



Greenville County Board of Zoning Appeals

(864) 467-7425

www.greenvillecounty.org

MEETING MINUTES

October 13, 2021

Board Members:

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

Staff Present:

- A. Joshua Henderson – Zoning Administrator
- B. Meagan Staton – Deputy Zoning Administrator/Principal Planner
- C. Austin Lovelace – Principal Planner
- D. Brook Denny – Planner
- E. Terry Abrahams – Board Secretary

The Greenville County Board of Zoning Appeals held its monthly meeting on Wednesday, October 13, 2021, in County Council Chambers 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:** Chairman Nicholas Hollingshad called the meeting to order at 3:01 p.m.
2. **Invocation/Pledge:** Conducted by Ms. Laura Godfrey.
3. **Roll Call:** Attendance was taken by Ms. Terry Abrahams.
4. **Approval of Minutes and Adoption of Final Decisions and Orders of September 8, 2021:** The minutes and final decisions and orders were reviewed by the board. Ms. Teresa Barber made a motion to approve the minutes as presented. Vice Chairman Hattendorf 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:** Chairman Hollingshad 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 3:5.2, 3:5.3, Section 11:1 and Section 11:7.

6. New Business

i. CB-21-54 – NICOLAS PALESTINA

BACKGROUND

The property is located on Ivydale Drive near the intersection of Hedge Street, and north of Rutherford Road.

The applicant is requesting a variance of 4' from the right side property line and 2.5' from the left side property line. This application is the result of a complaint to the Codes Enforcement Department resulting with the subsequent issuance of permits and a recent survey showing the setback violations. A variance is necessary to allow any expansion to the existing structure.

FINDINGS OF FACT

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

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

FRONT	=	20' from edge of road R.O.W.
SIDES	=	5' from property line
REAR	=	5' from property line

The applicant is requesting a Variance of 4' from the right side setback and a Variance of 2.5' from the left side setback.

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; and
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

The representatives present for this application were Ms. Amy Parr and Mr. Nicolas Palestina.

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

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

Ms. Parr presented the application to the board. Ms. Parr informed the board of the circumstances surrounding the application, the attempts to bring the existing home into compliance with building codes and subsequent necessity for the variance.

CONCLUSIONS of LAW

The application was reviewed by the Board. In response to questions from the Board, Staff provided clarification of the request, the purpose of the engineer's letter, required setbacks and necessity for the variance to bring the residence into compliance.

Vice Chairman Hattendorf made a motion to grant the variance as requested 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; *due to the shape and nature of the existing conditions at the time of acquisition of the property, this is a manufactured house too wide for the site, the nature of this particularly piece of property would make it difficult for the applicant to make the home compliant even with repositioning of the structure*
- B. These conditions do not generally apply to other property in the vicinity; *even though there are other manufactured homes adjacent to this property, the lots are different in terms of positioning of homes*
- 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; *per testimony the only way for the applicant to be compliant would be to rotate the house 90 degrees which would be unreasonable*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *per testimony the applicant has taken steps to minimize the amount of variance, he is improving the situation and this should not be detrimental to adjacent property owners*

Mr. Kenneth Matesevac seconded the motion. There was no objection and no discussion. The motion carried, resulting in a vote of 8-0 in favor with one vacant seat.

ii. CB-21-57– State of SC Department of Administration

BACKGROUND

The property is located on Tower Road off Altamont Road on Paris Mountain.

The applicant is requesting a Variance from the setback requirement for new tower from existing structures and a Use by Special Exception to replace and construct a new broadcast tower on site.

Previous Applications include:

CB-05-71 – The Board granted a Use by Special Exception for a new communication tower on site, upon review of the applicant's request to appeal Section 8:5 and Table 6.1 of the Greenville County Zoning Ordinance, which does not list "Communication Towers" in the ESD-PM.

CB-85-33 – The Board granted a Use by Special Exception to construct a television and radio broadcasting building as a public utility on site.

FINDINGS of FACT:

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists does not list "Communication Towers" in the ESD-PM District; however **CB-05-71** granted approval to permit a Communication Tower on site with a Use by Special Exception from the Board of Zoning Appeals.

Section 9:3.2- Expansion of Nonconforming Uses: Nonconforming uses of land existing at the time of adoption of this ordinance shall not hereafter be expanded in any way without express review of the Board of Zoning Appeals.

Communication Towers are not listed as a Use by Special Exception in the ESD-PM District. Therefore, expansion of height and location of the communication tower requires review and approval by the Board of Zoning Appeals.

Section 7:3.1, Table 7:3, Setback/Height Requirements in the ESD-PM Zoning district shows the following:

- **FRONT** – 30 feet from edge of road right-of-way
- **SIDES** – 15 feet from any other structure
- **REAR** – 15 feet from any other structure

Section 11:4 C-2:

Communication towers are permitted as a use permitted by special exception by the Board of Zoning Appeals as an ancillary or secondary use on residentially zoned sites where another use (other than single-family or duplex use) is already established as the principal use of the property, such use a school, church, multifamily residential complex, **public utility site**, or other similar use; provided the principal use of the property complies with Greenville County Zoning and Land Development Regulations. On such residentially zoned sites, **the minimum setback of the zoning district in which it is located shall be increased by one foot for each one foot of tower height in excess of 40 feet.** The maximum required separation shall be 200 feet.

The proposed communication tower is 230 feet in height; therefore the required setback from any property line or structure on site is 200 feet.

The applicant is requesting the following variances from the required 200 foot setback:

- o **105 feet from the front property line setback.**
- o **164.6 feet (Structure C)**
- o **134.9 feet (Structure D)**
- o **116.9 feet (Structure F)**
- o **106.7 feet (Structure G)**
- o **98.9 feet (Structure H)**

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; and
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

Section 11:4 D-2:

Prior to approving site plans, the Board of Zoning Appeals must make the following findings:

- a. the proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure;
- b. the proposed structure will not impair the use of or prove detrimental to neighboring properties;
- c. the proposed structure is necessary to provide a service that is beneficial to the surrounding community;
- d. the permitted use meets the setback requirements of the underlying zoning district in which it is located;
- e. the proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character;
- f. the proposed use is consistent with potential land uses recommended in the General Development Plan for Greenville County; and
- g. within residentially zoned areas, communication towers shall not be located within 1,000 feet of another communication tower unless such towers are located on the same property.

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 representatives present for this application were Attorney Matthew Rupert, Mark Jahnke of SC ETV and Mr. John Hanna of Telecommunication Services.

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 Sections 3:4.1, 9:3.2 and 11:1 and 11:4 C-2.

Mr. Jahnke presented the application to the Board. In response to questions from the Board, Mr. Jahnke informed the board of the necessity for replacement of the existing tower, particularly to comply with new FCC regulations and engineering requirements. Mr. Hanna, a tower engineer, provided more specific details for replacement of the tower, particularly due to the deficiency in the foundation and steel of the existing structure's inability to accommodate new/updated antennae "loads". Mr. Hanna further mentioned results of engineering inspections, which revealed there was no option for modifications to make the existing tower compliant. With reference to plans for the existing tower, Mr. Jahnke informed the Board that the existing 235-ft tower will remain in place with the current antennae, that the new tower will be to maintain the TV broadcast operations.

Mr. Joshua Henderson called attention to the note on the site plan submitted referring to "partial deconstruction of the existing tower..." and requested clarification from the applicant. Mr. Jahnke stated that the existing tower will remain in place with the FM, 2-way radio communication and microwave systems, that the "partial deconstruction" referred to only removal of the TV broadcast operations.

CONCLUSIONS of LAW

The application was reviewed by the Board. There was discussion related to the height of the existing and proposed tower. Staff provided clarification for the circumstances surrounding the previously granted use by the BZA in the past and necessity for another request before the BZA. Mr. Jahnke mentioned the change in ownership of the parcels; however the parcels have not yet been combined.

With reference to the request for a variance, Ms. Laura Godfrey made a motion to grant the variances as requested based on the conditions as outlined in Section 3:4.1; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *unique position in the community on Paris Mountain, the site was developed specifically for this purpose.*
- B. These conditions do not generally apply to other property in the vicinity; *this particular use is very specific to this piece of property and is the only one 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; *this is the only logical place, there is a lot of infrastructure that has already gone into making this site suitable for communications for the community*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *the location, previous siting and screening all support the approval*

Ms. Teresa Barber seconded the motion. There was no objection and no further discussion. The motion carried, resulting in a vote of 7-1 in favor, with Mr. Mark Hattendorf voting against. There is one vacant seat.

With reference to the request for the Use by Special Exception, Ms. Laura Godfrey made a motion to grant the use as requested based on the following conditions; particularly,

- A. The use meets all required conditions; *by previous application and this is an expansion of the previous application*
- B. The use is not detrimental to the public health or general welfare; *the property is owned by the State jointly now, there is no change to the boundaries or visibility and the location does provide benefit for the public health and welfare.*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *site was developed specifically for this purpose and support facilities are in place*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *it is a similar use and structure and it is at the end of the road*

Mr. Paul Hamilton seconded the motion. There was no objection and no further discussion. The motion carried, resulting in a vote of 7-1 in favor with Mr. Mark Hattendorf voting against. There is one vacant seat.

III. CB-21-60– DIEGO F. ARTEAGA

BACKGROUND

The property is located on N Franklin Road and off Cranbrook Court near Old Buncombe Road.

The applicant is requesting a Use by Special Exception to allow Chiropractor as a Home Occupation.

FINDINGS OF FACT

On Tuesday September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists Home Occupation as an approved use in Residential districts in accordance with Condition (13). Chiropractor is not on the list of approved Home Occupations.

Condition (13) Home Occupation

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following conditions:

- A. Not more than one person who is not a member of the applicant's immediate family and who is not a resident in the applicant's home may be employed.
- B. Home occupations shall be conducted only within principal structures.

- C. An area equal to not more than 25 percent of the floor area of the principal structure may be utilized for home occupational purposes.
- D. The occupation shall not involve the retail sale of merchandise manufactured off the premises except for products related directly to the service performed such as beauty products.
- E. No display of merchandise shall be visible from the street.
- F. No outdoor storage shall be allowed in connection with any home occupation.
- G. No alteration of the residential character of the premises may be made.
- H. The occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.
- I. No sign shall be permitted except one non-illuminated nameplate not more than 2 square feet (i.e. 1'x2') in area mounted flat against the wall of the principal building in which the occupation is conducted.

Off-street parking shall be provided in accordance with the provisions set forth in **Table 12.1, Off-street Parking Requirements.**

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations.

Barber / Beautician
Child day care home
Home-based food production operations (as covered under Section 44-1-143 of the State of South Carolina Code of Laws, commonly known as the Cottage Food Law)
Instruction and Tutoring, such as
Academic Tutor
Music Teacher
Dance Instructor
Internet retail sales
Locksmith
Manufacturer's representative
Notary (Public)
Photographer
Professional Consultant, such as
Accountant and bookkeeper
Attorney
Insurance agent
Information technology professional
Residence as business mailing address
Secretarial Service
Tailoring

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.

Representative present for this application was Ms. Yamira Valentin-Fuentes.

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

Ms. Brook Denny presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 11:1, as previously read into the record.

Ms. Valentin-Fuentes presented the application to the Board. She informed the Board of her desire to remodel and attach the existing garage for use as an office for her Chiropractic business.

CONCLUSIONS of LAW:

The application was reviewed by the Board. In response to questions from the board, Ms. Valentin-Fuentes stated her business is part-time 3-4 days per week, 3-6 patients per day, by appointment only for mostly one hour per appointment with no walk-ins. There was a question concerning prior approval for a Home Occupation for the chiropractic use. Staff provided clarification of the circumstances surrounding application to the BZA for approval. Ms. Valentin-Fuentes informed the board of the plans for remodeling and stated she will be in compliance with the conditions as outlined in C(13).

Mr. Mark Hattendorf made a motion to grant the use as requested based on the following conditions;

- A. The use meets all required conditions; *per testimony C(13) will be met*
- B. The use is not detrimental to the public health or general welfare; *the use will be of benefit for the public health*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *no testimony otherwise*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *the applicant intends to promote not change the appearance of the home.*

Ms. Laura Godfrey seconded the motion. There was no objection and no further discussion. The motion carried, resulting in a vote of 8-0 in favor with one vacant seat.

iv. **CB-21-61 – LANA CAROL GILCHRIST**

BACKGROUND

The property is located on Somerleaf Way off Brown Road.

The applicant is requesting a Variance for placement of a swimming pool as outlined in Condition 18-B of the GC Zoning Ordinance, to allow placement in the left side yard.

FINDINGS of FACT:

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 6:2 – Use Conditions 18-B states the following:

B. Swimming Pool Requirements

1. Swimming pools shall be located in the rear yard.
2. Swimming pools shall be set back not less than 5 feet.
3. Setback requirements for swimming pools shall be the same as those for accessory buildings.
4. Swimming pools shall not occupy more than 50 percent of the rear yard.
5. Lighting for swimming pools shall have proper shielding from glare.

The applicant is requesting a Variance from placement requirements for a pool.

Section 3:4.1 states that a variance may be granted if the Board makes and explains the following findings:

The Board shall consider the following factors:

- 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.

Representative present for this application was Ms. Lana Gilchrist.

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

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

Ms. Gilchrist presented the application to the Board. She informed the Board of her desire to install a pool in the side yard, that there was no room available in the rear yard, the house is located on a cul-de-sac and the pool will not be visible from the street.

CONCLUSIONS of LAW:

The application was reviewed by the Board. In response to questions from the board, Ms. Gilchrist referred to the site plan submitted, stated plans for a 16'x32' pool without a diving board, stated there is existing screening in place from the neighbor along with a 6-ft fence.

With reference to the request of a Variance, Vice Chairman Hattendorf made a motion to grant the Variance based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *the house is on a cul-de-sac, shape of the lot and placement of the house makes it challenging, if not impossible, to put an enjoyable size pool in the rear of the house*
- B. These conditions do not generally apply to other property in the vicinity; *aerial maps show neighbors with pools not subject to the types of these restrictions with regards to placement of her home and the shape of the lot*
- 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; *as seen in the imagery it would be very difficult to place a pool in the back*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *the pool is more than likely not visible from the cul-de-sac, the garage faces the direction of the neighbor who would most likely be affected and there is existing screening in place*

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

v. **CB-21-62 – IGLESIA EVANGELICA CHURCH**

The property is located on Old Buncombe Rd. off W. Blue Ridge Dr. near the historic Union Bleachery mill site.

The applicant is requesting a 12.7 foot Variance from the front setback, and a Use by Special Exception to include the adjacent residence into church property for the pastor's dwelling.

Prior applications before the BZA were **CB-08-23**, for a Variance to reduce front and side setbacks and a Use by Special Exception to operate a church at this location. The decision for CB-08-23 expired due to failure to obtain the necessary permits within the required 24-month period. Therefore, **CB-11-30** granted another Variance from the setback requirements for the church; and a Use by Special Exception to operate a church in this location.

FINDINGS of FACT:

On Tuesday September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance and photographs were taken.

Section 5:5 and TABLE 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance list "Church/Related Activities" as a use by special exception in the R-10 District.

Section 11:3 – Churches, states: "A church may be permitted in all residential districts subject to the requirements of the district and the following requirements":

Section 11.3.1- Lot Area - the minimum lot area shall be 40,000 square feet or .918 acre. The entire site consists of approximately 6.06 acres. The site plan reflects compliance.

Section 11.3.2 - Setback Requirements - all buildings shall be setback from the front, side and rear property lines a minimum of 50 feet.

The applicant is requesting the following: **Variance of 12.7' from the front setback for the pastor's dwelling on Parcel 0160000100105.**

Any other buildings existing on site and not meeting the setback requirements found in Section 11.3.2 have had variances granted by prior application to the Board

Section 11.3.3 - Off-Street Parking: parking shall be provided in accordance with Section 12.2 and Table 12.1. The site plan reflects compliance.

11:3.4 Lighting: For lighting of horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" (no light output above 90 degrees at any lateral angle around the fixture). Fixtures shall not be mounted in excess of 16 feet above finished grade. All other outdoor lighting such as floodlights and spotlights shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway. Flashing lights are prohibited. There are no plans for new/additional lighting on site

11:3.5 Screening and Buffering: Screening shall be provided in accordance with the provisions set forth in Section 12:9, Screening and Buffering Requirements.

Will be reviewed for compliance during the Plan Review process.

11:3.6 Church-Related Activities: The County shall not prohibit church-related activities in a single-family residence. Church-related activities are specifically defined to exclude regularly scheduled worship services.

Section 3:4.1 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.

Section 11:1 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

Representatives present for this application were Pastor Solomon Nicolas and his interpreter, Ms. Melecia Osori.

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

Ms. Meagan Staton presented the facts as they pertained to the Greenville Zoning Ordinance; particularly Section 3:4.1, 11:1 and 11:3 as previously read into the record. In response to a question from the Board, Staff provided clarification of the circumstances related to the need for a variance in order to incorporate the adjacent single-family residence into the church property for use as the parsonage.

Ms. Osori presented the application to the Board. She informed the Board of the church's desire to combine the two parcels which would include the single-family residence into the church property as the parsonage.

CONCLUSIONS of LAW:

The application was reviewed by the Board. In response to a question from the Board regarding use of the single-family residence, Ms. Rosario confirmed that it was the residence of the pastor and would not be utilized for church related activities. The board raised a question in regards to screening requirements. Staff informed the board of the proposed commercial use for the property adjacent to the right of the existing residence and provided clarification of screening requirements between uses. Staff also confirmed that the requirements outlined for the church will be reviewed for compliance during the permitting process.

With reference to the request of a Variance, Mr. Kenneth Matesevac made a motion to grant the Variance as requested for 12.7 feet from the front setback for parcel listed currently listed as TM#0160000100105, based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular pieces of property; *to merge the two parcels, single-family home has been on site for some time*
- B. These conditions do not generally apply to other property in the vicinity; *there is Residential uses to the left and commercial uses to the right*
- C. Because of the conditions, the application of the ordinance to the particular pieces of property would effectively prohibit or unreasonably restrict the utilization of the property; *it would unreasonably restrict utilization for the church to maintain the use*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *will not have a negative impact as the house and church stands*

Vice Chairman Hattendorf seconded the motion. There was no objection and no discussion. The motion carried, resulting in a vote of 8-0 in favor of approval, with one vacant seat.

