



Greenville County Board of Zoning Appeals

(864) 467-7425

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MEETING MINUTES

February 9, 2022

Board Members:

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

Staff Present:

1. Joshua Henderson – Zoning Administrator
2. Meagan Staton – Deputy Zoning Administrator
3. Austin Lovelace – Principal Planner
4. Dean Miller – Planner

The Greenville County Board of Zoning Appeals held its monthly meeting on Wednesday, February 9, 2022, in Conference Room D at Greenville County Square. Notice of this meeting was appropriately posted in the Greenville Journal, at the County Council office and on the County website. Ms. Brittany Farrar was absent.

1. **Call to Order:** Chairman Nicholas Hollingshad called the meeting to order at approximately 3:00 p.m.
2. **Invocation/Pledge:** Conducted by Vice Chairman Hattendorf
3. **Roll Call:** Attendance was taken by Ms. Staton.
4. **Hearing Procedures/Regulations:** *This was completed after Item 5 "Approval of Minutes and Adoption of Final Decisions and Orders of January 12, 2022."* 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. Mr. Austin Lovelace 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 and Section 11:1.
5. **Approval of Minutes and Adoption of Final Decisions and Orders of January 12, 2022:** The minutes were reviewed by the board. Chairman Hollingshad announced to the board that the minutes appeared to be correct, but updated tally sheets were necessary. Ms. Staton confirmed that

updated tally sheets matching the minutes had been submitted. Mr. Henderson stated that two minor changes requested by Mr. Matesevac had been made those changes had been made. Ms. Godfrey made a motion to approve the minutes as revised. Mr. Matesevac seconded the motion. There was no objection. The motion carried, resulting in a vote 8-0 in favor. Brittany Farrar was not in attendance. Ms. Godfrey then made a motion to approve the Final Decisions and Orders, with a second by Ms. Barber. The motion carried 8-0 in favor. Ms. Farrar was not in attendance.

6. New Business

i. CB-22-06 – Chris I. Kaiser for Apostolic Lutheran Church

BACKGROUND

The property is located on N. Rutherford Rd. off of Old Rutherford Rd. and Locust Hill Rd. near the City of Greer.

The applicant is requesting a 32.5 foot Variance from the side setback for an existing cemetery on site, and a Use by Special Exception to expand the church use to allow for a cemetery on site.

There are no prior applications before the BZA.

FINDINGS OF FACT

On Tuesday January 25, 2022, 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-S, Residential Suburban 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 3.88 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. All Church Buildings on site meet this requirement, per the submitted site plan.

Section 11.2.2 - Setback Requirements – When a cemetery adjoins residentially zoned property, no building, structure, burial plot or storage of equipment or materials be located closer than 35 feet of any property line, and mausoleums, columbaria, and chapels shall not be located closer than 50 feet of any property line. The applicant is requesting the following:

Variance of 32.5 feet from the side setback for an existing cemetery plot.

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; and
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses.

The representative present for this application was Mr. Chris Kaiser.

Mike Norris appeared in opposition.

Mr. Austin Lovelace presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1, Section 11:1 and Section 11:3

Vice Chairman Hattendorf requested clarification from staff regarding the location of the cemetery on site. Mr. Henderson clarified that there is one existing gravesite already on the church property that is currently encroaching into the required setback for cemeteries on site, in addition to the request for the new cemetery. Chairman Hollingshad further clarified that the existing gravesite would be considered a legal nonconforming use. Mr. Henderson stated that once the variance was approved it would be a conforming use. Staff also clarified, at Chairman Hollingshad's request that the cemetery expansion would need to meet ordinance requirements, and that the variance only applied to the existing gravesite.

Ms. Shuman asked what would happen if the Board did not approve the variance on the existing grave site. Mr. Henderson stated that the gravesite would stay, but that an approved variance would allow for the site to have a clean record. Ms. Shuman then clarified with staff that the main issue was to approve the new cemetery on site.

Ms. Barbera requested clarification regarding site plan review and whether conditions could be placed on this request. Staff gave clarification on what the site plan review process would look like for this type of process. Chairman Hollingshad referenced an email sent in by a citizen with questions

Mr. Kaiser presented his application to the Board. He stated that he was present on behalf of his son, who could not make it due to a medical emergency out of state. He stated that the cemetery would have no new road going through it. He stated that the property previously had a house on it, which has since been demolished. He also stated that he intended to leave it fenced and to put a buffer on the upper side of the property. The applicant also stated that there was already an existing buffer of a mixture of large and small trees and that cypress trees would be added. Mr. Henderson also called attention to the six foot high fence shown on the plan.

Regarding a question regarding the type of six foot high fence, the applicant stated that it was currently a chain link fence. When asked whether it would be changed to another type of fence, the applicant stated that it would be no problem to make it a privacy fence. Staff clarified that the fence would have to meet the requirements of the ordinance, meaning that the fence would have to be six feet tall and opaque. Staff noted that the additional screening provided by the fence could be stipulated as a condition of approval.

In response to a question about whether the applicant had spoken to their neighbors or not, the applicant stated that they had not yet spoken to the adjacent property owners. He also stated that the trees in the area were large, but were not the best at maintaining privacy, so he would gladly add a fence of any height, whether it be six feet or eight feet, as well as plant some Leland Cypresses. Ms. Barber noted that the Zoning Ordinance had provisions that would ensure that this concern was properly taken care of. Staff also noted that any fence over seven feet would require structural drawings, additionally.

Chairman Hollingshad clarified with staff that the request was two-fold: first, a Use by Special Exception for expanding the church use by adding the cemetery on site; and second, a variance on the existing gravesite that was encroaching into the required cemetery setback.

Mike Norris came to the podium to speak. He stated that he lives in a home with property adjacent to the church and proposed cemetery. Mr. Norris stated that when he heard about the

cemetery he was concerned that he would be looking at a cemetery from his back deck. He also asked why the church felt that they needed a cemetery on the property.

Mr. Kaiser stated that the cemetery would be private to members of the church only and for the church's children. He stated that he did not believe Mr. Norris would be able to see the cemetery from his house.

Mr. Norris stated that he still had concerns that he may be able to see the cemetery. He also questioned who would be performing the burials. Mr. Kaiser stated that it would be a traditional funeral home using standard embalming. Mr. Norris stated that he also had concerns regarding perceived runoff from the church property. Mr. Henderson stated that if there were concerns with water runoff, then staff could ensure that he could get in touch with the County's land development staff that oversees stormwater issues. Staff also ensured that stormwater would have to be maintained when the property was developed.

Mr. Norris also voiced concerns regarding safety. He stated that he had already heard loud cars in the parking lot at church at night. He asked how the church would maintain safety. The applicant stated that they had also seen some theft at the church, so they had also been considering safety measures. He stated that he had concerned an additional safety fence. Mr. Norris stated that a gate with a metal latch may add to the security of the site when church members are not present. The applicant stated that the road that the church accesses off of is very busy, so it would have to be far enough off the road to have a vehicle pull in to open the gate.

Mr. Norris also clarified with staff what the 35 foot setback meant, and where the location of the fence, any supplemental vegetation, and buffers would be located. Mr. Norris also asked what the timeline for the cemetery would be, if approved by the board. Staff clarified the process to approve the final decision and order and then that the permit process would have to be carried out. The applicant also stated that the intent was to do the front section of the cemetery first.

Vice Chairman Hattendorf asked how long the existing gravesite had been in place. The applicant stated that they were not aware of how long it had been there. He stated that the might have been there for decades and was likely done without approval.

CONCLUSIONS of LAW

The application was reviewed by the Board. Vice Chairman Hattendorf made a motion to grant the variance as requested based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per applicant's testimony, there are no other unapproved tombstones or grave sites elsewhere on the property or on neighboring properties.*
- B. These conditions do not generally apply to other property in the vicinity; *this is the case, as we don't allow people to be buried on typical residential lots.*
- 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 an existing church, and if the board does not approve the variance then the church cannot move forward with plans to use the appropriate portion of the property for a cemetery.*

- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *per testimony, the cemetery that has been in place has been in place for several decades now.*

Ms. Laura Godfrey seconded the motion. Ms. Patricia Barbera questioned whether the plan would be attached to the variance. Chairman Hollingshad stated that the plan would be attached to the Use by Special Exception rather than the variance. Vice Chairman Hattendorf noted that the granting of the variance only applies to the existing grave site and not for the proposed new cemetery. Ms. Godfrey agreed to the amendment to the motion. The motion carried, resulting in an 8-0 vote in favor. Mr. Brittany Farrar was absent.

At this point the Board took up the request for the Use by Special Exception. Vice Chairman Hattendorf made a motion to grant the use as requested and as shown on the site plan submitted based on the following conditions; particularly,

- A. The use meets all required conditions; *based on the site plan provided and on testimony.*
- B. The use is not detrimental to the public health or general welfare; *there are plenty of churches with cemeteries on their property as it is a need of the community.*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *there has been no testimony or facts stated otherwise.*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *while there was some testimony about concerns regarding locating a cemetery adjacent to residential property, this need is not a unique one in the community, and the site plan submitted shows appropriate screening and buffering.*

Ms. Godfrey seconded the motion. Ms. Barber clarified that the cemetery would include the entire gray area shown on the plan, rather than the back half of the property. Vice Chairman Hattendorf amended the motion to reference the site plan, stating that the expectation is that the submitted site plan would be carried out. Ms. Shuman stated concerns regarding potential changes to the legality of using Leland Cypresses for screening and stated that the Board may not want to restrict the church to just using this type of tree. Mr. Henderson, though unable to speak to whether Leland Cypresses would remain legal, was able to note that this type of tree was prone to diseases that could kill them rapidly. Ms. Shuman suggested that “evergreens” be required rather than a specific type of evergreen. Vice Chairman Hattendorf agreed to amend his motion to reflect this. The motion carried, resulting in a vote of 8-0 in favor. Ms. Brittany Farrar was absent.

ii. **CB-22-08 – Zach Sikkelee of Signature LLC for Jeff Walker**

BACKGROUND

The property is located on Raven Road off of Roper Mountain Road in Greenville.

The applicant is requesting a variance from the requirements for placement of a swimming pool as outlined in Condition 18-B of the Greenville County Zoning Ordinance.

FINDINGS OF FACT

On Tuesday, January 25, 2022, 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 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 swimming pool.

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 representative present for this application was Mr. Zach Sikkelee and Jeff Walker.

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 6:2.18(b) and Section 3:4.1.

There were no questions for staff.

Mr. Sikkelee presented the application to the Board. Mr. Sikkelee stated that the company that he is with designed the pool for the property owner, Mr. Jeff Walker, and his family at 103 Raven Rd. He stated that the proposed pool location is directly behind the house. However, due to the flag lot shape of the property along Raven Rd., it is considered the side yard. He also stated that it could not be seen from the road and was very private with trees blocking the view.

Regarding a question from Vice Chairman Hattendorf regarding whether construction on the pool had begun, Mr. Sikkelee stated that it had. He stated that he did not anticipate there being an issue, and that there was an oversight between the office and the contractor crew in trying to take advantage of an earlier timeline. He stated that in the future his design team would be aware of flag lot requirements regarding swimming pools.

