Pruitt is for,  
5 since he didn't say anything against it.

6 Yes, sir, tell us why, besides those two places  
7 that I mentioned, tell us why y'all -- y'all knew it  
8 was there. Why aren't y'all putting it. That's what I  
9 want to know.

10 CLAYTON PRUITT: Well, my name  
11 is Clayton Pruitt. I work for (unintelligible)  
12 construction. We are the tenant for Connor  
13 Enterprises. We worked with Roads and Bridges on this  
14 all through. And our understanding with them in the  
15 process was by tapering all the way to the road that we  
16 have satisfied what they need to see working back, that  
17 they did not see that we needed the bufferyard in a  
18 commercial space. Seeing that you drive down Leader  
19 Drive, it is full commercial. I mean, the ---

20 HUBERT MCCLURE: Well, let me  
21 ask you this. Right here in the plans, I see where it  
22 says a certain class bufferyard that has two or three  
23 trees. Did y'all not see that? Did Road and Bridges  
24 ignore that, or what?

25 CLAYTON PRUITT: That was a  
26 misunderstanding on our part, as we proceeded with  
27 contractors. We do have a contractor and engineering  
28 here.

29 HUBERT MCCLURE: What was the  
30 confusion? Because right here, and I'm not trying to  
31 back you in a corner or anything. I mean, we used to  
32 run into several builders long time ago, 20 years ago,  
33 that would build over the property line. And we would  
34 say, why did you do that? And we have to ask. On this  
35 package right here -- can you go back to the plat or  
36 the engineering with the legend on the bottom, Anderson  
37 County on the bottom. Right there, it is circled. Has  
38 the number of trees, or the, you know, has the classes.  
39 And then on the next page are two pages. Go to the  
40 next couple of pages. The one that has little trees on  
41 it. It's this -- this right here. Do you have that on  
42 slides.

43 TIM CARTEE: That's on --  
44 that's the application that signed off on.

45 HUBERT MCCLURE: Now what I'm  
46 asking is this, you got one page on engineering that  
47 says you need to put it, and then you got another page  
48 that says you need to put trees. So my question is,  
49 again, why do y'all think y'all don't need to put it?  
50 I'm just asking.

1                   CLAYTON PRUITT:                   Our  
2 understanding was that a fence would act as that buffer  
3 between the roadway and the warehouse space there, in  
4 working with Roads and Bridges.

5                   HUBERT MCCLURE:                   Okay, do you  
6 have -- do you know who told you that?

7                   CLAYTON PRUITT:                   Andrew Morton  
8 with Roads and Bridges.

9                   HUBERT MCCLURE:                   We need to  
10 research this.

11                  MIKE MILLER:                   Do we have a  
12 picture of what it looks like after ---

13                  CLAYTON PRUITT:                   I have a  
14 picture here of this morning.

15                  HUBERT MCCLURE:                   I mean, y'all  
16 done a great job. The slogan looks good. I'd just  
17 throw some trees in there, and let's get on with it.  
18 But the slogan looks good. You did a good job with  
19 that.

20                  CLAYTON PRUITT:                   Our thought  
21 is that we really need every bit of space that we have  
22 there. Our neighbors have expanded to the limits, and  
23 we really need every bit we can get. And that's why  
24 our request is to do this variance.

25                  HUBERT MCCLURE:                   I thought, I  
26 thought it was ---

27                  MIKE MILLER:                   So this is the  
28 new building.

29                  CLAYTON PRUITT:                   That is the  
30 new warehouse.

31                  MIKE MILLER:                   And then the  
32 slope that you were talking about is where the straw  
33 netting is, right here?

34                  HUBERT MCCLURE:                   Go to, go to  
35 the picture where it says Leader -- go where it's got  
36 the tire tracks on the mud and straw on the road. Go  
37 back. Go back. No. One more. No. It's this one  
38 right here. You see that one? Do you have that one?

39                  MIKE MILLER:                   Go back one  
40 more. That's the one you're looking at right there.

41                  HUBERT MCCLURE:                   Okay, this  
42 one's a different color. Okay. Now, now you got, you  
43 got the buffer on the left hand side. So is there  
44 property right there where those dirt tracks are on the  
45 right?

46                  CLAYTON PRUITT:                   No, sir, I  
47 think that's further on, further on down.

48                  HUBERT MCCLURE:                   Okay.

49                  CLAYTON PRUITT:                   If you'll  
50 look at the permit that was permitted for this building

1 ---

2 HUBERT MCCLURE: So they've

3 already put asphalt on the ground?

4 TIM CARTEE: Only six

5 parking spaces was granted for this building ---

6 HUBERT MCCLURE: I hate to

7 table this one, but I think we need to table this one

8 to find out about the Roads and Bridges. Don't you

9 think so, staff?

10 TIM CARTEE: Roads and

11 Bridges doesn't -- it doesn't fall in their category.

12 It falls outside of Roads and Bridges.

13 HUBERT MCCLURE: But what I'm

14 saying is, if he was told by Roads and Bridges, I mean

15 we need to find out if that's true or not, and if he

16 was told that, then we need to talk. Do you see what

17 I'm saying?

18 TIM CARTEE: Oh, yeah.

19 HUBERT MCCLURE: And say it

20 again, the name of the person?

21 CLAYTON PRUITT: Jason Morgan

22 (verbatim).

23 HUBERT MCCLURE: Do you all

24 know who that is?

25 TIM CARTEE: He's the

26 supervisor ---

27 MIKE MILLER: Okay, so based

28 off of what I'm looking at now, was a photo that was

29 taken in the last 24 to 48 hours based off of the civil

30 drawings here that Mr. Hipsher did. That doesn't even

31 match the civil drawings.

32 TIM CARTEE: Correct.

33 That's what was approved with a signed permit.

34 HUBERT MCCLURE: Any questions

35 for staff, because I know what -- I know what I want.

36 RUSSELL BARTON: I do have a

37 question. Is your plan to put nothing there, or to put

38 a fence there?

39 CLAYTON PRUITT: Put a fence

40 there so that we can shift equipment behind the fence

41 line to create an even flow in our yard that is across

42 the street. We're pinched up with employee parking at

43 the moment, until we can get this moving forward and be

44 able to put a fence or some sort of protective barrier

45 for our equipment and trucks. And we are in an area

46 that sees a good bit of crime.

47 HUBERT MCCLURE: We

48 understand that.

49 **UNINTELLIGIBLE COMMENTS**

50 HUBERT MCCLURE: My problem

1 is this, you got one county official telling you this,  
2 and you got another county official telling you this.

3 MIKE MILLER: So if you do  
4 put a fence, then what type of fence are you putting  
5 up?

6 CLAYTON PRUITT: As far as  
7 the height or ---

8 MIKE MILLER: The height?  
9 CLAYTON PRUITT: I think our  
10 current fence is eight feet and then a barbed wire  
11 fence topper with -- we have a back -- backing  
12 electrical fence on the current yard. I believe the  
13 plan would be to move forward with a similar fence  
14 setup at that yard, as well.

15 TIM CARTEE: Mr. Chairman,  
16 if more asphalt has been placed, what was originally  
17 approved, that increases the impervious surface. So  
18 that has limitation on that also, as well, because you  
19 have to have so much open space percentage and  
20 impervious space percentage.

21 HUBERT MCCLURE: So you're  
22 basically talking about a bufferyard that's the width  
23 and about three or four feet wide, but it's about the  
24 width of the building, correct?

25 TIM CARTEE: The buffer  
26 should be a 10 foot wide buffer.

27 HUBERT MCCLURE: It's 10 foot  
28 wide, but it's the width of the building?

29 TIM CARTEE: Width of the  
30 building there.

31 HUBERT MCCLURE: Yeah, pretty  
32 much. But the plans are a little bit -- actually it's  
33 a little bit wider than the building.

34 TIM CARTEE: But what has  
35 been approved has been altered from what was originally  
36 approved.

37 HUBERT MCCLURE: Any questions  
38 for anybody? All right. I make a motion we table this  
39 because we need to do some research on what this man  
40 was told. Because I'm not -- whatever -- I'm not going  
41 to put this board in a position to where we set a  
42 precedent based off of two county officials telling the  
43 man this or that. Okay? I know what the plans say,  
44 and I know what the engineer said, put it -- I meant  
45 this plan said put it. And the one with the trees, the  
46 application said put it. And then you got another  
47 county official telling him not to put it. You see  
48 where I'm going? Anybody?

49 So I make a motion we table. And we need staff to  
50 find out what actually went on here based on what you

1 say, please. If you would give them the information,  
2 because we can't make a decision on two county  
3 officials telling them two different things.

4 MIKE MILLER: One question,  
5 Mr. Chair. So what are we getting into with them  
6 placing more asphalt than what's on the design?

7 TIM CARTEE: This will  
8 increase the runoff, plus the impervious requirement by  
9 the county. You have to have a certain amount.

10 MIKE MILLER: Now, I'm  
11 assuming this site does not have its own retention or  
12 detention.

13 TIM CARTEE: It does not.  
14 MIKE MILLER: It does not.

15 So all ---

16 TIM CARTEE: The way the  
17 permit states, it has 72% on the space, and impervious  
18 surface is 28. So if they added more paving and more  
19 parking that was not originally approved on this, then  
20 they're in violation of this permit.

21 HUBERT MCCLURE: Go ahead. Go  
22 ahead.

23 CLAYTON PRUITT: Clarification  
24 on part of with the Roads and Bridges was them saying  
25 that if we brought that taper all the way to that that  
26 would actually help with that flow across.

27 HUBERT MCCLURE: Well, again,  
28 we got, we got problems. And I don't -- I'm not trying  
29 to tell people how to do their job. It sounds like to  
30 me you're damned if you do and damned if you don't. It  
31 appears that way. But also that's what you're telling  
32 -- right now, I believe that you should put a buffer.

33 RUSSELL BARTON: As a point of  
34 clarification for our understanding, the the buffer's  
35 intent is for blocking the view of this warehouse, or  
36 is it -- because ---

37 HUBERT MCCLURE: I guess I was  
38 looking for a clarification. I think, I personally  
39 think, and that's why I'm putting it in the motion.  
40 I'm putting it into a motion because I think there's  
41 some communication that needs to go on here, because we  
42 need to find out what actually happened here, because  
43 I'm not going to make a ruling -- I mean, not a ruling,  
44 but I don't think this board needs to make a ruling  
45 until we find out what actually went on here, why  
46 there's extra asphalt, and why one person is saying you  
47 don't need this, and one person is saying -- one entity  
48 is saying you do.

49 So I'm going to make it as a motion to table. Do  
50 I have a second?

1                   MIKE MILLER:                   I'll second  
2     it.  
3                   HUBERT MCCLURE:                   All in favor.  
4     And that passes. So we're going to table. We're going  
5     to get to it. We're going to try to do what -- I don't  
6     want to say what's correct, because what's correct is  
7     to put the buffer. That's what's correct. But  
8     something happened, and we're going to find out what  
9     happened before we rule on this. Okay.  
10                  JOHN FARR:                   That's the  
11     whole thing (inaudible).  
12                  HUBERT MCCLURE:                   I know. But  
13     somebody said not to. And you know, if you got a  
14     county tag, somebody tells you not to do something,  
15     well, we got a problem.  
16                  Any old business or new business from staff,  
17     anything?  
18                  HENRY YOUMANS:                   Mr. Chair, I  
19     just want to introduce Ms. Quaneshia Hammond. She's  
20     going to be taken over the responsibilities of doing  
21     ---  
22                  HUBERT MCCLURE:                   Is she going  
23     to take your place?  
24                  HENRY YOUMANS:                   She might.  
25                  HUBERT MCCLURE:                   Okay. I want  
26     to see you here next time; right?  
27                  HENRY YOUMANS:                   All right.  
28                  HUBERT MCCLURE:                   So welcome.  
29     Thank you. Where's the other girl? She left too?  
30                  ALESIA HUNTER:                   No, she's  
31     working in Planning. Yes, she's doing some more  
32     technical work.  
33                  HUBERT MCCLURE:                   Okay. Well,  
34     do we have a motion? Second? All in favor, and we're  
35     good. Thank y'all for coming, and hopefully we can get  
36     that straightened out for y'all.

37  
38

**MEETING ADJOURNED AT APPROXIMATELY 5:54 P.M.**

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

ANDERSON COUNTY  
LAND USE AND BOARD OF ZONING APPEALS  
JANUARY 8, 2026

PRESENT:

HUBERT MCCLURE, CHAIRMAN  
JOHN FARR  
RUSSELL BARTON  
TONY CIRELLI  
DEBBIE CHAPMAN

ALSO PRESENT:

ALESIA HUNTER  
TIM CARTEE  
HENRY YOUMANS  
QUANESHIA HAMMOND

1 HUBERT MCCLURE: Let's go  
 2 ahead and call this meeting to order. And I'm not  
 3 going to do the gavel thing. I'm sorry. But let's go  
 4 ahead and -- trying to find my agenda. There it is.  
 5 Approval of minutes; forthcoming.

6 Let's go ahead and do the invocation. Let us  
 7 pray.

8 **INVOCATION BY HUBERT MCCLURE**

9 HUBERT MCCLURE: Second thing,  
 10 Executive Session, legal matter. Do we need to do  
 11 anything there, staff.

12 ALESIA HUNTER: Yes, sir, you  
 13 need to ---

14 HUBERT MCCLURE: Okay. Do we  
 15 need to go back? Do I need to make a motion?

16 ALESIA HUNTER: Make a  
 17 motion.

18 HUBERT MCCLURE: Okay, I make  
 19 a motion we go into Executive Session for a few minutes  
 20 and meet with legal. And do I have a second?

21 RUSSELL BARTON: Second.

22 HUBERT MCCLURE: All those in  
 23 favor show by uplifted hand. And we'll go ahead and do  
 24 that right quick. Be back in a few minutes.

25 **EXECUTIVE SESSION**

26  
 27 HUBERT MCCLURE: Sometimes we  
 28 have to do that, not all the time, but sometimes we  
 29 have to do that. We'll wait for everybody to come back  
 30 in.

31 Do we have a -- do we have a motion to resume?

32 JOHN FARR: So moved.

33 HUBERT MCCLURE: Do we have a  
 34 second?

35 RUSSELL BARTON: Second.

36 HUBERT MCCLURE: All in favor.

37 Okay, first on the agenda. Staff report. This is  
 38 a -- this is 218 Maret Road, Townville. Staff.

39 HENRY YOUMANS: Thank you, Mr.  
 40 Chair. This is an application for a variance. The  
 41 applicant is Josh Davis. Property Address is 218 Maret  
 42 Road in Townville. Council District Four. Tax map  
 43 number is there for your reference. It is a  
 44 combination of three lots totaling .91 acres. Current  
 45 zoning is R-M, multi family district, and its land use  
 46 is residential.

47 The applicant is requesting the side yard setback  
 48 be reduced by 15 feet, from 40 feet to 25 feet, for the  
 49 construction of a garage for storage purposes only.

50 Finding of facts: Under Chapter 48, section

1 5:7.4-4, side yard, the minimum side yard with -- for a  
2 single family or two family dwelling shall be 10% of  
3 the total lot width, or eight feet, whichever is  
4 greater. The minimum for a non-residential side yard,  
5 it would be 15 feet from the measured property line.  
6 For residences, non-residential uses, accessory  
7 buildings, corner lots, the minimum side yard width  
8 will be measured from the street right of way, it shall  
9 be 20 feet from the service street, 30 feet from a  
10 collector street, and 40 feet from an arterial.