With reference to the request for a Use by Special Exception, Vice Chairman Hattendorf made a motion to grant the use as requested for 3330 and 3336 Old Buncombe Road, based on the following conditions; particularly,

- A. The use meets all required conditions; *these are existing structures, in becoming part of the church property the single-family residential use will continue*
- B. The use is not detrimental to the public health or general welfare; *it will be helpful for the pastor to be closer to the church*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *there has not been any testimony otherwise*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *with the residence becoming part of the church it will enhance the character of the neighborhood as the house will likely not fall into disrepair*

Ms. Laura Godfrey and Mr. Kenneth Matesevac seconded the motion. There was no objection and no discussion. The motion to grant the use carried, with a vote of 8-0 in favor, with one vacant seat.

vi. **CB-21-63– ANDREW DAVID ELLIS**

BACKGROUND:

The property is located on Guess Street near the intersection of Church Street (Highway 29), and adjacent to the City of Greenville.

The applicant is requesting a variance of 14.3' from the front setback requirement.

FINDINGS OF FACT

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-7.5 District;

FRONT	=	30' from edge of road R.O.W.
SIDES	=	5' from property line
REAR	=	5' from property line

The applicant is requesting a Variance of 14.3' from the front setback requirement.

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; and
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

Representative present for this application was Mr. Andrew Ellis.

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

Ms. Meagan Staton presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1, as previously read into the record. In response to a question from the board, Ms. Staton confirmed that the existing structure was encroaching into the front setback requirement.

Mr. Ellis presented the application to the Board. He informed the Board of his recent purchase of the property, called attention to the survey indicating flood plain in the rear, stated the necessity for the variance from the front setback of the existing structure to allow expansion for single-family residential use.

CONCLUSIONS of LAW:

The application was reviewed by the Board. In response to a question from the Board regarding the age of the structure, Mr. Ellis stated he was unsure, but it appeared to be circa 1940.

Ms. Laura Godfrey made a motion to grant the Variance of 14.3 feet from the front setback as requested based on the following conditions; particularly,

There are extraordinary and exceptional conditions pertaining to the particular pieces of property; *historic building in an older neighborhood, noncompliance existed prior to zoning, removing the building would be an unnecessary burden*

- C. These conditions do not generally apply to other property in the vicinity; *church in a residential area probably under a use by special exception, this use makes it more compliant with the use in the community*
- E. Because of the conditions, the application of the ordinance to the particular pieces of property would effectively prohibit or unreasonably restrict the utilization of the property; *property had been used as a church, could go back to that use, but with the current zoning would be more suitable for a home*
- F. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *adjacent properties are residential uses and conversion of this property with the addition of a front porch would actually improve the nature of the community*

Ms. Teresa Barber seconded the motion. There was no objection. Vice Chairman Hattendorf commented on the aerial imagery indicating the appearance of a nearby more noncompliant structure and expressed agreement with the granting of the variance. The motion carried, resulting in a vote of 8-0 in favor of approval, with one vacant seat.

vii. **CB-21-64– SOUTH GREENVILLE FIRE DISTRICT**

BACKGROUND

The property is located on Augusta Road near the intersection of West Georgia Road and Augusta Road.

The applicant is requesting a Use by Special Exception to allow for construction of a training facility for Fire Department.

FINDINGS OF FACT

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "Emergency Service, Fire, Police, EMS" as a Use by Special Exception in the R-R1, Rural Residential District.

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 Fire Chief Matthew Sutherland.

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 11:1 as previously read into the record.

Chief Sutherland presented the application to the Board. He informed the board of the recent purchase of a portion of adjacent property to allow additional space on site to accommodate the proposed training facility. Chief Sutherland stated the necessity for the training facility which will be utilized by ten other departments.

CONCLUSIONS of LAW

The application was reviewed by the Board. In response to a questions from the board regarding use of the training tower, Chief Sutherland stated training sessions will occur every Tuesday and Friday, but would vary based on requirements by the other departments. He further stated it will not be a regional facility and that the appearance of the existing station will not change during trainings. With reference to setback from residential uses and possible impact from smoke, Chief Sutherland called attention to the survey showing distance and buffering from existing residential uses and informed the board of the training process that will confine smoke to the inside of the tower.

Vice Chairman Hattendorf made a motion to approve the use as requested based on the following; particularly:

- A. The use meets all required conditions; *per testimony presented*
- B. The use is not detrimental to the public health or general welfare; *quite the opposite, it will allow the fire department to meet their training requirements*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *close to fire protection*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *there is a sizeable buffer from adjacent land owners and additional land was acquired from the closest neighbor*

Ms. Michelle Shuman seconded the motion. There was no objection and no further discussion. The motion carried, resulting in a vote of 8-0 in favor with one vacant seat.

At approximately 5:00 p.m., Chairman Hollingshad recommended a 5-minute break. There was no objection. The meeting returned to order at approximately 5:05 p.m.

viii. **CB-21-65– GREATER GREENVILLE SANITATION COMMISSION**

BACKGROUND

The property is located on Old Easley Highway near the intersection of West Blue Ridge Drive and Old Easley Highway.

The applicant is requesting a Use by Special Exception to allow for addition of Transfer Station to the property.

FINDINGS OF FACT

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "Public Utility" as a Use by Special Exception in the S-1/R-S/C-2; Services/Residential Suburban/Commercial Districts.

Section 11:7, Public Utility Buildings and Uses states:

Public Utility buildings and uses such as sewage lift stations, pump stations, electrical substations, and telephone equipment buildings which are not detrimental to other uses permitted in the district may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be landscaped. The site plan submitted reflects compliance.

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 representatives present for this application were Mr. Steve Cole, Mr. Joseph Adams and Mr. Nathan Bivens.

There was opposition, present and submitted, to this application.

Mr. Austin Lovelace presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 11:7 and 11:1 as previously read into the record. In response to a question from the board, Staff confirmed there were no buildings on site visit and the prior request before the BZA per CB-20-06.

Mr. Steve Cole presented the application to the board. Mr. Cole informed the board of the prior application and approval received from the BZA in 2020, the reason for the current application due to a change to the site plan to include the addition of a transfer station. In response to a question from the board, Mr. Cole provided the definition of a transfer station as it relates to the collection, processing and recycling of waste which will be contained within the proposed building. Mr. Cole provided a history of the current location on West Washington Street, the process and operations on site, the growth in the area and necessity for relocation of the facility to the proposed site. Mr. Cole provided an overview of the new location, reviewed the site plan including the addition of the proposed transfer station and reduced visibility from the road and landscaping plans in addition to the existing buffering/screening in place. Mr. Cole confirmed the new site will not be open to the public.

In response to a question related to possible issues and nuisances e.g., noise, traffic, birds, etc., Mr. Bivens informed the board of the mitigating factors that have been addressed including rodent/odor control and will be regulated through best management practices designed for such facilities and enforced by the respective agencies including the Department of Environmental Quality and permitting process and requirements for such facilities through the State, that in the event of any failure in the process on site SC DHEC requires establishment of a contingency plan and a back-up source. Mr. Cole stated the hours of operation from 6:00 a.m. to 6:00 p.m. Monday-Friday, provided a description of the vehicles involved and existing regulations related to trash hazards during transport. Mr. Cole informed the board of the number of trucks/truck activity on the proposed site and mentioned the completion of a traffic study and approval obtained from SC DOT.

Mr. David Davis, Mr. Jason Andrighetti, Mr. Kamal Desor and Ms. Lissa Wilbanks spoke in opposition and expressed the following concerns:

- 2020 Riverdale Community meeting presentation did not include a transfer station
- Proposed industrial use without undergoing the rezoning process, worse than the adjacent use on I-1 zoned property for recycling of metal products, lack of transparency for the use of the proposed site
- Safety concerns and negative impact with the number and weight of the trucks through traveling through the Riverdale sub-division
- Proposed new residential development adjacent to the site starting soon

CONCLUSIONS of LAW

The application was reviewed by the Board. With reference to testimony by the opposition pertaining to the opposition's statement concerning similarity between a public utility and the adjacent existing scrap metal operation, the board requested the zoning administrator's determination/clarification. Mr. Henderson provided clarification of the differences between the types of uses, zoning districts and uses permitted with the BZA's approval. In response to a question from the board concerning possible disapproval, Mr. Cole stated the current process for waste will continue, that there was no other site under consideration at the present time. Mr. Cole mentioned the proposed development was compliant with the county plan.

In response to a question concerning the status of the original approval per CB-20-06 should this application be denied, Mr. Henderson stated the original approval remains in place.

With reference to the current request for a Use by Special Exception, Vice Chairman Hattendorf made a motion to deny the use based on the following; particularly:

- A. The use meets all required conditions; *per testimony, while this may seem like a good site for the proposed use, it does not meet required conditions*
- B. The use is not detrimental to the public health or general welfare; *the use is detrimental to the public health or general welfare as initial consideration and approval was quite cognizant of the lack of trash on site, now there is a major change, this is not an ideal location and adding more trucks to this location as well as putting trash on site when there was not to be any; the use is detrimental*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *but does not outweigh the other considerations*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *the use does violate neighborhood character, nobody wants it there*

Ms. Laura Godfrey seconded the motion. There was no objection. In discussion, Vice Chairman Hattendorf stated the applicant can find a different site for the proposed use in an industrial area, they have options to go to another transfer station and continue to conduct business as they are currently, so this will not be a deal breaker for the sanitation district. Chairman Hollingshad stated the undesirable nature of the use, the benefits of such use to all, the pros and cons of the proposed use and site, the approved comprehensive plan his opinion of the motion for denial. Ms. Barber expressed her lack of support for the motion. Mr. Hamilton called attention to the efforts by the application for screening/buffering. Ms. Shuman mentioned the impact from the regulating agencies to ensure the applicant's compliance. Ms. Godfrey commented on her concerns with the use being compliant with Item D.

The motion on the floor to deny the request failed with a vote of 3 in favor and 5 against. There was no discussion.

Ms. Teresa Barber made a motion to grant the use as requested for the addition of a transfer station to the prior approval per CB-20-06 and per the new site plan C-200 submitted with the application and based on the following conditions:

- A. The use meets all required conditions;
- B. The use is not detrimental to the public health or general welfare; *the use will help with the public health and general welfare in that the facility will not be open to the public and it is a controlled setting with oversight by the respective quality control agencies involved*
- 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; *150 acre site, roof of buildings will be visible from the road; per testimony there will be turn lanes installed and they will prove to be a good neighbor*

Ms. Michelle Shuman seconded the motion. There was no objection. Vice Chairman Hattendorf suggested the motion be amended to reflect the hours of operation of the transfer station itself as stated by the applicant. There was no objection and the hours of operation were restated to reflect 6:00 a.m. to 6:00 p.m. Monday through Friday and included in the motion. Chairman Hollingshad expressed support related to Item B, that the appropriate public agencies will protect the public health and general welfare.

The motion on the floor to grant the request carried with a vote of 8-0 in favor of approval. There was no objection and there is one vacant seat.

ix. **CB-21-66 – STEVEN GANDER**

BACKGROUND:

This property is located on East Lakeshore Drive near Lake Lanier.

The applicant is requesting a Variance from the placement requirement for an accessory building on residential property.

FINDINGS of FACT:

On Tuesday, September 28, 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.

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-7.5 District;

FRONT	=	20' from edge of road R.O.W.
SIDES	=	5' from property lines
REAR	=	5' from the property line

Section 7:3.4: Accessory buildings may be located in the rear or side yard provided that they are set back not less than 5-feet from any lot line and occupy not more than 20 percent of the rear yard.

The applicant is requesting a Variance to allow for placement of an accessory structure in the front yard.

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; and
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

Representatives present for this application were Mr. Steven Gander and Ms. Kirsten Holombo.

There was opposition present for this application, none submitted.

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.

Ms. Holombo presented the application to the Board. She informed the Board of location of the residence in the rear of the property, the residence was built in 2006, the lot across the street by the lake is included with this parcel. Due to the location of the residence and terrain of the land it is not possible to comply with the ordinance. The storage building is needed for storage of personal equipment used at the lake. Mr. Gander concurred and confirmed issues with topography dictating location of the proposed storage building.

Mr. Bill Krayner, neighbor across the road, spoke in opposition to the application. He expressed concern with the amount of setback being requested, stating the house is for sale and he does not feel the proposed garage is offset enough from the road to allow time for loading/off loading, that a setback of 50-feet would be more appropriate for the 20 mph lake road.

CONCLUSIONS of LAW:

The application was reviewed by the Board. In response to a question from the Board regarding the issue raised by the opposition, Mr. Gander stated there would be enough time to off-load/hook up with the 35-foot setback from the 20 mph lake road.

Vice Chairman Hattendorf made a motion to grant the Variance to allow placement of the accessory building in the front yard per the setbacks indicated on the site plan submitted and based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per testimony there are extreme topography changes and the existing location of the residence makes it impossible or extremely difficult to be compliant*
- B. These conditions do not generally apply to other property in the vicinity; *those with boats at the lake usually have a dock*
- C. Because of the conditions, the application of the ordinance to the particular pieces of property would effectively prohibit or unreasonably restrict the utilization of the property; *would restrict his ability to put a garage on site*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *difficulty with backing up a trailer in the existing driveway*

Ms. Laura Godfrey and Mr. Paul Hamilton seconded the motion. Ms. Godfrey suggested the motion be amended to include a minimum 35-foot setback from the road. There was no objection. Vice Chairman also added a minimum 5-foot required setback from the right side property line. There was no objection. There was no objection and no further discussion. The motion carried, resulting in a vote of 8-0 in favor of approval, with one vacant seat.

x. **CB-21-67 – SOUTHCHASE WILSON BRIDGE, LLC**

BACKGROUND:

This property is located on Wilson Bridge Road, inside the Southchase Industrial Park, east of I-385 S in Fountain Inn.

The applicant is requesting a Variance from the required tree credits for development of the individual parcel.

FINDINGS of FACT:

On Tuesday, September 28, 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.

Section 7. Density Variances and Appeals.

(A) In the event that the density unit requirements cannot be achieved on site, the developer may elect to make an application to the Greenville County Board of Zoning Appeals for a variance. The variance may be granted in an individual case of unnecessary hardship if so determined by the Board of Zoning Appeals. Variance applications shall be processed and governed by the requirements for other variances as set forth in the Greenville County Zoning Ordinance, as amended. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be a violation of this Ordinance and punishable under Section 14. The Board of Zoning Appeals shall have authority to waive density requirements of this Ordinance through the grant of a variance.

Tree Credits Required: 5 acres x 15 credit units per acre disturbed = **75 Credits**

A tree protection/planting plan in compliance with the requirements was originally submitted and approved

Tree Credits Provided: 3.7 acres x 15 credit units = **59 Credits**

The applicant is requesting a **Variance of 16 tree credits**, based on the conditions outlined in the attached proposal.

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:

- B. 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.

Representatives present for this application were Mr. James Malm and Mr. Lynn Solesbee.

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

Mr. Austin Lovelace presented the facts as they pertained to the Greenville County Tree and Zoning Ordinances; Section 7 and Section 3:4.1 respectively as previously read into the record.

Mr. Malm presented the application to the Board. He stated ownership and development of the site, called attention to the site plan submitted, particularly the restrictions impeding compliance with the tree credit units required. Mr. Malm mentioned approval of the initial plan that was submitted; however, in retrospect it was determined that the number of trees required for compliance with the Tree Ordinance would result in multiple trees not surviving due to overcrowding. In response to a question from the board pertaining to the design, Mr. Solesbee stated this design was not a good one for trees to thrive and grow and further mentioned the lack of trees on the entire site.

CONCLUSIONS of LAW:

The application was reviewed by the Board. There were questions and discussion surrounding options for compliance with the Tree Ordinance in regards to off-site plantings, substitutions with other types of plantings, adjustments to the detention pond or size of the building. The applicant mentioned the revised landscape plan submitted, stated the building is in the final stage of completion and there is no option for amendment to the detention pond. Mr. Henderson provided clarification of the ordinances related to individual parcels, screening and size requirements for plantings.

Vice Chairman Hattendorf made a motion to grant the Variance for 8 tree credit units instead of the 16 units requested, based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per testimony from the applicant that they can make the tree ordinance requirements work, but they are concerned about the vitality of the trees linked to the size of the lot, development of adjacent properties with shared utilities*
- B. These conditions do not generally apply to other property in the vicinity; *Southchase is a huge industrial park and most of the sites have plenty of room to spread their wings out to do what they need to do*
- C. Because of the conditions, the application of the ordinance to the particular pieces of property would effectively prohibit or unreasonably restrict the utilization of the property; *they are developing the property and using it as they like; however, if there are trees dying constantly that does not benefit them or the community*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *enough trees are being left in place for planting to meet the spirit of the ordinance and will not be detrimental to adjacent properties.*

Mr. Kenneth Matesevac seconded the motion. There was no objection. There was discussion in regards to the amount of reduction and the applicant's ability for compliance with the ordinance and options related to the revised landscape plan submitted. There was no further discussion. The motion carried, resulting in a vote of 6-2 in favor of approval, with Ms. Laura Godfrey and Chairman Hollingshad voting against. There was one vacant seat.

Chairman Hollingshad recommended a 5-minute break at approximately 7:10 p.m. There was no objection. The meeting returned to order at approximately 7:16 p.m.

xi. **CB-21-68 – MICHAEL SCOTT PETERMAN**

BACKGROUND:

This property is located on McKelvey Road, west of Hwy 25 S, between Dunklin Bridge Road and Turner Road in Pelzer.

The applicant is requesting a Variance from the placement requirement for an accessory building on residential property.

FINDINGS of FACT:

On Tuesday, September 28, 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.

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-R3 District;

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

SIDES = 5' from property lines

REAR = 5' from the property line

Section 7:3.4: Accessory buildings may be located in the rear or side yard provided that they are set back not less than 5-feet from any lot line and occupy not more than 20 percent of the rear yard.

The applicant is requesting a Variance to allow an existing barn to remain in the front yard.

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; and
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

Representative present for this application was Mr. Luke Abrams.

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

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

Mr. Luke Abrams, the buyer of the property, presented the application to the Board. He informed the board of his desire to purchase the property with plans to construct a single-family residence towards the rear of the parcel. Mr. Adams called attention to the existing 60-70 year old barn towards the front of the property, stated his desire to keep the barn in place, but would need to build the proposed residence too close to the road in order to comply with the ordinance.

CONCLUSIONS of LAW:

The application was reviewed by the Board. There was discussion pertaining to the existing screening from the road. In response to a question to the applicant pertaining to compliance with Item C, Mr. Abrams referred to the residence on the adjacent parcel and informed the board of a gully in the rear that dictated the location of that residence closer to the road.

