



Greenville County Board of Zoning Appeals

(864) 467-7425

www.greenvillecounty.org

MEETING MINUTES

April 13, 2022

Board Members:

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

Staff Present:

1. Joshua Henderson – Zoning Administrator
2. Meagan Staton – Deputy Zoning Administrator
3. Dean Miller – Planner

The Greenville County Board of Zoning Appeals held its monthly meeting on Wednesday, April 13, 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. Vice Chairman Mark Hattendorf 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 Ms. Michelle Shuman.
3. **Roll Call:** Attendance was taken by Ms. Staton.
4. **Approval of Minutes and Adoption of Final Decisions and Orders of March 9, 2022:** The minutes were reviewed by the board. Chairman Hollingshad stated that there were two minor word errors that were corrected. Ms. Godfrey made a motion to approve the minutes as revised. Ms. Barber and Ms. Farrar seconded the motion. There was no objection. The motion carried, resulting in a vote 8-0 in favor. Ms. Barber then made a motion to approve the Final Decisions and Orders, with a second by Mr. Matesevac. The motion carried 7-0 in favor, with Ms. Barbera in abstention, due to having been absent at the previous meeting. Vice Chairman Mark Hattendorf was not in attendance.
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. Mr. Dean Miller 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.

6. New Business

i. CB-22-21 – Raymond James Stevens for Raymond James Stevens

BACKGROUND

The property is located northwest of Highway 417 near the City of Simpsonville.

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.

There are no prior applications before the BZA.

FINDINGS OF FACT

On Tuesday, March 29, 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-15 District;

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

7:3.4 Side Setbacks in Single-family Residential Districts

For residences, accessory buildings, and nonresidential uses located on corner lots, the minimum side yard width measured from the street right-of-way line shall be 20 feet on a residential service street, 30 feet on a collector street, and 40 feet on an arterial street.

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 to allow a swimming pool in the side 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;

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- 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. Raymond Stevens.

Ms. Donna Simmons appeared in opposition.

Mr. Dean Miller presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 3:4.1, Section 6:2, and Section 7:3.

Mr. Stevens presented his application to the Board. He stated that he lived on a corner lot and that his drive way was not to the front of his house. He stated that practically the pool would be in the backyard, but due to the orientation of the house, the pool was considered in the side yard. He stated that he also had been through the HOA process.

Ms. Barbera confirmed that the address was off of Grand River Lane, and got additional confirmation on the applicant about why it was considered the side yard.

Ms. Donna Simmons, of 204 Blue Danube Dr, stated that she had been on the Board of Directors for the HOA at the time that it was turned over to the neighborhood. She stated that pool requests were all denied when she had been on the Board of Directors because they were considered an attractive nuisance that would cause the HOA to be held liable should any accident occur in a pool in the neighborhood. She stated that it was not considered fair and equitable for every single homeowner to be held responsible for one homeowner's decision to have a pool. She stated that other neighbors not in attendance at the meeting had stated that they did not want the pool because their bedroom windows would face it and because they were worried about noise and traffic in the neighborhood.

Chairman Hollingshad asked if the covenants had also been revised to prohibit in-ground pools. Ms. Simmons stated that she believed that that had been filed with the County. Mr. Hamilton asked whether Mr. Stevens had gone to the Board for approval. Ms. Simmons stated that she did not know as she was no longer serving on the Board.

Mr. Stevens stated that he submitted his application to the HOA, and two Board members came to the site and looked at it. He stated that they said everything would be fine, aside from one minor thing that had to be changed about the pool.

Ms. Barbera asked if the covenants said anything about a pool not being allowed. Ms. Simmons stated that she believed so, but was unable to confirm. Ms. Barbera stated that the covenants needed to be reviewed before the Board of Zoning Appeals could vote on the matter.

Ms. Shuman stated that she believed a letter from the HOA approving the pool would address the covenant issue. Mr. Stevens stated that he had a letter from the HOA that had been emailed to him, and that it was not just a verbal approval. Mr. Stevens stated that he went through the home-buying process, and looked at several pools for his twelve year-old daughter who really

wanted one. He stated that they loved this house, and agreed with his daughter that he would get a pool.

Ms. Simmons stated that there was a community pool. Mr. Stevens stated that he went through the correct process to get a pool with the HOA. Ms. Farrar asked about another home in the neighborhood that appeared to have a pool and asked when that had been installed. Mr. Stevens stated that he believed that that pool had been installed about five or six months ago. He also stated that he could have had his e-911 address changed, and then the request would not have had to come before the BZA.

Ms. Simmons stated that others in the neighborhood had not gone through the home-buying process upon learning that they could not put a pool on their property. She stated that she was also really concerned about safety and that there had been issues with safety at the community pool in which a security camera had to be installed.

Ms. Shuman stated that a community pool was completely different from a property owner's personal pool, and that that decision was out of the builder's hands. She stated that written approval was what was needed at this point in time. She reiterated that this was a locational issue about the pool.

Mr. Stevens asked whether he could step out of the meeting to get the email ready. Chairman Hollingshad, at Mr. Henderson's recommendation, asked whether the Board would like to consider tabling the case to give the applicant some time. Ms. Godfrey made a motion to table the case to be the third item on the agenda. Ms. Farrar seconded the motion. Chairman Hollingshad asked whether there was any discussion. Ms. Barbera stated that it seemed irrelevant whether the pool was located in the side yard or the back yard, and that the biggest issue was whether there were any covenants and if the HOA had granted approval. The motion carried 8-0

At this point the next two cases were heard.

Mr. Stevens returned after the last two cases had been heard. Chairman Hollingshad stated that the motion should be taken from the table with a motion, a second, and a vote. Ms. Shuman made a motion to take the item from the table, with a second by Ms. Barber. The motion carried, resulting in a vote of 8-0 in favor.

Mr. Henderson stated that Mr. Stevens did forward an email to staff with a letter from the HOA stating that the attached plan that the applicant had submitted for a pool has been approved. He also read the following aloud: "Please understand that the Bridgewater of Greenville Homeowners Association Incorporated's architectural approval is for aesthetics only. All architectural plans are approved with the stipulation that no drainage systems in place will be altered or easements violated. It is the responsibility of the homeowner to make sure that the construction conforms with all local ordinances and is within correct property lines. It also the responsibility of both you and your contractor to dispose of all construction debris in the proper manner..."

Chairman Hollingshad reiterated that the purpose of tabling this case was to get confirmation that there was a letter from the HOA stating that it was permitted by them. Since that had been done, he asked if anyone had a motion, and request that the provided site plan be reflected in

the motion.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Paul Hamilton made a motion to grant the variance as requested and per the included site plan based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *this is true because of the home being addressed from the side rather than the front of the house.*
- B. These conditions do not generally apply to other property in the vicinity; *the orientation of the property makes this the side yard.*
- 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; *it has been approved by a letter from the HOA.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *Since the HOA is approving of it.*

Ms. Patricia Barbera seconded the motion. Chairman Hollingshad stated that in regards to Item B, he wanted to make a point that this whole issue arises out of the property being a corner lot. He also stated that the application of the ordinance would be unduly restrictive because there would be no place else to put the pool. Ms. Godfrey stated that not only on a corner lot, but his address could just as well have been such that the pool would be properly sited in the rear. The motion carried, resulting in an 8-0 vote in favor. Vice Chairman Mark Hattendorf was absent.

ii. CB-22-22 – Vasili G. Demas for Visili G. Demas

BACKGROUND

The property is located on Saluda Lake Road, west of Highway 25 and north of Highway 124.

The applicant is requesting a variance of 2.5' from the right side property line. This application is the result of an existing structure built 2.5' in to the 5' right side setback.

There are no prior applications before the BZA.

FINDINGS OF FACT

On Tuesday, March 29, 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.

7:3.9 Single-Family Residential Dwellings in Multi-family Districts

Single-family residential dwellings located in multi-family districts shall have a minimum lot width of 30 feet and a side and rear setback of 5 feet. Front setbacks are measured from the street right of way and are as follows; 20 feet on a residential street, 30 feet on a collector street, and 50 feet on an arterial street.

The applicant is requesting a Variance of 2.5' from the right 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 representative present for this application was Mr. Vasili Demas.

There was one letter in opposition submitted by email.

Mr. Dean Miller presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 7:3.9 and Section 3:4.1.

Ms. Godfrey asked whether the building, which is existing was permitted. Mr. Henderson stated that it was permitted, and further clarified that it was permitted in 2021 and setbacks were also included. It was then found at the inspection that the building did not meet the setbacks.

Ms. Barber asked whether it was built on an existing slab. Ms. Henderson stated that if it was built on an existing slab it exceeded the six-month nonconformity allowance.

Mr. Hamilton asked whether the previous building on site was the same size. Mr. Henderson clarified that the new building was bigger. Ms. Farrar asked whether the previous building encroached on the setback. Mr. Demas stated that it did not. Mr. Henderson stated that the building only encroached into the setback on one end because the building sits at an angle compared to the property line.