11 Staff assessment: The property in question is a  
12 hook parcel fronting on Maret Road and Oak View Drive.  
13 The applicant has placed a concrete pad too close to  
14 the right of way and measured 24 feet at the time of  
15 inspection. The applicant can meet all other required  
16 setbacks. There are no adverse possessions for -- on  
17 adjacent properties if the variance is granted. And if  
18 the variance is approved, the applicant will be  
19 required to apply for a residential compliance and  
20 building permit to complete its process.

21 This is a tax map aerial view of the parcel. You  
22 can see it is in three portions, and there are hook  
23 parcels in regards to the property. The diagram shows  
24 the position of the residence and for the proposed  
25 building. This is another aerial view of that. This  
26 is the zoning aerial view showing that it is zoned R-M.

27 On the packets that you have up on your desk, you  
28 can see where the concrete pad is placed, and the  
29 measurement showing on the third page shows that it  
30 meets the -- all other distances, except for the 24  
31 foot marking where the Building and Codes inspector  
32 said it was too close.

33 This is the sign that was posted for the variance  
34 request. The variance request meets the requirements  
35 in Chapter 48, Mr. Chair, and this is your report.

36 HUBERT MCCLURE: Did he say --  
37 is that the staff report? I'm sorry. I didn't hear  
38 that last part. I'm sorry.

39 Okay, so we'll open up the public hearing at this  
40 time. The way I open up a public hearing is I always  
41 ask for those that are speaking against first, and then  
42 we will save the rest of the time for those that are  
43 speaking for. We reserve questions -- we close the  
44 public hearing, and we reserve questions for both sides  
45 if needed.

46 I do ask that people be very civil and very  
47 professional and brief. We all know if you're speaking  
48 against it, we all know you're speaking against it. We  
49 don't have to, you know -- we don't want to get into  
50 any personalities. We don't want to get into any he

1 said, she said. All we want is the facts and what you  
2 believe and what you, you know, want. That's it. Real  
3 brief.

4 Okay. So at this time, we'll open the public  
5 hearing. Anybody here speaking against Mr. Davis and  
6 special exception. Okay. No one's speaking against,  
7 so I'll close the public hearing and reserve questions  
8 for Mr. Davis. Mr. Davis, I figured you were here. If  
9 we have any questions, we'll address you. You can use  
10 the microphone if we have any questions.

11 Any questions for staff or Mr. Davis from the  
12 board?

13 JOHN FARR: Motion to  
14 approve.

15 HUBERT MCCLURE: We have a move  
16 -- we have a motion to approve. Do we have a second?

17 DEBBIE CHAPMAN: Second.

18 HUBERT MCCLURE: Second. All  
19 those in favor. And that passes.

20 Okay. Next on the agenda, and I'm going to make a  
21 motion that we listen to these two at the same time,  
22 since they both are in the same place within area of  
23 each other. Staff, is that okay? We listen to these  
24 ---

25 HENRY YOUMANS: Yes, Mr.  
26 Chair, that's fine.

27 HUBERT MCCLURE: Okay. This is  
28 the B and C. I make a motion that we listen to them  
29 together. Do I have a second?

30 JOHN FARR: Second.

31 HUBERT MCCLURE: All those in  
32 favor? Okay. So we'll listen to them kind of  
33 coherently, if that's okay with you, Henry?

34 HENRY YOUMANS: Yes, sir.

35 HUBERT MCCLURE: Go ahead.

36 HENRY YOUMANS: Okay. Both of  
37 these properties are in the same subdivision, and the  
38 -- whatever decision affects both.

39 So beginning with the first one is an application  
40 for special exception. The applicant is John Berger.  
41 Property address is 1021 Arrowhead Point. It's Council  
42 District Four. Tax map number is there for your  
43 reference. The lot 21 of Arrowhead Point is the  
44 property description. Current zoning is R-20, and the  
45 land use is residential.

46 The applicant is requesting a special exception to  
47 allow the use of a short term rental for the indicated  
48 property at Arrowhead Point, 1021.

49 Finding of facts: County Code of Ordinances,  
50 Chapter 48, section 5:3.2, uses under special exception

1 in R-20 or in zoned areas, bed and breakfast, host  
2 homes and guest homes are allowed by special exception.  
3 Restrictions were recorded in February 25, 1975, deed  
4 book 18-D, page 342. Those restrictions are still in  
5 place.

6 The staff assessment is that the applicant  
7 presented a short term rental permit at the time of  
8 requesting the special exception. The use meets all  
9 the requirements as permitted by ordinance. The  
10 applicant has indicated use for part-time purposes.  
11 The applicant's attorney stated that the restrictions  
12 and covenants do not prohibit the short term rental  
13 use. The use will not violate the character of the  
14 neighborhood, if approved, but any violations can be  
15 addressed through public safety ordinances.

16 The board must determine the restriction of the --  
17 if the restrictions prohibit the use. And if it is  
18 approved, the applicant has requirements that are  
19 needed.

20 Mr. Berger has been paying accommodation fees for  
21 the property since August of 2024. This is as of  
22 December 2025, what has been paid.

23 This is the aerial view of the property. This is  
24 the zoning map showing it is R-20 zoning. And this is  
25 the special exception sign. In the packets that you  
26 have, Mr. Berger sent me an email on December 23 of  
27 2025, and presented this short term rental permit  
28 stating that this was sent to him. It was sent to him  
29 September 15 of 2025. The policy for special  
30 exceptions are that they are heard through the board.  
31 The board produces a signed letter stating the  
32 conditions thereof, and that is how it's done. Being  
33 the zoning administrator who issues all of these  
34 permits, this is not an official permit of Anderson  
35 County.

36 HUBERT MCCLURE: You say it is  
37 not?

38 HENRY YOUMANS: It is not. We  
39 do not have a short term rental permit at this time.  
40 And if you, if you look at it, that's correct. And if  
41 you, if you look at the email he submitted to me  
42 stating that he felt that he already had a permit and  
43 didn't need to do the special exception, my response to  
44 him in my email was because of -- we were having  
45 problems with scammers sending out false information.  
46 I asked him to please submit the email that forwarded  
47 him the permit, his receipt, if he -- whatever fee he  
48 paid, and so that we could investigate it. And I did  
49 not get a response in regards to that.

50 The second special exception is for 226 Indian

1 Trail. The property owner and applicant is Rankin  
2 Jolly. It is also zoned R-20, residential, and it is  
3 in the same neighborhood, same restrictions apply. And  
4 this basically is a mirror of the previous property  
5 that we discussed.

6 This is a picture of the front of that property on  
7 Indian Trail. This is the zoning map showing the  
8 property. The point down near the -- midway of the  
9 bottom is the actual property in question for Indian  
10 Trail.

11 This is a tax map aerial. And this is the sign  
12 that was posted for the special exception request.

13 Mr. Chair, this is your report on both properties.  
14 And I yield the floor.

15 HUBERT MCCLURE: Thank you,  
16 Henry. Before I open the public hearing, I'd like to  
17 ask Henry or Alesia or Tim, how many Airbnbs have we  
18 listened to, would you say, round about? Just an  
19 estimate.

20 HENRY YOUMANS: Listened to or  
21 approved?

22 HUBERT MCCLURE: Either. Just  
23 listened to.

24 HENRY YOUMANS: I think  
25 somewhere in the neighborhood of 40.

26 HUBERT MCCLURE: Forty?

27 HENRY YOUMANS: And half of  
28 those were approved.

29 HUBERT MCCLURE: Yeah. I just  
30 want the -- I want everybody to know before you start  
31 making your comments, we've heard everything there is  
32 to hear. Okay, we know that the traffic is not good.  
33 We know that the roads are not good. We know that, you  
34 know, people are going to go crazy at night and howl at  
35 the moon, and we all -- we've heard all of that. Okay.

36 So I want to kind of narrow it down to, you know,  
37 just the bare bones, because, you know, we've got quite  
38 a bit of people speaking against, probably, or for, I  
39 don't know. It doesn't say. So let's try to keep it  
40 very brief. Okay. So at this time ---

41 HENRY YOUMANS: Mr. Chair?

42 HUBERT MCCLURE: Yes.

43 HENRY YOUMANS: Before you  
44 proceed forward. There's a representative that's  
45 representing the applicant, who is not here. And ---

46 HUBERT MCCLURE: Okay, I know  
47 that. We'll do that when we ...

48 Okay. For those that are speaking against, I've  
49 got a list. When we do the -- I'll open up the public  
50 hearing at this time. When we do the, when we do the

1 speaking against, we ask that you come up to the  
 2 microphone and speak and tell us your name and ---  
 3 ALESIA HUNTER: Mr. Chair?  
 4 HUBERT MCCLURE: Yes. Yes,  
 5 sir.

**INAUDIBLE COMMENT FROM AUDIENCE**

6 HUBERT MCCLURE: Yes, we can  
 7 add you to the list, but it'll probably be last. Okay?

**INAUDIBLE COMMENT FROM AUDIENCE**

8 HUBERT MCCLURE: What's your  
 9 name?

10 WALT LIGON: Walt Ligon.

11 HUBERT MCCLURE: Oh, Ligon.

12 okay. Are you speaking -- I guess you're speaking  
 13 against. Walt Ligon, because your name is not on the  
 14 applicant. Walt Ligon.

15 All right. First I see -- I'm assuming Mr.  
 16 Draisen is for. So the first person speaking against,  
 17 Karen Johnson. If you would speak and remember civil,  
 18 professional and brief. Thank you.

19 KAREN JOHNSON: Thank you. My  
 20 name is Karen Johnson. I live at 1019 Arrowhead Point  
 21 in Anderson, in the neighborhood of ---

**INAUDIBLE COMMENT**

22 KAREN JOHNSON: Sorry. I  
 23 wanted to ask Mr. Youmans, does the county vote for or  
 24 against? I thought in the first one, you said that you  
 25 saw no reason why they couldn't have their cement pad  
 26 placed at a certain distance. Do you advise the same  
 27 on this particular ---

28 HENRY YOUMANS: Those are two  
 29 totally different issues. Variances differ from  
 30 special exceptions.

31 KAREN JOHNSON: Okay. All  
 32 right. I would like to ask the committee if they  
 33 received a letter that we drafted and sent on January 2  
 34 in your packet? Went to Mr. Youmans' attention.

35 HUBERT MCCLURE: Yeah.

36 KAREN JOHNSON: It is not in  
 37 there. I'll very briefly highlight it. It is also a  
 38 letter that the neighbors in the association received.

39 We speak to zoning and use compatibility. We  
 40 speak to the impact of rentals on the neighborhood. We  
 41 speak to traffic, parking and safety. We speak to  
 42 noise, quality of life. And we speak to the covenants.  
 43 Cateechee Shores has a covenant that have been in  
 44 effect for many years. In the late 70s. Our  
 45 neighborhood has 25 homes. Our road has one access  
 46 point in and one access point out. And it is just over  
 47 a half a mile.





1 calling DNR on violations on our cove. And those are  
2 not my neighbors doing that. Those are the STR people.  
3 But mainly my point here today for you is to  
4 emphasize the fact that the Cateechee Shore subdivision  
5 is subject to those restrictive covenants and easements  
6 like section one says that all lots shall be used  
7 exclusively for single family dwellings. So far so  
8 good. Article three, no lot, or any part thereof,  
9 shall be used for any business or commercial purpose or  
10 for any public purpose.

11 The fact that these applications apparently say  
12 that they're not subject to covenants is simply an  
13 error. The fact that they say that STR use is in --  
14 not in violation of a covenant is also simply an error.  
15 The -- I don't know why somebody would say these  
16 covenants and restrictions don't apply. They've been  
17 in effect since 1978. It's a principle of American  
18 real estate law for far longer than that.

19 The only time covenants need to be reviewed,  
20 challenged, recorded, etcetera, that I have found has  
21 been under the South Carolina Homeowners Association  
22 Act. We do not have a homeowners association at  
23 Cateechee Shores. We have never had a homeowners  
24 association at Cateechee Shores, and our covenants  
25 don't even comply with the definitions of that. We  
26 don't collect any money. We don't run any common  
27 property.

28 We also know the other, the other section of South  
29 Carolina law that allows for ignoring or not enforcing  
30 covenants is section 31-21-160, which really speaks to  
31 covenants that are illegal; for example, not being --  
32 restricting a sale of property to people of a different  
33 race.

34 Now, it's understood, of course, that a covenant  
35 and restriction such as ours is not enforceable by the  
36 county. That is something that we as the homeowners  
37 could do. And to my knowledge, no one has brought an  
38 action against these people. These people have not  
39 brought an action in court to interpret or say that the  
40 covenants do not apply to this particular, to this  
41 particular use.

42 TIM CARTEE: Time, Mr.  
43 Chairman.

44 EUGENIA HESLIN: Okay, just --  
45 I just wanted to say that those statements, which are  
46 apparently in that form that was required for them to  
47 be filed by 6-29-11 SC, 6-29-1145, which I have not  
48 seen, clearly contains errors, and if it does not  
49 contain errors, I would expect that you would look into  
50 a little further and challenge those comments.



1 that house they built. And I asked them, I said, my  
2 realtor and I are looking for a place that is clearly  
3 protecting of residential family neighborhood. And  
4 that is what I love about my neighbors and my  
5 community, is that we look out for each other.

6 And I can't tell you how I couldn't sleep at night  
7 when I was in Clemson, trying to get to work the next  
8 day, and I wasn't going to fight 20 college students.  
9 But this is a place that I truly believe that is a home  
10 and a community first.

11 And finally, as you said, the traffic is always an  
12 issue, but now I don't even like to walk Saturdays. I  
13 used to walk down this narrow one road just to get some  
14 relief, and I'm worried I'm going to get run over.  
15 Because there have been rentals that are in there that  
16 have massive traffic that people don't know where  
17 they're going. So that's affected me directly. And  
18 then other things are residuals, like trash. I pick up  
19 trash on my side of my house because people are  
20 throwing stuff out.

21 So all that said and done, I do appreciate my  
22 neighbor, because that's exactly how I feel, is that  
23 this is a community, and I want to be able to be there  
24 and not worry about transient or commercial intentions  
25 that will compromise the value and integrity of the  
26 neighborhood. Thank you.

27 HUBERT MCCLURE: Thank you,  
28 sir. And Mr. Ligon.

29 WALT LIGON: Thank you.

30 The main reason I'm standing up here was right after --  
31 oh, by the way, my name is Walt Ligon. I'm sorry. And  
32 I live at 230 Indian Trail, which is the house right  
33 next door to the one in question on Indian Trail.

34 And when that first move-in happened, there was a  
35 party that was loud outside and went on past midnight.  
36 And I wasn't real happy about it. But I've since  
37 learned, after talking to the owners, that it was --  
38 this was their son, and they had a, they had a party  
39 there, and it was a one off kind of thing.

40 Look, all the stuff everybody's talked about, as  
41 far as, you know, the traffic and all these things, I  
42 can say them again, but like you said, you guys pretty  
43 much know that. You've heard, you've heard a million  
44 of these, of these things.

