

#### **Greenville County Board of Zoning Appeals**

(864) 467-7425 www.greenvillecounty.org

#### Meeting Minutes April 12, 2023

#### **Board Members:**

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

#### **Staff Present:**

- i. Joshua Henderson Zoning Administrator
- ii. Dean Miller Planner II
- iii. Todd Baxley Planner II
- iv. Kelsey Mulherin Planner
- v. EJ Sherer Planner
- 1. Call to Order: Chairman Hattendorf called the meeting to order at approximately 3:00.
- **2. Invocation/Pledge:** Conducted by Ms. Shuman.
- **3. Roll Call:** Attendance was taken by Ms. Mulherin.
- 4. Approval of Minutes and Adoption of Final Decisions and Orders of March 8, 2023:

  Ms. Barber made a motion to approve the minutes from the March 8, 2023 meeting. Mr. Matesevac seconded. The motion carried with a 6 0 vote. Dr. Hollingshad abstained.

Ms. Godfrey made a motion to adopt the Final Decisions and Orders from the March 8, 2023 meeting. Mr. Matesevac seconded. The motion carried with a 6-0 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-23-18, Lois Ann Malphrus

The property is on View Point Drive, north of Pleasantburg Drive and south of Piney Mountain Road, near the City of Greenville.

The applicant is requesting a Use by Special Exception to allow for the production of clay models for bronze cast sculptures, painting and mixed media work.

There are no prior applications before the Board.

The representative present for this application was Lois Ann Malphrus.

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

Staff presented and discussion ensued.

The representative explained she has been creating her artwork for ten years, under the business name, Dusty Bronze Fine Art. The applicant explained her artwork is sold at private and public gallery sales, or markets. The metal work involved is done off-site and clay work is done at the residence.

Chairman Hattendorf asked the applicant to verify their use meets all the required conditions under Condition 13 of the Greenville County Zoning Ordinance. The applicant did verify that the use meets required Conditions.

Ms. Godfrey made a motion to approve the Use by Special Exception. Ms. Shuman seconded the motion. The motion carried with a 7-0 vote.

ii. CB-23-19, James W. Sherrer of Design Development for North Hills Community Church This property is located at the southeast corner of Edwards Road and Walker Springs Road, east of Wade Hampton Boulevard.

The applicant is requesting a Use by Special Exception to allow for the expansion of an existing church facility to include the construction of a courtyard with pavilions.

Previous Dockets before the Board of Zoning Appeals were:

On July 11, 2001 The Board of Zoning Appeals approved Docket CB-01-116 for a Use by Special Exception to allow the construction of two (2) temporary modular buildings.

On April 20, 2002 The Board of Zoning Appeals approved Docket CB-02-56 for a Use by Special Exception to allow the construction of an education building.

On March 9, 2016 The Board of Zoning Appeals approved Docket CB-16-07 for a Use by Special Exception to allow the construction of an office building.

The representative present for this application was Jim Sherrer.

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

Staff presented and discussion ensued.

The applicant explained their request is to add a courtyard amenity for the North Hills Community Church, stating that "post-covid" this is an addition many churches are looking to add. The applicant provided renderings for the Board Members to view of the proposed project.

Chairman Hattendorf made a motion to approve the Use by Special Exception. Dr. Hollingshad seconded the motion. The motion carried with a 7-0 vote.

iii. CB-23-20, Barry Agnew with Adeptus Architecture for North Hills Community Church This property is located at the southeast corner of Edwards Road and Walker Springs Road, east of Wade Hampton Boulevard.

The applicant is requesting a Use by Special Exception to allow for the expansion of an existing church facility to include the construction of a new sanctuary.

Previous Dockets before the Board of Zoning Appeals were:

On July 11, 2001 The Board of Zoning Appeals approved Docket CB-01-116 for a Use by Special Exception to allow the construction of two (2) temporary modular buildings.

On April 20, 2002 The Board of Zoning Appeals approved Docket CB-02-56 for a Use by Special Exception to allow the construction of an education building.

On March 9, 2016 The Board of Zoning Appeals approved Docket CB-16-07 for a Use by Special Exception to allow the construction of an office building.

The representatives present for this application was Barry Agnew and Becca Crocker.

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

Staff presented and discussion ensued.

Mr. Agnew explained the request is for Phase Four of an existing project that began 23 years ago. The request is for a new Sanctuary, the existing Sanctuary will be converted to another use at a later date. Mr. Agnew stated infrastructure has already been put in place with regards to parking, storm water retention, and utilities. Ms. Crocker stated they are planning to have two Sunday morning church services with 45 minutes in between each service time.

Mr. Matesevac made a motion to approve the Use by Special Exception to allow for the expansion of an existing church facility to include the construction of a new sanctuary. Mr. Hamilton seconded the motion. The motion carried with a 7-0 vote.

#### iv. CB-23-21, Shannon Herford of Sohan, LLC for Sohan, LLC

The property is located on Warehouse Court, east of Rutherford Road and west of Wade Hampton Boulevard.

The existing building extends beyond the rear property line and encroaches into the railroad right of way. The applicant is proposing to remove a section of the building so the building is set back three (3) feet from the property line. The applicant is requesting a variance to encroach 17' into the required 20' rear yard setback to bring the structure into compliance.

There are no prior applications before the BZA.

The representative present for this application was Shannon Herford.

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

Staff presented and discussion ensued.

The applicant explained the he purchased the property in 2014. The applicant is attempting to make improvements to the property and is trying to bring the building into compliance to be able to make planned improvements. The applicant stated he is requesting a rear setback variance.

Mr. Matesevac made a motion to approve the Variance to encroach 17.2' into the required 20' rear yard setback to bring the structure into compliance. Ms. Shuman seconded the motion. The motion carried with a 7-0 vote.

#### v. CB-23-22, Timothy Lewis Buchanan, Jr. of Seamon Whiteside & Associates, Inc. for William Silva with Was Investment Properties, LLC

The property is located on Batesville Road, south of Interstate 85, near the City of Greer.

The applicant is requesting a variance to encroach 18' into the required 25' left side yard setback and 16' into the required 25' right side yard setback to bring several existing structures into compliance.

The property is located within the GSP Airport Environs Special Land Use Area. Staff has not received the required approval letter from the Airport Environs Planning Commission for this application. If the Board were to vote to approve this request, staff would ask the Board to condition the approval to be valid only if staff receives the required approval letter prior to the Board's approval of the minutes for this docket.

There are no prior applications before the BZA.

The representatives present for this application were Joe Bryant and Chip (Tim) Buchanan.

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

Staff presented and discussion ensued.

The applicant stated the property was purchased in early 2000s. The applicant stated there is a permit for the front office building. The current applicant has floodplain and topography issues in the rear of the property and he has attempted to level the property

out and have storage for a laydown yard. The buildings are open-aired sheds for customers to store boats and RVs. The applicant provided letters from the adjacent neighbors in favor of the Variance. The applicant stated that they have submitted the application to the GSP Environs Planning Commission for approval of the use.

Mr. Hattendorf made a motion to approve the right side Variance only, at 16' into the required 25' setback contingent on the approval from the GSP Environs Planning Commission approval. Mr. Matesevac seconded the motion. The motion failed with a 1 – 6 vote. Ms. Godfrey, Dr. Hollingshad, Ms. Barber, Mr. Hamilton, Mr. Matesevac, and Ms. Shuman dissented.

Mr. Matesevac made a motion to approve a Variance of 12.31' into the right side setback subject to the approval letter from the GSP Environs Planning Commission. Ms. Barber seconded the motion. The motion failed with a 2-5 vote. Ms. Godfrey, Dr. Hollingshad, Ms. Barber, Mr. Hamilton, and Ms. Shuman dissented.

Mr. Hattendorf made a motion to hold the case until the May meeting and give the opportunity to the applicant to bring all information regarding the entire site. Ms. Shuman seconded the motion. The motion carried with a 7-0 vote.

#### vi. CB-23-23, Nikhil Patel and Yash Patel for Ved Inc.

This property is located on White Horse Road (Hwy 25) south of the intersection of White Horse Road and Lily Street in Greenville.

The applicant is requesting a Variance to encroach 9' into the required 25' front setback for the existing structure in preparation for an attempt to rezone the property to C-2.

There are no prior applications before the BZA.

The representatives present for this application were Nikhil Patel and Yash Patel.

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

Staff presented and discussion ensued.

The applicant stated that to attempt to rezone the property, they need the existing building to meet the required setbacks for C-2, Commercial Zoning District. The applicant stated he believes the building was constructed in 1973 as a restaurant. The property has been vacant for an extended period of time.

Ms. Godfrey made a motion to approve the Variance to encroach 9' into the required 25' front setback for the existing structure in preparation for an attempt to rezone the property to C-2. Mr. Hamilton seconded the motion. The motion carried with a 7-0 vote.

#### vii. CB-23-24, Andrew Nico of Durham Greene, Inc. for Trinity Bible Church, TRS

This property is located on North Suber Road, north of the intersection of Suber Road and Wade Hampton Boulevard in Greer.