Ms. Farrar clarified that he went through all of the correct approvals until the last step with the inspection. Mr. Demas stated that he had been in the hospital and most of the work was overseen by his wife.

Chairman Hollingshad asked about if there had been a site plan for this project. Mr. Henderson stated that site plans were not required for residential building permits, but that proper setbacks were given to him at the time of permitting on the application with a setback verification form. He further explained how that process ensures that proper setbacks are issued on the permit card. He also explained how the inspectors would put in approval or denial. He stated that denial on the slab was found in the AS400 system that staff uses. Mr. Hamilton asked at which stage the slab would have been inspected. Ms. Barber, speaking from experience, stated that generally slab inspections would occur prior to the pouring of the slab.

Mr. Demas presented his application to the Board. He stated that he had all of the pipes and pump pertaining to his pool rerouted and put inside this new building to protect them from damage. He stated that otherwise it was used for storage for him and his wife.

Ms. Shuman asked who Mr. Demas had contracted to build the building for him. Mr. Demas stated that it was a friend of his who was a contractor, known as JPL Contractors. Ms. Shuman stated that a contractor should have known to meet the setbacks. Mr. Demas also reiterated that he was somewhat unaware because he had been hospitalized during this time. He stated that he thought that everything was right, but was duped into this by the contractor.

Ms. Farrar made an observation that many of the other properties in the area had buildings that appeared to be encroaching into the setbacks based on the aerial imagery. Ms. Barber stated that the aerial photos were an element in time from the air, and that you could not determine if something was out of compliance unless you went out and physically measured the buildings yourself. She also clarified that when permits are issued, a blue card with the setbacks listed is also issued and that is to be placed on site.

Mr. Matesevac asked when the project began. Mr. Demas stated that it was while he was in the hospital around March of 2021. Mr. Hamilton asked what would happen if the variance was not granted. Mr. Henderson stated that the building would have to be torn down, and that a code enforcement case would be opened if it was not done within a certain timeframe. He also clarified that the building official stated that the building was skewed with respect to the property line.

Ms. Barbera stated that the setbacks and time of inspections had been made clear, and now a building had been erected out of compliance, and the petitioner was before the Board seeking relief. Mr. Henderson stated that he did not know if the blue card physically said when the inspections were to occur. He stated that the blue card just stated what inspections were required and to call in when they were ready for those inspections. Mr. Henderson stated that the contractor did not call in for the inspections. Mr. Hamilton clarified that the contractor was who was supposed to call in for the inspections. Mr. Henderson stated that he did not know for sure and could get the information from the computer.

Mr. Demas stated that the builder was supposed to pull of the permits and do everything, but did not follow the rules. He also stated that he had been unable to get in touch with the contractor and that he had really tried to get in touch with him.

Ms. Farrar asked whether it was possible to make the building smaller. Mr. Demas said that would not be possible because it was so solid. Ms. Godfrey stated that financial impact could not be considered. Chairman Hollingshad stated that a variance could be granted if a hardship was demonstrated against the four listed criteria and that that hardship could not be financial. Mr. Hamilton stated that the builder caused the hardship for the property owner. Ms. Godfrey stated that there was other legal recourse that Mr. Demas could seek against the builder, but that the financial impact of that was off the table for the Board's consideration.

Ms. Barbera brought the Board's attention the email in opposition that had been submitted. Ms. Farrar asked Mr. Demas if he knew where the person in opposition resided. Her address was then located on the letter submitted.

Ms. Shuman asked how long Mr. Demas had lived at the property. He stated that he had lived there since the late 80s. Mr. Henderson stated the date of submittal for the permit was December 7, 2021 for permit number 11483, which was submitted by Loretta Demas with the contractor name of owner. Mr. Demas stated that the form had to be filled out that way and

that that form came after the building was built. He stated that the contractor was already packed up and gone at that point. Mr. Henderson stated that there was a final inspection that was called and the inspector realized there was an encroachment. Ms. Barber stated that, per her understanding, the owner tried to get electrical to the building, which is what triggered the inspection.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Matesevac 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, the manner under which the contractor went about his work has left the property owner in these circumstances.*
- B. These conditions do not generally apply to other property in the vicinity; *no testimony has been heard that other property owners were in a similar situation.*
- 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; *somewhat evident; without power the pool will not be able to work very well.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *There has been no testimony that this will be the case, other than the email that was submitted, which still may not constitute evidence.*

Mr. Hamilton and Ms. Farrar seconded the motion. Ms. Barber discussed that criteria A was meant to pertain to the property and that the building could have been situated so that it could have met the setback requirement had the contractor done what he was supposed. Chairman Hollingshad stated that he was inclined to agree because it seemed what was extraordinary and exceptional was the irresponsibility of the contractor, but that doesn't relate to the property. He stated that he was struggling to find the justification that Item A of the criteria had been met. Mr. Hamilton stated that the owner thought he was doing it properly and that that meets the criteria. Ms. Godfrey stated that she was inclined to agree with the Chairman and Ms. Barber, and that item A was really relating to the property itself in terms of the lot and its layout. She stated that the question was really if there was something about the property that kept them from being able to meet the Ordinance. She stated that she would not be voting in favor of the motion. Ms. Barbera stated the decision needed to relate to the property and that she was not inclined to approve it. Mr. Hamilton reiterated his position that there were extraordinary and exceptional conditions. Ms. Farrar stated that she agreed with Mr. Hamilton's position. She stated that there were extraordinary and exceptional conditions that led to this that should be taken into account. The motion failed, resulting in a vote of 3-5 in opposition. Vice Chairman Mark Hattendorf was absent.

Ms. Godfrey made a motion to deny the variance as requested, due to not meeting the conditions as follows:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *this case does not appear to have been made for the piece of property itself.*
- B. These conditions do not generally apply to other property in the vicinity; *we have not seen any evidence that there is something particular about this specific piece of property that would require this.*

- 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; *it appears that there were acceptable and legal places for this building to be placed instead.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *Not applicable here and no evidence one way or the other.*

Ms. Barbera seconded the motion. Mr. Hamilton stated that extraordinary and exceptional condition did happen here in terms of the conduct of the contractor. The motion passed with a vote of 5-3 in favor. Vice Chairman Mark Hattendorf was absent.

iii. CB-22-23 – Kathy Lee Kinloch for Alicia Octavia Hunter

BACKGROUND

The property is located along Howell Cir. and Spring Forest Rd. adjacent to the intersection of Howell Circle and Haywood Rd.

The applicant is requesting a variance of 3.7 feet from the required 20 foot front setback along Howell Circle for the construction of an addition to the front of the existing house on site.

FINDINGS OF FACT

On Tuesday, March 29, 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-20 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 3.7 feet from the required 20 foot front 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; 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 Ms. Kathy Kinloch.

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 7:3 and Section 3:4.1.

There were no questions for staff.

Ms. Kinloch presented her application to the Board. She stated that she sold her property to her daughter so that she could retire sooner. The daughter required more space, so they were seeking to add an addition to the front of the home that would be attached. She stated that the architectural committee would not approve something that was detached. She had the blue permit card that stated that it would be a 30 foot required setback, which she thought was from the middle of the road. She stated that the architectural committee for the property approved the drawings and project. She stated that everything came to a stop when the inspector came out and told her that she was not meeting the setback requirement. She also stated that it would be an additional twenty thousand dollars and that it would be something to convince her granddaughter to stay home while she continues her education.

Ms. Barbera asked if this meets the definition of a single-residence dwelling and has no kitchen. Ms. Kinloch stated that this would be a completely separate quarters, with only a shared laundry room between them. She stated that she would have her own bedroom, living area, shower, and kitchen. Ms. Barbera stated that the covenants only allowed for single-family residential dwellings.

Hal Smith addressed the Board in support of Ms. Kinloch's application, as a member of the HOA Board and as a member of the architectural review committee. He stated that he reviewed the project and that the committee approved the project as laid out and plan. He stated that the committee met and recommended that Greenville County approve the variance.

Ms. Barbera clarified that the architectural review committee waived some of the restrictions and Mr. Smith confirmed. He stated that because they were internally connected, it was considered one dwelling. He said there was a separate entrance, in addition to the connection internally, as well.

Ms. Godfrey asked if the property across the Spring Forest Rd. was within the neighborhood. Mr. Smith stated that it was. He also clarified the location of the neighborhood generally. Ms. Godfrey clarified that the 20 foot setback was due to the road that the property line was along. Ms. Godfrey clarified all of the setback requirements for the property.

Mr. Smith state the lot sloped drastically at the back of the house in the area where something might not have setback issues, making any addition need to be two stories instead of one.

Mr. Henderson noted that if this request were to be approved, a condition would have to be made that the interior access must stay in place. The reason for this was that if the access were removed, it would then fall under the definition of duplex which is not permitted in the R-20 zoning district. Mr. Smith stated that that was important to the architectural committee that this not be a duplex as well.

