

# 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

May 14, 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: March 12, 2026
- 4.) Public Hearings:
  - A. Variance Request: To install additional boat storage. Located at 107 Harbor Lane. / TMS 10-05-01-003 (**Council District 4**).
  - B. Variance Request: To build a garage on the lot adjacent to the primary residence. Located at 120 Fennell Road. \ TMS 11-01-03-024 (**Council District 4**).
  - C. Variance Request: To install a lakeside personal storage and bathhouse across from the applicant's home. Located at 212 Points End. \ TMS 67-01-01-017 (**Council District 5**).
  - D. Special Exception: For construction of mini storage warehouses. Located at 110 Smith Motors Road. \ TMS 173-00-06-005 (**Council District 7**).
- 5.) New Business: None
- 6.) Old Business:
  - A. Special Exception: To allow the use as a short-term rental. Located at 226 Indian Trail. / TMS 26-04-01-009 (**Council District 4**).
  - B. Special Exception: To allow the use as a short-term rental. Located at 1021 Arrowhead Point. / TMS 26-04-01-021 (**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  
MARCH 12, 2026

PRESENT:  
HUBERT MCCLURE, CHAIRMAN  
MIKE MILLER  
RUSS BROWN  
DEBBIE CHAPMAN

ALSO PRESENT:  
ALESIA HUNTER  
TIM CARTEE  
QUANESHIA HAMMOND

1 **NO AUDIO FOR BEGINNING OF MEETING**

2 MIKE MILLER: I make a  
3 motion to approve the minutes as mailed.

4 HUBERT MCCLURE: And second?

5 DEBBIE CHAPMAN: Second.

6 HUBERT MCCLURE: All in favor.

7 All right, now we can get to business. Variance  
8 request, staff report, 109 Old Fork School Road.

9 TIM CARTEE: Thank you, Mr.  
10 Chairman. This is Jonah Shirley. They are the  
11 property owner requesting a variance set back at 109  
12 Old Fork School Road in Townville. It's in Council  
13 District Four. Tax map number for your viewing. The  
14 property is 1.10 acres. It's zoned R-A for residential  
15 agriculture. Applicant's request is to reduce the  
16 variance to the side yard set back from 50 feet to  
17 eight feet for a detached garage for storage use only.  
18 The property is unusually narrow, with existing  
19 residents nearly centered from left to right due to the  
20 lot width and the required 50 foot setback, there is no  
21 compliant location on either side and at the rear of  
22 the property where accessory structure can be  
23 constructed without a variance.

24 Finding of facts. Setback for R-A is 50 feet.

25 Staff assessment. The applicant can meet all the  
26 other setback requirements. There will be no adverse  
27 effects on adjacent properties if the variance is  
28 granted. If the variance is approved, the applicant  
29 will be required to apply for a residential compliance  
30 and building permit in order to proceed with  
31 construction.

32 Here is a layout of the proposed setback. Here is  
33 the R-A zoning lot. And here is the layer that's cut  
34 off that shows you the topo. And there's the variance  
35 request sign for posting for the public.

36 And this is your staff report, Mr. Chairman.

37 HUBERT MCCLURE: (No audio.)

38 MIKE MILLER: Mr. Chair, I  
39 make a motion to approve.

40 HUBERT MCCLURE: And sorry  
41 about that. I turned it on.

42 DEBBIE CHAPMAN: Second.

43 HUBERT MCCLURE: Have a

44 second. All in favor. And that passes.

45 All right. Second thing on the agenda to reduce  
46 side setback on 161 Flowing Rock Road. Staff.

47 TIM CARTEE: This is Kelly  
48 Paradeses, Desired Haven Properties LLC. It's 161  
49 Flowing Rock Road in Honea Path. It's Council District  
50 Seven. Tax map for your -- number for your viewing.

1 The road is Flowing Rock Road, which is 8.30 acres.  
2 Zoned R-A, residential agricultural. Applicant is  
3 requesting a variance to reduce the side setback from  
4 50 feet to 25 feet due to undulating terrain and  
5 inability to build on that part of the lot. Bad  
6 topography has been noted on previous obtained septic  
7 permit, as well as aerial photo mapping done by drone,  
8 and the location of a creek on the property prevents  
9 from shifting downwards, and therefore forces the  
10 building to be closer to the property line.

11 And finding of facts. R-A required to have 50  
12 foot setback.

13 Staff assessment. Topography of the lot limits  
14 the placement of the house. The applicant can meet all  
15 the other setback requirements. There will be no  
16 adverse effects to adjacent properties if the variance  
17 is granted. And if the variance is approved, the  
18 applicant will be required to apply for a residential  
19 compliance and building permit in order to proceed with  
20 construction.

21 Here's the layout of the proposed property for the  
22 set back. It's at the end of a cul de sac. And here's  
23 a plat showing the acreage. Here is the proposed  
24 placement of the house. And there's the septic tank  
25 drainage. And here's the topo of the property. And  
26 there's the sign posted for the public.

27 This is your staff report, Mr. Chairman.

28 HUBERT MCCLURE: Thank you,  
29 sir. So at this time we'll open up the public hearing  
30 for anybody speaking against the applicant for this  
31 special request or variance. Anyone?

32 Okay. So at this time we'll close the public  
33 hearing and reserve questions for staff or the  
34 applicant, if needed. What's the feeling of the board?

35 DEBBIE CHAPMAN: I move that  
36 we approve it.

37 HUBERT MCCLURE: Approve. Do  
38 we have a second?

39 RUSS BROWN: Second.

40 HUBERT MCCLURE: All in favor.  
41 Okay, that passes. So that takes care of all the new  
42 business.

43 Staff, do we have any old business besides our  
44 introduction of our new guest, new member? Nothing?  
45 Okay.

46 I do remember, didn't -- wasn't we supposed to  
47 have training? Did I miss it?

48 ALESIA HUNTER: No, you  
49 haven't missed it. You're going to be looking at your  
50 schedule. We're doing some training with Mr. Brown,

1 because he's new on the board, and he's got to do the  
2 ---  
3 HUBERT MCCLURE: Kill two  
4 birds, one stone?  
5 ALESIA HUNTER: Yeah, so  
6 we're going to come back to that.  
7 HUBERT MCCLURE: Well, we are  
8 welcoming Mr. Brown, Russ Brown, from B-HP; right?  
9 RUSS BROWN: Close enough.  
10 The kids go to B-HP. You're right.  
11 HUBERT MCCLURE: Whereabouts  
12 do you live down there?  
13 RUSS BROWN: So I'm over  
14 by Pine Lake Golf Course off of Broadway lake.  
15 HUBERT MCCLURE: Broadway  
16 Lake?  
17 RUSS BROWN: Uh-huh.  
18 HUBERT MCCLURE: My mother's  
19 people were from Triangle, which is down Amity.  
20 RUSS BROWN: Yeah.  
21 HUBERT MCCLURE: Few miles.  
22 That's where my mama's people were from.  
23 RUSS BROWN: Well, Mr.  
24 Chairman, board members, thank you for the welcome to  
25 our staff. Thank you so much for the warm welcome.  
26 You guys have been fantastic, and I look forward to  
27 serving the community. So thank you.  
28 HUBERT MCCLURE: Y'all gave  
29 him a warm welcome? Y'all baptized me by fire.  
30 Kind of like that woman on Saturday Night Live, she  
31 gets abducted, and everybody else gets this warm glow.  
32 And they jerked me up by the neck.  
33 MIKE MILLER: And I asked,  
34 Mr. Chair, about if we were going to have elections,  
35 and I was understanding I was appointed Vice Chair  
36 again, with me being out.  
37 HUBERT MCCLURE: When did that  
38 happen? Did we, did we ---  
39 ALESIA HUNTER: Yes. Yes,  
40 sir.  
41 HUBERT MCCLURE: We did that  
42 two, three months ago.  
43 ALESIA HUNTER: Yeah, we did  
44 that in January. So he's vice chair. And Mr.  
45 Chairman, you're chairman.  
46 HUBERT MCCLURE: All right.  
47 MIKE MILLER: And I was, I  
48 was told the reason why, because I wasn't here.  
49 HUBERT MCCLURE: Yeah, that's  
50 pretty much.

1 Russ, I adopted the chairmanship of this meeting,  
2 and there was people -- it was, it was -- there was a  
3 sea of people out here, and they were fighting and  
4 hating each other, and had three of these full of  
5 people writing on one thing. It was rough.

6 All right, I need to shut up.

7 Do we have a motion to adjourn?

8 MIKE MILLER: I make a  
9 motion to adjourn.

10 HUBERT MCCLURE: Second. All  
11 in favor. And everybody have a good day.

12

13 **MEETING ADJOURNED AT APPROXIMATELY 5:24 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  
May 14, 2026  
5:15 PM

Applicant: Stephen McCary

Owner of Property: Richard Triplett

Property Location: 107 Harbor Ln. Townville

Council District: Four (4)

Tax Map Number (TMS): 10-05-01-003

Property Description: 5.00 AC

Current Zoning: R-20

Land Use: Singal Family Residential

Applicant Request: To install an additional boat storage building across Harbor Lane where an existing building is located. This is a parcel hook, and the existing building was they're prior to zoning.

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

Staff Assessment:


- 1) The Applicant can meet all other setback requirements.
- 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-26-6**


 Stephen McCrary

107 HARBOR LN

 864-884-9702

Townville, SC 29689

Submitted On: Mar 10, 2026

 hooverbuildings50@gmail.com

**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**

107 Harbor Lane

**Tax Map Number (TMS)**

100501003

**Is the Applicant the Property Owner?**

No

**County Council District?**

4

**Total Acreage**

5

**Is The Property Zoned?**

Zoned

**School District**

4

**Please check Which is Applicable**

Set-Back Variance

**Purpose of Variance?**

Build additional pole barn for boat storage

**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?**

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 Attached

**Property Owner Information**

**Owner Name**

Richard Triplett

**Owner Address**

107 Harbor Lane

**City**

**State**

Townville

SC

**Zipcode**

**Phone Number**

29689

770-335-8715

**Email Address**

--

**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:**

Accessory pole barn built for storage on additional lot that was added to the original parcel.

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

Most properties in area are only 1 lot

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

There is no room on original lot

**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:**

Building is being erected on an adjacent lot with current storage structures already on the lot.

