

Greenville County Board of Zoning Appeals

(864) 467-7425 www.greenvillecounty.org

MEETING MINUTES May 11, 2022

Board Members:

- 1. Barber, Teresa absent
- 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. Joshua Henderson Zoning Administrator
- 2. Meagan Staton Deputy Zoning Administrator
- 3. Dean Miller Planner

The Greenville County Board of Zoning Appeals held its monthly meeting on Wednesday, May 11, 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.

- 1. Call to Order: Chairman Nicholas Hollingshad called the meeting to order at approximately 3:00 p.m.
- 2. Invocation/Piedge: Conducted by Ms. Brittany Farrar
- 3. Roll Call: Attendance was taken by Ms. Staton. Ms. Teresa Barber was absent.
- 4. Approval of Minutes and Adoption of Final Decisions and Orders of April 13, 2022: The minutes were reviewed by the board. Chairman Hollingshad stated that there were a few corrections to the minutes that were made. The first was an editorial item where items 4 and 5 had been switched, and the second was regarding clarification that his motion on the last page was to elect Ms. Staton interim secretary. Ms. Godfrey noted that in the third full paragraph on page 11, "payment" should be correct to be "pavement." Ms. Shuman noted that on page 4 the minutes should read "Ms. Shuman made a motion..." rather than "Ms. Shuman voted to..." Mr. Henderson stated that staff had the changes noted and that they would be made as requested. Ms. Godfrey requested clarification on a revised vote count sheet at her seat. Chairman Hollingshad stated that there was a discrepancy between his notes and the vote count that staff provided, and that he had requested that staff listen to the recording of the meeting to confirm. Ms. Staton stated that she had listened to the recording, but that the recording did not provide much guidance on individual member's

votes. After discussion, Ms. Godfrey stated that the original vote count was the correct one. Ms. Godfrey then made a motion to approve the minutes with the three amendments that had been noted, with a second by Ms. Shuman. The motion carried 6-0 in favor, with Mr. Hattendorf in abstention, due to having been absent at the previous meeting. Chairman Hollingshad called for a motion regarding the Final Decision and Orders. Ms. Godfrey made a motion to adopt the Final Decisions and Orders with the three amendments that had been made, with a second by Mr. Matesevac. The motion carried 6-0 in favor, with Mr. Hattendorf in abstention.

5. Hearing Procedures/Regulations: Chairman Hollingshad stated the purpose and provided an overview of the procedures for Board of Zoning Appeals hearings for the benefit of the applicants and visitors present. Mr. Dean Miller introduced the PowerPoint into the minutes as an exhibit and stated the conditions under which decisions and rulings may be made by the Board of Zoning Appeals as outlined in the Greenville County Zoning Ordinance, including Section 3:4.1 and Section 11:1.

6. New Business

i. CB-22-26 - Alyssa Nicole Whalen for Pamela Kristin Whalen

BACKGROUND

The property is located on Gunter Road, southeast of the intersection of Gunter Rd. and Garrison Road.

The applicant is requesting a Use by Special Exception to allow the placement of a temporary accessory dwelling.

There have been no previous applications before the Board for this property.

FINDINGS OF FACT

On Tuesday, May 24, 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 5:3 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "Dwelling - Accessory, Temporary" as a Use by Special Exception in the R-R1, Residential Rural 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 11:9 – Temporary Accessory Dwelling states: The Board shall determine that the following requirements have been satisfied:

- A. The use shall be necessitated by the incapacity, infirmity, or extended illness of an individual who requires continuous nursing care. The attending physician shall certify the physical and/or mental condition of the person in question.
- B. The use is intended only to meet a temporary need or hardship.
- C. If the principal residential use is nonconforming, the provisions of Section 9:3, Nonconforming Uses and Structures, shall be satisfied.
- D. The temporary accessory residential use shall meet all of the requirements contained in this Ordinance for accessory uses.

- E. The temporary accessory residential use shall conform to all of the requirements for uses permitted by special exception as set forth in Section 3:3, Special Exceptions.
- F. No minimum lot area or lot width requirements shall be required for the temporary accessory residential use.
- G. The temporary accessory residential use shall conform to the front, side, and rear yard requirements established for the district in which the use is located.
- H. Off-street parking shall be provided in accordance with the provisions set forth in Section 12:2, Off-street Parking, for the principal residential dwelling only.
- I. A manufactured home which is being utilized as a temporary accessory residential use may not be physically attached to or be a part of the principal structure located on the lot.
- J. No permit to allow a temporary accessory residential use shall be issued until all applicable regulations of the Greenville County Building Safety Department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection. In seeking approval of the temporary accessory residential use, the applicant must demonstrate to the Board of Zoning Appeals that these facilities and services are adequately situated with respect to the lot in question.
- K. The principal for whom the accessory use is requested must be a relative by blood or marriage or in a relationship created through adoption or through foster parental care.
- L. To provide for adequate notification of the permit application to surrounding property owners, the applicant shall provide to the Board of Zoning Appeals signatures of the following:
 - All property owners who own property abutting the subject property.
 - All property owners of property located directly across a street from the subject property.

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.

There was no representative present for this meeting. Ms. Godfrey made a motion to request that the item be tabled until the end of the meeting, with a second by Mr. Matesevac. The motion carried with a vote of 7-0 in favor, with Ms. Teresa Barber absent.

After hearing the rest of the items on the agenda, this item came before the Board once again.

Ms. Godfrey made a motion to take CB-22-26 off of the table, with a second by Mr. Shuman. The motion carried with a vote of 7-0 in favor, with Ms. Teresa Barber absent.

Mr. Henderson stated that staff had been in contact with the applicant and that she was aware of the meeting with documentation of a sign having been posted on the property. He stated that sign posting letters were also sent out to the applicant. He stated that staff would request that the Board be so kind as to place a one month hold on this case and bring it back to the June meeting.

Ms. Godfrey made a motion to hold CB-22-26 for one month and that staff contact the applicant to ensure that they know and post signs properly. Chairman Hollingshad stated that he suggested a modification of holding the case until the next meeting. Ms. Godfrey stated that she wished to instead say "our next regular meeting." The motion was seconded by Ms. Farrar and Mr. Matesevac. The motion carried, resulting in a vote of 7-0 in favor. Ms. Teresa Barber was

absent.

ii. CB-22-28 - Scott B. Dodenhoff for Evelyn H. Dodenhoff

BACKGROUND

The property is located off of Mauldin Road near the cities of Greenville and Mauldin.

The applicant is requesting variances for three existing buildings on two parcels.

FINDINGS OF FACT

On Tuesday, April 26, 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

For TMN M012010100616, the applicant is requesting a variance of 2 feet from the front setback and 21.2 feet from the left side setback. For TMN M012010100619, the applicant is requesting a variance of 20.1 feet from the left side setback, 8.7 feet from the right side setback and 4.6 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. Scott Dodenhoff.

