



Greenville County Board of Zoning Appeals

(864) 467-7425

www.greenvillecounty.org

MEETING MINUTES

JULY 14, 2021

Board Members Present:

1. Barber, Teresa
2. Farrar, Brittany
3. Godfrey, Laura
4. Hamilton, Paul
5. Hattendorf, Mark – Vice Chairman
6. Hollingshad, Nicholas – Chairman
7. Matesevac, Kenneth
8. Shuman, Michelle
9. VACANT SEAT

Board Members Absent: N/A

Staff Present:

1. Joshua Henderson – Zoning Administrator
2. Meagan Staton – Deputy Zoning Administrator/Principal Planner
3. Austin Lovelace – Principal Planner
4. Brook Denny – Planner

The Greenville County Board of Zoning Appeals held its monthly meeting on Wednesday, July 14, 2021, at 3:00 p.m. in Conference Room D at Greenville County Square. Notice of this meeting was appropriately posted in the *Greenville Journal*, at the County Council office and on the County website. Due to the Covid-19 pandemic, some members of the Board participated electronically via Zoom.

1. **Call to Order:** Vice Chairman Mark Hattendorf called the meeting to order at 3:00 p.m.
2. **Invocation/Pledge:** Conducted by Mr. Kenneth Matesevac.
3. **Roll Call:** Attendance was taken by Mr. Joshua Henderson. Chairman Nicholas Hollingshad and Ms. Brittany Farrar participated in the meeting electronically via Zoom.
4. **Approval of Minutes and Adoption of Final Decisions and Orders of June 9, 2021:** The minutes were individually reviewed by the board. Ms. Teresa Barber called out a correction in the listed members of staff. Ms. Michelle Shuman called out a correction on CB-21-35 Board Member Vote Sheet. The result remained unchanged.

Ms. Teresa Barber and Chairman Hollingshad made a motion to approve the minutes as amended and adopt the final decisions and orders. Ms. Laura Godfrey seconded the motion. There was no objection. The motion carried, resulting in a vote 8-0 in favor. There was one vacant seat.

5. **Hearing Procedures/Regulations:** Vice Chairman Hattendorf stated the purpose and provided an overview of the procedures for Board of Zoning Appeals hearings for the benefit of the applicants and visitors present. Ms. Meagan Staton introduced the PowerPoint into the minutes as an exhibit and stated the conditions under which decisions and rulings may be made by the Board of Zoning Appeals as outlined in the Greenville County Zoning Ordinance, including Section 3:4.1, Section 11:1.

6. **New Business**

- i. **CB-21-39** – Benjamin D. & Marcia G. Purcell

Background

This property is located on Gosnell Circle of Robertson Road northwest of the intersection of Waddell Road and Rutherford Rd in Greenville.

The applicant is requesting a Variance to allow placement of a structure in the front yard and a 20 foot variance from the front setback requirements, as well as a Use by Special Exception to allow for the expansion of a non-conforming use.

Findings of Fact

On Tuesday, June 29, 2021, Staff photographed and inspected the property to ensure the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance.

Zoning Ordinance, Section 7:3, Table 7.3 – Setback/Height Requirements for the I-1 District;

FRONT = 50' from edge of road R.O.W.
SIDES = 25' from property line
REAR = 25' from the Rear property line

The applicant is requesting a Variance of 20 feet from the front setback.

Zoning Ordinance, Section 3:4.1 – Consideration of Variances:

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

Zoning Ordinance, Section 9:3.3, Expansion of Nonconforming Structures:

Nonconforming structures existing at the time of adoption of this Ordinance or structures made nonconforming as a result of road improvements may be expanded in any zoning district provided that the expansion conform to the setback requirements provided in the zoning district in which such structures are located. The Board of Zoning Appeals may permit expansion in to the required setback area.

Based on the results of research and recent survey, a Use by Special Exception will be required to bring the property into compliance for a clean record.

Zoning Ordinance, Section 11:1 - General Provisions for Uses Permitted by Special Exception states:

The Board of Zoning Appeals may grant permission for those uses permitted by special exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth in this section.

The Board shall consider the following factors:

- 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;
- D. Fire and police protection, waste disposal and similar services;
- E. The use will not violate neighborhood character nor adversely affect surrounding land uses.

The representative present for this application was Mr. Benjamin Purcell.

There was no opposition, present or submitted, to this application.

Ms. Meagan Staton presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1 and Section 11.1, as previously read into the record.

Mr. Purcell presented the application to the Board. He informed the board of large oak trees in his rear yard preventing him to place the structure behind the home and his desire to not remove this natural vegetative buffer to the industrial business behind his property

Conclusions of Law

The application was reviewed by the Board. In response to a question from the Board, Mr. Purcell stated that his oak trees are healthy and viable. Mr. Purcell further explained the proposed size of the building in response to a question by the Board.

In response to a question towards staff, Mr. Joshua Henderson explained the setback that would be required if the property was zoned residentially. Additionally, Mr. Henderson explained to the Board how to identify the front, sides, and rear yards for the property in question, and what specifically the expansion of the non-conformity was.

With reference to the request for the Variance, Chairman Hollingshad made a motion to grant the Variance based on the conditions as outlined in Section 3:4.1 being met; particularly:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *the orientation of the house, the orientation road relative to the house, the placement of the house relative to property lines, and the size of the backyard;*
- B. These conditions do not generally apply to other property in the vicinity; *this is an industrial zoned piece of property that has been residential and this does not apply to other properties in the area;*
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; *if he did try and squeeze the building in the backyard, the location would be poorly located for his desires, and would destroy vibrant trees;*

- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance; *given location within the property, the property itself, and what surrounds the property.*

Staff confirmed with Chairman Hollingshad that his motion to grant the Variance was in reference to both Variances requested. Chairman Hollingshad confirmed.

Mr. Paul Hamilton seconded the motion. There was no opposition. The motion carried, resulting in a vote of 8-0 in favor. There was one vacant seat.

With reference to the request for the Use By Special Exception, Chairman Hollingshad made a motion to Grant the Use By Special Exception based on the conditions as outlined in Section 11.1 being met; particularly:

- A. The use meets all required conditions; *per testimony of the applicant and presentation by staff, this will meet all conditions;*
- B. The use is not detrimental to the public health or general welfare; *this would not have any impact on anything beyond the applicant's property;*
- 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; *this is a large piece of property and this will be a small area.*

Ms. Teresa Barber seconded the motion. There was no opposition. The motion carried, resulting in a vote of 8-0 in favor. There was one vacant seat.

ii. **CB-21-40**– James Keel & Ronald Reekes-Wendell

Background

This property is the proposed site of a new Greenlink facility, located on Arcadia Drive near the intersection of Arcadia Drive and Rutherford Road, and contiguous to the City of Greenville.

The applicant is requesting a Use by Special Exception to allow for a Governmental Facility in an R-7.5, Single-Family Residential District.

Findings of Fact

On Tuesday, June 29, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign(s) had been posted as required by the Greenville County Zoning Ordinance and photographs were taken.

Zoning Ordinance, Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "Governmental Facilities and Operations" as a Use by Special Exception in the R-7.5, Single-Family Residential District.

The site plan submitted reflects parking, screening, and buffering requirements for the existing use/site. The plan review/permit process will ensure compliance prior to issuance of a C.O.

Zoning Ordinance, Section 11:1 - General Provisions for Uses Permitted by Special Exception states:

The Board of Zoning Appeals may grant permission for those uses permitted by special Exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth in this section.

The Board shall consider the following factors:

- 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.

Representatives present for this application were Mr. Ronald Reekes- Wendell and Mr. James Keel.

There were three people who spoke in opposition to this application.

Ms. Meagan Staton presented the facts as they pertained to the Greenville County Zoning Ordinance, particularly Section 11.1, as previously read into the record. Ms. Staton called the Board's attention the interpretation of the site plan, concept plan, architectural renderings, and photometric plan submitted.

Vice Chairman Mark Hattendorf called the Board's attention to the letters of support submitted to the Board.

Mr. Reekes presented the application to the Board. He informed the Board of the Federal Transit Administration (FTA) strict requirements which has 19 different areas which Greenlink must meet with this project. FTA has signed off that the plan meets their requirements. Mr. Reekes also called the Board's attention to the history of the property and the future land use of the property. Mr. Reekes explained the assets of the plan, including the park-like area creates a natural buffer and creates public amenities for the neighborhood to use, and that there will be a community room that will pay tribute to the Washington Heights High School. The amenity area includes walking trails, pavilions, a memorial, and community room.

Ms. Angelica Childes, New Washington Heights Neighborhood Secretary, spoke to the Board of the overall opposition of the neighborhood due to the environmental impact, emotional impact, increased traffic, and decreased property values. Ms. Childes requests conditions be made to ensure the project does not violate neighborhood character. Ms. Childes proposed a condition requiring 75% of the property or greater to include recreational areas including playgrounds and walking trails for the neighborhood to use.

Ms. Charity OJones, a long-time resident of New Washington Heights and President of the Community Association, informed the Board of the neighborhood's desire to see both Greenville and Greenlink grow. Ms. OJones made reference to the testimony given by Ms. Angelica Childes, but also asked the Board to consider if they would want this facility in their backyard.

In response to a question, Mr. Reekes informed the Board that the amount of community space on the site as proposed is close to 25%, whereas the amount of greenspace is approximately 45% of the site. Mr. Keel informed the Board the breakdown of the use of the proposed community room and how it is foreseen for the community room to operate. Mr. Keel also informed the Board of the current state of the property and answered questions regarding maintenance of the site.