Mr. Hattendorf also clarified where the pool would have to be located if it were to be required to meet the ordinance.

CONCLUSIONS of LAW

The application was reviewed by the Board. Vice Chairman Hattendorf made a motion to grant the variance as requested based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per testimony by the applicant, there is a large flag lot with a home that does not face the road frontage, which creates a unique challenge in placing a pool behind the house.*
- B. These conditions do not generally apply to other property in the vicinity; *based on aerial imagery, there are properties with pools in the general area, but do not have this issue due to the way that their houses and road frontages are aligned.*
- 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; *due to the flag lot nature, the placement of existing structure, the garage and the offsets from the property lines, it would be difficult to put a pool in of a decent size.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *Per aerial imagery there is appropriate screening and buffering between the site and the neighbor's house.*

Mr. Matsevack seconded the motion. Ms. Godfrey stated that this was a particularly appropriate situation for granting this type of variance. The motion carried, resulting in a vote of 8-0 in favor. Ms. Brittany Farrar was absent.

iii. CB-22-09 – Gregory Charles Ashmore of S R Mulch & Grinding for H R H Developers, LLC

BACKGROUND

The property is located on Hood Road off S Buncombe Road near the City of Greer.

The applicant is requesting a Use by Special Exception to allow for expansion of an existing Recycling Collection and Processing Center. The property was recently rezoned to I-1, Industrial.

FINDINGS OF FACT

On Tuesday, January 25, 2022, 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 "Recycling Collection and Processing Center" as a Use by Special Exception in the I-1, Industrial 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 Mr. Gregory Ashmore.

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.

Ms. Godfrey requested clarification on the Use by Special Exception request in conjunction with the recent approved rezoning. Mr. Henderson stated that the applicant had brought the property through rezoning last year, where it was rezoned from S-1, Services and R-S, Residential Suburban to I-1, Industrial. The goal was to place a modular building on the property for office use, which would be expanding a nonconformity in the S-1, Services district. So it was rezoned to I-1, Industrial, but placing the building on the property in this district is still expanding a Use by Special Exception, which requires approval from the Board of Zoning Appeals.

Mr. Hamilton asked whether there was already a modular building or office on site. Mr. Ashmore stated that there was but it was on a separate parcel. Mr. Henderson clarified that the building in question was moved from another property to the subject parcel and that's what triggered needing a permit and the following processes.

Mr. Ashmore presented the application to the Board. He stated that he went to get a permit to move the modular office onto the property that he had purchase, and found out that he could not add any structures to the S-1 zone. He stated that staff helped him understand that he needed to get an I-1 zone, which was approved. However, it slipped through the cracks and he did not realize that he needed to get a variance on the recycling portion of the business. Chairman Hollingshad clarified that the applicant was referring to a Use by Special Exception rather than a variance request. The applicant confirmed and also stated that the Use by Special Exception had been previously granted when the property was zoned S-1, but was needed again now that it was zoned I-1. He also explained a little about the process of the type of mulch recycling that was done on site.

In response to a question from Vice Chairman Hattendorf, staff explained that the recycling yards are only permitted in the I-1, Industrial district, but also require a Use by Special Exception from the board.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Paul Hamilton made a motion to grant the use as requested based on the following conditions; particularly,

- A. The use meets all required conditions; *based on the site plan provided and testimony heard before the Board.*
- B. The use is not detrimental to the public health or general welfare; *the business has been in operation on site for at least forty years and there have been no known issues.*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *there is a fire station right around the corner and appears to be near all other needed facilities.*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *this is the case because there is not really any neighborhoods located close by it.*

Ms. Barber seconded the motion. The motion carried, resulting in a vote of 8-0 in favor. Ms. Brittany Farrar was absent.

iv. **CB-22-10 – Aaron David Semenach of Mountain Creek Real Estate LLC**

BACKGROUND

The property is located at the intersection of Old Buncombe Road and Sulphur Springs Road in Greenville.

The applicant is requesting multiple variances in order to subdivide the existing parcel into two. For 4101 Old Buncombe Road, the applicant is requesting a variance of 23.8 feet from the front setback and 11.8 feet from the left side setback; for 4103, the applicant is requesting a variance of 3.6 feet from the left side setback.

FINDINGS OF FACT

On Tuesday January 25, 2022, 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 S-1 District:

FRONT	=	45’ from property line
SIDES	=	25’ from property line
REAR	=	20’ from property line

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.

There was no representative present for this application. Because of this, Chairman Hollingshad called for a motion to hold this item until the next meeting. Mr. Matesevac asked whether the person that had arrived in opposition should be given an opportunity to speak. Ms. Godfrey asked whether the case could be held until last to give the applicant a chance to show up.

After further deliberation, a motion was made by Ms. Godfrey to hold the case until the next month's meeting and a second by Ms. Barbera. Vice Chairman Hattendorf asked staff whether a case could be heard without an applicant present. Mr. Henderson stated that due to the nature of the Board being quasi-judicial, the applicant needs to be given the chance to bring testimony. He also stated that that opinion was just based on experience. The motion to hold carried, resulting in a vote of 8-0 in favor. Ms. Brittany Farrar was absent.

v. **CB-22-11 – Dawn Michelle Coleman**

BACKGROUND

The property is located on Old Easley Bridge Road and adjacent to White Horse Road (Highway 25), near the interchange of Highway 123 and Highway 25.

The applicant is requesting a variance from the side setback requirement for a detached garage.

There have been no prior applications to the Board.

FINDINGS OF FACT

On Tuesday, January 25, 2022, 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-10 District;

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

The applicant is requesting a Variance of 3.19 feet from the side setback requirement for an expansion of an existing detached garage.

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 Dawn Coleman and Jason Coleman.

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

Mr. Dean Miller presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1.

Mr. Coleman presented the application to the Board. He stated that this house was previously his wife's when they met, and now her son and his wife were living there and needed more space because it is a tiny house. He stated that the property had an existing garage that was a block building and that permits had been pulled to enclose the garage and add ten feet to for a bathroom and extra storage.

Mr. Henderson clarified with Mr. Coleman that this would not be a second dwelling or an apartment on site. Mr. Coleman confirmed that it would not be. Mr. Henderson further clarified that an accessory living quarters is permitted detached on site with a bedroom and bathroom facilities, it would just not be allowed to have a kitchen.

Staff and the applicant clarified that the existing building encroached into the setback, but the expansion would not further encroach. Mr. Henderson stated that the variance request would be for the 3.19 feet for the existing buildings encroachment to clear up the existing nonconformity of the building.

Ms. Barbera asked whether the newly enclosed space would be kept as a garage or would it be turned into additional living space. Mr. Coleman stated that the space would be a family room and a half bath, and not a garage. Ms. Barbera clarified the location of the property as well.

Ms. Godfrey clarified with Staff what the Board's purview in regards to the variance was, and that the use was permitted. Vice Chairman Hattendorf asked whether the setback requirements for this area had changed over time. Mr. Henderson stated that a mapping error had shown that the property was C-2, Commercial when it was actually R-10. He also stated that in doing the research, staff determined that the lots north of the subject property were existing with structures on them when looking back at the 1970s and 1980s historic maps in the Zoning office. This showed that these structures were legally nonconforming because staff was able to confirm that the structures had been there for a long time, if not before the area was zoned.

Mr. Matesevac asked whether the applicant had spoken with the neighbor to the south, whose property was closest to the structure, and if the person would have any reason to object or approve. Mr. Coleman stated that they only saw the tenant every once in a while and that it was owned by someone who did not live on site. He also stated that he had already put gravel down and public notice signs posted, and to his knowledge no one had had an issue.

CONCLUSIONS of LAW

The application was reviewed by the Board. Vice Chairman Hattendorf made a motion to grant the variance as requested based on the following conditions; particularly,

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- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per testimony by the applicant and staff, the structures were more than likely erected before current zoning requirements.*
 - B. These conditions do not generally apply to other property in the vicinity; *given the existing structures of which the structure was installed, it is not totally applicable to other property because not all of the properties have detached garages.*
 - 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 applicant testimony, without the variance the structure would not be able to be expanded, which would keep the owner from being able to use the property in a fashion that meets all of the other requirements.*
 - D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *The smaller setback has been in place for decades, and there is no reason to believe that it is causing detriment to the neighbors.*

Ms. Barber and Mr. Matesevac seconded the motion. The motion carried, resulting in a vote of 8-0 in favor. Ms. Brittany Farrar was absent.


- 7. Announcements/Requests:** Mr. Henderson introduced Lisa Mann, a new Zoning Administration staff member to the Board, joining staff from the Waccamaw Council of Governments with a background in planning from Clemson University and Anderson County. Mr. Henderson also sought to clarify a question regarding restrictive covenants that had come up in the previous month's meeting. He explained the requirements of state law regarding these covenants and how staff had previously addressed this. After speaking with legal staff, Mr. Henderson found that if an applicant says no to having restrictive covenants on an application, then staff can accept the application. If it comes up that there are restrictive covenants during the process, then staff can stop and require that the information be provided. He also gave an update on what this meant for a previous case before the Board. Ms. Barber clarified what the Board should do if proof of covenants was provided in the meeting. Mr. Henderson clarified that the Board could move to hold the case to ensure that these covenants are received and reviewed by Staff, and that the Home Occupation application had been updated to be consistent with this as well. Chairman Hollingshad summarized what had happened previously, and how this affects what the Board should do moving forward, which is to put the application on hold until the next month's meeting in regards to restrictive covenants.

Mr. Hollingshad stated that he had a couple of announcements as well. First, in the interest of government transparency, he stated that was hoping to make the process more straightforward and less intimidating. He stated that in order to do this, he was considering modifying the script to appear like a public hearing to be more clear and accessible to applicants. He stated that he wanted to emphasize that it would be different words, but the same process, and that he would draft up a new script and let the Board and staff look over them. Ms. Barber stated that the nature of the Board as a quasi-judicial board that some things had to remain standard and suggested that legal staff also be consulted. Mr. Henderson stated that he would be sure that legal staff was indeed consulted. Ms. Barber also noted that making the public aware that it was a legally binding meeting would be appropriate. Chairman Hollingshad reiterated that the goal was not to change the process but to just help the public better understand what was happening in the meeting.

Second, Chairman Hollingshad wanted to ensure that some housekeeping items from the Board's bylaws were addressed. He stated that one of those things is that the bylaws state that the Chairman should do the swearing in, which has not always been practiced. He also stated that the last comprehensive review of the bylaws had been done in 2014. Mr. Hollingshad stated that due to the extensive turnover on the Board, it would be worthwhile to take an overall look at the bylaws and see if there are things that need updating or that could be improved to better serve citizens or make the meetings more efficient. He also stated that any changes would have to be advertised and included on the agenda as an item for discussion and motions, and then reviewed by staff and County attorneys to comply with state law. He requested that the Board go back through the bylaws as a refresher. Mr. Henderson stated that he had consulted legal staff and confirmed that bylaws could be updated by the Board and that a subcommittee to review them could be created. Vice Chairman Hattendorf added that he suggested that at the next meeting the Board seek a formal list of subcommittee members. Chairman Hollingshad requested that in the announcements section for the next month include a discussion on this topic.

