



Greenville County Board of Zoning Appeals

(864) 467-7425

www.greenvillecounty.org

Meeting Minutes

February 8, 2023

Board Members:

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

Staff Present:

1. Joshua Henderson – Zoning Administrator
2. Dean Miller – Planner II
3. Todd Baxley – Planner
4. Kelsey Mulherin – Planner
5. Lisa Mann – Planner II
6. Rashida Jeffers-Campbell – Planning Director

1. **Call to Order:** Chairman Hattendorf called the meeting to order at approximately 3:00.
2. **Invocation/Pledge:** Conducted by Mr. Hattendorf.
3. **Roll Call:** Attendance was taken by Ms. Mulherin.
4. **Approval of Minutes and Adoption of Final Decisions and Orders of January 11, 2023:**
Ms. Barber made a motion to approve the minutes from the January 11, 2023 meeting. Ms. Farrar seconded. The motion carried with an 8 - 0 vote. Dr. Hollingshad abstained.

Mr. Akers made a motion to adopt the Final Decisions and Orders from the January 11, 2023 meeting. Ms. Godfrey seconded. The motion carried with an 8 - 0 vote. Dr. Hollingshad abstained.

5. **Hearing Procedures/Regulations:** Chairman Hattendorf provided an overview of procedures. Mr. Miller introduced the PowerPoint 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.
6. **New Business**

i. **CB-23-08, Matthew K. Johnson with Matthew K. Johnson Law Firm, LLC for Jason Howell with H2MP, LLC**

This property is located on Augusta Road, north of the intersection of White Horse Road and Augusta Road.

The applicant filed for an appeal of the Zoning Administrator's interpretation of the Greenville County Zoning Ordinance, stating that chickens have been present on the property since it was purchased by the applicant in 2017. Additionally, the applicant stated that the use of the property for chickens; "Preexisted this ordinance language and is therefore a lawful nonconforming use".

There are no prior applications before the BZA.

The representatives present for this application were Chris Page and Matthew Johnson.

There were five citizens present for opposition; three of the five citizens spoke in opposition for this application, Tommie Summers, Barry Wright, and Herman Brown.

Staff presented and discussion ensued. Mr. Hattendorf asked for clarification of procedures regarding denying or upholding the Zoning Administrator's interpretation. Mr. Henderson read aloud Section 3:5.2; Appeals to the Board, from the Greenville County Zoning Ordinance. Mr. Henderson further explained that this decision will affect all zoned properties within Greenville County. Ms. Godfrey asked if the adoption of the Text Amendment from 2014 was more restrictive in regards to uses permitted and chickens. Mr. Henderson explained the Text Amendment from 2014 was to put in place Condition 29; which allowed Chickens as a permitted use in Table 6.1, provided a definition of Chickens, and provided conditions under which Chickens were allowed. Mr. Henderson further explained that Chickens have never been a permitted use prior to or after 2014 in the C-2, Commercial District.

Mr. Johnson stated with restrictions on time limit to file an appeal, he was able to perform limited research and was unable to locate the Zoning Ordinance prior to 2018. Mr. Johnson stated the applicant has had chickens for the past five years. Mr. Page explained the chickens are on the property as an employee program to allow employees time during work to enjoy interacting and taking care of the chickens. Mr. Page stated there are 20 chickens, one being a rooster, located within a 60' x 60' enclosure on the rear of the property. Mr. Page stated there are no single-family, two-family or multifamily uses on the property.

Mr. Summers stated the chickens are causing noise to prevent sleep, issues with rats and snakes are present, and the chickens are roaming onto other properties. Mr. Wright stated the chickens are not benefiting the neighbors. Mr. Brown stated chickens belong on farms and the fence provided was not intended to keep chickens enclosed.

Ms. Godfrey made a motion to deny the Appeal of the Zoning Administrator's interpretation. Dr. Hollingshad seconded the motion. The motion carried unanimously with a 9 – 0 vote.

ii. **CB-23-09, William Duane Rush and Jodi Lynne Rush**

The property is located north of New Easley Highway, east of Pickens County.

The applicant is requesting a variance to allow an accessory building in the front yard.

There are no prior applications before the BZA.

The representatives present for this application were Jodi Rush and William Rush.

There were three e-mails submitted to zoning staff in opposition to this application.

Staff presented and discussion ensued. Mr. Rush stated problems with topography and a storm drain easement located on the property prevented him from placing an accessory building in the rear or side yard. Mr. Rush stated that the house on the property is set back from the front property line more than other houses on the street. Mr. Hattendorf asked where the storm drained ended and if the applicant would be able to move the storm drain. Ms. Jeffers-Campbell spoke on behalf of staff and stated that the applicant is able to submit an application to abandon an easement.

Ms. Godfrey made a motion to deny the Variance to allow an accessory building in the front yard. Mr. Akers seconded the motion. The motion failed with a 4 – 5 vote.

Mr. Hamilton made a motion to approve the Variance with amendments. Ms. Shuman seconded the motion. The motion carried with a 6 – 3 vote. Mr. Akers, Ms. Godfrey, and Dr. Hollingshad dissented.

iii. **CB-23-10, Jeffrey Clark Helvey with Bunnell Lammons Engineering for St. John of the Ladder Orthodox Church in America**

This property is located on Roper Mountain Road Extension south of Pelham Road near the City of Greenville.

The applicant is requesting a Use by Special Exception to allow for the expansion of a church facility.

On August 11, 2010 (CB-10-35) the Board of Zoning appeals approved a Use by Special Exception to allow a church facility in the R-20 Single Family Residential District. Permits were not obtained within 24 months from the date of the decision; therefore, the decision expired.

On November 13, 2013 (CB-13-67) the Board of Zoning appeals approved a Use by Special Exception to allow a church facility in the R-20 Single Family Residential District, and a variance from the right and left setback requirements. The variance allowed a 36' encroachment into the right side setback and a 25' encroachment into the left side setback.

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

The representative present for this application was Jeff Helvey.

Staff presented and discussion ensued. Mr. Akers asked staff if the Variance previously approved still pertained to the property. Mr. Miller confirmed the Variance is still active and the applicant is only requesting an expansion of the Church which requires a Use by Special Exception in this zoning district. Mr. Helvey explained the porches were not included with the initial Use by Special Exception because money was not available at that time. Mr. Helvey explained the expansion of porches will allow handicap access through the main church door and will allow covered sitting and standing areas outdoors during inclement weather conditions.

Mr. Hattendorf asked if an additional Variance was needed to encroach into the setback. Mr. Miller explained that the previously approved Variance allows the applicant to encroach into the setback.