The applicant is requesting a Use by Special Exception to allow for a new parking lot

expansion.

On December 12, 1990 The Board of Zoning Appeals heard Docket CB-90-125 for a Use Permitted on Review and a Variance for setbacks in order to build a new fellowship hall on the site. The vote was deferred and staff has found no evidence that the docket returned to public hearing.

On May 10, 1995 The Board of Zoning Appeals approved Docket CB-95-50 for a Use Permitted on Review to construct a storage building and a multipurpose building.

On November 8, 2006 The Board of Zoning Appeals approved Docket CB-06-77 for a Use by Special Exception to construct an activity center and a storage building.

On June 8, 2022 The Board of Zoning Appeals approved Docket CB-22-39 for a Use by Special Exception to construct a new 4,590 square foot education building.

The representatives present for this application were Andrew Nico and David Bowen.

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

Staff presented and discussion ensued.

The applicant stated the need for a parking lot expansion has been realized because the church is growing. The parking lot is to support the existing church use.

Mr. Hamilton made a motion to grant the Use by Special Exception to allow for a new parking lot expansion based on the Site Plan as submitted, 73 additional parking spaces. Mr. Hattendorf seconded the motion. The motion carried with a 7-0 vote.

#### viii. CB-23-25, Philip James Gilmore for Airport Baptist Church

This property is located on South Batesville Road, northwest of the intersection of South Batesville Road and The Parkway in Greer.

The applicant is requesting a Use by Special Exception to allow a school to co-operate in the existing church facilities.

On February 14, 2001 The Board of Zoning Appeals approved Docket CB-01-28 for a Use by Special Exception to allow the construction of a new church.

On March 13, 2002 The Board of Zoning Appeals approved Docket CB-02-35 for a Use by Special Exception to allow communication antennae and equipment to be placed in a new church steeple.

On May 10, 2002 The Board of Zoning Appeals approved Docket CB-02-66 for a Use by Special Exception to place a new equipment building behind the church to support the communication antennae in the steeple.

On January 14, 2009 The Board of Zoning Appeals approved Docket CB-09-03 for a Use by Special Exception to allow the construction of an addition onto the church.

The representative present for this application was Phillip Gilmore.

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

Staff presented and discussion ensued.

The applicant stated they are requesting to use an existing building on the Church grounds to co-operate a home-school location. The applicant stated parents drop-off children at the location, some parents stay at the location and some leave. The applicant stated the use this property two and a half days a week.

Ms. Barber made a motion to approve the Use by Special Exception to allow for a school to co-operate in the existing church facilities. Ms. Godfrey seconded the motion. The motion carried with a 7-0 vote.

## ix. CB-23-26, Calvin Wright of Calvin Wright Design Works, LLC for Michael Krenicki This property is located on Carolina Way, south of the intersection of Carolina Way and Scuffletown Road in Fountain Inn.

The applicant is requesting a Variance from the requirements for the location of an accessory structure.

There are no prior applications before the BZA.

The representatives present for this application were Calvin Wright and Michael Krenicki.

There was one person with questions regarding the application, Tom Sharpe.

Staff presented and discussion ensued.

The applicant stated when the property was purchased the accessory structure was constructed without having proper inspections. The applicant is looking to replace the existing accessory structure and construct two new accessory structures in the front yard. The applicant stated one will be used for general storage for the homeowner and the other will be used as a horse stable. The applicant stated the topography of the side and rear yard pose issues along with granite being present close to grade.

Mr. Sharpe asked if the Zoning Ordinance would address the number of horses that would be allowed on the property. Mr. Hattendorf stated that the Zoning Ordinance does address the animals on the property.

Mr. Hattendorf made a motion to grant the Variance from the requirements for the location of an accessory structure approximately 570' from the road to the front of the two accessory structures. Ms. Barber seconded the motion. The motion carried with a 7-0 vote.

#### 7. Announcements/Requests

Chairman Hattendorf asked for any announcements or requests. Mr. Henderson presented the proposed Swimming Pool Text Amendment put together by the Board. The Board discussed the Text Amendment language. Dr. Hollingshad made a motion to send the Swimming Pool Text Amendment on to County Council with the recommendation from the Board of Zoning Appeals, that it be incorporated into the Greenville County Zoning Ordinance. Ms. Shuman seconded the motion. The motion carried with a 7-0 vote. Mr. Henderson explained the process of initiating a Text Amendment. Ms. Shuman asked Staff about accessory living quarters on Residential properties. Mr. Henderson clarified that these accessory living quarters are for temporary use and are not allowed to have kitchen facilities. Mr. Hattendorf stated that elections were coming soon for the Board. Mr. Henderson introduced EJ Sherrer as the new Secretary in training for the Board. Dr. Hollingshad made a motion to appoint EJ Sherrer as the Boards Secretary. Ms. Barber seconded. The vote carried with a 7-0 vote.

#### 8. Adjournment

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

Page 9

Mark Hattendorf, Chairman Board of Zoning Appeals 5-10-23 DATE

Joshua Henderson, Zoning Administrator

# GREENVILLE COUNTY BOARD OF ZONING APPEALS

# **April 12, 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-23-18**

**Applicant:** Lois Ann Malphrus

**Project Type:** Use by Special Exception

Address: 45 View Point Dr., Greenville, SC 29609

**Zoning:** R-20, Single-Family Residential District

Posting: Confirmed 03/28/23

## CB-23-18 Request

The property is on View Point Drive, north of Pleasantburg Drive and South of Piney Mountain Road, near the City of Greenville.

The applicant is requesting a Use by Special Exception for a Home Occupation to allow for the production of clay models for bronze cast sculptures, painting and mixed media work.

There are no prior applications before the Board.

## **CB-23-18: 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 Home Occupation as an approved use in Residential districts in accordance with Condition (13).

The proposed use is not included on the list of approved home occupation and requires approval from the BZA.

#### **CB-23-18: Home Occupation**

#### (13) Home Occupation

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

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

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

## **CB-23-18: Use By Special Exception**

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

#### **CB-23-18: 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-23-18: Zoning Map TOTHUL SORRENTO DR P009010200101 P030000118500 P009010102200 P009010200100 P030000118600 P009010102101 P029000100306 P030000130900 VIEW POINT DI P029000101300 P009010200700 P009010102/30 P029000100900 P029000100303 P029000100902 P030000101000 P009030102800 R-20 P009010201100 P029000100307 DOLCE VITA CA FRD

## CB-23-18: Aerial Map



#### **CB-23-18 Examples**



#### **GREEN PASTURES**

"He maketh me to lie down in green pastures..." - Psalm 23

Sometimes we all need a real day off. I had spent the last six days at my office and couldn't face the work of getting "dressed up" to go to church. Instead, I retreated to my studio, opened the window and, for some reason I began to think about the the 23rd Psalm. It brought to my mind the image of an old horse resting in deep green grass by a stream, maybe looking back on a life of hard work. I felt like that horse! Green Pastures was born of the need for quiet time for rest and reflection that is so essential for renewal each day. Interestingly, I later discovered that my grandfather had grown up on a farm near Greenwood, South Carolina that was called Green Pastures.

Chosen for the American Academy of Equine Art 39th Annual

Open Juried Exhibition, September 2019, Middleburg, Virginia.

## **CB-23-18 Examples**



### My Father's Work

"...I must be about my Father's [work]." - Luke 2:4

As a child, this phrase from Luke struck me as important and I took it to heart. Early on, my father Ted taught me the value of hard work. I was required to help build a fence and a barn if I ever wanted to have a pony. As I grew up, my love for animals led me to the work of a career in veterinary medicine. I have always felt that whatever my occupation, it should be what my Father intended for me to do. Today, I feel led to work as an artist. The image of a shepherd girl embodied the idea that a girl could do a man's work with a brave and kind heart. I can only hope to do as much each day.



#### **CB-23-19**

**Applicant:** James W. Sherrer of Design Development for

North Hills Community Church

**Project Type:** Use by Special Exception

Address: 4952 Edwards Rd., Taylors, SC 29687

**Zoning:** R-15, Single-Family Residential District

Posting: Confirmed 03/28/23

## CB-23-19 Request

The property is located at the southeast corner of Edwards Road and Walker Springs Road, east of Wade Hampton Boulevard.

The applicant is requesting a Use by Special Exception to allow for the expansion of an existing church facility to include the construction of a courtyard with pavilions.

Previous Dockets before the Board of Zoning Appeals were:

On July 11, 2001 The Board of Zoning Appeals approved Docket CB-01-116 for a Use by Special Exception to allow the construction of two (2) temporary modular buildings.

On April 20, 2002 The Board of Zoning Appeals approved Docket CB-02-56 for a Use by Special Exception to allow the construction of an education building.

On March 9, 2016 The Board of Zoning Appeals approved Docket CB-16-07 for a Use by Special Exception to allow the construction of an office building.