Ms. Kinloch stated that there was a drawing of the site and explained the layout of the home a little more for the Board. Ms. Shuman asked whether there would be a kitchen in the addition, and Ms. Kinloch confirmed that there would be. Ms. Shuman then asked the size of the addition, which the applicant stated would be 30 by 30. Ms. Shuman asked why the addition could not

just be cut back four feet. Ms. Shuman also discussed her concerns that this would become a duplex. In response, Ms. Kinloch stated that it would cost her money to change her plan and everything would have to change including her furniture. Chairman Hollingshad stated that the decision lives with the property, which is what the Board has to consider.

Ms. Farrar asked if the approval could be structured just for the current ownership. Mr. Henderson clarified that the variance was just for the property. Mr. Matesevac asked Mr. Smith if the HOA would prohibit the use of the property as a duplex. Mr. Smith confirmed. Mr. Henderson clarified that staff would not allow a duplex in this zoning district. Ms. Barber clarified that the condition would also be a way to further enforce the Zoning Ordinance.

Ms. Barbera stated that changing the plans regarding the square footage to make it less suspect that it is going to become a duplex.

Mr. Henderson clarified that Section 7:3.3 meant that if there was no right-of-way established then it could have been measured from the edge of the pavement. The problem is that there was a fifty foot right-of-way according to the plat and deed book

Ms. Richey then addressed Board. She stated that she was secretary to the Home Owner's Association. She stated that they would not approve of a duplex and that the road alignments had changed over time. Mr. Henderson clarified that this would not be considered a duplex. Mr. Henderson clarified that if the property were to sell, then anyone who walled up the internal access would be doing so illegally. He further explained that in the R-20 district, duplexes were only permitted as a part of approved Open Space developments, and this neighborhood was not created in this way, and therefore duplexes would not be permitted. Mr. Matesevac reiterated that the HOA would have legal recourse to prevent the structure from being converted to a duplex.

Ms. Shuman asked when the permit was obtained, and noted that the survey is dated after the permit. Mr. Henderson clarified that he instructed her to get a survey for the variance request. Ms. Shuman further asked the applicant to explain how she mapped out the addition. Ms. Kinloch stated that her boyfriend planned out where it would be located, but that they were not aware of any issues. Ms. Barber noted that the building department and the zoning department does not require any site plans for residential dwellings, aside from apartments. Ms. Shuman stated that she was trying to determine whether she had a licensed contractor that should have known the requirements or not.

Ms. Godfrey asked staff who was responsible for the maintenance of Howell Cir. which has now been cut off and turned into a dead end, and what would it take for that entity to abandon the portion that abuts the subject property. Mr. Henderson stated that he was pretty sure that the road was County, but was waiting on Ms. Staton to confirm. He also stated that Roads and Bridges would have to be consulted for any road abandonment processes. He then confirmed that the road was a County-maintained road.

Ms. Barbera confirmed the timeline of permitting and start of construction with Ms. Kinloch. Mr. Smith stated that by the time the architectural review committee got involved, there was a sketch with dimensions on it that was submitted.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Kenneth Matesevac made a motion to grant

the use as with the condition that the interior connecting door from the proposed addition to the existing structure not be removed and that it remain an single-family structure by all definitions based on the following conditions; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per the site plan, the parcel is irregularly shaped and bounded on side by a dead-end street.*
- B. These conditions do not generally apply to other property in the vicinity; *due to its unique shape and location.*
- 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; *because the addition is towards the dead-end street and not street with traffic.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *no issue with adjacent properties and the HOA is satisfied with the applicant's plans.*

Ms. Farrar seconded the motion. Ms. Barbera stated that she believed that extraordinary and exceptional conditions outlined in Item A had not been met, and that changes to the proposed addition could be made to meet the required setbacks. Ms. Barber stated that on the subject property there were some conditions that were not covered in the motion, such as the fact that she could not add on to the side of the house or the back of the house because of the drop off in the back yard and accessibility issues, along with the house having two frontages. She also stated that she would be voting in favor of the motion. Ms. Godfrey stated that with Howell Cir. being almost an abandoned roadway makes it enough of a difference in conditions that apply to this case than applied to the previous case heard by the Board. Mr. Hamilton stated that the Board need to come up with a clearer definition of extraordinary and exception conditions. Ms. Shuman stated that she was struggling with the fact that this was four feet that could be removed, and both this case and the last should have known that there were setbacks. Ms. Farrar stated that for this case specifically there were extraordinary and exceptional circumstances due to the slope of the yard. Ms. Shuman stated that 30 by 30 is a very large room. Ms. Godfrey reiterated many of the issues of the site, but stated that some of the layout plans could still be altered to meet requirements. The motion carried, resulting in a vote of 5-3 in favor. Vice Chairman Hattendorf was absent.

7. Announcements/Requests:

Chairman Hollingshad acknowledged that this was Ms. Barbera's last meeting with the Board. He thanked her for her service and contribution. Ms. Barbera thanked Chairman Hollingshad, and stated that it had been fun and that she had enjoyed getting do her civic duty.

Ms. Barber stated that she, Ms. Shuman, and Vice Chairman Hattendorf had met one time in regards to the by-laws and that that was proceeding along.

Mr. Henderson provided an update to the Unified Development Ordinance and stated that work was being done to move forward. He also stated that Brook Denny had left Greenville County to work for the consultant team. Chairman Hollingshad stated that the Board should consider starting to familiarize themselves with Module 1. Mr. Henderson stated that this information was online, and that comments could be made online.

Ms. Barber requested an update on the Secretary for the Board. Mr. Henderson stated that there will be an election period in June for all three positions. He stated that something could be done then, or they could continue on with Ms. Staton as the interim until the June meeting. Ms. Barber asked if, to keep the Board legal, there needed to be some reference to having Zoning staff serve as the secretary to the Board. Chairman Hollingshad stated that he would entertain a motion to elect Ms. Staton as interim secretary. Ms. Barber made a motion that Meagan Staton be elected as the interim Secretary for the Zoning Board of Appeals by acclamation. Chairman Hollingshad asked if there were any other nomination. The motion was approved unanimously.

8. **Adjournment:** There being no further business to discuss, the meeting adjourned with unanimous approval at approximately 5:15 pm



Nicholas Hollingshad, Chairman
Greenville County Board of Zoning Appeals

5/11/22

Date

Respectfully prepared and submitted by:



Meagan Staton
Deputy Zoning Administrator

GREENVILLE COUNTY BOARD OF ZONING APPEALS

April 13, 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-22-21

Applicant:	Raymond James Stevens
Project Type:	Variance
Address:	2 Grand River Lane, Simpsonville, SC 29681
Zoning:	R-15, Single-Family Residential
Posting:	Confirmed 3/28/22

CB-22-21: Request

The property is located northwest of Highway 417 near the City of Simpsonville.

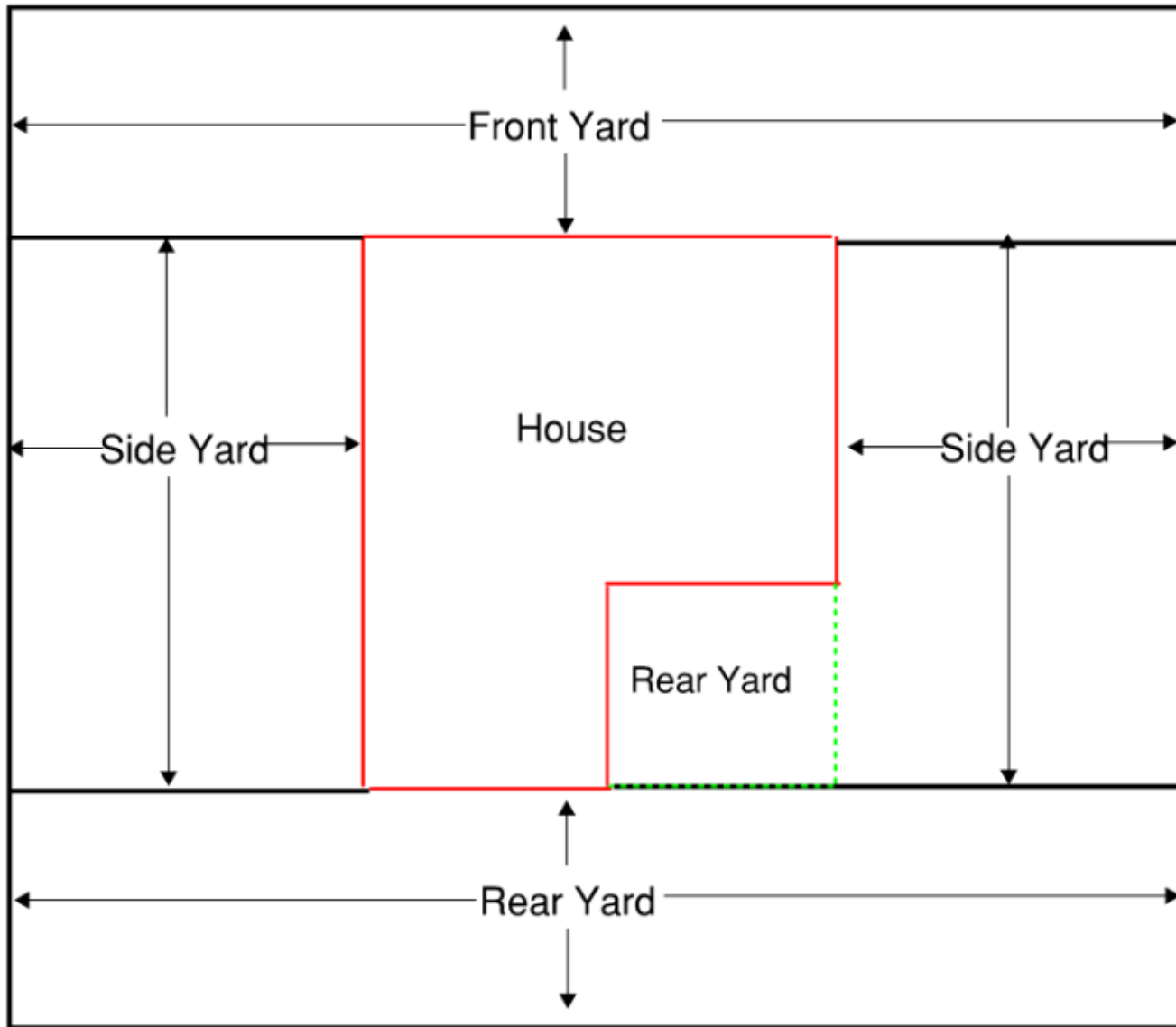
The applicant is requesting a variance from the requirements for placement of a swimming pool as outlined in Condition 18-B of the Greenville County Zoning Ordinance.