In response to a question, Ms. Childes request a condition that all the amenities shown be required rather than proposed, the 25% to be increased, and having an indoor recreation facility would be beneficial to the community.

Mr. Joshua Henderson provided clarification to the Board regarding the letters of support submitted to staff. Additionally, Mr. Henderson provided information on the council representative for the area.

Ms. Michelle Shuman asked the applicant why they were not requesting rezoning of the property to a review district to allow for the use. Mr. James Keel informed the Board that the reason for pursuing a Use by Special Exception request over rezoning was due to federal funding and due to the lifespan of 40 years of a transit facility that keeping a residential zoning on the property would be useful in the future, whereas rezoning would lock the property in forever.

In response to a question, Mr. Joshua Henderson informed the Board that without conditions, there are no constraints requiring the community areas be installed. Vice Chairman Hattendorf expressed concerns of the community facilities never being built.

Mr. Keel called the Boards attention to the breakdown of funding the project which has three main revenue sources the Federal Government, City of Greenville, and Greenville County. Mr. Keel stated that any conditions relating to a park will come from the funds given by Greenville County or potentially from other agencies or philanthropic donors. Additionally, Mr. Keel informed the Board of the strict requirements of FTA, specifically that a site plan must be submitted to acquire funds and any change of the site plan must be brought back before FTA for approval therefore the site plan as presented is what will be built without additional federal oversight. Further, Mr. Reekes explained what FTA money can be spent on that being only transportation-related expenses.

In response to a question, Mr. Keel explained to the Board the options available to Greenlink if the application was declined by the Board.

Mr. Reekes answered questions from the Board regarding public access to the site as it is proposed. Mr. Keel elaborated to the Board of the scope of a maintenance facility, including hours of operation, and volume of traffic.

Mr. Steve Fowler approached the Board to inform the Board of the history of the site including a proposal between Greenville County and Furman University to develop the site for the community and honor the high school. Additionally, Mr. Fowler informed the Board to the lack of maintenance to the site and the wildlife that is coming into the area due to tall grass.

Conclusions of Law

The application was reviewed by the Board. Chairman Hollingshad made a motion to approve the Use by Special Exception as on the following basis; particularly:

- A. The use meets all required conditions; *testimony and information provided by applicant and staff during discussion suggests that the project will meet all required conditions;*
- B. The use is not detrimental to the public health or general welfare; *the applicant has explained the design features that were taken to minimize the impact on the surrounding community for this project;*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *this is a transportation facility and is one that is needed to improve the public transportation system and mobility of Greenville County;*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *design features mentioned will ensure that this can be constructed and operated in a way that will not violate neighborhood character or adversely affect surrounding land uses especially Washington Heights Neighborhood.*

Chairman Hollingshad added the following condition of approval; *the amenities as shown within the site master plan are to be constructed and installed within 12 months after completion of the other facilities.*

Mr. Paul Hamilton and Mr. Matesevac seconded the motion. Mr. Matesevac made the following amendment; *the amenities be substantially equivalent or exceeding those shown on the site mater plan.* Chairman Hollingshad agreed to the amendment.

Discussion between board members and staff clarified what is to be considered substantially equivalent or exceeding. In response to a question, Chairman Hollingshad provided clarification to the specific amenities which must be constructed and installed within 12 months of the completion of the other facilities, and clarified the time frame which said items are to be installed after concerns on funding. The following amenities items were mentioned as the list of key amenities being required in the motion; *undeveloped and landscaped open space with the same configuration and acreage as shown in the site master plan, trail system that is substantially the same as presented in the site master plan ensuring there is easy pedestrian access to all the amenities, landscaping elements of the master plan be equal or greater than what is shown, open areas and playing fields, covered picnic tables and seating, playground, and the school memorial all as shown on the master plan.*

Ms. Laura Godfrey offered gratitude to Chairman Hollingshad for the descriptive list to clarify what was intended in the motion. Ms. Godfrey suggested adding parking access for mobility impaired to list of clarifications on the amenities in questions. Chairman Hollingshad agreed to the amendment.

Staff answered questions from the board regarding requirements during the permitting process and how the time limitation will work. Both Mr. Paul Hamilton and Mr. Kenneth Matesevac agreed to the amendments as discussed.

The motion carried, resulting in a vote of 7-0 in favor. Vice Chairman Hattendorf did not cast a vote. There is one vacant seat.

iii. **CB-21-41**– Dana Emberton, Immanuel Lutheran Church

BACKGROUND:

This property is located on Woodruff Road near the intersection of Woodruff Road and South Bennetts Bridge Road, near the Five Forks Library Branch.

The applicant is requesting a Variance to allow for a larger new sign for the property and a Use by Special Exception to allow for an electronic reader board on a residentially-zoned parcel.

There have been several applications to the BZA in the past, with the most recent being CB-21-15.

FINDINGS OF FACT:

On Tuesday, June 29, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign(s) had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Sign Ordinance, Section 8.5. Use Area Regulations: Any sign permitted in this subsection shall be placed in accordance with the provisions of Section 19.5.1. unless otherwise provided for in this subsection.

Section 8.5.1-B Multifamily Residential. Multifamily or Multi-Dwelling residential development signs shall be regulated as follows:

Type: Freestanding

Number: 1 two-sided sign per entrance or two separate sign faces may be used in conjunction with a wall, fence or other architectural entrance feature

Size: 50 square feet (sign face)

Height: 8' maximum

Section 8.5.1-C Non-Residential uses in residentially zoned areas shall comply with the multifamily Residential Use Area Standards herein. In addition to the permitted freestanding sign, Non-Residential uses in residentially zoned areas may have one wall sign not to exceed twenty (20) percent of the useable wall area or 50 square feet (whichever is greater).

1. Message Centers shall be allowed for non-residential uses in Residential use area except for Home Occupations per the provisions of Section 19:8.3 Message Centers.

The applicant is requesting a Variance of **+1 foot 9 1/16 inches** to allow for a **9 foot 9 1/6 inch** tall sign, as well as a Use by Special Exception for **the addition of an electronic reader board on site.**

Zoning Ordinance, Section 3:4.1 – Consideration of Variances:

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

Zoning Ordinance, Section 11:1 - General Provisions for Uses Permitted by Special Exception states:

The Board of Zoning Appeals may grant permission for those uses permitted by special Exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth in this section.

The Board shall consider the following factors:

- 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.

The representative present for this application was Mr. Dana Emberton.

There was no opposition, present or submitted, to this application.

Ms. Meagan Staton presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1 and Section 11.1 as previously read into the record.

Mr. Emberton presented the application to the Board. He informed the Board of the age of the church and the state of disrepair that the existing sign is in. Mr. Emberton noted that for reasons of safety and the image/perception of the church, the church wants to replace to existing sign with the electronic reader board.

In response to a question to staff, Ms. Staton showed the Board the location of the sign in regards to Woodruff Road.

Ms. Teresa Barber asked the applicant the scope of remodel to the existing work. Mr. Emberton confirmed for the Board that the existing pillars are to remain, that the replacement sign would just be inside the masonry columns. Additionally, Mr. Emberton gave testimony regarding the total height of the existing sign compared to the proposed sign.

In response to the Board, Mr. Emberton spoke to the hours of operation of the digital signs.

Conclusions of Law

The application was reviewed by the Board. Vice Chairman Hattendorf made a motion to approve the Variance as on the following basis; particularly:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *the property is along a busy commercial corridor;*
- B. These conditions do not generally apply to other property in the vicinity; *this is a church in a commercial area with signs adjacent to the property;*
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; *there is an existing sign, a vote against would restrict the ability to upkeep the existing sign;*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance; *given testimony from the applicant, the existing sign has reached the end of its lifespan.*

Chairman Hollingshad, and Mr. Paul Hamilton seconded the motion. There was no opposition.

The motion carried, resulting in a vote of 8-0 in favor. There is one vacant seat.

Vice Chairman Hattendorf made a motion to approve the Use by Special Exception as on the following basis; particularly;

- A. The use meets all required conditions; *this is an existing sign that has been approved in the past;*
- B. The use is not detrimental to the public health or general welfare; *this is a sign that lets people know where they are going;*
- 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; *Although the sign will have an electronic component we heard testimony today that the parcels adjacent are to be redeveloped and will likely not have a residential use on them.*

Chairman Hollingshad, and Ms. Laura Godfrey seconded the motion. There was no opposition.

The motion carried, resulting in a vote of 8-0 in favor. There is one vacant seat.

iv. **CB-21-42– Stephanie Edwards, Masstar Signs**

BACKGROUND:

This property is located on Bethany Road near the intersection of Bethany Road and Clear Springs Road, near the Cooper Creek Subdivision.

The applicant is requesting a Use by Special Exception to allow for an electronic reader board sign for a church in the R-S, Residential Suburban District. The property is also located in the Scuffletown Rural Conservation District.

FINDINGS OF FACT:

On Tuesday, June 29, 2021, Staff inspected the property to ensure that the “Appeal Notice” sign(s) had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Sign Ordinance, Section 8.5. Use Area Regulations: Any sign permitted in this subsection shall be placed in accordance with the provisions of Section 19.5.1. unless otherwise provided for in this subsection.

Section 8.5.1-B Multifamily Residential. Multifamily or Multi-Dwelling residential development signs shall be regulated as follows:

Type: Freestanding

Number: 1 two-sided sign per entrance or two separate sign faces may be used in conjunction with a wall, fence or other architectural entrance feature

Size: 50 square feet (sign face)

Height: 8’ maximum

Section 8.5.1-C Non-Residential uses in residentially zoned areas shall comply with the Multifamily Residential Use Area Standards herein. In addition to the permitted freestanding sign, Non-Residential uses in residentially zoned areas may have one wall sign not to exceed twenty (20) percent of the useable wall area or 50 square feet (whichever is greater).