Mr. Hattendorf made a motion to grant the Use by Special Exception to allow for the expansion of a church facility. Ms. Barber seconded the motion. The motion carried unanimously with a 9 – 0 vote.

iv. **CB-23-11, Don Shuman with Greenville County Parks, Recreation, & Tourism for Greenville County Parks Recreation & Tourism**

The property is located on S. Suber Road, northwest of the intersection of S. Suber Road and Hammett Road in Greer.

The applicant is requesting a Use by Special Exception to allow for the expansion of a public recreation facility to add pickleball courts and accompanying shade shelters to the park.

There are no prior applications before the Board.

The representatives present for this application was Don Shuman and Ernest Grisham.

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

Staff presented and discussion ensued. Mr. Shuman stated that pickleball is the fastest growing sport in America and they wanted to make use of existing space by the addition of pickleball courts. Mr. Hattendorf asked if the courts would be illuminated. Mr. Shuman stated the lighting would be on the same timer as the softball fields and would be cut off at reasonable times. Ms. Barber asked if any additional parking would be added to the site. Mr. Henderson explained parking requirements would be reviewed during the permitting process. Ms. Godfrey asked if storm water drainage would be reviewed. Mr. Baxley confirmed that if enough acreage was disturbed, a Land Disturbance permit would be required.

Mr. Matesevac made a motion to grant the Use By Special Exception. Mr. Hamilton seconded the motion. The motion carried unanimously with a 9 – 0 vote.

After Docket CB-23-13, before announcements began, Mr. Henderson asked the Board Members to clarify if the motion included the shade shelters. Mr. Matesevac confirmed he intended for his motion to include the shade shelters. Mr. Hamilton confirmed his second was still applicable. Mr. Hattendorf asked for consensus from the Board that their

vote was intended to include the pickleball courts and their accompanying shade shelters; the Board confirmed.

v. **CB-23-12, Jeff D. Oden, PE with Stewart, Inc. for Mary Magdalene Catholic Church**

HOLD

Prior to the meeting, the applicant requested to hold the docket until the March BZA Meeting.

vi. **CB-23-13, Jaime Benton with the School District of Greenville County for Greenville County School District**

The property is located on McKelvey Road, on the corner of McKelvey Road and Turner Road in Pelzer.

The applicant is requesting a Use by Special Exception to allow for the expansion of a primary school and its associated site work.

There are no prior applications before the Board.

The representative present for this application was Jaime Benton.

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

Staff presented and discussion ensued. Mr. Benton explained the expansion will allow the school to meet maximum capacity and that the school has been present since 1867. Mr. Hattendorf asked for clarification of the expansion from the applicant, which would include a parking loop and turn-arounds, additional access point, two building additions, and a new parking lot. Mr. Benton confirmed. Dr. Hollingshad stated that a Use by Special Exception had never been acquired for the site and asked if a Use by Special Exception would be needed for entire site including the expansion. Staff confirmed this is correct.

Mr. Hattendorf made a motion to approve the Use By Special Exception. Ms. Barber seconded the motion. The motion carried with a 9 – 0 vote.

7. Announcements/Requests

Chairman Hattendorf asked for any announcements or requests. The first request was from Mr. Hattendorf asking if this would be the last meeting in the current County Offices. Mr. Henderson stated it was an on-going process and information was being updated daily. Next, Mr. Henderson stated Ms. Mulherin would be filling in as an interim secretary for the Board. Mr. Hattendorf nominated Ms. Mulherin as the secretary and the Board voted and the motion carried 9 – 0. Next, Dr. Hollingshad asked if any efforts had been made on a Swimming Pool Text amendment. Discussion ensued and the Board agreed to compile language into a drafted Text amendment for Staff to review. Next, Mr. Akers asked if the packets the board is provided with could be available for the presentation if needed. Mr. Henderson stated that would be available moving forward.

8. Adjournment

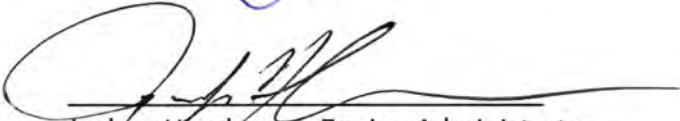
Ms. Barber made a motion to adjourn the meeting. Mr. Hattendorf seconded. The motion carried unanimously.



Mark Hattendorf, Chairman
Board of Zoning Appeals

3-8-23

DATE



Joshua Henderson, Zoning Administrator

GREENVILLE COUNTY BOARD OF ZONING APPEALS

February 8, 2023
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-23-08

- Applicant:** Matthew K. Johnson with Matthew K. Johnson Law Firm, LLC for Jason Howell with H2MP, LLC.
- Project Type:** Appeal of Zoning Administrator's Interpretation
- Address:** 6100 Augusta Rd., Greenville, SC 29605
- Zoning:** C-2, Commercial District
- Posting:** Confirmed 01/24/23

CB-23-08 Request

The property is located on Augusta Road, north of the intersection of White Horse Road and Augusta Road.