Vice Chairman Hattendorf noted the two new buildings at the corner of Church Street and University Ridge and asked staff if there was a timeline for when County offices would be moving in to the new building. Mr. Henderson stated that there was no known date at this time, but that it would likely be at least the end of the year. Additional staff confirmed that it would be a slow migration at the end of this year or early next year. Mr. Henderson stated it would be a phased move, with different departments moving at different times.

8. **Adjournment:** There being no further business to discuss, the meeting adjourned with unanimous approval at approximately 4:56 p.m.



Nicholas Hollingshad, Chairman
Greenville County Board of Zoning Appeals

3/9/22
Date

Respectfully prepared and submitted by:



Meagan Staton
Deputy Zoning Administrator

GREENVILLE COUNTY BOARD OF ZONING APPEALS

FEBRUARY 9, 2022
PUBLIC HEARING

Greenville County Square
Conference Room D
3:00 p.m.

Use 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.

Variance 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-22-02 - *Held*

Applicant:	Beauty Jackson for St. Luke Church
Project Type:	Use by Special Exception and Variance
Address:	200 Averill St. Greenville, SC 29601
Zoning:	R-M20, Multifamily Residential
Posting:	Confirmed 1/26/22

CB-22-06

- Applicant:** Chris I. Kaiser for Apostolic Lutheran Church
- Project Type:** Use by Special Exception and Variance
- Address:** 451 and 453 N. Rutherford Rd.
Greer, SC 29651
- Zoning:** R-S, Residential Suburban
- Posting:** Confirmed 1/25/22

CB-22-06: Request

The property is located on N. Rutherford Rd. off of Old Rutherford Rd. and Locust Hill Rd. near the City of Greer.

The applicant is requesting a 32.5 foot Variance from the side setback for an existing cemetery on site, and a Use by Special Exception to expand the church use to allow for a cemetery on site.

There have been no prior applications before the BZA.

CB-22-06: Variance 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-22-06: Use by Special Exception Requirements

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-S, Residential Suburban 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.

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

Section 11.3.3 – Off-Street Parking: parking shall be provided in accordance with Section 12.2 and Table 12.1. *Will be reviewed for compliance during the Plan Review process.*

CB-22-06: Use by Special Exception Requirements

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.

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 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.”

CB-22-06: Determination Regarding Additional Requirements for Cemeteries on Church Property

December 3, 2021 – Determination to File:

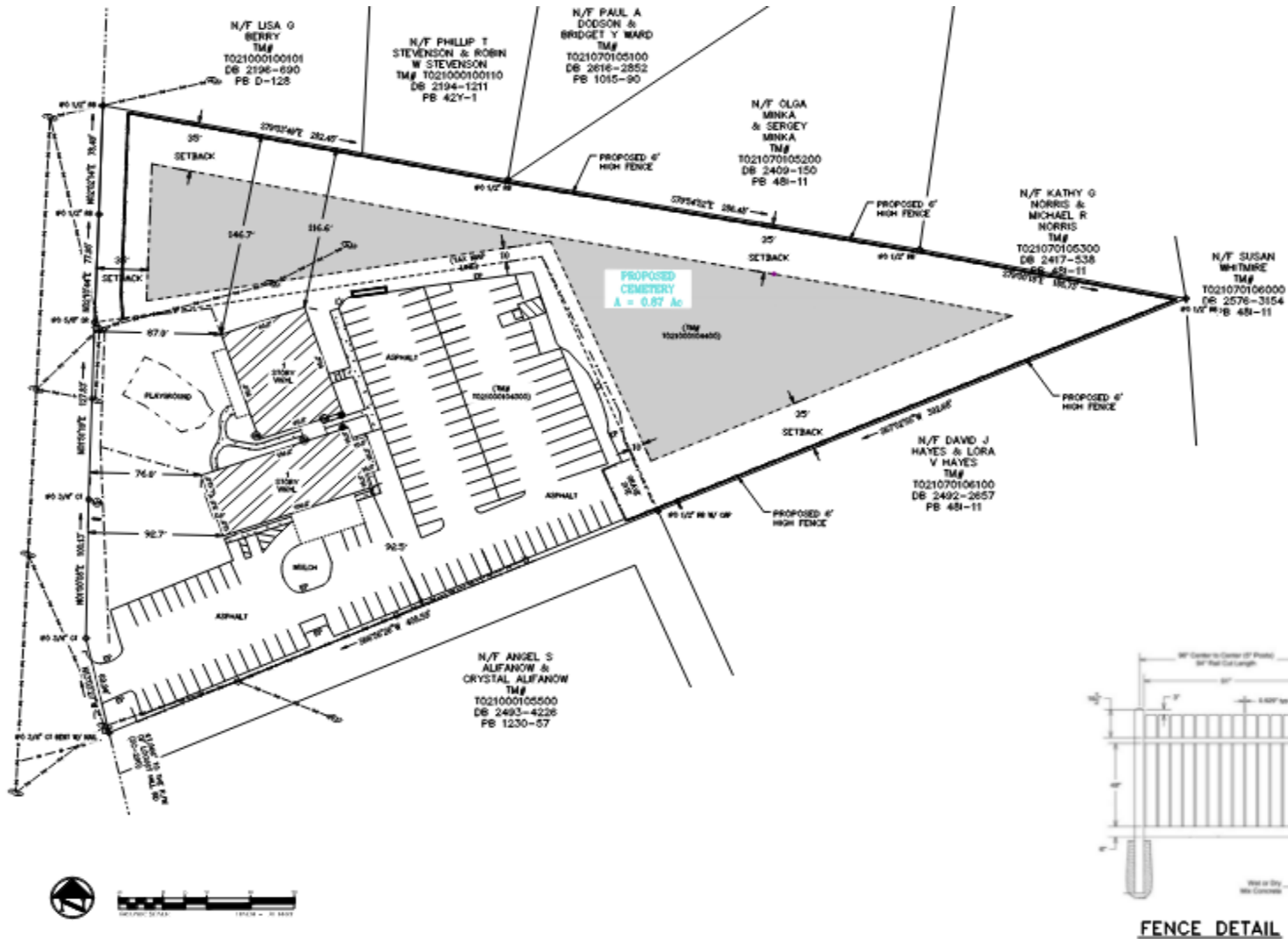
“...while cemeteries placed on church property do not fall under Section 11:2 Cemeteries/Funeral Home, they still need to meet the setback and screening requirements of this section. Section 11:3 Churches only regulates setbacks for buildings, and gravesites do not meet the definition of a building; however, they do need to be setback from residential properties to provide protection to the adjacent residential use. The screening requirements will be as set forth in Section 12:9 of the Zoning Ordinance. If the church cemetery is adjacent to any non-residential use, then a setback and screening is not required; however if a setback is provided, it shall not be less than 5’ in width.”

CB-22-06: Use by Special Exception Considerations

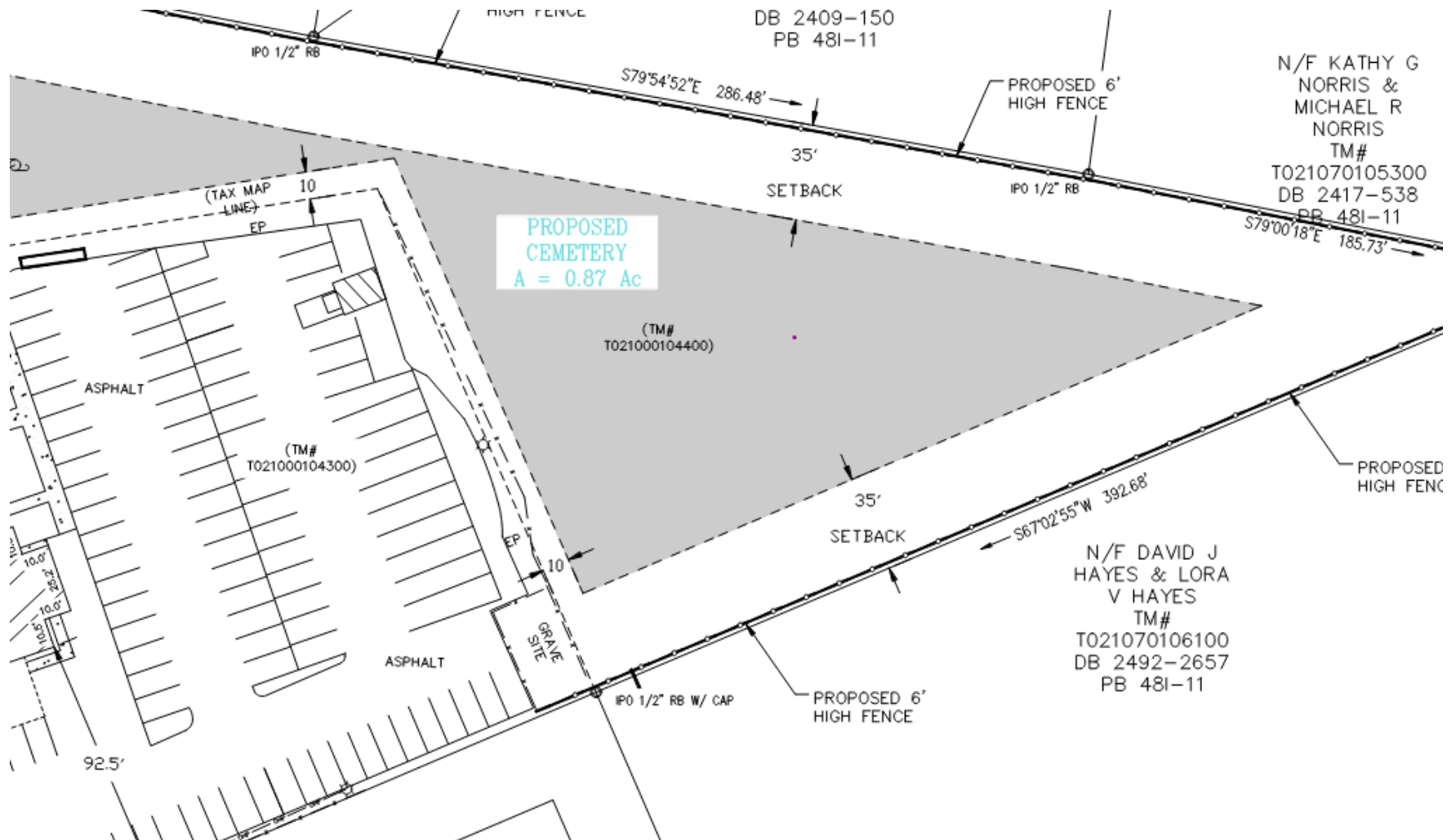
The Board shall consider the following factors:

- 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.