45 You know, what Mr. Jolly told me is that, you  
46 know, they want to rent it part-time for a year and  
47 then live there. What I want is for them to live in  
48 the house and become our neighbors and be, you know,  
49 friendly and whatever. So I'm not real inclined to  
50 come up here and yell at you; don't, don't do this. I

1 don't know what I want. I'm kind of on the fence back  
2 and forth. What they say sounds all right to me. On  
3 the other hand, what my neighbors are saying is, we've  
4 already got a bunch of them in there, and if we keep  
5 letting more in there, it's just going to get worse.  
6 And I can understand that, too.

7 And as far as the covenants, I think the only  
8 reason to have a covenant is so that a buyer looks at  
9 it and goes, yes, this is where this neighborhood is  
10 going. And to say that it would end some time would  
11 be, I would think ridiculous, if it doesn't say so in  
12 there.

13 So those are my feelings on these things. I think  
14 everybody else has done a pretty good job. I don't  
15 want to, I don't want to repeat it. So thank you.

16 HUBERT MCCLURE: Thank you,  
17 sir.

18 Okay, as I, as I move on, I want to, I want to  
19 stress, we've already heard from those that are  
20 against. So when we get people up here speaking for, I  
21 don't want to hear anything from those that are  
22 speaking against. You've had your time to talk. Okay.  
23 Just want to reiterate that, because we have had  
24 people, oh my gosh, act like children. And I just --  
25 and I'm just going to say that.

26 So at this time, I'm going to ask those that are  
27 speaking for to address the microphone. And again, I  
28 don't want to hear anything. Please don't mess this  
29 up. Okay? So those speaking for go right ahead and  
30 stand and address.

31 DANIEL DRAISEN: Thank you, Mr.  
32 Chairman, board members. My name is Daniel Draisen.  
33 I'm an attorney here in Anderson, and I am here  
34 speaking in a representative capacity. Let me be clear  
35 that I don't live in the neighborhood, but I have been  
36 dealing with dirt law cases for more than about 30  
37 years now.

38 I'm from Anderson, South Carolina. I grew up  
39 here, went to Westside High School. Some of you have  
40 had dealings with me in the law. And I practice fairly  
41 specialized in real estate dirt law, and I know and  
42 understand the emotional side and components, and I've  
43 been on both sides of this issue. So let me say it's  
44 always emotional. One of the reasons why I practice  
45 dirt law is because people's homes are their biggest  
46 investments, and I understand. But I've also been to  
47 the Court of Appeals and Supreme Court on these issues,  
48 and I've tried many, many of these issues, and I've  
49 helped resolve many of these issues through the years  
50 in numerous subdivisions in Anderson County.

1 I think it's an interesting position to be in for  
2 you as the board members, because if you are assessing  
3 whether or not restrictive covenants restrict or apply  
4 to the, to the situation here, that, to me, is a  
5 judicial action. That's something to be tried by a  
6 court.

7 As one of the against folks mentioned, this isn't  
8 a court of law, but it appears to me to be that we're  
9 arguing whether or not the restrictive covenants would  
10 prohibit my clients from using the property for short  
11 term rentals. So I'll speak to that, although I think  
12 this is an odd forum to be addressing that, considering  
13 this isn't a court of law.

14 And I've written a letter, and if you guys -- I  
15 know it's in your pocket, but I wrote a letter on  
16 November the 14th, 2025, and I cite the applicable law  
17 regarding restrictive covenants. Now understand that  
18 restrictive covenants are contractual in nature.  
19 There's a case in South Carolina called *Taylor versus*  
20 *Lindsey*, which is a primary case on covenants that says  
21 that covenants will be given their common, ordinary  
22 meaning attributed to them at the time of their  
23 execution.

24 Why is that important? Because you just heard  
25 numerous people tell you these covenants are 1976  
26 variety. I was born in 1972 and I can tell you that I  
27 don't think short term rentals in South Carolina were  
28 an issue in 1976. So if you're going to interpret  
29 these restrictive covenants to say that they prohibit  
30 short term rentals, I challenge you that that wasn't an  
31 issue in 1976 and there's no way the drafters wrote  
32 this with the intention of prohibiting short term  
33 rentals. In fact, these restrictive covenants don't  
34 use the word rental, renting, leasing. That's not  
35 mentioned in the covenants at all. So the covenants do  
36 not restrict rental. They do not restrict anybody from  
37 leasing the property. This is all a made-up scenario  
38 here to try to fit it into a business use of the  
39 property, as opposed to it being short term rental use  
40 of the property.

41 And unfortunately, because you have to look at the  
42 time of the execution of the covenants, and that being  
43 1976, we know you're construing these covenants that  
44 they didn't, they didn't, they didn't think about short  
45 term rentals being an issue. May have been going on at  
46 the beach back then if people were trying to get --  
47 maybe not even at the beach in '76. But obviously it's  
48 now tailed off to lake properties where they want to  
49 use them for short term vacation rentals.

50 Also, under the law, a restriction on the use of

1 property must be created in express terms or by plain  
2 and unmistakable implication, and all such restrictions  
3 are construed strictly with all doubts in favor of free  
4 use of the property. What that means is our courts in  
5 South Carolina said we don't like restrictions. We  
6 favor your free ability to use the property.

7 Now obviously the covenants in this case could  
8 have said, we are going to define short term rentals as  
9 a business purpose, a business use. And in fact, we  
10 write modern covenants because short term rentals are  
11 an issue. The modern covenants that we draft often  
12 define using your property, renting it for less than 30  
13 days, to be, to be a business use of the property.  
14 Their covenants don't say that. Their covenants don't  
15 specify anything about what constitutes a business use.

16 So then what are you going to look to? You're  
17 going to go to the arguments that we make in court,  
18 which is, well, what does the tax code say? What does  
19 the, what does the Department of Revenue say? You  
20 know, what are your arguments going to be about whether  
21 or not this constitutes a business? Is it because  
22 you're taxable on accommodations tax, that you're a  
23 business? Is that how you fall -- how you regulate  
24 this?

25 The issue is that that's not what's before you.  
26 The issue before you is, do these covenants prohibit  
27 it? Fortunately, in this case, they don't prohibit  
28 short term use. Because they don't, they don't  
29 prohibit rental.

30 So these folks would have you say it's okay if you  
31 rent it for six months or 12 months, but it's not okay  
32 if you rent it for one week. Where is that distinction  
33 made in the covenants? Because it's not restricted one  
34 way or the other. There's no time limit placed on  
35 these in terms of rentals. So if you earn income more  
36 than 14 -- if you, if you rent your unit for more than  
37 14 days in a year, income is taxable. So if you, if --  
38 if any of these owners rent their place for six months  
39 or a year, they still have to report the income as  
40 taxable income.

41 Well, if a short term renter rents their place for  
42 more than 14 days in a year, they have to report the  
43 income as rental income. There's no difference.  
44 There's no distinction in the law, because it's the 14  
45 days that cause whether or not you have to pay tax on  
46 it or not.

47 So the other point I want to make is, is that  
48 these folks, again, have said, well, the covenants have  
49 been in place since 1976. They got a problem they  
50 don't know about. South Carolina has a rule against

1 perpetuity. The rule against perpetuity says that you  
2 can't restrict something's use for more than 99 years  
3 plus 21; it's life in being plus 21 years. And when  
4 you have a covenant or restriction that has no term,  
5 the South Carolina courts have held in many cases that  
6 those are void because they violate the rule against  
7 perpetuities. Not voidable. The covenants are void.

8 HUBERT MCCLURE: Mr. Draisen,  
9 let me interrupt you just for a minute. We're being  
10 lenient because there were six people that talked and  
11 I'm saying, how much did you give them? Three minutes,  
12 six times three is 18 minutes. So we're being lenient.  
13 Just go ahead.

14 DANIEL DRAISEN: I'm not going  
15 to go that long.

16 HUBERT MCCLURE: I know you're  
17 trying -- I know what you do. You're trying, I know,  
18 and I agree with you. That's not a place to do this.  
19 But go ahead and, go ahead and finish, please.

20 DANIEL DRAISEN: Yes, sir.  
21 And I don't -- I'm not going to belabor it, but I don't  
22 know that y'all have ever heard these points  
23 specifically. I haven't been here.

24 HUBERT MCCLURE: Yes, we've  
25 heard them.

26 DANIEL DRAISEN: So then if  
27 you've heard them, and you know them, but I'm applying  
28 these specific covenants. And I get asked to do this  
29 on a regular basis for -- I represent 55 homeowner  
30 associations in Anderson County. So, you know, don't  
31 think I read them and review them and give comments or  
32 opinions on whether or not they're applicable or not  
33 applicable. I do it on a regular basis.

34 I stated my legal opinion to you about the fact  
35 that I don't believe these covenants are applicable to  
36 this because it's a 1976 set of covenants. If we were  
37 here looking at a 2025, 2023 set of covenants, I might  
38 be making an entirely different argument today.

39 But if that's what you're charged with today, and  
40 your staff in their recommendation says that's the only  
41 real issue that the board has to decide, is whether or  
42 not the protective covenants in this case (inaudible).  
43 ... else is met under the staff guidelines, staff  
44 opinion in the, in the packet that I saw.

45 So I'm limiting this to talking about the  
46 applicability of the covenants. Happy to answer any  
47 questions that you have about this. If you have any, I  
48 would ask if you need to to look at this -- not address  
49 the rule against perpetuity's issue, but I think that's  
50 for litigation for another day if we want to have the

1 covenants tossed entirely. I don't necessarily think  
2 that's beneficial to the neighborhood to try to get  
3 them tossed entirely, but that's ...

4 HUBERT MCCLURE: Thank you,  
5 sir.

6 Okay, at this time I'll ask to close the public  
7 hearing. We've heard from both sides. Is there  
8 anything that the board needs to say before I say what  
9 I'm going to say?

10 JOHN FARR: I don't think  
11 we can make this decision. I think you need to table  
12 it like we discussed.

13 HUBERT MCCLURE: Well, I think  
14 that with what we've got, we do just like we did  
15 before. I make a motion we table this and let the --  
16 because I agree with Mr. Draisen -- right, Draisen?  
17 This is not the place. And plus, we do not, we do not  
18 have the -- this is not in our wheelhouse. So at this  
19 time, I feel like we need to table it and maybe revisit  
20 it after maybe the attorney and the applicants meet  
21 with the subdivision and see if something can be worked  
22 out.

23 Okay, I'd make a motion. I know the chairman is  
24 not supposed to make a motion, but he can. So I'm  
25 going to make a motion that we table this and meet at  
26 another -- when's the next time we could meet if we  
27 table it? Alesia?

28 ALESIA HUNTER: Yes, sir.  
29 We could meet in 30 days.

30 HUBERT MCCLURE: Yeah. So I  
31 make a motion, we table it based on it's outside of our  
32 wheelhouse and see if the applicants and the  
33 subdivision can come to a consensus. You second?

34 JOHN FARR: Two seconds.

35 HUBERT MCCLURE: Two seconds.  
36 And all in favor. And thanks a lot.

37 Next on the agenda -- can't find the agenda. I  
38 never can. There we go. Any new business or old  
39 business from staff?

40 ALESIA HUNTER: No, sir.

41 HUBERT MCCLURE: Do I have a  
42 motion to adjourn?

43 JOHN FARR: So moved.

44 HUBERT MCCLURE: And a second.  
45 All in favor. Everybody have a good night.

46  
47

**MEETING ADJOURNED AT APPROXIMATELY 6:08 P.M.**

Application for Variance  
Anderson County Land Use Board of Zoning Appeals Meeting  
County Council Chambers 2<sup>nd</sup> Floor-Historic Courthouse  
Anderson, South Carolina  
April 09, 2026  
5:15 PM

Applicant: Daryl Lewis

Owner of Property: Same

Property Location: 210 Altamont Ct. Anderson

Council District: One (1)

Tax Map Number (TMS): 120-03-03-029

Property Description: 0.86 AC

Current Zoning: R-20

Land Use: Single Family Residential

Applicant Request: Requesting variance to build a garage on the property other than in the rear of the property that is zoned R-20, due to underground power line running diagonally from power pole to house which would prohibit locating garage in the rear.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 48, R-20, 5:3.3 Accessory building setback. Accessory buildings may be located in the rear yard, provided that they are set back not less than five feet from any lot line and occupy not more than 20 percent of the rear yard.

Staff Assessment:

- 1) There is no room in the rear of the property and the overhead electrical line prohibits the placement of a accessory building of this size, 1600-2200 Sq Ft.
- 2) There will be no adverse effects on adjacent properties, if the variance is granted.
- 3) If the variance is approved, the Applicant will be required to apply for a residential compliance and building permit in order to proceed with construction.

**Variance Application**

**Applicant**

**Primary Location**

**VA-26-4**

 Daryl Lewis  
 864-376-0727  
 del7317@att.net

210 Altamont Ct  
Anderson, SC 29621

Submitted On: Feb 26, 2026

**Project Information**

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. :

**Please Indicate the Current Use of the Property**

Residential

**Project Address**

210 Altamont Ct

**Tax Map Number (TMS)**

120-03-03-029-000

**Is the Applicant the Property Owner?**

Yes

**County Council District?**

1

**Total Acreage**

.86 acre 37747.87 Sq Ft

**Is The Property Zoned?**

Zoned

**School District**

5

**Please check Which is Applicable**

Other

**If Other, Explain**

Requesting variance to build a garage on the property other than in the rear of property that is zoned R20. Due to underground power line running diagonally from power pole to house which would prohibit locating garage in the rear.

**Purpose of Variance?**

To locate a 1600-2200 Sq Ft residential garage adjacent to the house.

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

Yes

**Date visited Register of Deeds or Date searched on-line?**

02/24/2026

**Private Covenants or Deed Restrictions on the Property?**

Yes

**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:**

Covenants and deed have been researched and are attached

**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:**

Due to underground power line ruuning diagonally across the rear of the property from power pole to the house and setback requirements the building can not be located in the rear yard.

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

Yes, zoned R 20

**Reasons why property is prohibited or limited in its uses:**

Zoned R 20, underground power line prevents building in rear.

**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:**

there would be no detriment/harm to the adjacent property, public good or the district.