### **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

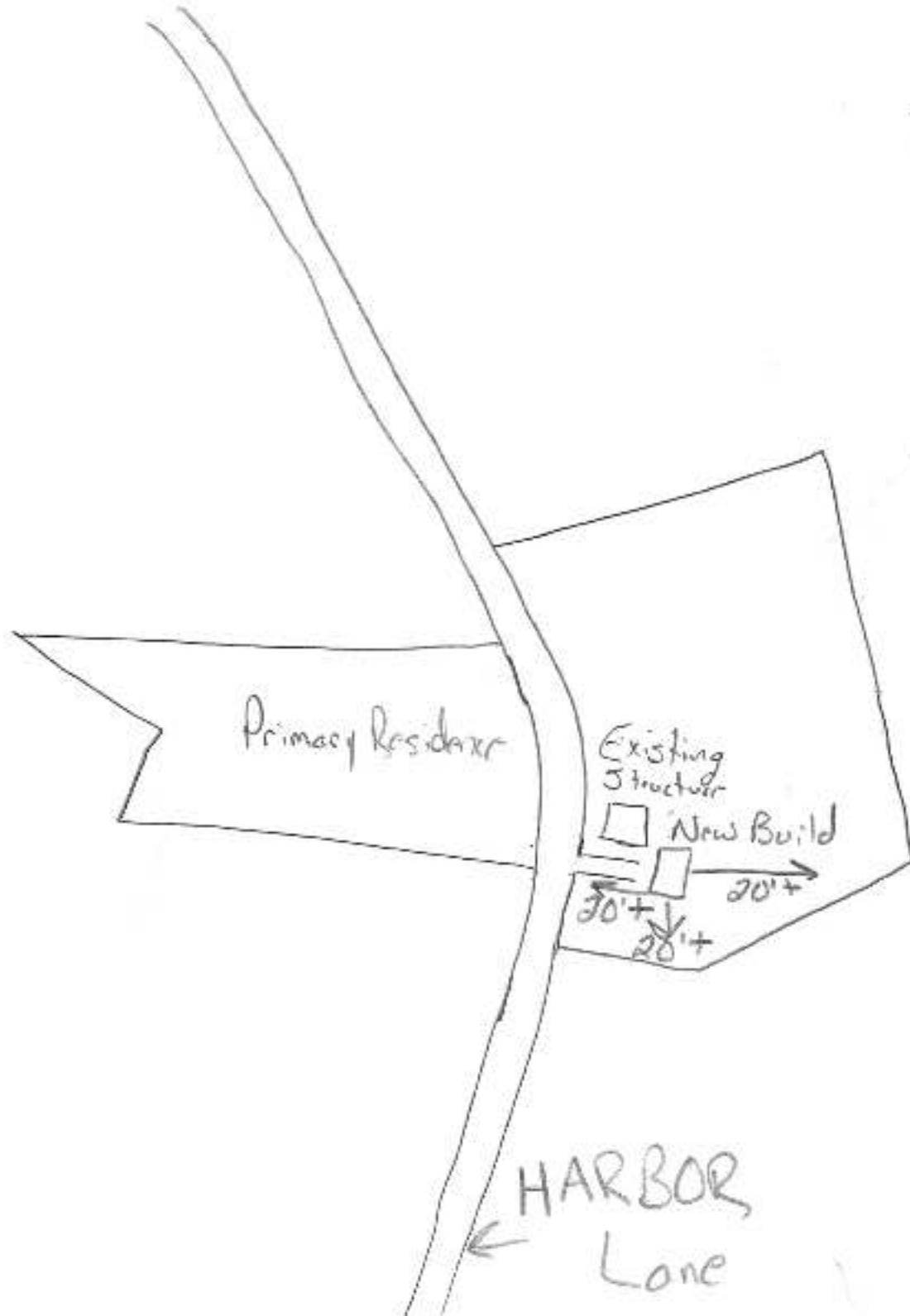
**Date**

03/03/2026

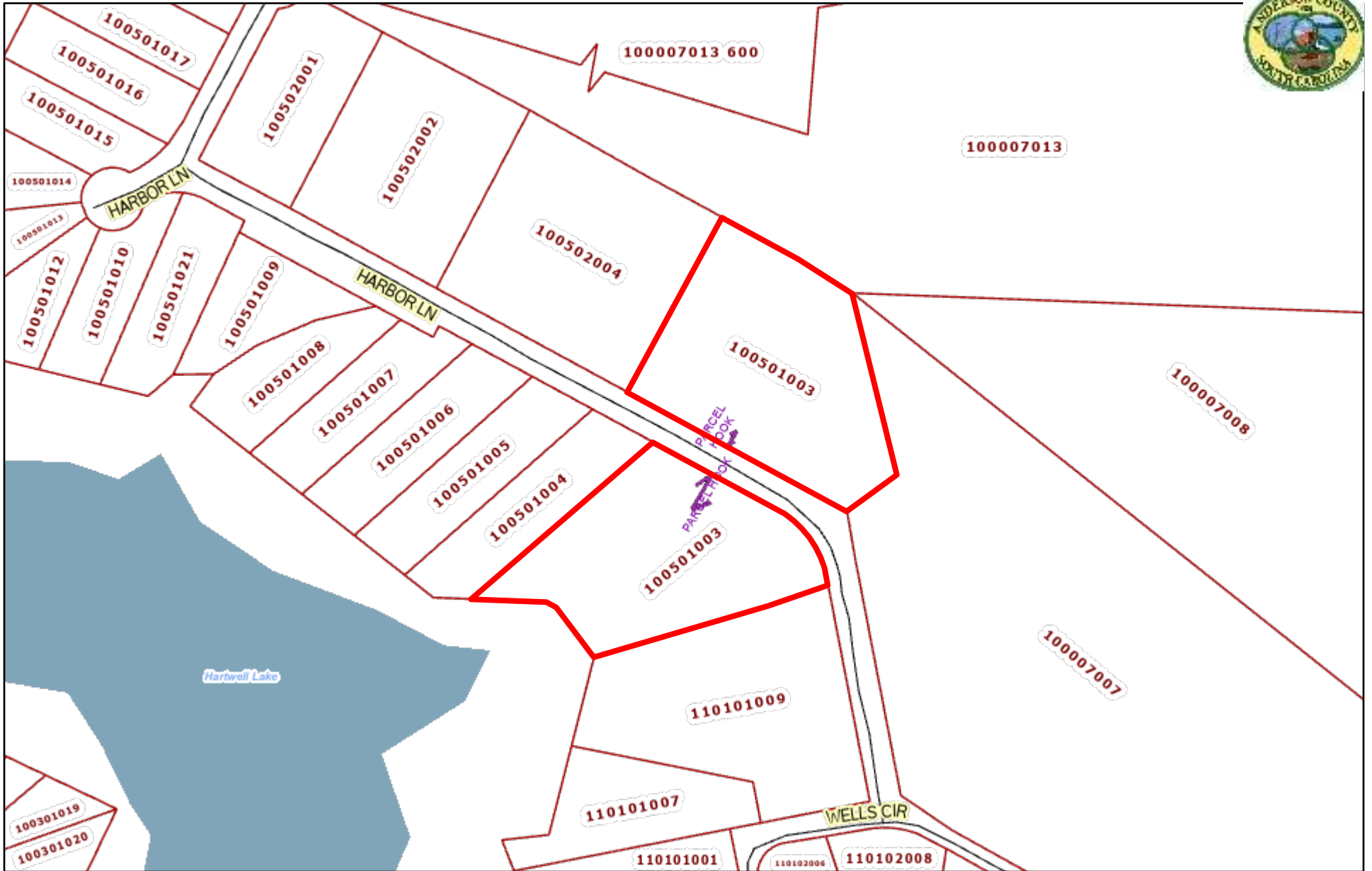
**Applicant Signature**

true

Rick Triplett  
TM 100501003



# LandscapeReport



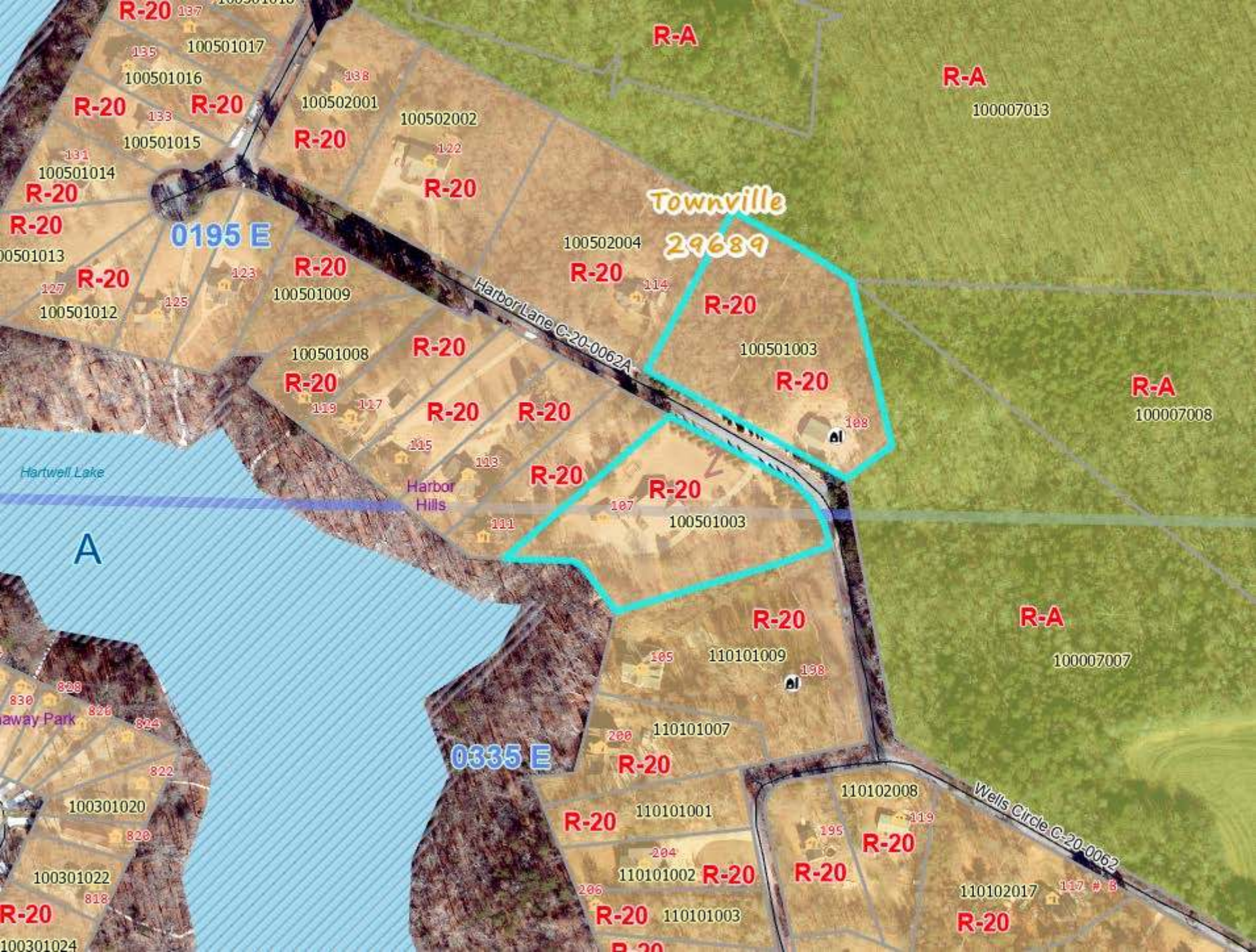
March 10, 2026 Disclaimer accepted.

TMS:	100501003		
Deed Book:	11637	Deed Page:	125
Tax District:	4	Description:	LTS 1+2 AKA LT A HARBOR LN
Sale Year:	2014	Sale Price:	Market Value:



1:2,590

ESRI, Highland Mapping, and Anderson County GIS



Townville

29689

0195 E

0335 E

Harbor Lane C-20-0062A

Wells Circle C-20-0062

R-A

100007013

R-A

R-20

R-20

R-20

R-20

R-20

R-A

100007008

R-20

R-20

R-20

R-20

R-20

R-20

100501003

R-20

R-A

100007007

R-20

R-20

R-20

R-20

110101007

110101001

110101002

110101003

110101009

110102008

R-20

R-20

R-20

110102017

A

Hartwell Lake

away Park

Harbor Hills

100501017

100501016

R-20

R-20

100502001

100502002

100501015

100501014

R-20

R-20

100501013

R-20

100501012

100501009

100501008

R-20

R-20

R-20

115

113

111

187

100501003

100501003

188

AI

114

100502004

138

122

123

125

127

131

133

137

100301024

100301022

100301020

822

824

826

828

830

195

119

206

204

200

198

117 # B

**VARIANCE  
REQUEST**  
FOR INFORMATION CALL:  
ANDERSON COUNTY  
DEVELOPMENT STANDARDS  
**864-260-4719**



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  
May 14, 2026  
5:15 PM

Applicant: Wanda Alexander

Owner of Property: Same, 130 Fennel Rd. Townville

Property Location: 120 Fennel Rd. Townville

Council District: Four (4)

Tax Map Number (TMS): 11-01-03-024

Property Description: 3.26 AC

Current Zoning: R-20

Land Use: Singal Family Residential

Applicant Request: They would like to build a garage on the lot adjacent to our primary residence. We split the property in order to be allowed to have 2 docks from the Core, not realizing it would be an issue.

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

Staff Assessment:

- 1) The Applicant can meet all other setback requirements.
- 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-26-8**

👤 Wanda Alexander

130 FENNELL RD

☎ 864-915-6182

Townville, SC 29689

Submitted On: Mar 18, 2026

✉ markandwanda@aol.com

**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**

130 Fennell Rd. Townville, SC 29689

**Tax Map Number (TMS)**

110103024

**Is the Applicant the Property Owner?**

Yes

**County Council District?**

4

**Total Acreage**

+3.26

**Is The Property Zoned?**

Zoned

**School District**

4

**Please check Which is Applicable**

Other

**If Other, Explain**

Variance on rule of no accessory buildings on vacant land

**Purpose of Variance?**

We would like to build a garage on the lot adjacent to our primary residence. We split the property in order to be allowed to have 2 docks from the Core, not realizing it would be an issue.

**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?**

05/15/2023

**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:**

Wanda Bagwell Alexander

**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:**

We had the original 5 acres split so that we may have 2 docks on the lake. It is additional yard to our primary residence of 130 Fennell Rd. Townville, SC

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

It was also brought to our attention that accessory buildings are not generally allowed in the front yard of homes and must be in the backyard. The residence was built on the very back property line, so there fore we do not have a backyard. Where we are proposing the garage to be built can not be seen by any of our neighbors.