There was no opposition present or submitted.

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

There were no questions for staff.

Mr. Dodenhoff presented his application to the Board. He stated that his plans were to combine the two properties to accommodate a new tenant because they needed more space.

Mr. Henderson clarified that the property on the corner of Maple Creek Cir. has an existing building that currently encroaches in the setback. The request was to open this as an auto sales lot. It is not a lot with a lot of cars on site, but the use does still fall under the 1 acre requirement for auto sales as required by the Ordinance. He stated that the goal was to combine the two properties in order to meet the one acre requirement. He also noted that because of this and

because of the change of use and the building having sat vacant for more than six months, the legal nonconforming status would have been lost.

Mr. Dodenhoff explained that the tenant was not a high volume automobile dealer. He stated that the new tenant needed a good space, but did not need to be very visible from the public. He state that the new tenant wants to be able to expand later, but right now only has five to ten cars that could be stored inside the building.

Mr. Hollingshad asked what the plan would be for the lot that was numbered 619. Mr. Dodenhoff stated that the cars could be stored out of sight in this area.

Ms. Farrar asked whether 619 would be included in the lease. Mr. Dodenhoff stated that the new tenant would be leasing the entire space. Mr. Henderson stated that even if a second tenant did lease some portion of the property, one acre would still have to be dedicated to the automobile sales use. Regarding a question about whether the 1 acre had to be contiguous, Mr. Henderson stated that the Ordinance did not speak to this issue.

Mr. Hattendorf asked how the building ended up being non-conforming in the first place. Mr. Dodenhoff stated that the building was originally set-up for a 20 foot setback, and the drive wasn't even a road. Mr. Henderson stated that that was probably case, because if it was not a road then the setback along Grey Lewis Ct would be a much greater setback once it became a road. Ms. Godfrey clarified that the two parcels were being combined and that the new variance, if approved, would run with the newly shaped parcel.

CONCLUSIONS of LAW

The application was reviewed by the Board. Mr. Paul Hamilton 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; the age of the building appears to have impacting the setback issue.
- 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; this is correct.
- **D.** The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; this is true.

Mr. Kenneth Matesevac and Ms. Brittany Farrar seconded the motion. Ms. Shuman asked whether the specific variance requests needed to be included in the motion. Mr. Henderson stated that as long as it is clearly stated that the motion to approve the request is as presented, then it would be alright. Mr. Hamilton clarified that that was his intent. The motion carried, resulting in a 7-0 vote in favor. Ms. Teresa Barber was absent.

iii. <u>CB-22-29</u> – Spero Eliopoulos of Open Flame Five Forks, LLC

BACKGROUND

The property is located on Woodruff Road near the Five Forks Branch Library.

The applicant is requesting a variance from the GPATS Woodruff Road Widening setback.

FINDINGS OF FACT

On Tuesday, April 26, 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-3 District;

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

SIDES = 15' from property line

REAR = 20' from property line

The GPATS Woodruff Road Widening setback is 100 feet from the center of the road. The applicant is requesting a variance of 24 feet from the GPATS Woodruff Road Widening 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:

- 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. Spero Eliopoulos and Ms. Waverly Wilkes of Gray Engineering.

There was no opposition present or submitted.

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

Chairman Hollingshad referenced a statement on the application that had been submitted in the packet that stated that the GPATS setback was no longer needed as stated by SCDOT. He requested clarification on what this meant. Mr. Henderson pointed the Board to a letter from SCDOT that was included in their packets dated March 31st, 2022. He read the letter aloud and stated that what it meant was that the road widening project that SCDOT and GPATS have been working on was nearing completion and that they have utilized all of the right-of-way widening along that stretch of Woodruff Road. He also stated that the GPATS setback area was to accommodate any future widening for roadway. He stated that the letter also meant that the building encroachment was into the GPATS setback was not going to be of detriment to the road widening project.

Chairman Hollingshad asked staff for further clarification on the GPATS setbacks. Mr. Henderson stated that this process was common for properties along the GPATS area. Ms. Wilkes stated that the fire department nearby also had to get a variance from the GPATS setback and that the SCDOT letter submitted was standard for addressing this concern.

Chairman Hollingshad asked whether the GPATS setback took precedence over the County's Zoning Setback, and Mr. Henderson stated that that was correct. Chairman Hollingshad asked if there was a mechanism under which the GPATS setback would be abandoned and fall back

under the County's requirements. Mr. Henderson stated that there was no mechanism and that going to the Board for a variance was meant to be the way to address this. Mr. Henderson pointed out a letter in the packet from Keith Brockington, GPATS Manager, which stated that he was in agreement with SCDOT that the setback was no longer needed for this area.

Chairman Hollingshad further clarified that the setbacks that were agreed upon as part of the variance would be the setbacks that were adhered to rather than the County setbacks.

Ms. Wilkes stated that Dusty Lane was being realigned and that the SCDOT project was underway. She stated that the encroachment into the setback was for a shade canopy-type structure that was to be erected as part of a car wash business. She called attention to a rendering that was included in the packet. She stated that, based on conversations with SCDOT and GPATS, that there would be no negative impact to the area due to the use of this canopy.

Mr. Matesevac asked whether this would be an issue if the normal County setbacks were required. Ms. Wilkes stated that it would not.

CONCLUSIONS of LAW

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

- **A.** There are extraordinary and exceptional conditions pertaining to the particular piece of property; the GPATS setback itself is an exceptional condition.
- **B.** These conditions do not generally apply to other property in the vicinity; while it may apply to other properties along Woodruff Rd, this is not dealing with a more permanent building, but rather a canopy.
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; it would appear to be the case because the canopies would have to be relocated and there may not be room for them otherwise.
- **D.** The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. *Developing the property as a car wash would not harm that area at all.*

Ms. Farrar seconded the motion. The motion carried, resulting in a 7-0 vote in favor. Ms. Teresa Barber was absent.

iv. CB-22-30 – Thomas H. Johnson, Jr., Attorney for Peaknet, LLC of Williams Mullen for Duke Energy Carolinas, LLC.

BACKGROUND

The property is located on East North Street in Greenville.

The applicant is requesting a Use by Special Exception to allow for the construction of a communication tower.

FINDINGS OF FACT

On Tuesday, April 26, 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 "Communication Towers" as a Use by Special Exception in the R-20, Single-Family Residential District.

Section 11:4 Communication Towers – C(2) – Communication towers are permitted as a use permitted by special exception by the Board of Zoning Appeals as an ancillary or secondary use on residentially zoned sites where another use (other than single-family or duplex use) is already established as the principal use of the property, such as a school, church, multifamily residential complex, public utility site, or other similar use; provided the principal use of the property complies with Greenville County Zoning and Land Development Regulations. On such residentially zoned sites, the minimum setback of the zoning district in which it is located shall be increased by one foot for each one foot of tower height in excess of 40 feet. The maximum required separation shall be 200 feet.