Vice Chairman Hattendorf made a motion to grant the Variance to allow the existing barn to remain in place on the property based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per testimony the barn has been in existence prior to zoning*
- B. These conditions do not generally apply to other property in the vicinity; *aerial imagery does not show too many barns in the area with this condition*
- C. Because of the conditions, the application of the ordinance to the particular pieces of property would effectively prohibit or unreasonably restrict the utilization of the property; *by forcing the property owner to construct a home adjacent to the existing barn or very close to a busy country road thereby restricting his use of a good portion of the property to the rear*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *if the variance is approved and the accessory structure/barn remains, it has been there for many years and should not be a detriment to adjacent property owners*

Ms. Teresa Barber seconded the motion. There was no objection and no further discussion. The motion carried, resulting in a vote of 8-0 in favor of approval, with one vacant seat.

xii. **CB-21-69 - GREENVILLE PRESBYTERIAN SEMINARY - Withdrawn.**

xiii. **CB-21-70 – TCC VENTURE, LLC**

BACKGROUND:

The property is located on Fork Shoals Rd. across the road from The Village Community, between Interstate 185 and West Georgia Road.

The applicant is requesting a Use by Special Exception to allow for installation and operation of a public utility – pump station on site to serve the new Cedar Shoals sub-division.

FINDINGS OF FACT:

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "Public Utility" as a Use by Special Exception in the R-12, Single-Family Residential district.

Section 11:7, Public Utility Buildings and Uses states:

Public Utility buildings and uses such as sewage lift stations, pump stations, electrical substations, and telephone equipment buildings which are not detrimental to other uses permitted in the district may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be landscaped.

Section 7:3, Table 7:4, Nonresidential Setback/Height Requirements in the R-12 district shows:

FRONT - 30-feet from edge of road right-of-way (collector)

SIDES - 25-feet from property lines

REAR - 5-feet from property line

The site plan submitted reflects compliance.

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. Eric Hedrick and Ms. Waverly Wilkes.

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

Ms. Brook Denny presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 11:1, as previously read into the record.

Mr. Hedrick stated he was unaware of prior applications by Metro Connects to the BZA for such uses. Ms. Wilkes, design engineer, informed the board that the proposed station will be owned and operated for the duration of its lifetime by Metropolitan Sewer District, that she has email confirmation of Metro's intent. Ms. Wilkes informed the board of the ongoing development process with Metro over the past year, that the design and site was selected by Metro for the purpose of serving the Cedar Shoals subdivision and future development for up to 600 residential lots. Ms. Wilkes called attention to the site plan and mentioned the benefits of the location with the existing screening and buffering in place and the nearest house located approximately 400 feet from the proposed site. Ms. Wilkes mentioned the typical questions and concerns surrounding a pump station and informed the board of the various processes and equipment in place to address issues including odor control measures.

CONCLUSIONS of LAW:

The application was reviewed by the Board. There were questions and discussion surrounding security measures with access to the pump station. Ms. Wilkes stated steps would be taken as required by Metro.

Mr. Kenneth Matesevac made a motion to grant the use as requested for installation and operation of a pump station on site to serve the Cedar Shoals subdivision based on the following conditions; particularly,

- A. The use meets all required conditions; *based on testimony received*
- B. The use is not detrimental to the public health or general welfare; *it would be beneficial*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *it does appear to be appropriately located even with concerns expressed about access to the station*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *it would be beneficial to surrounding land uses and will have a positive effect on more houses in the future*

Ms. Laura Godfrey seconded the motion. There was no objection. The motion carried, resulting in a vote of 8-0 in favor of approval, with one vacant seat.

xiv. **CB-21-71 – JSCI COUNTY LINE, LLC/Ace’s Bar & Grill**

BACKGROUND

This parcel is located on New Easley Hwy (Hwy. 123) near the Greenville County and Pickens County line.

On August 6, 2021, a violation was discovered upon a routine inspection of Greenville County Code Compliance Department and research of County records which revealed that the use in operation did not match that of the approved use on the Certificate of Occupancy. According to the Certificate of Occupancy, at that time, the approved use was for a restaurant use. Upon the aforementioned inspection, it was discovered that a nightclub was in operation. Under the S-1, Services District, a bar/tavern and/or a nightclub is not a permitted use. This property sought a rezoning to C-2, Commercial (which would allow for a bar/tavern and/or nightclub) and was denied by Greenville County Council on July 20, 2021. The aforementioned Certificate of Occupancy was subsequently revoked.

The applicant has filed for an Appeal from the Zoning Administrator’s decision that the use in operation is in fact a restaurant and not a nightclub.

FINDINGS OF FACT:

On Tuesday, September 28, 2021, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Article 4 Definitions defines restaurant and nightclub as the following:

- **Restaurant:** An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:
 - a. Drive-Through or Fast Food – An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
 - b. General – An establishment that sells food for consumption on or off the premises. Restaurants have a designated full-service kitchen, dining room equipment, and staff to prepare and serve meals. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic Beverage Licensing Board.
 - c. Take-Out – An establishment that sells food only for consumption off the premises.
- **Nightclub:** Any establishment, whether public or a private club, including cocktail lounges, etc., serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances. The purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic-Beverage Licensing Board.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists Restaurant as a permitted use in the NC, C-1, C-2, C-3, and S-1 zoning districts. It also lists Nightclub, Tavern as a permitted use only in the C-2 zoning district.

Section 3:6.1 Right of Appeal: If the request for a Zoning Application is disapproved, or a Certificate of Use is denied, the applicant may appeal the action of the Zoning Administrator to The Board of Zoning appeals.

Section 3:7 Certificate of Use: It shall be unlawful to use, occupy, or permit the use of any building or premises or part hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure or effect a change of tenancy/ownership until a Certificate of Use has been issued by the Zoning Administrator stating that the proposed use of the building or land complies with the provisions of this Ordinance.

Section 3:5.2 Appeals to the Board: The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. Appeal must be taken within thirty-five (35) days from the date of the decision notice or letter, by filing with the office from whom the appeal is taken, and with the secretary of the Board notice of appeal specifying the grounds of such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing, at least 15 days prior to the hearing date, to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by designated agent or attorney. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

Section 3:5.3 Stay of Proceedings: An appeal, or other pending completed application requesting Board action (variance, special exception) stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken, certifies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction.

Representatives present for this application were Ms. Sheila Clements, employee of the Ace's Bar & Grill; and the applicant's Attorney Michael Talley.

There was opposition, present and submitted, for this application.

Mr. Joshua Henderson presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:5.2, 3:6.1, 3:7 along with the circumstances surrounding the actions taken by the county staff resulting in the appeal to the board. Mr. Henderson presented photos and postings on the applicant's web page along with findings on inspection by Staff of the Codes Enforcement/Building Codes Departments respectively.

Ms. Clements presented her application to the Board. She informed the board of her recent employment with Ace's Bar & Grill. Ms. Clements informed the board that pictures posted on the web page were those of private individuals/organizations who rented the space for special events, that the postings were to be removed following the events, that the use of the facility by Ace's Bar & Grill was that of a restaurant with no sale of alcohol. Ms. Clements provided clarification of the findings on inspections by the county, the difficulties experienced during the pandemic and efforts to raise funds for the business.

Attorney Michael Talley spoke in support of the applicant and confirmed filing with the State for use of the facility as a restaurant, Ace's Bar & Grill. He provided a history of the occupancy of the building as a restaurant and expressed opposition to the charges based on racial discrimination.

Ms. Jessica Jordan of the Codes Enforcement Department informed the board of the history of uses per the county records revealing the only C.O. on record was for that of a catering business in 2009, none for occupancy for use as a saloon or nightclub since 9/24/09.

Representatives present in opposition to this application were Ms. Cristina Ortiz, Mr. Dave Davis and Mr. David Boyd, residents of the nearby Riverdale subdivision. Ms. Ortiz submitted a written statement on behalf of opposition which she read into the record, a copy of which is attached for the record. The members of the opposition expressed concerns with the use of the facility by the current tenants, Ace's Bar & Grill; mentioned the failed attempt in the past for rezoning to C-2, Commercial district, that visits to the site revealed no evidence of a restaurant on site. The members of the opposition expressed their opposition to all uses except for that of a restaurant which would be good for the community.

There were questions surrounding evidence to support the use on site, e.g. a menu and a chef for the restaurant. Ms. Clement confirmed there was a menu and a chef for the restaurant. In response to questions related to the conditions found on inspections by the county, Ms. Clement stated findings were those found while the building was under renovation in preparation for opening the restaurant. The Chairman expressed appreciation to the members in opposition for their patience during the hearing.

In response to a question to Staff concerning options available to the applicant, Mr. Henderson stated that a new application for occupancy would need to be submitted for use as a restaurant with the understanding that the facility would not be rented out for special events. He further stated that if the applicant desired use of the facility for special events, that an application would need to be submitted for that particular use.

Vice Chairman Hattendorf called the applicant's attention to the testimony from Staff and requested that Ms. Clements address the issues raised by Staff. Ms. Clement shared the conversation exchange she had with the officer from the county regarding the use of the building. The board expressed concerns with the discoveries on inspections and testimony from Staff. Ms. Clement stated the hours of operation was as desired by customers.

Chairman Hollingshad called attention to the matter before the board, that being a decision by the board to uphold and affirm or to overturn the decision of the Zoning Administrator pertaining to this case.

CONCLUSIONS of LAW:

The application was reviewed by the Board. Vice Chairman Hattendorf referred to the Zoning Administrator's decision for revocation of the certificate of occupancy for inappropriate use at the location of 3326-A New Easley Hwy and made a motion to uphold and affirm the decision made by the Zoning Administrator. Vice Chairman Hattendorf stated that the testimony presented did not provide a compelling reason to overturn the decision based on the ordinances and regulations that apply to a business operating as what was presented. Ms. Laura Godfrey and Ms. Michelle Shuman seconded the motion. There was no objection. Mr. Barber called a Point of Order, to clarify the decision before the board was only for the decision made by the Zoning Administrator, not revocation of the C.O. There was no objection and the motion carried with a vote of 8-0 in favor.

The Chairman expressed empathy and understanding to the applicant and members of the opposition in this case and requested support from everyone involved to the opening of a restaurant in the near future.

7. **Announcements/Requests:** Ms. Barber requested enlargement of the GIS aerial images submitted in the packets and on the powerpoint.


8. **Adjournment:** There being no further business to discuss, the meeting adjourned with Unanimous approval at approximately 8:43 p.m.



Nicholas Hollingshad, Chairman
Greenville County Board of Zoning Appeals

11/10/21
Date

Respectfully prepared and submitted by:



Terry Abrahams, Secretary

Greenville County Board of Zoning Appeals

**October 13, 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.

Conditional Use (13) of the Greenville County Zoning Ordinance:

Home Occupation: Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following conditions:

- A. Not more than one person who is not a member of the applicant's immediate family and who is not a resident in the applicant's home may be employed.
- B. Home occupations shall be conducted only within principal structures.

Conditional Use (13) of the Greenville County Zoning Ordinance, cont.

- C. An area equal to not more than 25 percent of the floor area of the principal structure may be utilized for home occupational purposes.
- D. The occupation shall not involve the retail sale of merchandise manufactured off the premises except for products related directly to the service performed
- E. No display of merchandise shall be visible from the street.
- F. No outdoor storage shall be allowed in connection with any home occupation.
- G. No alteration of the residential character of the premises may be made

Conditional Use (13) of the Greenville County Zoning Ordinance, cont.

H. The occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.

I. No sign shall be permitted except one non-illuminated nameplate not more than 2 square feet (i.e. 1' x 2') in area mounted flat against the wall of the principal building

Further:

Off-street parking shall be provided in accordance with the provisions set forth in Table 12.1.

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations.

Barber / Beautician

Child day care home

Home-based food production operations (as covered under Section 44-1-143 of the State of South Carolina Code of Laws, commonly known as the Cottage Food Law)

Instruction and Tutoring, such as

Academic Tutor

Music Teacher

Dance Instructor

Internet retail sales

Locksmith

Manufacturer's representative

Notary (Public)

Photographer

Professional Consultant, such as

Accountant and bookkeeper

Attorney

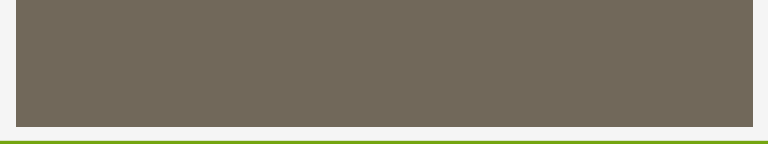
Insurance agent

Information technology professional

Residence as business mailing address

Secretarial Service

Tailoring



Section 3:6.1 Right of Appeal: If the request for a Zoning Application is disapproved, or a Certificate of Use is denied, the applicant may appeal the action of the Zoning Administrator to The Board of Zoning appeals.

Section 3:5.2 Appeals to the Board: The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. Appeal must be taken within thirty-five (35) days from the date of the decision notice or letter, by filing with the office from whom the appeal is taken, and with the secretary of the Board notice of appeal specifying the grounds of such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing, at least 15 days prior to the hearing date, to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by designated agent or attorney. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

CB-21-54

- **Applicant:** Nicolas Palestina
 - **Project type:** Variance
 - **Address:** 294 Ivydale Drive, Greenville SC 29609
 - **Zoning:** R-MA; Multi-family Residential District
- Posting:** Confirmed 9/28/21

CB-21-54

- Ivydale Drive near the intersection of Hedge St
- North of Rutherford Road

Request

Variance from right and left side setbacks to allow
Expansion of the existing residence

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

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

FRONT	=	20' from edge of road R.O.W.
SIDES	=	5' from property line
REAR	=	5' from property line

- The applicant is requesting a Variance of 4' from the right side setback and a Variance of 2.5' from the left side setback.

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-21-54 Site Plan

**LOT 86A, PLAT OF JOHN W. CAULEY PROPERTY
(PLAT: WW-159)
SITUATED @
294 IVYDALE DRIVE
GREENVILLE, SC 29609
GREENVILLE COUNTY**

2021088904
FLAT/LS Book: PL 1408 Page: 0095 - 0095 1 Pgs
September 15, 2021 01:30:33 PM
Fee: \$25.00
FILED IN GREENVILLE COUNTY, SC *Emily J. Harvey*



IVYDALE DRIVE

HEDGE STREET

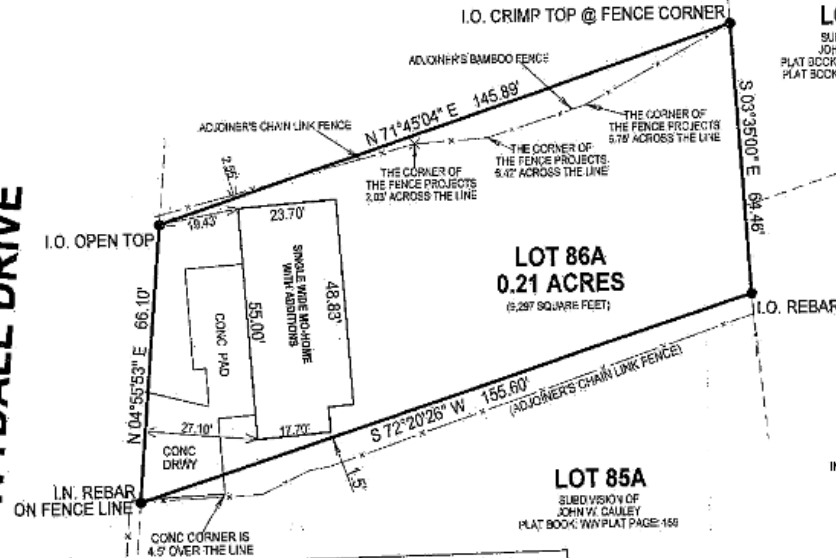
LOT 87A
SUBDIVISION OF JOHN W. CAULEY
PLAT BOOK WW PLAT PAGE: 159

LOT 86
SUBDIVISION OF JOHN W. CAULEY
PLAT BOOK WW PLAT PAGE: 159
PLAT BOOK 1046 PLAT PAGE: 14

LOT 85
SUBDIVISION OF JOHN W. CAULEY
PLAT BOOK WW PLAT PAGE: 159

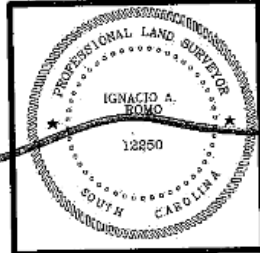
LOT 86A
0.21 ACRES
(9,297 SQUARE FEET)

LOT 85A
SUBDIVISION OF JOHN W. CAULEY
PLAT BOOK WW PLAT PAGE: 159



THIS PLAT IS NOT A SUBDIVISION AS DEFINED BY THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS
9-15-21
Date
Authorized Representative of Greenville County Planning Commission

THIS PLAT IS NOT A SUBDIVISION AS DEFINED IN THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS, ARTICLE 2, DEFINITIONS.



IGNACIO A. ROMO, SCPLS 12250

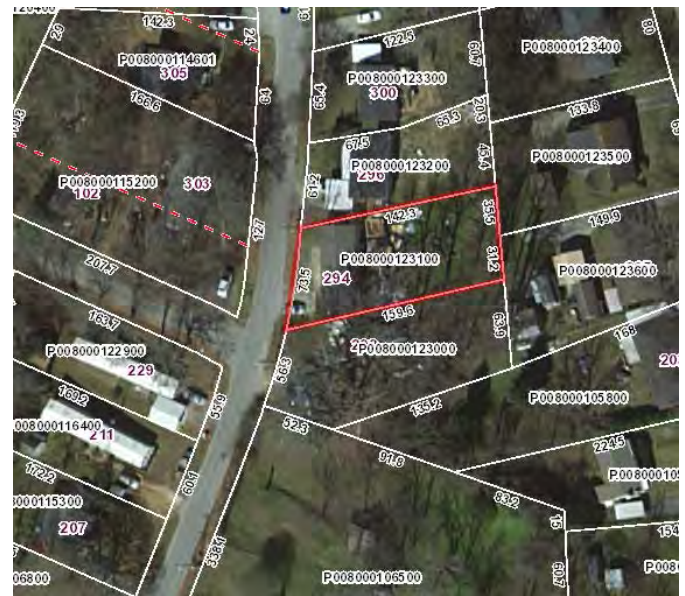
NOTE:
THIS IS AN UPDATE OF PLAT BOOK: 1342 PAGE: 07 (OLD JOB # 19290) REVISING THE CONFIGURATION OF THE HOME AND ELIMINATING AN ENCROACHMENT ON THE RIGHT SIDE OF THE HOME.