1. Message Centers shall be allowed for non-residential uses in Residential use area except for Home Occupations per the provisions of Section 19:8.3 Message Centers.

The applicant is requesting a Use by Special Exception for the **addition of an electronic reader board on site.**

Zoning Ordinance, Section 11:1 - General Provisions for Uses Permitted by Special Exception states:

The Board of Zoning Appeals may grant permission for those uses permitted by special exception which are in accordance with the provisions of this Ordinance and specific conditions set forth in this section.

The Board shall consider the following factors:

- 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.

Representatives present for this application Mr. Todd Patterson, Mr. David Shiflet, and Mr. Lee Stegall.

There was no opposition, present or submitted, to this application.

Ms. Meagan Staton presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 11.1, as previously read into the record.

Mr. Patterson presented the application to the Board. He informed the Board that the proposed location of the sign would better serve the church, and not be oriented in a manner to disturb neighbors and a new digital sign would provide better community outreach. Mr. Stegall called the Board's attention to the brightness certificate provided in their packets.

Conclusions of Law

The application was reviewed by the Board. In response to a question, Mr. Patterson answered questions concerning the current location of the existing sign and the proposed location. Additionally, Mr. Patterson informed the Board of the surrounding residential properties which have signed letters in support.

In response to a question regarding how a condition limiting the hours of operation would impact the church, Mr. Patterson informed the Board of the quantity, location, and screening in place between the church and nearby neighbors. Additionally, the applicant cited a local elementary school with a comparable sign as proposed, however, expressed willingness to work with a time limitation for the LED sign. Mr. Stegall called the Board's attention to the second paragraph of the attached letter, which addressed the change in brightness level as distance was increased. Mr. Stegall confirmed the Board's capability to operate the LED sign separately from the static illuminated portion of the sign. In response to a question from the Board, Mr. Patterson confirmed that the nearby school's electronic sign operates all night.

Mr. Kenneth Matesevac made a motion to approve the Use by Special Exception as on the following basis; particularly:

- A. The use meets all required conditions;
- B. The use is not detrimental to the public health or general welfare; *per testimony, it does not appear to be detrimental*;
- 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.

Ms. Teresa Barber seconded the motion. Vice Chairman Hattendorf stated that despite the area being zoned residential and primarily rural in nature, due to the support letters from nearby residents, a motion without conditions limiting hours of operation would be a good for the church. There was no opposition.

The motion carried, resulting in a vote of 8-0 in favor. There is one vacant seat.

v. **CB-21-44**– Charles Barber

BACKGROUND:

This property is located on Country Walk Lane off of Fork Shoals Road near the Hartridge Manor Subdivision and located within the Country Walk Subdivision.

The applicant is requesting a 2 foot variance from the 5 foot side setback requirement to allow for a covered porch to be added onto an existing shed.

FINDINGS of FACT:

On Tuesday, June 29, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign(s) had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Zoning Ordinance, Section 7:3, Table 7.3 – Setback/Height Requirements for the R-R1 District;

FRONT = 30' from edge of road R.O.W.

SIDES = 5' from property line

REAR = 5' from the Rear property line

The applicant is requesting a Variance of 2 feet from the side setback.

Zoning Ordinance, Section 3:4.1 – Consideration of Variances:

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of the property would effectively prohibit or unreasonably restrict the utilization of the property;
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

The representative present for this application was Mr. Charles Barber.

There was no opposition, present or submitted, to this application.

Mr. Austin Lovelace presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1, as previously read into the record.

Mr. Barber presented the application to the Board. He informed the Board the history of the site, including the construction of a detached garage which warranted an existing shed, and the presence of an existing oak tree required the shed be placed 3 feet off the property line. Mr. Barber stated that the shed has been located there for some time and is set on a concrete pad, and upon purchase of permit to construct a lean-to off the shed, he was notified of the issue with the setback.

Conclusions of Law

The application was reviewed by the Board. In response to a question from the Board, Mr. Barber clarified the structures on site and their location on the property. Additionally, Mr. Barber spoke to the impact the sheds location has on the surrounding neighbors.

In response to a question directed at staff, Mr. Joshua Henderson explained to the Board the premise of the case being brought before the board not being due to the expansion, but regarding the existing structure being in violation without a permit.

The application was reviewed by the Board. Chairman Hollingshad made a motion to approve the Variance as on the following basis; particularly:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *the shed has been there for a while and has not caused problems yet, additionally nothing will be fundamentally changing on the shed;*

- B. These conditions do not generally apply to other property in the vicinity; *the other buildings on the property are in compliance;*
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; *the application of the ordinance would require moving the building without any benefit;*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance; *given testimony from the applicant, the neighbor has no issue with the location of the shed where it is.*

Mr. Kenneth Matesevac seconded the motion. There was no opposition.

The motion carried, resulting in a vote of 8-0 in favor. There is one vacant seat.

vi. **CB-21-45– Natasha Lyn Simpson**

BACKGROUND:

This property is located on Gibbs Shoals Road and Rodgers Circle near Highway 14 and the City of Greer.

The applicant is requesting a Variance from the required 50 foot front setback along Gibbs Shoals Road to 20 feet to allow for the expansion of a non-conforming structure.

FINDINGS of FACT:

On Tuesday, June 29, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign(s) had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Zoning Ordinance, Section 7:3, Table 7.3 – Setback/Height Requirements for the R-S District;

GIBBS SHOALS RD = 50' from edge of road R.O.W

RODGERS CIR = 30' from edge of road R.O.W.

SIDES = 5' from property line

REAR = 5' from the Rear property line

Zoning Ordinance, Section 3:4.1 – Consideration of Variances:

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

The representative present for this application was Mr. Kyle Simpson.

There was no opposition, present or submitted, to this application.

Mr. Austin Lovelace presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1, as previously read into the record.

Mr. Simpson presented the application to the Board. He informed the Board of the work that he

had already done on the property, which comprised of removing an existing non-conforming carport and in its place constructing an addition on the main house comprised of the kitchen, laundry, and pantry of the main home.

In response to a question from the Board, Mr. Simpson clarified what was removed and added onto the property, calling the Boards attention to the site plan. Mr. Simpson cited the 3-foot elongation of the length of the carport as the reason for needing the variance. Mr. Simpson elaborated for the Board the status of construction and current standing regarding permits.

In response to a question directed at staff, Mr. Joshua Henderson explained the existing non-conforming status of the house and the grounds which require approval by the Board. Further, Mr. Henderson explained the conditions in which the application could have been approved at a staff level, and elaborated on the granting of the variance which would bring the entire property into conformance.

CONCLUSIONS OF LAW

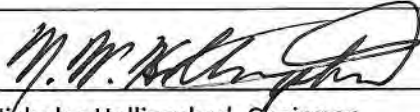
The application was reviewed by the Board. Vice Chairman Hattendorf made a motion to approve the Variance as on the following basis; particularly;

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *the existing home was already non-conforming, and the applicant is trying to correct the non-conformity;*
- B. These conditions do not generally apply to other property in the vicinity; *per photos and maps as presented, most neighboring properties do not encroach into the setback as the subject property;*
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; *the primary structure is within this setback area and if we do not approve, then the owner will be prohibited from making additions to his home;*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance; *the home has been there for many years.*

Mr. Kenneth Matesevac seconded the motion. There was no opposition.

The motion carried, resulting in a vote of 8-0 in favor. There is one vacant seat.

7. **Announcements/Requests:** Mr. Joshua Henderson thanked the Board members for participating in the MASC training that was sent out. However, he reminded Board members to return the certificate forms to staff so they can be provided to the Clerk to Council.
8. **Adjournment:** There being no further business to discuss, Chairman Hollingshad and Mr. Paul Hamilton made a motion to adjourn, Seconded by Ms. Laura Godfrey and the meeting adjourned at approximately 5:41 p.m.



Nicholas Hollingshad, Chairman
Greenville County Board of Zoning Appeals

8/11/21

Date

Respectfully prepared and submitted by:



Brook Denny, Acting Secretary

Greenville County Board of Zoning Appeals

**July 14, 2021
PUBLIC HEARING**

Uses by Special Exception Considerations

Section 11:1 of the Greenville County Zoning Ordinance states the Board may grant permission for those uses which are in accordance with the following conditions:

- 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.

Variances – Considerations

Section 3:4.1 of the Greenville County Zoning Ordinance states that a variance may be granted if the Board makes and explains the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; *and*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance.

CB-21-39

- Applicant: Benjamin D. & Marcia Purcell
- Project type: Variance & Use by Special Exception
- Address: 31 Gosnell Cir., Greenville SC 29609
- Zoning: I-1; Industrial District
- Posting: Confirmed 6/29/21

CB-21-39

- Gosnell Circle off E. Belvue Rd
- Greenville Trade Park

Request

Use by Special Exception to allow for the Expansion of a non-conforming use and
Variance to allow for placement of a structure in the front yard,
and a 20' variance from front setback requirements.