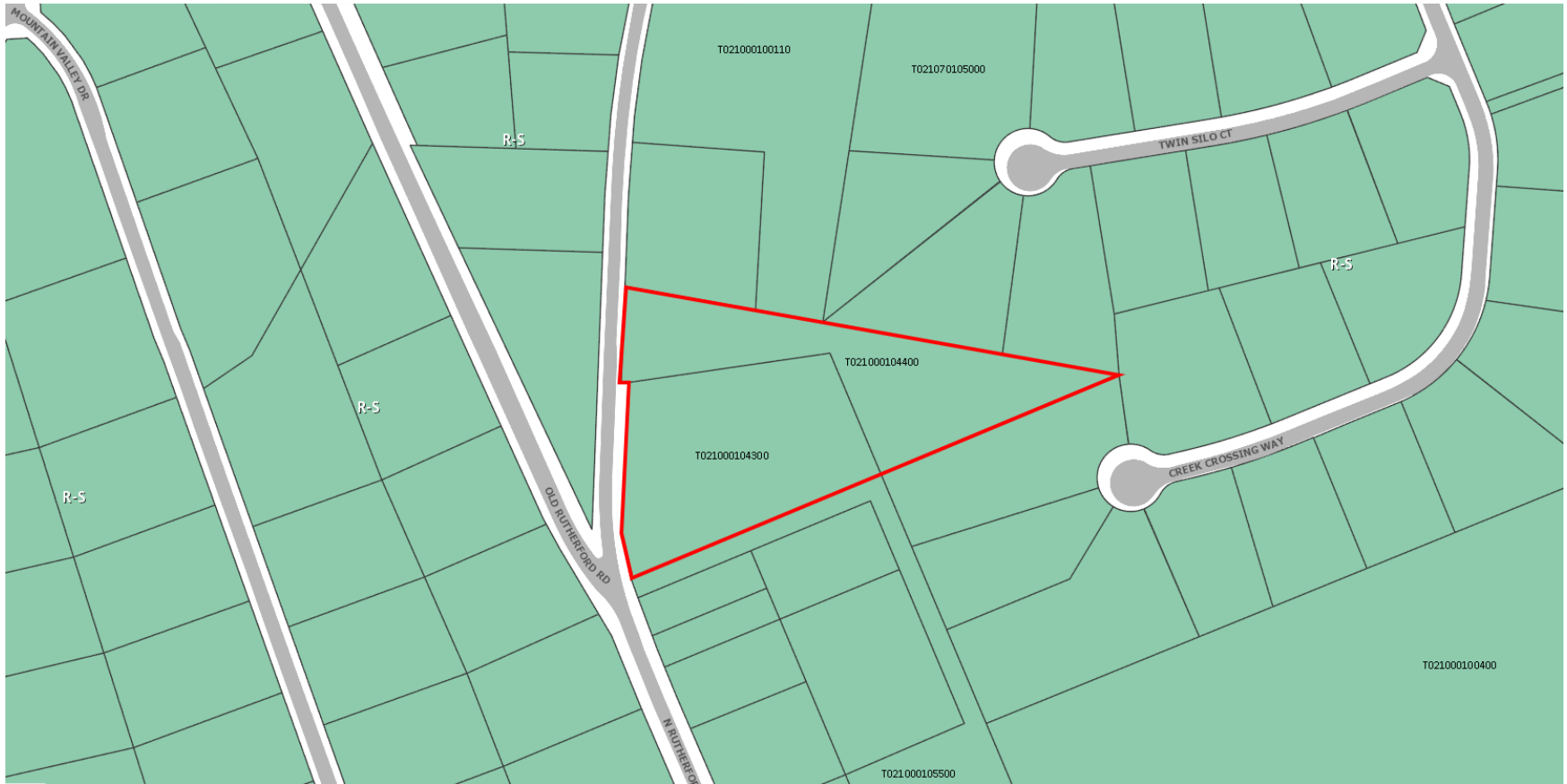
CB-22-06: Site Plan



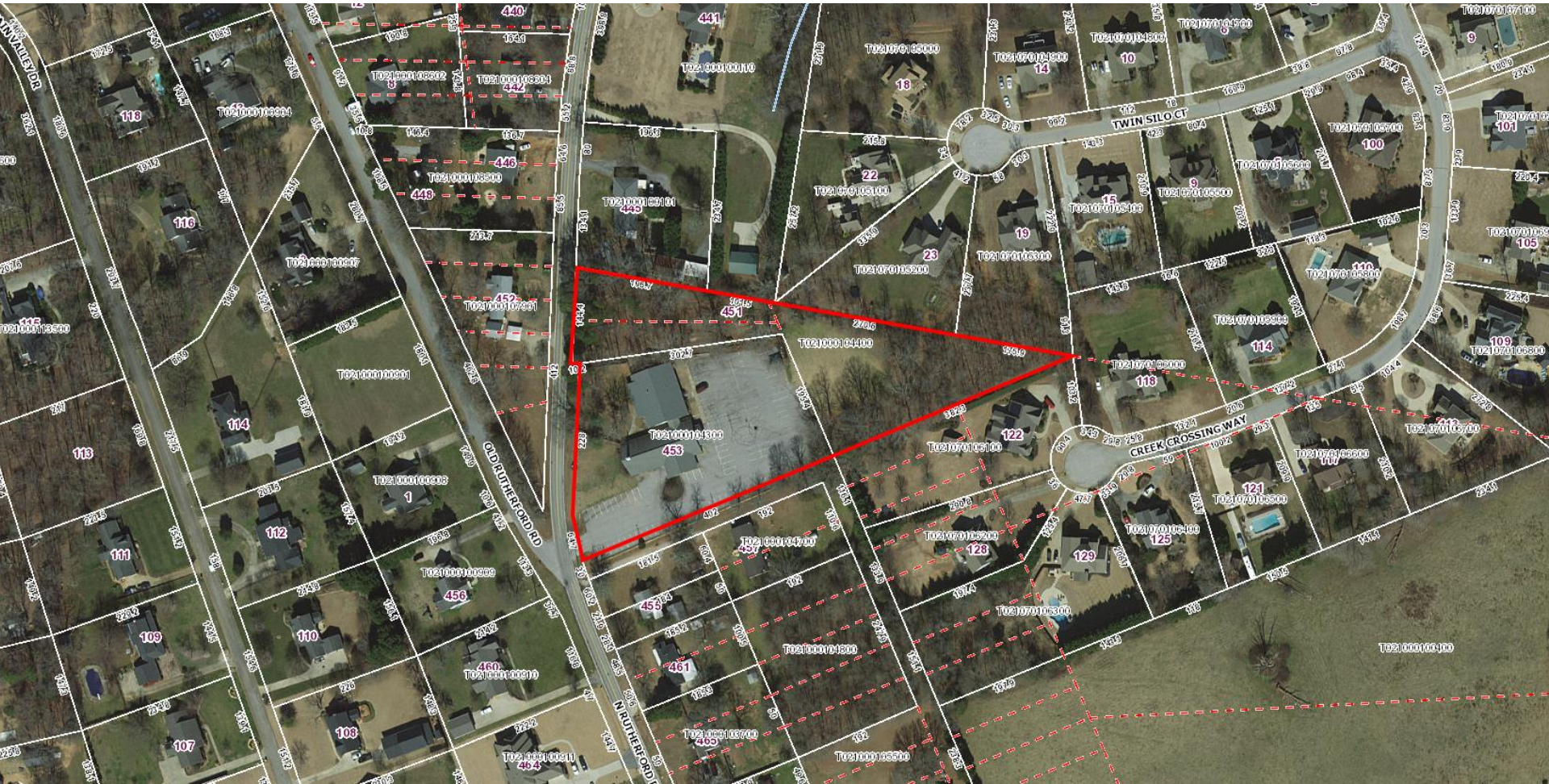
CB-22-06: Site Plan Close-Up



CB-22-06: Zoning Map



CB-22-06: Aerial Map



CB-22-06: Photos



Subject Property



Subject Property



South



North

CB-22-08

Applicant:	Zach Sikkelee of Signature LLC for Jeff Walker
Project Type:	Variance
Address:	103 Raven Rd., Greenville, SC 29615
Zoning:	R-20, Single-Family Residential
Posting:	Confirmed 1/25/22

CB-22-08: Request

The property is located on Raven Road off of Roper Mountain Road in Greenville.

The applicant is requesting a variance from the requirements for placement of a swimming pool as outlined in Condition 18-B of the Greenville County Zoning Ordinance.

There have been no prior requests before the Board.

CB-22-08: Variance 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:

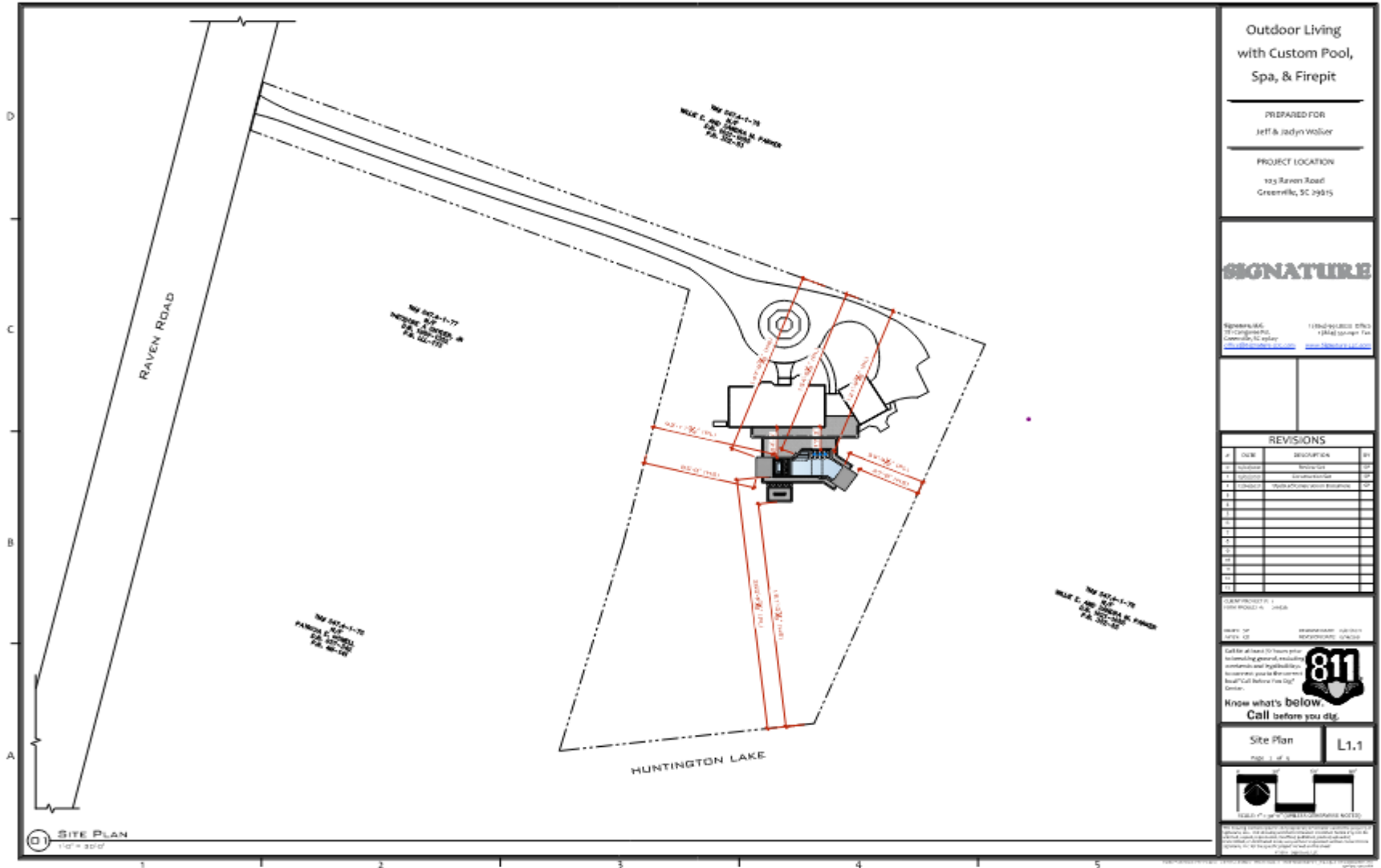
- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively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