- 1. Each application for a special exception for a communication tower shall include the following information in addition to the general information required by this Ordinance.
 - a. Site Plan, which shall include the following information:
 - i. the location of tower(s), guy anchors (if any);
 - ii. transmission building and other accessory uses;
 - iii. parking;
 - iv. access;
 - v. landscaped areas;
 - vi. fences;
 - vii. adjacent land uses, and
 - viii.photos of site and immediate area.
- 2. Prior to approving site plans, the Board of Zoning Appeals must make the following findings:
 - a. the proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure;
 - b. the proposed structure will not impair the use of or prove detrimental to neighboring properties;
 - c. the proposed structure is necessary to provide a service that is beneficial to the surrounding community;
 - d. the permitted use meets the setback requirements of the underlying zoning district in which it is located;
 - e. the proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character;
 - f. the proposed use is consistent with potential land uses recommended in the General Development Plan for Greenville County, and
 - g. within residentially zoned areas, communication towers shall not be located within 1,000 feet of another communication tower unless such towers are located on the same property.
- 3. Landscaping shall be required as follows:
 - A. Around the base of the communication tower, outside of the security fence, at least one row of evergreen plant material capable of forming a continuous screen at least 6 feet in height shall be provided, with individual plantings spaced not more than 5 feet apart. In addition, at least 1 row of evergreen trees with a minimum 2 inches DBH (diameter at breast height) measured 3 ½ feet above grade, at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.
 - B. The landscaping requirements may be waived in whole or in part by the Zoning Administrator if it is determined that existing natural vegetation provides adequate screening or if the Zoning Administrator determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located.

- C. All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- D. A Certificate of Use shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Administrator unless such landscaping has been waived in accordance with (B), above. A temporary Certificate of Use may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the County a form of surety satisfactory to the County Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Administrator and the owner or developer.
- E. All required landscaping must be installed and approved by the first planting season following issuance of the temporary Certificate of Use or the surety bond will be forfeited to Greenville County.
- F. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.
- G. Eight-foot high fencing shall be provided around the communication tower and any associated structure.

Illumination - Communication towers shall only be illuminated as required by the Federal Communications Commission, the Federal Aviation Administration.

Signage - A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.

Access to Site - Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

General Requirements – Communication towers, in addition to the requirements set forth above, must also comply with the following requirements:

- A. A statement shall be submitted from a registered engineer that the NIER (Non-ionizing Electromagnetic Radiation) emitted there from does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by any regulatory agency of the United States Government or the American National Standards Institute. For roof mounted communication towers, the statement regarding the NIER shall address spaces, which are capable of being occupied within the structure on which the communication tower is mounted.
- B. Communication towers and their foundations shall meet the requirements of the current Building Code for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina Registered Professional Engineer and shall be submitted with the building permit application.
- C. Any additions, changes, or modifications that are proposed to the site or its components, proper plans, specifications, and calculations shall be submitted for permit approval to the Building Safety and Zoning Division. Drawings indicating various types of antenna(s) to be located on the communication tower shall be submitted at the time of the permit application.
- Unless otherwise required by the F.C.C. or the F.A.A., communication towers shall be light gray in color.
- E. Satisfactory evidence shall be submitted, with the building permit application for a freestanding communication tower, that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally

- capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from AM towers.
- F. A communication tower must be removed within 120 days of the date such tower ceases to be used for communication purposes.
- G. Prior to issuance of a building permit, applicants shall provide documentation that the proposed communication tower has been reviewed by the FAA, if so required, and that a finding of no hazard to air navigation has been determined. Copies of the plans shall also be provided for comment to the Greenville-Spartanburg International Airport, Greenville Downtown Airport, and Donaldson Center prior to the issuance of permits. If any airport has an objection to the proposed tower, an Advisory Conference composed of Airport officials, County officials and representatives of the communication company(ies) shall be convened. The results and findings of such conference shall be presented to the County Zoning Administrator prior to any permit being issued. Because the proximity of communication towers near aeronautical facilities affects the safety of the public, careful consideration should be given to the results and findings and such may be grounds for the Zoning Administrator denying the issuance of a permit or requiring that certain additional requirements be imposed as a condition for the issuance of a permit.

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. Thomas Johnson, Mr. Michael Berkowitz, Ms. Deborah Carr, and Ms. Crystal Conde.

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

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

There were no questions for staff.

Mr. Johnson presented his application to the Board. He stated that Peaknet was a related entity to Duke Energy. He stated that the tower was a replacement for a current transmission tower located near this site that AT&T is co-located on. He explained that this tower would be located on Duke Energy's substation light. He stated that the site would be well landscaped and existing vegetation would be removed only as necessary. The tenant will be AT&T and this will be a 195 foot monopole tower with a 4 foot lightening rod. It will stay below 199 and will not have to be lighted. He stated that it would be largely not visible to surrounding residents. He stated that the tower would not adversely affect the area or property values, and that the appraiser who assessed that was present.

Vice Chairman Hattendorf asked what the community outreach for this project had been. Mr. Johnson stated that they had not had a community meeting because the Ordinance did not require anything like that. He stated that he felt like since it was a well wooded site and located where a substation already exists that it was not done. Mr. Hattendorf asked where the

currently existing tower was located, if it was adjacent or close by. Mr. Johnson stated that it was close by and that it was currently on a transmission tower that Duke Energy was going to remove. Mr. Hattendorf asked if some of the other aerial infrastructure would be going away. Mr. Johnson stated that not at the subject site, but the tower nearby would be going away and rerouted. Mr. Hattendorf asked if there was any indication that this would be the only thing out there. Mr. Johnson stated that the area was heavily wooded and therefore would not be very visible.

Ms. Godfrey asked whether the proposed height was comparable to the existing tower's height. Mr. Johnson stated that the current tower is shorter, but that the new tower will improve service. Ms. Godfrey asked about the layout of the site and what new features would be needed. Mr. Johnson stated the existing driveway would remain the same, other than one new split-off into the wooded area and that the existing vegetation would remain.

Vice Chairman Hattendorf asked the applicant to confirm whether the use could meet all of the requirements of the Ordinance. Mr. Johnson stated that he had been through all of the requirements and that they could all be met.

Mr. Henderson stated that any submitted plan would be reviewed by Building Codes, Land Development and Zoning Administration, who will make sure that it meets all of the requirements.

Mr. Johnson stated that once an approval was received that the actual plans for the structure itself would be ordered from the tower manufacturer. He also stated that the structure would meet all wind and ice loading requirements. Mr. Henderson stated that staff would make sure that the landscaping also met the intent of the ordinance.

