



Greenville County Board of Zoning Appeals

(864) 467-7425

www.greenvillecounty.org

MEETING MINUTES

January 12, 2022

Board Members:

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

Staff Present:

1. Tee Coker – Planning Director
2. Joshua Henderson – Zoning Administrator
3. Brook Denny – Principal Planner

The Greenville County Board of Zoning Appeals held its monthly meeting on Wednesday, January 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 arrived after approval of the minutes from the previous month. Due to the Covid-19 pandemic, Ms. Brittany Farrar, Ms. Laura Godfrey, and Ms. Patricia Barbera participated electronically via Zoom.

1. **Call to Order:** Chairman Nicholas Hollingshad called the meeting to order at approximately 3:00 p.m.
2. **Invocation/Pledge:** Conducted by Mr. Kenneth Matesevac
3. **Roll Call:** Attendance was taken by Ms. Denny.
4. **Hearing Procedures/Regulations:** *This was completed after Item 5 "Approval of Minutes and Adoption of Final Decisions and Orders of December 8, 2021.* 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. Tee Coker introduced the PowerPoint into the minutes as an exhibit and stated the conditions under which decisions and rulings may be made by the Board of Zoning Appeals as outlined in the Greenville County Zoning Ordinance, including Section 3:4.1 and Section 11:1.
5. **Approval of Minutes and Adoption of Final Decisions and Orders of December 8, 2021:** The minutes were reviewed by the board. Chairman Hollingshad announced to the board proposed

changes. Ms. Denny confirmed that they proposed changes were correct upon review of the recording. Ms. Barber made a motion to approve the minutes as revised. Ms. Godfrey seconded the motion. There was no objection. The motion carried, resulting in a vote 8-0 in favor. Vice Chairman Hattendorf was not in attendance.

6. New Business

i. CB-22-01 – George R. Farah for Burnett W. Todd

BACKGROUND

The property is located on White Horse Road near the intersection of White Horse Road and Hunts Bridge Road in Greenville.

The applicant is requesting a variance of 1.9 feet from the rear setback in the proposed C-2, Commercial District portion and a variance of 23.3 feet from the front setback of the proposed R-15, Single-Family Residential District portion in order to effectively subdivide and rezone the property.

FINDINGS OF FACT

On Monday, January 3, 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 C-2 District;

FRONT	=	25’ from edge of road R.O.W.
SIDES	=	15’ from property line
REAR	=	20’ from property line

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-15 District;

FRONT	=	50’ from edge of road R.O.W.
SIDES	=	5’ from property line
REAR	=	5’ from property line

The applicant is requesting a variance of 1.9 feet from the rear setback in the proposed C-2, Commercial District portion and a variance of 23.3 feet from the front setback of the proposed R-15, Single-Family Residential District portion.

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. George Farah.

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

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

Mr. Joshua Henderson clarified for the Board that the applicant was requesting variances on the R-15 and C-2 zones, due to the current request for rezoning also on this site. Chairman Hollingshad requested further clarification on how the rezoning requests affected the Board's review of the variance request. Mr. Henderson gave a brief history and discussion of the layout of the site, letting the Board know that the applicant was intending to subdivide the property and rezone the back portion, which includes two new sheds to C-2 to allow for a business, and the front portion to R-15, to allow for the existing single-family residence to be on a conforming lot. Ms. Godfrey asked staff for clarification the surrounding zoning districts. Mr. Henderson clarified which zoning districts were in the immediate area.

Mr. Farah presented the application to the Board. He mentioned that the front portion of the property and existing structure was already encroaching into the setback. He also noted the surrounding uses, which included a mobile home park to one side and a church to the other. He noted that he had gotten support from neighbors for his rezoning requests.

Ms. Shuman asked the applicant what the goal of the rezoning request was. Mr. Farah gave a brief history of how he came to using this property, and stated that the rear buildings were currently being used as an automotive shop. He stated that he needed to rezone the property to continue this use. Ms. Shuman also asked Mr. Henderson if anyone had been in attendance at the Public Hearing. Mr. Henderson stated that there were some individuals who showed up in support of the request. Ms. Shuman expressed concern over how the approval of the variance might lead to eventual spot zoning. Mr. Hollingshad noted that he shared the concern, but recognized that the focus should be on the variance request rather than the rezoning.

Ms. Barbera asked the applicant whether the objective was to have an automotive business on the back of the property, and if he had any association with an ice cream truck parked on the property. Mr. Farah stated that the object was to have everything correct on site, since the buildings were preexisting when he began to rent the property. He also stated that he was not associated with the ice cream truck business.

Ms. Denny clarified that the focus for today's request was on the variance requests. She stated that if the variances were not approved then the rezoning requests would have to be pulled and commercial use would be prohibited at this site. Mr. Henderson also clarified that if there was an ice cream truck on the property, then that would have to be removed if the property owner does not reside on the property.

Vice Chairman Hattendorf asked the applicant approximately how long the residence at the front of the property had been on site. Mr. Farah stated that he believed it had been there since the forties, and that he currently resides there. Vice Chairman Hattendorf noted that the right-

of-way in front of the house had likely expanded over time, and that the house was most likely a conforming structure when it was built. Vice Chairman Hattendorf also confirmed with staff that under the current zoning all of the other structures on site were currently meeting setback requirements.

Mr. Henderson also noted that if the variance and rezonings were approved, then the commercial buildings would have to have full architectural plans submitted for site plan review.

Ms. Godfrey requested clarification on whether buildings that are existing on site would need to meet commercial standards. Mr. Henderson confirmed that that was correct and that they would have to be updated to meet any applicable commercial code requirements.

CONCLUSIONS of LAW

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

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *per applicant's testimony, Hwy 25 has expanded overtime creating a nonconformity and the existing structures are in compliance with setbacks.*
- B. These conditions do not generally apply to other property in the vicinity; *Properties in the vicinity are residential or church property not commercial.*
- 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; *the commercial uses in the rear would become prohibited without approval of rezoning.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; *per testimony, neighbors are in support and we would be bringing the existing house into compliance.*

Ms. Teresa Barber seconded the motion. The motion carried, resulting in an 8-1 vote in favor. Ms. Patricia Barbera voting against the motion.

ii. **CB-22-03 – Bryan H. Russell with Contineo Group, LLC for Craig Marquardt with Bradco Realty Corp./ABC Supply Co. Inc.**

BACKGROUND

The property is located on Bi-Lo Boulevard near the City of Mauldin.

The applicant is requesting a variance of 25 feet from the right side setback and 20 feet from the rear setback for construction of a storage structure.

FINDINGS OF FACT

On Monday, January 3, 2022, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

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

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

REAR = 20' from property line

The applicant is requesting a variance of 25 feet from the right side setback and 20 feet from the rear 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. Bryan H. Russell.

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

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

Chairman Hollingshad asked staff to clarify whether the buildings presented on the plan were proposed. Mr. Russell clarified which buildings were existing and proposed. Ms. Denny noted that the areas for variances are called out in green, and showing the proposed building. Ms. Shuman asked for clarification on the location of the existing building that appeared to go out to the property line. Mr. Henderson noted that that existing structure was considered existing nonconforming, and that since that structure was not being expanded it was not currently a part of the variance request. He stated that the variance request would just be for the new proposed structure.