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

Was recently zoned R20

**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:**

It will not be visable by the neighbors and we plan to build it so that it is a match to our existing home.

## **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**

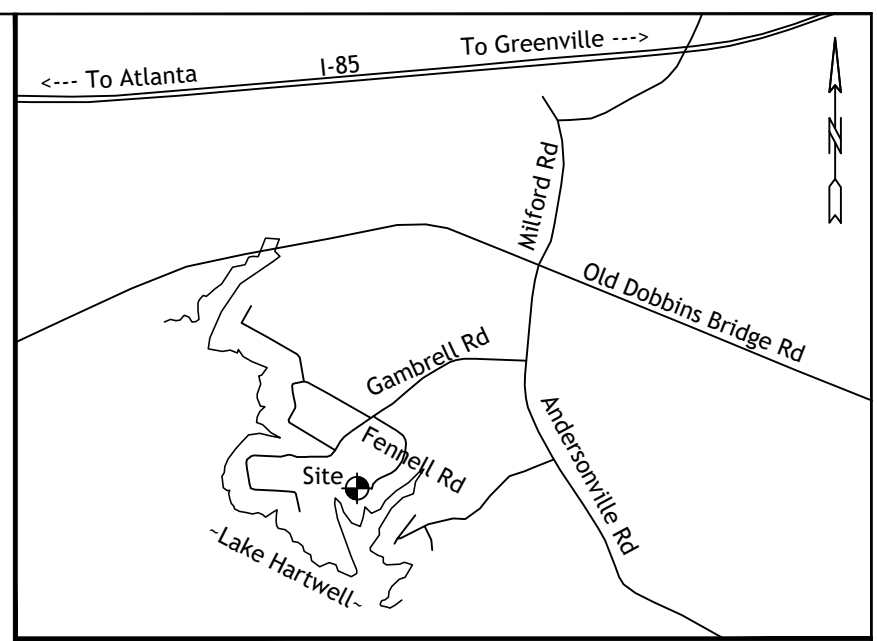
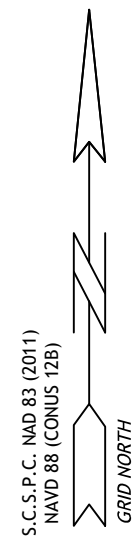
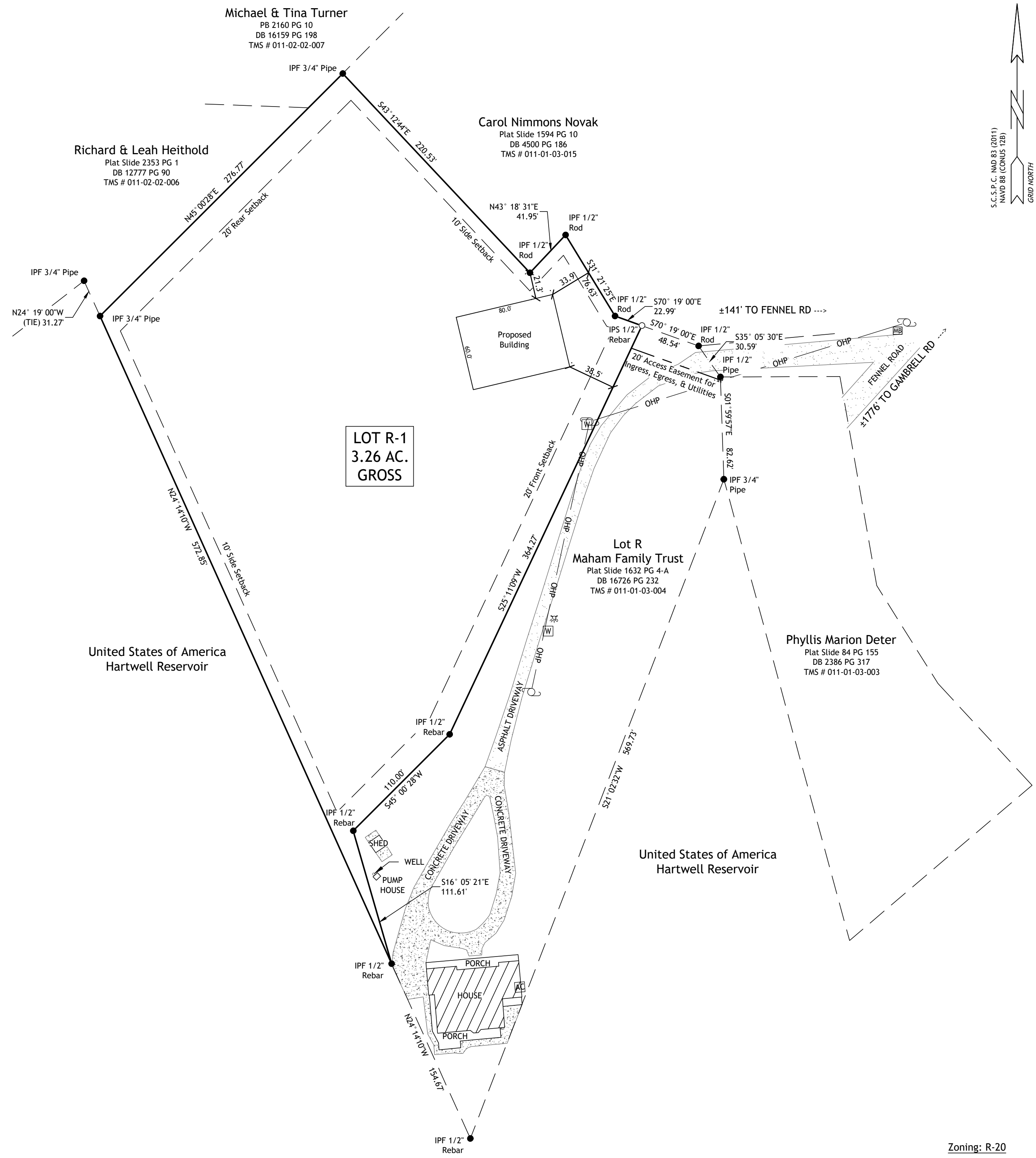
03/18/2026

**Applicant Signature**

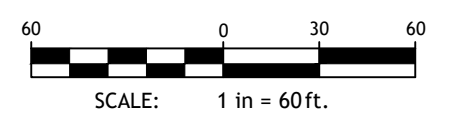
true

**LEGEND**

- IPF - Iron Pin Found ●
- IPS - Iron Pin Set ○
- MNF - Mag Nail Found ⊗
- NBC - Nail & Bottle Cap Found ⊕
- Unless Noted Otherwise
- MNS - Mag Nail Set ⊗
- Computed Point ▲
- Sanitary Manhole (S)
- Utility Pole (U)
- Fire Hydrant (H)
- Water Meter (W)
- Telephone Pedestal (T)



Location Map - No Scale



References:  
 TMS# 011-01-03-004 & 024  
 DB 16726 PG 232  
 Slide 3041 PG 6  
 Slide 1632 PG 4-A