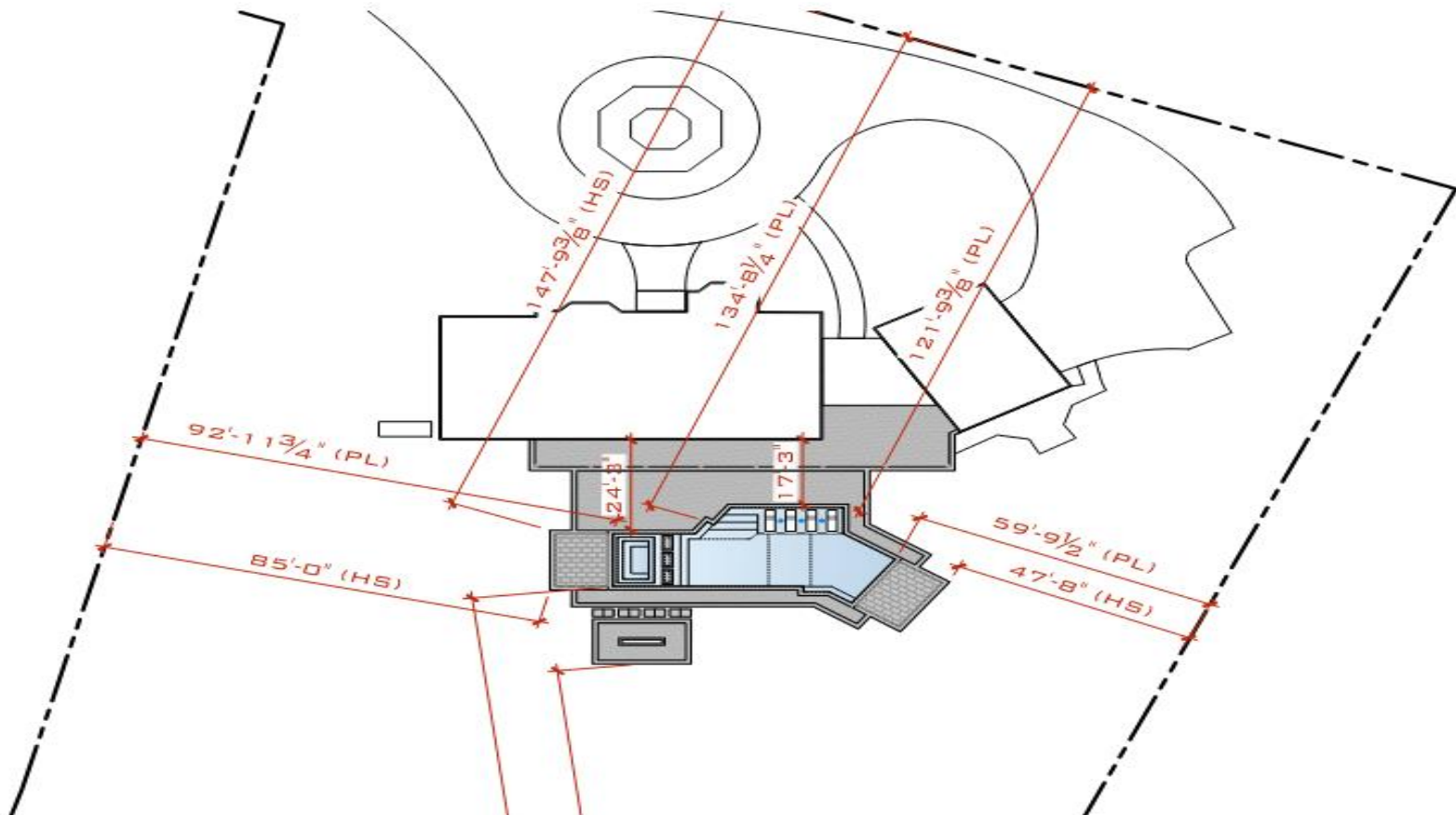
1. Swimming pools shall be located in the rear yard.
2. Swimming pools shall be set back not less than 5 feet.
3. Setback requirements for swimming pools shall be the same as those for accessory buildings.
4. Swimming pools shall not occupy more than 50 percent of the rear yard.
5. Lighting for swimming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

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

CB-22-08: Site Plan



CB-22-08: Site Plan Close-Up



CB-22-08: Zoning Map



CB-22-08: Aerial Map



CB-22-08: Photos



Subject Property



South



West



East

CB-22-09

- Applicant:** Gregory Charles Ashmore of S R mulch & Grinding for H R H Developers LLC
- Project Type:** Use by Special Exception
- Address:** 1730 and 1750 Hood Rd., Greer, SC 29650
- Zoning:** I-1, Industrial
- Posting:** Confirmed 1/25/22

CB-22-09: Request

The property is located on Hood Road off S Buncombe Road near the City of Greer.

The applicant is requesting a Use by Special Exception to allow for expansion of an existing Recycling Collection and Processing Center. The property was recently rezoned to I-1, Industrial.

There have been no prior applications before the Board.

CB-22-09: Use by Special Exception Requirements

Section 5:5 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Recycling Collection and Processing Center” as a Use by Special Exception in the I-1, Industrial 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.”

CB-22-09: Section 11:10 - Required Conditions for Recycling Collection and Processing Center

Auto wrecking facilities, junkyards, recycling collection and processing center, salvage yards and scrap processors may be permitted in the I-1, Industrial district subject to the requirements of the Greenville County Junk Yard Ordinance #1777, as amended and the following requirements.

B. Auto wrecking facilities, junkyards, recycling collection and processing center, salvage yards and scrap processors shall be located on a site of at least 2 acres.

C. No auto wrecking facility, junkyard, recycling collection and processing center, salvage yard or scrap processor shall be located within 500 feet of the property line on which the facility is located to any residential property existing at the time business operations are started.

CB-22-09: Section 11:10 - Required Conditions for Recycling Collection and Processing Center (Cont'd)

- D. A continuous visual screen shall be provided and maintained along the property line and shall enclose open storage areas. The screen shall be an 8-foot wall, fence, or evergreen plant material, or a combination of wall, fence and evergreen plant material. If evergreen plant material is used, it must be at least 4 feet in height at the time of planting and capable of forming a continuous screen at least 8 feet in height, with individual plantings spaced not more than 5 feet apart. Materials stored in the open shall not be stacked higher than the required screen.
- E. The facility may not operate or caused to be operated, any source of sound in such a manner to create a maximum event measured on the 'A' weighting scale that exceeds the limits as set forth below:

Monday through Friday 7:00am to 7:00 pm 70 Db(A)

Monday through Friday 7:00pm to 7:00 am 55 Db(A)

Including all day Saturday and Sunday and Major legal designated holidays

For the purpose of sound level readings, when measured at point on the boundary planes of the property line of the affected residential property.

CB-22-09: Use by Special Exception Considerations

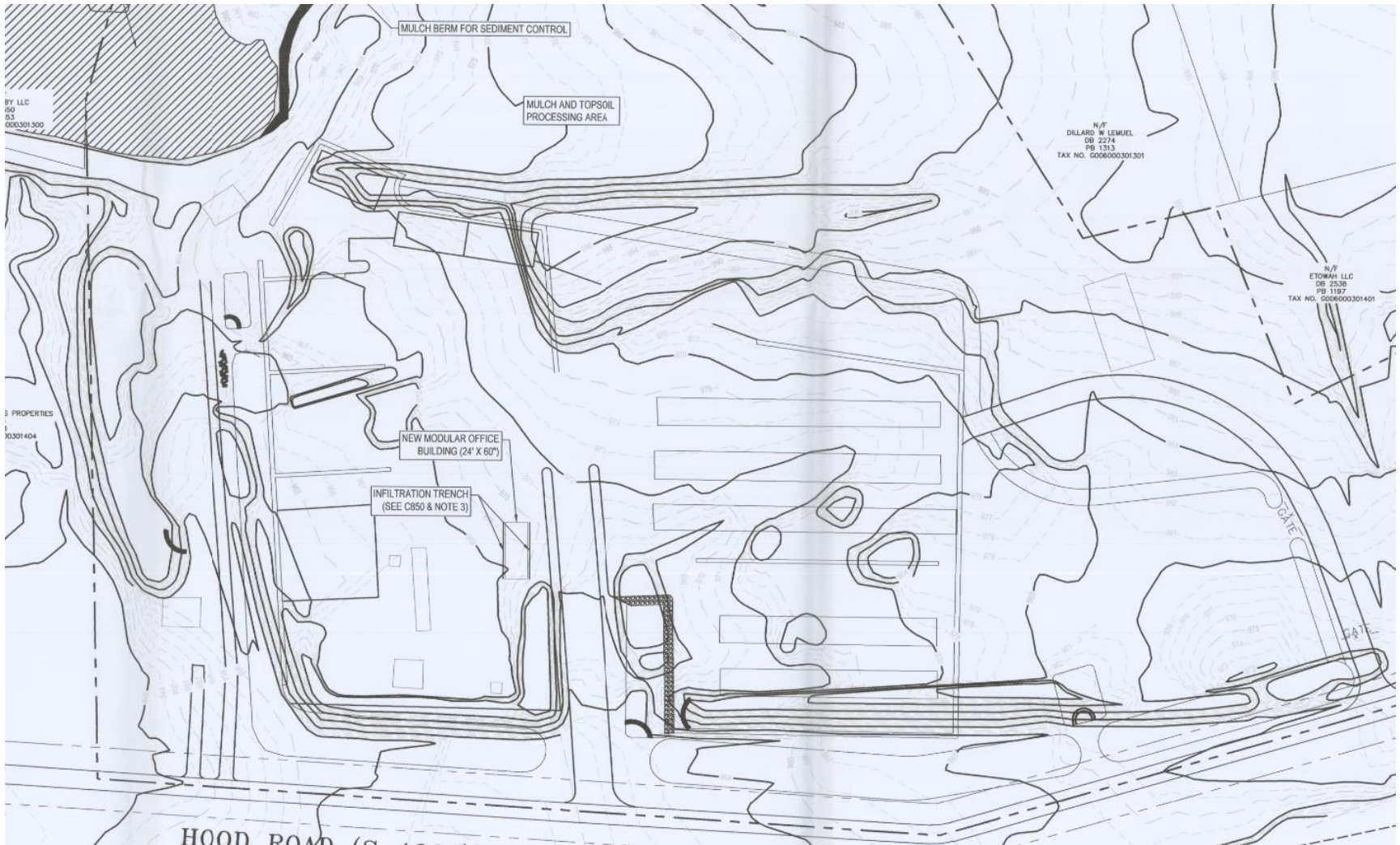
The Board shall consider the following factors:

- 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.