Section 7:3, Table 7:3 of Greenville County Zoning Ordinance

Setback Requirements for a single family residence in the I-1 District:

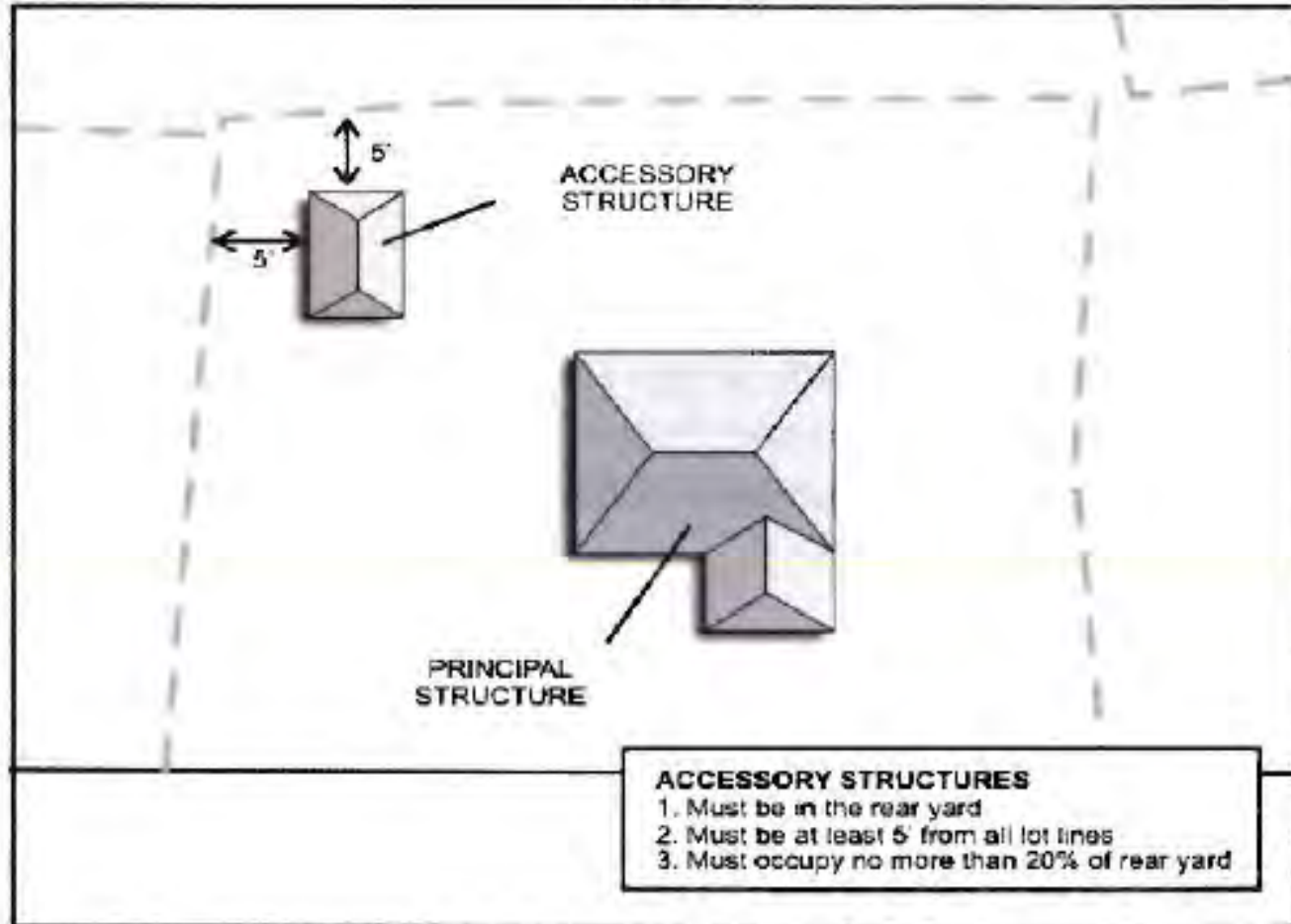
FRONT	=	50' from road R.O.W./property line
SIDES/REAR	=	25' from property lines

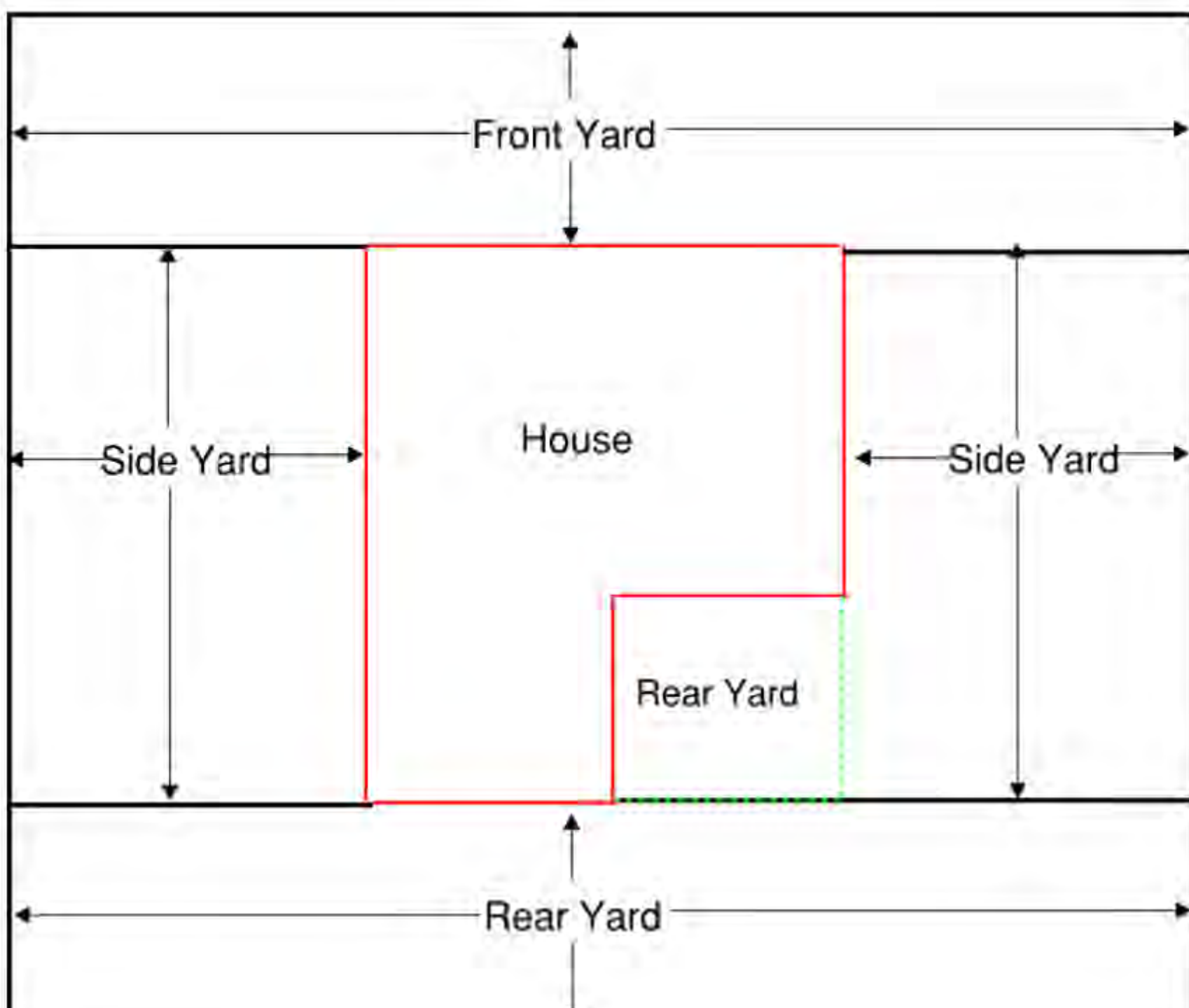
The applicant is requesting a 20-foot Variance from the Front setback.

The applicant is also requesting a variance from the placement requirements of Section 7:3-4 to allow for placement of an accessory building in the front yard.