CONCLUSIONS of LAW

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

- A. The use meets all required conditions; per testimony, it will.
- **B.** The use is not detrimental to the public health or general welfare; exhibits in packets show that the frequency is managed and having adequate cell coverage is necessary
- **C.** The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; use exists nearby, so there is no evidence that it is not appropriately located.
- **D.** The use will not violate neighborhood character nor adversely affect surrounding land uses; there is no evidence that this would adversely affect the surrounding land uses.

Ms. Godfrey seconded the motion. Chairman Hollingshad commented that the applicant included an item-by-item outline of how each requirement was going to be met. Chairman Hollingshad thanked and commended the applicant for including this because it was helpful, and recommended that the list be used as support for the motion. Mr. Hamilton asked how high the tower had to be to have a light on it. Mr. Johnson stated that it depended on the proximity to the flight path, but that typically is that it is 200 feet tall. The motion carried, resulting in a vote of 7-0 in favor. Ms. Teresa Barber was absent.

V. CB-22-31 – Patrick Lewis of Latour Homes, LLC.

BACKGROUND

The property is located on the northeast corner of the intersection of Maloy St. and Valentine St, near Anderson Rd. and in the Sterling community.

The applicant is requesting a variance of 7 feet 6 inches from the front setback and a variance of 12 feet 1 $\frac{3}{4}$ " inches from the right side setback in order to construct a residence on the site.

There are no prior applications before the BZA.

FINDINGS OF FACT

On Tuesday, April 26, 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-7.5 District;

FRONT	=	30' from edge of road R.O.W. (Valentine St.)
SIDE	=	20' from edge of road R.O.W. (Maloy St.)
SIDE	=	5' from property lines
RFAR	=	5' from property line

Section 3:4.1 - Consideration of Variances:

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. These conditions do not generally apply to other property in the vicinity;
- C. Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- **D.** The authorization of a variance will not be of substantial detriment to adjacent property or to the public good.

The representative present for this application was Mr. Patrick Lewis.

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

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

Ms. Godfrey wanted to clarify the setbacks for the lot. Mr. Henderson stated that Valentine Street was a collector street with a thirty foot setback, and Maloy was a residential street which requires a twenty foot setback. He also showed the Board where the setbacks were located on the site plan using the presentation slides. He stated that the setbacks leave very little room for constructing a residence. Ms. Godfrey also clarified that the site was zoned residential, to which Mr. Henderson confirmed. Mr. Henderson also clarified that there was no Zoning Ordinance requirements for minimum square footage for residential structures. Ms. Godfrey stated that the compact design and design of the house was a nice addition to the neighborhood. She stated that it was a lot of house to squash onto such a small lot.

Mr. Henderson gave the dimensions of the lot and noted how small the house would have to be given the setback requirements.

Mr. Lewis presented his application to the Board. He stated he purchased the lot a couple of months ago and got a house plan for the lot as well. He started to clear out the lot because it was overgrown and then went to pull the building permit. He looked at the zoning and saw the setbacks that were given and realized that it would not work. He stated that approving the variance would not be of detriment and that there was nothing that could be done with the lot if it were not approved.

Vice Chairman Hattendorf asked why the house could not be moved back on the lot. Mr. Lewis stated that the rear of the site would have the parking pad on it. Mr. Matesevac asked what the square footage of the home would be. Mr. Lewis stated that it would be 1360 square feet, 3 bedroom, 2 bath, and two-stories. He also clarified that there were sidewalks shown on the plan from the parking pad to the front of the house and that no construction had begun on the house. Mr. Matesevac asked whether there were houses on the parcels adjacent to the property. Mr. Lewis stated that there was a house on the property to the rear.

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; due to being a corner lot, there are extensive setback requirements that are very specific to his property and would make it very difficult for him to achieve his plans.
- **B.** These conditions do not generally apply to other property in the vicinity; *neighbors are closer to the street and corner lot nature makes this true.*
- **C.** Because of the conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; per testimony, the applicant would have a very difficult time constructing a livable structure if the variance is not granted.
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; in regards to adjacent property according to aerial imagery, there are homes that encroach into the setback further than what the applicant is requesting and the applicant is redeveloping the site to make it a nice residence.

Ms. Godfrey and Mr. Hamilton seconded the motion. The motion carried, resulting in a vote of 7-0 in favor. Ms. Teresa Barber was absent.

vi. CB-22-32 - Matthew S. Tellier for Adrienne W. Tellier

BACKGROUND

The property is on W. Parker Rd. near the intersection of W. Parker Rd. and W. Blue Ridge Drive in Greenville.

The applicant is requesting a Use by Special Exception to allow for Breathwork Instruction classes and services on site.

FINDINGS OF FACT:

On Tuesday, April 26, 2021, 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 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.

(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 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.
- 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.

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations.

arber / Beautician	
hild day care home	re-e- of Court
Innuitary care nome Iome-based food production operations (as covered under Section 44-1-143 of the Parolina Code of Laws, commonly known as the Cottage Food Law)	State of South
nstruction and Tutoring, such as	
Academic Tutor	
Music Teacher	
Dance Instructor	
nternet retail sales	
ocksmith	
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	 	P-22

FINDINGS of FACT cont.

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. Matthew Tellier and Ms. Adrienne Tellier.

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

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

There were no questions for staff.

Mr. Tellier presented his application to the Board. He stated that he was a Breathwork specialist and currently held classes and one-on-one sessions at a local yoga studio, and wanted to be able to offer the same type classes at his home.

Ms. Godfrey asked about how much parking would be available for people coming to the home for instruction. Mr. Tellier pointed out how much parking there may be. He stated that the mulched driveway had two spaces and that they could use the grassed area in the yard. He stated that this would total about five spaces. Mr. Tellier stated that the most people that would come to the house would be ten at a time for an hour. He stated that this would be generally on the weekends. Mr. Matesevac asked what time of day on the weekends. Mr. Tellier stated that 3 in the afternoon or six in the evening would be ideal. Mr. Matesevac also asked whether pulling in and out of the site had some level of difficulty. Mr. Tellier stated that it was a somewhat busy street but that there were busier streets in the area. Ms. Tellier stated that there were commercial buildings that use that same street further down.

Chairman Hollingshad stated that he was struggling with parking. He stated that there did not seem to be enough parking on site, and that parking along the road may not be advisable. Ms. Farrar asked the applicant where they envisioned an excess of five cars parking. Mr. Tellier stated that they would have to park on a side street. Ms. Farrar asked whether the neighbors on the neighboring streets were aware of the intentions of the applicant. Mr. Tellier stated that the neighbors adjacent to them knew and were supportive, but that he had not talked to the

neighbors across the street. Ms. Tellier stated that they often saw people park along the street, so it was not unprecedented for this to occur in the area. Chairman Hollingshad asked whether there was a sidewalk in front of the house, and the Telliers confirmed that there was. Mr. Hollingshad confirmed that people who parked on side streets would be able to get to the house using sidewalks.