Project CB-21-54 - Location

Zoning



Aerial



CB-21-54

Subject Property



West of Subject Property



CB - 21- 54 Posting

North of subject property



South of subject property



CB-21-57

- Applicant: Matthew Rupert –Scott & Corley, PA for SCDA
- Project type: Use by Special Exception, Variance
- Address: Tower Road, Greenville SC 29609
- Zoning: ESD-PM, Paris Mountain
- Posting: Confirmed 9/28 /21

CB-21-57

- Tower Road off Altamont Drive, on Paris Mountain
- Near the City of Travelers Rest

Request

Use by Special Exception to replace and construct a new broadcast tower.

Variance from setback requirements for a new tower from existing structures.

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance **does not** list “Communication Towers” as a Use by Special Exception in the ESD-PM, Environmentally Sensitive District – Paris Mountain. However, **CB-05-71** granted approval to permit a Communications Tower on site with a Use by Special Exception.

Section 9:3.2- Expansion of Nonconforming Uses:

Nonconforming uses of land existing at the time of adoption of this ordinance shall not hereafter be expanded in any way without express review of the Board of Zoning Appeals.

Communication Towers are not listed as a Use by Special Exception in the ESD-PM District. Therefore, expansion of height and location of the communication tower requires review and approval by the Board of Zoning Appeals.

Section 11:4 C-2 states:

Communication towers are permitted as a use permitted by special exception by the Board of Zoning Appeals as an ancillary or secondary use on residentially zoned sites where another use (other than single-family or duplex use) is already established as the principal use of the property, such use a school, church, multifamily residential complex, public utility site, or other similar use: provided the principal use of the property complies with Greenville County Zoning and Land Development Regulations. On such residentially zoned sites, the minimum setback of the zoning district in which it is located shall be increased by one foot for each one foot of tower height in excess of 40 feet. The maximum required separation shall be 200 feet.

The proposed communication tower is 230 feet in height; therefore the required setback from any property line or structure on site is 200 feet.

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

- Section 7:3, Table 7.3 – Setback/Height Requirements for the ESD-PM District;

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

SIDES = 15' from property line

REAR = 15' from property line

- Additionally, the applicant must meet the 200' setback requirement from Section 11:4 C-2
- The applicant is requesting a Variance of 192.2 ft, 177.5 ft, 164.6 ft, 134.9ft, 122 ft, 116.9 ft, 106.7 ft, 98.9ft from the maximum required separation of 200ft.

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:

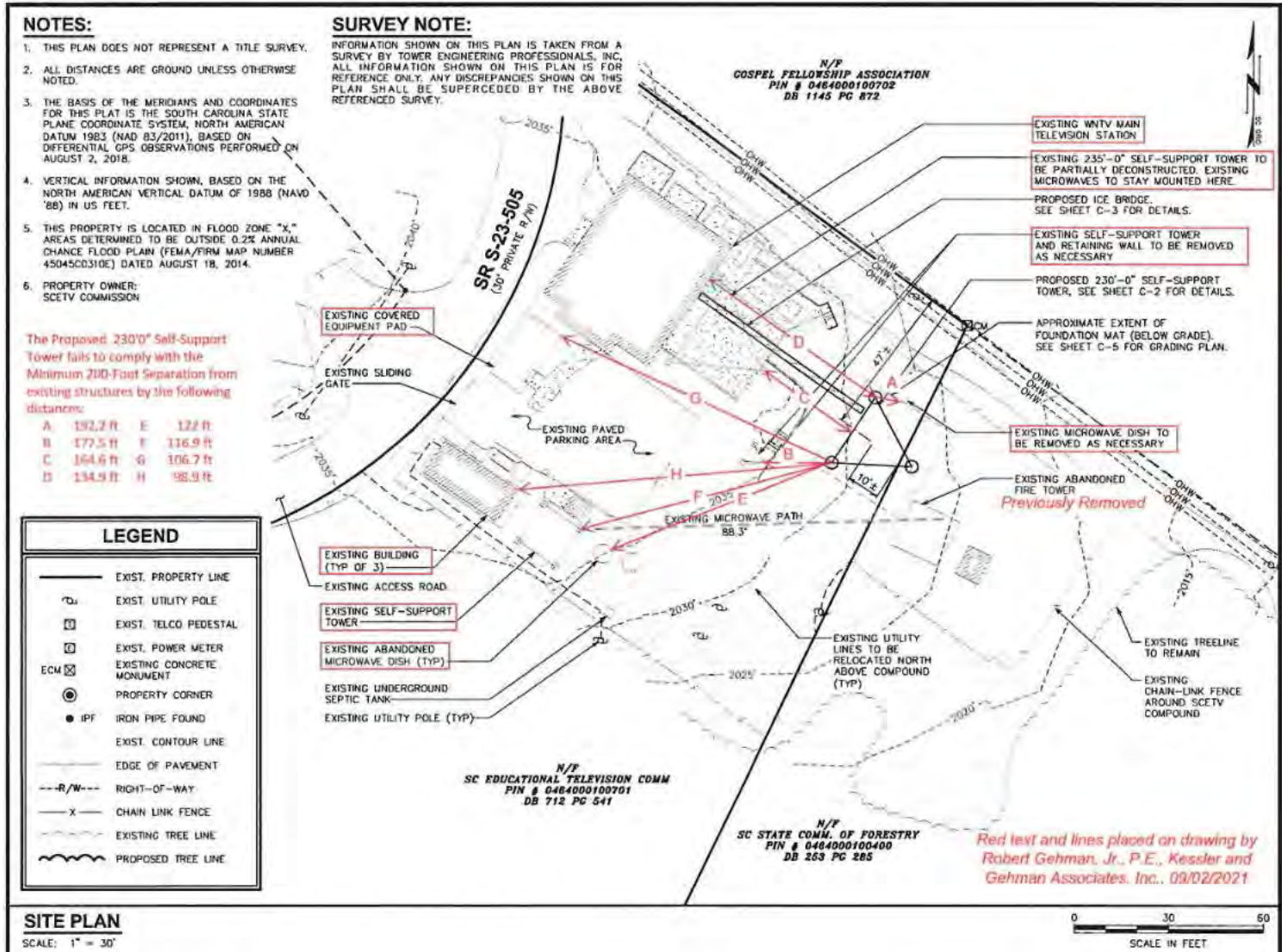
- A. The use meets all required conditions;
- B. The use is not detrimental to the public health or general welfare;
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services;
- D. The use will not violate 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-21-57 Site Plan



CB - 21 - 57- Location

Zoning



Aerial



CB-21-57 - Postings

Subject Property
with sign posting



Subject Property



Project CB-21-57

South of
Tower Road



CB-21-57

West of the subject
property



CB-21-60

- Applicant: DIEGO F. ARTEAGA
- Project type: Use by Special Exception
- Address: 1123 N. Franklin Rd, Greenville SC 29617
- Zoning: R-M20, Multifamily Residential District
- Posting: Confirmed 9/28 /21

CB-21-60

- N Franklin Rd and Cranbrook Ct.
- Near the intersection of N Franklin Rd and Old Buncombe Rd

Request

Use by Special Exception to allow a chiropractor as a Home Occupation.

Section 5.5 and Table 6.1 of Greenville County Zoning Ordinance:

Home Occupation as a permitted use in the residential district based on compliance with Condition (13) which includes a list of approved home occupations.

Chiropractor is not a listed use.

Therefore, approval is required from the BZA.

Conditional Use (13) of the Greenville County Zoning Ordinance:

Home Occupation: Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following conditions:

- A. Not more than one person who is not a member of the applicant's immediate family and who is not a resident in the applicant's home may be employed.
- B. Home occupations shall be conducted only within principal structures.

Conditional Use (13) of the Greenville County Zoning Ordinance, cont.

- C. An area equal to not more than 25 percent of the floor area of the principal structure may be utilized for home occupational purposes.
- D. The occupation shall not involve the retail sale of merchandise manufactured off the premises except for products related directly to the service performed
- E. No display of merchandise shall be visible from the street.
- F. No outdoor storage shall be allowed in connection with any home occupation.
- G. No alteration of the residential character of the premises may be made

Conditional Use (13) of the Greenville County Zoning Ordinance, cont.

H. The occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.

I. No sign shall be permitted except one non-illuminated nameplate not more than 2 square feet (i.e. 1' x 2') in area mounted flat against the wall of the principal building

Further:

Off-street parking shall be provided in accordance with the provisions set forth in Table 12.1.

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations.

Barber / Beautician

Child day care home

Home-based food production operations (as covered under Section 44-1-143 of the State of South Carolina Code of Laws, commonly known as the Cottage Food Law)

Instruction and Tutoring, such as

Academic Tutor

Music Teacher

Dance Instructor

Internet retail sales

Locksmith

Manufacturer's representative

Notary (Public)

Photographer

Professional Consultant, such as

Accountant and bookkeeper

Attorney

Insurance agent

Information technology professional

Residence as business mailing address

Secretarial Service

Tailoring

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:

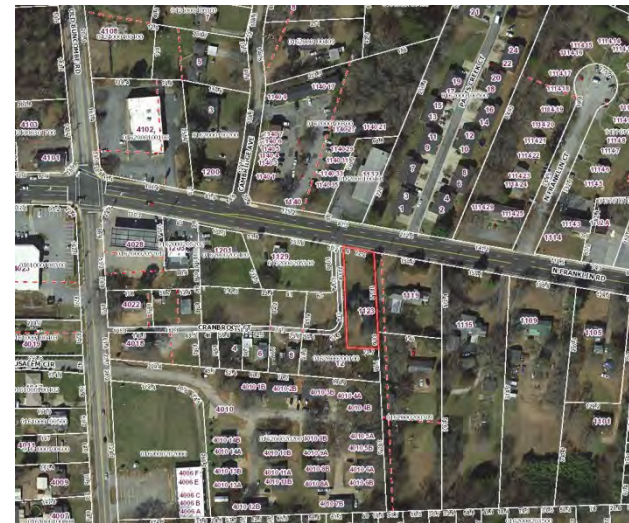
- A. The use meets all required conditions;
- B. The use is not detrimental to the public health or general welfare;
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services;
- D. The use will not violate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

CB - 21 - 60- Location

Zoning



Aerial



CB-21-60 - Postings

Subject Property



Project CB-21-60

Right of Subject
Property



Left of Subject
Property



CB-21-60

Across N Franklin Dr.



CB-21-61

- **Applicant:** Lana Carol Gilchrist
 - **Project type:** Variance
 - **Address:** 14 Somerleaf Way, Simpsonville SC 29681
 - **Zoning:** R-12; Single-Family Residential District
- Posting:** Confirmed 9/28/21

CB-21-61

- Somerleaf Way off Brown Road
- Somerleaf Subdivision

Request

Variance for placement of a swimming pool as outlined in Condition 18-B of the GC Zoning Ordinance, to allow placement in the left side yard.

Variances – Considerations

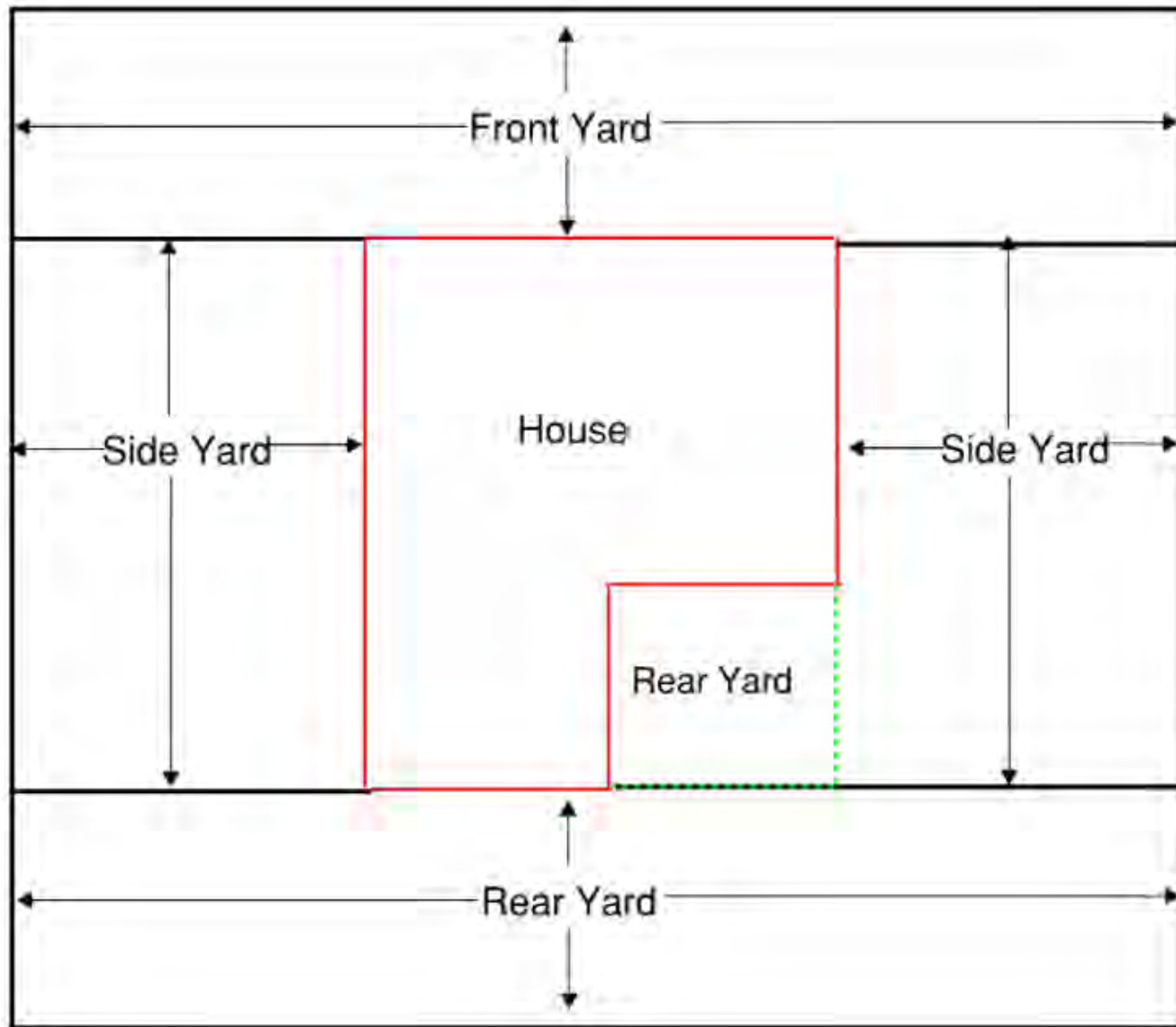
Section 3:4.1 of the Greenville County Zoning Ordinance states that a variance may be granted if the Board makes and explains the following findings:

- 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.

Section 6:2 – Use Conditions 18-B states the following: Swimming Pool Requirements

1. Swimming pools shall be located in the rear yard.
2. Swimming pools shall be set back not less than 5 feet.
3. Setback requirements for swimming pools shall be the same as those for
accessory buildings.
4. Swimming pools shall not occupy more than 50 percent of the rear yard.
5. Lighting for swimming pools shall have proper shielding from glare.

The applicant is requesting a Variance from placement requirements for a pool.

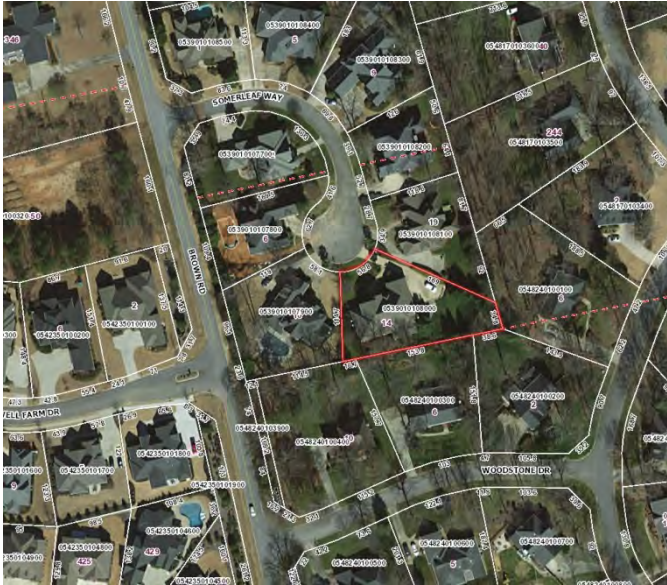


Project CB-21-61 - Location

Zoning



Aerial



CB-21-61

Subject Property



Left of Subject Property



CB - 21- 61 Posting

Right of subject property



Across subject property



CB-21-62

- Applicant: Iglesia Evangelica Church
- Project type: Use by Special Exception, Variance
- Address: 3330 & 3336 Old Buncombe Road,
Greenville SC 29617
- Zoning: R-12, Single-Family Residential District
- Posting: Confirmed 9/28/21

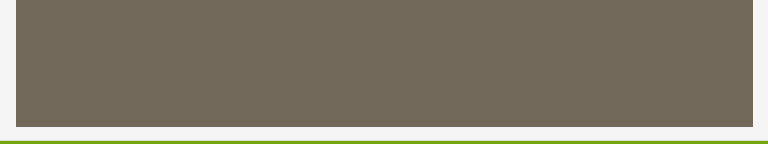
CB-21-46

- Old Buncombe Road near Hwy 253
- Across from Historic Union Bleachery Mill Site

Request

Use by Special Exception to include the adjacent residence into the church property for the use of the pastor's dwelling.

Variance of 12.7' from the front setback



Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Church” as a Use by Special Exception in the R-10, Single-Family Residential District.

The plan review/permit process will ensure compliance prior to issuance of a C.O.

Section 11:3.2 of the Greenville County Zoning Ordinance

11:3.2 Setback Requirements

All buildings shall be set back from the front, side, and rear property lines a minimum of 50 feet. For additional minimum setback requirements, refer to the Transportation Corridor Preservation Ordinance #3079 (Appendix C.).

The applicant is requesting a Variance of 12.7' from the required setback.

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.

Variations – 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.