Ms. Barbera asked staff to confirm that the Board was being asked to consider variances on a new structure, while there were existing structures for which no past approval was ever given. Mr. Henderson further explained that the applicant was not required to get variances on the existing structure since it was not being expanded, just on the new structure since it would not meet the setback requirements.

Mr. Russell presented the application to the Board. He stated that the current business on site is a building supply company. He stated that there are some environmental concerns on the site due to previous industrial uses. He stated that while the business currently uses the existing structures on site, the business also has to minimize disturbance on site due to existing extraction and injection wells on the site. He stated that the applicant's goal was to place some lumber racks on site with as little disturbance of the soil as possible. He stated that they also hoped to clean up the older facilities on site. In a response to clarification on how the site would be cleaned up, he noted that there was a goal of moving a metal building on site that was currently being used as office space to a corner of the other existing building.

Vice Chairman Hattendorf asked for clarification on the extraction points. In response Mr. Russell pointed out specific areas of extraction points. Vice Chairman Hattendorf also asked for clarification on why a smaller building could not be used. Mr. Russell stated that the material that was being stored needed a certain amount of space due to how the forklifts needed to be able to access the lumber. Vice Chairman Hattendorf also noted the current location of lumber based on aerial imagery submitted in the Board's packets.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Kenneth 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, there are wells on the property.*
- B. These conditions do not generally apply to other property in the vicinity; *per testimony, they do not.*
- 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; *there is no other feasible spot.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *Per testimony the applicant is doing this to address environmental concerns.*

Ms. Farrar and Mr. Hamilton seconded the motion. There was no objection and no discussion. The motion carried, resulting in a vote of 9-0 in favor.

iii. CB-22-04 – Ronald E. Geyer with Good City Architects, LLC for Dana Emberton of Immanuel Lutheran Church

BACKGROUND

The property is located on Woodruff Road across from the Village Market East shopping center and near Larkspur Pointe Apartments.

The applicant is requesting a Use by Special Exception to allow for the construction of a new sanctuary building on site.

Prior applications before the BZA were CB-94-76, for a Use by Special Exception; CB-21-15, for a Variance from setback requirements to allow the applicant to pursue rezoning for redevelopment to an apartment complex; CB-21-41, for a Variance granted for a larger sign and a Use by Special Exception granted for an electronic reader board.

FINDINGS OF FACT

On Monday January 3, 2022, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

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

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

Section 11.3.1 – Lot Area - the minimum lot area shall be 40,000 square feet or .918 acre.

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

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

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

11:3.5 Screening and Buffering – Screening shall be provided in accordance with the provisions set forth in Section 12:9, Screening and Buffering Requirements. *Will be reviewed for compliance during the Plan Review process.*

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

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

The Board shall consider the following factors:

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

The representative present for this application was Mr. Ronald Geyer.

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

Mr. Tee Coker presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 11:1.

Mr. Geyer presented the application to the Board. He noted that he was joined by Pastor Jeffrey

VanOsdol and Church President Dana Emberton. He stated that the project was for a sanctuary addition. He stated that the current structure was built about 30 years ago and has maintained a continuous ministry on site. He also noted that the required setbacks, parking, and lighting have all been met carefully.

In response to questions from the board, Mr. Geyer stated that the existing sanctuary would not be considered a change in use under building code. It will remain as an A3, where dining and fellowship hall activities associated with the church will still occur. In response to questions about traffic and increased use of the site, Mr. Geyer stated that the goal was increased activity on site, but not so much that it impacted traffic negatively. He also noted that parking on the site already exceeded what was required for both the old church and new sanctuary by about 50 percent. In response to questions about service times, Mr. Geyer stated that no dual services will be held on site.

Ms. Barber noted that the site plan and off-street parking requirements would be reviewed in the permitting process as well.

CONCLUSIONS of LAW

The application was reviewed by the Board. Ms. Teresa Barber made a motion to grant the use as requested based on the following conditions; particularly,

- A. The use meets all required conditions; *based on the site plan provided.*
- B. The use is not detrimental to the public health or general welfare; *the church is good for the community.*
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; *this specific church is close to a fire station.*
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *this will not violate neighborhood character.*

Ms. Farrar and Ms. Godfrey seconded the motion. The motion carried, resulting in a vote of 9-0 in favor.

iv. CB-22-05 – Dimitry Bruehl for Terry Smith with True-Cut Div.

BACKGROUND

The property is located on S. Florida Avenue south of the intersection of S. Florida Ave. and Hwy. 123 in Greenville.

The applicant is requesting the following variances:

- Side – 23.4 ft. from the right side setback requirement
- Side – 25 ft. from the left side setback requirement
- Rear – 18.7 ft. from the rear setback requirement

FINDINGS OF FACT

On Monday January 3, 2022, Staff inspected the property to ensure that the “Appeal Notice” sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-10 District;

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

The applicant is requesting these aforementioned particular variances to request for a rezoning to S-1, Services District.

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.

According to Section 3:4 Variances, "In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect Established property values in the surrounding area, or to promote the public health, safety, or general welfare."

The requested variances are based on the S-1, Services District setback requirements. In the event that the proposed variance requests are approved and a subsequent rezoning denied, the R-10, Single-Family Residential District setbacks should still apply.

The representative present for this application was Mr. Dimitry Bruehl.

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

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

Chairman Hollingshad requested clarification from staff on what would happen to an approved variance if the current rezoning request for this site was not approved. Ms. Denny noted that variances typically run with the land, and that the variances would still bring the current buildings into compliance under the current zoning as well, but no S-1 uses would be permitted. Mr. Henderson noted that in discussions with legal staff, it was found that the Board could put a condition on the variance approval that if the rezoning is not approved that the setback requirements revert back to the typical R-10 setbacks per the Zoning Ordinance. In response to a question regarding why rezoning approval does not come before variance approval in terms of process, Mr. Henderson stated that Planning Commission and County Council could not approve a rezoning request that creates a nonconforming lot, which is not permissible under the Zoning Ordinance.

Vice Chairman Hattendorf requested clarification on the setback requirements in S-1 from staff. Mr. Henderson stated that the setbacks were 45 feet from the front, 25 feet on the side and 20 feet on the rear. In response to a question about the buildings currently being out of conformity, Mr. Henderson stated that the buildings as they exist do not need variances, but the building is being brought into compliance with the requested S-1, Services District. If the rezoning is not granted then there would be no expansions of the existing building under the R-10 zoning.

Mr. Bruehl presented the application to the Board. He stated that there was no alteration planned for the building. He stated that the buildings had been used as early as the 1980s for service-type uses. He stated that the structure on site has been around since at least 1988, but he was not aware of how old the buildings on site actually were.