**Site Plan**  
 Proposed 60'x80' Building  
 130 Fennell Road

Surveyed at the Request of:  
**Maham Family Trust**

State of South Carolina  
 Anderson County  
 Fork Township

Date:	3-16-26
Drawn By:	BAM
Checked:	TEW
Job Number:	23034
Revisions:	0



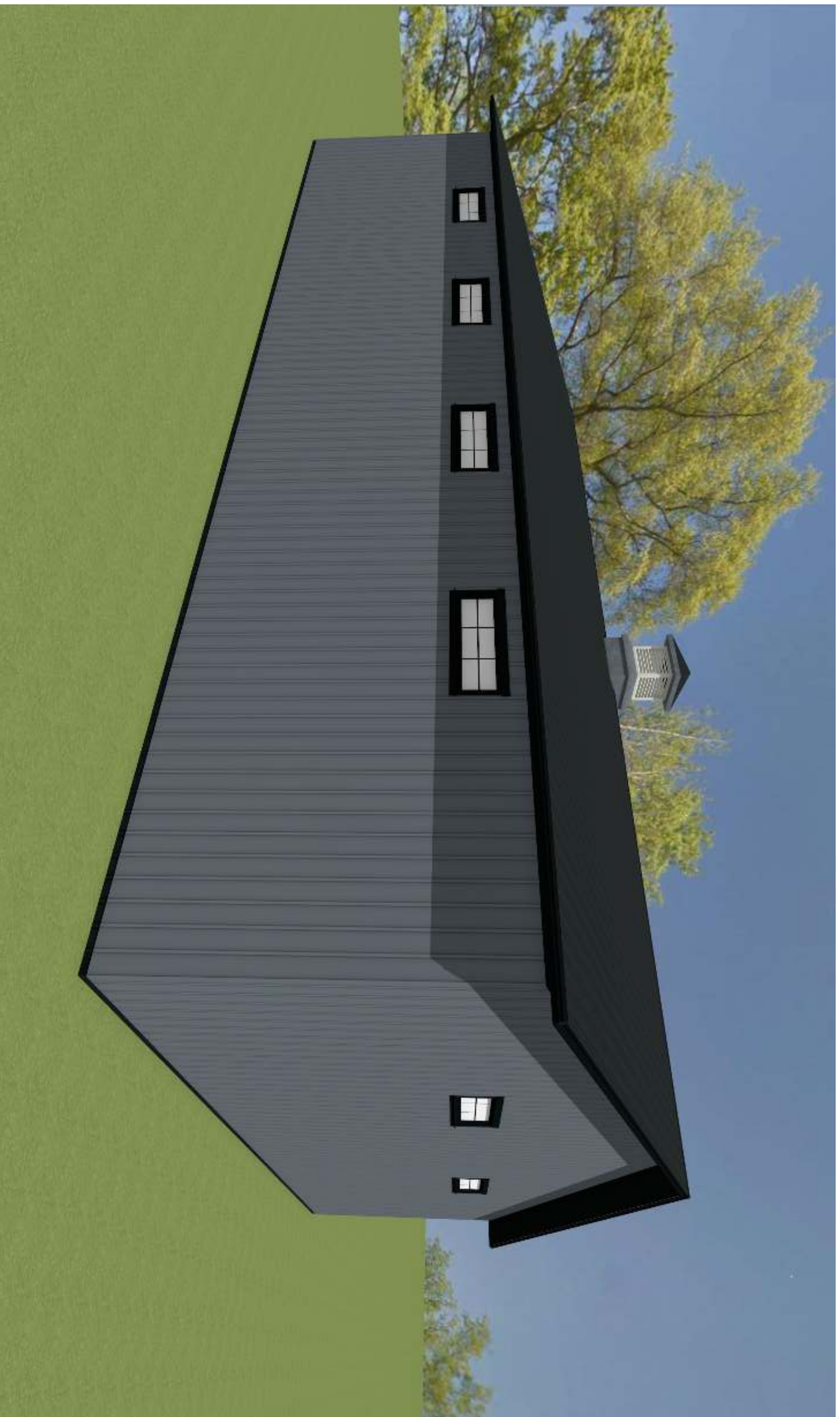
Zoning: R-20

20' Front Setback  
 10' Side Setback  
 20' Rear Setback

Per conversation with Anderson County  
 Planning and Development



# ALEXANDER - GARAGE PLAN

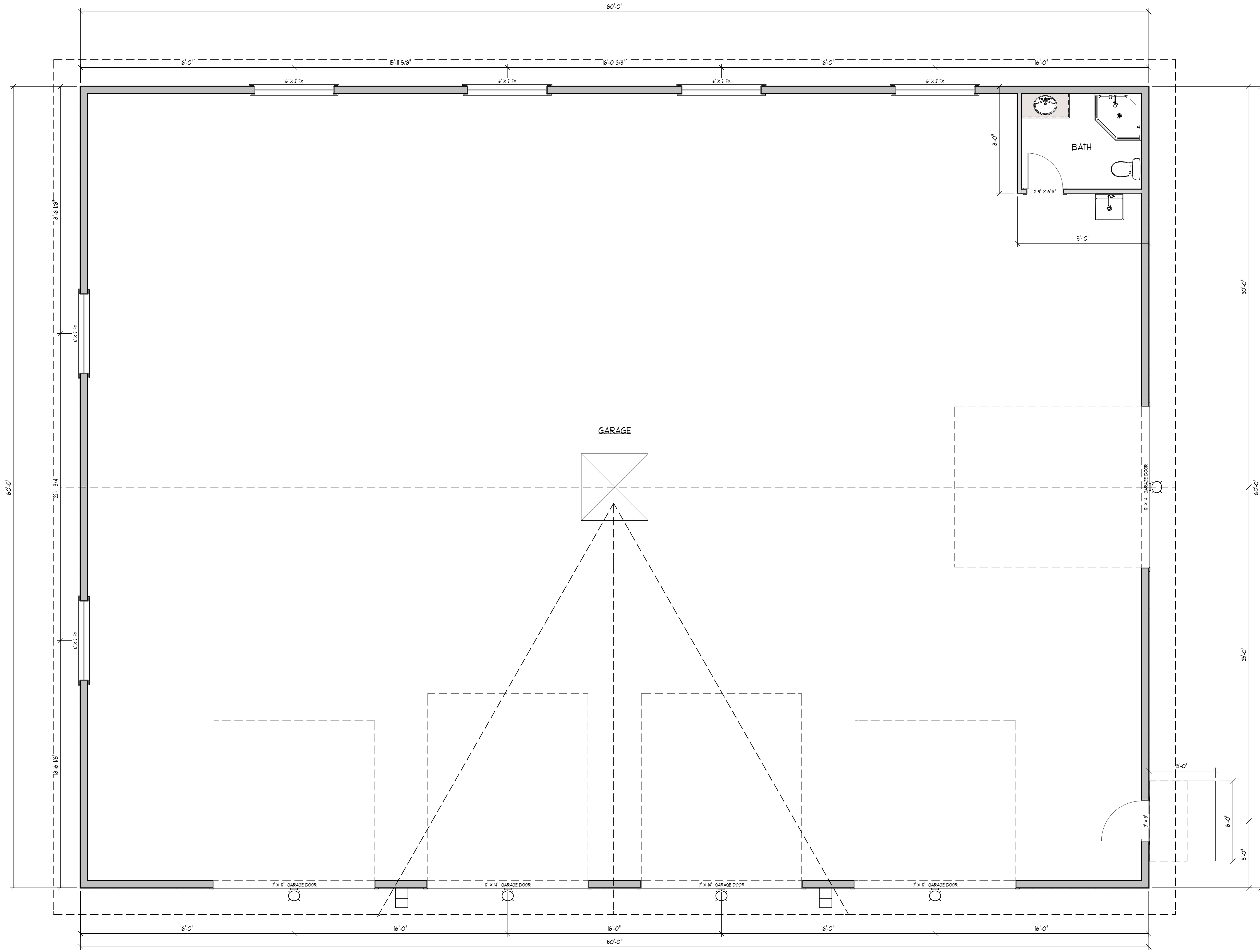


ISSUE:
DATE: 2/25/2026
DRAWING #: P-1

ALEXANDER GARAGE PLAN
PROJECT OVERVIEW

  
**RARE DESIGN**  
renovation and remodeling expertise  
EST. 2001

unique home design • creative transformations  
charming details • thoughtful planning  
carefully crafted remodeling • [raredesigninc.com](http://raredesigninc.com)



**GARAGE PLAN**

SCALE: 1/4"=1'-0"

ALEXANDER GARAGE PLAN

ISSUE:

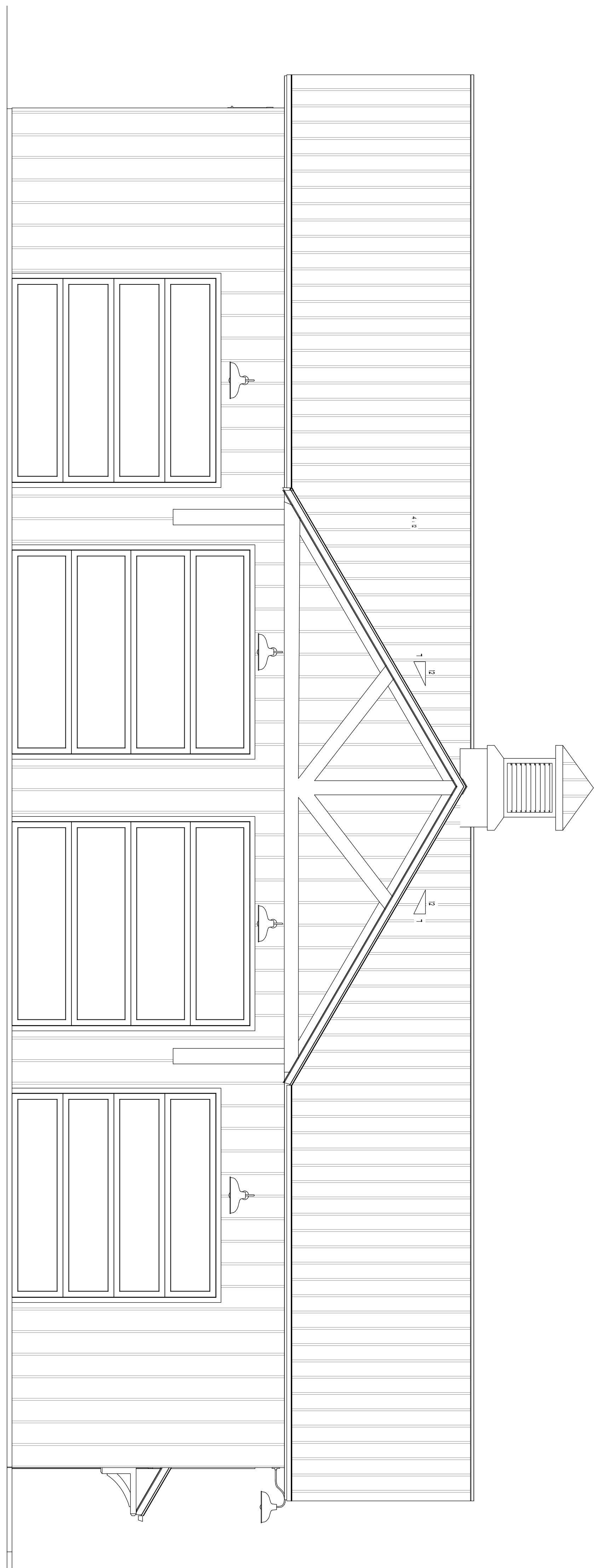
DATE: 2/25/2026

DRAWING #:

A-1

**RARE DESIGN**  
renovation and remodeling expertise  
EST. 2001

unique home design • creative transformations  
charming details • thoughtful planning  
carefully crafted remodeling • raredesigninc.com



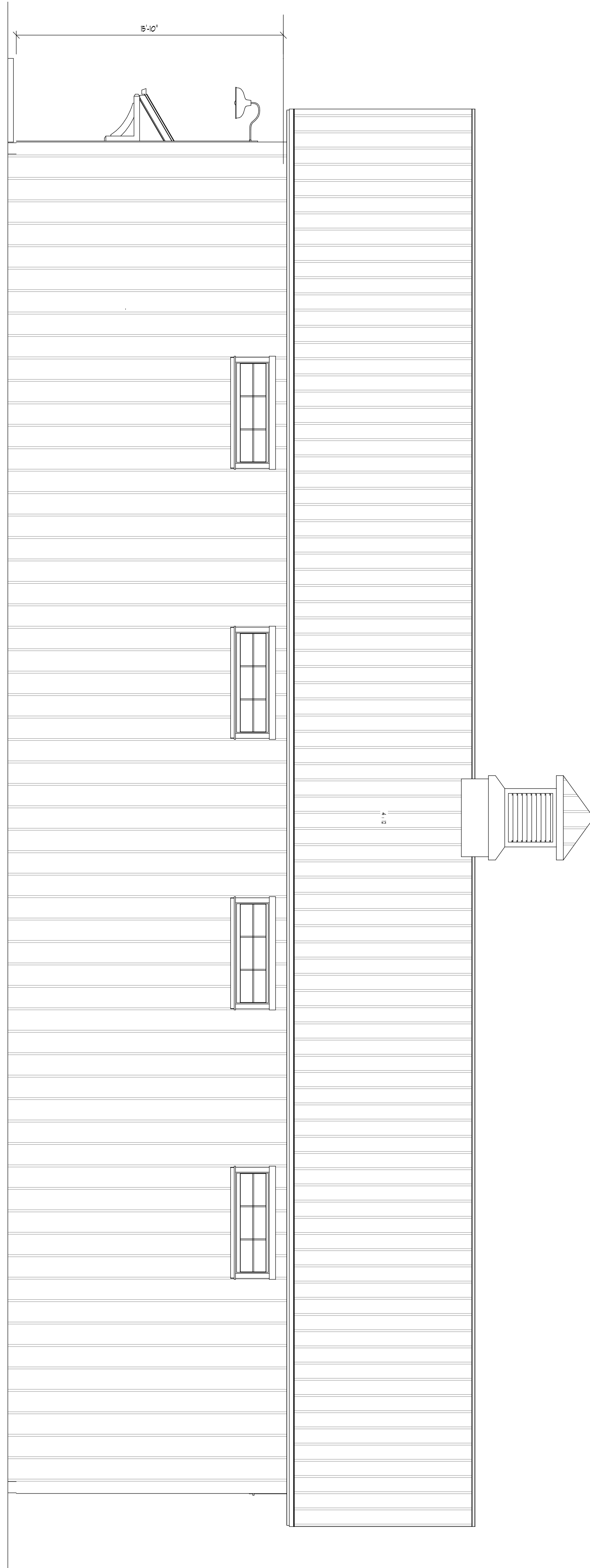
SCALE: 1/4"=1'-0"  
**FRONT ELEVATION**

ISSUE:	ALEXANDER GARAGE PLAN
DATE:	2/25/2026
DRAWING #:	<b>A-2</b>

FRONT ELEVATION
-----------------

  
**RARE DESIGN**  
 renovation and remodeling expertise  
EST. 2001

unique home design • creative transformations  
 charming details • thoughtful planning  
 carefully crafted remodeling • [raredesigninc.com](http://raredesigninc.com)