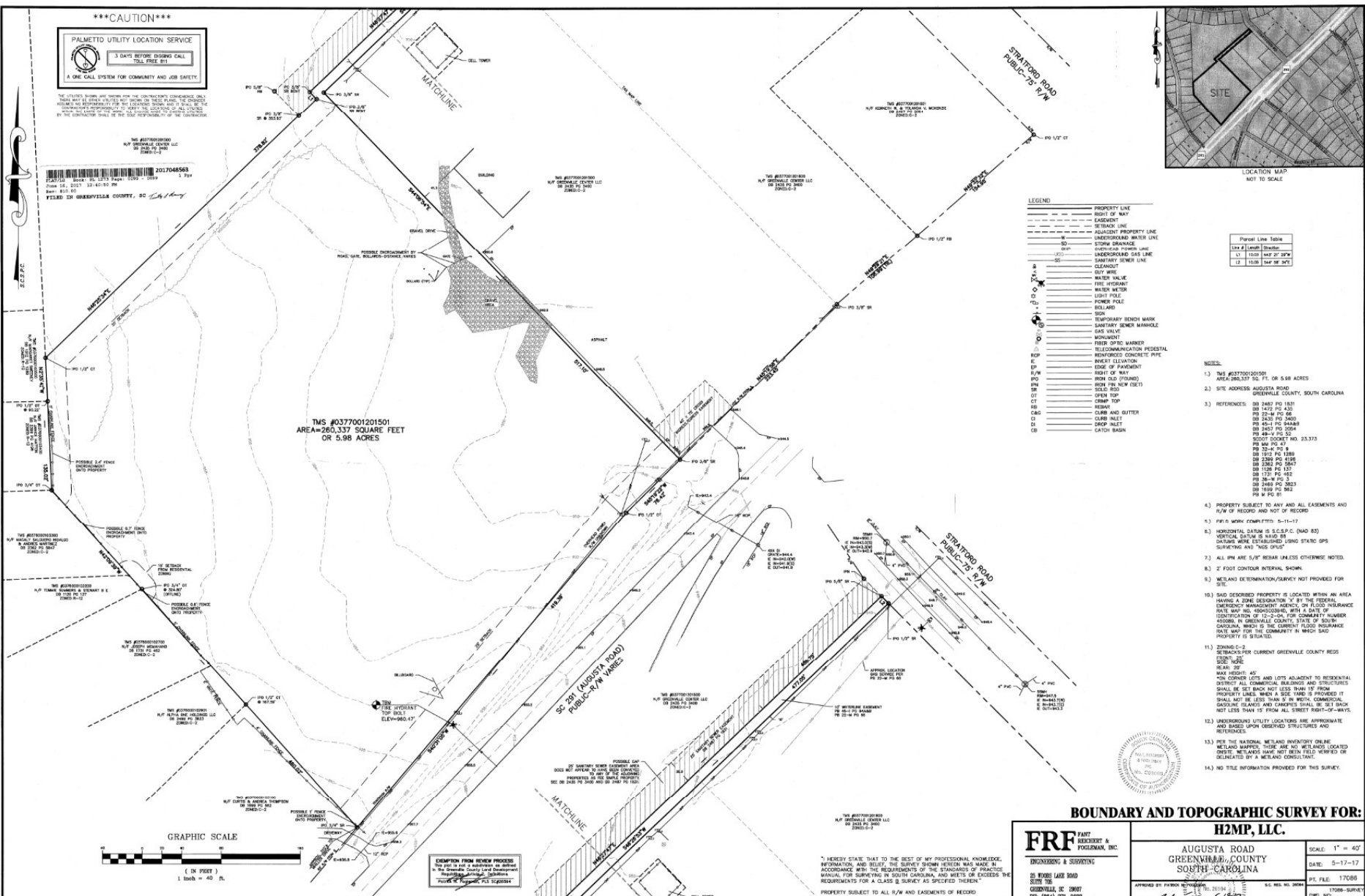
The applicant filed for an appeal of the Zoning Administrator's interpretation of the Greenville County Zoning Ordinance, stating that chickens have been present on the property since it was purchased by the applicant in 2017. Additionally, the applicant stated that the use of the property for chickens "Preexisted this ordinance language and is therefore a lawful nonconforming use".

There are no prior applications before the BZA.

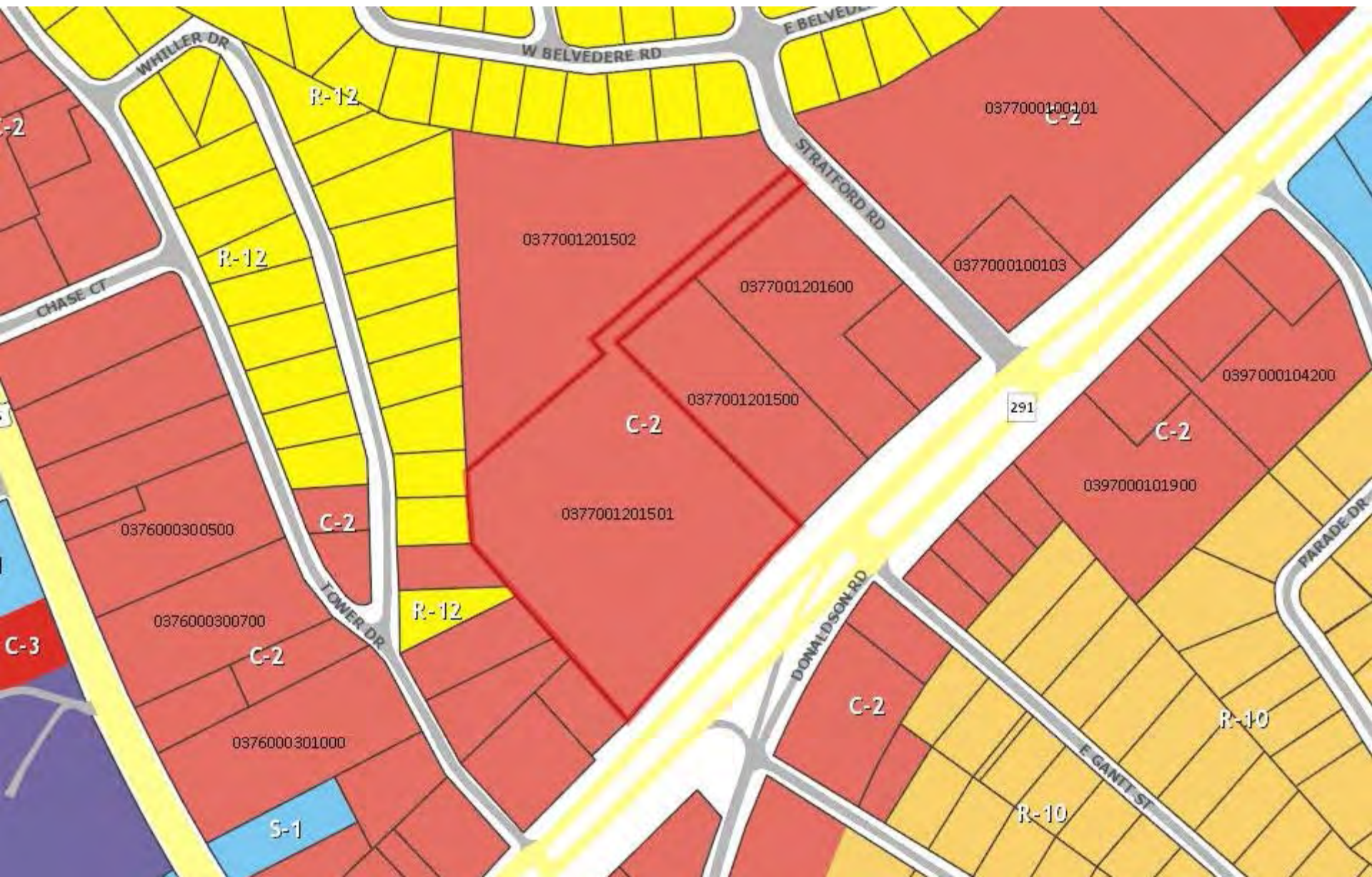
CB-23-08: 3:5.2 Appeals to the Board

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

CB-23-08 Site Plan



CB-23-08: Zoning Map



CB-23-08 Photos



Subject



East of subject



Northeast of Subject



Southwest of Subject

CB-23-09

Applicant:	William Duane Rush and Jodi Lynne Rush
Project Type:	Variance
Address:	100 S. Valley Lane, Greenville, SC 29611
Zoning:	R-15, Single-Family Residential District
Posting:	Confirmed 01/24/23

CB-23-09 Request

The property is located north of New Easley Highway, east of Pickens County.