## **CB-23-19: 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-15, 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 17.1 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.* 

**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-23-19: 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.* 

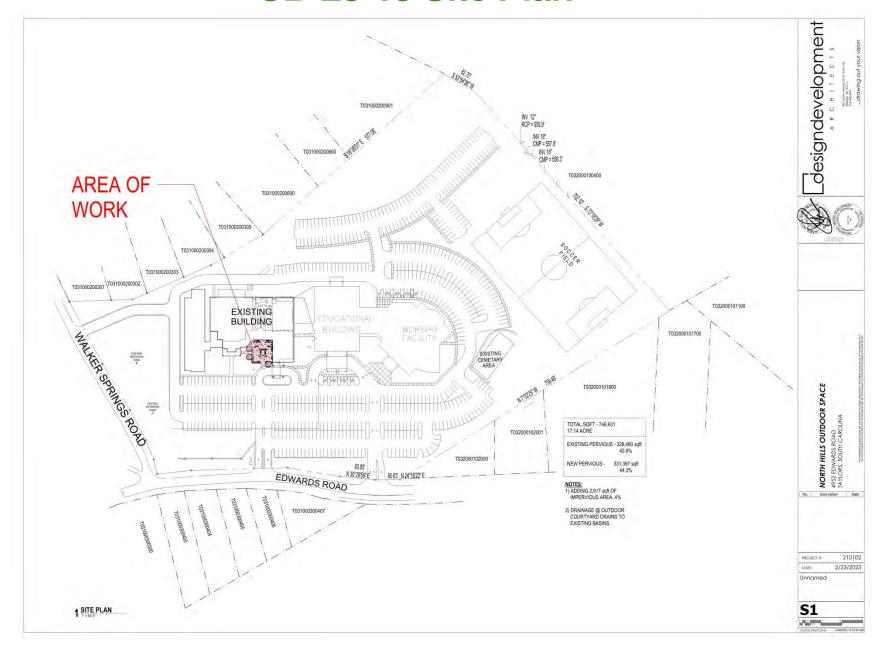
#### **CB-23-19: Use By Special Exception Considerations**

# 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:

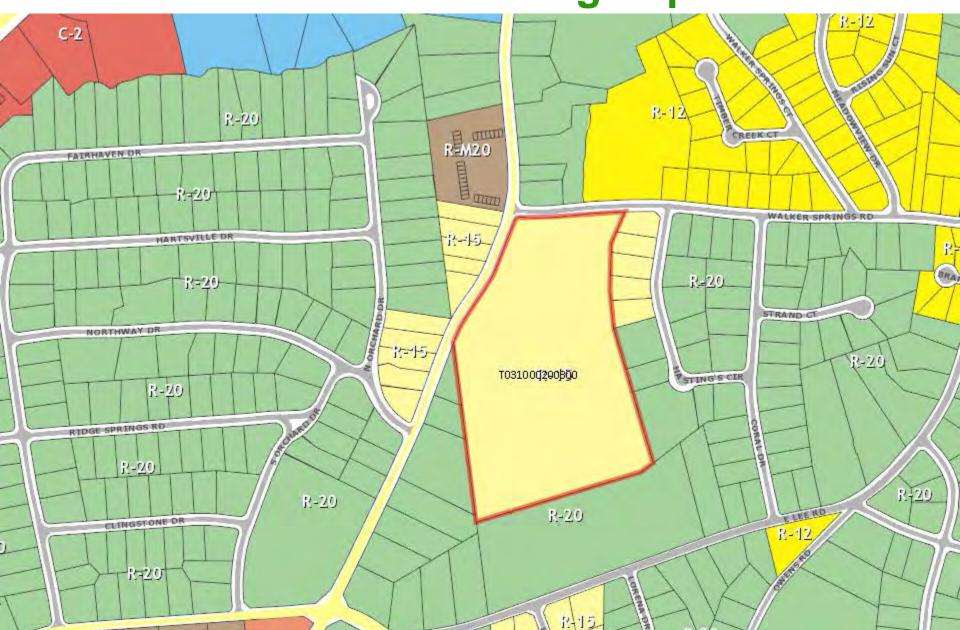
- A. The use meets all required conditions.
- B. The use is not detrimental to the public health or general welfare.
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services.
- D. The use will not violate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

#### CB-23-19 Site Plan

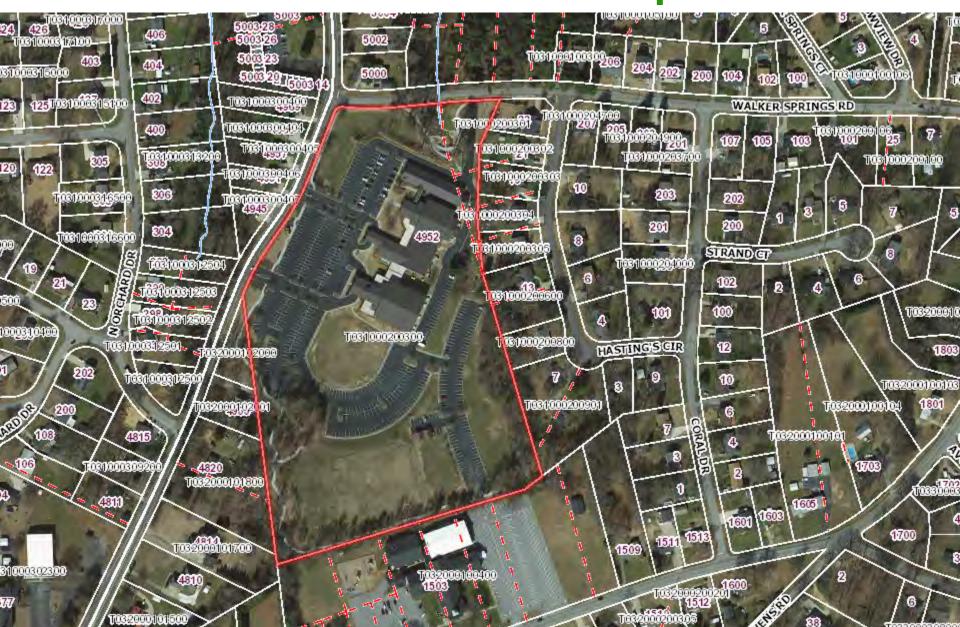


#### CB-23-19 Site Plan

CB-23-19: Zoning Map



## CB-23-19: Aerial Map





#### **CB-23-20**

**Applicant:** Barry Agnew with Adeptus Architecture for

North Hills Community Church

**Project Type:** Use by Special Exception

Address: 4952 Edwards Rd., Taylors, SC 29687

**Zoning:** R-15, Single-Family Residential District

Posting: Confirmed 03/28/23

## CB-23-20 Request

The property is located at the southeast corner of Edwards Road and Walker Springs Road, east of Wade Hampton Boulevard.

The applicant is requesting a Use by Special Exception to allow for the expansion of an existing church facility to include the construction of a new sanctuary.

Previous Dockets before the Board of Zoning Appeals were:

On July 11, 2001 The Board of Zoning Appeals approved Docket CB-01-116 for a Use by Special Exception to allow the construction of two (2) temporary modular buildings.

On April 20, 2002 The Board of Zoning Appeals approved Docket CB-02-56 for a Use by Special Exception to allow the construction of an education building.

On March 9, 2016 The Board of Zoning Appeals approved Docket CB-16-07 for a Use by Special Exception to allow the construction of an office building.

## **CB-23-20: 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-15, 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 17.1 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.* 

**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-23-20: 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.* 

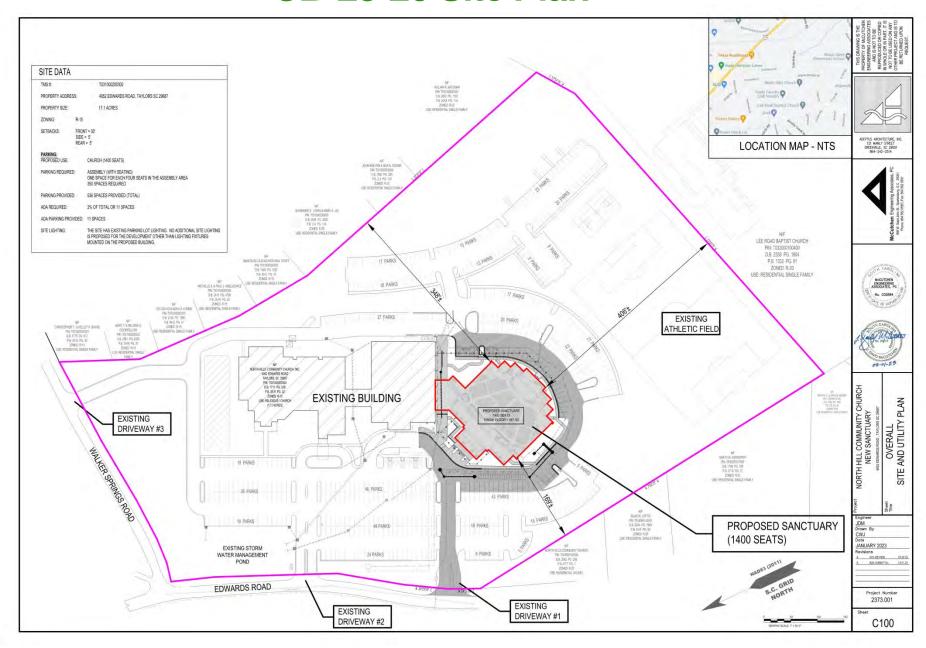
#### **CB-23-20: Use By Special Exception Considerations**