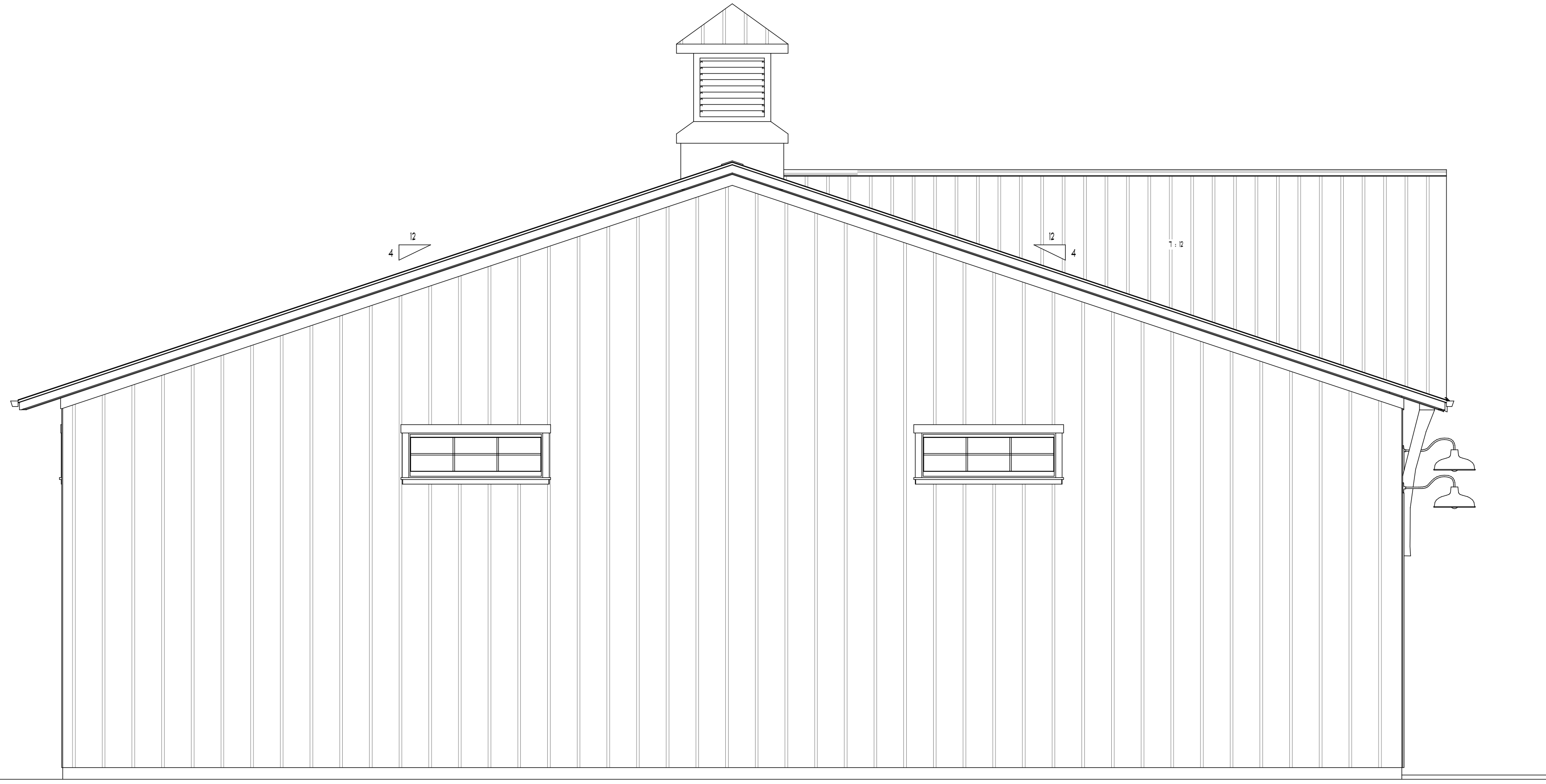
SCALE: 1/4"=1'-0"  
**REAR ELEVATION**

ISSUE:	ALEXANDER GARAGE PLAN
DATE:	2/25/2026
DRAWING #:	<b>A-3</b>

	REAR ELEVATION
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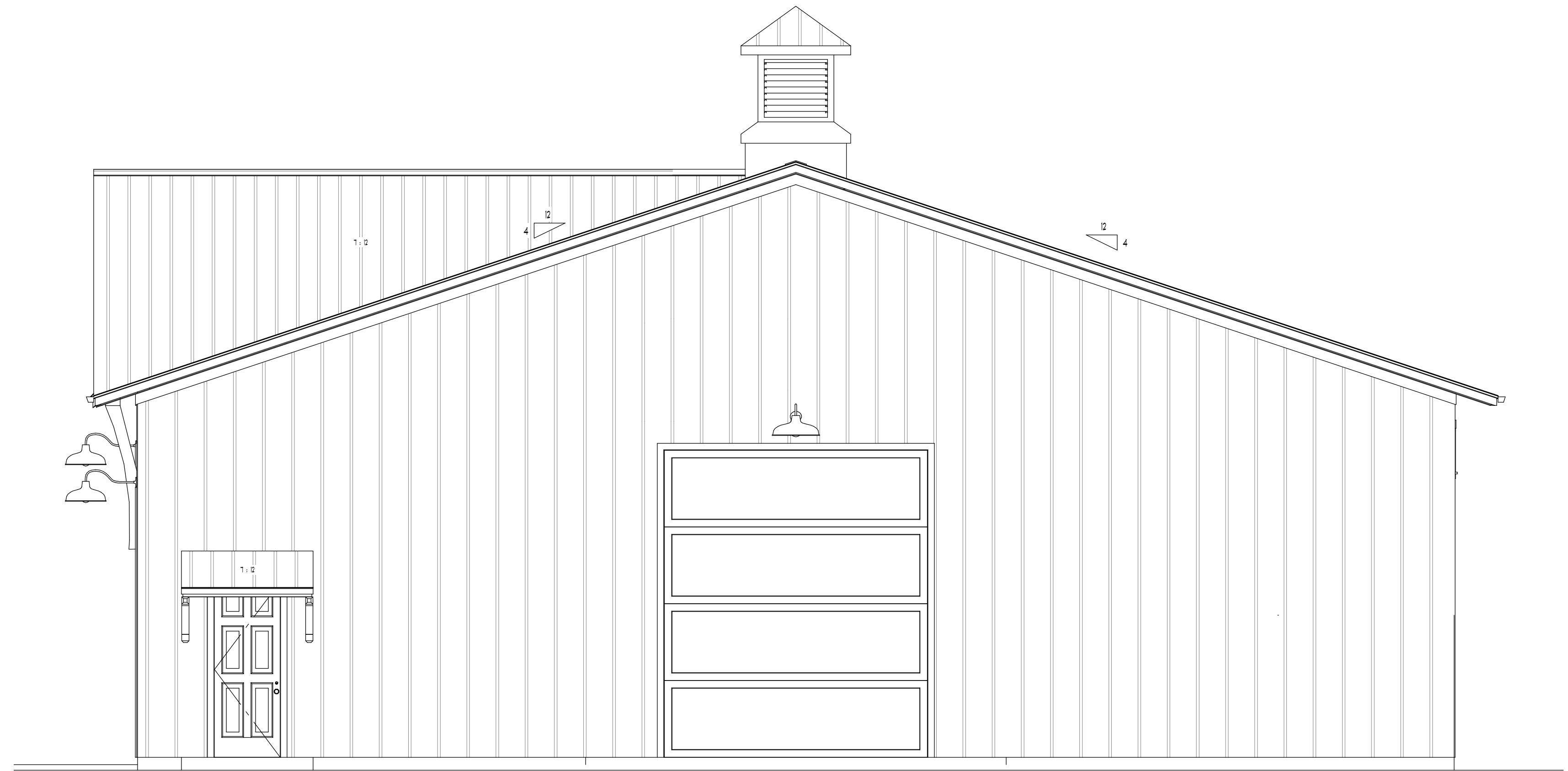
  
**RARE DESIGN**  
 renovation and remodeling expertise  
EST. 2001

unique home design • creative transformations  
 charming details • thoughtful planning  
 carefully crafted remodeling • [raredesigninc.com](http://raredesigninc.com)



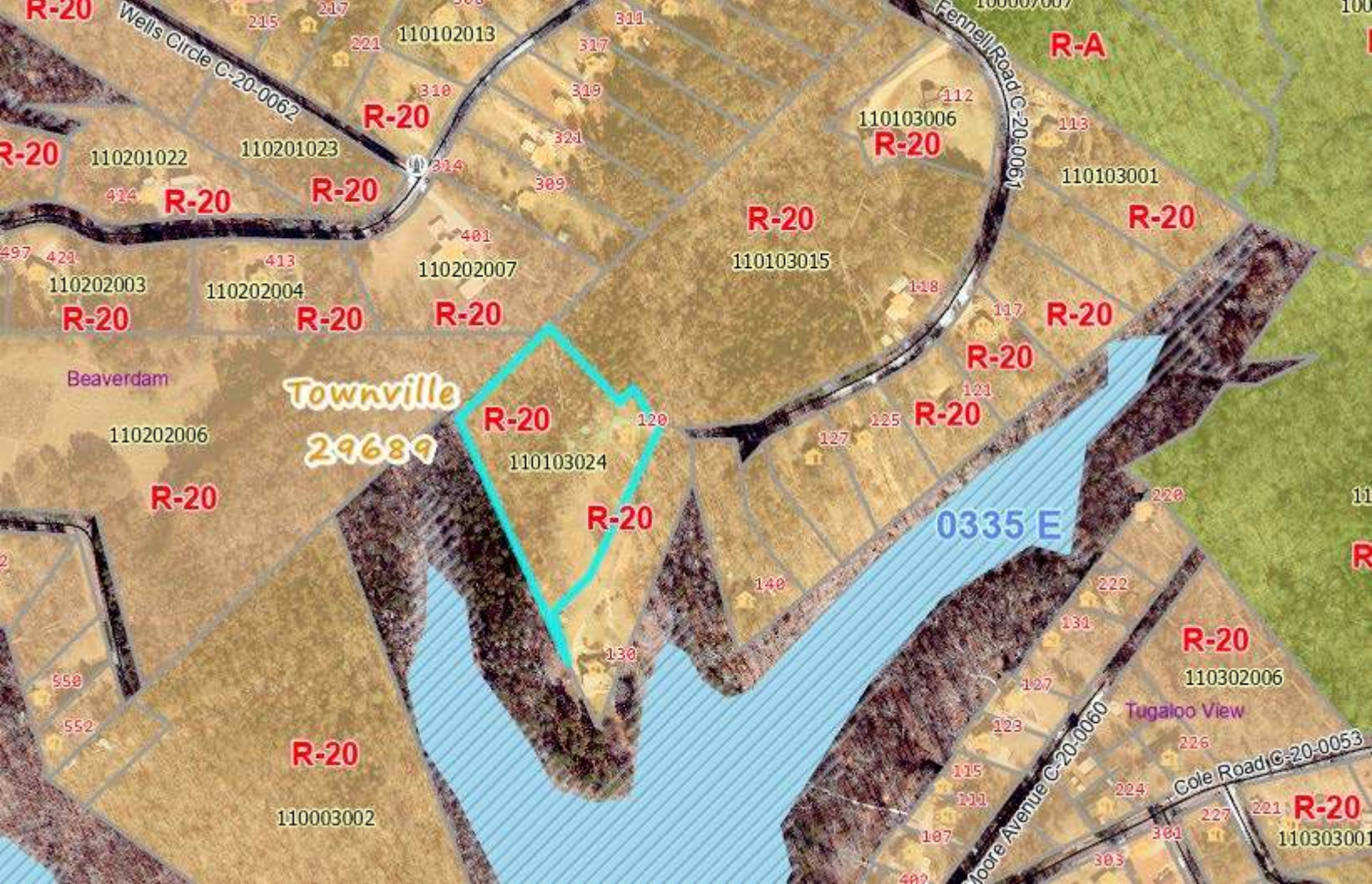
LEFT ELEVATION

SCALE: 1/4"=1'-0"



RIGHT ELEVATION

SCALE: 1/4"=1'-0"



Townville  
29689

R-20

R-20

0335 E

R-A

R-20

R-20

R-20

R-20

R-20

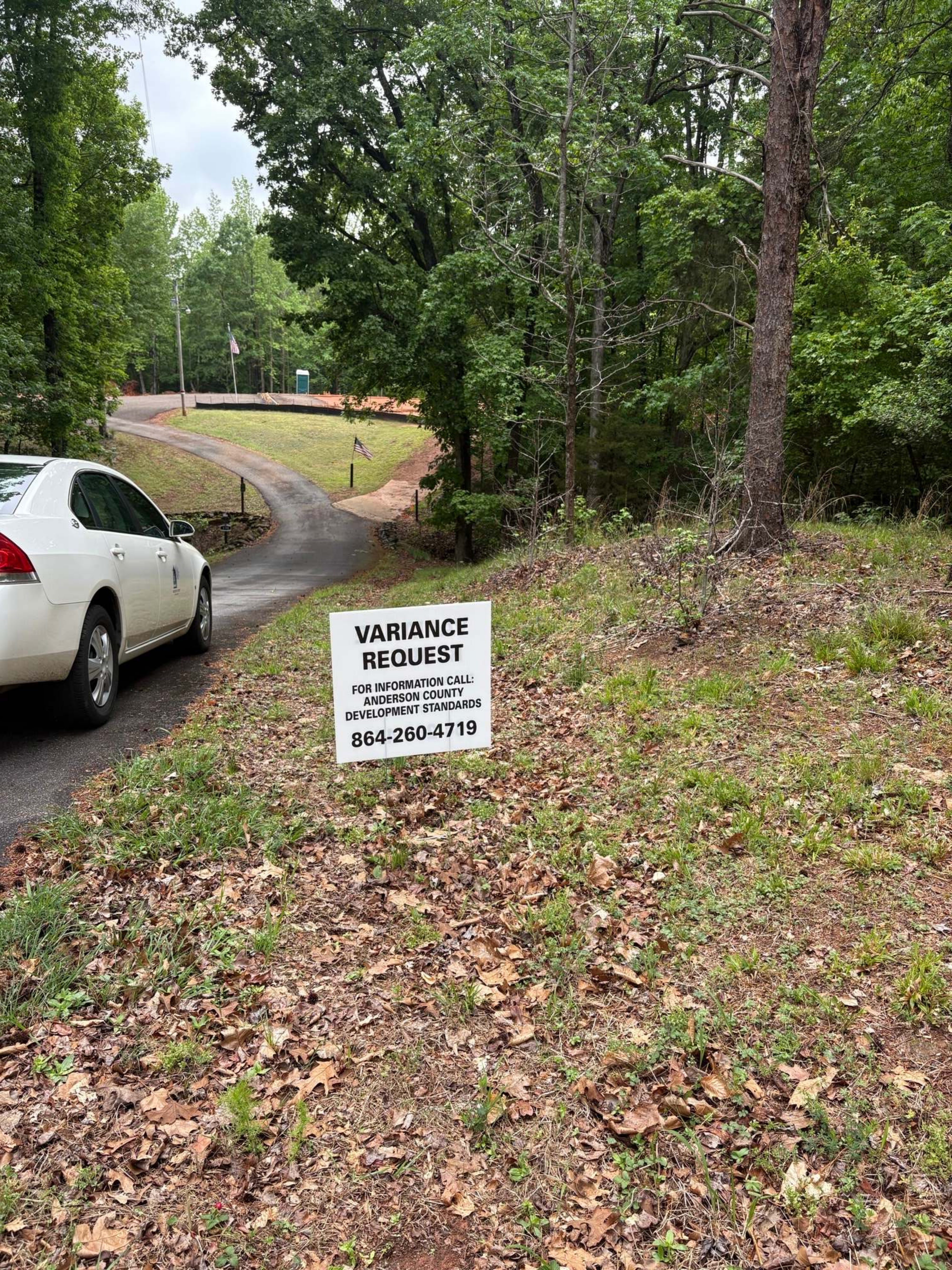
R-20

R-20

R-20

R-20

R-20



**VARIANCE  
REQUEST**

FOR INFORMATION CALL:  
ANDERSON COUNTY  
DEVELOPMENT STANDARDS

**864-260-4719**

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  
May 14, 2026  
5:15 PM

Applicant: Jason Eaton

Owner of Property: Deborah Whitlock

Property Location: 212 Points End

Council District: Five (5)

Tax Map Number (TMS): 67-01-01-017

Property Description: 1.30 AC

Current Zoning: R-20

Land Use: Singal Family Residential

Applicant Request: To install a lakeside personal storage and bath house across the street from owners' home, this is a hook parcel separated by Points End Road.