Section 7:3-4, Graphic 3

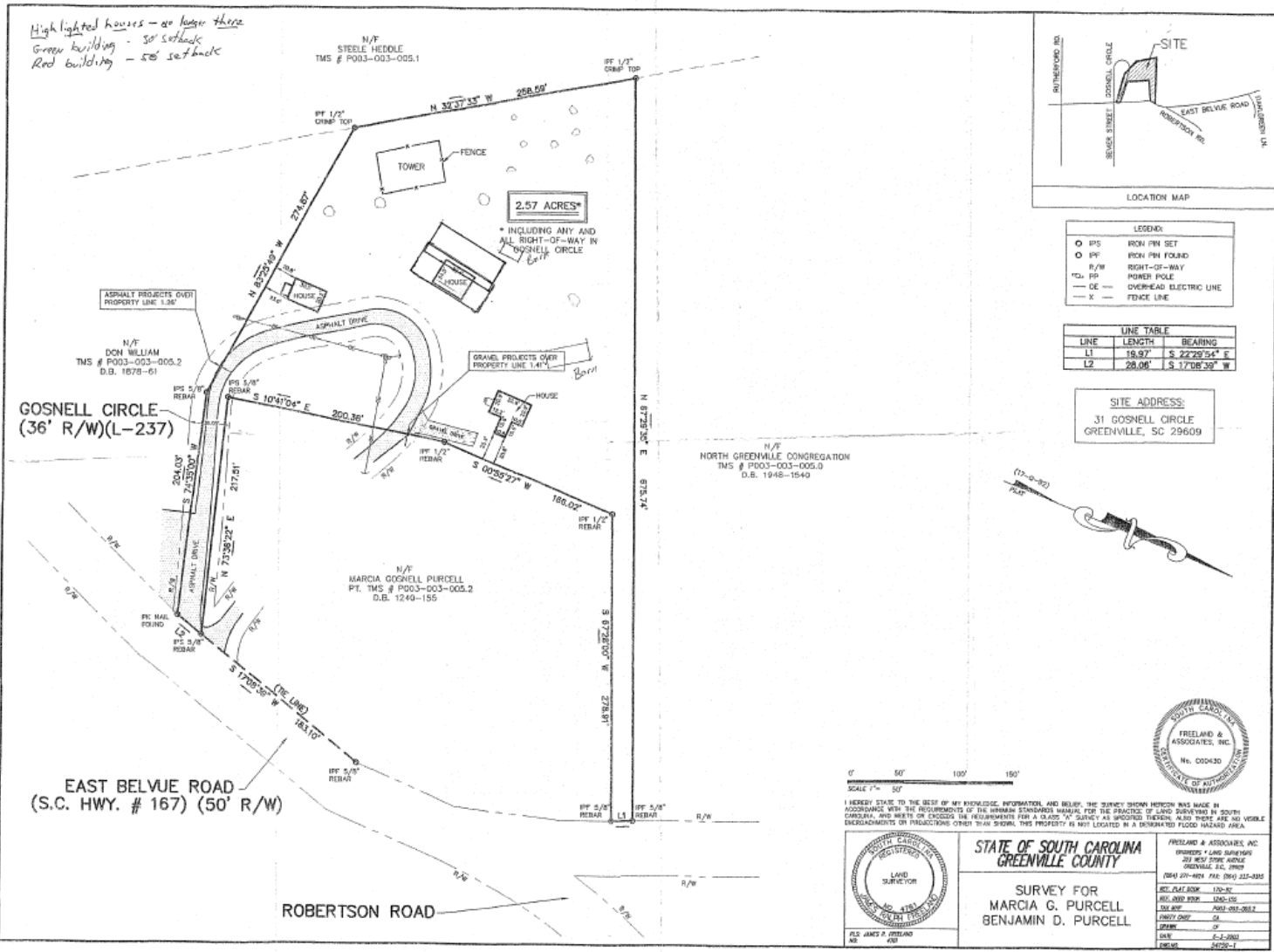
Graphic 3





Survey

3





Illustrative Drawing by Staff

Front of house

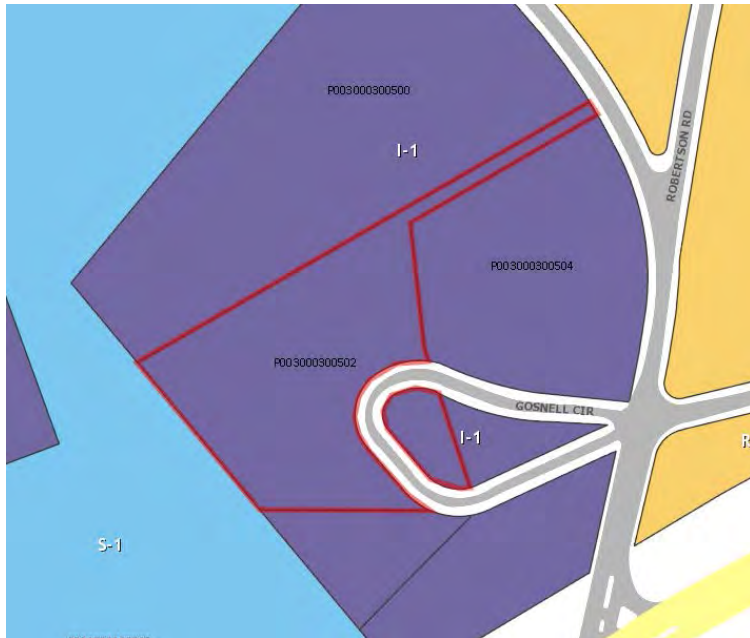
Front Yard

Approximate location of proposed structure

Drawing not to scale - For Illustrative Purposes only

Project CB-21-39 - Location

Zoning



Aerial



CB-21-39

Subject Property View
to the Right



Subject Property View
to the Left



Project CB-21-39

Sign Posting on Gosnell Dr.



CB-21-39

Left of the subject property



CB-21-40

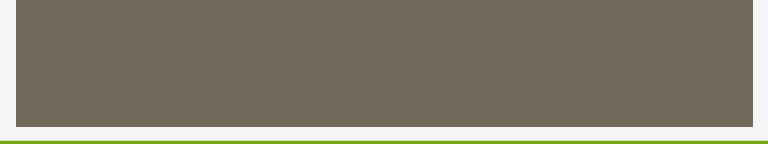
- **Applicant:** James C. Keel & Ronald Reekes-Wendel
- **Project type:** Use by Special Exception
- **Address:** 205 Arcadia Dr., Greenville, SC 29609
- **Zoning:** R-7.5; Single-Family Residential District
- **Posting:** Confirmed 6/29/21

CB-21-40

- Arcadia Dr. at Ojones St.
- Near the City of Greenville & the Washington Heights Neighborhood.

Request

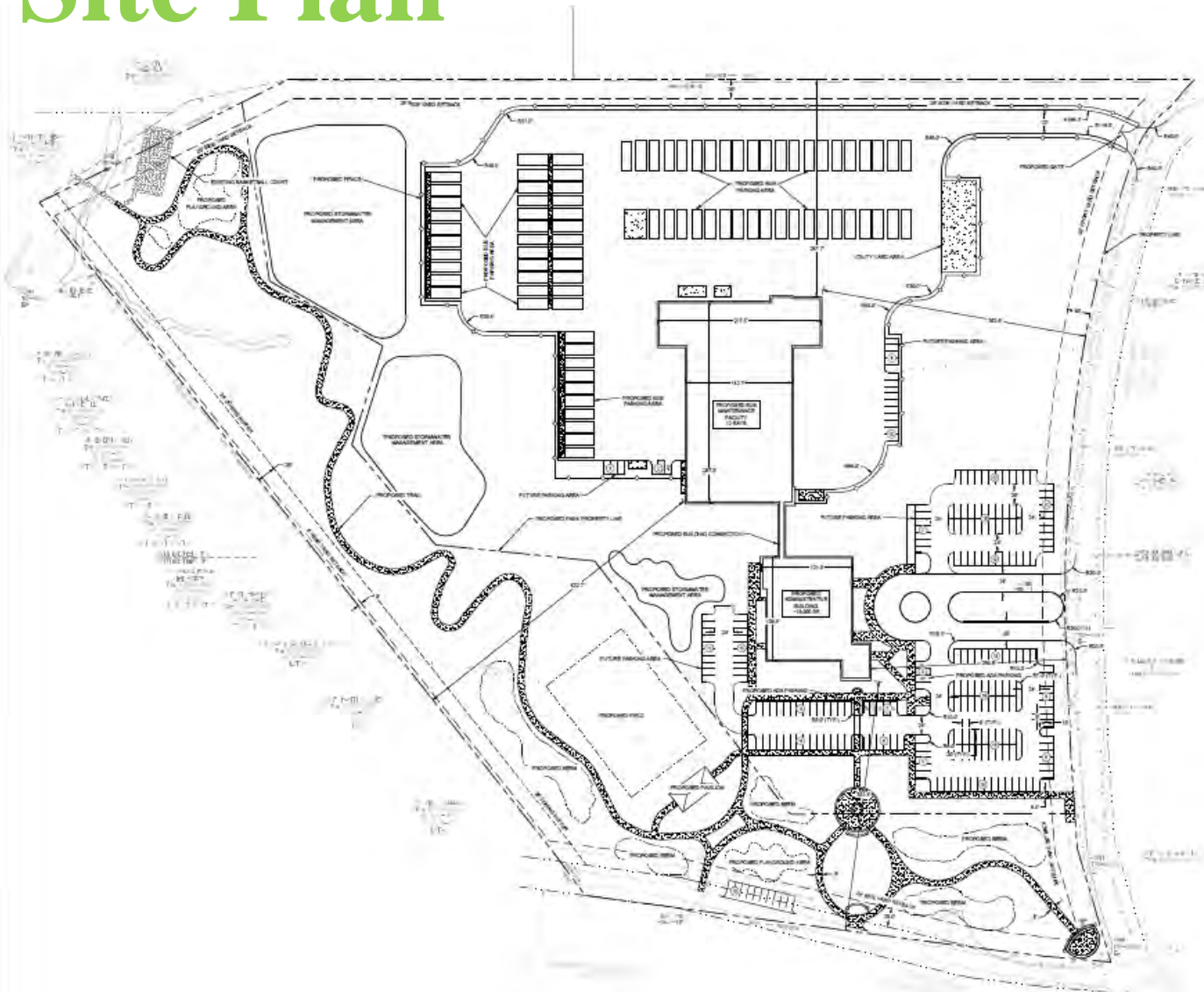
Use by Special Exception to allow for a Governmental Facility in a Residential district.



Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Governmental Facilities and Operations” as a Use by Special Exception in the R-7.5, Single-Family Residential District.

The site plan submitted reflects parking, screening and buffering requirements for the existing use/site. The plan review/permit process will ensure compliance prior to issuance of a C.O.