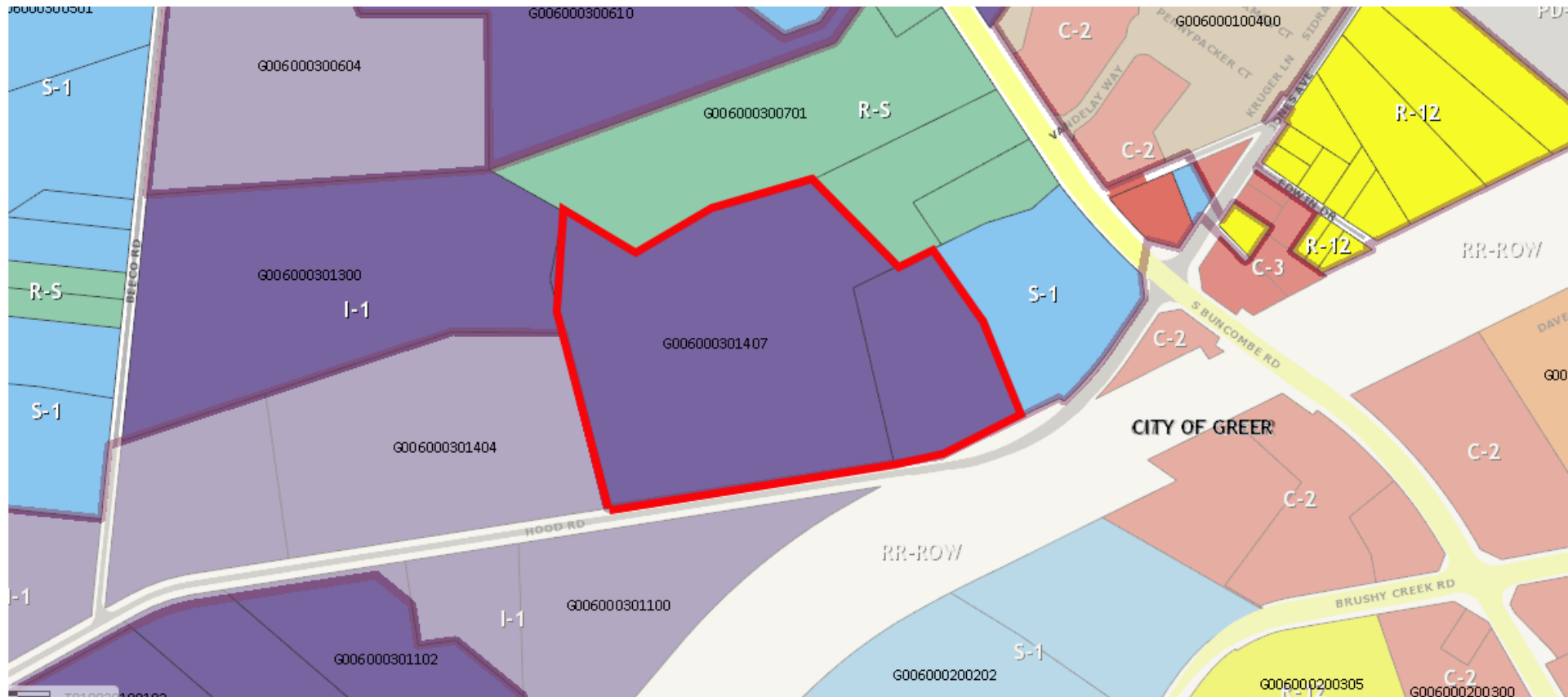
CB-22-09: Site Survey



CB-22-09: Site Survey Close-Up



CB-22-09: Zoning Map



CB-22-09: Aerial Map



CB-22-09: Photos



Subject Property



West



South



East

CB-22-10

Applicant:	Aaron David Semenach of Mountain Creek Real Estate LLC
Project Type:	Variance
Address:	4101 and 4103 Old Buncombe Rd., Greenville, SC 29617
Zoning:	S-1, Services
Posting:	Confirmed 1/25/22

CB-22-10: Request

The property is located at the intersection of Old Buncombe Road and Sulphur Springs Road in Greenville.

The applicant is requesting multiple variances in order to subdivide the existing parcel into two. For 4101 Old Buncombe Road, the applicant is requesting a variance of 23.8 feet from the front setback and 11.8 feet from the left side setback; for 4103, the applicant is requesting a variance of 3.6 feet from the left side setback.

There have been no previous applications before the Board.

CB-22-10: Setback Requirements

Section 7:3, Table 7.3:

Setback/Height Requirements for the S-1 District

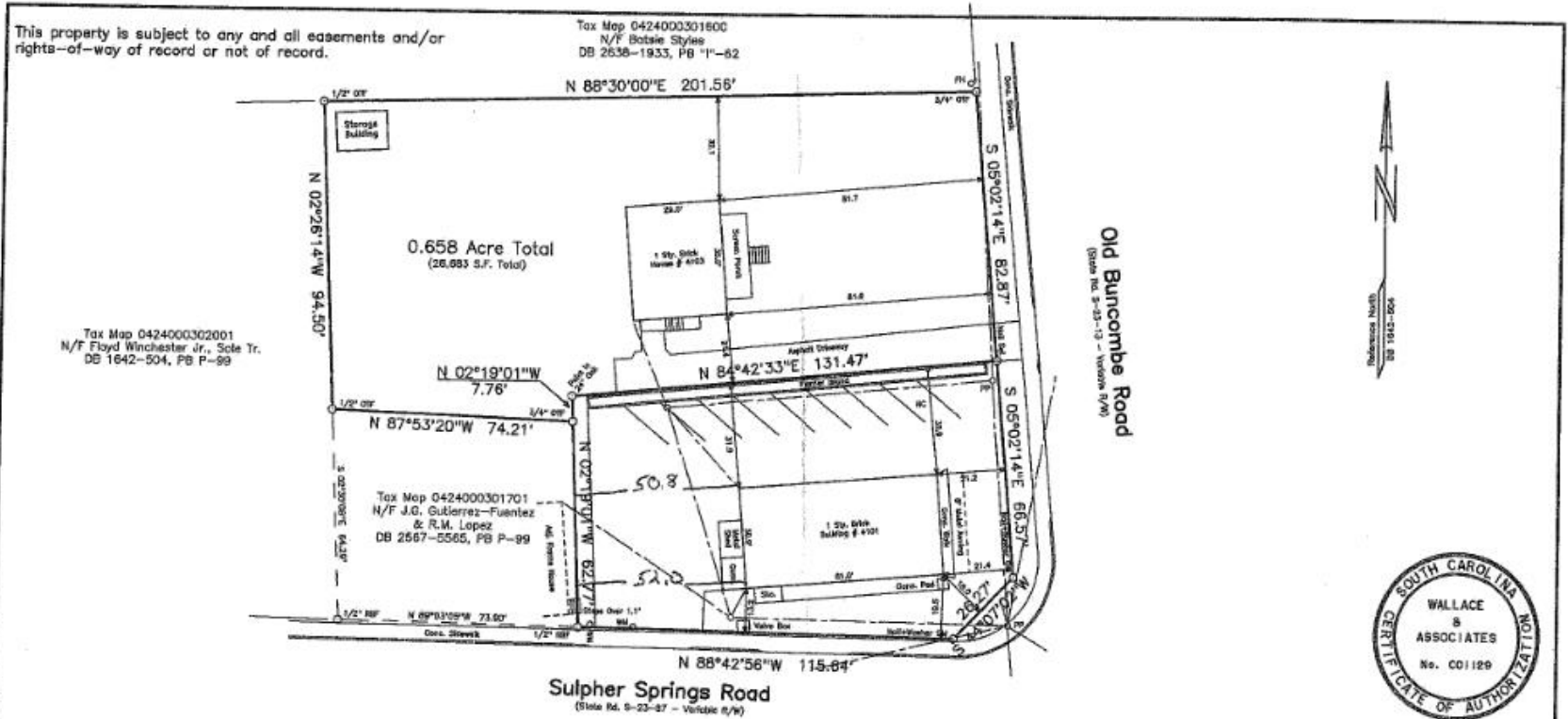
FRONT	=	45' from edge of road R.O.W.
SIDES	=	25' from property line
REAR	=	20' from property line

CB-22-10: Variance 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-22-10: Site Plan



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

Except as specifically shown or stated on this plot, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision regulations; zoning or other land use regulations, and any other facts that an accurate and current title search may disclose. This survey does not constitute a title search by the Surveyor.

Wallace & Associates does not warrant the existence or nonexistence of Jurisdictional Wetlands or areas that may be affected by hazardous materials on the survey site.

This survey is not a true and valid print of the original document unless it bears an original signature and raised embossed seal of the Surveyor.