**Acknowledgement**

**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 I have reviewed all information and the materials for this application are authentic and have been submitted to Planning/Development Standards.**

true

**Date**

02/26/2026

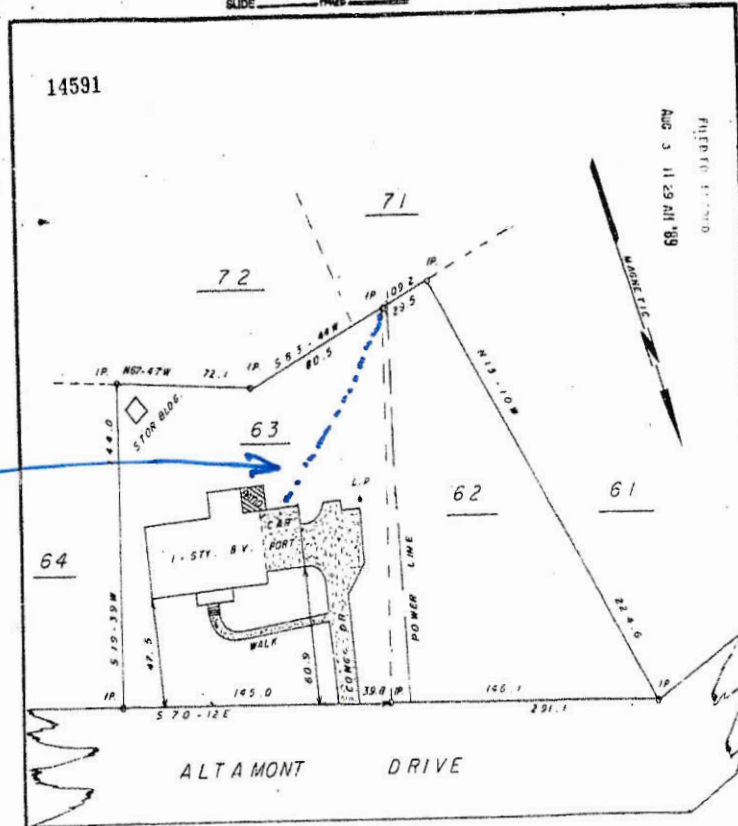
**Applicant Signature**

true

14591

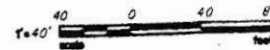
FILED  
AUG 5 11 29 AM '89

Underground  
Power  
Line



NOTE: UNDERGROUND SINGLE RES. ELEC. SER

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON  
TOWNSHIP OF CENTERVILLE  
SCHOOL DISTRICT NO. 5  
CITY OF



TO ALL PERSONS INTERESTED IN TITLE TO PREMISES SURVEYED

AT THE REQUEST OF DARYL E. & SHERRIE B. LEWIS  
I HAVE SURVEYED THE ABOVE LOT AND LOCATED THE RESIDENCE THEREON AND FIND IT  
TO HAVE THE CORNERS AND DISTANCES AS SHOWN ON THE ABOVE PLAT.  
THIS IS LOT NO. 62863 AS SHOWN ON A PLAT BY HEISS ENGR. SER. 2-18-63  
LOCATED IN TOWNE CREEK ACRES  
RECORDED IN PLAT BOOK 55, PAGE 98, ANDERSON COUNTY COURTHOUSE.

THIS IS TO CERTIFY THAT THE SURVEY REPRESENTED BY THE ABOVE PLAT  
WAS ACTUALLY MADE IN THE FIELD AND THERE ARE NO ENCROACHMENTS  
EITHER WAY ACROSS THE LINE AS OF 7-24-89

NOTE: THIS LOT IS NOT LOCATED IN A FLOOD AREA.

RECORDED THIS 3 DAY  
OF Aug AD. 19 89  
IN BOOK 55 PAGE 3-B  
AT 11:29 A.M.  
C.C.C.P.  
ANDERSON COUNTY S.C.

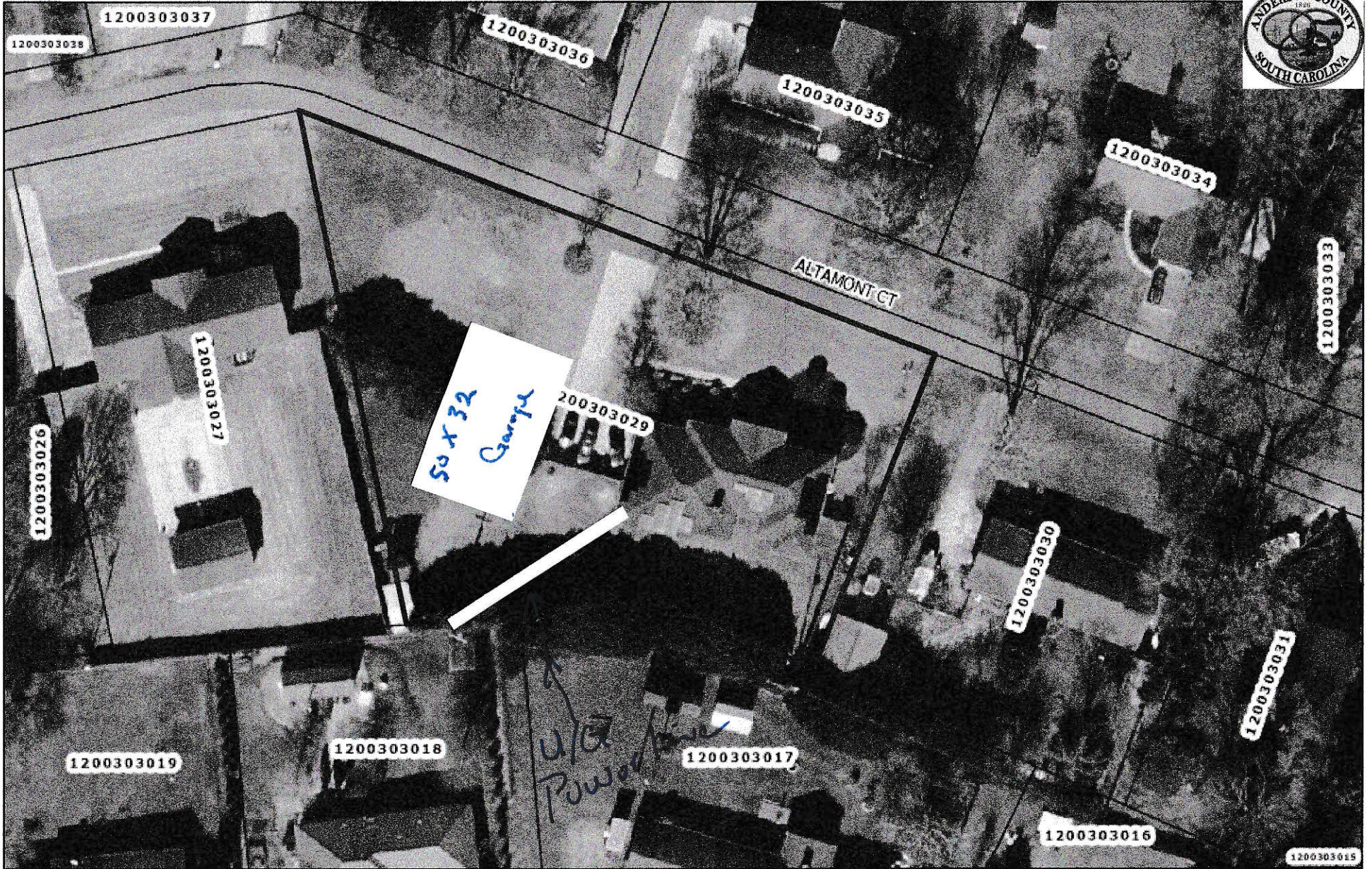
R. D. GARRISON, REV. L.S. NO. 1075  
2001-B 88.888 ST., P.O. BOX 297  
ANDERSON, S.C. 29623  
PHONE 325-1820



R. D. Garrison

# Proposed Area

# Landscape Report



February 24, 2026 Disclaimer accepted.

TMS:	1200303029		
Deed Book:	873	Deed Page:	284
Tax District:	5	Current Plat:	CP S-87/3-B
Sale Year:	1989	Description:	LOTS 62 + 63 ALTAMONT CT
		Sale Price:	\$81,500
		Market Value:	\$232,870

0.01  
0.01



1:697

ESRI, Highland Mapping, and Anderson County GIS



0241 F R-20

R-20

210 Altamont Court  
1200303029

Town Creek Acres

R-20

206 Altamont Court  
1200303027

R-20

204 Altamont Court  
1200303026

R-20

202 Altamont Court  
1200303025

R-20

209 Arcadia Drive  
1200303018

R-20

207 Arcadia Drive  
1200303019

R-20

205 Arcadia Drive  
1200303020

R-20

203 Arcadia Drive  
1200303021

R-20

213 Arcadia Drive  
1200303016

R-20

215 Arcadia Drive  
1200303015

R-20

211 Arcadia Drive  
1200303017

R-20

210 Arcadia Drive  
1212101007

Towne Creek Cove

1212101006

1212101005

1212101004

R-20

217 Arcadia Drive  
1200303014

R-20

1200303032

217 Altamont Court

R-20

215 Altamont Court  
1200303033

R-20

R-20

213 Altamont Court  
1200303034

R-20

211 Altamont Court  
1200303035

R-20

209 Altamont Court  
1200303036

R-20

207 Altamont Court  
1200303037

R-20

205 Altamont Court  
1200303038

R-20

203 Altamont Court  
1200303039

R-20

201 Altamont Court  
1200303040

R-20

405 Arcadia Drive  
1200303009

R-20

407 Arcadia Drive  
1200303008

R-20

409 Arcadia Drive  
1200303007

R-20

411 Arcadia Drive

1200301017

Arcadia Drive C-10-0167

Ande  
296

**VARIANCE  
REQUEST**

**FOR INFORMATION CALL:  
ANDERSON COUNTY  
DEVELOPMENT STANDARDS**

**864-260-4719**

Application for a Special Exception  
Anderson County Land Use Board of Zoning Appeals Meeting  
County Council Chambers 2<sup>nd</sup> Floor-Historic Courthouse  
Anderson, South Carolina  
April 9, 2026  
5:15 PM

Applicants: John Berger

Owner of Property: Same as above

Property Location: 1021 Arrowhead Pt, Anderson SC

Council District: Four (4)

Precinct: Mt. Tabor Precinct

Tax Map Number (TMS #): 26-04-01-021

Property Description: Lot 21, Arrowhead Pt

Current Zoning: R-20 (Residential Single-Family)

Land Use: Residential

Short-Term Rental is in use in the area; but, has not been permitted by Special Exception in R-20 Zoning.

**Restrictions: Recorded February 25, 1976, Book 18-D at page 342. The restrictions do not state any objection and have not been violated.**

Applicant Request: Applicant is requesting a Special Exception to allow for use as a short-term rental.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 48, Section 5:3.2 – Uses permitted in R-20 by special exception: Bed and Breakfast, host homes, and guest homes.

Staff Assessment: Determination by Board as to Restrictive Covenants

- 1) Applicant presented a short-term rental permit at the time of requesting the special exception.
- 2) The use meets all of the requirements in Section 5:3.2. Uses permitted by special exception.
- 3) The applicants have indicated use is for part-time use.
- 4) The Applicant's attorney states that the restrictions and covenants do not prohibit short term rental use.
- 5) The use will not violate neighborhood character nor adversely affect surrounding properties.
- 6) Any violations can be addressed through public safety ordinances.
- 7) Board must determine if restrictions prohibit use.
- 8) The Applicant will meet all state, fire and building code requirements, pertaining to the expansion and obtain all necessary permits.



# Special Exception Application

(For Zoned Areas Only)

**Processing Fee:\$325**

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

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

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

\_\_\_\_\_  
Date Application Received

\_\_\_\_\_  
Application Status (Approved or Denied)

**All special exception 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: John Berger

Mailing Address: 110 Olympic Drive, Cary, NC 27513

Telephone and Fax: 919-345-4391 E-Mail: yobergerz@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.

**John Berger**  
Digitally signed by John Berger  
DN: cn=John Berger,  
email=randy.berger@siemens.com  
Date: 2025.11.18 11:59:52 -05'00'

Owner's Signature

\_\_\_\_\_  
Date

### Project Information

Property Location: 1021 Arrowhead Point, Anderson, SC 29625

Parcel Number(s)/TMS: 260401021

County Council District: 7 School District: 04 Pendleton

Total Acreage: .63 Current Zoning: R20

Requested Special Exception: Allow short term rental of property

Purpose of Special Exception: Property to be used as a short term rental,  
consistent with it's original and continual use for the past 7 years.

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?  
Yes:  No:  Date visited ROD or Date searched online: 11/18/2025

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: A copy of the Restrictive Covenants and Easements for Catechee Shores was provided to our lawyer, Daniel Draisen for review and comment which was provided to your office in a letter dated 11/14/25.

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

---

For Office Use Only:

Application Received By: \_\_\_\_\_ Date Complete Application Received: \_\_\_\_\_

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

Scheduled Board Hearing Date: \_\_\_\_\_

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

## Daniel Draisen

---

**From:** Rankin Jolly <rankin@rockcreeklandscapes.com>  
**Sent:** Thursday, January 15, 2026 11:15 AM  
**To:** Becky Ligon; david donar; jesmith2002@gmail.com; loreejon9ball@yahoo.com; tedmanning; sshaffer1@aol.com; dpurb50@gmail.com; Ray; Mary Heyer; nickesone@yahoo.com; cateechee@spectrum.net; lesterowrightjr@gmail.com; Genie Heslin; cucindy; LEE MOODY; walt@clemson.edu; Maria Akridge; laneowendesigns@gmail.com; manningmelanie46@gmail.com; sidstokes@att.net; christineruzika@aol.com; lcfirreno@aol.com; Kate Farrah; kashafer2@aol.com; Kevin Heslin; granmamlu@gmail.com; karenpj520@gmail.com; Daniel Draisen; Randy Berger; Tuan Cao; Laura Jolly  
**Cc:** hbyoumans@andersoncountysc.org; ahunter@andersoncountysc.org  
**Subject:** Follow Up 1-8-26 Meeting

Hello Neighbors,

I'm writing on behalf of the Jolly's and in coordination with the Bergers, to clarify a point from the recent email. I would like to refocus on the boards request that we work together as neighbors to try and find a resolution that we can all agree on.

The message sent last night may have unintentionally implied predictions about what the board will do or portrayed views that go beyond what is stated on public record. That was definitely not our intent. We want to correct that : THE BOARD HAS NOT MADE A FINAL DECISION. We understand that and respect the boards process.

The reason we wanted to reach out is to see if an informal discussion about operating rules and enforcement can address concerns. We want to be constructive and make every effort to find a resolution that is good for everyone.

The Bergers sent a copy of their rules for guests and have a local contact process for issues. We are happy to share a summary of those rules and discuss reasonable additions( quiet hours, parking,occupancy, no parties, contact information, and enforcement steps).

If any of you would like to meet or provide input on rules that would address concerns please reply by 1/22/26. This will give us time to compile that feedback and share it through the appropriate channels.

Thank you in advance for your consideration and time.

Sincerely,

Rankin Jolly

Sent from my iPhone

## Daniel Draisen

---

**From:** Rankin Jolly <rankin@rockcreeklscapes.com>  
**Sent:** Tuesday, January 27, 2026 9:06 PM  
**To:** Becky Ligon; david donar; jesmith2002@gmail.com; loreejon9ball@yahoo.com; tedmanning; sshaffer1@aol.com; dpurb50@gmail.com; Ray; Mary Heyer; nicktesone@yahoo.com; cateechee@spectrum.net; lesterowrightjr@gmail.com; Genie Heslin; cucindy; LEE MOODY; walt@clemson.edu; Maria Akridge; laneowendesigns@gmail.com; manningmelanie46@gmail.com; sidstokes@att.net; christineruzika@aol.com; lcfirreno@aol.com; Kate Farrah; kashafer2@aol.com; Kevin Heslin; granmamlu@gmail.com; karenpj520@gmail.com; Daniel Draisen; Randy Berger; Tuan Cao; Laura Jolly  
**Subject:** Re: Follow Up 1-8-26 Meeting

Hello Neighbors,

I just wanted to reach out one more time concerning the upcoming zoning board hearing. We have not heard from anyone with any interest in discussing a resolution. We remain open to discussing any questions or suggestions to the existing house rules the Bergers have in place at their home. We do not have an exact date for the hearing but the committee said at their end of the first hearing that we should try to reach a resolution between neighbors and that the issue would be tabled until next meeting which I believe they meet monthly so that date will be coming up fairly soon. We would like to hear from anyone with any interest in discussing this matter by this Friday. If we don't hear anything we will have to report to the zoning board that we tried but had no luck in reaching a resolution. Thank you again for your consideration in this matter.