The applicant is requesting a variance to allow an accessory building in the front yard.

There are no prior applications before the BZA.

CB-23-09: Variance

7:3.4 Side Setbacks in Single-family Residential Districts

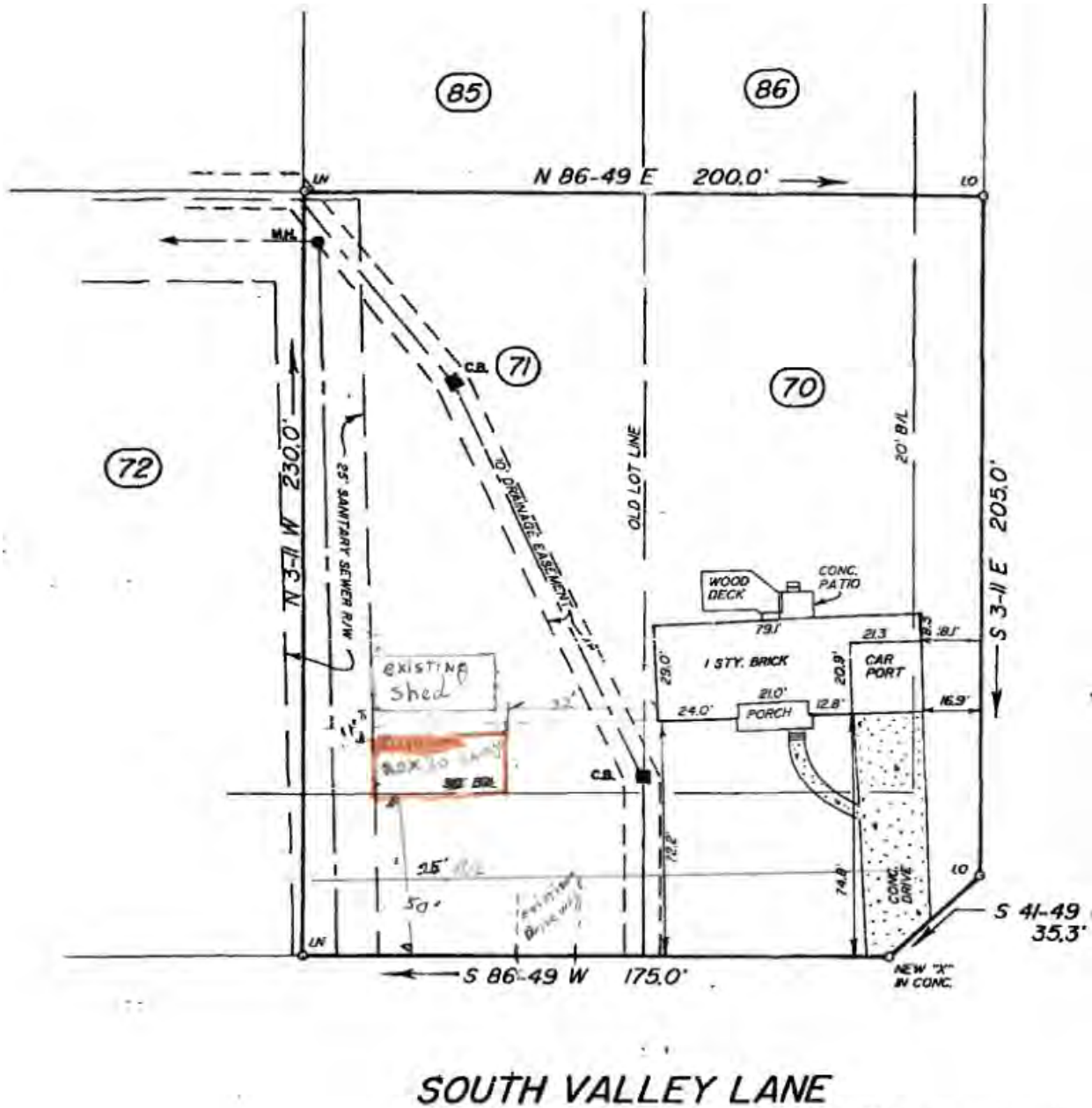
Accessory buildings may be located in the rear yard or side yard provided that they are set back not less than five feet from any lot line and occupy not more than 20 percent of the rear yard.

CB-23-09: 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:

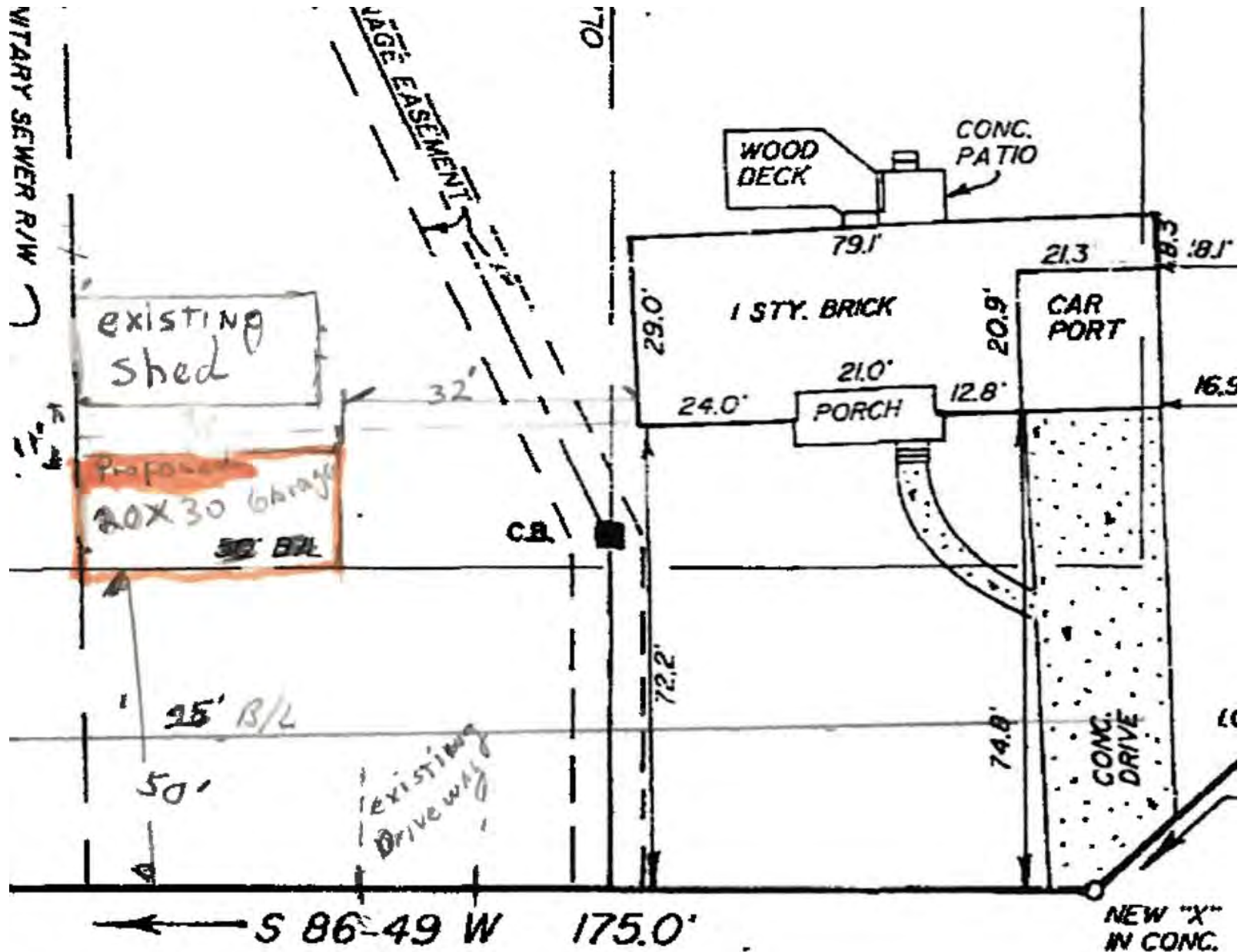
- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively 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-23-09 Site Plan