Survey

- 1/2" IRON PIN FOUND = ●
- 1/2" REBAR SET = ○
- POINT IN CREEK = △
- POWER POLE = □
- POWER LINE = —
- LIGHTPOLE = ☆



LANGFORD
LAND SURVEYING, LLC
 PO BOX 697
 108 RIDGE ROAD
 LANDRUM, SC 29356
 OFF. 864-316-5782

160.00-01-1.0

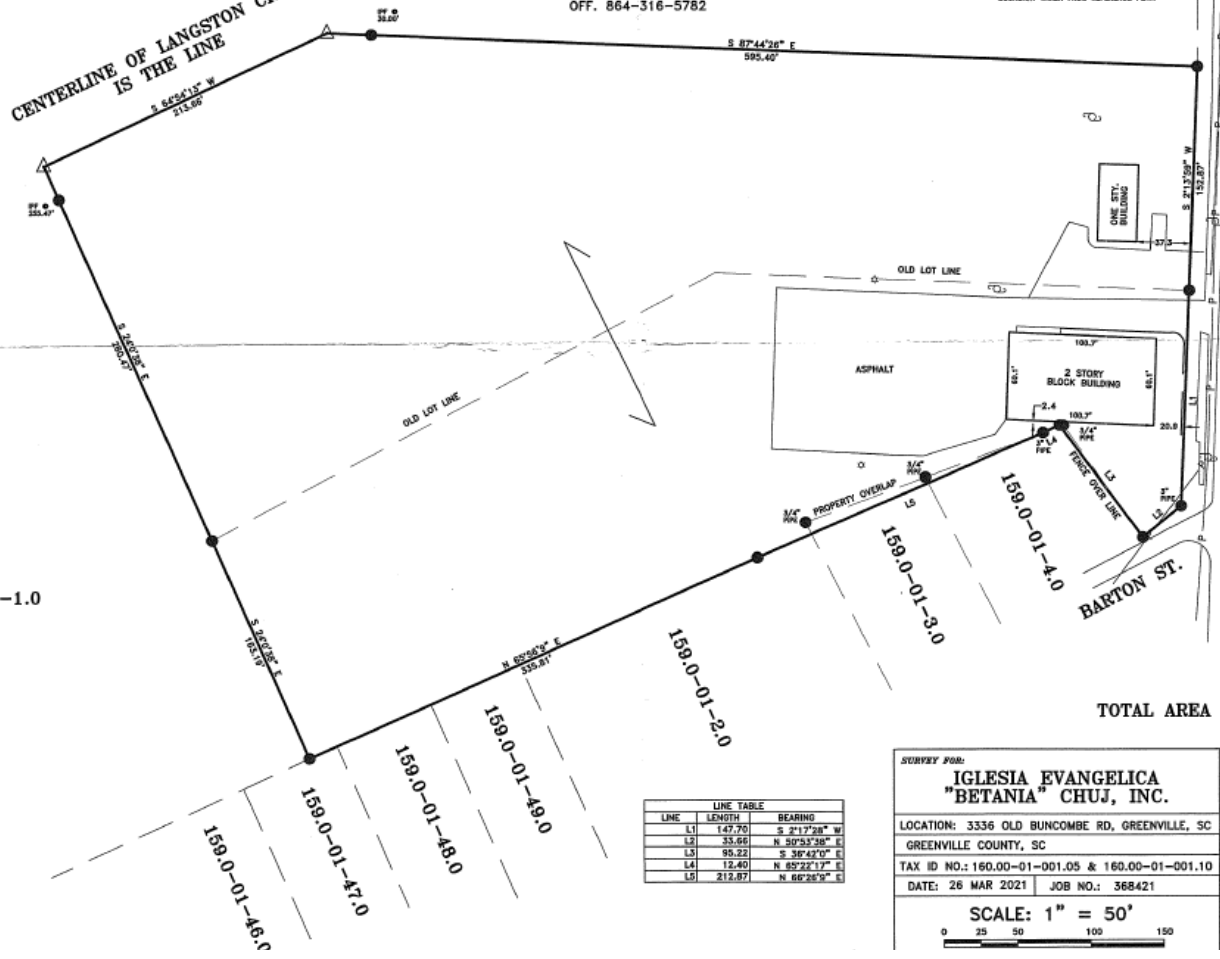
REFERENCES:
 PLAT BOOK 1098 PAGE 338
 BOOK BOOK 2487 PAGE 1424

NOTE:
 THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, ZONING ORDINANCES, AND ROW'S & COVENANTS RECORDED OR UNRECORDED.
 THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH.
 THIS SURVEY IS A LEGAL DOCUMENT FOR THE PARTY (PARTIES) LISTED BELOW ONLY.
 BOUNDARY WORK WAS PERFORMED ON THIS DATE.
 BOUNDARY TAKEN FROM SETOFFSIDE PLAT.



CENTERLINE OF LANGSTON CREEK IS THE LINE

160.00-01-1.0



OLD BUNCOMBE ROAD 50' R/W

TOTAL AREA = 6.01 ACRES

LINE	LENGTH	BEARING
L1	147.70	S 21°28' M
L2	35.66	N 50°53'38" E
L3	95.22	S 36°42'0" E
L4	12.40	N 89°22'17" E
L5	212.87	N 66°26' M

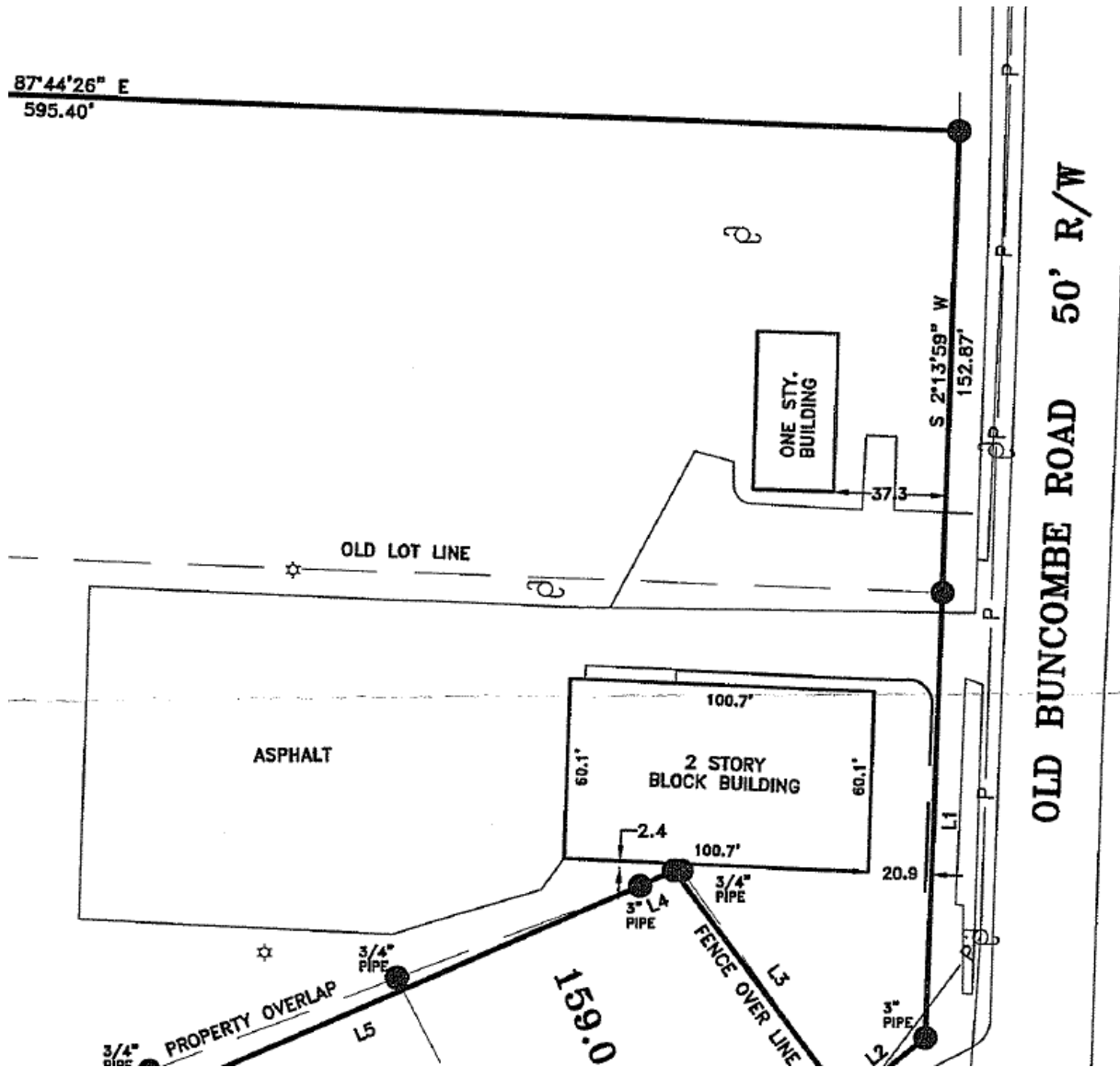
SURVEY FOR:
IGLESIA EVANGELICA
"BETANIA" CHUJ, INC.
 LOCATION: 3336 OLD BUNCOMBE RD, GREENVILLE, SC
 GREENVILLE COUNTY, SC
 TAX ID NO.: 160.00-01-001.05 & 160.00-01-001.10
 DATE: 26 MAR 2021 | JOB NO.: 368421

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 STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND NOTED OR EXCEEDED THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.

SCALE: 1" = 50'
 0 25 50 100 150



Close up survey



Project CB-21-62 - Location

Zoning



Aerial



CB-21-62

Subject Property View



Subject Property View
to the Right



CB-21-62

Left of the Subject
Property



Across the Street



CB-21-63

- Applicant: Andrew David Ellis
- Project type: Variance
- Address: 105 Guess St, Greenville SC 29605
- Zoning: R-7.5, Single-Family Residential District
- Posting: Confirmed 9/28/21

CB-21-63

- Guess Street near Wilkins St
- City Of Greenville

Request

Variance of 14.3 ft. from the front setback requirements

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

- Section 7:3, Table 7.3 – Setback/Height Requirements for the R-7.5, Single-Family Residential District;

FRONT	=	30' from edge of road R.O.W.
SIDES	=	5' from property line
REAR	=	5' from property line

- The applicant is requesting a Variance of 14.3'.

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 - 63- Location

Zoning



Aerial



CB-21-63 - Postings

Subject Property



Subject Property
View to right



Project CB-21-63

Across Guess Street



Left of Property



CB-21-64

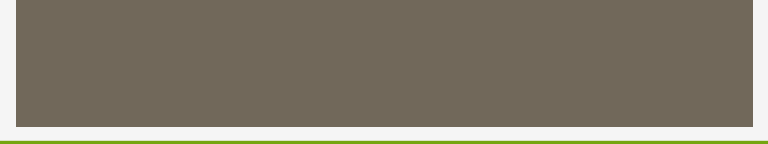
- Applicant: South Greenville Fire District
- Project type: Use by Special Exception
- Address: 8305 Augusta Rd, Pelzer SC 29669
- Zoning: R-R1, Rural Residential District
- Posting: Confirmed 9/28/21

CB-21-64

- Augusta Road near the intersection of West Georgia Road and Augusta Road

Request

Use by Special Exception to allow for construction of a training facility for Fire Department



Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Emergency Service, Fire, Police, EMS” as a Use by Special Exception in the R-R1, Rural Residential District.

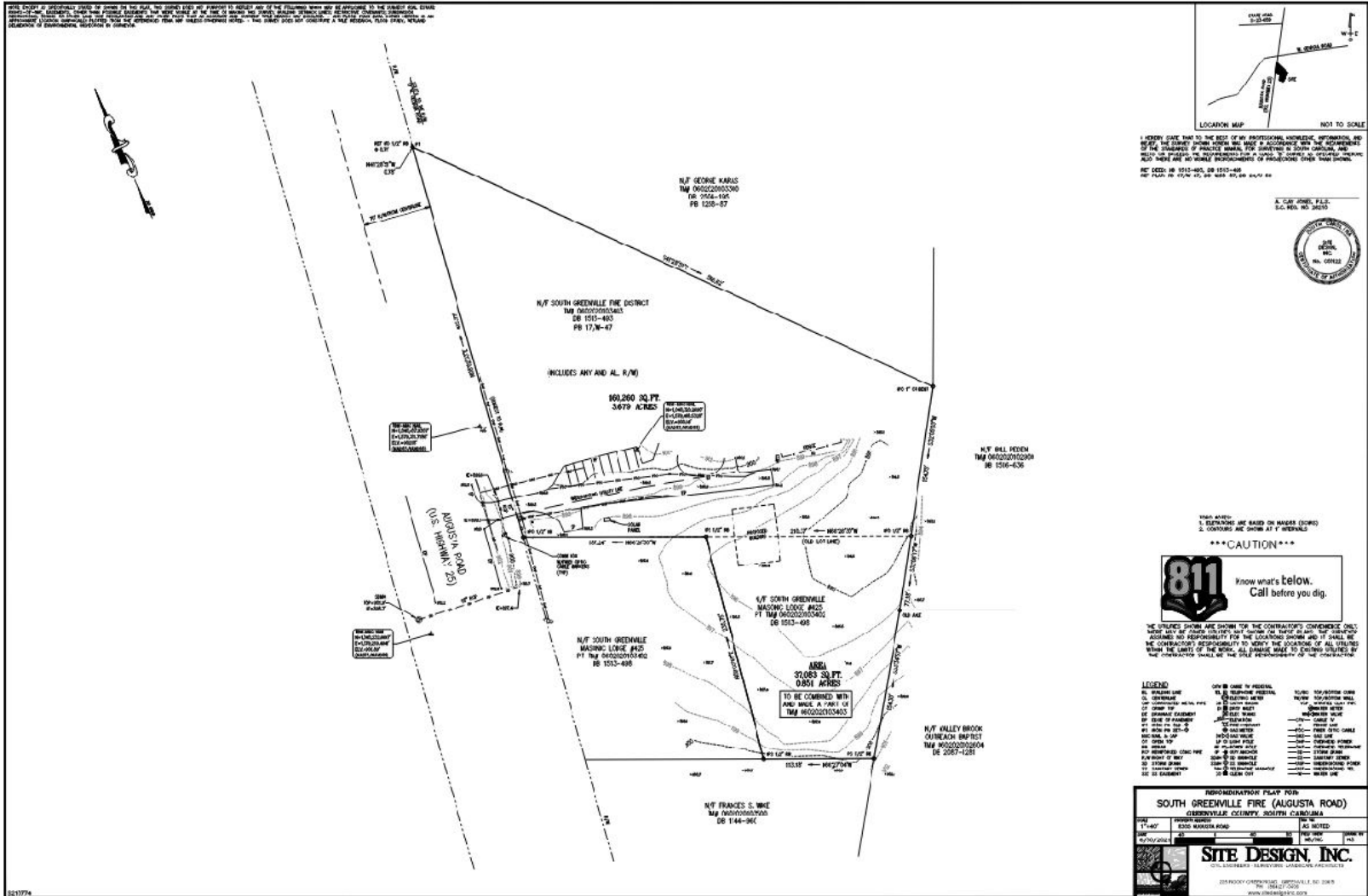
The plan review/permit process will ensure compliance prior to issuance of a C.O.

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.

Survey





CB - 21 - 64- Location

Zoning



Aerial



CB-21-64

Subject property



Left of Subject Property



CB-21-64

Right of Subject Property



Across Augusta Rd



CB-21-65

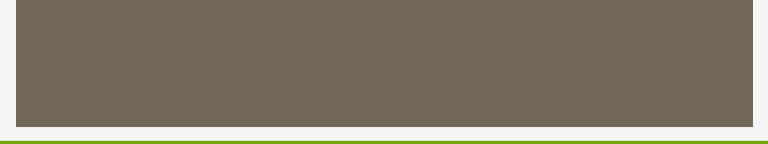
- Applicant: Greater Greenville Sanitation Commission
- Project type: Use by Special Exception
- Address: 621 Old Easley Hwy, Greenville SC 29611
- Zoning: R-S, Residential Suburban District,
S-1, Service District
- Posting: Confirmed 9/28/21

CB-21-65

- Old Easley Hwy
- Near Intersection of W Blue Ridge Dr. and Old Easley Hwy

Request

Use by Special Exception to allow for the addition of a transfer station on the property.



Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Public Utility” as a Use by Special Exception in the S-1, Services District and R-S, Residential Suburban District.

Section 11:7, Public Utility Buildings and Uses states: Public Utility buildings and uses such as sewage lift stations, pump stations, electrical substations, and telephone equipment buildings which are not detrimental to other uses permitted in the district may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be landscaped.

The site plan submitted reflects compliance.

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.

Site Plan



Close up Site Plan



CB - 21 - 65- Location

Zoning



Aerial



CB-21-65

Subject property



Left of subject
property



CB-21-65

Right of Subject
Property



Across Subject
Property



CB-21-66

- **Applicant:** Steven Gander
 - **Project type:** Variance
 - **Address:** 1145 E. Lakeshore Dr., Landrum SC 29356
 - **Zoning:** R-7.5; Single-Family Residential District
- Posting:** Confirmed 9/28/21

CB-21-66

- E Lake Shore Drive
- Lake Lanier

Request

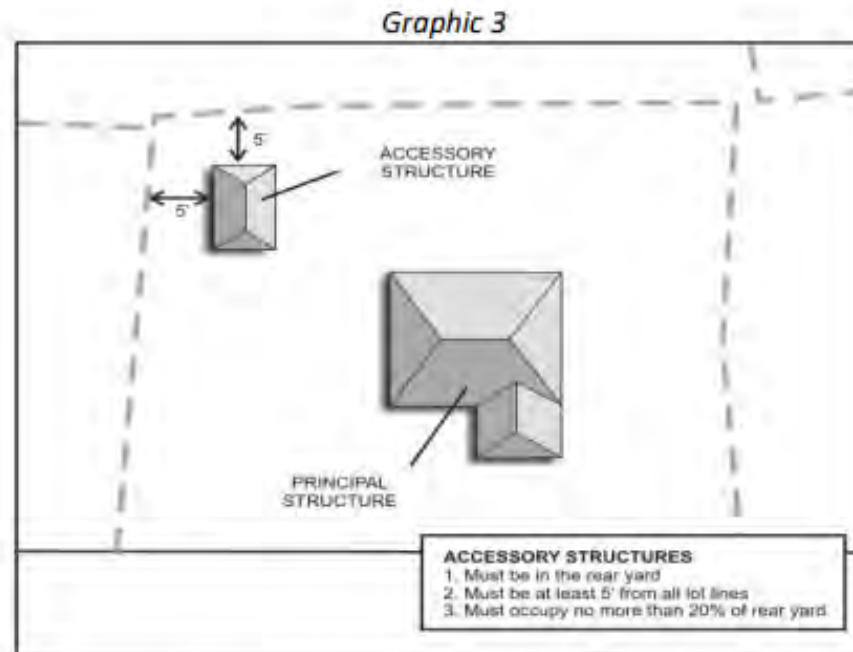
Variance from the placement requirement for an accessory building on residential property

Variations – 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.