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

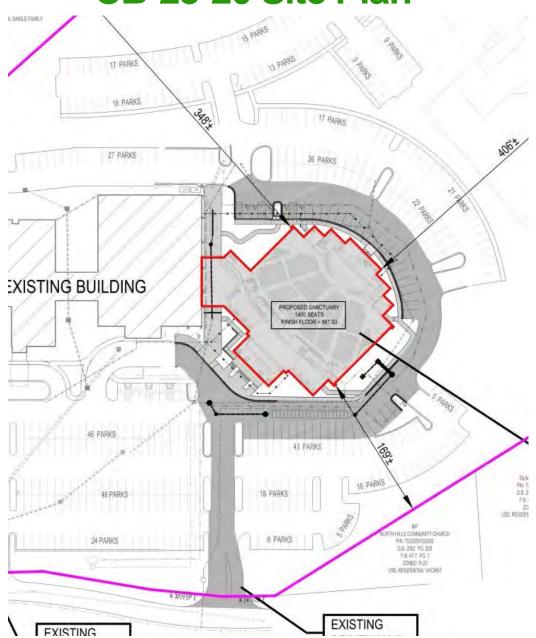
"The Board of Zoning Appeals may grant permission for those uses permitted by special exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth in this section." The Board shall consider the following factors:

- 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-23-20 Site Plan



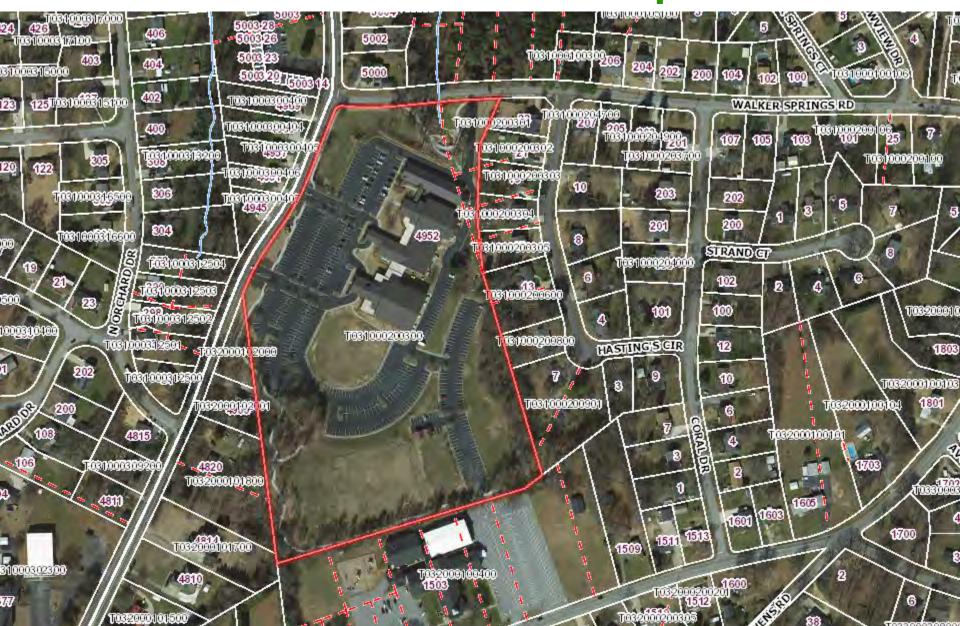
#### CB-23-20 Site Plan



CB-23-20: Zoning Map



## CB-23-20: Aerial Map





#### **CB-23-21**

Applicant: Shannon Herford of Sohan, LLC for Sohan,

LLC

**Project Type:** Variance

Address: 319 E. Warehouse Ct., Taylors, SC 29687

**Zoning:** S-1, Services District

Posting: Confirmed 03/28/23

## CB-23-21 Request

The property is located on Warehouse Court, east of Rutherford Road and west of Wade Hampton Boulevard.

The existing building extends beyond the rear property line and encroaches into the railroad right of way. The applicant is proposing to remove a section of the building so the building is set back three (3) feet from the property line. The applicant is requesting a variance to encroach 17.2' into the required 20' rear yard setback to bring the structure into compliance.

There are no prior applications before the BZA.

#### CB-23-21: Variance

Section 7:3, Table 7.3 – Setback/Height Requirements for the S-1, Services District;

FRONT = 45' from edge of road R.O.W.