SOUTH VALLEY LANE

CB-23-09 Site Plan



CB-23-09: Zoning Map



CB-23-09: Aerial Map



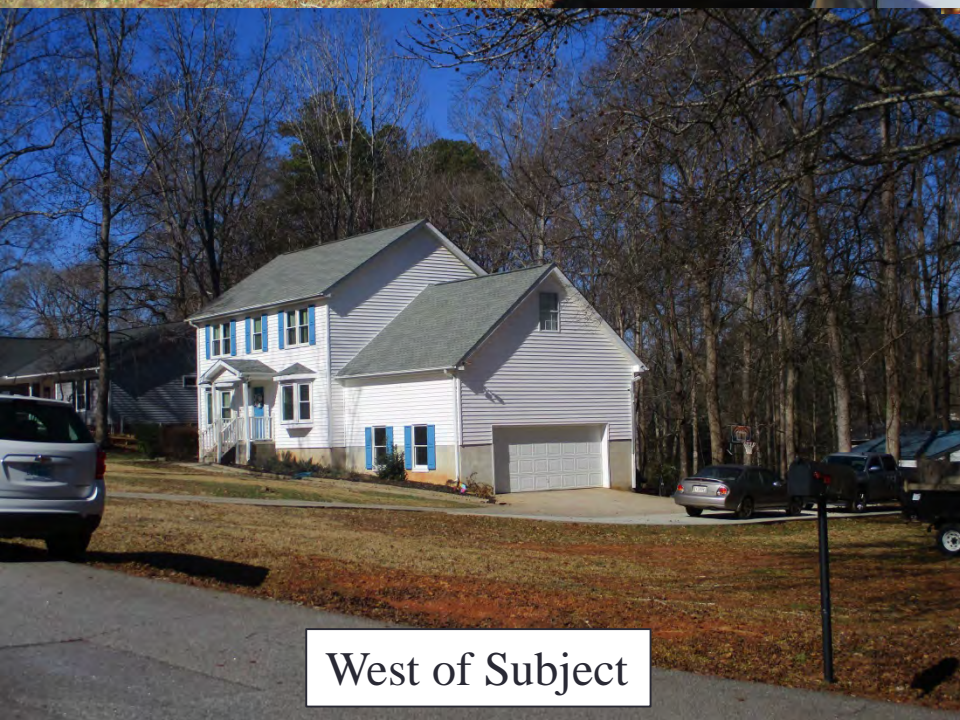
CB-23-09 Photos



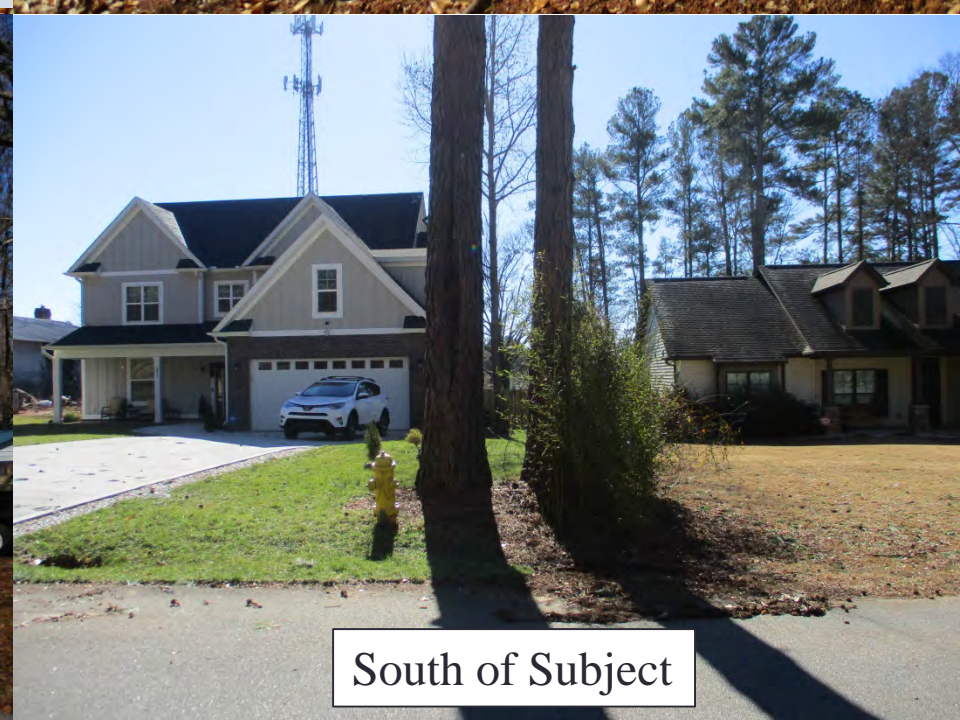
Subject Front



Subject Rear



West of Subject



South of Subject

CB-23-10

- Applicant:** Jeffrey Clark Helvey with Bunnell Lammons Engineering for St. John of the Ladder Orthodox Church in America
- Project Type:** Use by Special Exception
- Address:** 213 Roper Mountain Rd. Ext., Greenville, SC 29615
- Zoning:** R-20, Single-Family Residential District
- Posting:** Confirmed 01/24/23

CB-23-10 Request

This property is located on Roper Mountain Road Extension south of Pelham Road near the City of Greenville.