In a response to a question about why the building was being brought into conformity now, Mr. Bruehl stated that there was a possibility of change of ownership. Mr. Henderson also clarified that if the building had been empty for six months, a rezoning was required in order to use the site for business purposes. In response to questions about the type of business planned, Mr. Bruehl stated that it had operated as a machine shop where metal cutting occurred. Vice Chairman Hattendorf requested clarification on whether the building was occupied and by whom. Mr. Bruehl stated that the building was occupied by the machine shop. In response to questions from the Board he also stated that there were two buildings on site, the front building was vacant while the rear building housed the machine shop. Mr. Henderson clarified that the variance request from setbacks would apply to both buildings. Mr. Bruehl clarified that no expansion or alteration was planned for the site.

In response to questions about the use being grandfathered, Mr. Henderson clarified that when a property changes ownership a new Certificate of Occupancy was required. If no previous Certificate of Occupancy was found, then getting one would require meeting the current requirements. Ms. Barber also noted that there are many legal nonconforming businesses in residential areas, and that without any complaints, the code department would not have reviewed it.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Kenneth Matesevac made a motion to grant the variance with the condition that approval was contingent on successful rezoning to S-1, Services. Justification for the variance was based on the following; particularly,

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property; *this is an existing building.*
- B. These conditions do not generally apply to other property in the vicinity; *per testimony, they do not.*
- 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; *that will be the case in the future.*
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *Authorizing the variance will not have any affect if S-1 rezoning is denied which will result in R-10 setbacks still applying.*

Ms. Shuman seconded the motion. Ms. Barbera requested clarification on whether the S-1

zoning was required for the commercial business to operate. Ms. Denny clarified that they need to go through rezoning to have permits issued to operate the business. The motion carried, resulting in a vote of 8-1 in favor. Vice Chairman Hattendorf voted in opposition of the motion.

v. **CB-22-07 – B. Russel Bryan with Southside Christian School for Southside Christian School.**

BACKGROUND

The property is located at the intersection of Woodruff Road and Highway 14 in Simpsonville.

The applicant is requesting a Use by Special Exception to allow for an approximately 64,000 square foot expansion to an existing school to allow for additional classroom space.

Prior applications before the BZA for Southside Baptist Church were **CB-84-68**, approval of a "Use Permitted on Review" for a Church and related uses; **CB-87-25**, approval of a "Use Permitted on Review" for the additional classroom; **CB-90-02**, approval of a "Use Permitted on Review" for the addition of a maintenance shed and apartment; **CB-90-70**, approval of a "Use Permitted on Review" for three temporary classrooms; **CB-92-22**, approval for a "Use Permitted on Review" for a classroom to replace three modular classrooms; **CB-92-52**, approval for a "Use Permitted on Review" for the addition of a fourth temporary classroom; **CB-93-22 & CB-93-75**, approval for a "Use Permitted on Review" for the addition of a classroom; **CB-94-52**, approval for a "Use Permitted on Review" for the 16 classroom addition; **CB-00-16**, approval of a Use by Special Exception for an existing modular class room to remain on the property for two years; **CB-02-73**, approval of a Use by Special Exception for an existing modular class room to remain on the property for three years; **CB-05-15**, approval of a Use by Special Exception of an existing modular class room to remain on the property for three years.

Prior applications before the BZA for Southside Christian School were **CB-08-16**, approval of a Use by Special Exception to allow the modular classroom to remain on site permanently; **CB-12-16**, approval of a Use by Special Exception to allow for new bleachers; **CB-13-06**, approval of a 10' ft. variance on the left side for visitor's bleachers and new lighting with retaining walls; **CB-13-45**, approval of a Use by Special Exception for a soccer field with lighting; **CB-17-16**, approval of a Use by Special Exception for an addition of a modular building with restrooms; **CB-17-54**, approval of a Use by Special Exception of the addition of dugouts, lights, bleachers, and batting cage; **CB-18-50**, approval of a Use by Special Exception for a new scoreboard at the baseball field.

FINDINGS OF FACT

On Monday, January 3, 2022, Staff inspected the property to ensure that the "Appeal Notice" sign had been posted as required by the Greenville County Zoning Ordinance. Photographs were taken of the subject property.

Section 5:4 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "School – Primary and Secondary" as a Use by Special Exception in the R-S, Residential Suburban district.

Section 7:3.2, and Table 7.4 – Nonresidential Setback/Height Requirements- lists the following setbacks:

Front – 50 Feet from arterial road
Side – 25 Feet from property line
Rear – 5 Feet from property line

The site plan submitted shows the location of the proposed addition to be well within the setback requirements.

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

The Board shall consider the following factors:

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

The representatives present for this application Mr. Russ Bryan, Sam Bufall, Matthew Satitini, and Clay Greene.

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

Mr. Tee Coker presented the facts as they pertained to the Greenville County Zoning Ordinance; particularly Section 11:1.

Mr. Bryan presented the application to the Board. He stated that the request was for a Use by Special Exception to construct an educational building on site. He stated that the proposal was for a two-story, 63,000 square foot building. He stated that the educational building could contain classroom spaces, education therapy spaces, and specialized spaces for art, STEAM, and music, such as band, strings and vocal classes. He also stated that the request included construction of additional car lane aisle and fire lanes to meet code requirements. He stated that the plans also included updating the campus parking lot lighting and referenced the photometric plan included with the submittal. He stated that the new building would support modest growth and help to eliminate two temporary modular buildings that were currently being used on site.

In response to questions from the board, Mr. Bryan clarified that the building would be connected to the existing structure on site.

CONCLUSIONS of LAW


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

- A. The use meets all required conditions; *based on the site plan provided.*
- B. The use is not detrimental to the public health or general welfare; *the school will be good for the community.*

- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services;
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; *the building is setback far from other uses.*

Ms. Farrar and Ms. Godfrey, and Ms. Barbera seconded the motion. Vice Chairman Hattendorf complimented the school on their design, and gave appreciation for planning ahead to provide adequate car queuing. Chairman Hollingshad shared his agreement with Vice Chairman Hattendorf on his statement. The motion carried, resulting in a vote of 9-0 in favor.

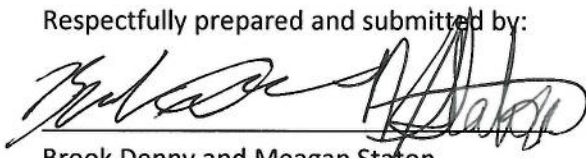
- 7. **Announcements/Requests:** Chairman Hollingshad expressed wishes for staff members that were out with illness to get well soon.
- 8. **Adjournment:** There being no further business to discuss, the meeting adjourned with unanimous approval at approximately 4:45 p.m.



Nicholas Hollingshad, Chairman
Greenville County Board of Zoning Appeals

2/9/22
Date

Respectfully prepared and submitted by:



Brook Denny and Meagan Staton

GREENVILLE COUNTY BOARD OF ZONING APPEALS

JANUARY 12, 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-22-01

Applicant:	George R. Farah for Burnett W. Todd
Project Type:	Variance
Address:	8511 White Horse Rd., Greenville, SC 29617
Zoning:	R-S, Residential Suburban
Posting:	Confirmed 1/3/22

CB-22-01: Request

The property is located on White Horse Road near the intersection of White Horse Road and Hunts Bridge Road.