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

Staff Assessment:




- 1) The Applicant can meet all other setback requirements.
- 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-26-7**

 Jason Eaton  
 8645330694  
 jason@urcbuild.com

212 Points End  
Anderson, SC 29625

Submitted On: Mar 16, 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**

212 Points End

**Tax Map Number (TMS)**

670101017

**Is the Applicant the Property Owner?**

No

**County Council District?**

5

**Total Acreage**

1.3

**Is The Property Zoned?**

Zoned

**School District**

5

**Please check Which is Applicable**

Other

**If Other, Explain**

We are wanting to put a Lakeside storage and bath across the street from the owner's home. The current code prohibits buildings like this in the front. This lot is cut by the street and we believe this building will not deter the aesthetics of the property. It will look like a little house with a stone band to match the house across the street with doors and windows and vinyl siding. I am in the process of revising the plan and will update it before the deadline for the meeting.

**Purpose of Variance?**

We are wanting to put a Lakeside storage and bath across the street from the owner's home. The current code prohibits buildings like this in the front. This lot is cut by the street and we believe this building will not deter the aesthetics of the property. It will look like a little house with a stone band to match the house across the street with doors and windows and vinyl siding. I am in the process of revising the plan and will update it before the deadline for the meeting.

**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?**

03/09/2026

**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:**

I am not aware of any covenants

**Property Owner Information**

<b>Owner Name</b>	<b>Owner Address</b>
Debbie	212 Points End
<b>City</b>	<b>State</b>
Anderson	SC
<b>Zipcode</b>	<b>Phone Number</b>
29625	706-207-4835
<b>Email Address</b>	
dmwpoultryfarm@yahoo.com	

**For a variance to potentially be considered for approval by the Board of Zoning appeals the applicant must establish a hardship.**

<b>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.:</b>	<b>The applicant hereby request a variance to the Board of Zoning Appeals for the following reasons::</b>
--	---

**What are the extraordinary and exceptional conditions pertaining to the particular piece of property:**

This property is cut by points end drive and looks like another property all together. The building, although it will be used as a lakeside strage and bath will look the same as the house and will not be an aesthetic hinderance to the neighborhood. We are seeking a variance to create a convienent building for the use of the lake. This will be right near the access to the owner's dock. Putting this building behind the existing house will not be convienent for it's purpose.

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

The road cutting the property in two.

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

Utility buildings are allowed in the rear of the properties only.

**Application of the variance will not be of detriment to adjacent properties or to the public good and the character of the district will not be harmed by the granting of the variance for the following reasons:**

The building will be attractive and have similar finishes to the surrounding houses. The lot already looks like a seperate property and someone driving by woudn't know the difference.

**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**

03/16/2026

**Applicant Signature**





67R120001

67010120  
R-20

WHITNEY WAY

67010118

R-20

67010132  
R-20

67010116  
R-20

67010117  
R-20

67010131  
R-20

67010117  
R-20

R-20

67010120  
R-20

R-20

67010126  
R-20

POINTS END

R-20

67010122

67010123

671102001

WHITNEYWAY

670101013

670101032

670101016

670101018

670101017

670101031

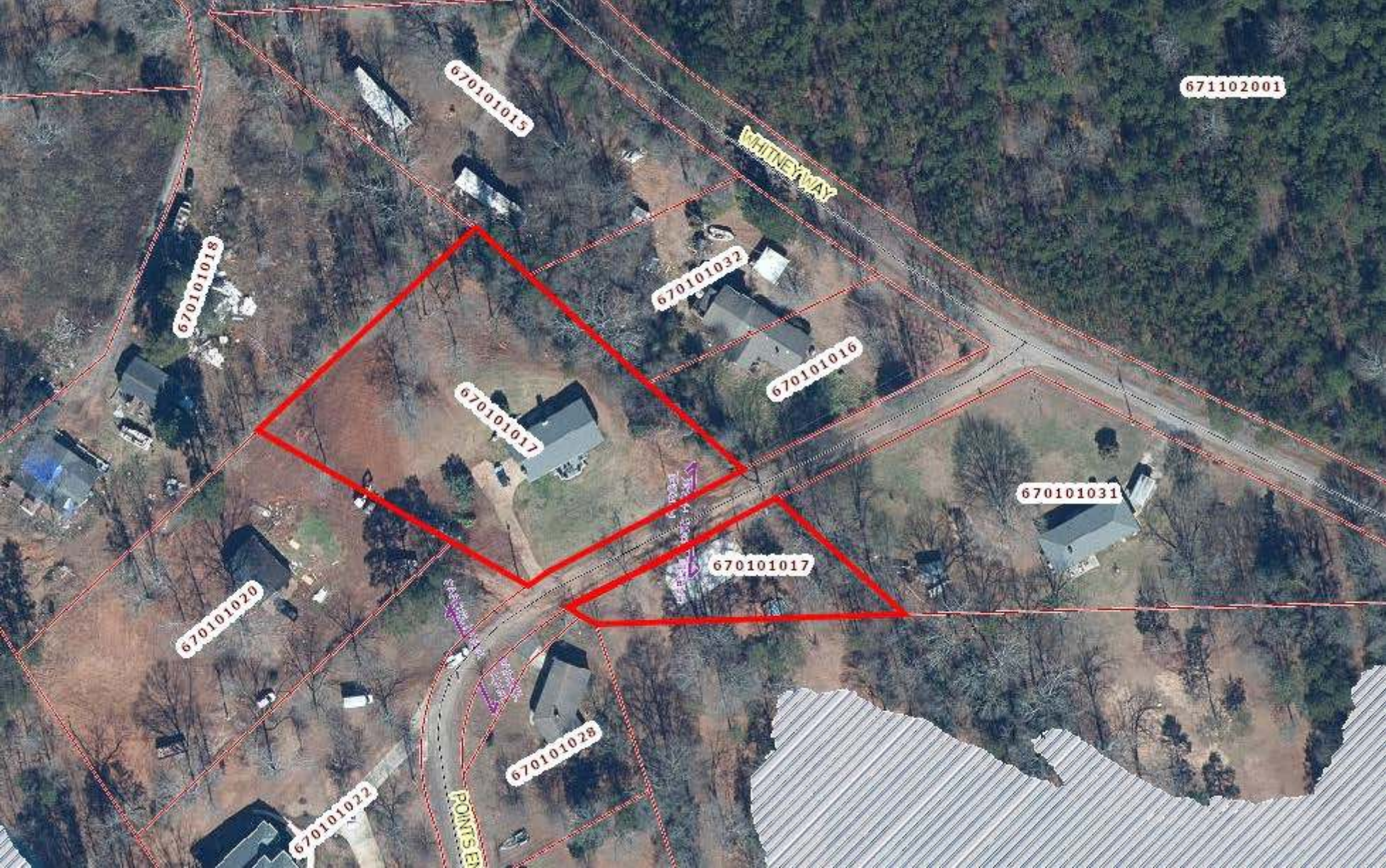
670101017

670101020

670101028

670101022

POINTS BLVD



**VARIANCE  
REQUEST**  
FOR INFORMATION CALL:  
ANDERSON COUNTY  
DEVELOPMENT STANDARDS  
**864-260-4719**

1123



Staff Report

Application for a Special Exception-Storage Facility & (Mini-Warehouse)  
Anderson County Board of Zoning Appeals Meeting-May 14, 2026

Applicant: Daniel Best

Owner of Property: Conner Turner

Development: Mini-Warehouses and Storage Facilities & RV Storage

Current Land Use: Vacant

Property Location: 110 Smith Motors Road, Belton

Council District: 7

Tax Map Number: 173-00-06-005

Acreage of Property: 16.76 acres

Current Zoning: C-2 (Highway Commercial District)

Surrounding Zoning Districts:

Requested Special Exception: The applicant is requesting a Special Exception to allow for the construction of a mini-warehouse storage facility/unconditioned storage unit facility with covered boat/trailer/rv storage. The applicant has provided a copy of the site plan for your review.

Findings of Fact: Chapter 48, Article 5, Section 5:17.2 in the Zoning Ordinance, Uses by Special Exception, mini-warehouses subject to the provisions of Section 7:16 must be met;

1. The use meets all required conditions.  
The use is not detrimental to public health or general welfare.
2. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services,
3. The use does not violate neighborhood character nor adversely affect surrounding land uses
4. The application meets the conditions

5. The proposed mini warehouse and storage units will not be detrimental to the public, nor will it violate the neighborhood.
6. Where sites abut residentially zoned properties buildings adjacent to the perimeter must face inward with the doors orientated to the interior of the site. This requirement is not applicable. (Commercial and Industrial zoning districts on both sides.
7. The facility shall not be utilized for the manufacture or sale of any commercial commodity or the provisions of any service, such as commercial repair of automobiles, boats, motors, or other items.
8. The facility shall not be utilized for the storage of flammable chemical substances.
9. A commercial land use permit will be required prior to commencing with development.
10. Encroachment permit, sewer or septic, storm water permit, grading permit and building permit are all required.
11. Bufferyard requirements must be met and installed abutting Highway 29 (arterial road) and along Smith Motors Road (local road) to meet the new bufferyard requirements in Ordinance 2025-012.

Staff Assessment: The application meets the requirements of Chapter 48.

RECEIVED  
03/27/26



# 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: Daniel Best

Mailing Address: P.O. Box 5174 Anderson, SC 29623

Telephone and Fax: \_\_\_\_\_ E-Mail: danny@leaseanderson.com

### Owner's Information

(If Different from Applicant)

Name: Connie Turner, Jeanette Turner

Mailing Address: 407 West Sundance Dr. Easley, SC 29642, 130 Ragsdale Rd. Greenville, SC 29611

Telephone and Fax: 850-687-4020, 850,642,1010 E-Mail: con.gillum@gmail.com  
djturner1@gmail.com

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.

Authentisign  
Connie Turner

Owner's Signature

Authentisign  
Doris Jeanette Turner

Project Information

03/24/26

Date

Property Location: 110 Smith motors Rd Belton, SC 29627

Parcel Number(s)/TMS: 173-00-06-005-000

County Council District: \_\_\_\_\_ School District: \_\_\_\_\_

Total Acreage: 16.76 Current Zoning: C2

Requested Special Exception: mini storage

Purpose of Special Exception: Build conditioned/unconditioned storage unit facility with covered boat/trailer/RV storage

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?  
Yes:  No:  Date visited ROD or Date searched online: 3/18/26

Private Covenants or Deed Restrictions on the Property: Yes  No

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

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application – pursuant to State Law (Section 6-29-1145: July 1, 2007) – determining existence of restrictive covenants. Copies may be obtain at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

For Office Use Only:

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

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

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

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

# Special Exception Application Checklist

## Anderson County Code of Ordinances Chapter 48 Zoning- Article 7.- Provisions for uses permitted by special exception

### Section 7:1.- General Provisions

The board of zoning appeals may issue permits for those uses permitted by special exception which are in accordance with the provisions of this chapter and the specific conditions set forth below. The board shall determine that:

- A. The use meets all required conditions.
- B. The use is not detrimental to the public health or general welfare.
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services.
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses.