The applicant is requesting a Use by Special Exception to allow for the expansion of a church facility.

On August 11, 2010 (CB-10-35) the Board of Zoning appeals approved a Use by Special Exception to allow a church facility in the R-20 Single Family Residential District. Permits were not obtained within 24 months from the date of the decision; therefore, the decision expired.

On November 13, 2013 (CB-13-67) the Board of Zoning appeals approved a Use by Special Exception to allow a church facility in the R-20 Single Family Residential District, and a variance from the right and left setback requirements. The variance allowed a 36' encroachment into the right side setback and a 25' encroachment into the left side setback.

CB-23-10: Use By Special Exception

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-20, Single-Family 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.”

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 0.918 acres.
The entire site consists of approximately 4.49 acres.

Section 11.3.2 - Setback Requirements - all buildings shall be setback from the front, side, and rear property lines a minimum of 50 feet. *The site plan submitted reflects compliance based on the Variance previously approved.*

Section 11.3.3 - Off-Street Parking: parking shall be provided in accordance with Section 12.2 and Table 12.1. *Compliance will be confirmed during the permitting process.*

CB-23-10: 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. *The site plan submitted does not include lighting details. Compliance will be confirmed during the permitting process.*

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. *Compliance will be confirmed during the permitting process.*

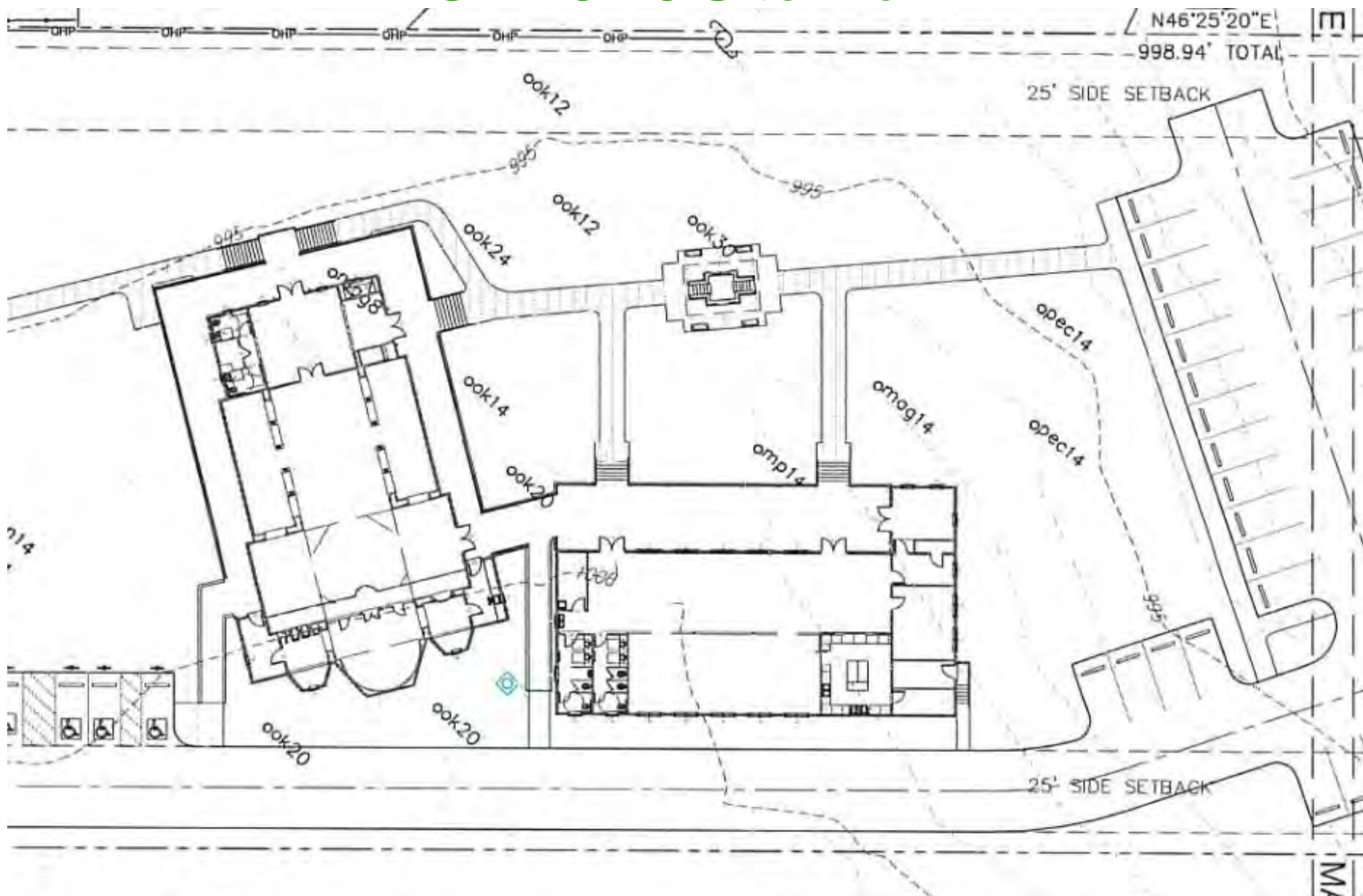
CB-23-10: Use By Special Exception Considerations