RIGHT SIDE = 25' from property line

LEFT SIDE = 25' from property line

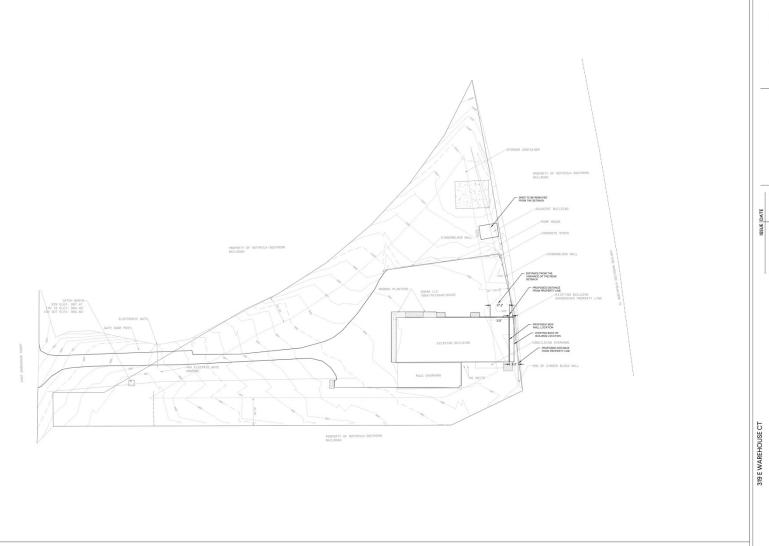
REAR = 20' from property line

#### **CB-23-21: 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-23-21 Site Plan



**GMC** 

117 Welborn St. Greenville, SC 29601 T 864.527.0460

ISSUE DATE
ISSUE DATE

SEGMENTAL

COMMITTAL

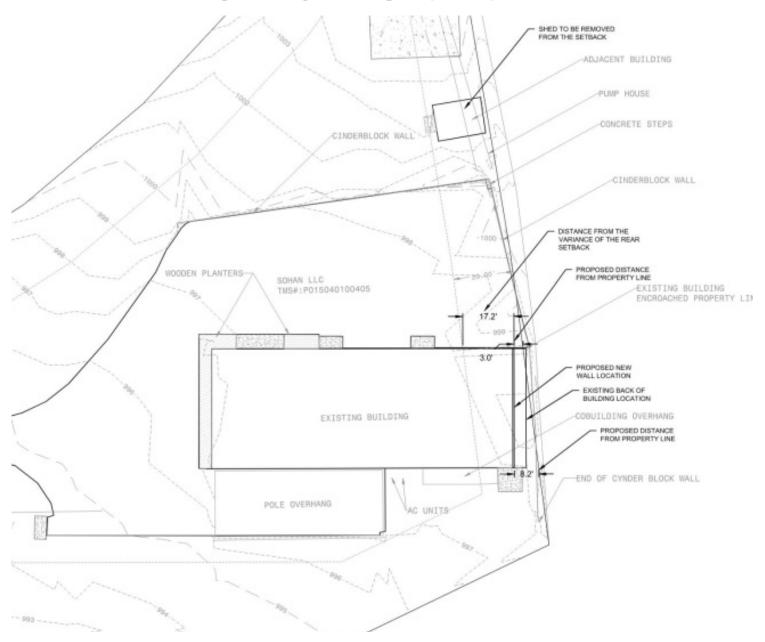
FOR THE TOTAL MANAGE

rolect #CGRE2300XXX

VARIANCE

GRAPHIC SCALE

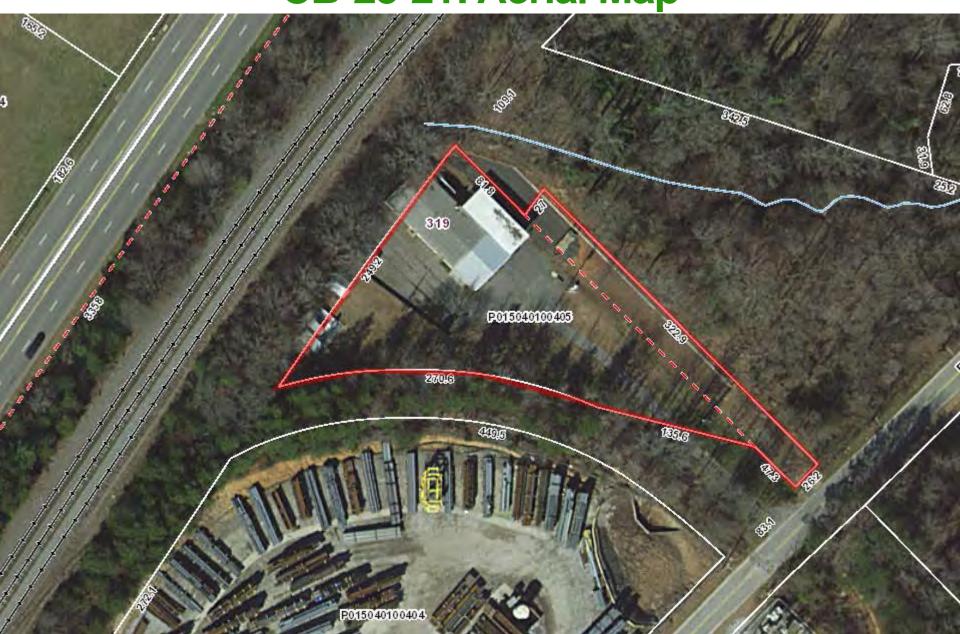
#### CB-23-21 Site Plan



CB-23-21: Zoning Map



CB-23-21: Aerial Map





#### **CB-23-22**

**Applicant:** Timothy Lewis Buchanan, Jr. of Seamon

Whiteside & Associates, Inc. for William Silva

with Was Investment Properties, LLC

**Project Type:** Variance

Address: 1443 S Batesville Rd., Greer, SC 29650

**Zoning:** I-1, Industrial District

Posting: Confirmed 03/28/23

## CB-23-22 Request

The property is located on Batesville Road, south of Interstate 85, near the City of Greer.

The applicant is requesting a variance to encroach 18' into the required 25' left side yard setback and 16' into the required 25' right side yard setback to bring several existing structures into compliance.

The property is located within the GSP Airport Environs Special Land Use Area. Staff has not received the required approval letter from the Airport Environs Planning Commission for this application. If the Board were to vote to approve this request, staff would ask the Board to condition the approval to be valid only if staff receives the required approval letter prior to the Board's approval of the minutes for this docket.

There are no prior applications before the BZA.

#### CB-23-22: Variance

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

FRONT = 50' from edge of road R.O.W.

RIGHT SIDE = 25' from property line

LEFT SIDE = 25' from property line

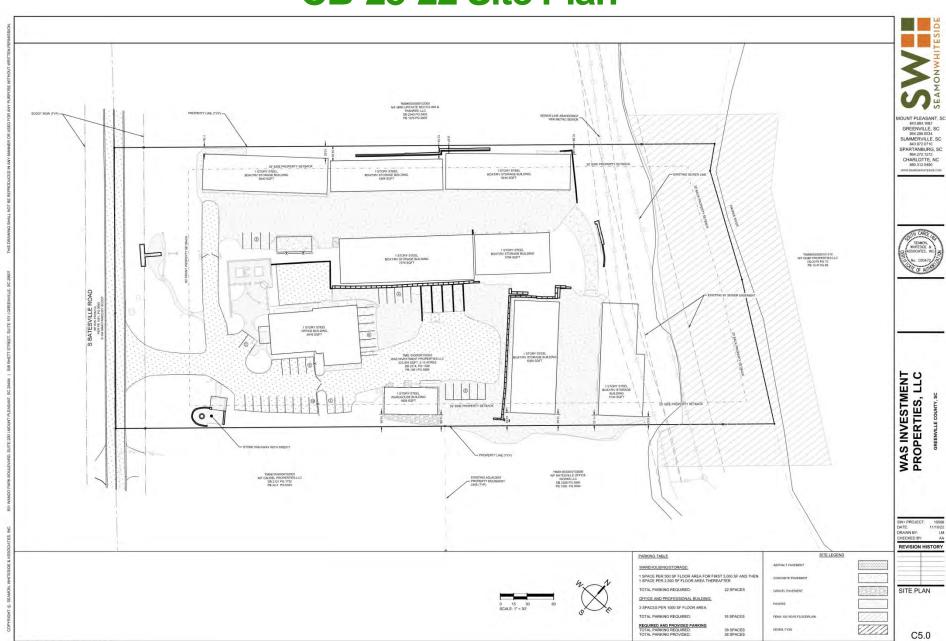
REAR = 25' from property line

#### **CB-23-22: Variance Considerations**

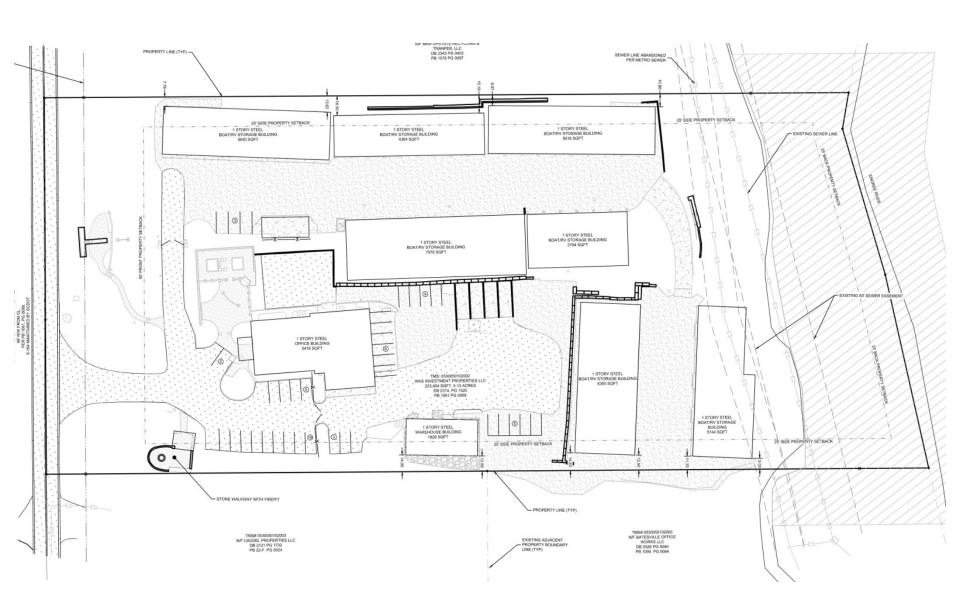
**Section 3:4.1 of the Greenville County Zoning Ordinance** states that a variance may be granted if the Board makes and explains the following findings:

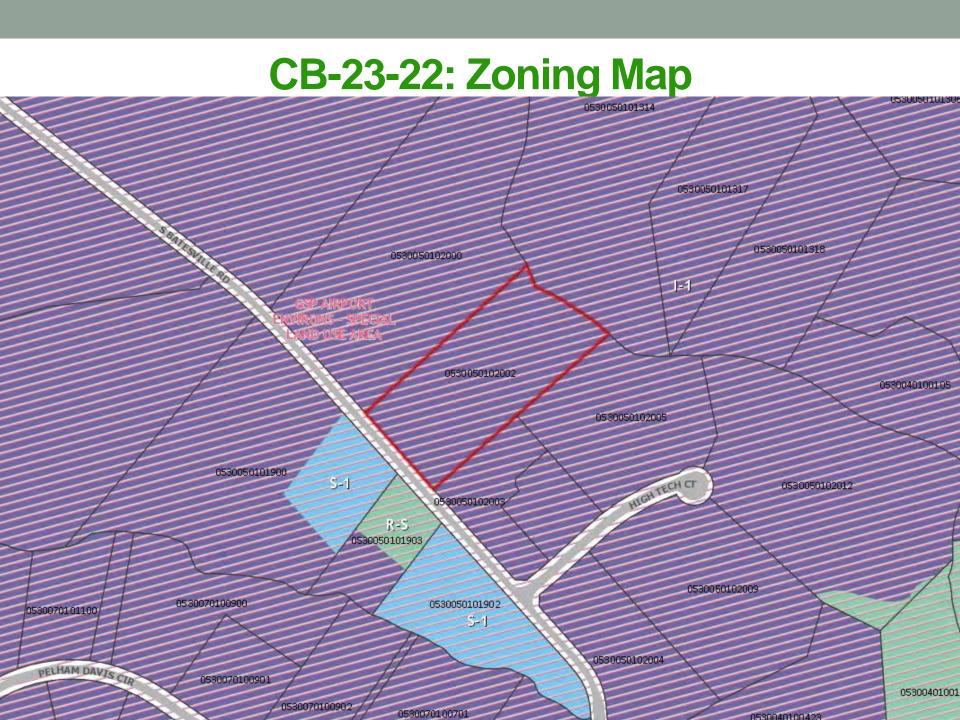
- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively 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-23-22 Site Plan



#### CB-23-22 Site Plan





## CB-23-22: Aerial Map





#### **CB-23-23**

**Applicant:** Nikhil Patel and Yash Patel for Ved Inc.

**Project Type:** Variance

**Address:** 6520 White Horse Rd., Greenville, SC 29611

**Zoning:** C-1, Commercial District

Posting: Confirmed 03/28/23

## CB-23-23 Request

This property is located on White Horse Road (Hwy 25) south of the intersection of White Horse Road and Lily Street in Greenville.