Section 7:3.4: Accessory buildings may be located in the rear or side yard provided that they are set back not less than 5' from any lot line and occupy not more than 20 percent of the rear yard.

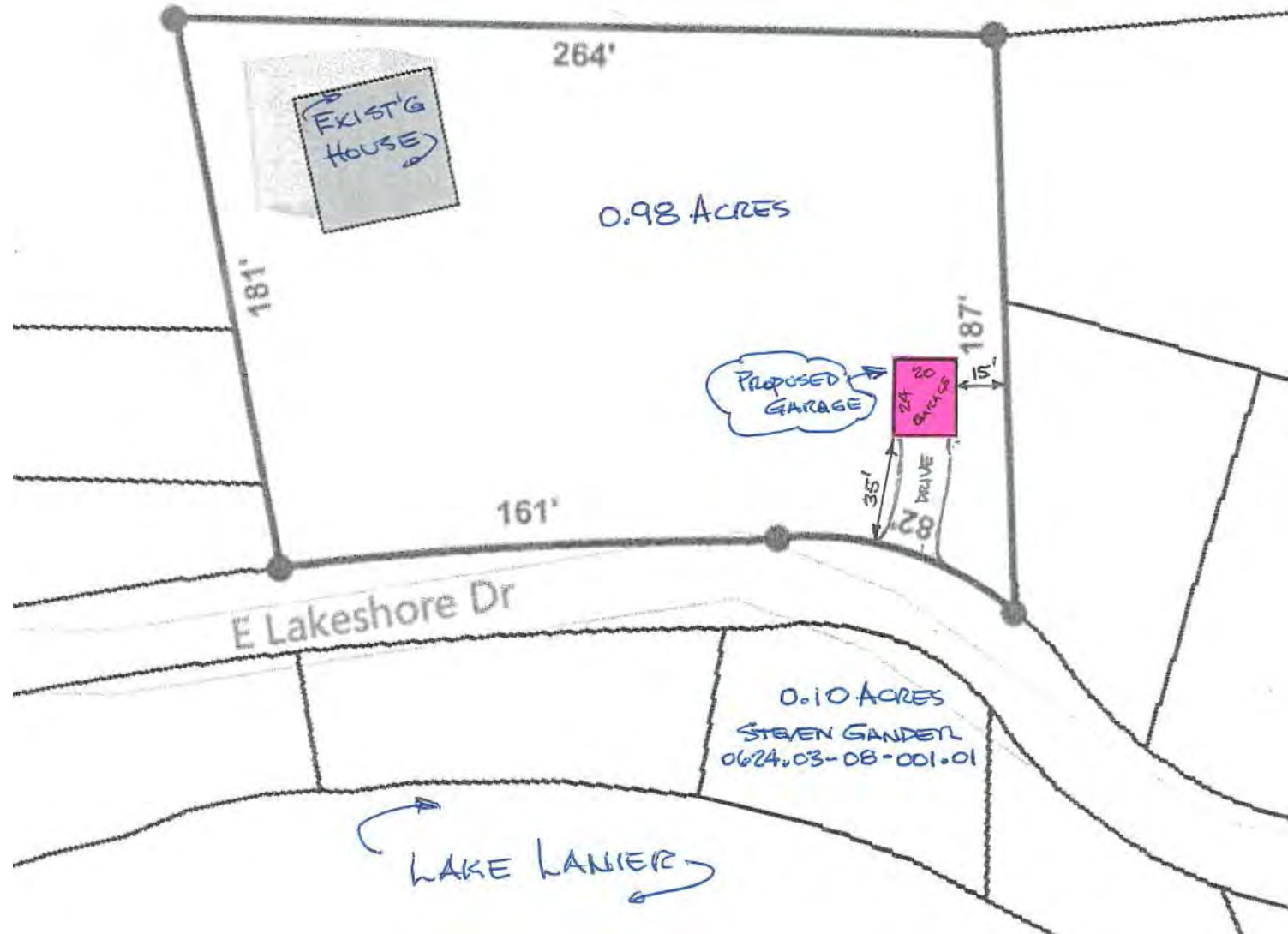


Graphic 3 - *****Note 1: Should read Must be in the rear yard or side yard** (not codified)

CB-21-66 Site Plan

9/9/21

SCALE 1" = 50'-0"



CB - 21 - 66- Location

Zoning



Aerial



CB-21-66

Subject property



Across E. Lake
Shore Dr.



CB-21-66

Right of Subject
Property



Across Subject
Property



CB-21-67

- **Applicant:** Southchase Wilson Bridge, LLC
- **Project type:** Variance
- **Address:** 260 Wilson Bridge Rd, Fountain Inn SC
- **Zoning:** I-1; Single-Family Residential District
- **Posting:** Confirmed 9/28/21

CB-21-67

- Southchase Industrial Park
- I-385 S in Fountain Inn

Request

Variance from the required tree credits for development of this individual parcel

Section 7. Density Variances and Appeals

(A) In the event that the density unit requirements cannot be achieved on site, the developer may elect to make an application to the Greenville County Board of Zoning Appeals for a variance. The variance may be granted in an individual case of unnecessary hardship if so determined by the Board of Zoning Appeals. Variance applications shall be processed and governed by the requirements for other variances as set forth in the Greenville County Zoning Ordinance, as amended. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be a violation of this Ordinance and punishable under Section 14. The Board of Zoning Appeals shall have authority to waive density requirements of this Ordinance through the grant of a variance.

Variations – 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.

Tree Credits Required:

5 acres x 15 credit units per acre disturbed = **75 Credits**

A tree protection/planting plan in compliance with the requirements was originally submitted and approved

Tree Credits Provided:

3.7 acres x 15 credit units = **59 Credits**

The applicant is requesting a **Variance of 16 tree credits**, based on the conditions outlined in the attached proposal.

**STREET BUFFER
REQUIRED:**

(1) TREE / 60 LF OF ROAD FRONTAGE (6 REQUIRED)
CONTINUOUS SCREENING

PROVIDED:

(4) CANOPY TREES
(11) UNDERSTORY TREES
CONTINUOUS HEDGE

**INTERIOR PARKING
REQUIRED**

(1) TREE / 15 PARKING SPACES (4 REQUIRED)
(1) SHRUB / 5 PARKING SPACES (14 REQUIRED)

PROVIDED

(7) CANOPY
(18) UNDERSTORY TREES
(71) SHRUBS

TREE CREDITS

REQUIRED:

5 AC X 15 CREDIT UNITS / AC = 75 CREDIT UNITS

DEDUCTION OF NON PLANTABLE AREAS:

SEWER EASEMENTS 21,429 SF
DETENTION POND 23,159 SF
ACCESS EASEMENT 12,402 SF
TOTAL 56,990 SF 1.30 AC

ADJUSTED SITE AREA 3.7 ACRES

3.7 AC X 15 CREDIT UNITS / AC 55.5 CREDIT UNITS

PROVIDED

(33) CANOPY TREES (2" CALIPER) = 33 CREDITS
(26) UNDERSTORY (2" CALIPER) = 26 CREDITS
TOTAL CREDITS PROVIDED - 59 CREDITS

PLANT SCHEDULE

NOTE: PLANT QUANTITIES ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR CONFIRMING ALL QUANTITIES AS SHOWN ON PLANS PRIOR TO BIDDING AND INSTALLATION.

QTY.	COMMON NAME	BOTANICAL NAME	SYMB.	SIZE	SPACING
CANOPY TREES					
14	Autumn Blaze Maple	Acer x freemanii 'Jeffers Red'	AF	10-12 HT; 2" CAL.	Varies - See Plan
5	Hightower Willow Oak	Quercus phellos 'Hightower'	QP	10-12 HT; 2" CAL.	Varies - See Plan
15	Sturtead Oak	Quercus sturteadi	QS	10-12 HT; 2" CAL.	Varies - See Plan
23	Allele Elm	Ulmus parvifolia 'Tower II'	UP	10-12 HT; 2" CAL.	Varies - See Plan
11	Green Vase Zelkova	Zelkova serrata 'Green Vase'	ZS	10-12 HT; 2" CAL.	Varies - See Plan
UNDER-STORY TREES					
2	Eastern Redbud	Cercis canadensis	CB	8" HT; 1.5" CAL.	Varies - See Plan
4	Milky Way Kousa Dogwood*	Cornus kousa var. chinensis 'Milky Way'	DM	8" HT; 1.5" CAL.	Varies - See Plan
6	Witchnut Crape Myrtle*	Lagerströmia indica x Saurii 'Witchnut'	CM	8" HT; 1.5" CAL.	Varies - See Plan
SHRUBS/ORNAMENTAL GRASSES					
21	Dwarf Yaupon Holly	Ilex vomitoria 'Nana'	YN	3 GAL.	4 O.C.

- NOTES:**
- All disturbed areas not paved or mulched shall be seeded and stabilized.
 - Landscape contractor to provide design-build irrigation system. REFER TO Irrigation notes on L101.
 - Crape Myrtle and Dogwood trees shall be multi-trunk - Min. 3 trunks - Max. 5 trunks

REQUIRED:

- (1) TREE / 50 L.F. FRONTAGE (6 REQUIRED)
- CONTINUOUS SCREENING

PROVIDED:

- (M) CANOPY TREES
- (N) UNDERSTORY TREES
- CONTINUOUS SCREEN

INTERIOR PARKING

REQUIRED:

- (1) TREE / 15 PARKING SPACES (4 REQUIRED)
- (1) SHRUB / 5 PARKING SPACES (14 REQUIRED)

PROVIDED:

- (7) CANOPY TREES
- (12) UNDERSTORY TREES
- (7) SHRUBS

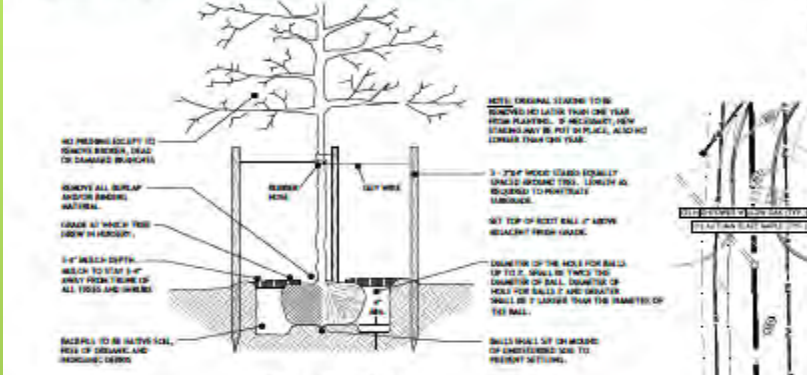
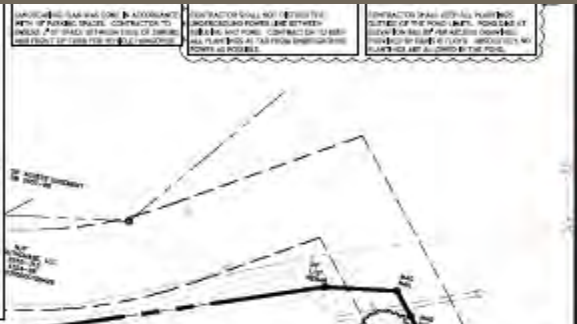
TREE CREDITS

REQUIRED:

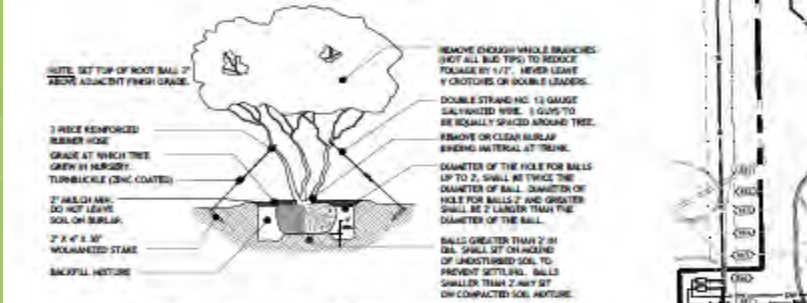
- 5 ACX 15 CREDITS / AC = 75 CREDITS

PROVIDED:

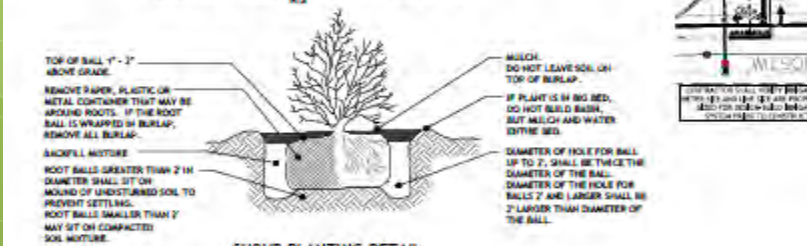
- (M) CANOPY TREES (2") = 60 CREDITS
- (12) UNDERSTORY TREES (1.5") = 6 CREDITS



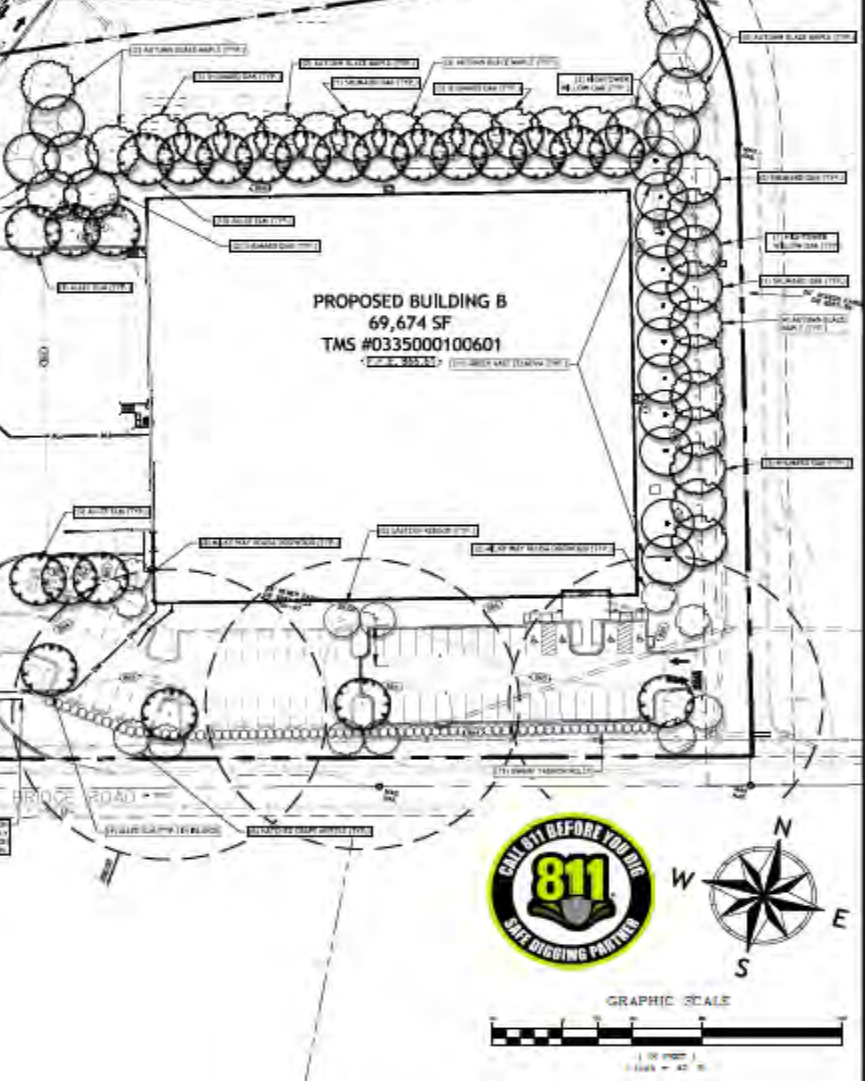
TREE PLANTING DETAIL



MULTI-TRUNK TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



blue water
civil design

715 Loveland Mills Road • Greenville, SC 29607
www.bluewaterdvl.com • info@bluewaterdvl.com

UNIVERSITY OF SOUTH ALABAMA
100 SOUTH ALABAMA AVENUE
MOBILE, AL 36688-0001

SouthChase BUILDING B
Wilson Bridge Rd.
Fountain Inn, SC 29644

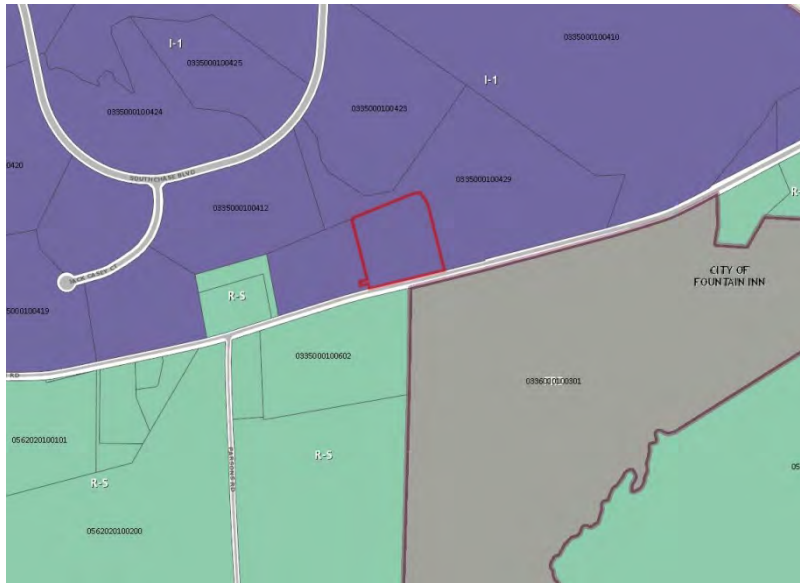


LANDSCAPE PLAN

L101

CB - 21 - 67- Location

Zoning



Aerial



CB-21-67

Subject property



Right of Subject
Property



CB-21-67

Across Wilson
Bridge Rd



Left of Subject
Property



CB-21-68

- **Applicant:** Michael Scott Peterman
 - **Project type:** Variance
 - **Address:** 750 McKelvey Road, Pelzer SC
 - **Zoning:** R-R3; Rural Residential District
- Posting:** Confirmed 9/28/21

CB-21-68

- McKelvey Road west of Hwy 25 S
- Dunklin Bridge Rd and Turner Road

Request

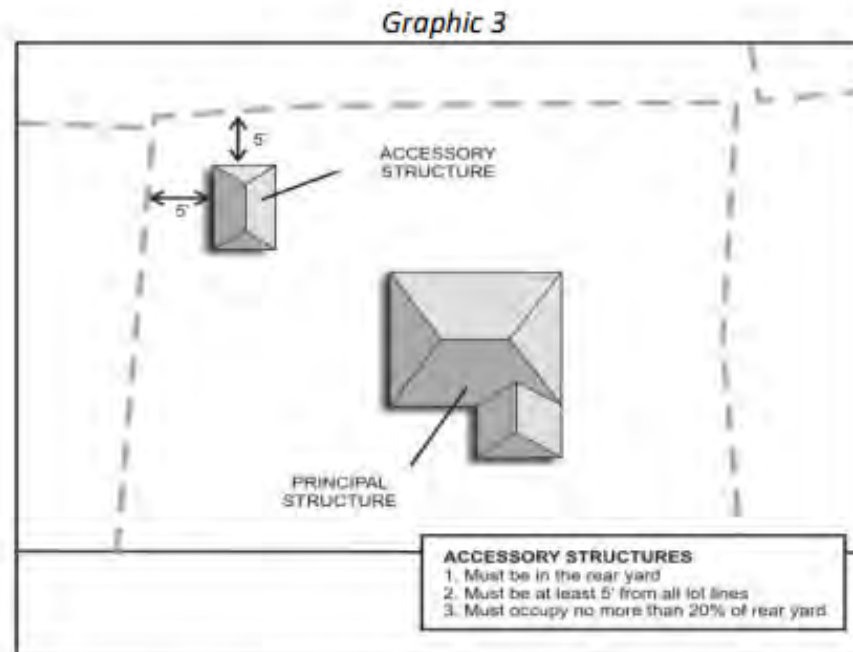
Variance from the placement requirement for an accessory building on residential property, to allow the existing barn to remain in the front yard.