Ms. Shuman asked what the square footage of the home was. Mr. Tellier stated that it was 2100 square feet. Ms. Shuman then asked how much space would be needed to do the Breathwork. Mr. Tellier stated that the people would lie down on a 2 foot by 7 foot yoga mat. He stated that he could fit ten of those in the living room and that this would meet the 25% or less of the house requirement. Vice Chairman Hattendorf asked if there would be any loud music or a P.A. type system being used. Mr. Tellier stated that some music would be played but not loudly enough for any neighbors to hear.

Mr. Henderson clarified the total square footages of the home and that would be used. Mr. Henderson stated that the parking requirements would fit under the office type use for parking, which is three spaces per 1,000 square feet. Because of this less than three spaces would be required.

Vice Chairman Hattendorf noted concerns about parking on site. He asked the applicants what they could do to alleviate these concerns. Mr. Tellier stated that they could try to accommodate that many spaces. Mr. Tellier stated that the fence could not easily be pulled back due to the location of a garden in the yard. Ms. Tellier stated that they could maybe share parking with the adjacent neighbor.

Mr. Hollingshad stated that another possibility to address the concern would be to restrict the number of people that could be at the home at one time for classes, thereby reducing the amount of parking used. He asked if it would be an issue, if for instance, to have the class size limited to five people. Mr. Tellier stated that it would be beneficial to have 8 to 10 people, but that he would take what he could get. He stated that he also does the classes at local yoga studios, so he still has that bringing in income to his business. He stated that it would just be nice to be able to do this from home and not have to share a space.

Mr. Henderson pointed out that YMCA Street and Henderson Street were State-maintained roads, and therefore he could neither confirm nor deny what the SCDOT requirements were for on-street parking on these roads. Mr. Hamilton clarified with staff that the County did not have particular requirement for parking for this use, so it falls under office. Mr. Henderson confirmed and re-stated that the requirement was a minimum of three spaces per 1,000 square feet of leasable floor area. Mr. Henderson further stated that if the applicants were only going to use less than 425 square feet, then the required parking would be less than the three required spaces.

Mr. Henderson asked whether the applicant's would have any visitors to the home that would need handicap accessibility for parking and access into the home. He stated that this was typically a building code requirement. Mr. Tellier stated that his house was not currently handicap accessible and stated that those needed handicap accessibility would most likely be met with at the yoga studio rather than at the home.

Chairman Hollingshad asked what would be a more logical approach from an enforcement standpoint: limiting the number of people per class or limiting the number of cars that could be

parked on site for the class. Mr. Henderson gave information about the type of complaints that Zoning was used to getting in regards to business like this and stated that if there was an approved Home Occupation for the site, then the Zoning Enforcement Officer would be able to know what the exact limit of what was allowed to be on site would be.

Ms. Godfrey stated that it sounded like a certain number of cars for a certain amount of time, maybe two hours at a time might be a way to address it. Mr. Hamilton also noted that the applicant had mentioned couples therapy as well, and noted that couples would likely come in one car.

Chairman Hollingshad stated that he would be inclined to include a condition that there be no more than five cars on the site at a time. He stated that he felt like this approach gets closer to what they wanted to accomplish. Vice Chairman Hattendorf stated that most cases only have one or two people visiting the home at a time. He stated that it was unusual have to have a request for this many people and at a site that does not have a long driveway or is located in neighborhood where the parking is not an issue. He stated that testimony had shown that that was a busy road, with side streets that were narrow, and that accommodating the parking is a valid concern. He stated that a reasonable approach would be to cap the number of clients that can be in the home, and to strongly urge that at least three vehicle spaces be maintained.

Ms. Tellier stated that no one would be parking in the neighbor's yard without permission. She pointed out the only house that was facing the street that might would see parking in front of their house, and stated that those that lived in that house knew about their business.

Vice Chairman Hattendorf referenced the list of requirements found in the Ordinance for a home occupation, and asked whether the applicants were aware of those requirements. He went through each of the requirements to make sure that the applicants had no issues with meeting them.

CONCLUSIONS of LAW

The application was reviewed by the Board. Vice Chairman Hattendorf made a motion to grant the use by special exception as a Breathwork Instruction and Services with the condition that the applicant will not be allowed to have more than ten people in the residence for this use at one time based on the following conditions; particularly,

- **A.** The use meets all required conditions; per testimony the use meets all required conditions.
- **B.** The use is not detrimental to the public health or general welfare; this is a public class and public offering that is already offered at another location and is a service to the community that is not detrimental.
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services; the Board has not heard any testimony to prove otherwise.
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses; no concerns other than parking, however the condition limiting class size was intended to address this.

Ms. Farrar seconded the motion. Ms. Godfrey asked Mr. Hattendorf whether he preferred the headcount condition rather than a "cars on site" condition. Vice Chairman Hattendorf stated

that his challenge with the cars on site is that depending on the type of car, more people could be in it than just a few. Ms. Godfrey stated that her concern was that with a ten person limit, ten cars could still be parked on site. Chairman Hollingshad asked whether there was a mechanism by which this could revisit the Board if there were a certain number of complaints.

Mr. Henderson stated that he wasn't sure how a condition of this type would be drafted. He referenced the Ordinance which stated that off-street parking should be provided in accordance with Table 12.1, which only requires three spaces. He stated that the Sheriff's Office would be called out to enforce parking and that on the side streets the Sheriff's office and SCDOT would be involved in ensuring that there are no issues. Mr. Hattendorf stated that if this got to a level where the neighbors were upset, and then DOT could put no parking signs and start towing. He stated that this would in turn affect the applicant's clientele. Mr. Henderson noted that letter H of the Ordinance's requirements also addresses this, stating that the "Occupation should not be a nuisance or cause any undue disturbance in the neighborhood." Therefore any complaints would be in violation of the approved home occupation at that point. Ms. Shuman noted that the public had the opportunity to learn about the case and to come speak at the meeting. She stated that community members should be proactive about what is going on in their neighborhood. Mr. Hamilton stated that Ms. Tellier testimony about parking on the right side of the street made him feel more comfortable about the parking concerns.

Ms. Godfrey stated that it was the Board's purview to ensure that the information that is presented is not providing a nuisance. She stated that otherwise the Board cannot provide an exception. Ms. Farrar referenced the testimony that the neighbors were aware of and supportive of the business, so there should not be an issue there. Chairman Hollingshad stated that he had become comfortable with the ten person limit and noted that they did not know for a fact that the parking was going to be problem, but that it was clear that there was mechanism in place that would address it if it were. Ms. Shuman stated that she felt that the they needed to assume that the applicants were going to be good neighbors and want to build positive relationships because that will help their business.