Sincerely,

Rankin Jolly

Sent from my iPhone

On Jan 15, 2026, at 11:14 AM, Rankin Jolly <rankin@rockcreeklscapes.com> wrote:

Hello Neighbors,

I'm writing on behalf of the Jolly's and in coordination with the Bergers, to clarify a point from the recent email. I would like to refocus on the boards request that we work together as neighbors to try and find a resolution that we can all agree on.

The message sent last night may have unintentionally implied predictions about what the board will do or portrayed views that go beyond what is stated on public record. That was definitely not our intent. We want to correct that : THE BOARD HAS NOT MADE A FINAL DECISION. We understand that and respect the boards process.

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If any of you would like to meet or provide input on rules that would address concerns

please reply by 1/22/26. This will give us time to compile that feedback and share it through the appropriate channels.

Thank you in advance for your consideration and time.

Sincerely,

Rankin Jolly

Sent from my iPhone



2006 N. MAIN STREET  
ANDERSON, SOUTH CAROLINA 29621  
(864) 888-8887  
daniel@injuredSC.com  
www.injuredSC.com

DANIEL L. DRAISEN, ESQ.  
*\*Licensed in SC and OK*

February 16, 2026

Ms. Alisia Hunter  
Mr. Henry Youmans  
County of Anderson  
Planning and Development  
401 E. River Street  
Anderson, South Carolina 29624

RE: Berger and Jolly Special Exception Applications  
1021 Arrowhead Point (Berger) and 226 Indian Head (Jolly)  
Cateechee Shores

Dear Alisia and Henry:

My clients reached out to the neighbors at Cateechee Shores per the direction of the Zoning Board on January 15, 2026 and again on January 27, 2026 requesting that any owners opposed to their request that were willing to meet to discussing a possible resolution respond to arrange a date and time to meet (see e-mails attached hereto). Unfortunately, none of the neighbors responded or appeared willing to meet to discuss the matter. Please consider this my clients' written notification to the Zoning Board that they had no luck in reaching any resolution with their neighbors. We would request that these matters be placed on the next available Zoning Board meeting agenda for consideration by the Board.

With kind regards, I am

Sincerely,

THE INJURY LAW FIRM. P.C.



Daniel L. Draisen

DLD  
Enclosures  
cc: Clients



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The Top Trial Lawyers In America™



## Henry B. Youmans

---

**From:** Randy Berger <yobergerz@gmail.com>  
**Sent:** Monday, November 17, 2025 2:10 PM  
**To:** Henry B. Youmans  
**Subject:** [External]Development Standards - Airbnb Violation

You don't often get email from yobergerz@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside of Anderson County's email system. Please do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any questions, please contact the county helpdesk.

Henry - per our phone conversation, this letter is confirming that we have ceased using our home at 1021 Arrowhead Point, Anderson, SC as a STR. All current reservations have been cancelled with Airbnb as of today.

Regards,  
Randy Berger  
919.345.4391

## Henry B. Youmans

---

**From:** Daniel Draisen <daniel@Injuredsc.com>  
**Sent:** Monday, November 17, 2025 2:10 PM  
**To:** Alesia Hunter; Henry B. Youmans  
**Cc:** Kathy Sorensen  
**Subject:** [External]Berger Short Term Rental Request

**CAUTION:** This email originated from outside of Anderson County's email system. Please do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any questions, please contact the county helpdesk.

Alisia and Henry: I received the below message from Mr. Berger today. I will consider this matter closed. Thanks as always!

Daniel:

I will not be submitting a request for a special exemption request or special use permit to the zoning board. We've determined that we will not be pursuing the STR path going forward and we have already cancelled all of our existing Airbnb reservations. I will inform Alesia and Henry of this as well.

Respectfully,  
Randy & Cathy Berger  
110 Olympic Dr, Cary, NC 27513  
919.345.4391

**DANIEL L. DRAISEN, ESQ.**  
SENIOR ATTORNEY



**\*\*PLEASE NOTE NEW ADDRESS\*\***

1805 N. BOULEVARD  
ANDERSON, SOUTH CAROLINA 29621  
(864) 888-8887  
[daniel@injuredSC.com](mailto:daniel@injuredSC.com)  
[www.injuredSC.com](http://www.injuredSC.com)

Henry - Yes, that is correct. Although we have cancelled all our current reservations at this time, we've been advised that we should still proceed with the request for a special exception given the history and specifics of our situation.

Thank you,

John Berger

On Tue, Nov 18, 2025 at 1:25 PM Henry B. Youmans <[hbyoumans@andersoncountysc.org](mailto:hbyoumans@andersoncountysc.org)> wrote:

It's my understanding now that you want to proceed forward with the special exception, correct?



**Henry B. Youmans, Jr.**

**Zoning Administrator**

Anderson County Planning and Development

**Title VI Coordinator**

Anderson County

Office: 864.964.6631

**Physical Address**

Development Standards

401 East River Street

Anderson, SC 29624

**Mailing Address**

Anderson County

P.O. Box 8002

Anderson, SC 29624

**CONFIDENTIAL & PRIVILEGED**

**Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein may be privileged and confidential information/work product and shall not be disseminated. This communication is intended for the use of the individual or entity named above for personal reference and review. If the reader of this transmission is not the intended.**

---

**From:** Randy Berger <[yobergerz@gmail.com](mailto:yobergerz@gmail.com)>  
**Sent:** Thursday, December 11, 2025 4:14 PM  
**To:** Henry B. Youmans <[hbyoumans@andersoncountysc.org](mailto:hbyoumans@andersoncountysc.org)>  
**Cc:** Cathy Berger <[yobergervilla@gmail.com](mailto:yobergervilla@gmail.com)>  
**Subject:** [External]Re: [External]Re: [External]Special Exception Application

**CAUTION:** This email originated from outside of Anderson County's email system. Please do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any questions, please contact the county helpdesk.

Henry - I just uploaded a copy of the Registration Certificate that I received from Anderson County back on 9/15/2025 to the OpenGov site (see attached). This was Short-Term Rental Permit Number STR2025-0045. Can you explain how I can have a permit for a STR and still be in violation? Is this document the same as the special exception that I applied for, or does it supersede it? Hopefully you can clear this up for me.



**Short-Term Rental Permit Number: STR2025-00045**

Registration Issued To: Randy Berger

Unit Number: 1021

Property Address: 1021 Arrow Head Point  
Rd, Anderson, SC 29625, USA

Date Issued: 09/15/2025

*This registration is to certify that this property has been registered with Anderson County, SC for use as a Short-Term Rental.*

**THIS IS NOT AN OFFICIAL DOCUMENT ISSUED BY ANDERSON COUNTY DEVELOPMENT STANDARDS FOR THE PURPOSES OF PERMITTING SHORT-TERM RENTAL OPERATIONS AND HAS BEEN FABRICATED WITHOUT THE EXPRESS PERMISSION OF ANDERSON COUNTY PLANNING AND DEVELOPMENT.**

## Henry B. Youmans

---

**From:** Karen C. Spinning  
**Sent:** Monday, December 29, 2025 8:40 AM  
**To:** Henry B. Youmans  
**Cc:** Alesia Hunter; Tim Cartee; Quaneshia Hammond  
**Subject:** RE: Accommodation Taxes for 1021 Arrowhead Pt., Anderson, SC  
**Attachments:** Randy Berger.pdf

Hello! I am attaching Mr. Berger's payment history. He does pay us monthly for his accommodation fees. I don't know anything about a permit. We do not issue permits.

Please don't hesitate to contact me with any questions.

Thanks,  
Karen



**Karen C. Spinning**  
**Finance Dept.**

O: 864.964.6520

[KCSpinning@AndersonCountySC.org](mailto:KCSpinning@AndersonCountySC.org)

Historic Courthouse  
101 South Main Street, Room 111  
Anderson, SC 29624

PO Box 8002  
Anderson, SC 29622

---

**From:** Henry B. Youmans <hbyoumans@andersoncountysc.org>  
**Sent:** Tuesday, December 23, 2025 2:14 PM  
**To:** Karen C. Spinning <kcspinning@andersoncountysc.org>  
**Cc:** Alesia Hunter <ahunter@andersoncountysc.org>; Tim Cartee <tcartee@andersoncountysc.org>; Quaneshia Hammond <qhammond@andersoncountysc.org>  
**Subject:** Accommodation Taxes for 1021 Arrowhead Pt., Anderson, SC

## Henry B. Youmans

---

**From:** Randy Berger <yobergerz@gmail.com>  
**Sent:** Tuesday, December 23, 2025 1:00 PM  
**To:** Henry B. Youmans  
**Cc:** yobergervilla@gmail.com; Alesia Hunter; Tim Cartee; Daniel Draisen; David Williams  
**Subject:** [External]Re: [External]Re: [External]Re: [External]Special Exception Application

**CAUTION:** This email originated from outside of Anderson County's email system. Please do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any questions, please contact the county helpdesk.

Dear Mr. Youmans - Apologies for the delay in my response. We've been having some family issues that have taken priority recently.

We are working with an attorney to navigate the situation given the significance of the financial impact this has caused us. For the past 7 years, everything we've done has been in good faith, including paying the Accommodation Tax Fees every month to the Anderson County Finance Office (Karen Spinning). Hopefully your research has revealed that.

We contend that, upon receipt of the Short-Term Rental (STR) permit, there was no clear or communicated indication of additional obligations or restrictions beyond those explicitly stated or reasonably inferred. While an official and publicly disseminated decision by Anderson County regarding short-term rental properties within R20 zones, including those in our neighborhood, would constitute a different legal premise, we have found no evidence of such a determination. Consequently, we perceive the current enforcement action against us as arbitrary and prejudicial.

We are hopeful that this matter can be resolved in a manner consistent with due process and established legal precedent.

Regarding our application for a special exception, should we still need to proceed with that, we will have to push this out to the February scheduled Zoning meeting.

Please respond with some clear direction as to how we can proceed. Best wishes for your Christmas and New Year.

Respectfully,

Randy & Cathy Berger

1021 Arrowhead Point

Anderson, SC 29625

On Fri, Dec 12, 2025 at 10:38 AM Henry B. Youmans <[hbyoumans@andersoncountysc.org](mailto:hbyoumans@andersoncountysc.org)> wrote:

Good morning:

I have reviewed the document that you forwarded in your last email. What fee were you charged for this permit and who forwarded the paperwork? Do you have a receipt? Our department does not issue short-term rental permits. If your property is zoned, you would request a special exception to allow the use of a short-term rental for your property.

Please forward the information so I may research this issue a little more.

Thank you,



**Henry B. Youmans, Jr.**

**Zoning Administrator**

Anderson County Planning and Development

**Title VI Coordinator**

Anderson County

Office: 864.964.6631

Fax: 864.260.4795

Email: [hbyoumans@andersoncountysc.org](mailto:hbyoumans@andersoncountysc.org)

Randy Berger

Accommodation Fees

Aug 24	-	17.12
Sept 24	-	34.50
Oct 24	-	35.14
Nov 24	-	116.40
Dec 24	-	∅
Jan 25	-	40.74
Feb 25	-	∅
March 25	-	43.50
April 25	-	∅
May 25	-	53.84
June 25	-	56.75
July 25	-	45.11
Aug 25	-	45.11
Sept 25	-	∅
Oct 25	-	42.20
Nov 25	-	
Dec 25	-	



2006 N. MAIN STREET  
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(864) 888-8887  
daniel@injuredSC.com  
www.injuredSC.com

DANIEL L. DRAISEN, ESQ.  
*\*Licensed in SC and OK*

November 11, 2025

Ms. Alesia Hunter  
Planning & Development Director  
Development Standards  
P.O. Box 8002  
Anderson, South Carolina 29622

Mr. Henry Youmans, Jr.  
Zoning Administrator  
Development Standards  
P.O. Box 8002  
Anderson, South Carolina 29622

RE: John Berger, et al.  
1021 Arrowhead Point  
Notice of Violation – Operating short-term rental business in R-20 Zone

Dear Alesia and Henry:

I hope this letter finds you well. I have been retained by Mr. John Berger in regard to a Notice of Violation letter that he received from Development Standards recently regarding the use of his property located at 1021 Arrowhead Point as an "Air B&B."

Mr. Berger advises that he purchased the property from Mart Osborne in 2018. At that time, Mr. Osborne had been using the property for short-term rental since purchasing it in 2015. Mr. Berger bought the property under the premise that he would and could continue to use it in such a manner.

Since 2018, Mr. Berger has been renting the property for short-term rentals and advertising the property for rent on Air B&B's site (in excess of 6 years). As you might know, having listed the property for rent on Air B&B's site for many years, Mr. Berger has contractually committed to renters for the property many months into the future. It is not possible for Mr. Berger to abruptly cancel all pending rentals without facing the probability



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of significant civil liability and adverse financial consequences.

I have again reviewed Section 7:17, bed and breakfast establishments. Unless I missed something, I do not see a definition as to what constitutes a "bed and breakfast" vs a "short-term rental" under the ordinance. Traditionally, a bed and breakfast is an establishment in which guest rooms are provided and the host provides prepared meals for all guests served in a dining room. Mr. Berger, however, rents the house, which is equipped with a kitchen, but provides no food or meals of any kind to his guests. What he rents is simply a furnished home. The rentals are on a short-term basis rather than for 6 months or a year.


Despite the ambiguity in the County Ordinance, which in my opinion makes the Ordinance unconstitutional, void for vagueness, and deprives owners of equal protection under the law, I have recommended that Mr. Berger apply for a special exception for his property and exhaust all administrative remedies regarding his use as an "bed and breakfast" albeit short-term rentals.

Accordingly, despite the County's demand that he cease operation within fifteen (15) days of the date of your letter, this letter serves to request that Anderson County allow Mr. Berger to continue operation until such time as he is either granted a special exception or same is denied by the appropriate authorities. To do otherwise would subject Mr. Berger to significant civil liability and damages resulting from abrupt cancellations and would constitute an impermissible taking of his property.

If there is a more formal process necessary to obtain an extension of the deadline, please let me know the process and how I need to pursue same.

With kind regards,

THE INJURY LAW FIRM, P.C.



Daniel L. Draisen

DLD

cc: Mr. John Berger  
David Williams



2006 N. MAIN STREET  
ANDERSON, SOUTH CAROLINA 29621  
(864) 888-8887  
daniel@injuredSC.com  
www.injuredSC.com

DANIEL L. DRAISEN, ESQ.  
\*Licensed in SC and OK

November 14, 2025

Ms. Alesia Hunter  
Planning & Development Director  
Development Standards  
P.O. Box 8002  
Anderson, South Carolina 29622

Mr. Henry Youmans, Jr.  
Zoning Administrator  
Development Standards  
P.O. Box 8002  
Anderson, South Carolina 29622

RE: John Berger, et al.  
1021 Arrowhead Point  
Notice of Violation – Operating short-term rental business in R-20 Zone

Dear Alesia and Henry:

Thank you for sending the Restrictive Covenants and Easements for Cateche Shores. First, I would note that the Covenants were adopted in 1976 making them quite old at this point.

After a careful review of the Covenants, I find no restriction or prohibition against rental or leasing of any of the lots in the subdivision. In fact, the words *rent*, *rental*, or *lease* do not appear in the Covenants. Accordingly, the Covenants do not prohibit or restrict the rental or leasing of any property within the subdivision.