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:

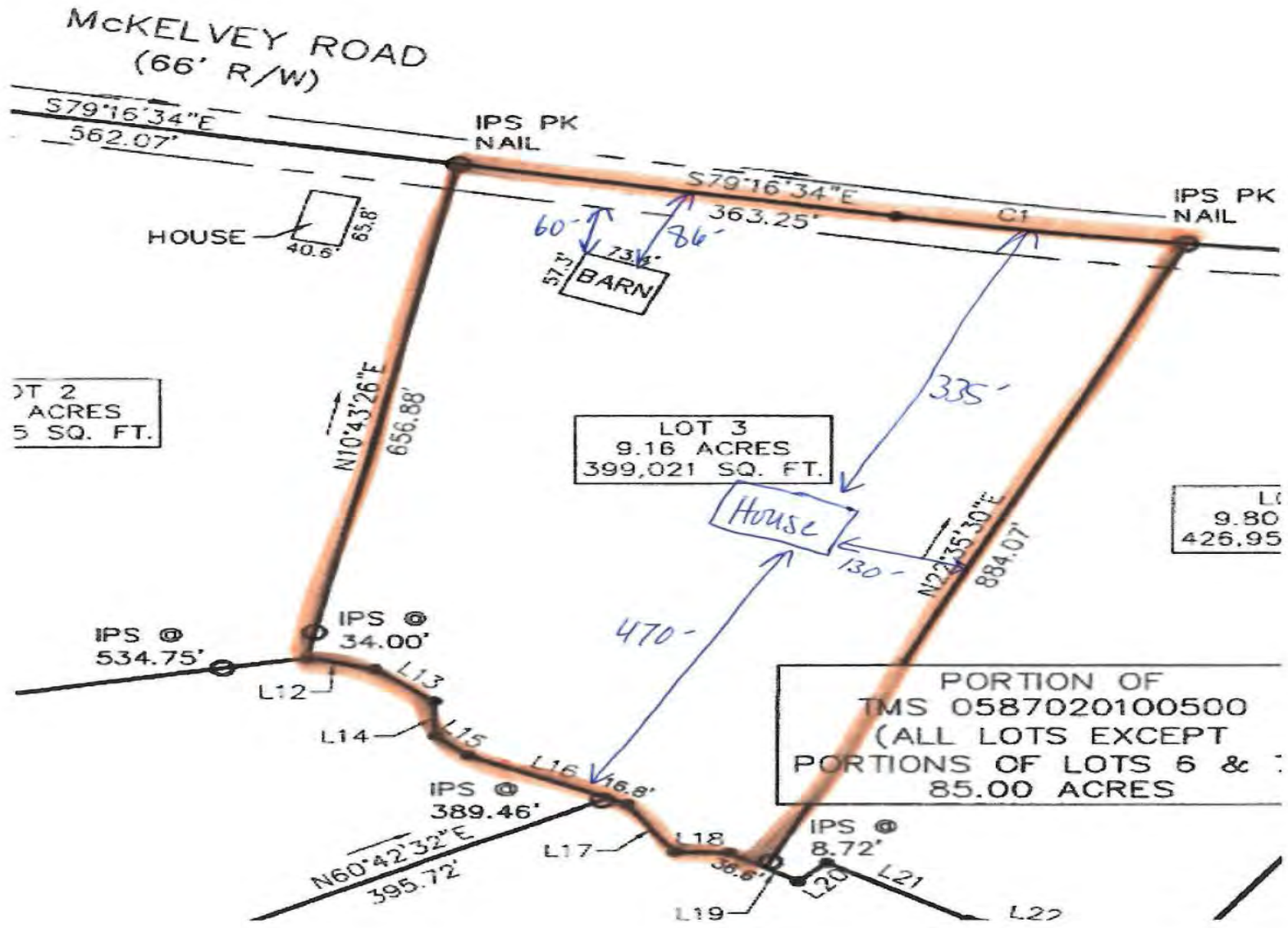
- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively 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.

Section 7:3.4: Accessory buildings may be located in the rear or side yard provided that they are set back not less than 5' from any lot line and occupy not more than 20 percent of the rear yard.

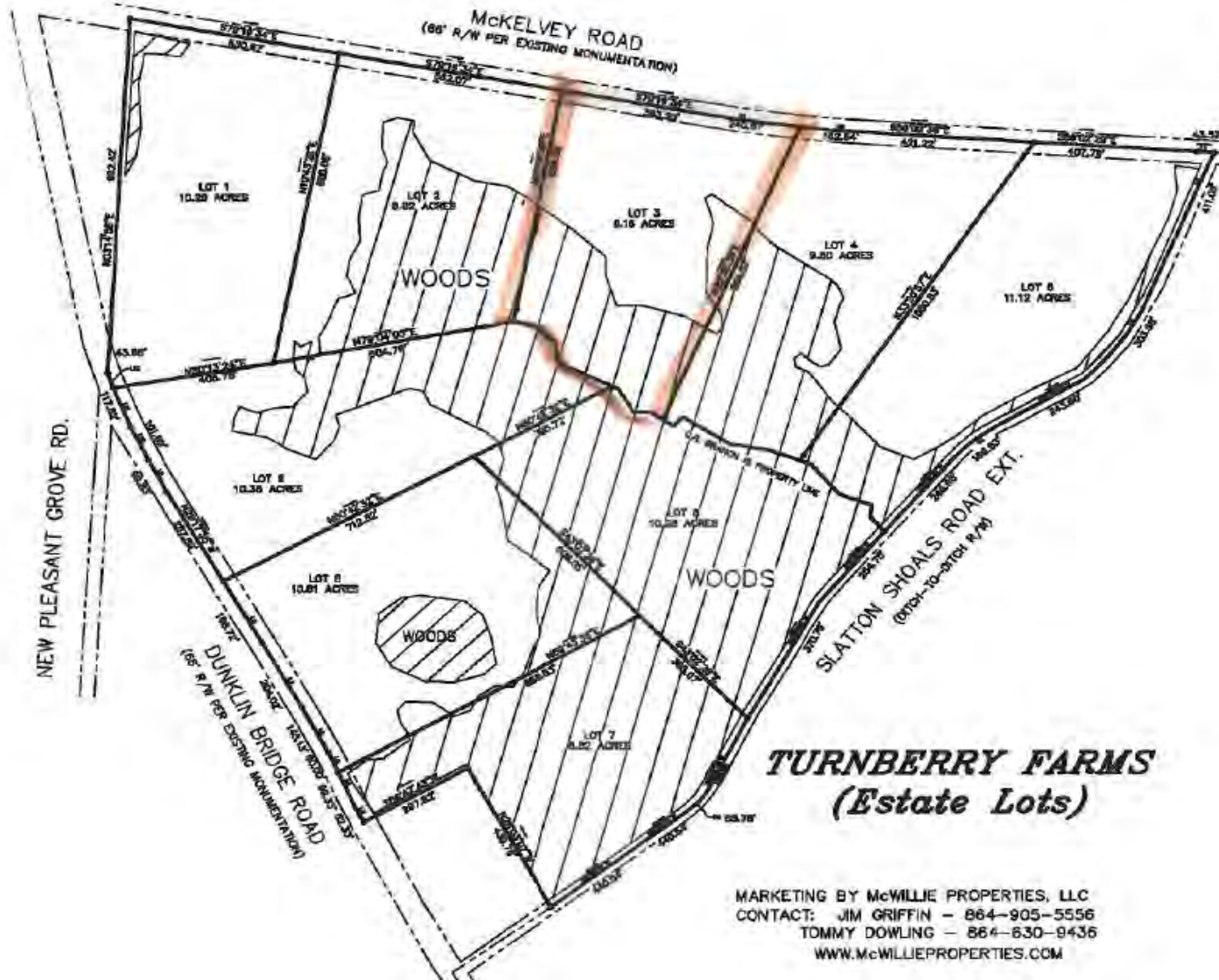


Graphic 3 - *****Note 1: Should read Must be in the rear yard or side yard** (not codified)

CB-21-68 Site Plan



CB-21-68



TURNBERRY FARMS
(Estate Lots)

MARKETING BY McWILLIE PROPERTIES, LLC
CONTACT: JIM GRIFFIN - 864-905-5556
TOMMY DOWLING - 864-630-9436
WWW.McWILLIEPROPERTIES.COM

CB - 21 - 68- Location

Zoning



Aerial



CB-21-68

Subject property



Across McKelvey
Rd



CB-21-68

Left of Subject
Property



Right of Subject
Property



CB-21-70

- **Applicant:** TCC Venture, LLC
 - **Project type:** Use by Special Exception
 - **Address:** Fork Shoals Road, Piedmont SC
 - **Zoning:** R-12; Single-Family Residential District
- Posting:** Confirmed 9/28/21

CB-21-70

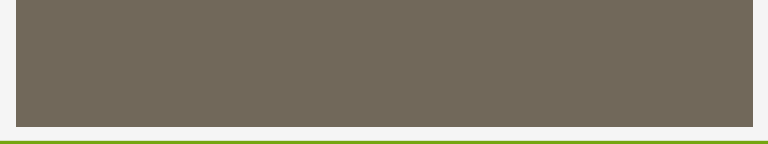
- Fork Shoals Road
- I-185 and W. Georgia Road

Request

Use by Special Exception for a Pump Station

Section 5:5 and Table 6.1 of the Greenville County Zoning Ordinance:

- **Section 5:5 and Table 6.1** (Uses permitted, Uses by Special Exception and Conditional Uses) lists “Public Utility” as a Use by Special Exception in the R-12 District.
- **Section 7, Table 7:4: Nonresidential Setbacks in R-12 District:**
 - FRONT = 30-ft from edge of road R.O.W. – Collector
 - SIDES = 25-ft from property lines
 - REAR = 5-ft from property line



Section 11:3.5 Screening and Buffering - Screening shall be provided in accordance with the provisions set forth in Section 12:9, Screening and Buffering Requirements.

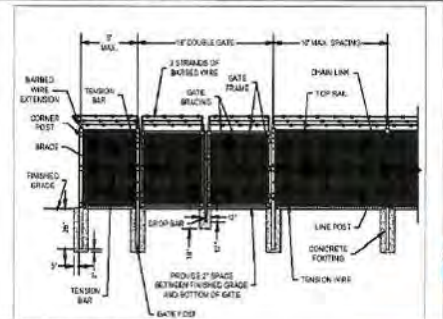
Section 11:7, Public Utility Buildings and Uses states:

Public Utility buildings and uses such as sewage lift stations, pump stations, electrical substations, and telephone equipment buildings which are not detrimental to other uses permitted in the district may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be landscaped

The site plan reflects compliance



DUKE ENERGY OUTDOOR LIGHTING - SHOEBOX LED N. T. S.



PROPOSED 6' FENCE N. T. S.



PROPOSED 6' FENCE N. T. S.



LOCATION MAP (N.T.S.)



MH A3
STA 2+29.62

MH A4 & B1
STA 4+27.91
STA 0+00.00

16' GATE WITH SIGN
(SEE DETAIL PS-7.0)

MH A2
STA 0+15.76

FOR PS SITE PLAN
(SEE DETAIL PS-1.0)

VALVE PIT (SEE DETAIL PS-1.1)

LEVEL SPREADER FOR
PERMANENT WATER QUALITY

ODOR CONTROL PAD

MH A1

WET WELL

ELECTRICAL RACK W/ SHED
ROOF AND BACKUP GENERATOR
(SEE PS DETAILS)

52' X 75' PAVED LIGHT DUTY
ASPHALT TO EXTEND 1' BEYOND
50' X 50' FENCELINE

DUKE ENERGY SHOEBOX
LED AREA LIGHT

6' CHAIN LINK FENCE
W/ 3 STRANDS OF BARBED WIRE

20' UNDISTURBED BUFFER

THE PUMP STATION ALONG WITH ASSOCIATED LAND
WILL BE DEEDED TO METROCONNECTS FOR
OWNERSHIP AND MAINTENANCE. THIS INCLUDES
FENCE AND LIGHT

DATE:	1/14/21
BY:	PHASE 1/2020/2021/2022/2023
NO.:	



GRAY ENGINEERING
1101 W. STATE ST. SUITE 100
GREENVILLE, SC 29615
TEL: 864.636.1234
WWW.GRAYENGINEERING.COM

GREENVILLE COUNTY, SC

UTILITY PLAN
CEDAR SHOALS
PHASE 1 & 2



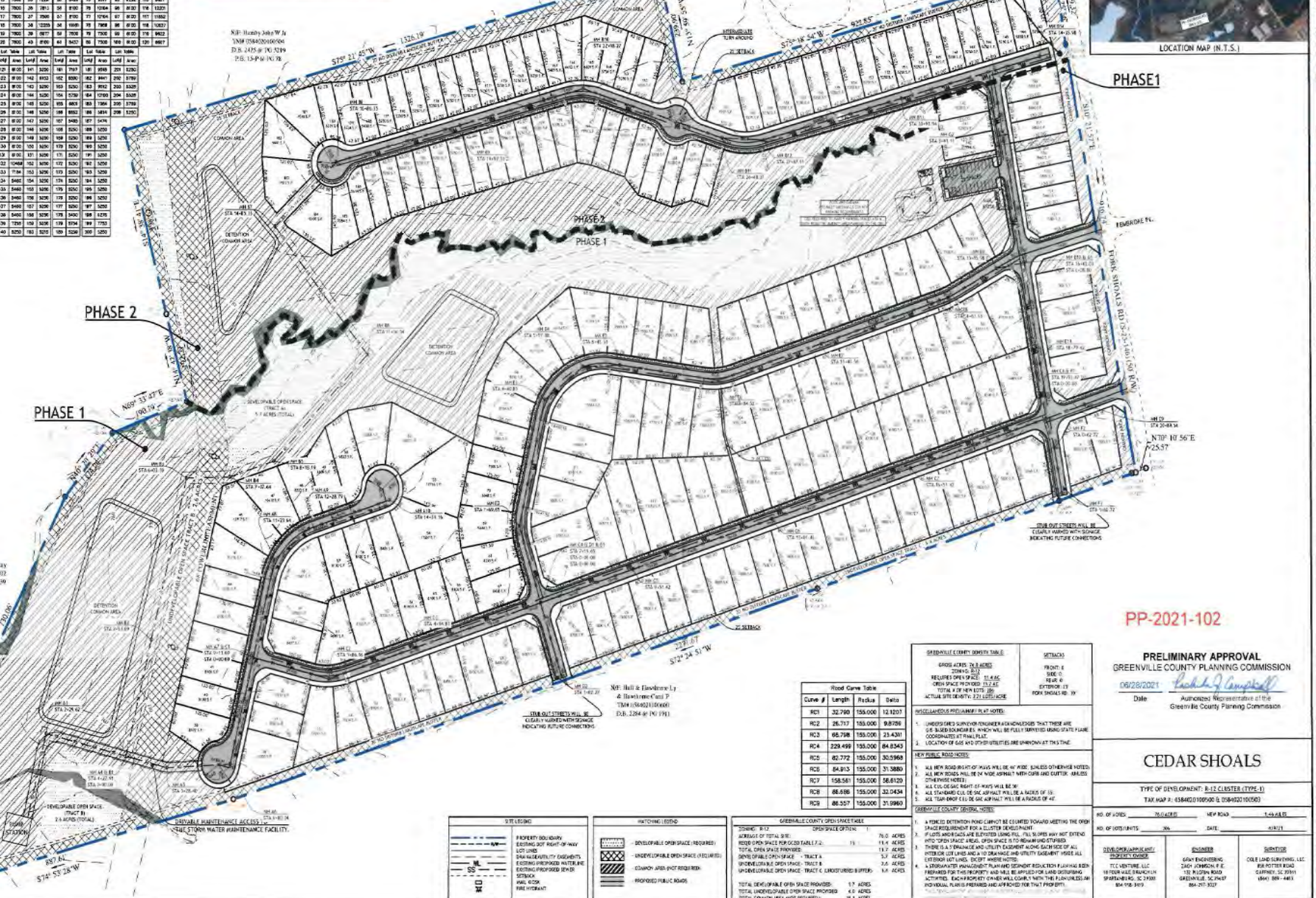
SCALE:	1" = 20'
PROJECT MANAGER:	JTS
DESIGNER:	CS
PROJECT DATE:	4/2/21
DATE PLOTTED:	2/20/24
PLATE DATE:	5/11/21