There are no prior applications before the BZA.

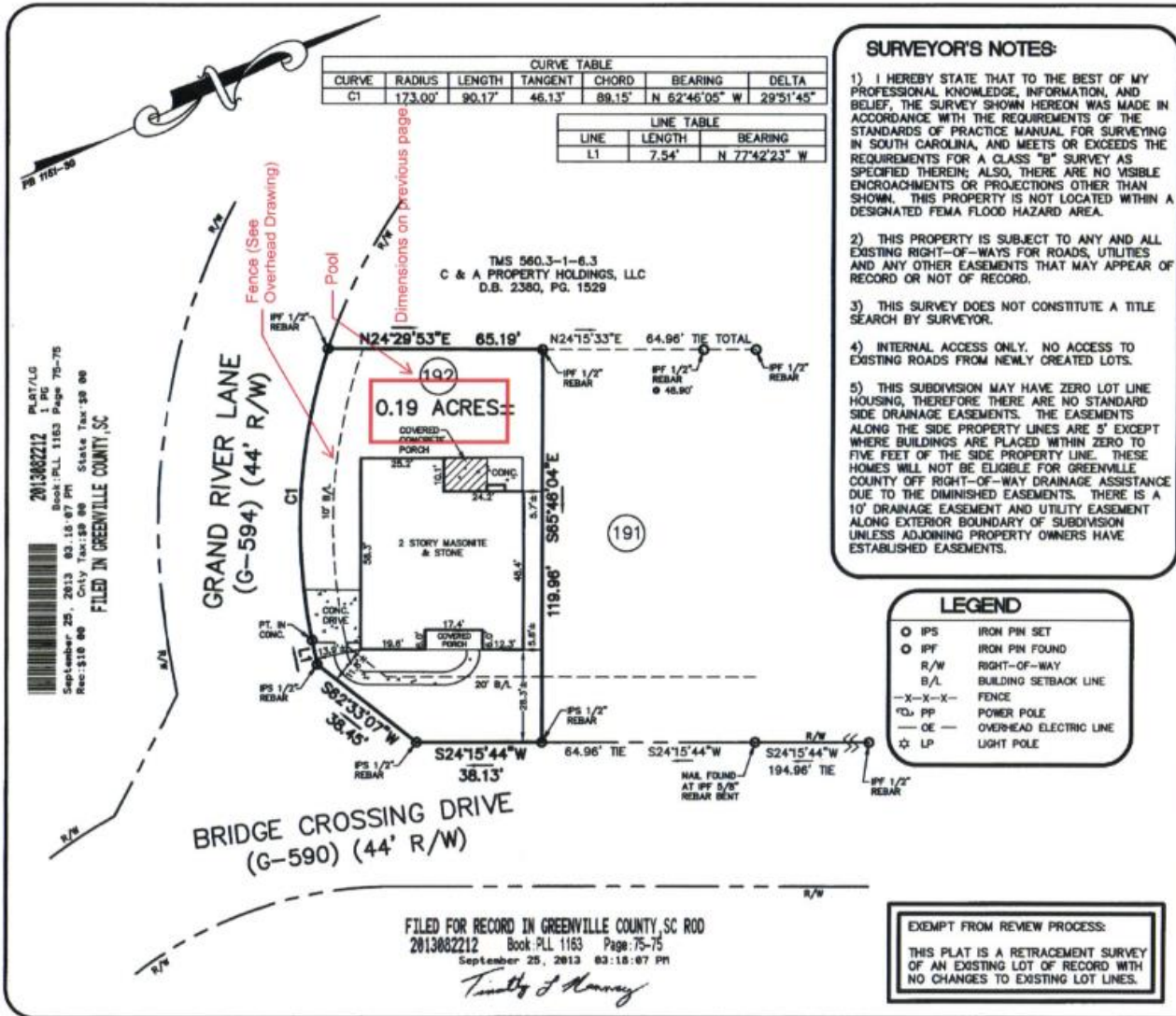
CB-22-21: Variance Considerations

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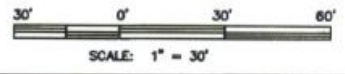
CB-22-21: Site Plan



LANDMARK SURVEYING

LANDMARK SURVEYING, INC.
 205 E. STONE AVENUE
 GREENVILLE, SC 29609
 TEL. (864) 242-8872
 EMAIL: mfwolter@landmark-surveying-inc.com

DRAWN: KB	PARTY CHIEF: EW	CHECKED: RMF
REF. PLAT BOOK: 1151, PAGE 30		
REF. DEED BOOK: 2420, PAGE 5518		
TAX MAP: 560.11-1-88		
DATE OF SURVEY: SEPTEMBER 8, 2013		
DRAWING NO: 13278LP		
DATE OF LAST REVISION:		



PLS: R. MERIL FOWLER JR.
 NO: 17073

STATE OF SOUTH CAROLINA GREENVILLE COUNTY

**CLOSING SURVEY
 FOR
 TRAVIS MOON
 CARRIE MOON**

**LOT 192
 BRIDGEWATER - PHASE III**

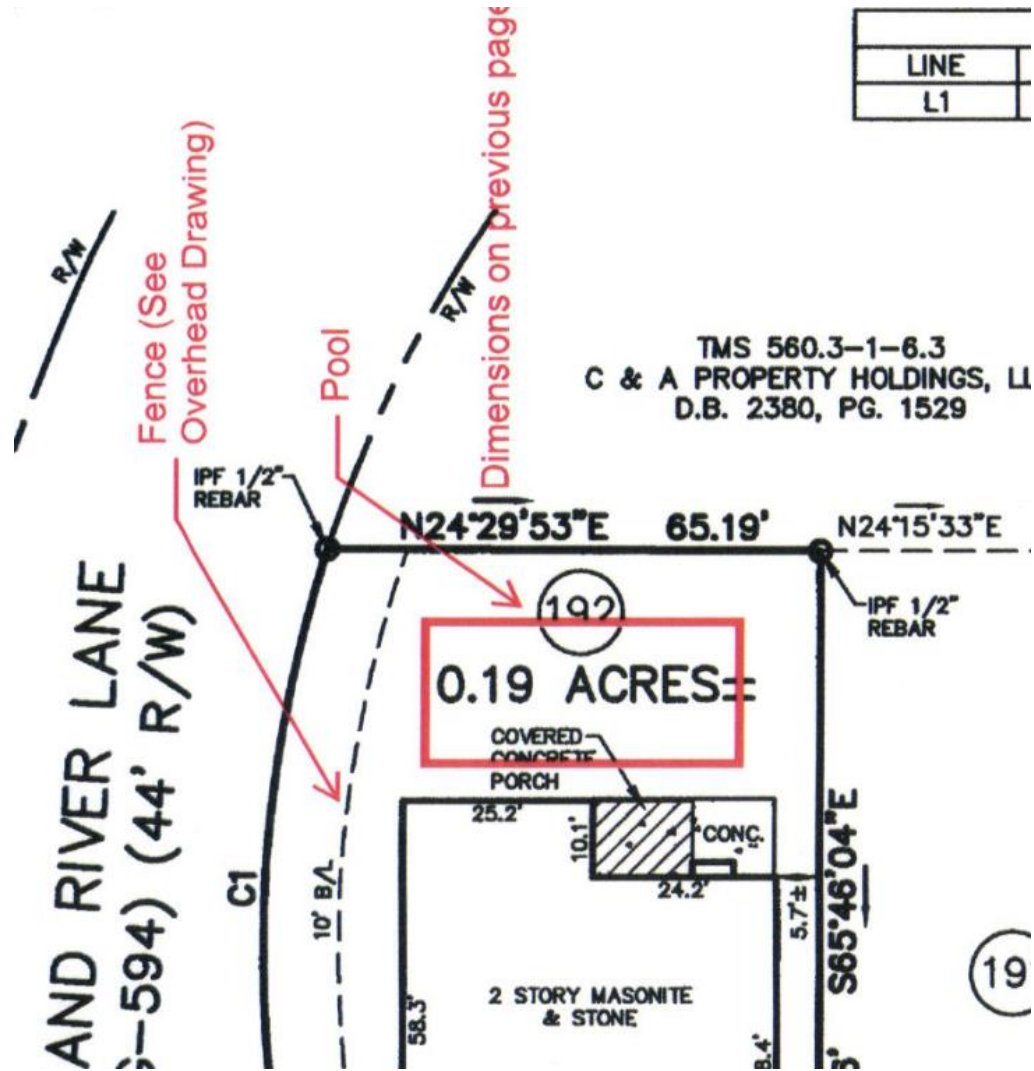
SITE ADDRESS:
 2 GRAND RIVER LANE
 SIMPSONVILLE, SC 29681