The Covenants do, however, provide that, "**No lot or any part thereof shall be used for any business of commercial purpose or for any public purpose.**" The legal analysis of this provision requires a bit more in-depth consideration as to whether the renting or leasing of a property constitutes use for a business or commercial purpose.



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I note that the Covenants do not define the renting or leasing of a property as a business or commercial use of the property, nor do the Covenants define "short-term" rental versus any other type of rental. The declarant could have done so at the time the covenants were adopted, or the covenants could have been amended to specifically address same. Doing so would have likely ended the discussion.

It is my understanding that Anderson County has taken the position that when an owner rents his property for short-term rentals and earns income from such rental he/she is engaging in a business or commercial use of the property. However, this cannot be so. Earning income from short-term rental is no different from an owner that earns income by renting his/her property 12 months at a time. Both the short-term rental owner and owner that rents for 12 months must claim the rent collected as income and pay income taxes on same. In fact, as I understand tax law, once the owner rents for more than 14 days in a calendar year the income becomes taxable (do not quote me on that). Accordingly, the act of "renting" the property itself, regardless of the length of the period of rental, cannot be the factor that determines whether the lot is being used for business or commercial purposes.

Also, because the Covenants do not expressly (or even implicitly) restrict rental of the property, the length of the rental term cannot be the determining factor as to whether an owner is engaging in a business or commercial use of the property.

The applicable law in South Carolina is clear:

**Restrictive covenants are contractual in nature and rules of contract interpretation apply.** Hardy v. Aiken, 369 S.C. 160, 166, 631 S.E.2d 539, 542 (2006)." Interpreting restrictive covenants is an action at law. Barnacle Broad., Inc. v. Baker Broad., Inc., 343 S.C. 140, 146, 538 S.E.2d 672, 675 (Ct. App. 2000) (holding that interpretation of a contract is an action at law). In an action at law tried without a jury, the appellate court standard of review extends only to the correction of errors of law. Townes Assocs. v. City of Greenville, 266 S.C. 81, 85, 221 S.E.2d 773, 775 (1976). Thus, the trial court's factual findings regarding interpretation of the contract will not be disturbed on appeal unless a review of the record discloses that there is no evidence which reasonably supports the court's findings. Barnacle Broad., Inc., 343 S.C. at 146, 538 S.E.2d at 675.

The S.C. Court of Appeals in Kinard v. Richardson, held as follows:

**"Words of a restrictive covenant will be given the common, ordinary meaning attributed to them at the time of their execution."** Taylor v. Lindsey, 332 S.C. 1, 4, 498 S.E.2d 862, 863 (1998). "[T]he paramount rule of construction is to ascertain and give effect to the intent of the parties as determined from the whole document." [754 S.E.2d 894] Id. at 4, 498 S.E.2d at 863–64 (quotation marks omitted). **When "the language imposing restrictions upon the use of property is unambiguous, the restrictions will be enforced according to their obvious meaning."** Shipyard Prop. Owners' Ass'n v. Mangiaracina, 307 S.C. 299, 308, 414 S.E.2d 795, 801 (Ct.App.1992). **"A restriction on the use of property must be created in express terms or by plain and unmistakable implication, and all such restrictions are to be strictly construed, with**

all doubts resolved in favor of the free use of property." Taylor, 332 S.C. at 5, 498 S.E.2d at 864 (citation and quotation marks omitted). However, this rule of strict construction " 'should not be applied so as to defeat the plain and obvious purpose of the instrument.' " McClellanville, 345 S.C. 617, 550 S.E.2d at 302 (quoting Taylor, 332 S.C. at 4-5, 498 S.E.2d at 863-64).

Finally, for the reasons stated above, if Anderson County by its Ordinance is attempting to legislate the meaning of or interpretation of Restrictive Covenants that prohibit business or commercial use of property to in all instances include and prohibit short-term rentals, it is my position that any such ordinance would be constitutionally void for vagueness, would deprive owners who want to use their property for short-term rentals of the equal protection of the law, would constitute an impermissible taking of the owner's property, and deprives the owner of due process in which a Court determines whether, as a matter of law, the Covenants at issue allow or prohibit short-term rentals.

Accordingly, upon full evaluation of of the covenants at issue, we do not agree that the business or commercial use restriction in the Restrictive Covenants and Easements for Cateche Shores prohibits the short-term rental of property in the subdivision.

With kind regards,

THE INJURY LAW FIRM, P.C.

  
Daniel L. Draisen

DLD

cc: Mr. John Berger  
David Williams



2600

260401020

260401021

260401039

ARROWHEAD PT

260401023



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BOOK 18-D PAGE 343

STATE OF SOUTH CAROLINA }  
COUNTY OF ANDERSON } RESTRICTIVE COVENANTS AND EASEMENTS

WHEREAS, the Catechee Developing Company is the owner of certain lands known and designated as CATECHEE SHORES; and

WHEREAS, the owner desires to restrict those lands for use as a residential subdivision, and so protected for the use and benefit of present and future owners of lots therein; and

NOW THEREFORE:

I

All lots in CATECHEE SHORES shall be imposed with the following protective covenants and restrictions and easements, all of which are to run with the land, to wit:

All lots in Catechee Shores, including Lake front lots, shall be known as residential lots and shall be used exclusively for single residential dwellings. No structure shall be erected, altered, placed or permitted to remain on any such lot other than one detached single family dwelling, not to exceed two and one-half stories in height (exclusive of basement) and a private garage or carport for not more than two cars and servants quarters.

II

No trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding erected upon any lot shall at any time be used as a residence, either temporarily or permanently. No structure of a temporary nature shall be used as a residence and house trailer or mobile home shall be placed on any lot, either temporarily or permanently.

III

No noxious or offensive activity shall be carried on anywhere on the property subject to these covenants, nor shall anything be done thereon which may be or become an annoyance, nuisance or menace to the neighborhood. No lot or any part thereof shall be used for any business or commercial purpose or for

HALF SIZE (M<sup>1/2</sup>)

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R: 8  
K: 7

W. JERRY PERDUE  
WILLIAM F. HERRMAN  
Attorneys at Law  
South Palmetto Street  
Beaufort, S. C.

R:10

R:9

any public purpose.

IV

All fuel oil tanks or containers shall be covered or buried underground consistent with normal safety precautions, so as not to be seen. This shall include L. P. gas tanks.

V

No animal shall be kept, maintained or quartered on any lot in this Subdivision, except that cats, dogs or caged birds may be kept in reasonable numbers as pets, not for breeding, but solely for the pleasure of the occupants.

VI

Garbage and trash must be kept in suitable cans and removed periodically by the owner or a suitable sanitary service and must not be burned or disposed of on the property. Said garbage and trash cans, wood piles and clothes drying yards must be so located that they will not be visible from the street.

VII

Property owners will be required to keep tall shrubbery or hedges trimmed to reasonable limits where air circulation or view from surrounding property may be adversely affected or a traffic hazard may be created.

VIII

Provisions must be made by the property owners for off-street parking of cars belonging to domestic servants and the parking of cars on street rights-of-way for long periods of time during the day or night will not be permitted.

IX

No billboards or signs shall be erected on any lot or improvement thereon, but "For Sale" or "For Rent" signs may be placed thereon; provided that the size of such signs shall not exceed two (2) feet by three (3) feet.

X

Names or numbers painted on mailboxes and or other house numbers or designations shall be painted in a professional manner.

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W. JERRY FENNER  
WILLIAM F. DENBERG  
Attorneys at Law  
South Fairfax Street  
Roxbury, N. C.

HALF SIZE (1/2)

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XI

The property within this Subdivision is hereby declared to be a bird sanctuary and any hunting of wild birds or other animals is hereby prohibited.

XII

Camping of any kind, including but not limited to the use of pup tents, mobile homes, camper trailers, travel trailers, and the use of campfires with relation thereto, either permanently or temporarily, on these premises is hereby specifically prohibited.

XIII

No livestock shall be kept or maintained on the premises, excepting only household pets; PROVIDED HOWEVER, that only on Lots #45, #46 and #47 no more than two horses or ponies may be kept or maintained on the premises for the use and benefit of the owner thereof. Any household pets shall be kept in a fence so as to prevent its intrusion upon property of others and in no event shall any dog or dogs be maintained on the premises in such a place or condition that their barking or any other noise shall disturb other residents of the subdivision.

XIV

No building or residence shall be erected on any lot nearer to the front lot line than forty feet. No building or residence shall be erected nearer than twelve feet to any side lot line.

XV

Any detached garage or other outbuilding erected shall be at least one hundred feet from the front lot line, and no nearer than fifteen feet to any side or rear lot line. The location of any detached garage or other outbuilding, as well as design, must be in keeping with the overall intentions of these restrictions, and in harmony with the design of the residence erected thereon.

HALF SIZE (M 1/2)

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W. JERRY FENNERS  
WILLIAM F. DENBIGH  
Surveyors at Law  
South Palmyra Street  
Spartanburg, S. C.

R:10

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XVI  
 No wall, fence or hedge shall be erected across or along the front of any lot and nearer to the front lot line than the building set-back line, having a height of more than three feet.

XVII  
 No lot shall be recut so as to face in any direction other than as is shown on the recorded plat, nor shall it be recut so as to make any building site smaller than is provided herein. The resubdividing of any lot or tract of this Subdivision is specifically prohibited.

XVIII  
 Nothing herein shall be construed to prohibit the use of more than one lot or portions of one or more lots as a single residential building site, provided such site has a lot width of not less than one hundred feet and provided said site faces as required by these restrictions and the recorded plat.

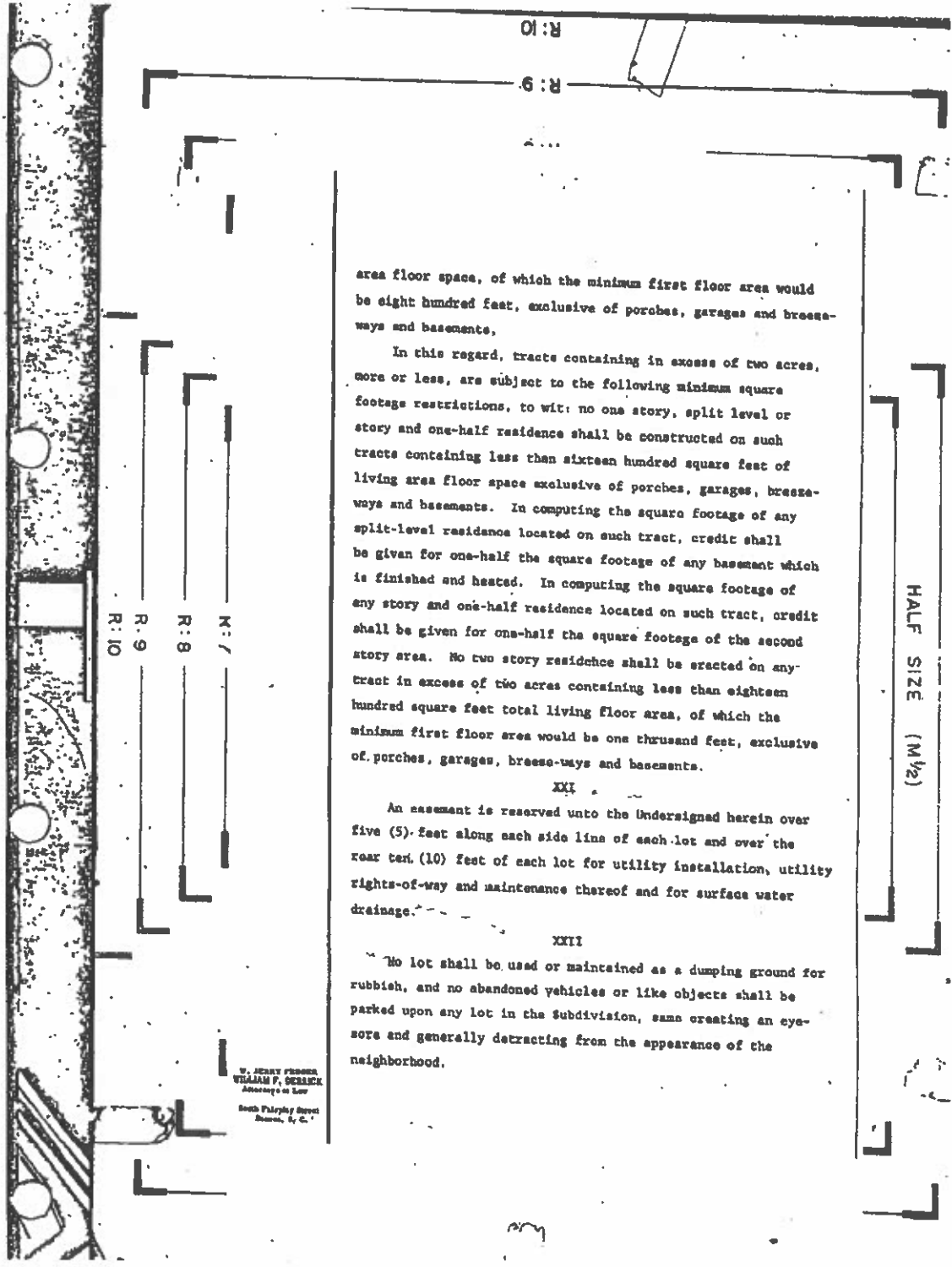
XIX  
 No exposed concrete block shall be allowed. Finishes such as brick, stucco or siding shall be required on all exterior walls above ground.

XX  
 No one-story, split level or story and one-half residences shall be constructed containing less than twelve hundred square feet of living area or floor space, exclusive of porches, garages and breezeways and basements. In computing the square footage of any split level residences, credit shall be given for half the square footage of any basement which is finished and heated. In computing the square footage of any story and one-half residence credit shall be given for one-half the square footage of the second story area. No two story residence shall be erected containing less than fourteen hundred square feet total living

HALF SIZE (M 1/2)

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W. JERRY FENNER  
 WILLIAM F. DENNEY  
 Attorneys at Law  
 South Palmyra Street  
 Ansonia, S. C.



area floor space, of which the minimum first floor area would be eight hundred feet, exclusive of porches, garages and breezeways and basements,

In this regard, tracts containing in excess of two acres, more or less, are subject to the following minimum square footage restrictions, to wit: no one story, split level or story and one-half residence shall be constructed on such tracts containing less than sixteen hundred square feet of living area floor space exclusive of porches, garages, breezeways and basements. In computing the square footage of any split-level residence located on such tract, credit shall be given for one-half the square footage of any basement which is finished and heated. In computing the square footage of any story and one-half residence located on such tract, credit shall be given for one-half the square footage of the second story area. No two story residence shall be erected on any tract in excess of two acres containing less than eighteen hundred square feet total living floor area, of which the minimum first floor area would be one thousand feet, exclusive of porches, garages, breezeways and basements.

**XI**

An easement is reserved unto the Undersigned herein over five (5) feet along each side line of each lot and over the rear ten (10) feet of each lot for utility installation, utility rights-of-way and maintenance thereof and for surface water drainage.

**XII**

No lot shall be used or maintained as a dumping ground for rubbish, and no abandoned vehicles or like objects shall be parked upon any lot in the subdivision, same creating an eyesore and generally detracting from the appearance of the neighborhood.

**V. JERRY FROBER**  
**WILLIAM F. DEBRACK**  
 Attorneys at Law  
 South Parkway Street  
 Denver, Co.

R:10

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XXIII

The construction of a structure or dwelling on any lot in the Subdivision must be completed within one (1) year from the commencing of the initial construction.