## Anderson County Code of Ordinances Chapter 48 Zoning- Article 9.- Board of Zoning Appeals Section 9:5.-Powers and Duties

Section 9:5.1 Review. The board shall hear and decided appeals where it is alleged there is error in any order, requirements, decision, determination made by the zoning administrator in the enforcement of this chapter

Section 9:5.3 Uses permitted by special exception. The board of zoning appeals may hear and decide upon uses permitted by special exception specifically authorized by the terms of this chapter. A use permitted by special exception shall not be authorized by the board unless and until:

- A. A written application is submitted.
- B. Notice shall be given at least 15 days in advance of a public hearing in a newspaper of general circulation.
- C. The request has been referred to the appropriate zoning advisory group for review and report to the board of zoning appeals. The planning commission staff will also refer the request to the appropriate zoning advisory group for review and report to the board of zoning appeals. The zoning advisory group will meet in public sessions and shall provide a written report and recommendation.
- D. A public hearing shall be held.
- E. The board shall make findings.
- F. The board shall make written findings certifying compliance with the regulations governing the special use.

### The following checklist is to aid the applicant in providing the necessary materials for submittal.


#### Application Submittal Requirements

- Completed and Signed Special Exception Application
- \$325 Processing Fee
- Site Plan or diagram of property for the proposed special exception
- Clear Statement of why the special exception is being requested
  
- Valid contact information on application
- Covenants and Deed Restrictions (Can be obtained from Anderson County Register of Deeds)

**The Development Standards Staff will recommend approval or denial to the Board of Zoning Appeals at a scheduled Public Hearing . Applicants are notified of the date, time, and location of this meeting, and must attend in case questions arise. The Board of Zoning Appeals will make the final decision.**

**As the applicant, I hereby confirm that the required information and materials for this application are authentic and have been submitted to Development Standards.**

  
Applicant's Signature

  
Date



PITCH  
NA

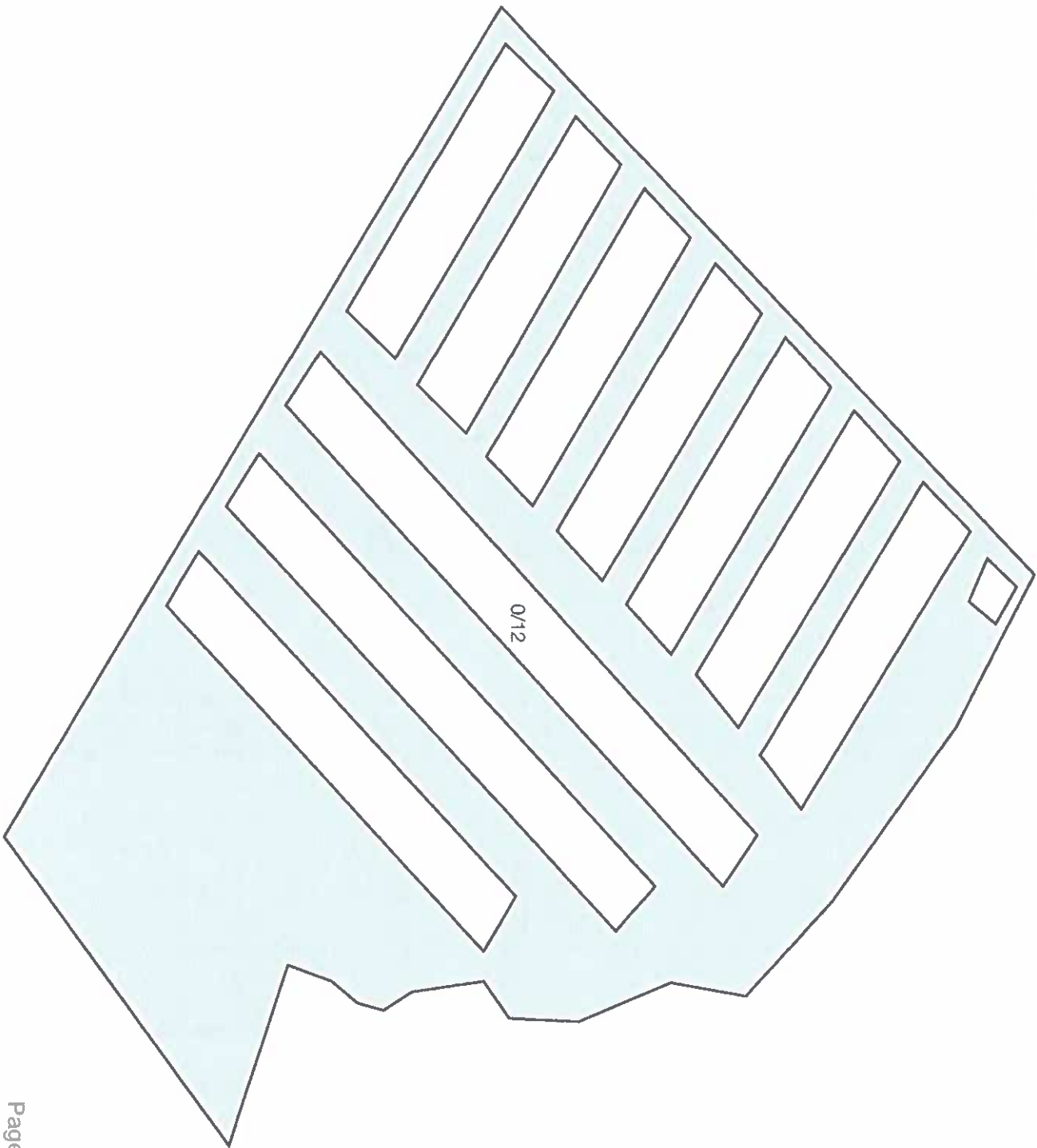


Pitch Scale:

24/12



0/12



2018/10

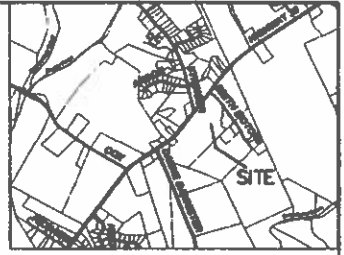
LINE	BEARING	DISTANCE
L1	S89°43'0"E	65.67'
L2	S57°43'0"E	55.89'
L3	S41°04'40"E	185.70'
L4	S30°18'11"E	265.70'
L5	S15°17'53"E	118.80'
L6	S1°25'18"W	51.47'
L7	S07°30'48"W	51.50'
L8	S05°25'28"W	504.05'
L9	S3°11'10"E	60.00'
L10	S07°32'18"E	174.57'
L11	S44°03'29"W	40.30'
L12	S03°17'39"E	87.15'
L13	S02°47'11"E	43.51'
L14	S11°47'10"W	43.74'
L15	S20°33'13"W	54.72'
L16	S14°02'11"W	65.21'

**Development Standards Approval**

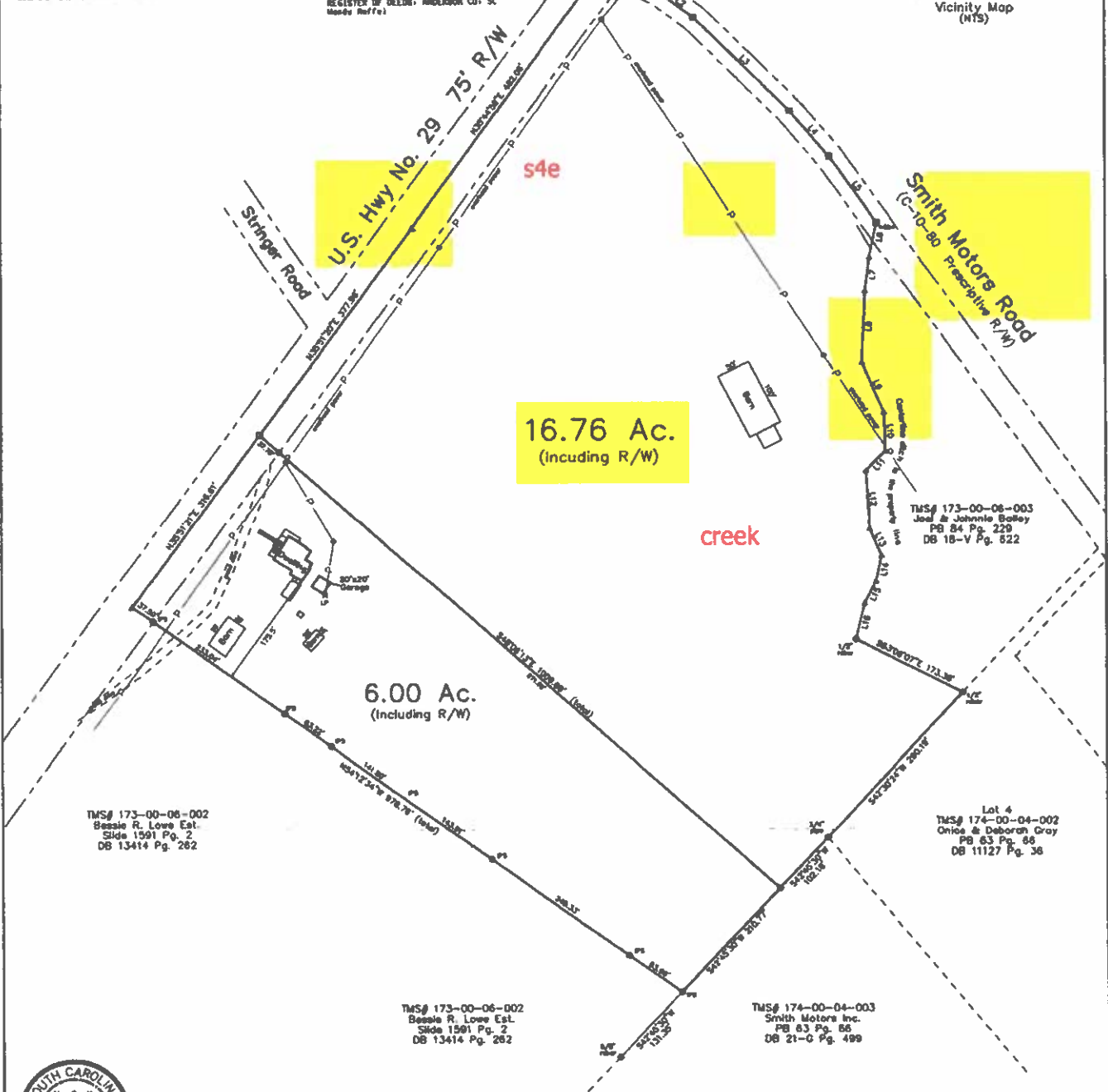
THIS IS NOT A SUBDIVISION AS DEFINED BY ANDERSON COUNTY SUBDIVISION REGULATIONS  
*1/2" scale, 175A base*  
 SUBDIVISION ADMINISTRATOR DATE

200013421 6/04/2020 Bl: 82678 Pt: 00010

200013422 6/04/2020 07:08:47 PM  
 FILED, RECORDED, INDEXED  
 Bl: 82678 Pt: 00010 Pages: 001  
 Sac Feet: 79.00 St Feet:  
 Co Feet:  
 REGISTER OF DEEDS, ANDERSON CO, SC  
 Made Public



Vicinity Map (NTS)



TMS# 173-00-06-002  
 Bessie R. Lowe Est.  
 Side 1591 Pg. 2  
 DB 13414 Pg. 262

6.00 Ac.  
 (Including R/W)

16.76 Ac.  
 (Including R/W)

creek

TMS# 173-00-06-003  
 Joel & Johnnie Botley  
 PB 84 Pg. 229  
 DB 18-V Pg. 522

Lot 4  
 TMS# 174-00-04-002  
 Onica & Deborah Gray  
 PB 83 Pg. 66  
 DB 11127 Pg. 36

TMS# 173-00-06-002  
 Bessie R. Lowe Est.  
 Side 1591 Pg. 2  
 DB 13414 Pg. 262

TMS# 174-00-04-003  
 Smith Motors Inc.  
 PB 83 Pg. 66  
 DB 21-C Pg. 499



I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein, and there are no other encumbrances or restrictions other than those shown.

*[Signature]*  
 Earl B. O'Brien A.L.S. No. 10755

**NOTES**  
 1) Parent TMS# 173-00-06-006  
 2) Reference Side 2308 Pg. 7  
 3) Reference Deed Book 13003 Pg. 304  
 4) Except as specifically stated or shown on this plot, this survey does not purport to reflect any of the following which may be applicable to the subject property: easements, other than easements shown, which were valid at the time of making of this survey; building setbacks; local restrictive covenants; subdivision restrictions; zoning or other land-use regulations; and any other facts that an accurate and current title search may disclose.