2013082212
 PLAT/LG
 1 PG
 Book: P.L.L. 1183 Page: 75-75
 September 25, 2013 03:18:07 PM
 State Tax: \$9.00
 Rec: \$10.00
 FILED IN GREENVILLE COUNTY, SC

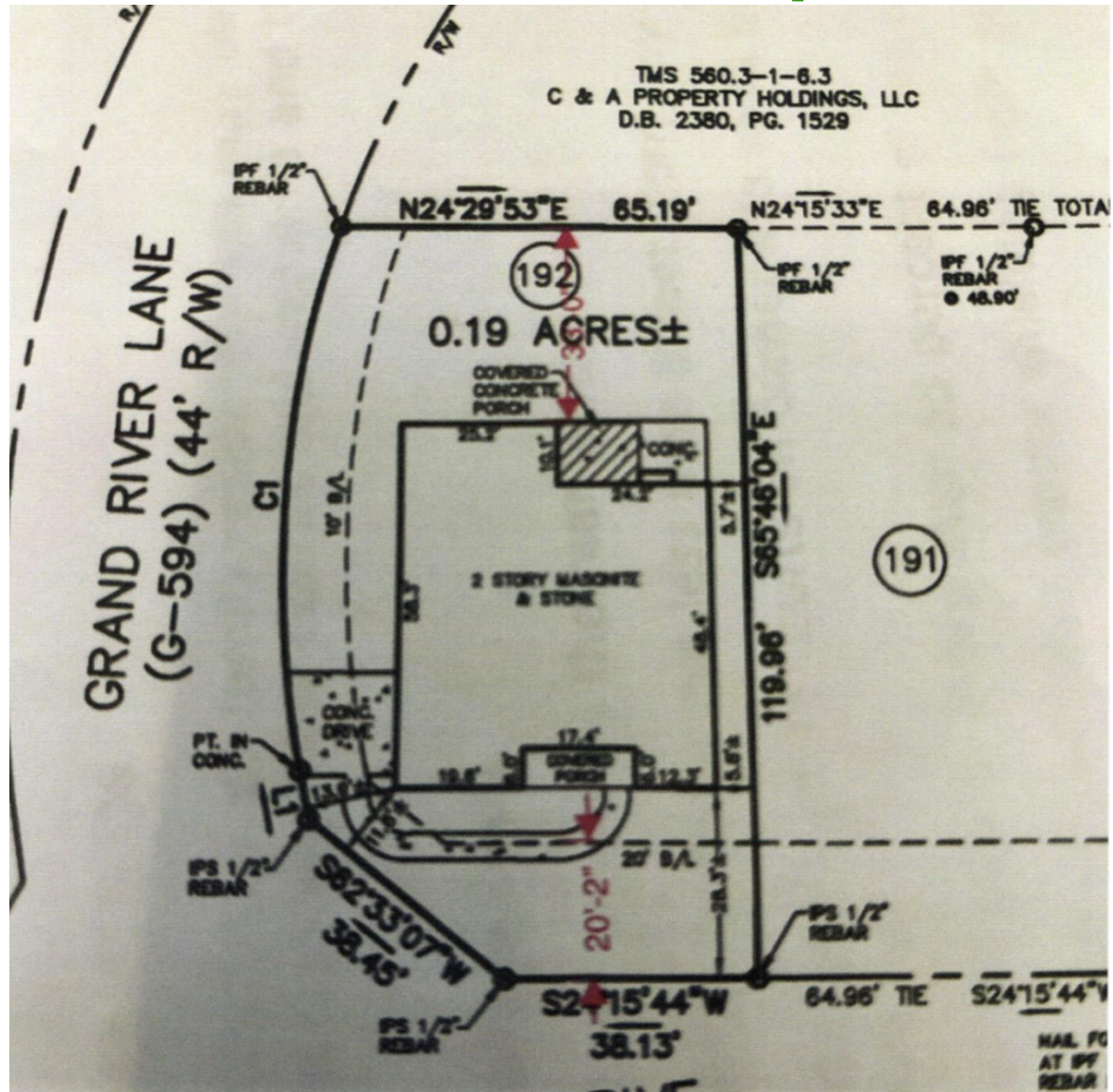
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 2013082212 Book: P.L.L. 1183 Page: 75-75
 September 25, 2013 03:18:07 PM