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

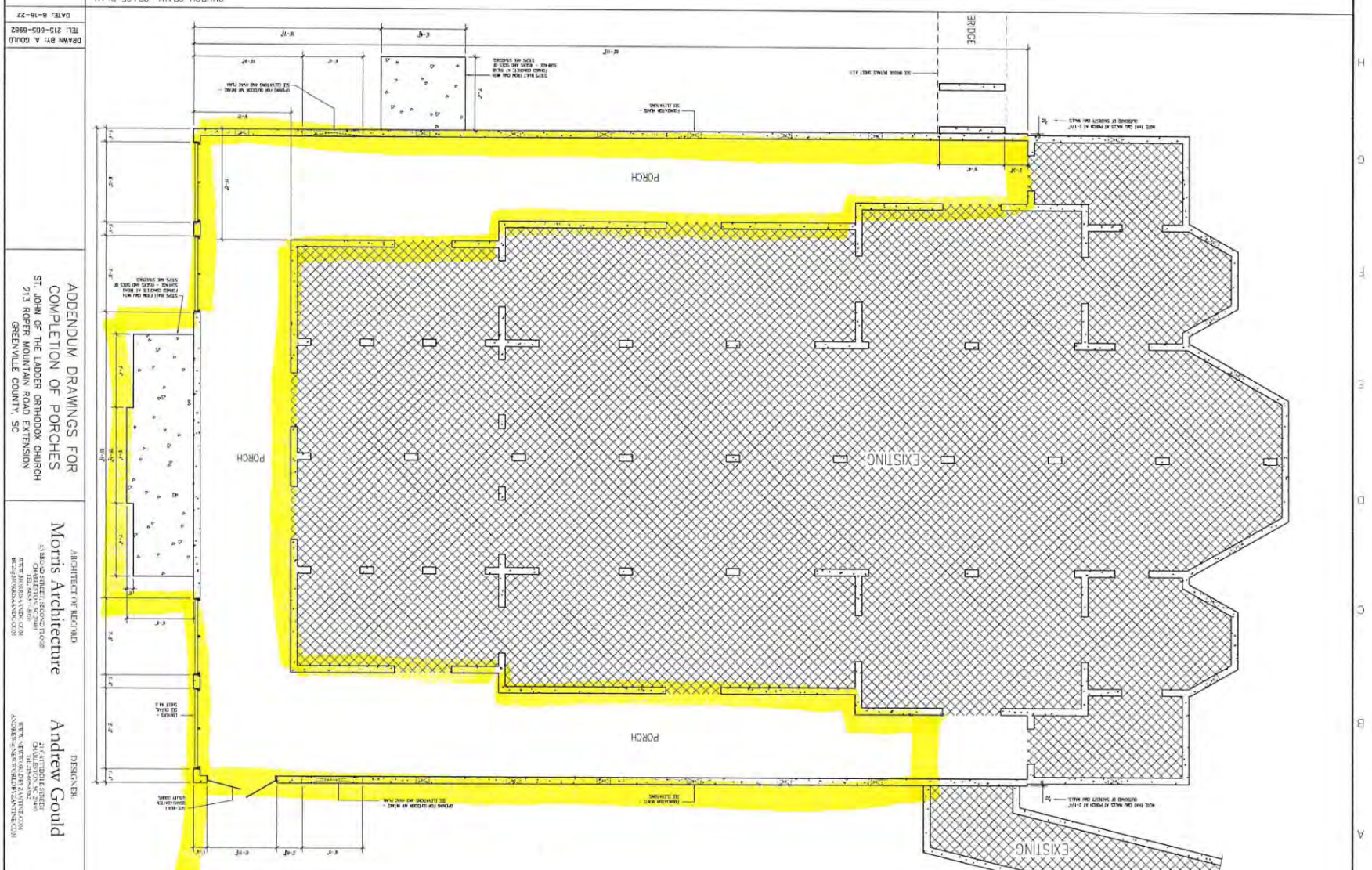
“The Board of Zoning Appeals may grant permission for those uses permitted by special exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth in this section.” The Board shall consider the following factors:

- 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.

CB-23-10 Site Plan



CB-23-10 Site Plan



CB-23-10: Zoning Map



CB-23-10: Aerial Map



CB-23-10 Photos



Subject



Southwest of Subject



South of Subject



Southeast of Subject

CB-23-11

- Applicant:** Don Shuman with Greenville County Parks, Recreation, & Tourism for Greenville County Parks Recreation & Tourism
- Project Type:** Use by Special Exception
- Address:** 1155 S. Suber Rd., Greer, SC 29650
- Zoning:** R-S, Residential Suburban District
- Posting:** Confirmed 01/24/23

CB-23-11 Request

The property is located on S. Suber Road, northwest of the intersection of S. Suber Road and Hammett Road in Greer.

The applicant is requesting a Use by Special Exception to allow for the expansion of a public recreation facility to add pickleball courts and accompanying shade shelters to the park.

There are no prior applications before the Board.

CB-23-11: Use By Special Exception

Section 5:4.1 and Table 6.1

(Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Public Recreation Facility” as a Use by Special Exception in the R-S, Residential Suburban District.

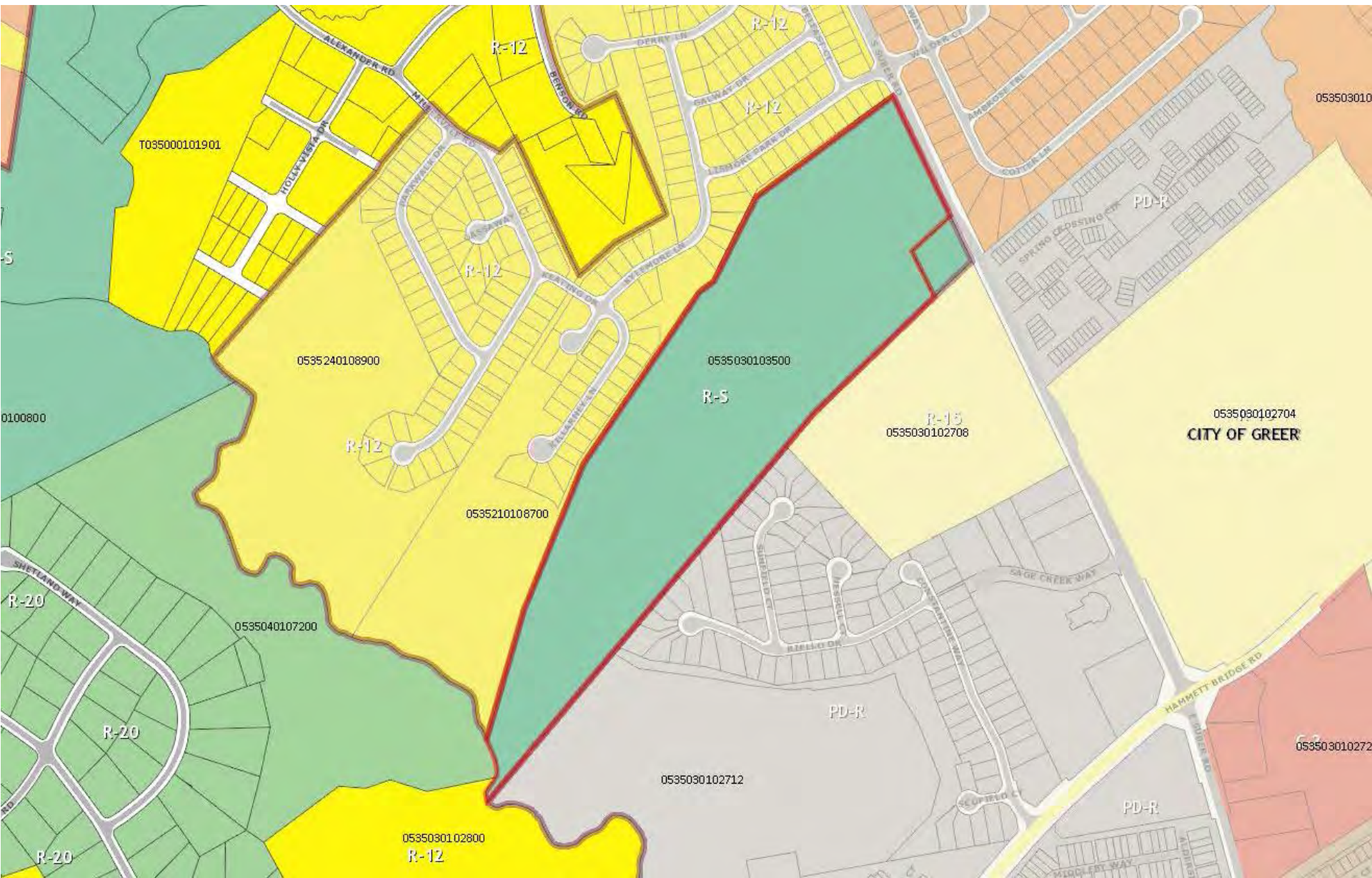
CB-23-11: Use By Special Exception Considerations