Site Plan



PROJECT SITE

VICINITY MAP

DEVELOPMENT SUMMARY:

SITE SUMMARY:	
CURRENT ZONING:	R-2.5
PROPOSED ZONING:	R-7.5 WITH SPECIAL EXCEPTION
SITE AREA:	26.93 ACRES
BUILDING SETBACK:	
FRONT (KAWAZADA CRT):	30 FT
SIDE (PROPERTY):	25 FT
REAR (E. JONES RT):	25 FT
REAR (WISSELY):	5 FT
RESIDENTIAL ZONING SETBACK:	25 FT
WESTERS PROPERTY LINE:	25 FT
PARKING SUMMARY:	
REQUIRED PARKING:	96 SPACES (TOTAL)
OFF-PROFESSIONAL BUILDING (14,800 SF):	54 SPACES (AS PER
ACTUALLY PERMISSIBLE FACILITY (20,000 SF OFFICE (OFFICE BLDG)):	42 SPACES
PARKING PROVIDED:	148 SPACES (TOTAL)
STANDARD HANDICAP:	14 SPACES
STANDARD HANDICAP:	2 SPACES
NOTES:	
COMPLY WITH SECTION 12H	
COMPLY WITH SECTION 12I	

SITE NOTES:

- EXISTING CONDITIONS SHOWN HEREON ARE FROM A SURVEY FILE PROVIDED BY SITE DESIGN, INC., DATE 12/20/2021
- REFER TO PHOTO MONTAGE PLAN FOR SITE LIGHTING INDICATION

SITE PLAN LEGEND:

- PROPERTY LINE
- - - YARD SETBACK LINE
- - - - - BY RESIDENTIAL ZONING BUFFER LINE
- - - - - ROAD RIGHT OF WAY LINE
- Ⓞ PARKING COUNT

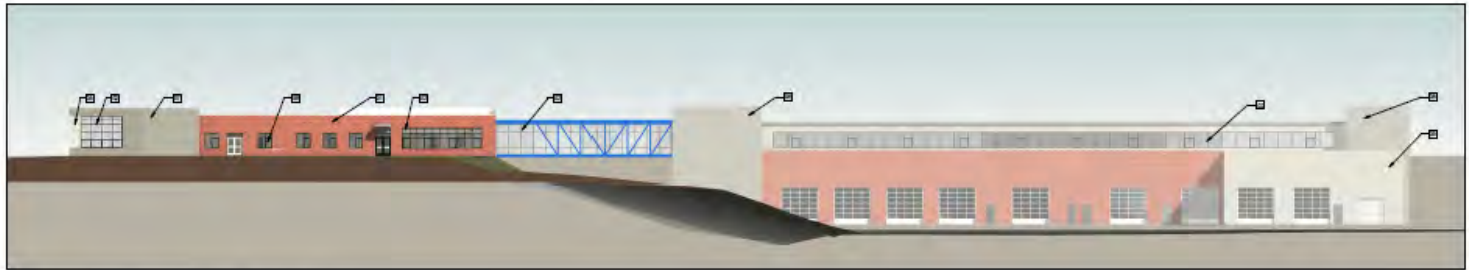
GRAPHIC SCALE IN FEET
0 30 60 120

South Carolina 811

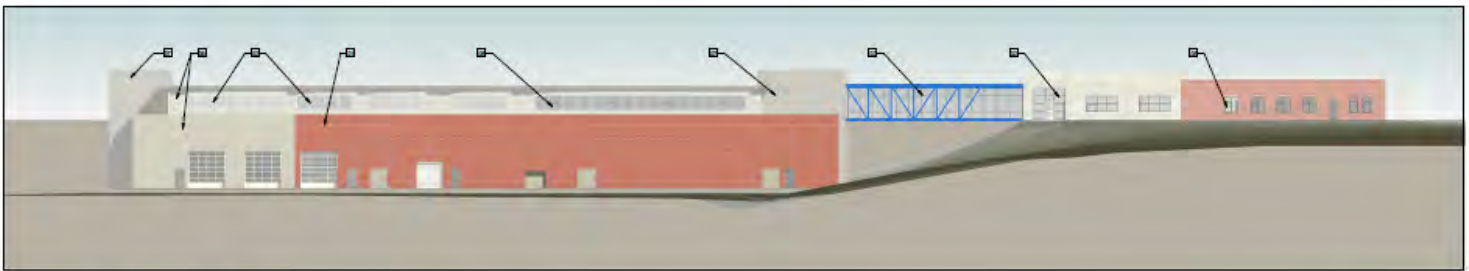
Lighting plan



Building Elevations



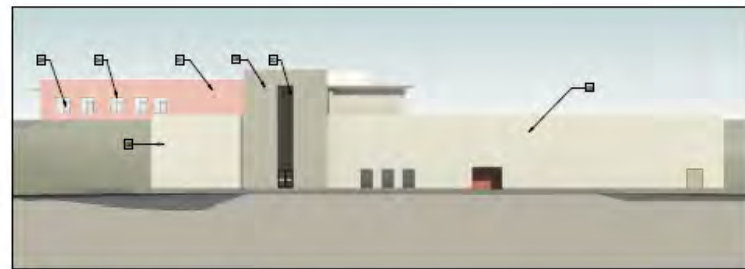
1 BUILDING ELEVATION - ADMIN/OPS - EAST - ARCADIA ST
DATE: 10/17/16



2 BUILDING ELEVATION - MAINTENANCE - WEST
DATE: 10/17/16



3 BUILDING ELEVATION - ADMIN/OPS - SOUTH - O JONES ST
DATE: 10/17/16



4 BUILDING ELEVATION - MAINTENANCE - NORTH
DATE: 10/17/16

- 11 TRUSS BRIDGE, MODULAR STEEL FRAME
- 12 CONCRETE, LIGHT GRAY BRICK
- 13 METAL CLADDING, LIGHT GRAY METAL CLADDING OVER SHEATHING
- 14 SPAN OF BRIDGE
- 15 BRICK FACIAD, RED, METAL CLADDING OVER SHEATHING
- 16 CONCRETE PANEL, TALL, BRICK HALF
- 17 CONCRETE PANEL, TALL, BRICK HALF
- 18 METAL CLADDING, BRICK FACIAD OVER SHEATHING

CB - 21- 40 Posting

Sign Posting



Across Ojones St.



CB- 21- 40 Photos

Subject Property



Subject Property



CB - 21-40 Photos

Across from Arcadia Dr.



CB-21-41

- Applicant: Dana L. Emberton for Immanuel Lutheran Church and School
- Project type: Variance & Use by Special Exception
- Address: 2820 Woodruff Rd, Simpsonville SC 29681
- Zoning: R-S; Residential Suburban District
- Posting: Confirmed 6/29/21

CB-21-41

- Woodruff Road Across from Lowes Food
- Scuffletown Rd

Request

Use by Special Exception to allow for an electronic reader board on a residentially zoned parcel and a variance of 1' 9 1/16" to allow for a 9' 9 1/6" tall sign.

Section 8.5 Greenville County Sign Ordinance:

Sign Ordinance, Section 8.5. Use Area Regulations: Any sign permitted in this subsection shall be placed in accordance with the provisions of Section 19.5.1. unless otherwise provided for in this subsection.

8.5. B. Multifamily Residential. Multifamily or Multi-Dwelling residential development signs shall be regulated as follows:

Type: Freestanding

Number: 1 two-sided sign per entrance or two separate sign faces may be used in conjunction with a wall, fence or other architectural entrance feature

Size: 50 square feet (sign face) **Height:** 8' maximum

C. Non-Residential uses in residentially zoned areas shall comply with the multifamily Residential Use Area Standards herein. In addition to the permitted freestanding sign, Non-Residential uses in residentially zoned areas may have one wall sign not to exceed twenty (20) percent of the useable wall area or 50 square feet (whichever is greater).

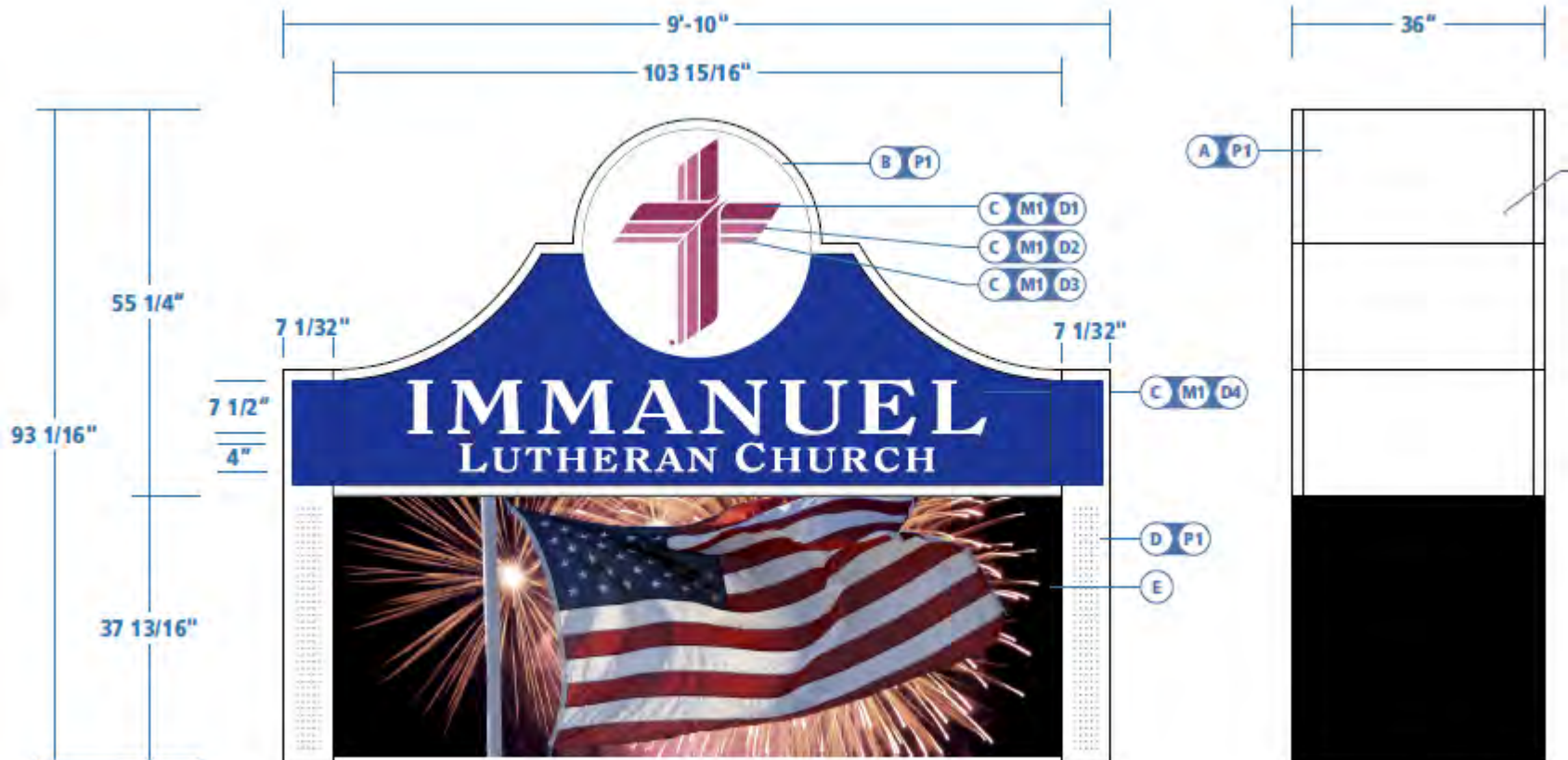
1. Message Centers shall be allowed for non-residential uses in Residential use area except for Home Occupations per the provisions of Section 19:8.3 Message Centers