The motion carried, resulting in a vote of 7-0 in favor. Ms. Teresa Barber was absent.

7. Announcements/Requests:

Chairman Hollingshad reminded everyone that the next meeting would include an election for the officer positions, which included Chairman, Vice Chairman, and Secretary. He stated that if anyone was interested in being considered for any of those positions, he would ask that you email Ms. Staton. He stated that the email could be to nominate someone or to nominate yourself so that ballots could be prepared ahead of time. He asked staff where this would be located within the agenda. Mr. Henderson stated that there was no requirement of where it be located in the bylaws. Ms. Staton stated that it should be included with the new business items. Chairman Hollingshad stated that it would be held after the minutes and before the first cases to be heard for that meeting. He gave further details on how the election would be held for each position.

Mr. Henderson congratulated Ms. Farrar on her reappointment to the Board that was confirmed by the Clerk to Council after the last meeting. Chairman Hollingshad offered his congratulations as well.

Mr. Henderson also noted that he was working on setting up a training workshop with legal staff.

Vice Chairman Hattendorf noted that he and the committee that was reviewing the bylaws had met and asked whether an update had been given. He stated that he would be sharing their notes on changes to the other Board members via email, and that the changes were benign in nature and just cleaning some things up. He noted that there was a question that was also being placed before staff for clarification. Chairman Hollingshad noted that they would also need to be put before the attorneys before they were adopted.

The application period and terms for new members were also discussed, since there was a vacant seat.

8. Adjournment: There being no further business to discuss, the meeting adjourned with unanimous approval at approximately 5:12 pm

Nicholas Hollingshad, Chairman

Greenville County Board of Zoning Appeals

Date

Respectfully prepared and submitted by:

Meagan-Staton

Deputy Zoning Administrator & Interim Secretary

GREENVILLE COUNTY BOARD OF ZONING APPEALS

May 11, 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-22-26

Applicant: Alyssa Nicole Whalen for Pamela Kristin

Whalen

Project Type: Use by Special Exception

Address: 49 Gunter Rd., Piedmont, SC 29673

Zoning: R-R1, Rural Residential District

Posting: Confirmed 4/26/22

CB-22-26: Request

The property is located on Gunter Road, southeast of the intersection of Gunter Rd. and Garrison Road.

The applicant is requesting a Use by Special Exception to allow the placement of a temporary accessory dwelling.

There have been no previous applications before the Board for this property.

CB-22-02: Use by Special Exception Requirements

Section 5:3 and Table 6.1 (Uses Permitted, Uses by Special Exception and Conditional Uses) of the Greenville County Zoning Ordinance lists "Dwelling - Accessory, Temporary" as a Use by Special Exception in the R-R1, Residential Rural 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 11:9 – Temporary Accessory Dwelling states: The Board shall determine that the following requirements have been satisfied:

- A. The use shall be necessitated by the incapacity, infirmity, or extended illness of an individual who requires continuous nursing care. The attending physician shall certify the physical and/or mental condition of the person in question.
- B. The use is intended only to meet a temporary need or hardship.
- C. If the principal residential use is nonconforming, the provisions of Section 9:3, Nonconforming Uses and Structures, shall be satisfied.
- D. The temporary accessory residential use shall meet all of the requirements contained in this Ordinance for accessory uses

CB-22-26: Use by Special Exception Requirements

- E. The temporary accessory residential use shall conform to all of the requirements for uses permitted by special exception as set forth in Section 3:3, Special Exceptions.
- F. No minimum lot area or lot width requirements shall be required for the temporary accessory residential use.
- G. The temporary accessory residential use shall conform to the front, side, and rear yard requirements established for the district in which the use is located.
- H. Off-street parking shall be provided in accordance with the provisions set forth in Section 12:2, Off-street Parking, for the principal residential dwelling only.
- A manufactured home which is being utilized as a temporary accessory residential use may not be physically attached to or be a part of the principal structure located on the lot.
- No permit to allow a temporary accessory residential use shall be issued until all applicable regulations of the Greenville County Building Safety Department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection. In seeking approval of the temporary accessory residential use, the applicant must demonstrate to the Board of Zoning Appeals that these facilities and services are adequately situated with respect to the lot in question.
- K. The principal for whom the accessory use is requested must be a relative by blood or marriage or in a relationship created through adoption or through foster parental care.
- L. To provide for adequate notification of the permit application to surrounding property owners, the applicant shall provide to the Board of Zoning Appeals signatures of the following:
 - All property owners who own property abutting the subject property.
 - All property owners of property located directly across a street from the subject property.

CB-22-26: 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.
- The use will not violate neighborhood character nor adversely affect surrounding land uses.

CB-22-26: Site Plan



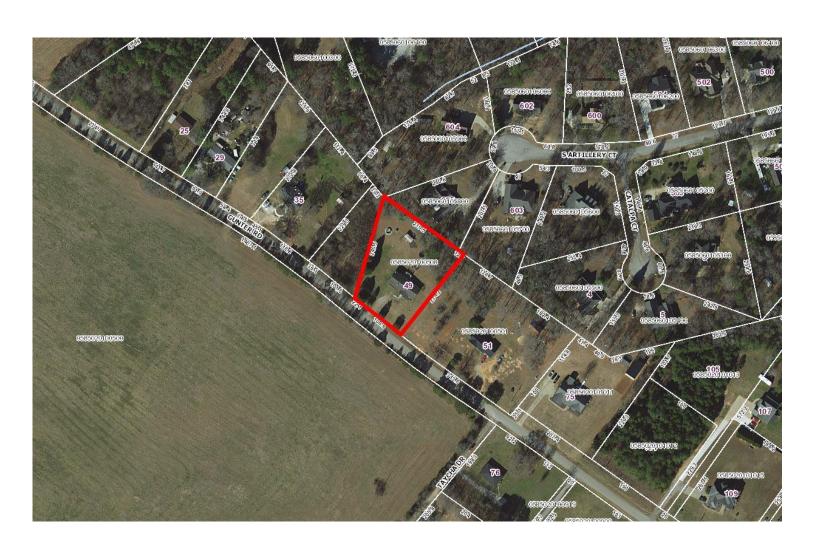
CB-22-26: Site Plan Close-Up



CB-22-26: Zoning Map



CB-22-02: Aerial Map



CB-22-26: Photos



Subject Property



South



East West

CB-22-28

Applicant: Scott B. Dodenhoff for Evelyn H. Dodenhoff

Project Type: Variance

Address: Maple Creek Circle, Greenville, SC 29607

Zoning: S-1, Services District

Posting: Confirmed 4/26/22

CB-22-28: Request

The property is located off of Mauldin Road near the cities of Greenville and Mauldin.