XXIV

If any of these covenants shall be found to be contrary to the recommendations of the Federal Housing Administration, or any other agency of the Federal Government, granting or insuring loans, and shall render any lot in the Subdivision unacceptable for any such loan, the Cateches Development Company shall have the authority to alter, amend or annul any such covenant as may be necessary to make any of the lots herein acceptable for such loan.

XXV

Invalidation of any one of these covenants by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

TO ALL OF WHICH the parties have heretofore agreed and in witness whereof have herunto placed their Hands and affixed their Seals to this document this 24th day of August in the year of our Lord One thousand nine hundred seventy-six.

R:8  
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R:10

HALF SIZE (1/2)

W. HENRY FERRER  
WILLIAM F. SCHRECK  
Attorneys at Law  
2000 Fairplay Street  
Baltimore, Md. U. S. A.

O:R

R:9

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Signed, Sealed and Delivered  
in the Presence of,

*Rebecca D. Smith*  
*Rita D. Pruitt*

GATECHEE DEVELOPMENT COMPANY (SEAL)

By: *Rebecca D. Smith*

And: *Rachel D. Smith*

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

PROBATE

PERSONALLY APPEARED BEFORE ME, the Undersigned witness, who being duly sworn deposes and says that (s)he saw the within named GATECHEE DEVELOPMENT COMPANY by its authorized agents, sign, seal and as their act and deed, deliver the within written instrument for the uses and purposes therein mentioned, and that (s)he with the other witness, witnessed the execution thereof.

*Rita D. Pruitt*

Sworn to before me this  
day of \_\_\_\_\_, 1975

*Rebecca D. Smith* (LS)  
Notary Public of South Carolina  
My Commission Expires:

*Rec. Feb. 25, 1976 at 12:12 P.M.  
C.J. Burdette, ccep*

ANDERSON COUNTY  
SOUTH CAROLINA  
FEB 25 12 12 PM '76

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HALF SIZE (1/2)

W. JERRY FREDER  
WILLIAM F. DEBRACK  
Attorneys at Law  
South Palmetto Street  
Anderson, S. C.



**SPECIAL  
EXCEPTION  
REQUEST**

**FOR INFORMATION CALL:  
DEVELOPMENTS STANDARDS  
260-4352**

Application for a Special Exception  
Anderson County Land Use Board of Zoning Appeals Meeting  
County Council Chambers 2<sup>nd</sup> Floor-Historic Courthouse  
Anderson, South Carolina  
April 9, 2026  
5:15 PM

Applicants: Rankin Jolly

Owner of Property: Same as above

Property Location: 226 Indian Trail, Anderson SC

Council District: Four (4)

Precinct: Mt. Tabor Precinct

Tax Map Number (TMS #): 26-04-01-009

Property Description: Lot 9, Indian Trail

Current Zoning: R-20 (Residential Single-Family)

Land Use: Residential

Short-Term Rental are in use in the area; but, have not been permitted by Special Exception in R-20 zoning.

**Restrictions: Recorded February 25, 1976, Book 18-D at page 342. The restrictions do not state any objection, and have not been violated.**

Applicant Request: Applicant is requesting a Special Exception to allow for the part-time use as a short-term rental.

Findings of Fact: *Anderson County Code of Ordinances*, Under Chapter 48, Section 5:3.2 – Uses permitted in R-20 by special exception: Bed and Breakfast, host homes, and guest homes.

Staff Assessment:

- 1) The use meets all of the requirements in Section 5:3.2. Uses permitted by special exception.
- 2) The applicants have indicated use is for part-time use.
- 3) The use is not detrimental to public health or general welfare.
- 4) The use will not violate neighborhood character nor adversely affect surrounding properties.
- 5) Any violations can be addressed through public safety ordinances.
- 6) The Applicant will meet all state, fire and building code requirements, pertaining to the expansion and obtain all necessary permits.



**SEA-25-7**

Special Exception

Application

Status: Active

Submitted On:  
8/11/2025

**Primary Location**

226 INDIAN TRL  
Anderson, SC 29625

**Owner**

Clarence Rankin Jolly III  
Indian Trail 226  
Anderson, SC 29625

**Applicant**

Rankin Jolly  
 803-275-6152  
 rankin@rockcreeklscapes.com  
 226 Indian Trail  
Anderson, SC 29625

**Project Information**

**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..:**

**Project Address\***

226 Indian Trail

**Tax Map Number (TMS)\***

026-04-01-009

**Is the Applicant the Property Owner?\***

Yes

**Is The Property Zoned?\***

Zoned

**County Council District?**

4

**School District\***

5

**Total Acreage\***

.70

**Requested Special Exception?\***

Short Term Rental License or Permit

**Purpose of Special Exception?\***

Short Term Rental License or Permit

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

No

**Private Covenants or Deed Restrictions on the Property?\***

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..:**

**Comments:\***

We have made two visits in person to the County Annex Planning and Development. While we considered buying this property, we were told there were no rental restrictions. When the home was purchased on July 10, 2025, we were again told there were no short term rental restrictions. We would appreciate any guidance.

---

## Acknowledgement

**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 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 I have reviewed all information and the materials for this application are authentic and have been submitted to Planning/Development Standards.\*

Date\*

08/11/2025



Applicant Signature\*

☑ Clarence Rankin Jolly III  
Aug 11, 2025

---

## For Office Use Only

🔒 Current Zoning\*

—

🔒 Staff Comments/Conditions\*

🔒 Scheduled Hearing Date\*

—

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## Attachments



### Additional Supporting Documents

IMG\_3234.jpeg

Uploaded by Rankin Jolly on Aug 19, 2025 at 7:42 PM



## Restrictive CovenantsEasments 226 Indian Trail.pdf

Restrictive CovenantsEasments 226 Indian Trail.pdf

Uploaded by Rankin Jolly on Aug 25, 2025 at 1:33 PM

### Record Activity

rankin@rockcreeklandscapes.com started a draft Record	08/11/2025 at 6:07 pm
Rankin Jolly submitted Record SEA-25-7	08/11/2025 at 6:40 pm
OpenGov system altered approval step Planning/Development Standards Application Review, changed status from Inactive to Active on Record SEA-25-7	08/11/2025 at 6:40 pm
OpenGov system assigned approval step Planning/Development Standards Application Review to Henry Youmans Jr on Record SEA-25-7	08/11/2025 at 6:40 pm
Henry Youmans Jr changed form field entry Tax Map Number (TMS) from "026-04-01-004" to "026-04-01-009" on Record SEA-25-7	08/12/2025 at 2:12 pm
Henry Youmans Jr altered approval step Planning/Development Standards Application Review, changed status from Active to On Hold on Record SEA-25-7	08/12/2025 at 2:32 pm
Rankin Jolly added file IMG_3234.jpeg to Record SEA-25-7	08/19/2025 at 7:42 pm
Rankin Jolly added file Restrictive CovenantsEasments 226 Indian Trail.pdf to Record SEA-25-7	08/25/2025 at 1:33 pm

### Timeline

Label	Activated	Completed	Assignee	Due Date	Status
✓ Planning/Development Standards Application Review	8/11/2025, 6:40:15 PM	-	Henry Youmans Jr	-	On Hold
💰 Processing Fee	-	-	Rankin Jolly	-	Inactive

Label	Activated	Completed	Assignee	Due Date	Status
<input checked="" type="checkbox"/> Zoning Board of Appeals (ZBA) Scheduled Hearing Date	-	-	-	-	Inactive
<input checked="" type="checkbox"/> Zoning Board of Appeals (ZBA) Decision	-	-	-	-	Inactive

## Daniel Draisen

---

**From:** Rankin Jolly <rankin@rockcreeklandscapes.com>  
**Sent:** Thursday, January 15, 2026 11:15 AM  
**To:** Becky Ligon; david donar; jesmith2002@gmail.com; loreejon9ball@yahoo.com; tedmanning; sshaffer1@aol.com; dpurb50@gmail.com; Ray; Mary Heyer; nickesone@yahoo.com; cateechee@spectrum.net; lesterowrightjr@gmail.com; Genie Heslin; cucindy; LEE MOODY; walt@clemson.edu; Maria Akridge; laneowendesigns@gmail.com; manningmelanie46@gmail.com; sidstokes@att.net; christineruzika@aol.com; lcfirreno@aol.com; Kate Farrah; kashafer2@aol.com; Kevin Heslin; granmamlu@gmail.com; karenpj520@gmail.com; Daniel Draisen; Randy Berger; Tuan Cao; Laura Jolly  
**Cc:** hbyoumans@andersoncountysc.org; ahunter@andersoncountysc.org  
**Subject:** Follow Up 1-8-26 Meeting

Hello Neighbors,

I'm writing on behalf of the Jolly's and in coordination with the Bergers, to clarify a point from the recent email. I would like to refocus on the boards request that we work together as neighbors to try and find a resolution that we can all agree on.

The message sent last night may have unintentionally implied predictions about what the board will do or portrayed views that go beyond what is stated on public record. That was definitely not our intent. We want to correct that : THE BOARD HAS NOT MADE A FINAL DECISION. We understand that and respect the boards process.

The reason we wanted to reach out is to see if an informal discussion about operating rules and enforcement can address concerns. We want to be constructive and make every effort to find a resolution that is good for everyone.

The Bergers sent a copy of their rules for guests and have a local contact process for issues. We are happy to share a summary of those rules and discuss reasonable additions( quiet hours, parking, occupancy, no parties, contact information, and enforcement steps).

If any of you would like to meet or provide input on rules that would address concerns please reply by 1/22/26. This will give us time to compile that feedback and share it through the appropriate channels.

Thank you in advance for your consideration and time.

Sincerely,

Rankin Jolly

Sent from my iPhone

## Daniel Draisen

---

**From:** Rankin Jolly <rankin@rockcreeklscapes.com>  
**Sent:** Tuesday, January 27, 2026 9:06 PM  
**To:** Becky Ligon; david donar; jesmith2002@gmail.com; loreejon9ball@yahoo.com; tedmanning; sshafer1@aol.com; dpurb50@gmail.com; Ray; Mary Heyer; nicktesone@yahoo.com; cateechee@spectrum.net; lesterowrightjr@gmail.com; Genie Heslin; cucindy; LEE MOODY; walt@clemson.edu; Maria Akridge; laneowendesigns@gmail.com; manningmelanie46@gmail.com; sidstokes@att.net; christineruzika@aol.com; lcfirreno@aol.com; Kate Farrah; kashafer2@aol.com; Kevin Heslin; granmamlu@gmail.com; karenpj520@gmail.com; Daniel Draisen; Randy Berger; Tuan Cao; Laura Jolly  
**Subject:** Re: Follow Up 1-8-26 Meeting

Hello Neighbors,

I just wanted to reach out one more time concerning the upcoming zoning board hearing. We have not heard from anyone with any interest in discussing a resolution. We remain open to discussing any questions or suggestions to the existing house rules the Bergers have in place at their home. We do not have an exact date for the hearing but the committee said at their end of the first hearing that we should try to reach a resolution between neighbors and that the issue would be tabled until next meeting which I believe they meet monthly so that date will be coming up fairly soon. We would like to hear from anyone with any interest in discussing this matter by this Friday. If we don't hear anything we will have to report to the zoning board that we tried but had no luck in reaching a resolution. Thank you again for your consideration in this matter.

Sincerely,

Rankin Jolly

Sent from my iPhone

On Jan 15, 2026, at 11:14 AM, Rankin Jolly <rankin@rockcreeklscapes.com> wrote:

Hello Neighbors,

I'm writing on behalf of the Jolly's and in coordination with the Bergers, to clarify a point from the recent email. I would like to refocus on the boards request that we work together as neighbors to try and find a resolution that we can all agree on.

The message sent last night may have unintentionally implied predictions about what the board will do or portrayed views that go beyond what is stated on public record. That was definitely not our intent. We want to correct that : THE BOARD HAS NOT MADE A FINAL DECISION. We understand that and respect the boards process.

The reason we wanted to reach out is to see if an informal discussion about operating rules and enforcement can address concerns. We want to be constructive and make every effort to find a resolution that is good for everyone.

The Bergers sent a copy of their rules for guests and have a local contact process for issues. We are happy to share a summary of those rules and discuss reasonable additions( quiet hours, parking, occupancy, no parties, contact information, and enforcement steps).

If any of you would like to meet or provide input on rules that would address concerns

please reply by 1/22/26. This will give us time to compile that feedback and share it through the appropriate channels.

Thank you in advance for your consideration and time.

Sincerely,

Rankin Jolly

Sent from my iPhone



2006 N. MAIN STREET  
ANDERSON, SOUTH CAROLINA 29621  
(864) 888-8887  
daniel@injuredSC.com  
www.injuredSC.com

DANIEL L. DRAISEN, ESQ.  
*\*Licensed in SC and OK*

February 16, 2026

Ms. Alisia Hunter  
Mr. Henry Youmans  
County of Anderson  
Planning and Development  
401 E. River Street  
Anderson, South Carolina 29624

RE: Berger and Jolly Special Exception Applications  
1021 Arrowhead Point (Berger) and 226 Indian Head (Jolly)  
Cateechee Shores

Dear Alisia and Henry:

My clients reached out to the neighbors at Cateechee Shores per the direction of the Zoning Board on January 15, 2026 and again on January 27, 2026 requesting that any owners opposed to their request that were willing to meet to discussing a possible resolution respond to arrange a date and time to meet (see e-mails attached hereto). Unfortunately, none of the neighbors responded or appeared willing to meet to discuss the matter. Please consider this my clients' written notification to the Zoning Board that they had no luck in reaching any resolution with their neighbors. We would request that these matters be placed on the next available Zoning Board meeting agenda for consideration by the Board.

With kind regards, I am

Sincerely,

THE INJURY LAW FIRM. P.C.