Wallace & Associates
Complete Surveying Services

Jeffrey M. Wallace (864) 297-6888
P.O. Box 903, Taylors, S.C. 29687

15 0 15 30 1" = 30'
Date: Dec. 02, 2021
Field Book/Ranger, Page 6693
Tax Map: 0424000301700
Field Crew: JW/JE

State of South Carolina
County Of Greenville
Surveyed At The Request Of

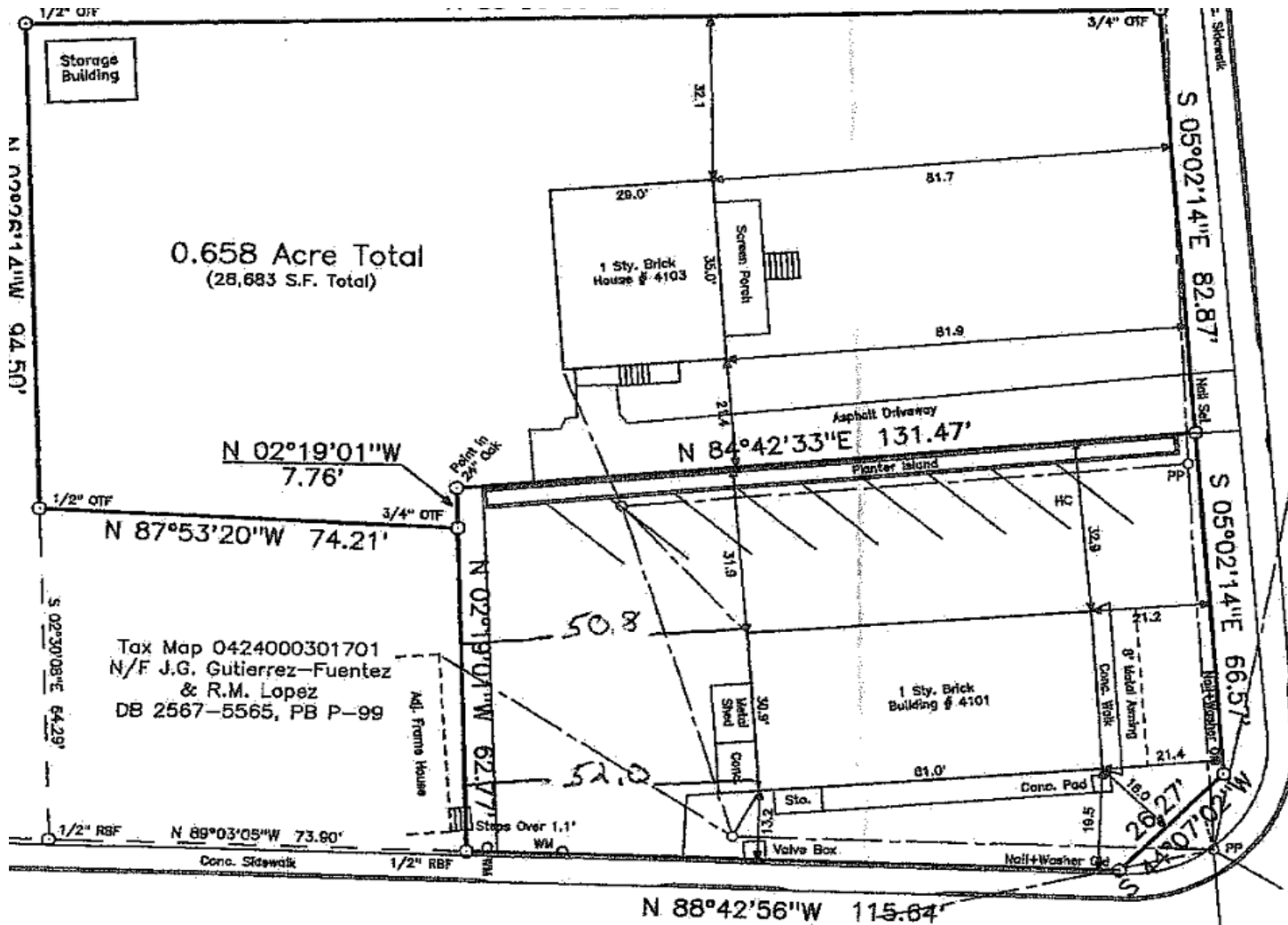
**Mountain Creek
Real Estate LLC**

0.423 Acre & 0.235 Acre
Near Greenville, S.C.



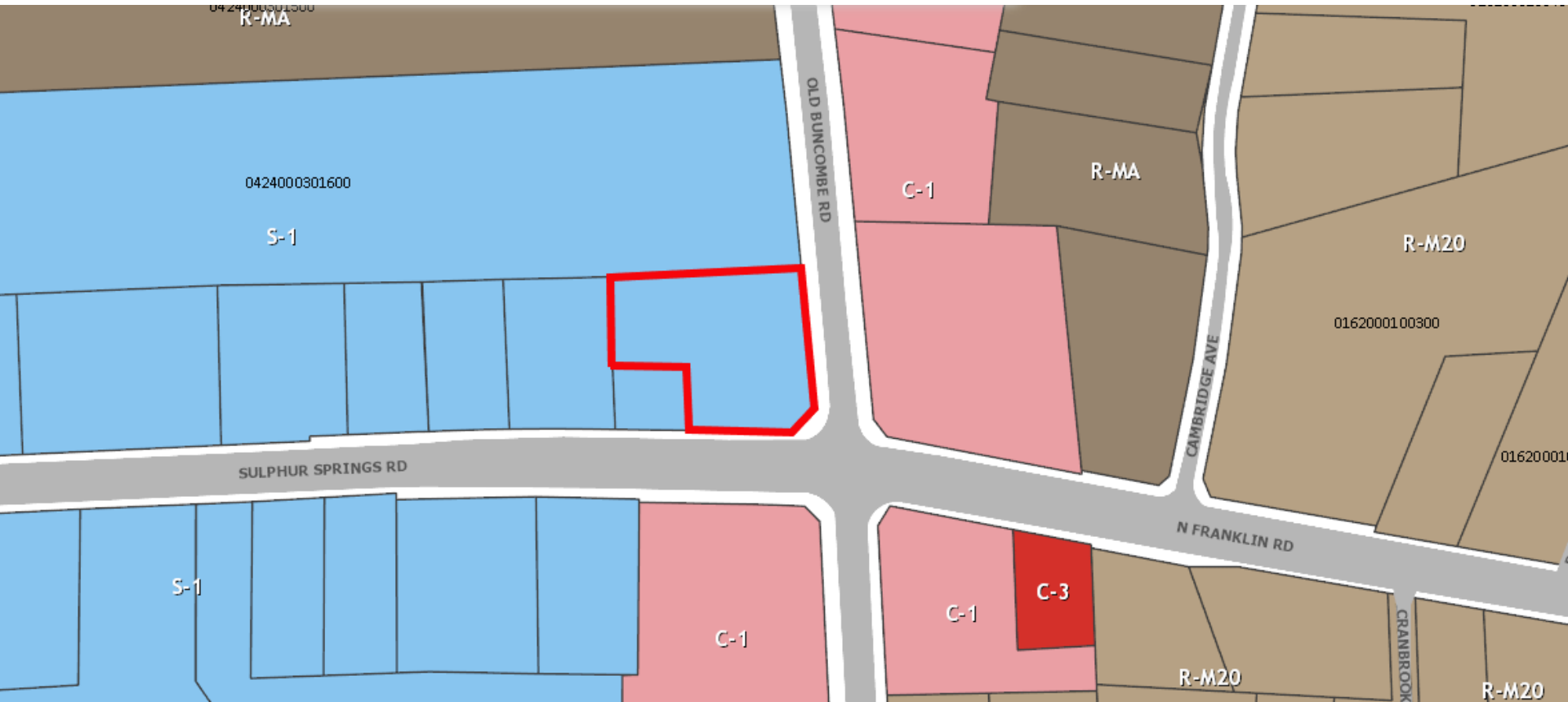
Jeffrey M. Wallace R.L.S. 12251
Drawn By: JMW
Reference Deed: 2597-1357
Reference Plat: 1369-2
Project # 205693

CB-22-10: Site Plan Close-Up



Old Buncombe Road
(State Rd. S-23-13 - Variable R/W)

CB-22-10: Zoning Map



CB-22-10: Photos



Subject Property



Subject Property



East



South

CB-22-11

Applicant:	Dawn Michelle Coleman
Project Type:	Variance
Address:	2011 Old Easley Bridge Rd., Greenville, SC 29611
Zoning:	R-10, Single-Family Residential
Posting:	Confirmed 1/25/22

CB-22-11: Request

The property is located on Old Easley Bridge Road and adjacent to White Horse Road (Highway 25), near the interchange of Highway 123 and Highway 25.

The applicant is requesting a variance from the side setback requirement for a detached garage.

There have been no prior applications to the Board.

CB-22-11: Setback Requirements

Section 7:3, Table 7.3:

Setback/Height Requirements for the R-10 District

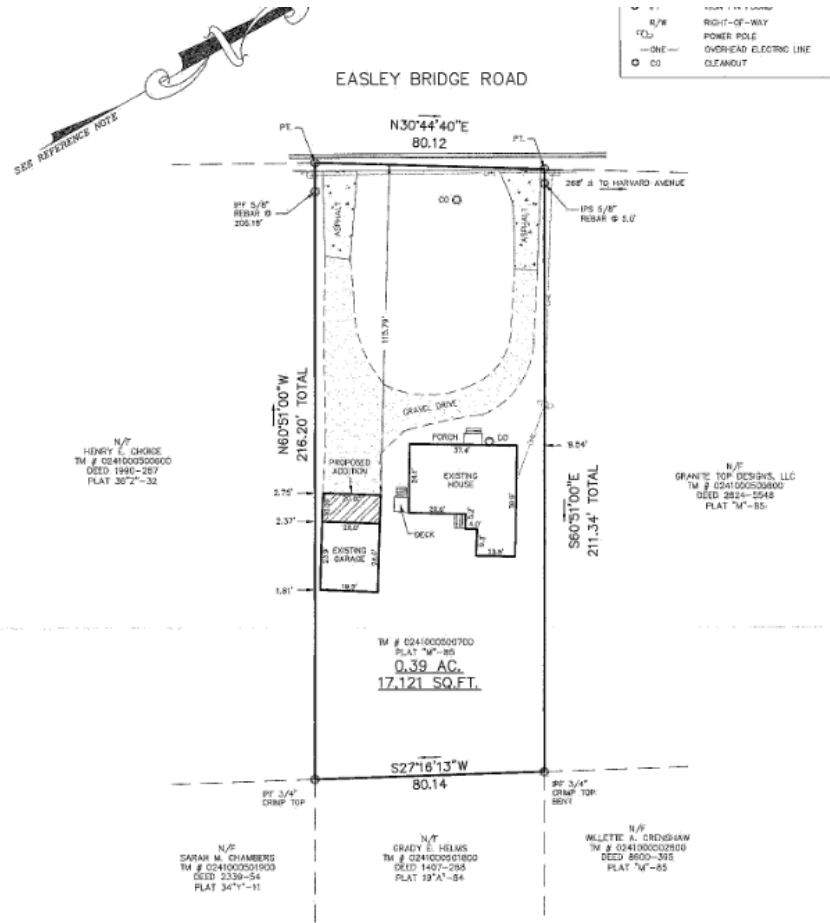
FRONT	=	20' from edge of road R.O.W.
SIDES	=	5' from property line
REAR	=	5' from property line

CB-22-11: Variance 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:

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- 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-22-11: Site Plan



REFERENCE:
SEE PLAT OF SURVEY FOR NORMAN SHANE LANDERS BY
SITE DESIGN, INC. DATED DECEMBER 12, 1997 RECORDED
IN PLAT BOOK 3672 - PAGE 32.