The applicant is requesting variances for three existing buildings on two parcels

CB-22-28: 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

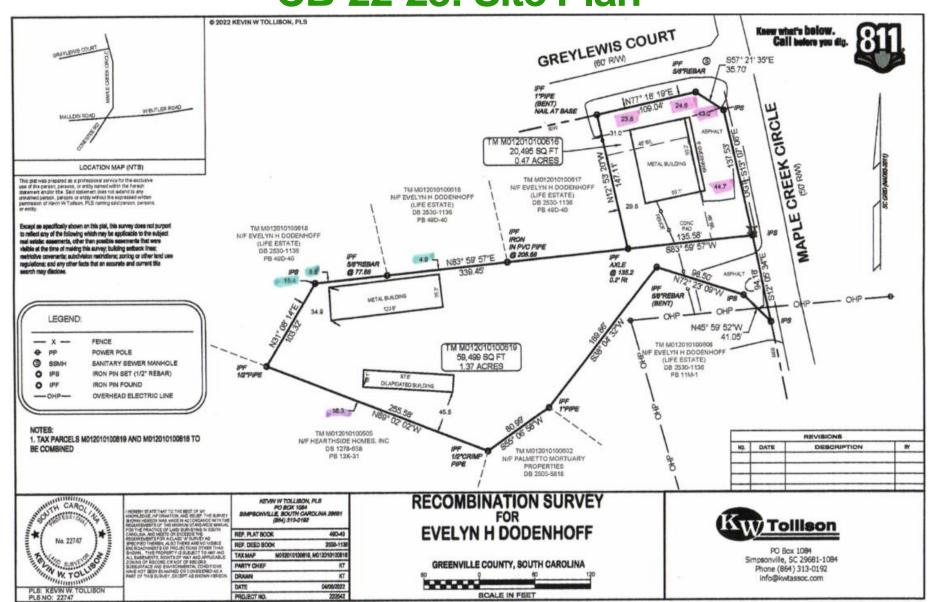
For TMN M012010100616, the applicant is requesting a variance of 2 feet from the front setback and 21.2 feet from the left side setback. For TMN M012010100619, the applicant is requesting a variance of 20.1 feet from the left side setback, 8.7 feet from the right side setback and 4.6 feet from the rear setback.

CB-22-28: Variance Considerations

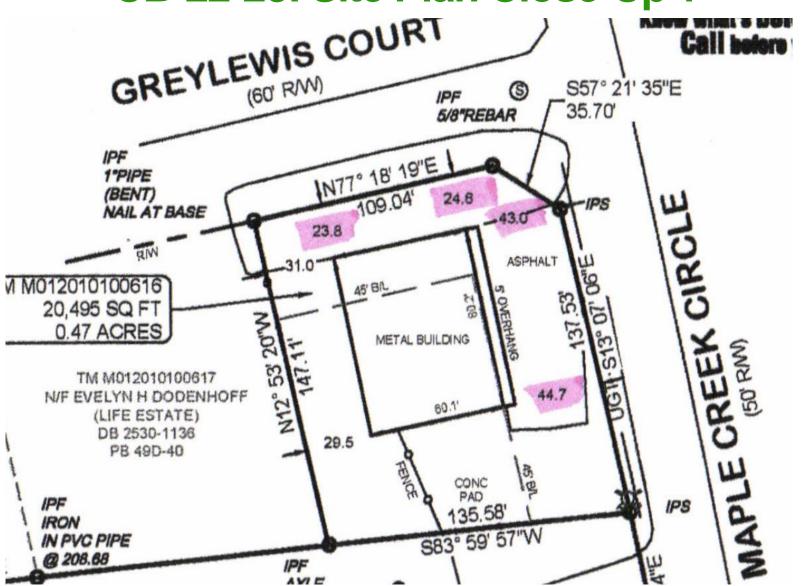
Section 3:4.1 of the Greenville County Zoning Ordinance states that a variance may be granted if the Board makes and explains the following findings:

- 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.

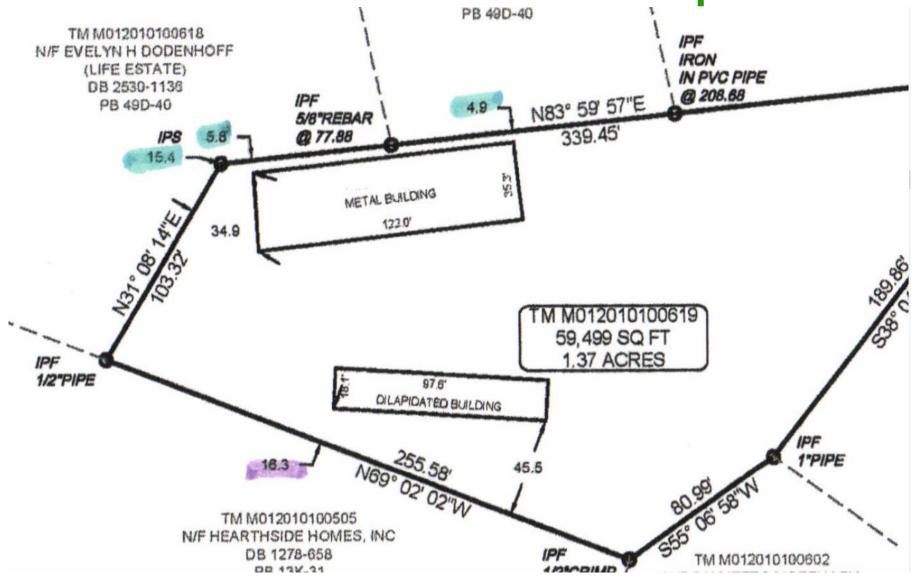
CB-22-28: Site Plan



CB-22-28: Site Plan Close-Up 1



CB-22-28: Site Plan Close-Up 2



CB-22-28: Site Diagram Submitted by Applicant



CB-22-28: Zoning Map



CB-22-28: Aerial Map



CB-22-28: Photos



Subject Property



North



Subject Property



South

CB-22-29

Applicant: Spero Eliopoulos of Open Flame Five Forks,

LLC

Project Type: Variance

Address: 2836 Woodruff Rd., Simpsonville, SC 29681

Zoning: C-3, Commercial District

Posting: Confirmed 4/26/22

CB-22-29: Request

The property is located on Woodruff Road near the Five Forks Branch Library.

The applicant is requesting a variance from the GPATS Woodruff Road Widening setback.