The applicant is requesting a Variance to encroach 9' into the required 25' front setback for the existing structure in preparation for an attempt to rezone the property to C-2.

There are no prior applications before the BZA.

#### CB-23-23: Variance

Section 7:3, Table 7.3 – Setback/Height Requirements for the C-1, Commercial District &

Section 7:3.6 – Additional Setbacks in Commercial Districts;

FRONT = 25' from edge of road R.O.W.

RIGHT SIDE = 5' from property line

LEFT SIDE = 5' from property line

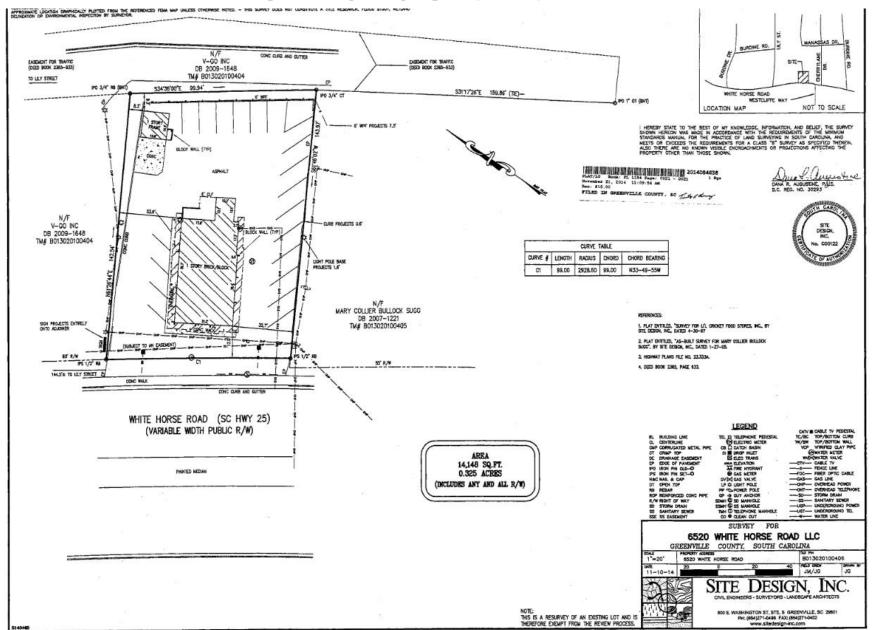
REAR = 20' from property line

#### **CB-23-23: Variance Considerations**

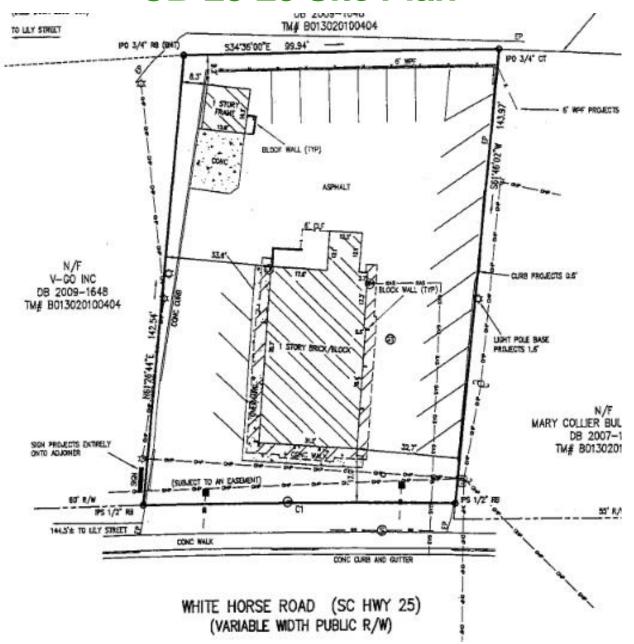
**Section 3:4.1 of the Greenville County Zoning Ordinance** states that a variance may be granted if the Board makes and explains the following findings:

- 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-23-23 Site Plan



#### CB-23-23 Site Plan



CB-23-23: Zoning Map LILYST 25 B013050108900 B003020513501 C-1 WEST CLIFFE WAY C-1 B003020513500

## CB-23-23: Aerial Map





#### **CB-23-24**

**Applicant:** Andrew Nico of Durham Greene, Inc. for Trinity

Bible Church, TRS

**Project Type:** Use by Special Exception

Address: 205 N. Suber Rd., Greer, SC 29651

**Zoning:** R-20, Single-Family Residential District

Posting: Confirmed 03/28/23

## CB-23-24 Request

This property is located on North Suber Road, north of the intersection of Suber Road and Wade Hampton Boulevard in Greer.

The applicant is requesting a Use by Special Exception to allow for a new parking lot expansion.

Previous Dockets before the Board of Zoning Appeals were:

On December 12, 1990 The Board of Zoning Appeals heard Docket CB-90-125 for a Use Permitted on Review and a Variance for setbacks in order to build a new fellowship hall on the site. The vote was deferred and staff has found no evidence that the docket returned to public hearing.

On May 10, 1995 The Board of Zoning Appeals approved Docket CB-95-50 for a Use Permitted on Review to construct a storage building and a multipurpose building.

On November 8, 2006 The Board of Zoning Appeals approved Docket CB-06-77 for a Use by Special Exception to construct an activity center and a storage building.

On June 8, 2022 The Board of Zoning Appeals approved Docket CB-22-39 for a Use by Special Exception to construct a new 4,590 square foot education building.

### **CB-23-24: 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 7.48 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. *There are no new buildings as part of this request.* 

**Section 11.3.3 -** Off-Street Parking: parking shall be provided in accordance with Section 12.2 and Table 12.1. *This request is to increasing available parking.* 

### **CB-23-24: 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. *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.* 

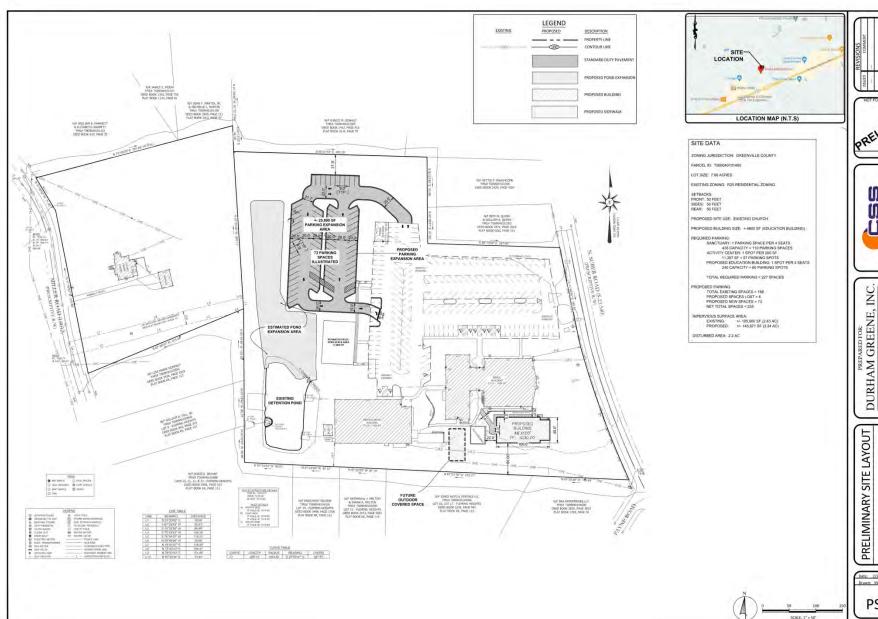
### **CB-23-24: Use By Special Exception Considerations**