The applicant is requesting a variance of 1.9 feet from the rear setback in the proposed C-2, Commercial District portion and a variance of 23.3 feet from the front setback of the proposed R-15, Single-family Residential District portion.

CB-22-01: Setback Requirements

Section 7:3, Table 7.3:

Setback/Height Requirements for the C-2 District

FRONT	=	25' from edge of road R.O.W.
SIDES	=	15' from property line
REAR	=	20' from property line

Section 7:3, Table 7.3:

Setback/Height Requirements for the R-15 District

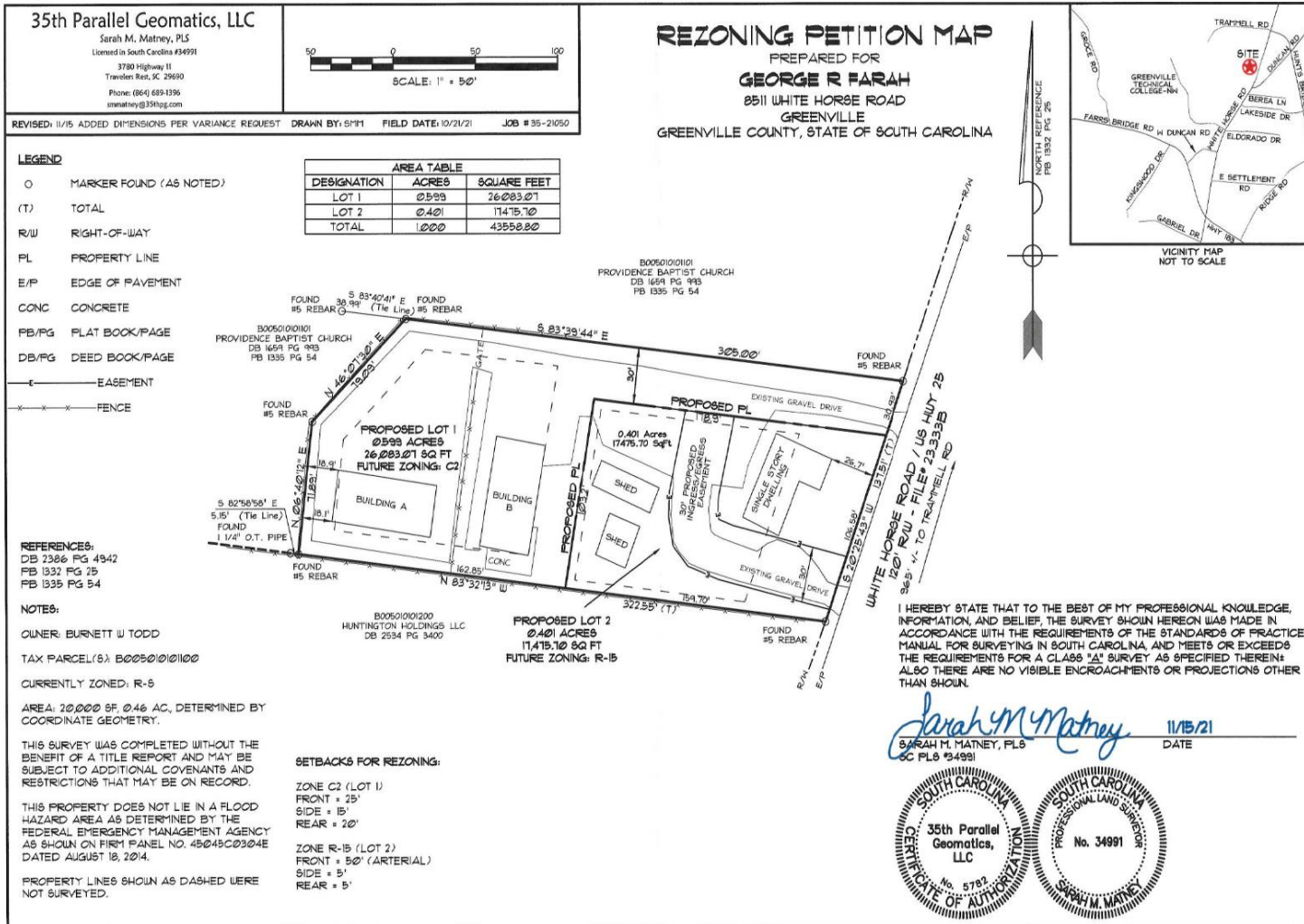
FRONT	=	50' from edge of road R.O.W.
SIDES	=	5' from property line
REAR	=	5' from property line

CB-22-01: Variance Considerations

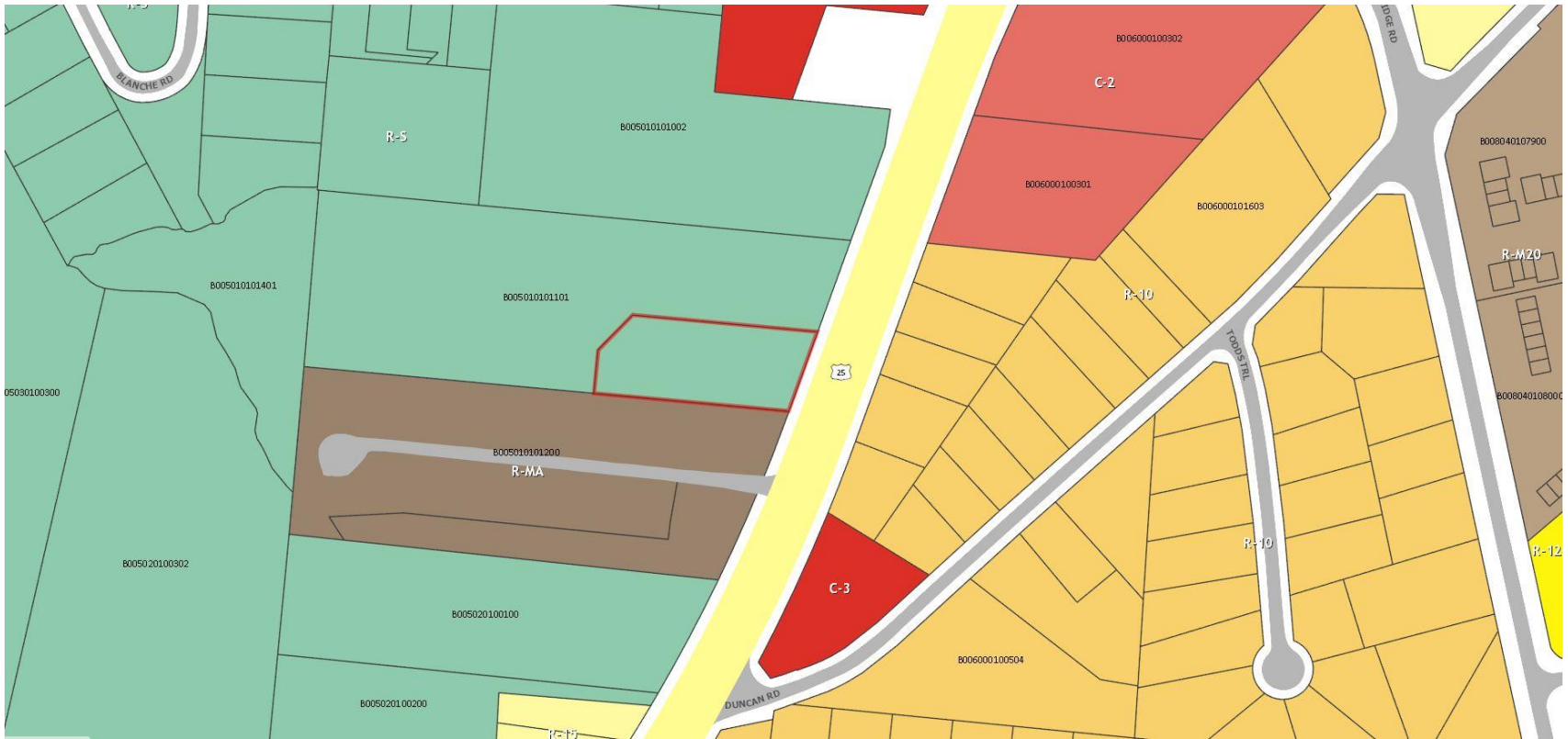
Section 3:4.1 of the Greenville County Zoning Ordinance states that a variance may be granted if the Board makes and explains the following findings:

- 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-22-01: Site Plan



CB-22-01: Zoning Map



CB-22-01: Aerial Map



CB-22-01: Photos



Subject Property



North



South



East

CB-22-02

WITHDRAWN

CB-22-03

Applicant:	Bryan H. Russell with Contineo Group, LLC for Craig Marquardt with Bradco Realty Corp./ABC Supply Co. Inc.
Project Type:	Variance
Address:	100 Bi-Lo Blvd., Greenville, SC 29607
Zoning:	R-S, Residential Suburban
Posting:	Confirmed 1/3/22

CB-22-03: Request

The property is located on Bi-Lo Boulevard near the City of Mauldin.

The applicant is requesting a variance of 25 feet from the right side setback and 20 feet from the rear setback for construction of a storage structure.

CB-22-03: Setback Requirements

Section 7:3, Table 7.3:

Setback/Height Requirements for the S-1 District

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

CB-22-03: Variance Considerations

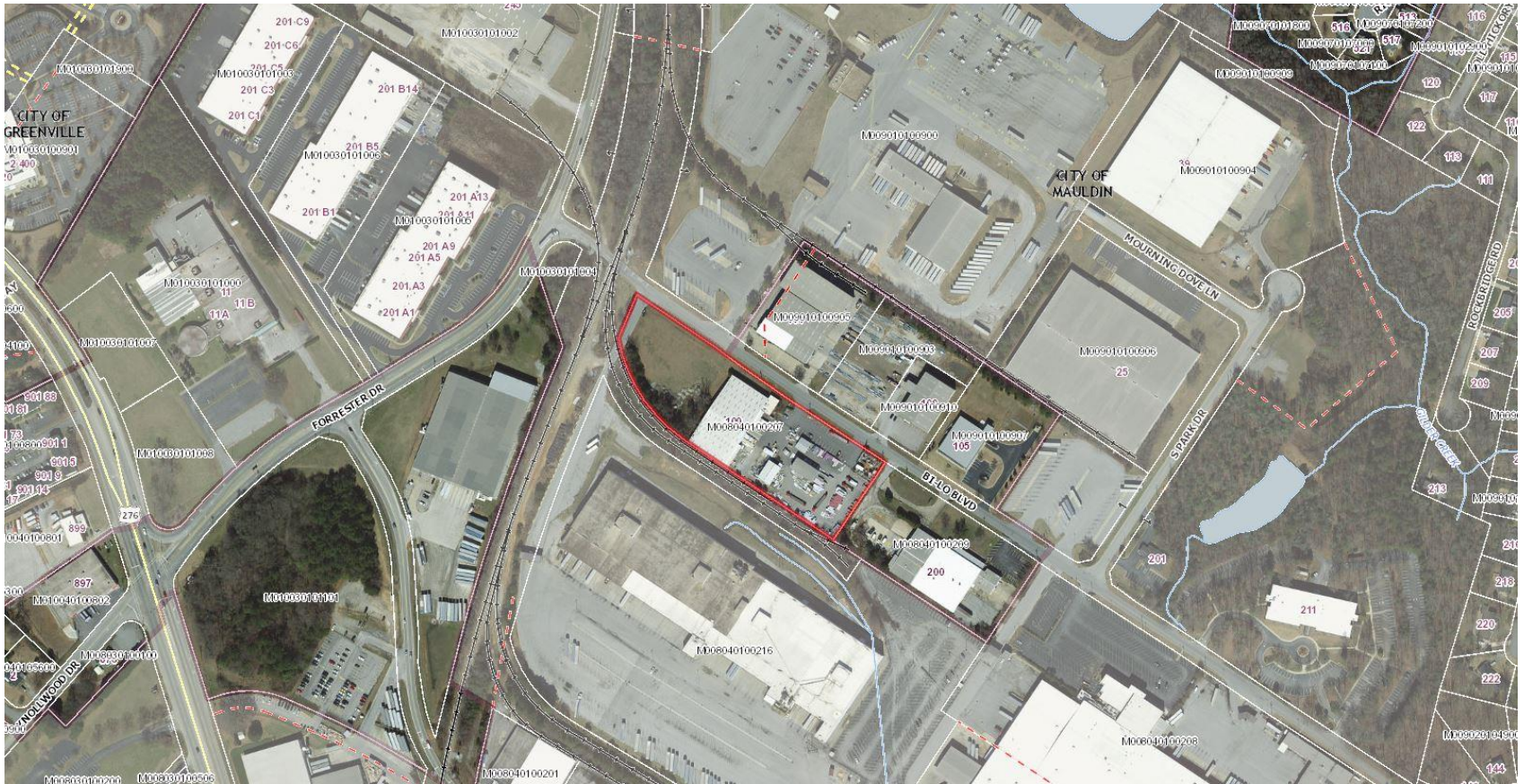
Section 3:4.1 of the Greenville County Zoning Ordinance states that a variance may be granted if the Board makes and explains the following findings:

- 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-22-03: Zoning Map



CB-22-03: Aerial Map



CB-22-03: Photos



Subject Property



North



South



East

CB-22-04

Applicant:	Ronald E. Geyer with Good City Architects, LLC for Dana Emberton of Immanuel Lutheran Church
Project Type:	Use by Special Exception
Address:	2820 Woodruff Road, Simpsonville, SC 29681
Zoning:	R-S, Residential Suburban
Posting:	Confirmed 1/3/22

CB-22-04: Request

The property is located on Woodruff Road across from the Village Market East shopping center and near Larkspur Pointe Apartments.

The applicant is requesting a Use by Special Exception to allow for the construction of a new sanctuary building on site.