Existing Immanuel Lutheran Church Sign

Existing Sign



Electronic Reader Board

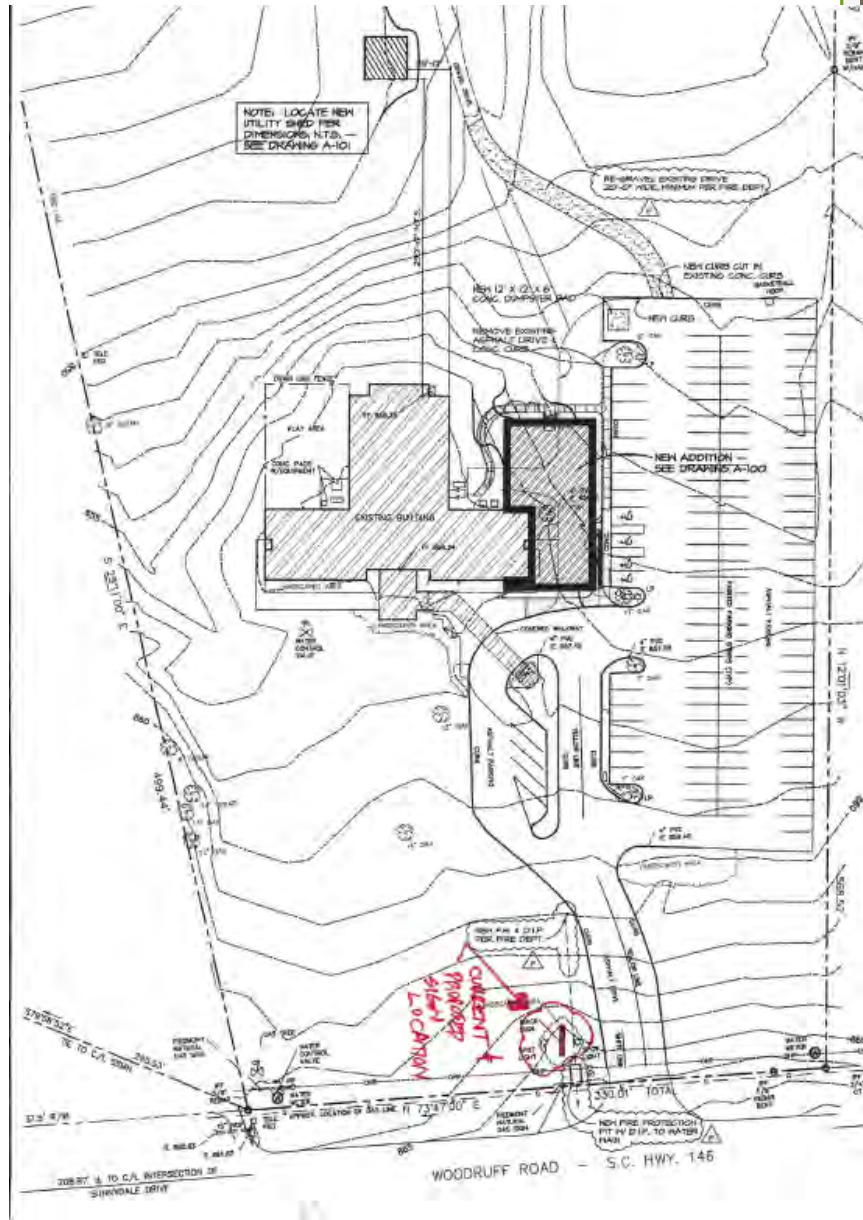


Proposed Sign

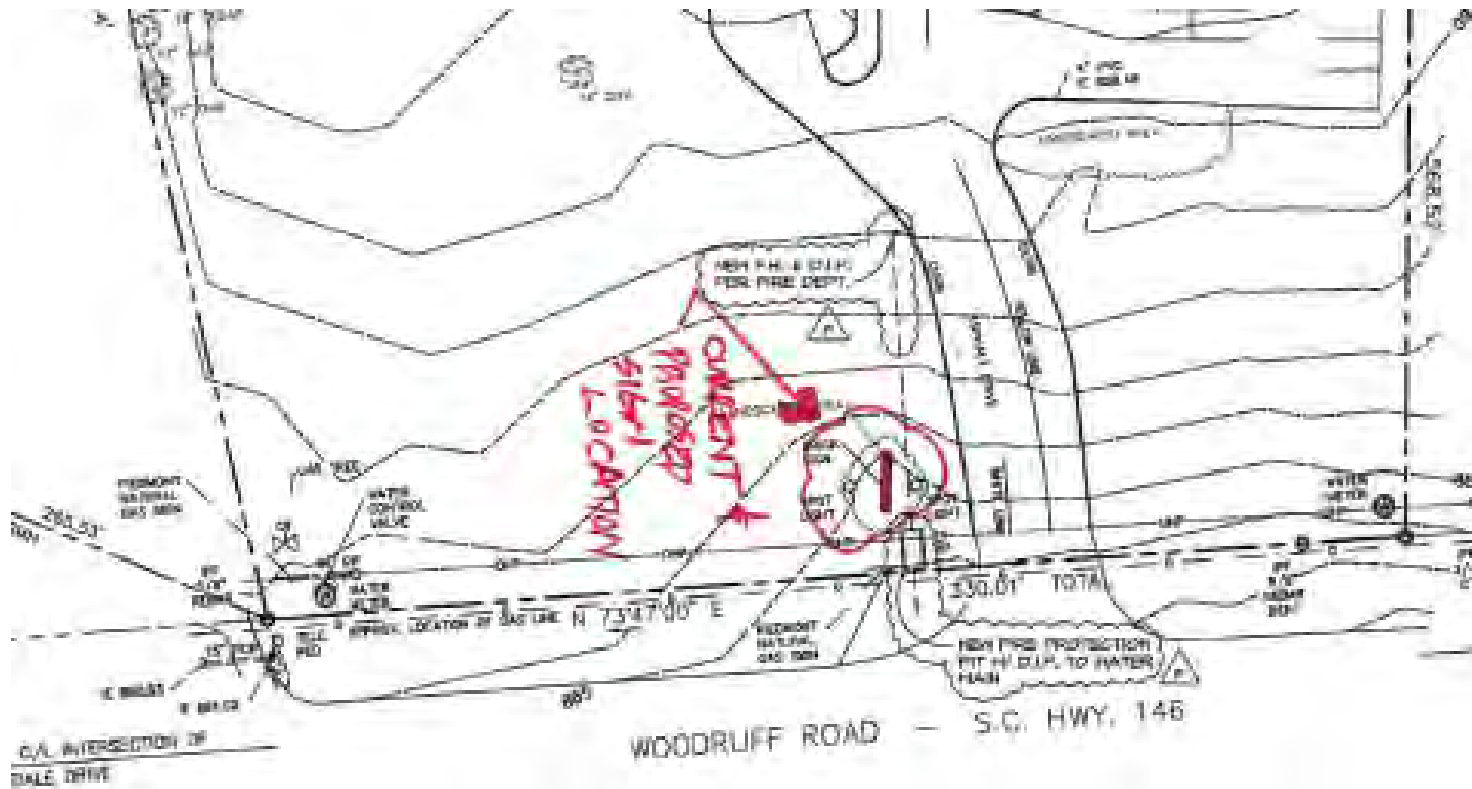


(GENERAL CONCEPT USE ONLY. ACTUAL SIZE, PROPORTION & PLACEMENT MAY VARY.)

Project CB-21-41 Site Plan

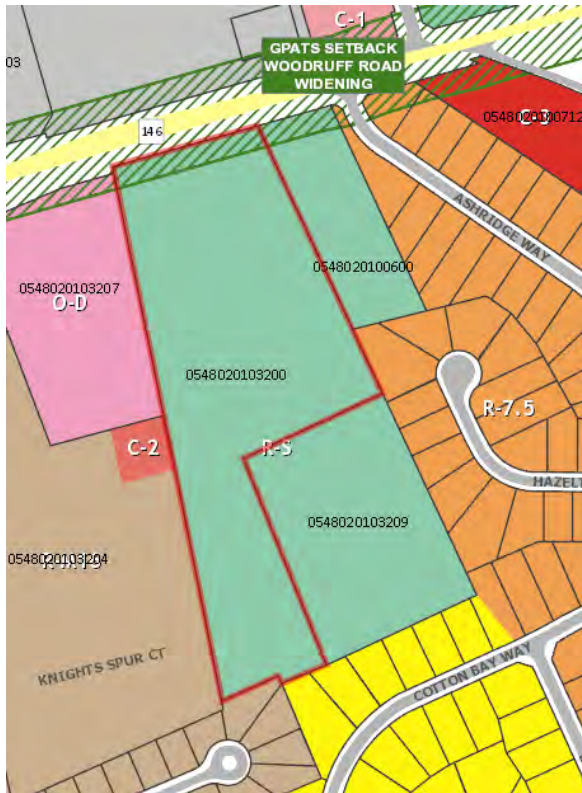


Project CB-21-41 Site Plan Close-up



Project CB-21-41 - Location

Zoning



Aerial



Project CB-21-41

Sign Posting on Woodruff Rd.