Timothy J. Manning

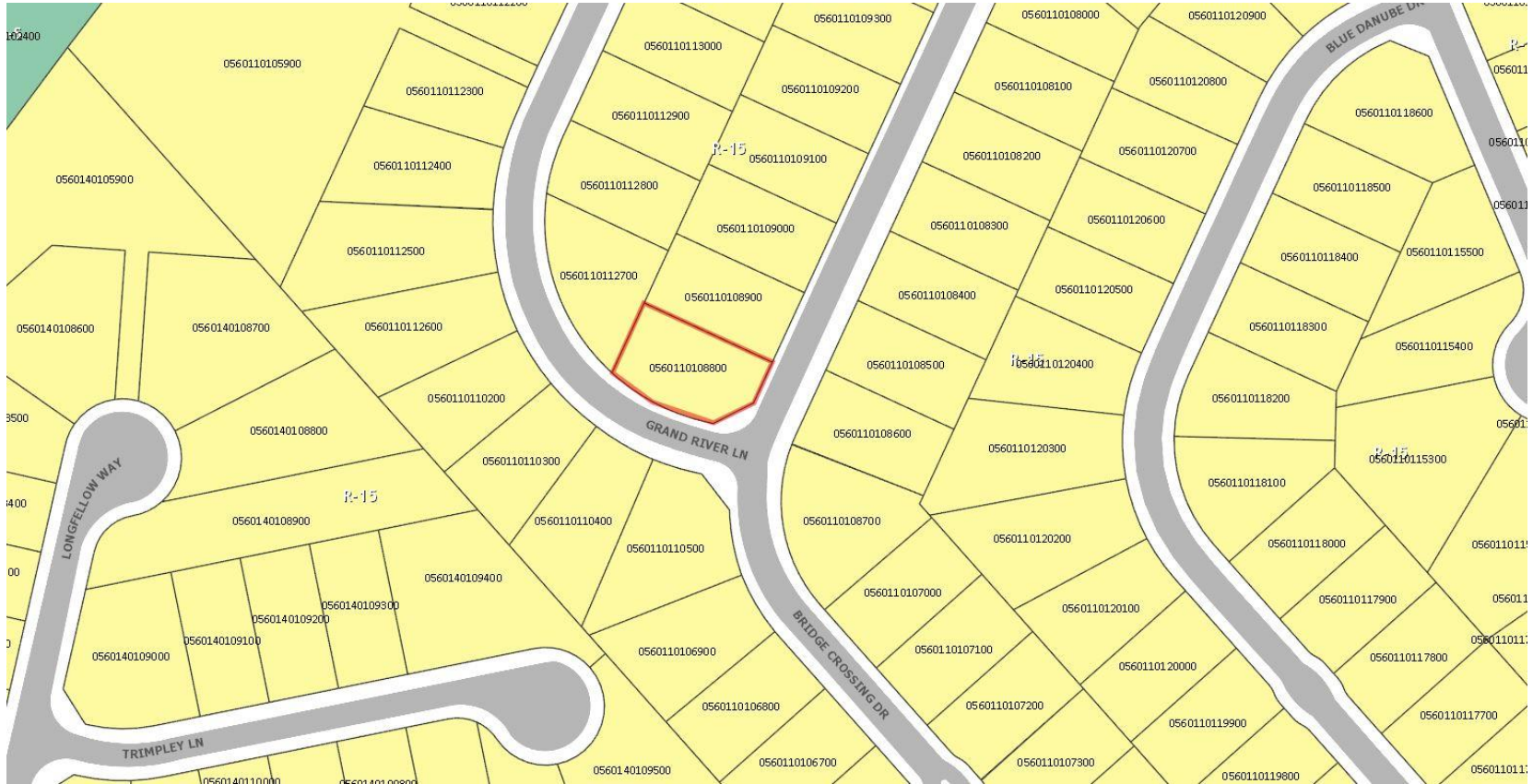
CB-22-21: Site Plan Close-Up



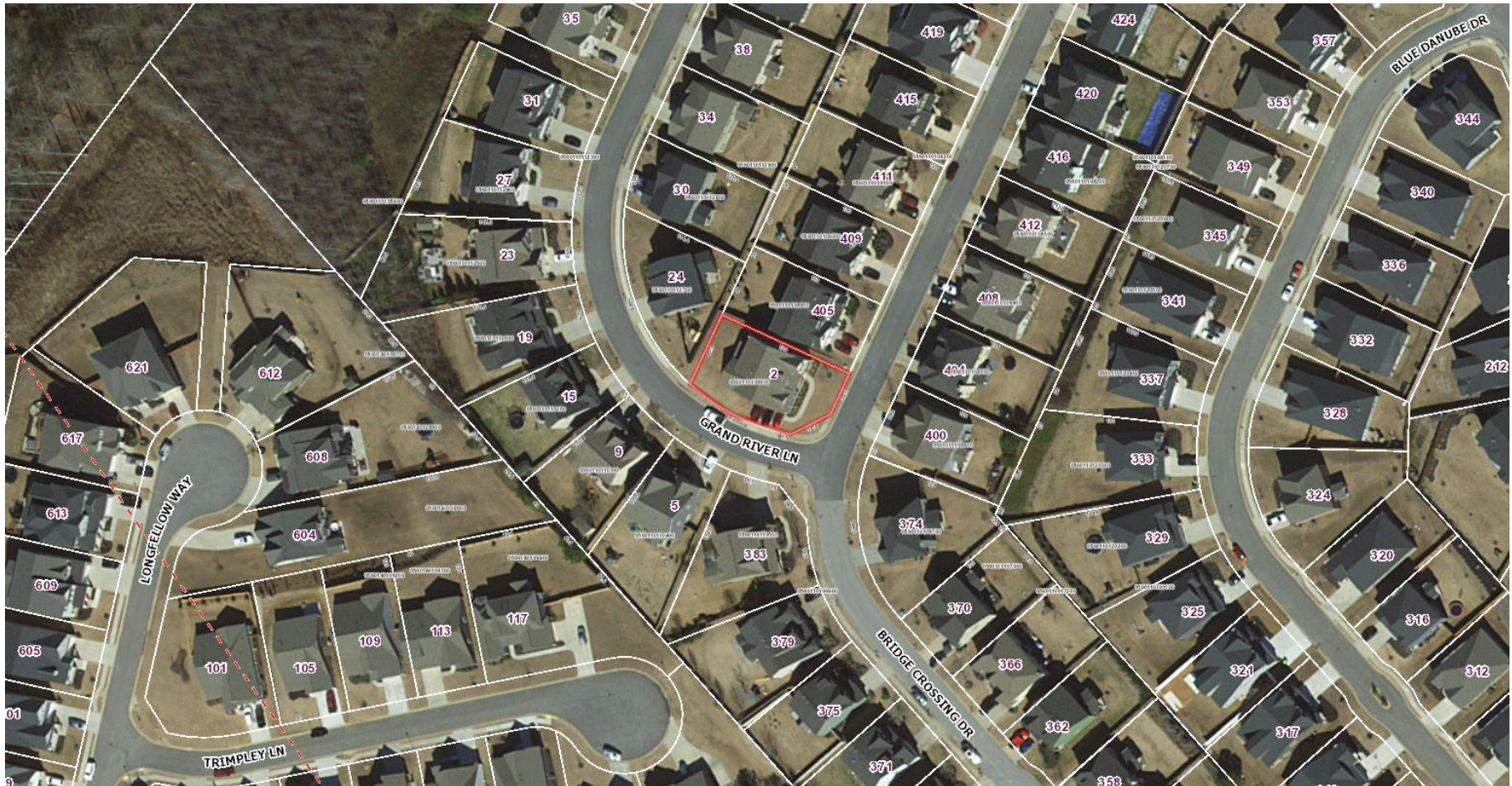
CB-22-21: Site Plan Close-up Dimensions



CB-22-21: Zoning Map



CB-22-21: Aerial Map



CB-22-21: Photos



Subject Property



Subject Property



South



Southwest

CB-22-22

Applicant:	Vasili G. Demas
Project Type:	Variance
Address:	904 Saluda Lake Rd., Greenville, SC 29611
Zoning:	R-M20, Multifamily Residential
Posting:	Confirmed 3/29/22

CB-22-22: Request

The property is located on Saluda Lake Road, west of Highway 25 and north of Highway 124.

The applicant is requesting a variance of 2.5' from the right side property line. This application is the result of an existing structure built 2.5' in to the 5' right side setback.

There are no prior applications before the BZA.

CB-22-22: Setback Requirements

Section 7:3, Table 7.3: Setback/Height Requirements for the R-M20 District

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

7:3.9 Single-Family Residential Dwellings in Multi-family Districts

Single-family residential dwellings located in multi-family districts shall have a minimum lot width of 30 feet and a side and rear setback of 5 feet. Front setbacks are measured from the street right of way and are as follows; 20 feet on a residential street, 30 feet on a collector street, and 50 feet on an arterial street.

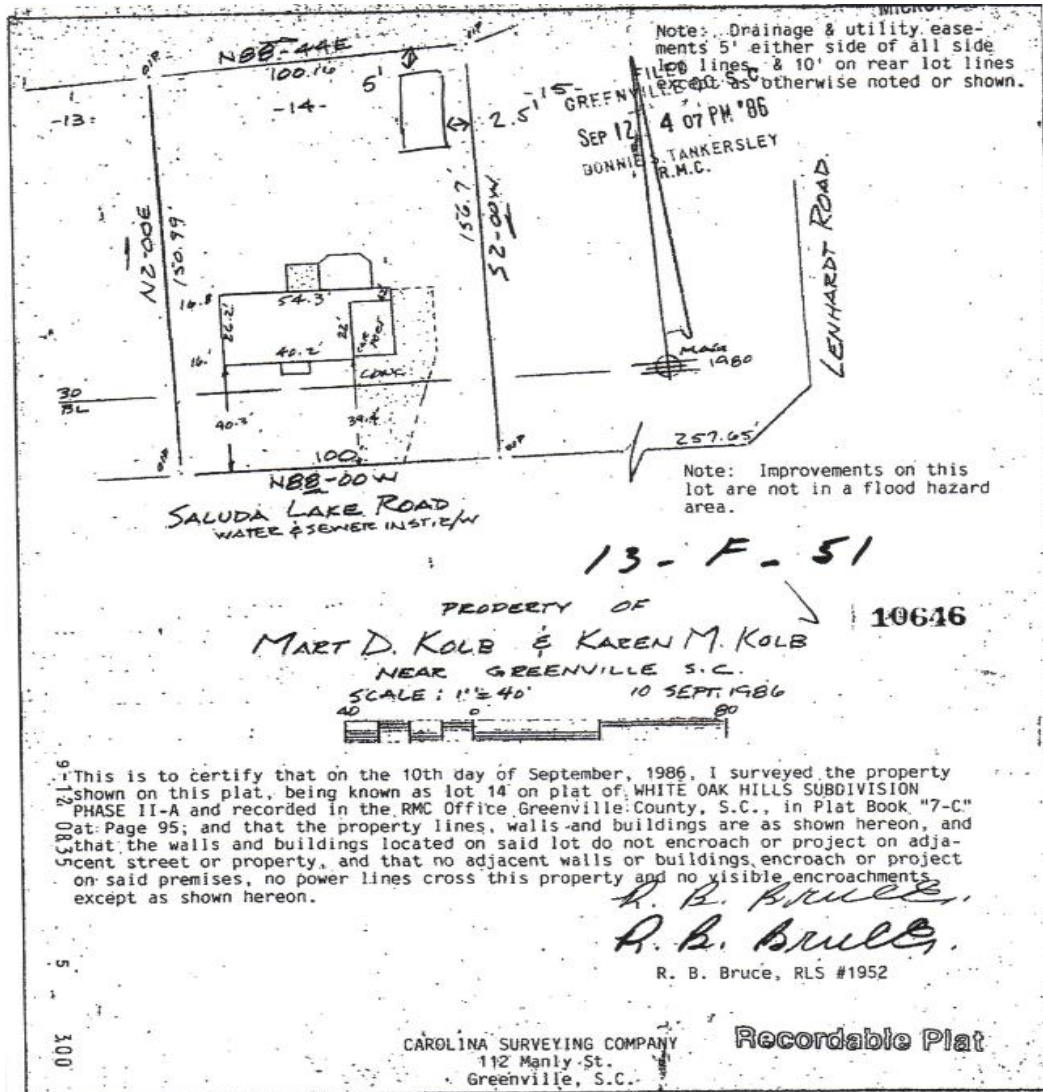
The applicant is requesting a Variance of 2.5' from the right side setback.