Prior applications before the BZA were:

- **CB-94-76**, for a Use by Special Exception;
- **CB-21-15**, for a Variance from setback requirements to allow the applicant to pursue rezoning for redevelopment to an apartment complex; and
- **CB-21-41**, for a Variance granted for a larger sign and a Use by Special Exception granted for an electronic reader board.

CB-22-04: Use by Special Exception Requirements

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

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

Section 11.3.1 – Lot Area - the minimum lot area shall be 40,000 square feet or .918 acre.

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

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

CB-22-04: Use by Special Exception Requirements

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

11:3.5 Screening and Buffering – Screening shall be provided in accordance with the provisions set forth in Section 12:9, Screening and Buffering Requirements. *Will be reviewed for compliance during the Plan Review process.*

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

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

CB-22-04: Use by Special Exception Considerations

The Board shall consider the following factors:

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

CB-22-04: Zoning Map



CB-22-04: Aerial Map



CB-22-04: Photos



Subject Property



North



West



East

CB-22-05

- Applicant:** Dimitry Bruehl for Terry Smith with True-cut
Div. Precision Machine
- Project Type:** Variance
- Address:** 231 S. Florida Ave., Greenville, SC 29611
- Zoning:** R-10, Single-Family Residential
- Posting:** Confirmed 1/3/22

CB-22-05: Request

The property is located on S. Florida Avenue south of the intersection of S. Florida Ave. and Hwy. 123 in Greenville.

The applicant is requesting the following variances:

- Side – 23.4 feet from the right side setback requirement
- Side – 25 feet from the left side setback requirement
- Rear – 18.7 feet from the rear setback requirement

The applicant is requesting these aforementioned particular variances to request for a rezoning to S-1, Services District.

CB-22-05: Setback Requirements

Section 7:3, Table 7.3:

Setback/Height Requirements for the R-10 District

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

CB-22-05: 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:

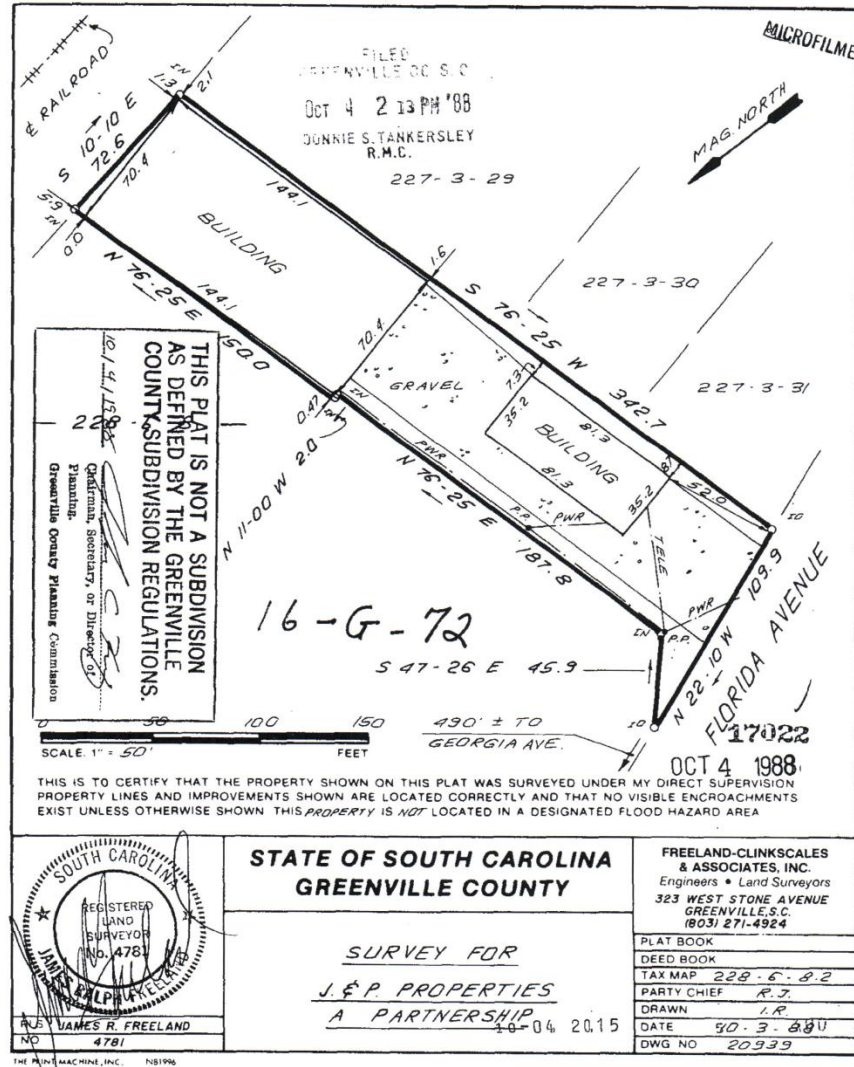
- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively 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-22-05: Variance Considerations

According to **Section 3:4 Variances**, “In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.”

The requested variances are based on the S-1, Services District setback requirements. In the event that the proposed variance requests are approved and a subsequent rezoning denied, the R-10, Single-Family Residential District setbacks should still apply.