# 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-23-24 Site Plan







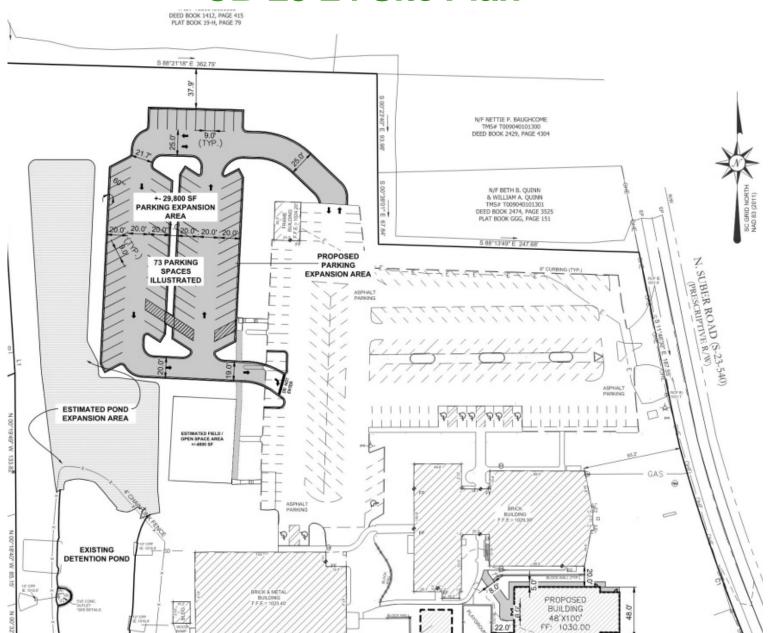


TRINITY BIBLE CHURCH EXPANSION 2001 NUBER PLO

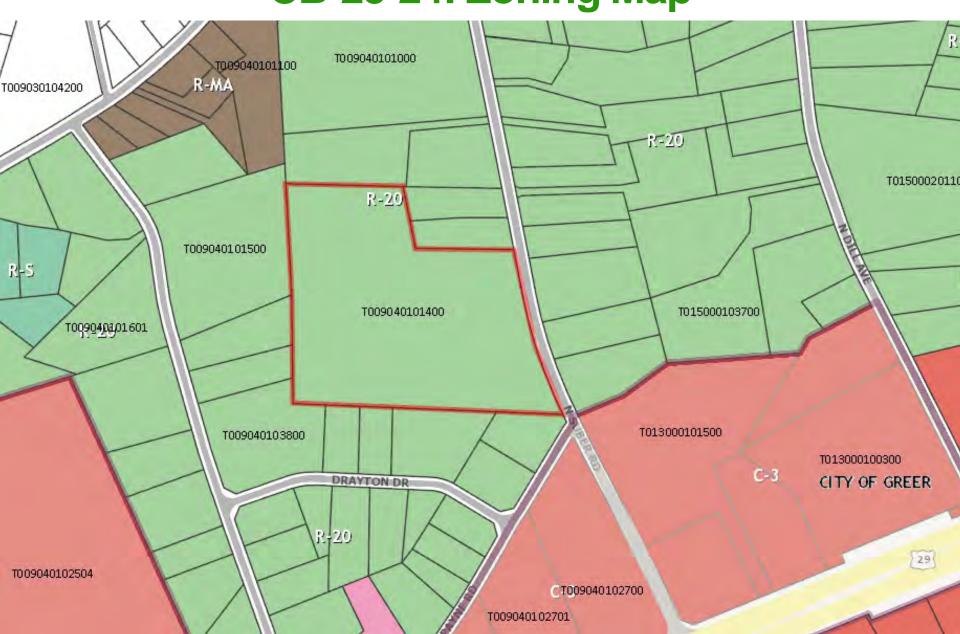
Date: 2/3/2023

PSP-1.0

### CB-23-24 Site Plan



CB-23-24: Zoning Map



### CB-23-24: Aerial Map





### **CB-23-25**

**Applicant:** Phillip James Gilmore for Airport Baptist

Church

**Project Type:** Use by Special Exception

**Address:** 776 S. Batesville Rd., Greer, SC 29650

**Zoning:** R-S, Residential Suburban District

Posting: Confirmed 03/28/23

### CB-23-25 Request

This property is located on South Batesville Road, northwest of the intersection of South Batesville Road and The Parkway in Greer.

The applicant is requesting a Use by Special Exception to allow a school to co-operate in the existing church facilities.

Previous Dockets before the Board of Zoning Appeals were:

On February 14, 2001 The Board of Zoning Appeals approved Docket CB-01-28 for a Use by Special Exception to allow the construction of a new church.

On March 13, 2002 The Board of Zoning Appeals approved Docket CB-02-35 for a Use by Special Exception to allow communication antennae and equipment to be placed in a new church steeple.

On May 10, 2002 The Board of Zoning Appeals approved Docket CB-02-66 for a Use by Special Exception to place a new equipment building behind the church to support the communication antennae in the steeple.

On January 14, 2009 The Board of Zoning Appeals approved Docket CB-09-03 for a Use by Special Exception to allow the construction of an addition onto the church.

### **CB-23-25: 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, Secondary" as a Use by Special Exception in the R-S, Residential Suburban District.

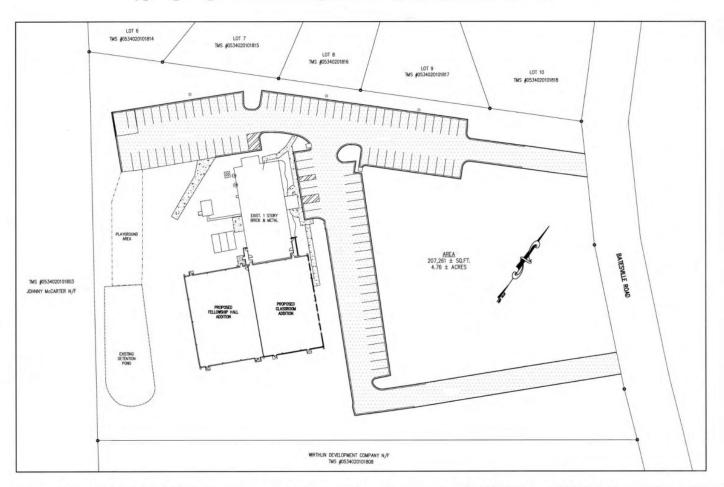
**Section 11:1 -** General Provisions for Uses Permitted by Special Exception states: "The Board of Zoning Appeals may grant permission for those uses permitted by special exception which are in accordance with the provisions of this Ordinance and the specific conditions set forth in this section."

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.

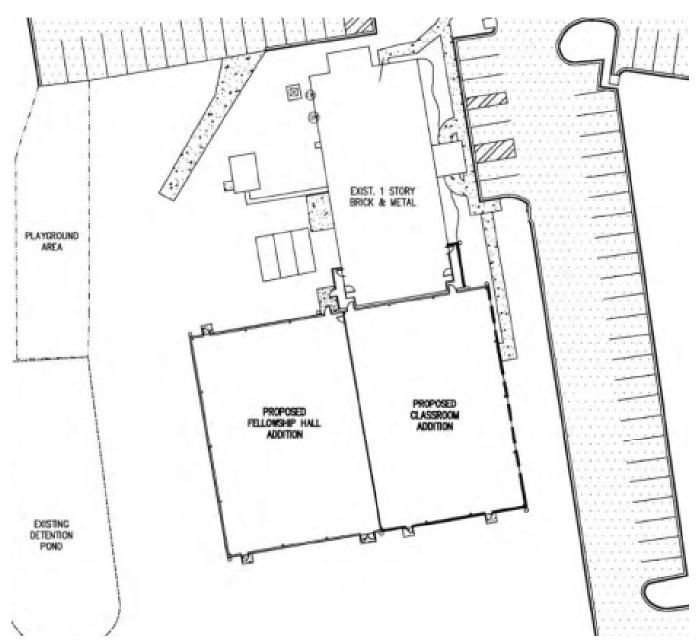
#### CB-23-25 Site Plan

# GREENVILLE COUNTY SOUTH CAROLINA

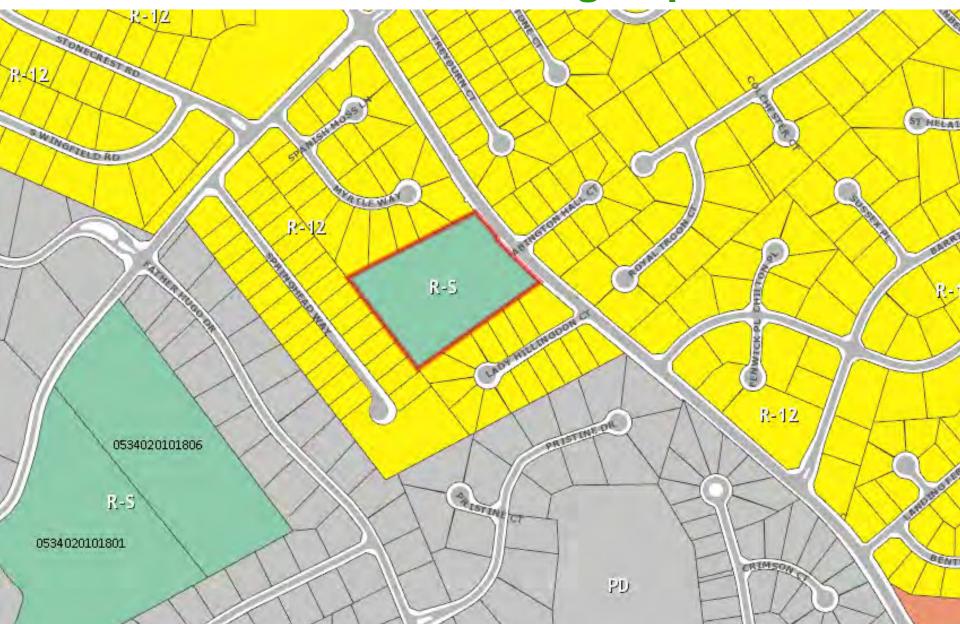


### AIRPORT ROAD BAPTIST CHURCH

### CB-23-25 Site Plan



## CB-23-25: Zoning Map



CB-23-25: Aerial Map





### **CB-23-26**

**Applicant:** Calvin Wright of Calvin Wright Design Works,

LLC for Michael Krenicki

**Project Type:** Variance

Address: 19 Carolina Way, Fountain Inn, SC 29644

**Zoning:** R-S, Residential Suburban District

Posting: Confirmed 03/28/23

### CB-23-26 Request

This property is located on Carolina Way, south of the intersection of Carolina Way and Scuffletown Road in Fountain Inn.