CB-22-22: 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.

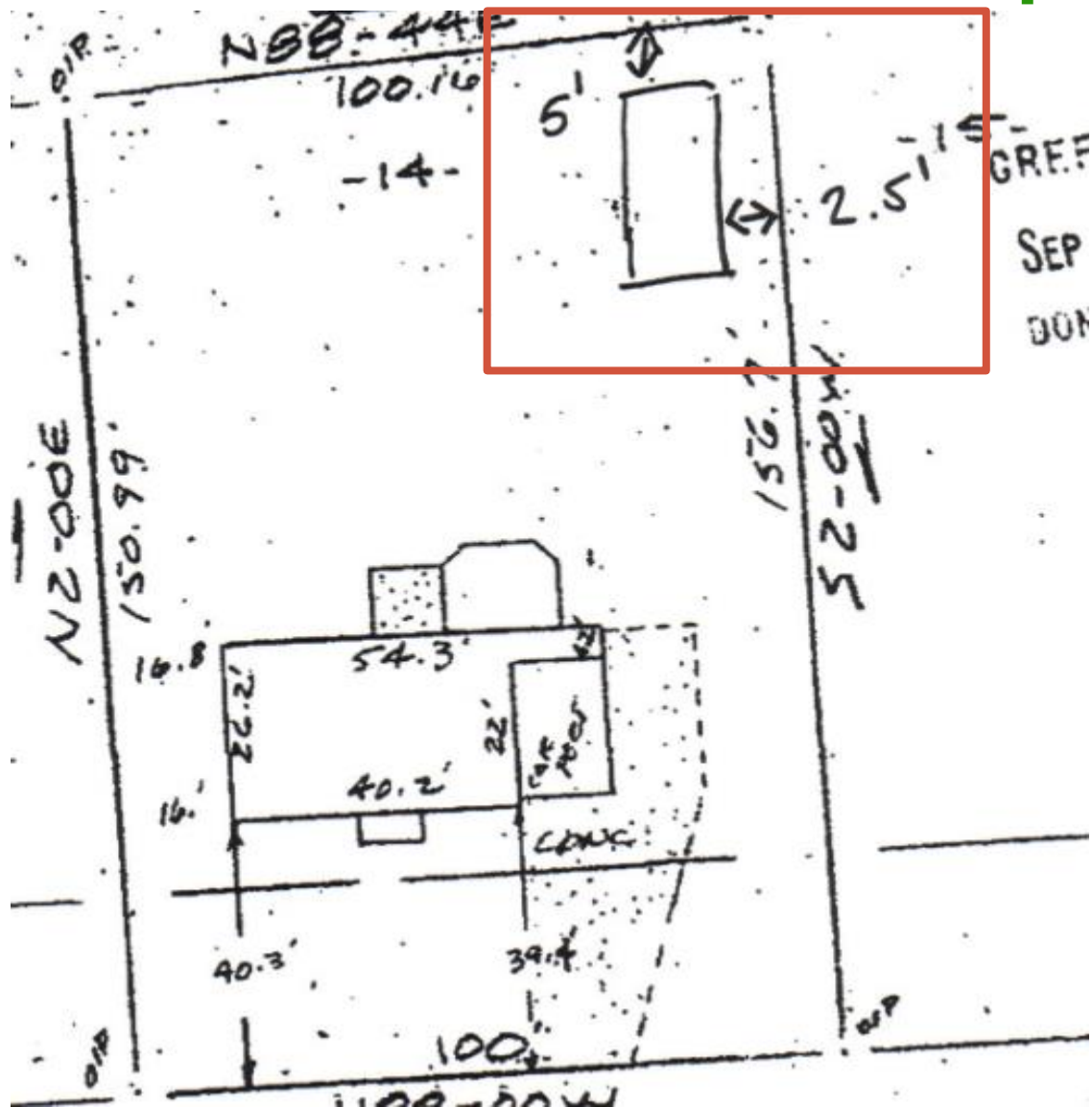
CB-22-22: Site Plan



313/27

R.L. - 1-69

CB-22-10: Site Plan Close-Up



CB-22-22: Images Submitted by Applicant



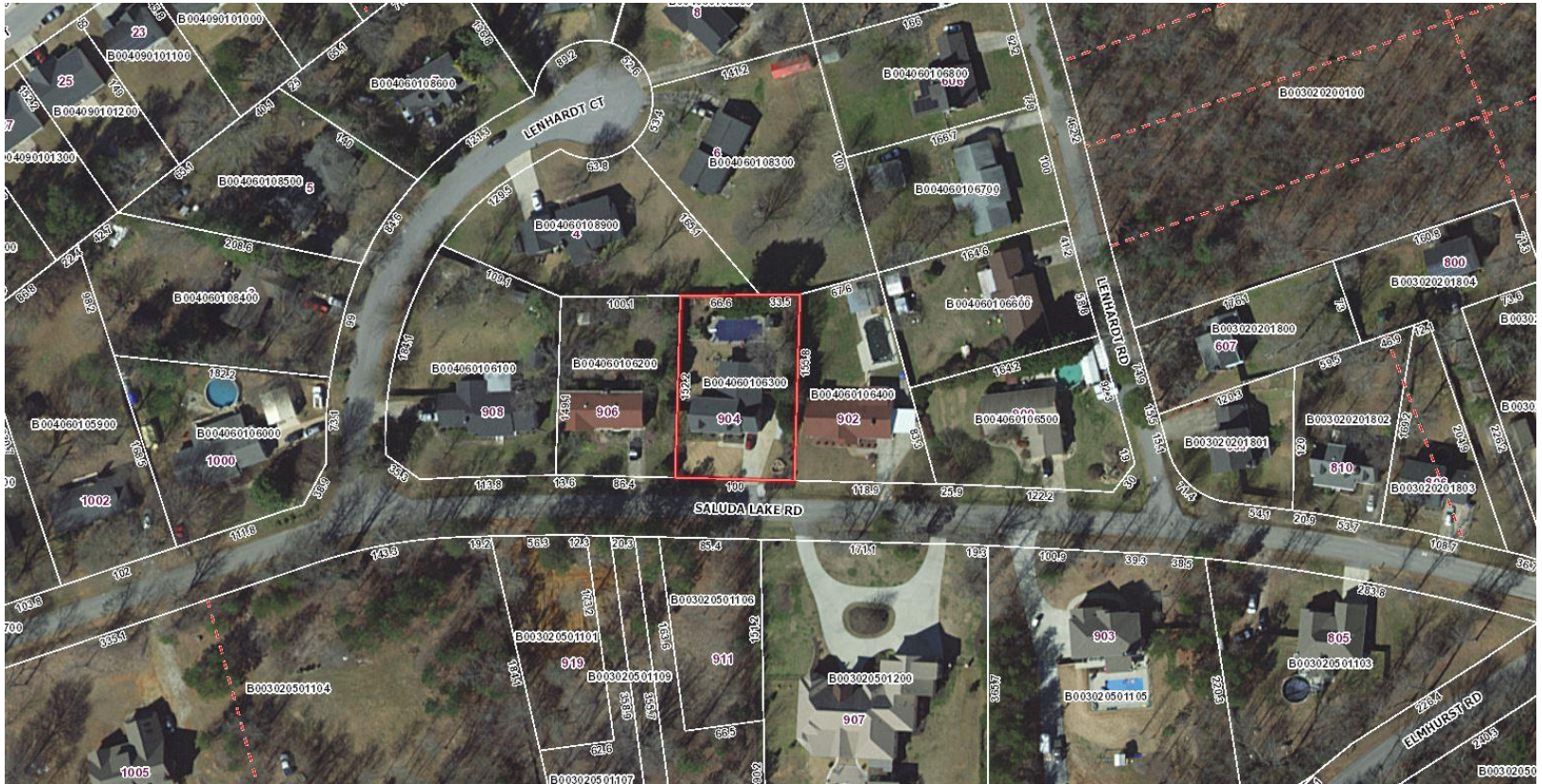
CB-22-22: Images Submitted by Applicant



CB-22-22: Zoning Map



CB-22-22: Aerial Map



CB-22-22: Photos



Subject Property



South



East



West

CB-22-23

- Applicant:** Kathy Lee Kinloch for Alicia Octavia Hunter
- Project Type:** Variance
- Address:** 106 Howell Cir., Greenville, SC 29615
- Zoning:** R-20, Single-Family Residential
- Posting:** Confirmed 3/29/22

CB-22-23: Request

The property is located along Howell Cir. and Spring Forest Rd. adjacent to the intersection of Howell Circle and Haywood Rd.