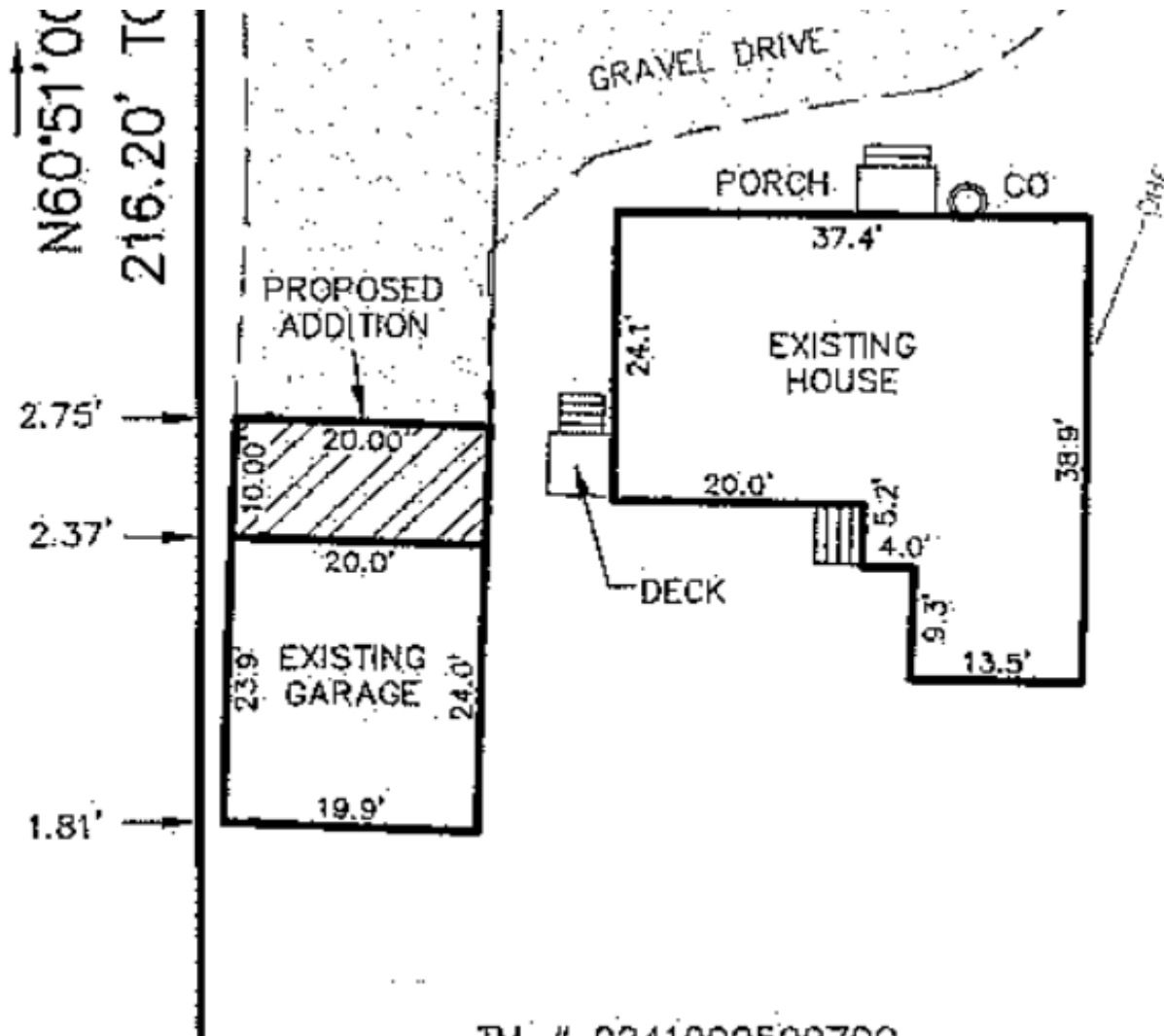
BING LOT 15 OF CAMILLA PARK - MAP 2 RECORDED
IN PLAT BOOK "M" - PAGE 85.

THIS PROPERTY IS SUBJECT TO ANY NEW RIGHT OF WAY
ALONG EASLEY BRIDGE ROAD NOT AVAILABLE TO
SURVEYOR.

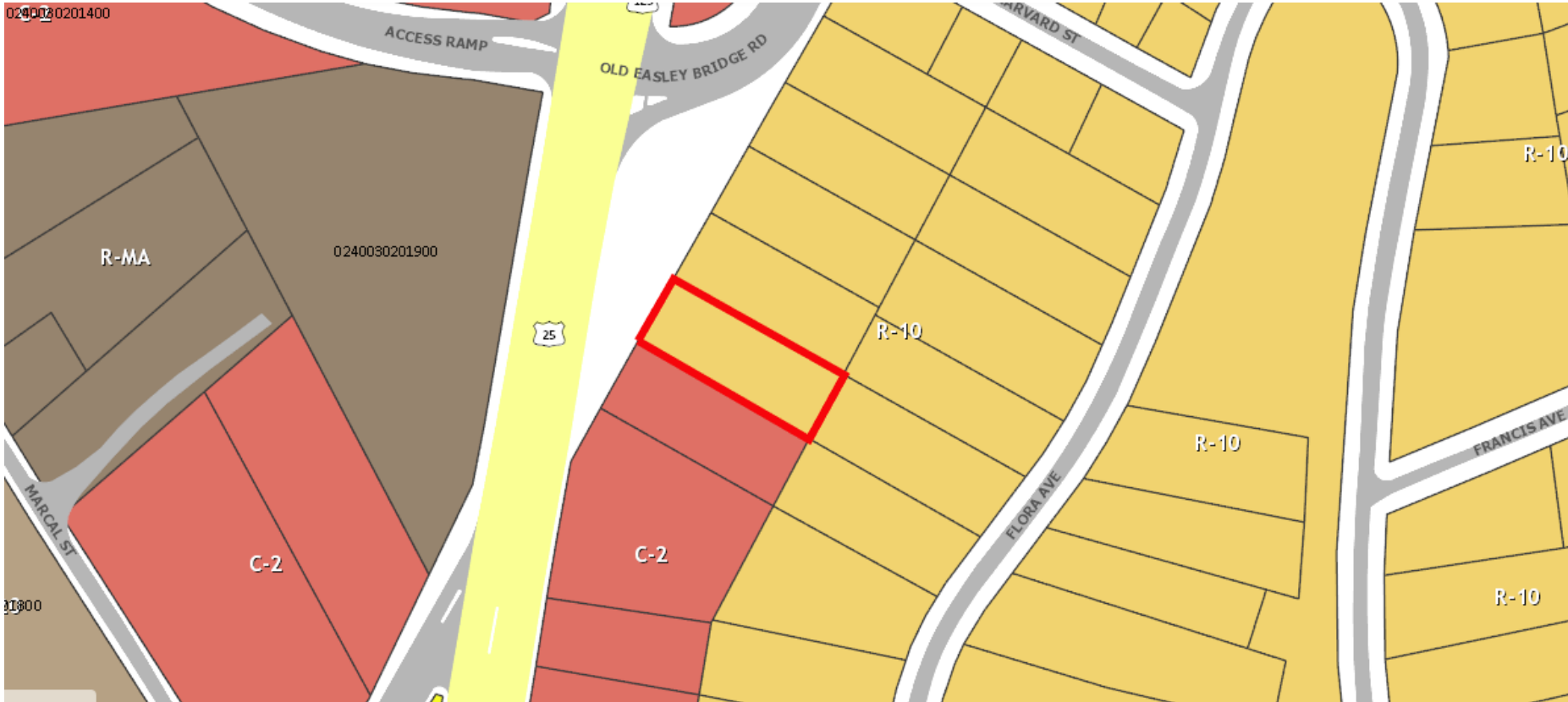


I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN
ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH
CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

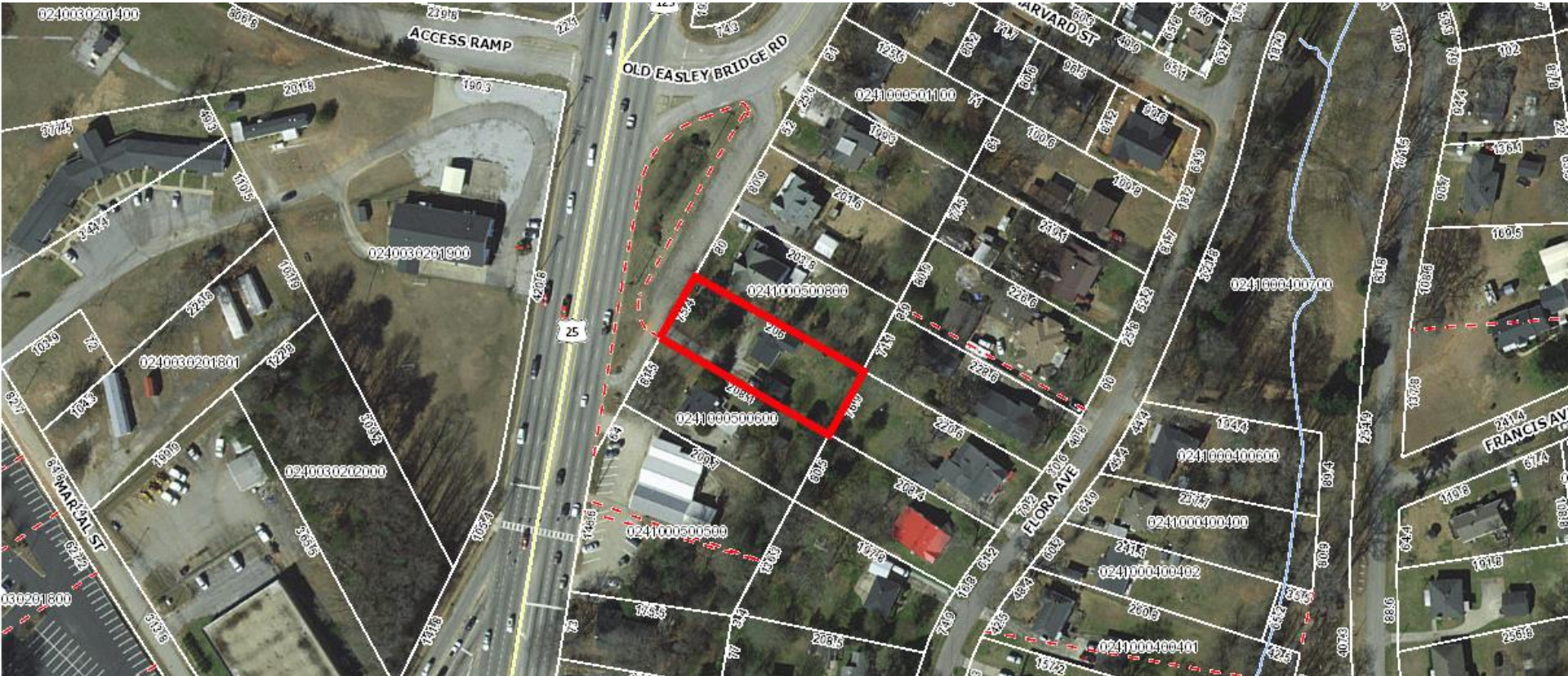
CB-22-11: Site Plan Close-Up



CB-22-11: Zoning Map



CB-22-11: Aerial Map



CB-22-11: Photos



Subject Property



East



West



South

End of Dockets

- Announcements/Requests by BZA Members
- Adjournment