The applicant is requesting a Variance from the requirements for the location of an accessory structure.

There are no prior applications before the BZA.

#### CB-23-26: Variance

# Section 7:3.4, Section 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.

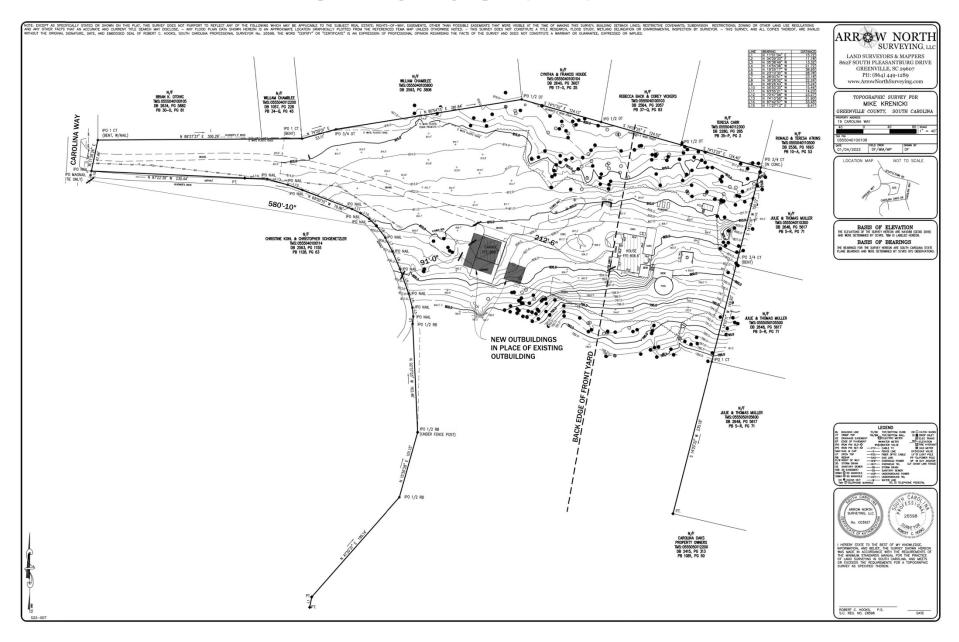
The applicant is requesting to place two accessory structures in the front yard.

### **CB-23-26: Variance Considerations**

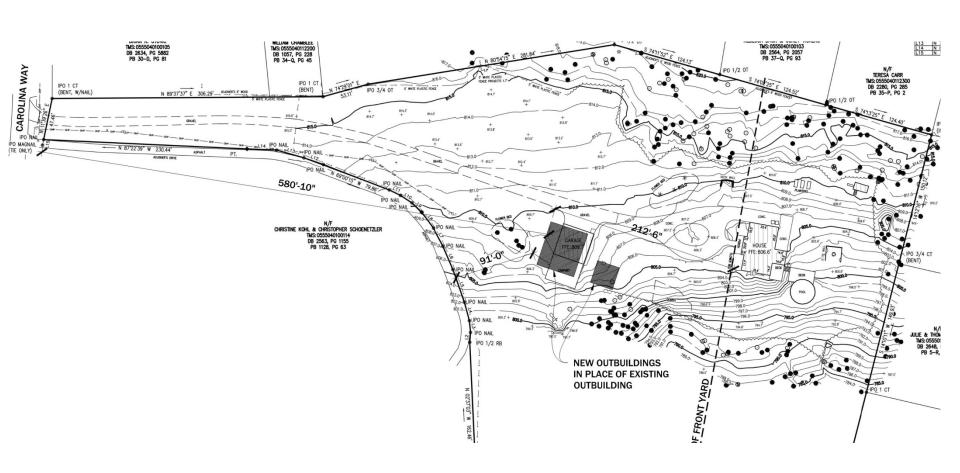
**Section 3:4.1 of the Greenville County Zoning Ordinance** states that a variance may be granted if the Board makes and explains the following findings:

- 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-23-26 Site Plan



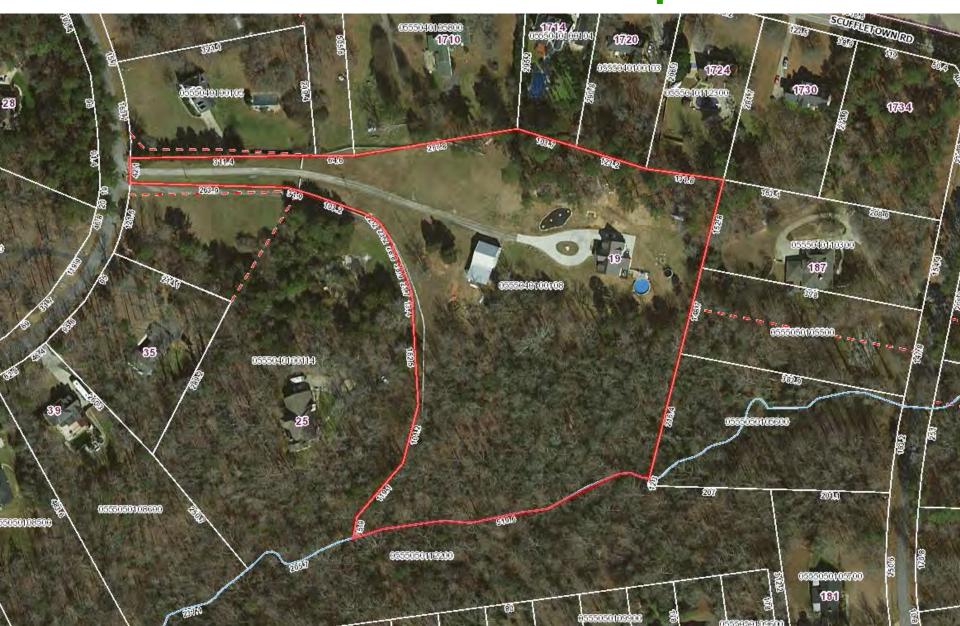
### CB-23-26 Site Plan



CB-23-26: Zoning Map



### CB-23-26: Aerial Map





### **End of Dockets**

- Announcements/Requests by BZA Members
- Adjournment

#### **Swimming Pool Text Amendment**

#### Article 4 Definitions, add:

Swimming Pool - Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610mm) deep. This includes in-ground, above-ground and on-ground pools, hot tubs, spas and fixed in place wading pools.

#### Article 6:2 (18) B, revise as follows:

- B. Swimming Pool Requirements
  - 1. Swimming pools shall be located in the rear yard. The Zoning Administrator or his agent may grant permission to allow a swimming pool to encroach into the side yard providing the rear yard contains a demonstrable unbuildable area. For the purposes of the section, unbuildable areas are defined as areas of the rear yard that meet any of the following:
    - a. Have a topographic slope greater than 11%.
    - b. Contain drainage, utility and access easements.
    - c. Within right-of-way.
    - d. Contain septic systems tank(s) and/or drain fields.
    - e. Are within property line setbacks.

When requesting permission to place a pool in the side yard the applicant shall be required to supply the Zoning Administrator with accurate information detailing the conditions on site. The Zoning Administrator may request additional information as is reasonably appropriate to consider with the request. Such information may include a site survey, site plan, photographs, or other items as may be relevant to the request.

- 2. Swimming pools shall not occupy more than 50% of rear yards. The portion of a swimming pool that encroaches into a side yard due to the conditions listed in the previous section shall not occupy more than 50% of the side yard. The area of the swimming pool shall be based on the total exposed water surface area of the pool and any other associated or integrated hot tubs, wading pools, etc.
- 3. Setback requirements for swimming pools that extend into side yards shall be the same as those for accessory buildings, but in no case less than 5 feet.
- 4. Any portion of swimming pool and associated decking, structures, etc. that extends into a side yard shall be screened from the front and side street frontage, and also from immediately adjacent property that has a different zoning district or use. Screening shall consist of a 6-foot wall, fence, berm, evergreen screening plant material, or a combination of wall, fence, berm or evergreen screening plant material with a combined minimum height of 6 feet above grade. 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 opaque screen at least 6 feet in height, with individual plantings spaced not more than 5 feet apart. Berms shall have a side slope no greater than a ratio of 3:1.
- 5. Lighting for swimming pools shall not create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property, or onto a public roadway. Flashing lights are prohibited.