Daniel L. Draisen

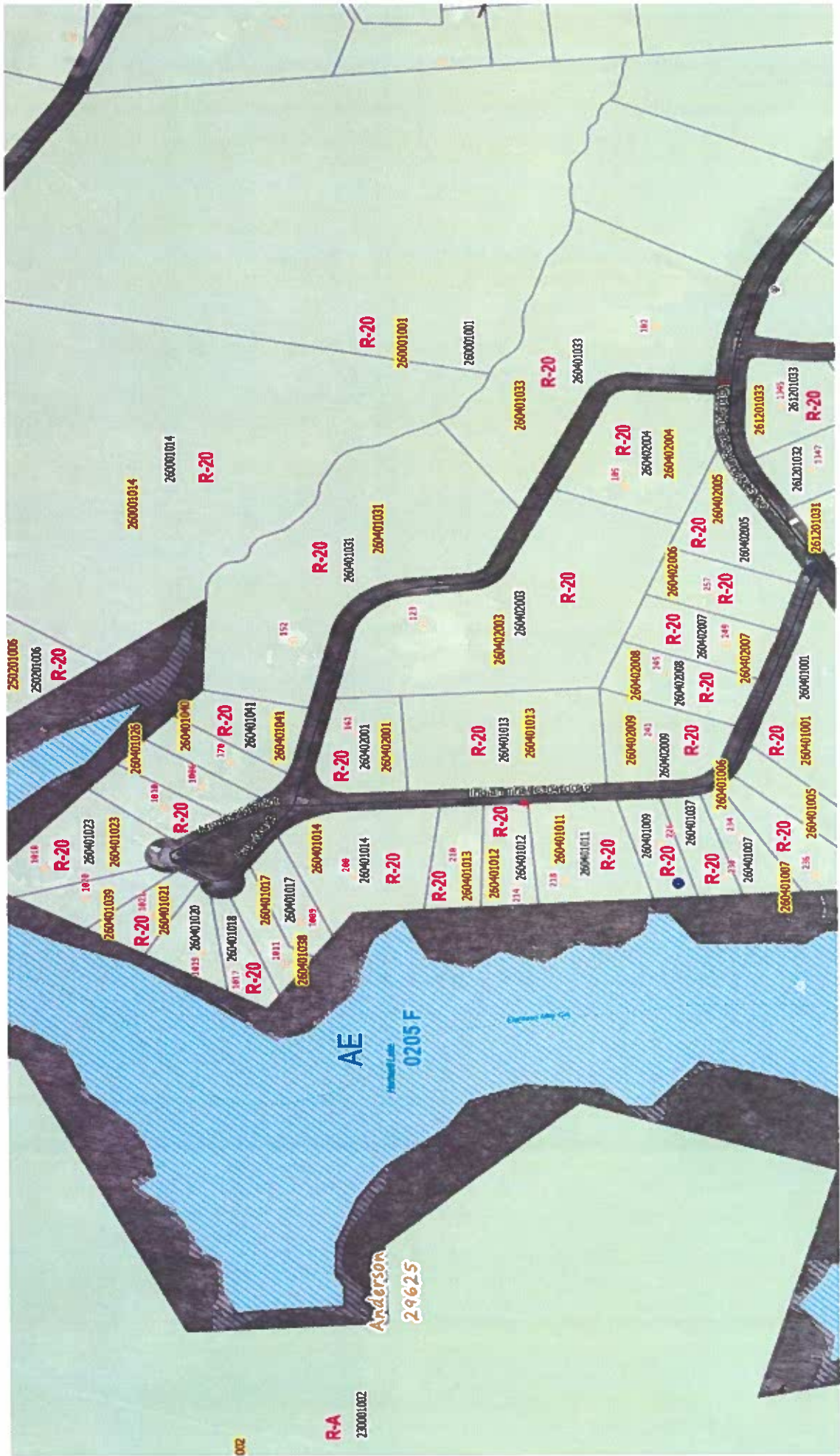
DLD  
Enclosures  
cc: Clients



LIFE MEMBER  
MILLION DOLLAR ADVOCATES FORUM  
The Top Trial Lawyers In America™







002

R-A  
230001002

Anderson  
29625

AE  
0205 F

# Anderson County



August 12, 2025 Disclaimer accepted.

TMS:	260401009
Owner:	JOLLY LAURA MCKIE + CLARENCE RANKIN III
Owner Address:	226 INDIAN TRL
City/State:	ANDERSON SC
Deed Book:	18131
Tax District:	4
Sale Year:	2025
Zip Code:	29625
Current Plat:	CP S 102/789
Deed Page:	148
Description:	LT 9 INDIAN TRL
Sale Price:	
Market Value:	



ESRI, Highland Mapping, and Anderson County GIS

R:10

R:9

BOOK 18-D PAGE 342

STATE OF SOUTH CAROLINA }  
COUNTY OF ANDERSON } RESTRICTIVE COVENANTS AND EASEMENTS

WHEREAS, the Catachee Developing Company is the owner of certain lands known and designated as CATECHEE SHORES; and

WHEREAS, the owner desires to restrict those lands for use as a residential subdivision, and so protected for the use and benefit of present and future owners of lots therein; and

NOW THEREFORE:

I

All lots in CATECHEE SHORES shall be imposed with the following protective covenants and restrictions and easements, all of which are to run with the land, to wit:

All lots in Catachee Shores, including Lake front lots, shall be known as residential lots and shall be used exclusively for single residential dwellings. No structure shall be erected, altered, placed or permitted to remain on any such lot other than one detached single family dwelling, not to exceed two and one-half stories in height (exclusive of basement) and a private garage or carport for not more than two cars and servants quarters.

II

No trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding erected upon any lot shall at any time be used as a residence, either temporarily or permanently. No structure of a temporary nature shall be used as a residence and house trailer or mobile home shall be placed on any lot, either temporarily or permanently.

III

No noxious or offensive activity shall be carried on anywhere on the property subject to these covenants, nor shall anything be done thereon which may be or become an annoyance, nuisance or menace to the neighborhood. No lot or any part thereof shall be used for any business or commercial purpose or for

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Beaufort, S. C.

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any public purpose.

IV

All fuel oil tanks or containers shall be covered or buried underground consistent with normal safety precautions, so as not to be seen. This shall include L. P. gas tanks.

V

No animal shall be kept, maintained or quartered on any lot in this Subdivision, except that cats, dogs or caged birds may be kept in reasonable numbers as pets, not for breeding, but solely for the pleasure of the occupants.

VI

Garbage and trash must be kept in suitable cans and removed periodically by the owner or a suitable sanitary service and must not be burned or disposed of on the property. Said garbage and trash cans, wood piles and clothes drying yards must be so located that they will not be visible from the street.

VII

Property owners will be required to keep tall shrubbery or hedges trimmed to reasonable limits where air circulation or view from surrounding property may be adversely affected or a traffic hazard may be created.

VIII

Provisions must be made by the property owners for off-street parking of cars belonging to domestic servants and the parking of cars on street rights-of-way for long periods of time during the day or night will not be permitted.

IX

No billboards or signs shall be erected on any lot or improvement thereon, but "For Sale" or "For Rent" signs may be placed thereon; provided that the size of such signs shall not exceed two (2) feet by three (3) feet.

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Names or numbers painted on mailboxes and or other house numbers or designations shall be painted in a professional manner.

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WILLIAM F. DENCK  
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South Fairplay Street  
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XI

The property within this Subdivision is hereby declared to be a bird sanctuary and any hunting of wild birds or other animals is hereby prohibited.

XII

Camping of any kind, including but not limited to the use of pup tents, mobile homes, camper trailers, travel trailers, and the use of campfires with relation thereto, either permanently or temporarily, on these premises is hereby specifically prohibited.

XIII

No livestock shall be kept or maintained on the premises, excepting only household pets; PROVIDED HOWEVER, that only on Lots #45, #46 and #47 no more than two horses or ponies may be kept or maintained on the premises for the use and benefit of the owner thereof. Any household pets shall be kept in a fence so as to prevent its intrusion upon property of others and in no event shall any dog or dogs be maintained on the premises in such a place or condition that their barking or any other noise shall disturb other residents of the subdivision.

XIV

No building or residence shall be erected on any lot nearer to the front lot line than forty feet. No building or residence shall be erected nearer than twelve feet to any side lot line.

XV

Any detached garage or other outbuilding erected shall be at least one hundred feet from the front lot line, and no nearer than fifteen feet to any side or rear lot line. The location of any detached garage or other outbuilding, as well as design, must be in keeping with the overall intentions of these restrictions, and in harmony with the design of the residence erected thereon.

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South Parkway Street  
Bakers, S. C.

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XVI

No wall, fence or hedge shall be erected across or along the front of any lot and nearer to the front lot line than the building set-back line, having a height of more than three feet.

XVII

No lot shall be recut so as to face in any direction other than as is shown on the recorded plat, nor shall it be recut so as to make any building site smaller than is provided herein. The resubdividing of any lot or tract of this Subdivision is specifically prohibited.

XVIII

Nothing herein shall be construed to prohibit the use of more than one lot or portions of one or more lots as a single residential building site, provided such site has a lot width of not less than one hundred feet and provided said site faces as required by these restrictions and the recorded plat.

XIX

No exposed concrete block shall be allowed. Finishes such as brick, stucco or siding shall be required on all exterior walls above ground.

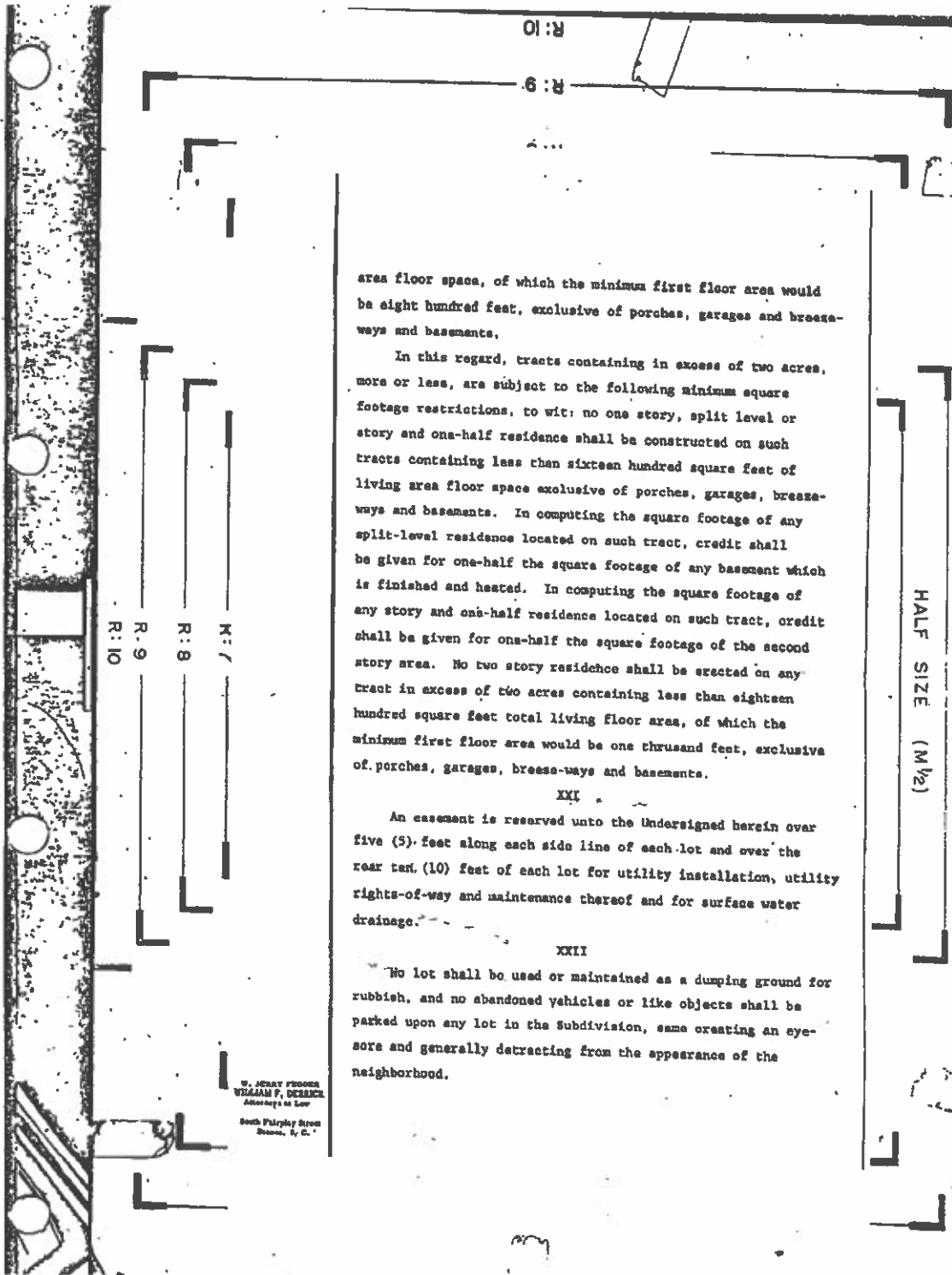
XX

No one-story, split level or story and one-half residences shall be constructed containing less than twelve hundred square feet of living area or floor space, exclusive of porches, garages and breezeways and basements. In computing the square footage of any split level residences, credit shall be given for half the square footage of any basement which is finished and heated. In computing the square footage of any story and one-half residence credit shall be given for one-half the square footage of the second story area. No two story residence shall be erected containing less than fourteen hundred square feet total living

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South Fairfax Street  
Anson, S. C.



area floor space, of which the minimum first floor area would be eight hundred feet, exclusive of porches, garages and breezeways and basements.

In this regard, tracts containing in excess of two acres, more or less, are subject to the following minimum square footage restrictions, to wit: no one story, split level or story and one-half residence shall be constructed on such tracts containing less than sixteen hundred square feet of living area floor space exclusive of porches, garages, breezeways and basements. In computing the square footage of any split-level residence located on such tract, credit shall be given for one-half the square footage of any basement which is finished and heated. In computing the square footage of any story and one-half residence located on such tract, credit shall be given for one-half the square footage of the second story area. No two story residence shall be erected on any tract in excess of two acres containing less than eighteen hundred square feet total living floor area, of which the minimum first floor area would be one thousand feet, exclusive of porches, garages, breezeways and basements.

XXI

An easement is reserved unto the Undersigned herein over five (5) feet along each side line of each lot and over the rear ten (10) feet of each lot for utility installation, utility rights-of-way and maintenance thereof and for surface water drainage.

XXII

No lot shall be used or maintained as a dumping ground for rubbish, and no abandoned vehicles or like objects shall be parked upon any lot in the subdivision, same creating an eyesore and generally detracting from the appearance of the neighborhood.

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XXIII

The construction of a structure or dwelling on any lot in the Subdivision must be completed within one (1) year from the commencing of the initial construction.

XXIV

If any of these covenants shall be found to be contrary to the recommendations of the Federal Housing Administration, or any other agency of the Federal Government, granting or insuring loans, and shall render any lot in the Subdivision unacceptable for any such loan, the Cataches Development Company shall have the authority to alter, amend or annul any such covenant as may be necessary to make any of the lots herein acceptable for such loan.

XXV

Invalidation of any one of these covenants by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

TO ALL OF WHICH the parties have heretofore agreed and in witness whereof have hereunto placed their Hands and affixed their Seals to this document this 27th day of June, in the year of our Lord One thousand nine hundred seventy-six.

W. HENRY FORD  
WILLIAM F. DEBICK  
Attorneys at Law  
South Peabody Street  
Boston, U. S. A.

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Signed, Sealed and Delivered  
in the Presence of:

*Thomas M. Burdette*  
*Rita O. Pruitt*

CATECHER DEVELOPMENT COMPANY (SEAL)

By: *Frank A. Smith*

And: *Rachel D. Smith*

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

PROBATE

PERSONALLY APPEARED BEFORE ME, the Undersigned witness, who  
being duly sworn deposes and says that (s)he saw the within named  
CATECHER DEVELOPMENT COMPANY by its authorized agents, sign, seal  
and as their act and deed, deliver the within written instrument  
for the uses and purposes therein mentioned, and that (s)he with  
the other witness, witnessed the execution thereof.

*Rita O. Pruitt*

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1975

*Thomas M. Burdette* (LS)  
Notary Public of South Carolina  
My Commission Expires:

*Rec. Feb. 25, 1976 at 12:12 P.M.  
C.J. Burdette, ccep*

FILED FOR RECORD  
ANDERSON, S.C.  
FEB 25 12 12 PM '76

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WILLIAM F. GERRICK  
Attorneys at Law  
South Palmetto Street  
Duncan, S. C.



**SPECIAL  
EXCEPTION  
REQUEST**

**FOR INFORMATION CALL:  
DEVELOPMENTS STANDARDS  
260-4352**