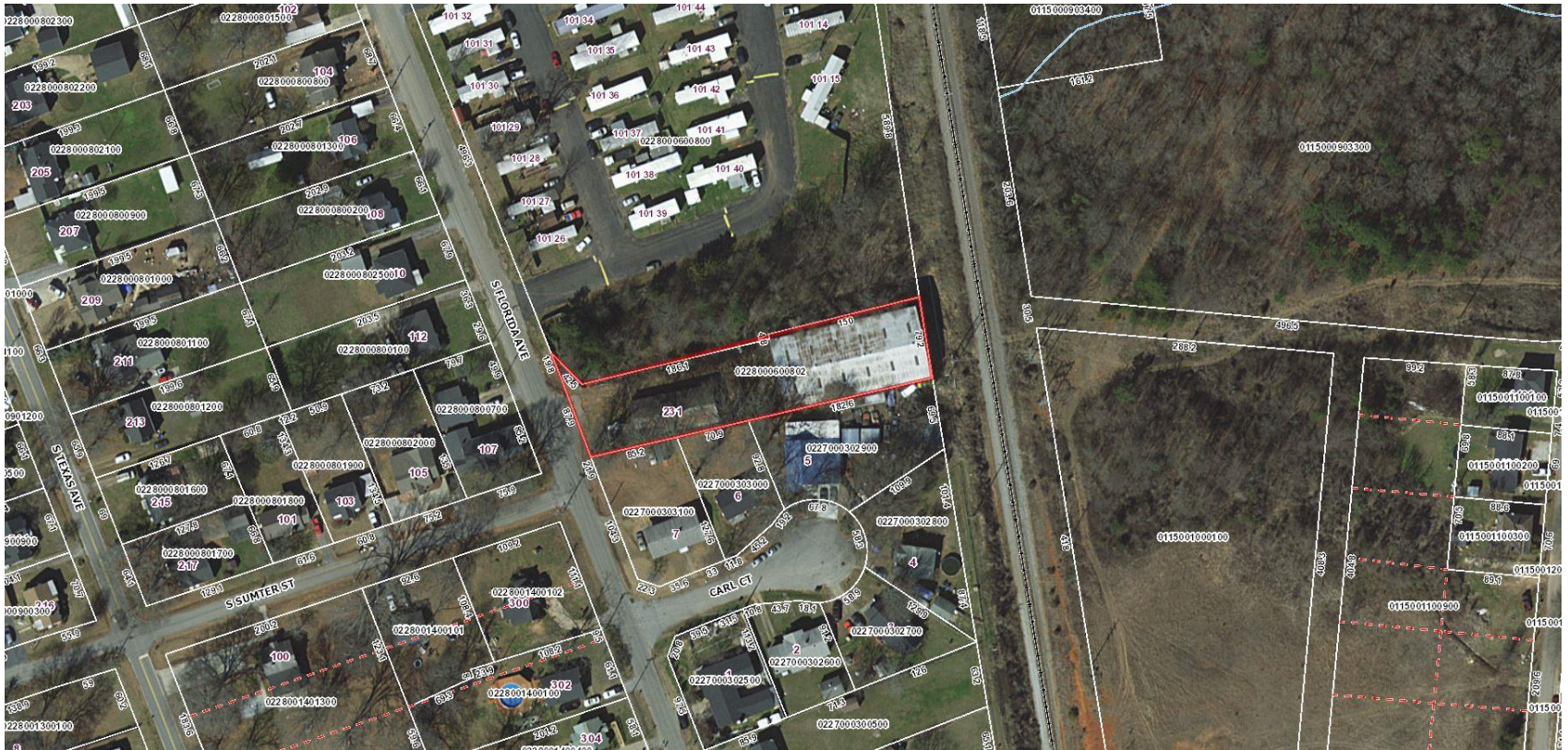
CB-22-05: Site Survey



CB-22-05: Zoning Map



CB-22-05: Aerial Map



CB-22-05: Photos



Subject Property



North



West



South

CB-22-06

WITHDRAWN

CB-22-07

Applicant:	B. Russell Bryan with Southside Christian School for Southside Christian School
Project Type:	Use by Special Exception
Address:	2211 Woodruff Road, Simpsonville, SC 29681
Zoning:	R-S, Residential Suburban
Posting:	Confirmed 1/3/22

CB-22-07: Request

The property is located at the intersection of Woodruff Road and Highway 14 in Simpsonville.

The applicant is requesting a Use by Special Exception to allow for an approximately 64,000 square foot expansion to an existing school to allow for additional classroom space.

CB-22-07: Request

Prior applications before the BZA for Southside Baptist Church were:

- **CB-84-68**, approval of a “Use Permitted on Review” for a Church and related uses;
- **CB-87-25**, approval of a “Use Permitted on Review” for the additional classroom;
- **CB-90-02**, approval of a “Use Permitted on Review” for the addition of a maintenance shed and apartment;
- **CB-90-70**, approval of a “Use Permitted on Review” for three temporary classrooms;
- **CB-92-22**, approval for a “Use Permitted on Review” for a classroom to replace three modular classrooms;
- **CB-92-52**, approval for a “Use Permitted on Review” for the addition of a fourth temporary classroom;
- **CB-93-22 & CB-93-75**, approval for a “Use Permitted on Review” for the addition of a classroom;
- **CB-94-52**, approval for a “Use Permitted on Review” for the 16 classroom addition;
- **CB-00-16**, approval of a Use by Special Exception for an existing modular class room to remain on the property for two years;
- **CB-02-73**, approval of a Use by Special Exception for an existing modular class room to remain on the property for three years;
- **CB-05-15**, approval of a Use by Special Exception of an existing modular class room to remain on the property for three years.

CB-22-07: Request

Prior applications before the BZA for Southside Christian School were:

- **CB-08-16**, approval of a Use by Special Exception to allow the modular classroom to remain on site permanently;
- **CB-12-16**, approval of a Use by Special Exception to allow for new bleachers;
- **CB-13-06**, approval of a 10' ft. variance on the left side for visitor's bleachers and new lighting with retaining walls;
- **CB-13-45**, approval of a Use by Special Exception for a soccer field with lighting;
- **CB-17-16**, approval of a Use by Special Exception for an addition of a modular building with restrooms;
- **CB-17-54**, approval of a Use by Special Exception of the addition of dugouts, lights, bleachers, and batting cage;
- **CB-18-50**, approval of a Use by Special Exception for a new scoreboard at the baseball field.

CB-22-07: Use by Special Exception Requirements

Section 5:4 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists “School – Primary and Secondary” as a Use by Special Exception in the R-S, Residential Suburban district.

Section 7:3.2, and Table 7.4 – Nonresidential Setback/Height Requirements- lists the following setbacks:

FRONT	=	50' from arterial road
SIDES	=	25' from property line
REAR	=	5' from property line

The site plan submitted shows the location of the proposed addition to be well within the setback requirements.

CB-22-07: 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.”

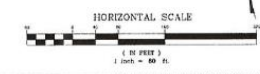
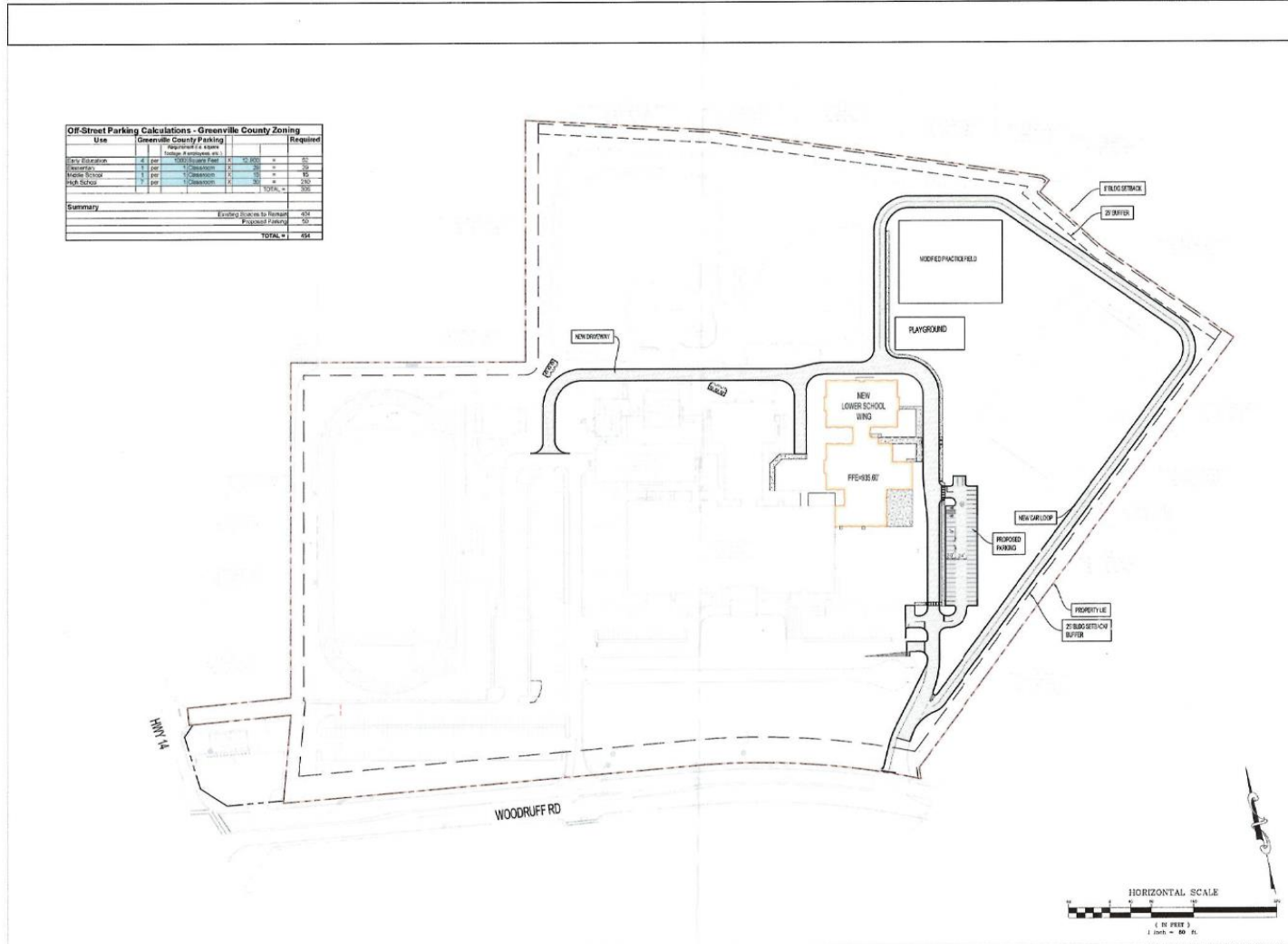
The Board shall consider the following factors:

- 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-22-07: Site Plan

Off-Street Parking Calculations - Greenville County Zoning

Use	Greenville County Parking	Required
City Education	4 per 1000 sq ft	15,000 x 4 = 60
Elementary	1 per 1000 sq ft	10,000 x 1 = 10
Middle School	1 per 1000 sq ft	10,000 x 1 = 10
High School	1 per 1000 sq ft	10,000 x 1 = 10
Summary		60 + 10 + 10 + 10 = 90
Existing lots to remain		400
Proposed Addition		90
TOTAL		494



SOUTHSIDE CHRISTIAN SCHOOL ADDITION

2211 WOODRUFF RD.
SIMPSONVILLE, SC 29681



21 WOODLAND RIDGE, SUITE 104
GREENVILLE, NC 29607
864.232.1200
ADCENGINEERING.COM



2 W WASHINGTON STREET, SUITE 600
GREENVILLE, SOUTH CAROLINA 29601
TEL: 864.232.6800 FAX: 864.232.4207
WWW.LS3P.COM



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REVISIONS:

No.	Description	Date

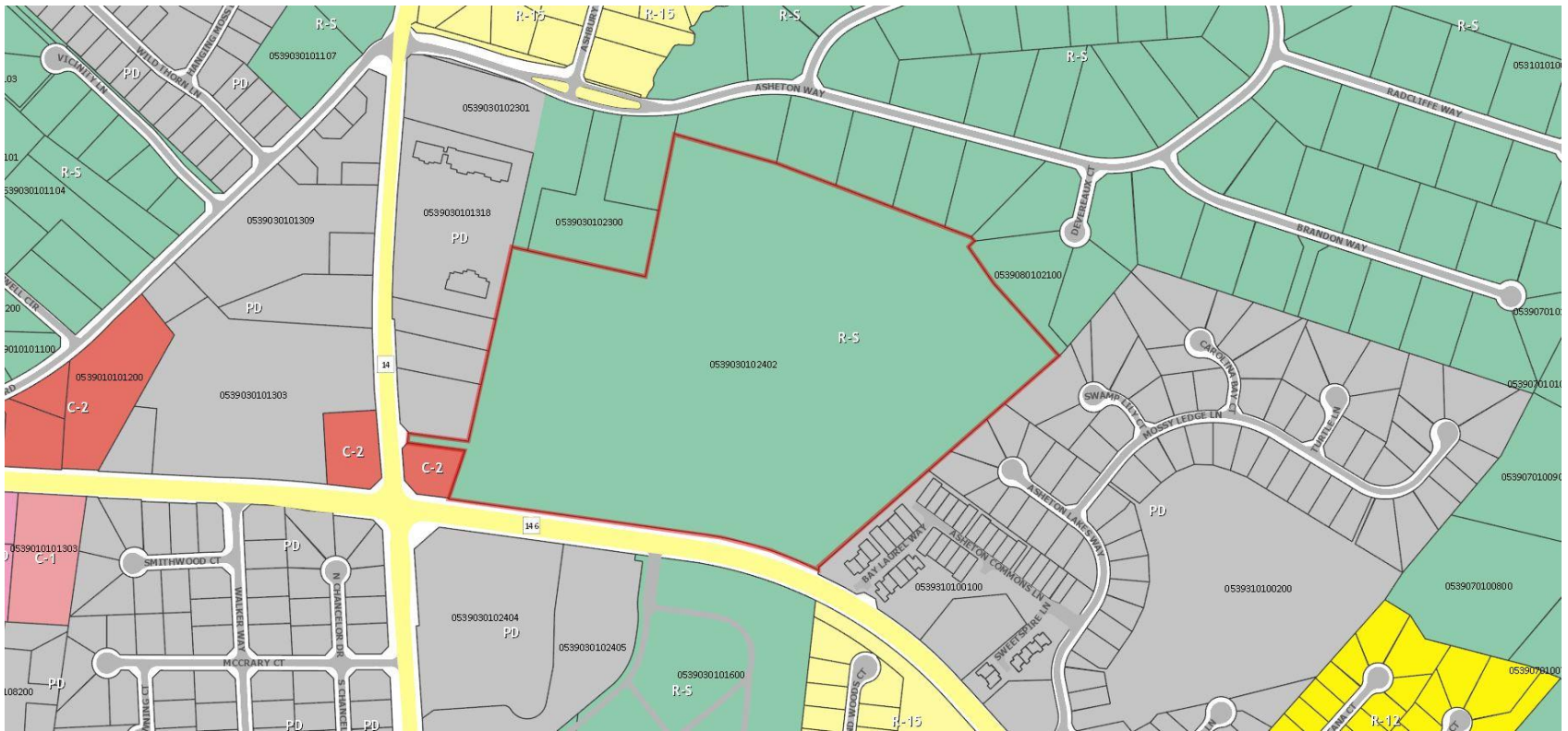


LS3P PROJECT: -
ADC PROJECT: 18117
DATE: 11.23.2017
DRAWN BY: CDS
CHECKED BY: CDS

OVERALL SITE PLAN

C003

CB-22-07: Zoning Map



CB-22-07: Aerial Map



CB-22-07: Photos



Subject Property



Subject Property

CB-22-07: Photos



North



East



West



South

End of Dockets

- Announcements/Requests by BZA Members
- Adjournment