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.

CB-23-11: Zoning Map



CB-23-11: Aerial Map



CB-23-11 Photos



Subject



East of Subject



South of Subject



North of Subject

CB-23-12

At the applicant's request, CB-23-12 is being held until the March 8, 2023 hearing

CB-23-13

- Applicant:** Jamie Benton with the School District of Greenville County for Greenville County School District
- Project Type:** Use by Special Exception
- Address:** 916 McKelvey Rd., Pelzer, SC 29669
- Zoning:** R-R3, Rural Residential District
- Posting:** Confirmed 01/24/23

CB-23-13 Request

The property is located on McKelvey Road, on the corner of McKelvey Road and Turner Road in Pelzer.

The applicant is requesting a Use by Special Exception to allow for the expansion of a primary school and its associated site work.

There are no prior applications before the Board.

CB-23-13: Use By Special Exception

Section 5:2.1 and Table 6.1

(Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “Schools – Primary” as a Use by Special Exception in the R-R3, Rural Residential District.

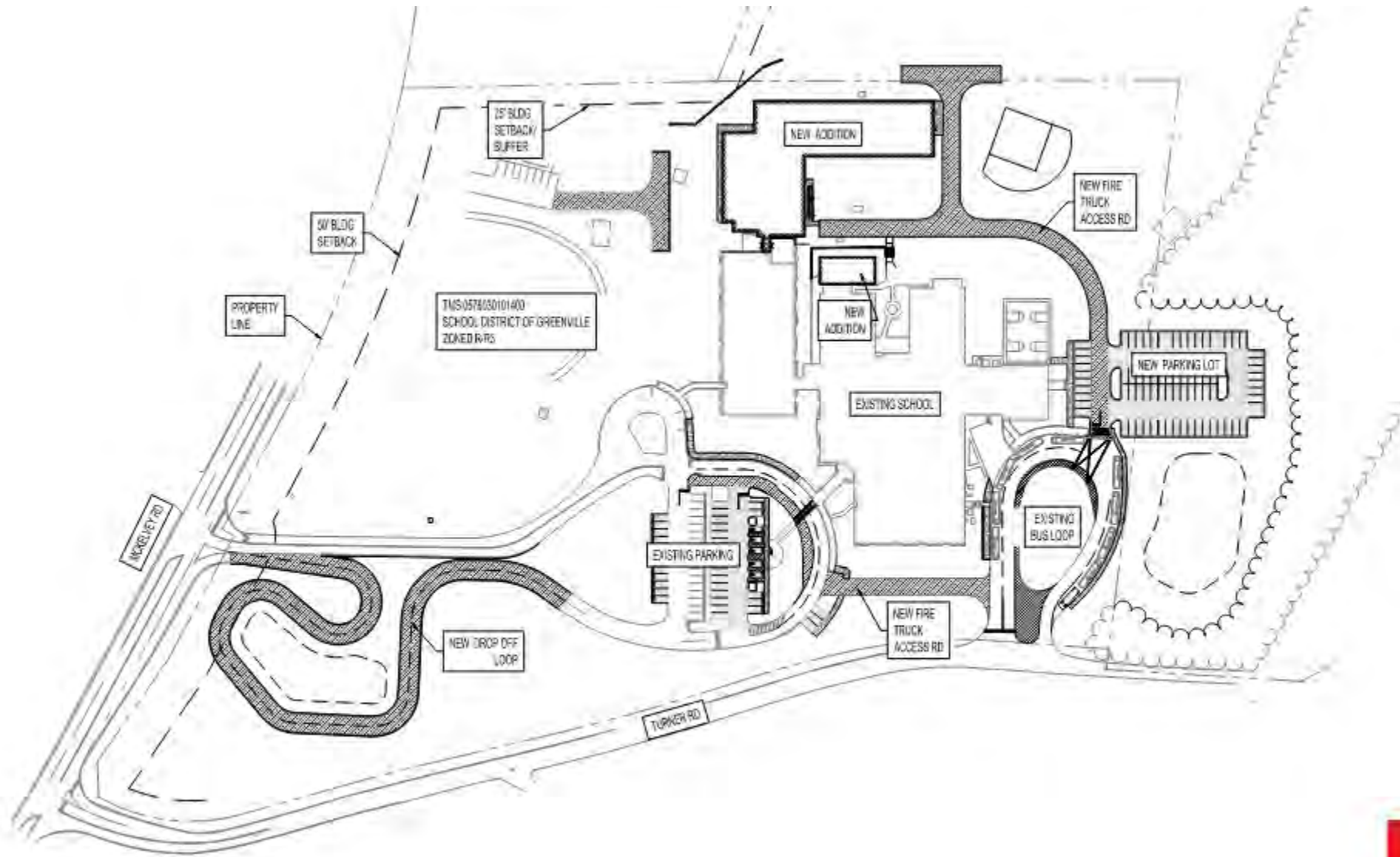
CB-23-13: Use By Special Exception Considerations

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.

CB-23-13 Site Plan



CB-23-13: Zoning Map



CB-23-13: Aerial Map



CB-23-13 Photos



Subject



West of Subject



South of Subject



North of Subject

End of Dockets

- Announcements/Requests by BZA Members
- Adjournment