Map #	Surveyed By	Drawn By	Checked By
10480-DIV	GK.B.L.S.G	JE	EBO

THIS DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF NU-SOUTH SURVEYING, INC. THE REPRODUCTION, COPYING OR USE OF THIS DRAWING WITHOUT WRITTEN CONSENT IS PROHIBITED AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.

**Legend**

(Old)	(New)
●	○ 1/2" Rod
■	□ Mag Nail
△	Computed Pt.

Survey and Certification for

*Index*  
**Connie Reeder**

NON-Transferable

(Revised April 10, 2020; to add into § 8 & 16.76 Ac. Tracts.)

Anderson County South Carolina  
 Scale 1" = 100' Date: Sept. 20, 2018

100 0 100 200

**Nu-South Surveying Inc.**  
 117 E. Main St.  
 Anderson, S.C. 29621  
 (864) 224-2754



1730006004

1730006003

1740004001

1740004002

1730006005

1730006006

1730006007

1730003001

1730003002

1730003003

1730004020

1730006002

1730003015

1730101001

1730004033

1730101011

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1730101010

1730101020

1730101019

1730004043

1730004025

1730004021

1730004022

1730004023

1730004024

1730004025

RINGER RD

ARBOR LN

SMITH

EDGEWATER

79

1740004003

1740004004

1740004005





**BLOE  
JA  
BARN**

**8 6 4 7 7 5 0 3 0 2**



**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  
May 14, 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@rockcreeklandscapes.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 Liscense 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 were told there were no rental restrictions. When the home was purchased on July10, 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\*

—

---

## 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



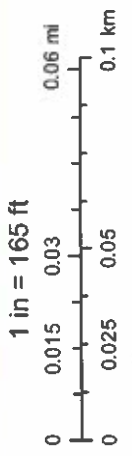


# Anderson County



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  
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

W. JERRY FIDDER  
WILLIAM F. DEASCH  
Attorneys at Law  
South Palmetto Street  
Beaufort, N. C.

R:10  
R:9  
R:8  
R:7

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

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.

R:10  
R:9  
R:8  
R:7

HALF SIZE (M 1/2)

W. JERRY FERRER  
WILLIAM F. DENNER  
Attorneys at Law  
South Fairplay Street  
Barnett, S. C.

R:10

R:9

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)

R:7  
R:8  
R:9  
R:10

W. FINEY FERRER  
WILLIAM F. DURRANCE  
Attorneys at Law  
South Parkway Street  
Bakers, S. C.

any

R: 10

R: 9

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.

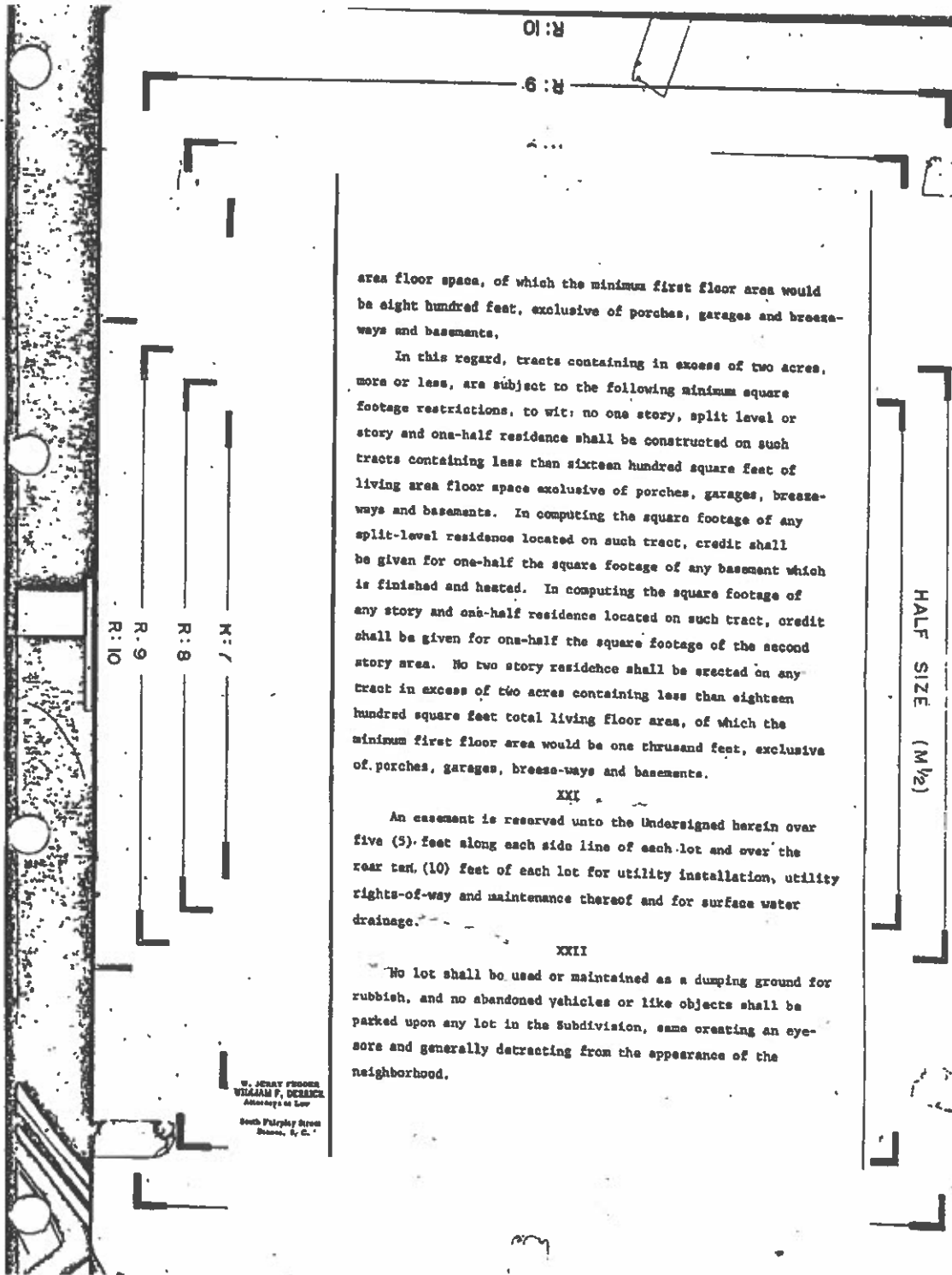
XX

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<sup>1/2</sup>)

R: 10  
R: 9  
R: 8  
K: 7

W. SPRAY FENNER  
WILLIAM P. DEBENCH  
Attorneys at Law  
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.

W. SHAY FURBER  
WILLIAM F. DICHAUX  
Attorneys at Law  
South Fairfax Street  
Dunn, N. C.

R: 10

R: 9

R: 8

R: 8  
R: 9  
R: 10

HALF SIZE (M 1/2)

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.

R: 10  
R: 9  
R: 8

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, cefp*

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

HALF SIZE (1/2)

R: 8  
R: 9  
R: 10

W. JERRY PEDER  
WILLIAM F. GERRICK  
Attorneys at Law  
South Palmetto Street  
Duncan, 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  
May 14, 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: \_\_\_\_\_

## 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  
ANDERSON, SOUTH CAROLINA 29621  
(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



LIFE MEMBER  
MILLION DOLLAR ADVOCATES FORUM  
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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  
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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**

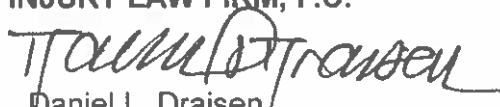
all doubts resolved in favor of the free use of property." Taylor, 332 S.C. at 5, 498 S.E.2d at 864 (citation and quotation marks omitted). However, this rule of strict construction " 'should not be applied so as to defeat the plain and obvious purpose of the instrument.' " McClellanville, 345 S.C. 617,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



ARROWHEAD PT

260401020

260401021

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R: 10

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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>)

R: 10  
R: 9  
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.

R:10  
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HALF SIZE (1/2)

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

R: 10

R: 9

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)

R: 7  
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R: 10

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

R:10

R:9

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.

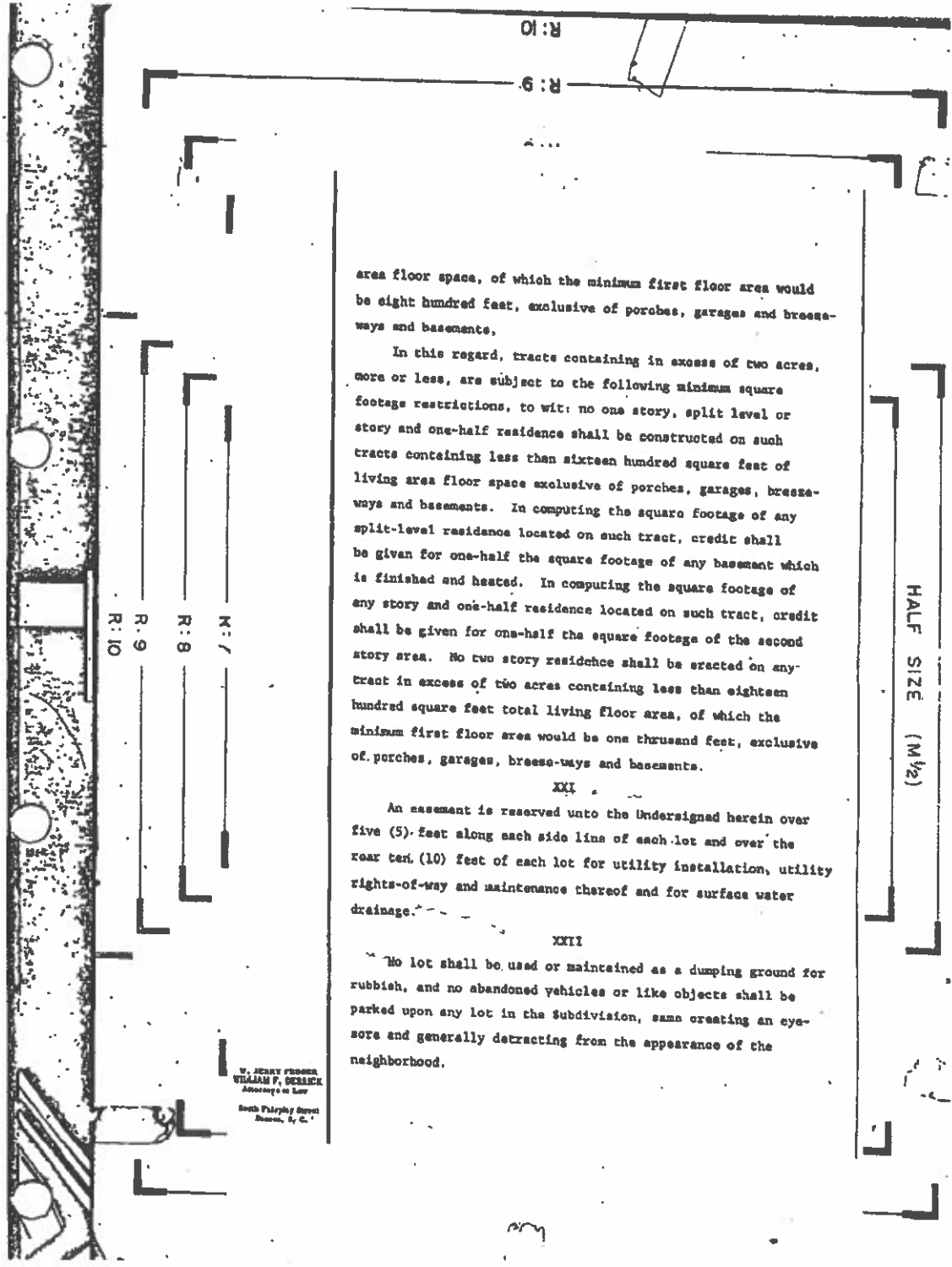
XIX  
 No exposed concrete block shall be allowed. Finishes such as brick, stucco or siding shall be required on all exterior walls above ground.

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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K:1

W. JERRY FENNER  
 WILLIAM F. DENNEY  
 Attorneys at Law  
 South Palmetto 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.

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.

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

R:10

R:9

R:8

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  
R:9  
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

R:8

Signed, Sealed and Delivered  
in the Presence of,

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

GATECHEE DEVELOPMENT COMPANY (SEAL)

By: *Rebecca D. Pruitt*

And: *Rachel D. Pruitt*

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. Pruitt* (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

R:8  
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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**