SHEET
PS-EX.B

Lot	Area	Volume	Area	Volume	Area	Volume	Area	Volume
1	27.00	27.00	41	81.00	81.00	41	81.00	81.00
2	7.00	21.00	41	81.00	81.00	41	81.00	81.00
3	7.00	21.00	41	81.00	81.00	41	81.00	81.00
4	7.00	21.00	41	81.00	81.00	41	81.00	81.00
5	7.00	21.00	41	81.00	81.00	41	81.00	81.00
6	7.00	21.00	41	81.00	81.00	41	81.00	81.00
7	7.00	21.00	41	81.00	81.00	41	81.00	81.00
8	7.00	21.00	41	81.00	81.00	41	81.00	81.00
9	7.00	21.00	41	81.00	81.00	41	81.00	81.00
10	7.00	21.00	41	81.00	81.00	41	81.00	81.00
11	7.00	21.00	41	81.00	81.00	41	81.00	81.00
12	7.00	21.00	41	81.00	81.00	41	81.00	81.00
13	7.00	21.00	41	81.00	81.00	41	81.00	81.00
14	7.00	21.00	41	81.00	81.00	41	81.00	81.00
15	7.00	21.00	41	81.00	81.00	41	81.00	81.00
16	7.00	21.00	41	81.00	81.00	41	81.00	81.00
17	7.00	21.00	41	81.00	81.00	41	81.00	81.00
18	7.00	21.00	41	81.00	81.00	41	81.00	81.00
19	7.00	21.00	41	81.00	81.00	41	81.00	81.00
20	7.00	21.00	41	81.00	81.00	41	81.00	81.00
21	7.00	21.00	41	81.00	81.00	41	81.00	81.00
22	7.00	21.00	41	81.00	81.00	41	81.00	81.00
23	7.00	21.00	41	81.00	81.00	41	81.00	81.00
24	7.00	21.00	41	81.00	81.00	41	81.00	81.00
25	7.00	21.00	41	81.00	81.00	41	81.00	81.00
26	7.00	21.00	41	81.00	81.00	41	81.00	81.00
27	7.00	21.00	41	81.00	81.00	41	81.00	81.00
28	7.00	21.00	41	81.00	81.00	41	81.00	81.00
29	7.00	21.00	41	81.00	81.00	41	81.00	81.00
30	7.00	21.00	41	81.00	81.00	41	81.00	81.00
31	7.00	21.00	41	81.00	81.00	41	81.00	81.00
32	7.00	21.00	41	81.00	81.00	41	81.00	81.00
33	7.00	21.00	41	81.00	81.00	41	81.00	81.00
34	7.00	21.00	41	81.00	81.00	41	81.00	81.00
35	7.00	21.00	41	81.00	81.00	41	81.00	81.00
36	7.00	21.00	41	81.00	81.00	41	81.00	81.00
37	7.00	21.00	41	81.00	81.00	41	81.00	81.00
38	7.00	21.00	41	81.00	81.00	41	81.00	81.00
39	7.00	21.00	41	81.00	81.00	41	81.00	81.00
40	7.00	21.00	41	81.00	81.00	41	81.00	81.00
41	7.00	21.00	41	81.00	81.00	41	81.00	81.00
42	7.00	21.00	41	81.00	81.00	41	81.00	81.00
43	7.00	21.00	41	81.00	81.00	41	81.00	81.00
44	7.00	21.00	41	81.00	81.00	41	81.00	81.00
45	7.00	21.00	41	81.00	81.00	41	81.00	81.00
46	7.00	21.00	41	81.00	81.00	41	81.00	81.00
47	7.00	21.00	41	81.00	81.00	41	81.00	81.00
48	7.00	21.00	41	81.00	81.00	41	81.00	81.00
49	7.00	21.00	41	81.00	81.00	41	81.00	81.00
50	7.00	21.00	41	81.00	81.00	41	81.00	81.00

At their regularly scheduled meeting on June 23, 2021, the Greenville County Planning Commission granted conditional approval of your preliminary plan for Cedar Shoals Phase 2. This Preliminary Approval is valid until June 23, 2023.

- The approval of this plan will allow for the approval of the Final Plat of the subdivision when the specific requirements have been installed in accordance with the Greenville County Land Development Regulations. Approval conditions are as follows:
- *Provide and show second open access between lot 72 and 73 as shown on the approved plan for Cedar Shoals Phase 1.
 - *Show the zoning districts on the adjacent lots.
 - *Clearly note and show open space access along lot 206.



NP: Holly Lake W &
SMP 058420000594
D.B. 2405 & PO 5219
P.B. 15-PW (N) 78

NP: Golf Links W Tract
TMF 03820100001
D.B. 2262 & PO 124
P.B. 14-W (N) 17 19

NP: The Meadows Properties, LLC
TM 06080000001
D.B. 2366 & PO 234

NP: The Meadows Properties, LLC
TM 06080000007
D.B. 2366 & PO 234

NP: Hill & Hawsone L &
Hawsone Corp P
TM 03820100001
D.B. 2284 & PO 191

Curve #	Length	Radius	Delta
RC1	32.790	155,000	12.1207
RC2	26.717	155,000	9.8726
RC3	65.798	155,000	23.4331
RC4	223.499	155,000	84.8343
RC5	62.772	155,000	30.5969
RC6	64.913	155,000	31.3880
RC7	158.581	155,000	58.6120
RC8	66.686	155,000	22.0434
RC9	66.557	155,000	21.9960

Area (sq ft)	Units
100,000	10
200,000	20
300,000	30
400,000	40
500,000	50

PROPOSED PUBLIC ROADS:

- ALL NEW ROAD RIGHTS OF WAY WILL BE 40' WIDE, UNLESS OTHERWISE NOTED.
- ALL NEW ROADS WILL BE IN ACCORDANCE WITH CURB AND GUTTER, UNLESS OTHERWISE NOTED.
- ALL COLLECTOR ROAD RIGHTS OF WAY WILL BE 40' WIDE.
- ALL STANDARD CURB AND GUTTER SHALL BE 2' HIGH AND 12" WIDE.
- ALL TURN ARROWS SHALL BE AS SHOWN ON THIS PLAN.

NEW PUBLIC ROADS:

- A PUBLIC UTILITY RIGHT OF WAY CANNOT BE LOCATED TOWARD MEETING THE OPEN SPACE REQUIREMENT FOR A CLUSTER DEVELOPMENT.
- IF LOT AND/OR ALLEY IS EXTENDING BEYOND THE OPEN SPACE REQUIREMENT, THE OPEN SPACE AREA, OPEN SPACE IS TO REMAIN UNDEVELOPED.
- IF THERE IS A VARIANCE TO THE UTILITY REQUIREMENT, THE UTILITY SHALL BE LOCATED OUTSIDE THE OPEN SPACE AREA AND UTILITIES SHOWN IN THIS PLAN SHALL BE IN ACCORDANCE WITH THE UTILITY REQUIREMENTS.
- FOR WASTEWATER MANAGEMENT PLAN AND SEWER TREATMENT PLAN, THE PLAN SHALL BE SUBMITTED TO THE HEALTH DEPARTMENT AND APPROVED FOR LAND DEVELOPMENT ACTIVITY. EACH PROPERTY OWNER WILL BE RESPONSIBLE FOR THE FINANCIAL AND/OR PHYSICAL PLAN IS PREPARED AND APPROVED FOR THIS PROPERTY.

PP-2021-102

PRELIMINARY APPROVAL
GREENVILLE COUNTY PLANNING COMMISSION
06/28/2021
Date: *Richard Campbell*
Authorized Representative of the
Greenville County Planning Commission

CEDAR SHOALS

TYPE OF DEVELOPMENT: **B.L. CLUSTER (L) 1**
TRAC MAP # 038420000594 (038420000594)

NO. OF LOTS	20	NO. OF UNITS	10
NO. OF LOTS	20	NO. OF UNITS	10

NO. OF LOTS	20	NO. OF UNITS	10
NO. OF LOTS	20	NO. OF UNITS	10

DATE: 6/28/2021

SCALE: 1" = 100'

PROJECT MANAGER: JRM

DRAWN BY: CJM

PROJECT DATE: 4/9/21

JOB NO.: 20210648

PLOT DATE: 5/24/21

SHEET: OV-1

Gray Engineering
152 PINEBARK ROAD, GREENVILLE, SC 29607
TEL: 864.678.1234
WWW.GRAYENGINEERING.COM

Professional Engineer
Richard Campbell
No. 20107
Exp. 12/31/2024

Professional Engineer
Richard Campbell
No. 20107
Exp. 12/31/2024

OVERALL PLAN
CEDAR SHOALS
PHASE 1 & 2
POWERS SHOALS ROAD
GREENVILLE COUNTY, SC

North Arrow
Scale: 1" = 100'
Project Manager: JRM
Drawn By: CJM
Project Date: 4/9/21
Job No.: 20210648
Plot Date: 5/24/21
Sheet: OV-1



LOCATION MAP (N.T.S.)

NO. 1	DATE	BY	REVISION
1	10/20/21	CR	ISSUE FOR PERMITTING



EXISTING CONDITIONS
**CEDAR SHOALS
 PHASE 1 & 2**

GREENVILLE COUNTY, SC
 FORK SHOALS ROAD



SCALE: 1" = 100'
 PROJECT MANAGER: ZM
 DRAWN BY: CR
 PROJECT DATE: 6/2/21
 JOB NO.: 2020048
 PLOT DATE: 9/8/21

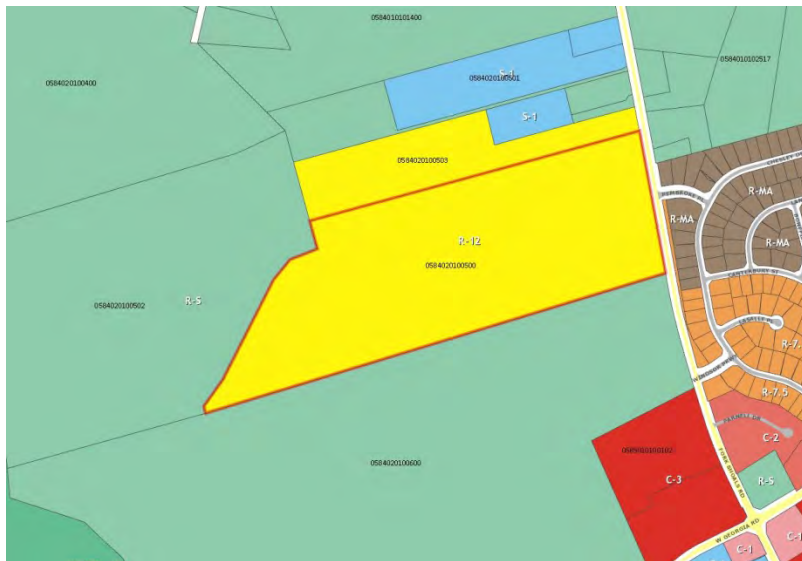
SHEET
PS-EX. A

CEDAR SHOALS

TYPE OF DEVELOPMENT: ALL CLUSTER (TYPE 2)	
TAX MAP # 0584020100502 & 0584020100503	
NO. OF LOTS: 2	NO. OF UNITS: 2
NO. OF LOTS/ACRE: 2/1.0	NO. OF UNITS/ACRE: 2/1.0
DEVELOPER: BUCKLE UP CONSTRUCTION, LLC 10704 W. BRANCH ROAD GREENVILLE, SC 29615 864.606.1234	DESIGNER: S&B ENGINEERING 2000 W. BROADWAY, SUITE 100 GREENVILLE, SC 29615 864.399.9007
REGISTERED PROFESSIONAL ENGINEER: JAMES W. BRIDGES, P.E. 10704 W. BRANCH ROAD GREENVILLE, SC 29615 864.606.1234	REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT: GARY W. JONES, L.A.S. 10704 W. BRANCH ROAD GREENVILLE, SC 29615 864.606.1234

CB – 21 – 70- Location

Zoning



Aerial



CB-21-70

Subject property



Right of Subject
Property



CB-21-70

Across Fork Shoals
Road



Left of Subject
Property



CB-21-71

- **Applicant:** JSCI County Line, LLC
 - **Project type:** Appeal from the Zoning Administrator's Decision
 - **Address:** 3326-A New Easley Hwy, Greenville, SC 29611
 - **Zoning:** S-1; Services District
- Posting:** Confirmed 9/28/21

CB-21-71

- New Easley Hwy
- Greenville County Pickens County Line

Request

Appeal from the Zoning Administrator's decision that the use in operation is in fact a restaurant and not a nightclub

Section 3:6.1 Right of Appeal: If the request for a Zoning Application is disapproved, or a Certificate of Use is denied, the applicant may appeal the action of the Zoning Administrator to The Board of Zoning appeals.

Section 3:5.2 Appeals to the Board: The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. Appeal must be taken within thirty-five (35) days from the date of the decision notice or letter, by filing with the office from whom the appeal is taken, and with the secretary of the Board notice of appeal specifying the grounds of such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing, at least 15 days prior to the hearing date, to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by designated agent or attorney. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

Section 3:5.3 Stay of Proceedings: An appeal, or other pending completed application requesting Board action (variance, special exception) stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken, certifies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction.

Article 4 Definitions: defines restaurant and nightclub as the following:

Restaurant: An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

- a. Drive-Through or Fast Food – An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
- b. General – An establishment that sells food for consumption on or off the premises. Restaurants have a designated full-service kitchen, dining room equipment, and staff to prepare and serve meals. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic Beverage Licensing Board.
- c. Take-Out – An establishment that sells food only for consumption off the premises.

Nightclub: Any establishment, whether public or a private club, including cocktail lounges, etc., serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances. The purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic-Beverage Licensing Board.

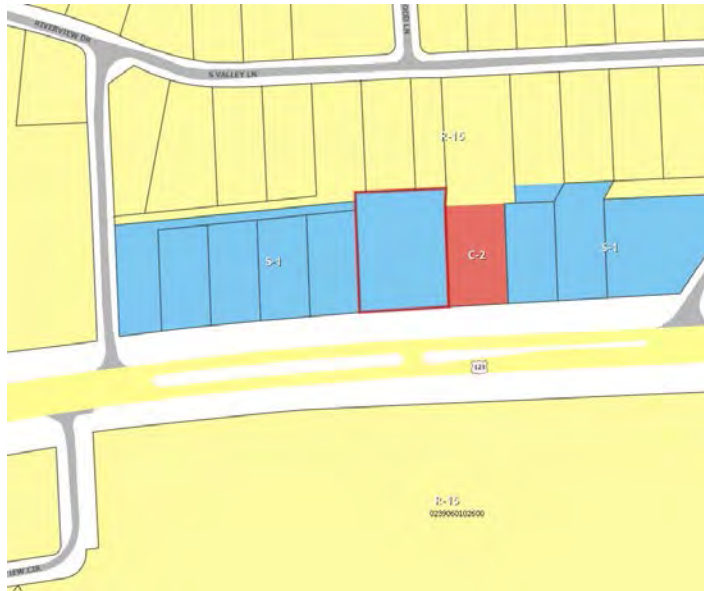
Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists Restaurant as a permitted use in the NC, C-1, C-2, C-3, and S-1 zoning districts. It also lists Nightclub, Tavern as a permitted use only in the C-2 zoning district.

Section 3:7 Certificate of Use: It shall be unlawful to use, occupy, or permit the use of any building or premises or part hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure or effect a change of tenancy/ownership until a Certificate of Use has been issued by the Zoning Administrator stating that the proposed use of the building or land complies with the provisions of this Ordinance.

On August 6, 2021, a violation was discovered upon a routine inspection of Greenville County Code Compliance Department and research of County records which revealed that the use in operation did not match that of the approved use on the Certificate of Occupancy. According to the Certificate of Occupancy, at that time, the approved use was for a restaurant use. Upon the aforementioned inspection, it was discovered that a nightclub was in operation. Under the S-1, Services District, a bar/tavern and/or a nightclub is not a permitted use. This property sought a rezoning to C-2, Commercial (which would allow for a bar/tavern and/or nightclub) and was denied by Greenville County Council on July 20, 2021. The aforementioned Certificate of Occupancy was subsequently revoked.

CB - 21 - 71- Location

Zoning



Aerial



CB-21-71

Subject property



Across New Easley
Hwy



CB-21-71

Left of Subject
Property



Right of Subject
Property



DISCLAIMER:
The following slide contains
sexually explicit images.

Photos from Social Media





Shelia Clement

Pull up! #part2

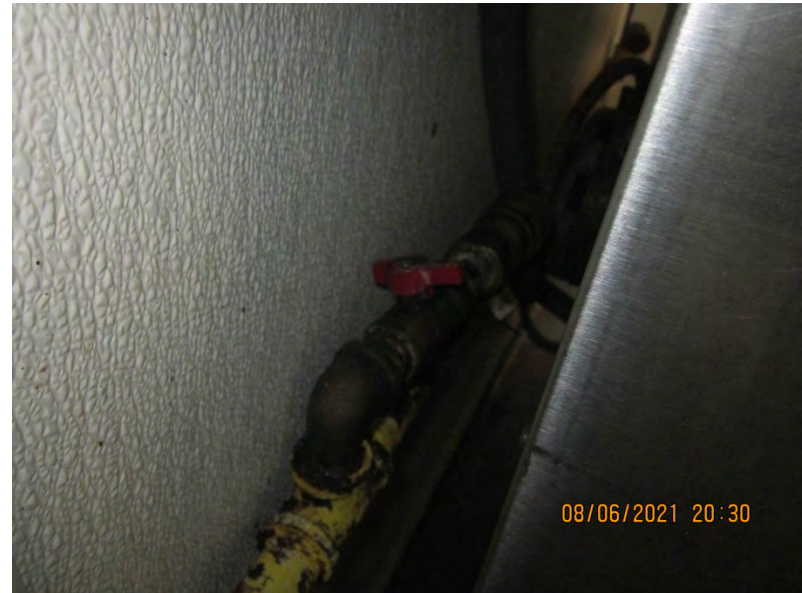
Mobile Uploads · Oct 10 at 5:45 PM ·

[View Full Size](#)

Photos from inspections



Photos from inspections



End of Dockets

- Announcements/Requests by BZA Members
- Adjournment