The applicant is requesting a variance of 3.7 feet from the required 20 foot front setback along Howell Circle for the construction of an addition to the front of the existing house on site.

CB-22-23: Setback Requirements

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-20 District;

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

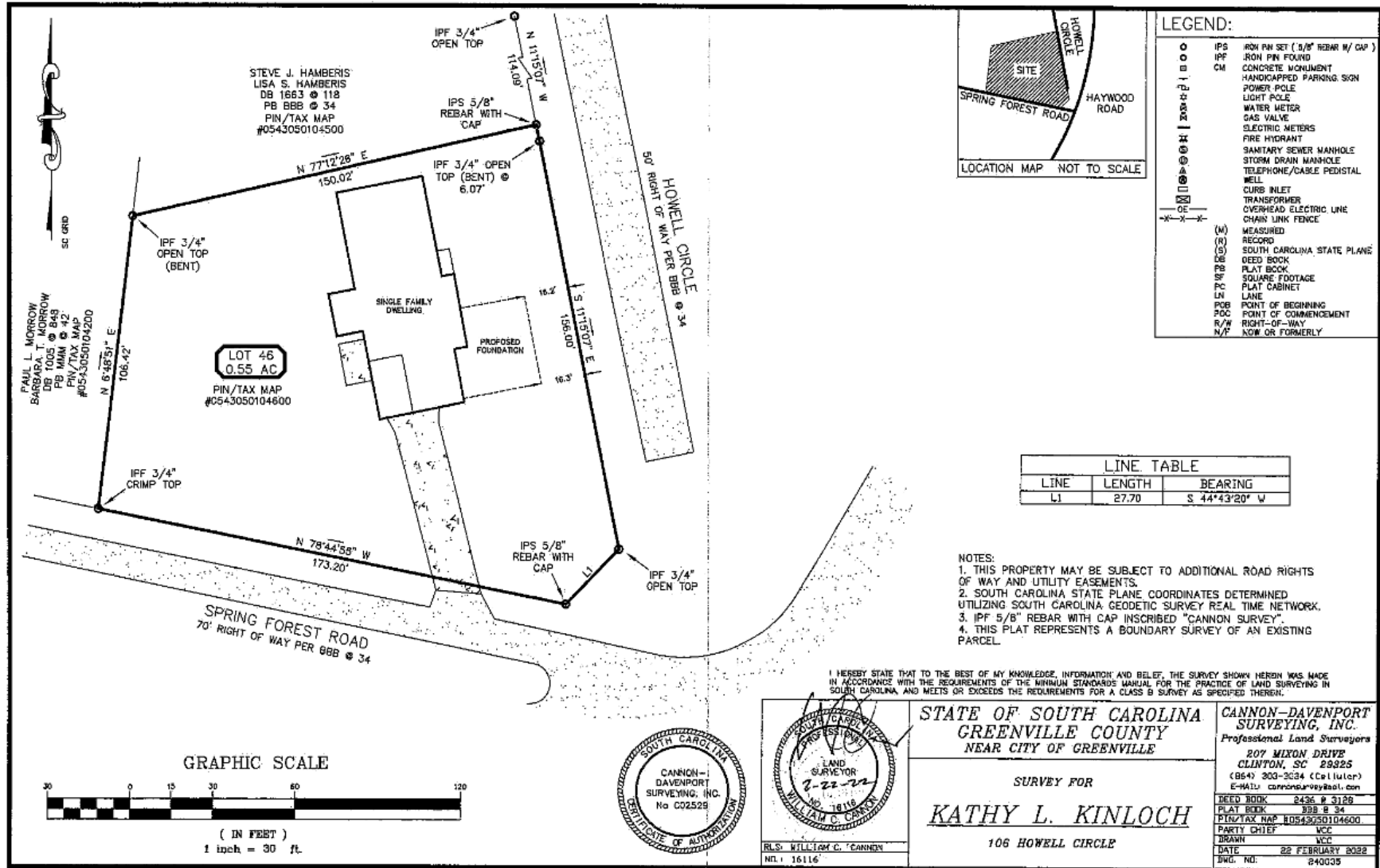
The applicant is requesting a Variance of 3.7 feet from the required 20 foot front setback.

CB-22-23: 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:

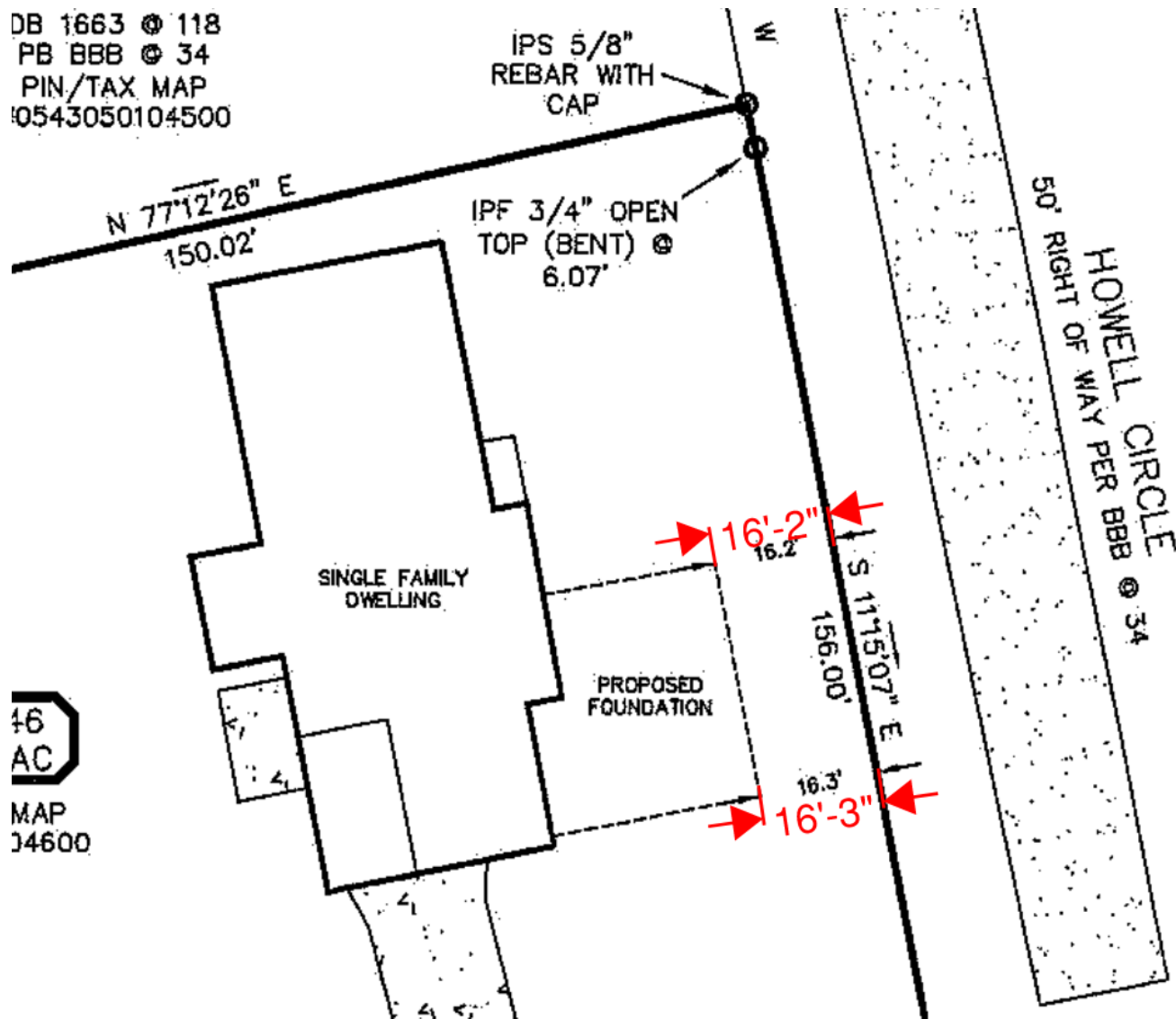
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CB-22-23: Site Plan



CB-22-23: Site Plan Close-Up

DB 1663 @ 118
 PB BBB @ 34
 PIN/TAX MAP
 0543050104500



CB-22-23: Zoning Map



CB-22-23: Aerial Map



CB-22-23: Photos



Subject Property



Subject Property



East



North

End of Dockets

- Announcements/Requests by BZA Members
- Adjournment