View down Woodruff Rd.



CB-21-41

Subject Property



Project CB-21-41

Right of Subject
Property



Left of Subject
Property



CB-21-42

- **Applicant:** Stephanie Edwards for Masstar Signs
- **Project type:** Use by Special Exception
- **Address:** 301 Bethany Rd, Simpsonville SC 29680
- **Zoning:** R-S/SRC; Residential Suburban District
/Scuffletown Rural conservation District
- **Posting:** Confirmed 6/29/21

CB-21-42

- Bethany Rd off Lee Vaughn Rd
- Clear Springs Rd

Request

Use by Special Exception to allow for an electronic reader board sign for a church in the R-S, Residential Suburban District.

Section 8.5 Greenville County Sign Ordinance:

Sign Ordinance, Section 8.5. Use Area Regulations: Any sign permitted in this subsection shall be placed in accordance with the provisions of Section 19.5.1. unless otherwise provided for in this subsection.

8.5. B. Multifamily Residential. Multifamily or Multi-Dwelling residential development signs shall be regulated as follows:

Type: Freestanding

Number: 1 two-sided sign per entrance or two separate sign faces may be used in conjunction with a wall, fence or other architectural entrance feature

Size: 50 square feet (sign face) **Height:** 8' maximum

C. Non-Residential uses in residentially zoned areas shall comply with the multifamily Residential Use Area Standards herein. In addition to the permitted freestanding sign, Non-Residential uses in residentially zoned areas may have one wall sign not to exceed twenty (20) percent of the useable wall area or 50 square feet (whichever is greater).

1. Message Centers shall be allowed for non-residential uses in Residential use area except for Home Occupations per the provisions of Section 19:8.3 Message Centers

CB-21-42 Site Plan



Proposed Sign



ired

le Sided

ainted MP 06390

at painted MP 75692

2 face and second
be digital printed.

) Camino

abinet painted MP 75692

2'11"x7'6") (Active Area: 2'5"x7'3")

urch brick to be done by

re aluminum numbers pin

ID	
VINYL	
White	
N/A	
ORACAL 070	
TBD	
TBD	
ILLUMINATION	
Sloan LED White	



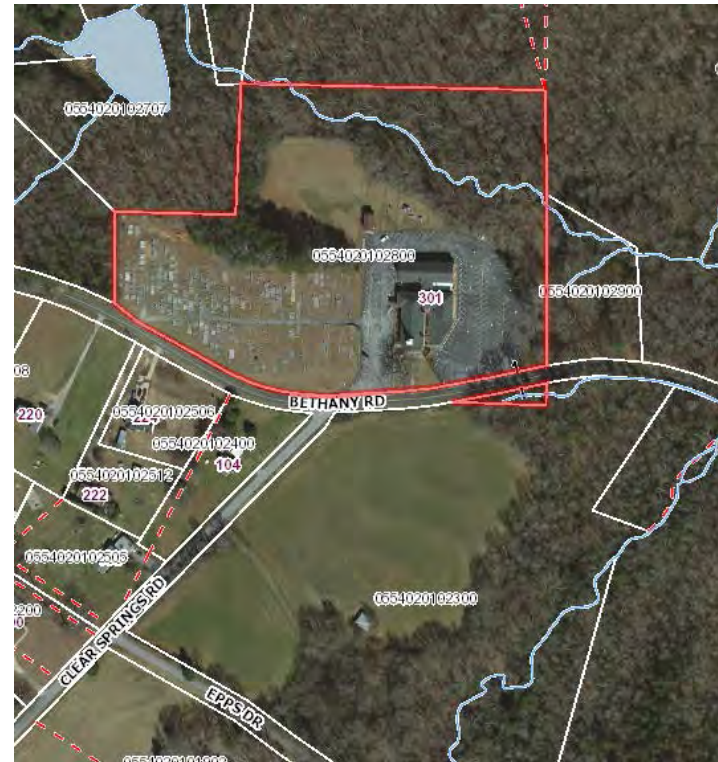
PROPOSED

Project CB-21-42 - Location

Zoning



Aerial



CB-21-42

Subject Property



Sign Posting



CB - 21- 42 Posting

Existing Sign



CB- 21- 42 Photos

View Down Bethany Rd.



View across Bethany Rd.



CB-21-44

- **Applicant:** Charles E. Barber
- **Project Type:** Variance
- **Address:** 115 Country Walk Ln., Simpsonville SC 29690
- **Zoning:** R-R1; Rural Residential District
- **Posting:** Confirmed on 6/29/21

Location

- Country Walk Ln, off Fork Shoals Rd
- Country Walk Subdivision

Request

Variance of 2' from the 5' side setback to allow for the addition of a covered porch onto an existing non-conforming shed.

Section 7:3, Table 7:3 of Greenville County Zoning Ordinance

Setback Requirements for a single family residence in the I-1 District:

FRONT	=	30' from road R.O.W./property line
SIDES/REAR	=	5' from property lines

The applicant is requesting a 2-foot Variance from the Side setback.

Need for a variance was discovered upon permitting

CB - 21 - 44 - Location

Zoning



Aerial



CB - 21-44 Photos

Sign Posting in both directions



CB - 21-44 Photos

Subject Property



Left of Subject

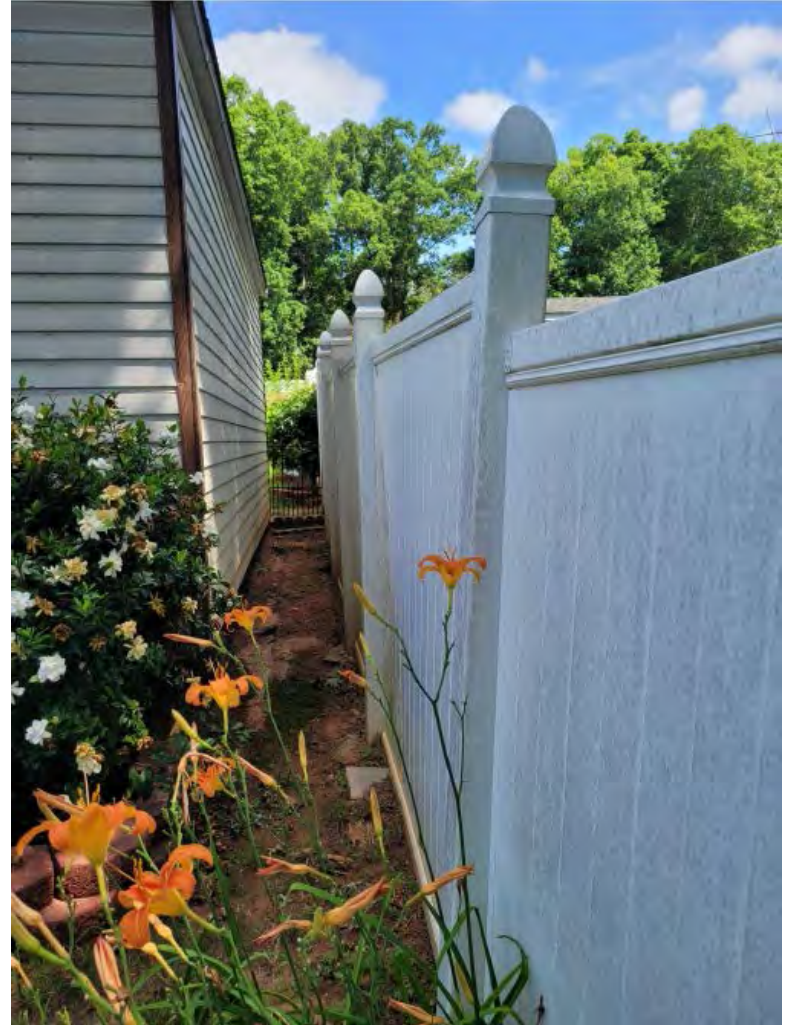


CB - 21-44

Right of Subject Property



Photos Submitted by Applicant CB-21-44



Photos Submitted by Applicant CB-21-44



CB-21-45

- **Applicant:** Natasha Simpson
- **Project type:** Variance
- **Address:** 1617 Gibbs Shoals Rd, Greer SC 29650
- **Zoning:** R-S; Residential Suburban District
- **Posting:** Confirmed 6/29/21

CB-21-45

- Rodgers Circle and Gibbs Shoals Road
- City of Greer and Hwy 14

Request

Variance of 30 feet along Gibbs Shoals Rd to allow for an existing expansion of a non-conforming structure.

Project CB-21-45 - Location

Zoning



Aerial



CB - 21- 45 Posting

Posting on both Gibb Shoals Rd & Rodgers Cir



CB- 21- 45 Photos

Subject



Right of Subject



CB - 21-45 Photos

View from Dillard Dr.



View across Rodgers



End of Dockets

- Announcements/Requests by BZA Members
- Adjournment