CB-22-29: Setback Requirements

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

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

SIDES = 15' from property line

REAR = 20' from property line

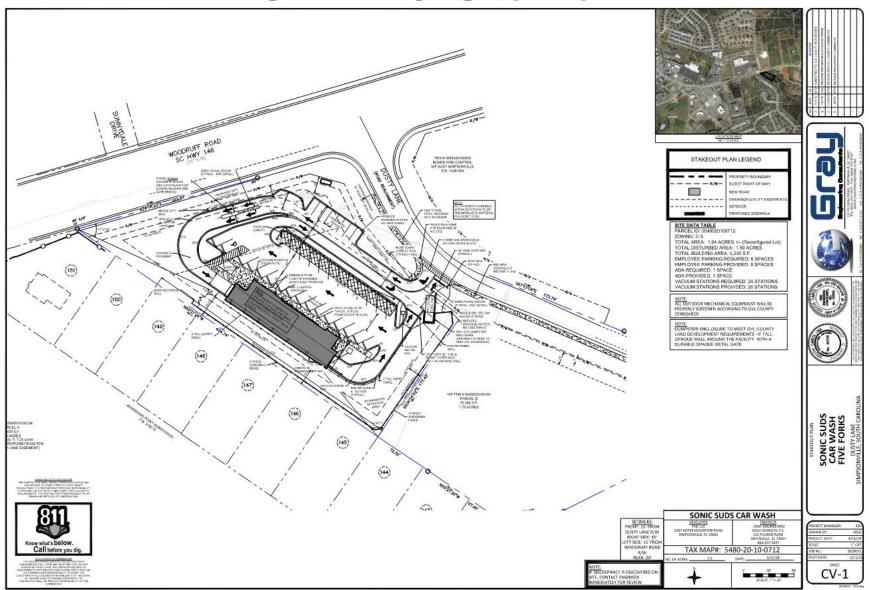
The GPATS Woodruff Road Widening setback is 100 feet from the center of the road. The applicant is requesting a variance of 24 feet from the GPATS Woodruff Road Widening setback.

CB-22-29: Variance Considerations

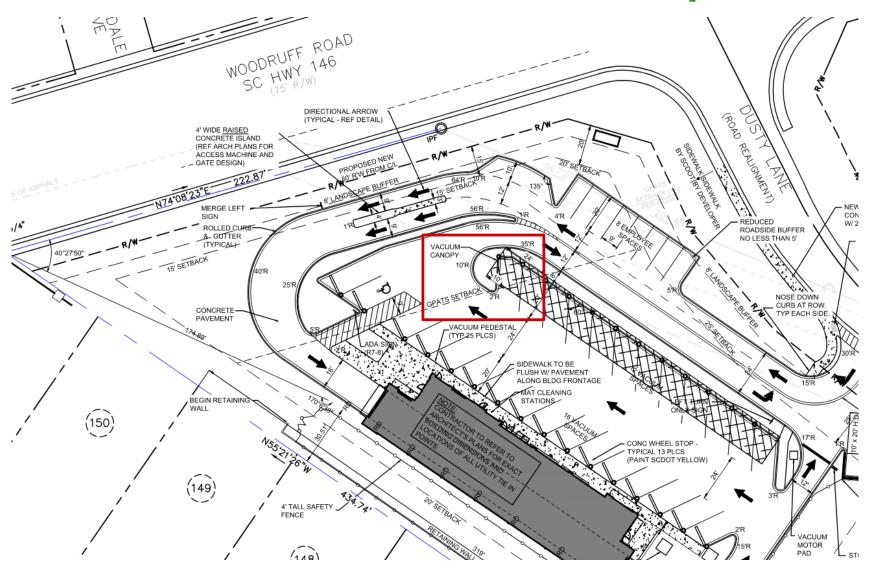
Section 3:4.1 of the Greenville County Zoning Ordinance states that a variance may be granted if the Board makes and explains the following findings:

- 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-22-29: Site Plan



CB-22-29: Site Plan Close-Up



CB-22-29: Zoning Map



CB-22-29: Aerial Map



CB-22-29: Photos





Subject Property



North



East West

CB-22-30

Applicant: Thomas H. Johnson, Jr., Attorney for Peaknet,

LLC of Williams Mullen for Duke Energy

Carolinas, LLC

Project Type: Use by Special Exception

Address: 4310 E. North St., Greenville, SC 29615

Zoning: R-20, Single-Family Residential

Posting: Confirmed 4/26/22

CB-22-30: Request

The property is located on East North Street in Greenville.

The applicant is requesting a Use by Special Exception to allow for the construction of a communication tower.

CB-22-30: 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 "Communication Towers" as a Use by Special Exception in the R-20, Single-Family Residential District.

Section 11:4 Communication Towers -C(2) - Communication towers are permitted as a use permitted by special exception by the Board of Zoning Appeals as an ancillary or secondary use on residentially zoned sites where another use (other than single-family or duplex use) is already established as the principal use of the property, such as a school, church, multifamily residential complex, public utility site, or other similar use; provided the principal use of the property complies with Greenville County Zoning and Land Development Regulations. On such residentially zoned sites, the minimum setback of the zoning district in which it is located shall be increased by one foot for each one foot of tower height in excess of 40 feet. The maximum required separation shall be 200 feet.

- 1. Each application for a special exception for a communication tower shall include the following information in addition to the general information required by this Ordinance.
 - a. Site Plan, which shall include the following information:
 - i. the location of tower(s), guy anchors (if any);
 - ii. transmission building and other accessory uses;
 - iii. parking;
 - iv. access;
 - v. landscaped areas;
 - vi. fences;
 - vii. adjacent land uses, and
 - viii. photos of site and immediate area.

CB-22-30: Use by Special Exception Requirements (Continued)

- 2. Prior to approving site plans, the Board of Zoning Appeals must make the following findings:
 - the proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure;
 - b. the proposed structure will not impair the use of or prove detrimental to neighboring properties;
 - c. the proposed structure is necessary to provide a service that is beneficial to the surrounding community;
 - d. the permitted use meets the setback requirements of the underlying zoning district in which it is located;
 - the proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character;
 - the proposed use is consistent with potential land uses recommended in the General Development Plan for Greenville County, and
 - g. within residentially zoned areas, communication towers shall not be located within 1,000 feet of another communication tower unless such towers are located on the same property.

CB-22-30: Use by Special Exception Requirements (Continued)

- A Certificate of Use shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Administrator unless such landscaping has been waived in accordance with (B), above. A temporary Certificate of Use may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the County a form of surety satisfactory to the County Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Administrator and the owner or developer.
- E. All required landscaping must be installed and approved by the first planting season following issuance of the temporary Certificate of Use or the surety bond will be forfeited to Greenville County.
- The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.
- G. Eight-foot high fencing shall be provided around the communication tower and any associated structure.

CB-22-30: Use by Special Exception Requirements (Continued)

Illumination - Communication towers shall only be illuminated as required by the Federal Communications Commission, the Federal Aviation Administration.

Signage - A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.

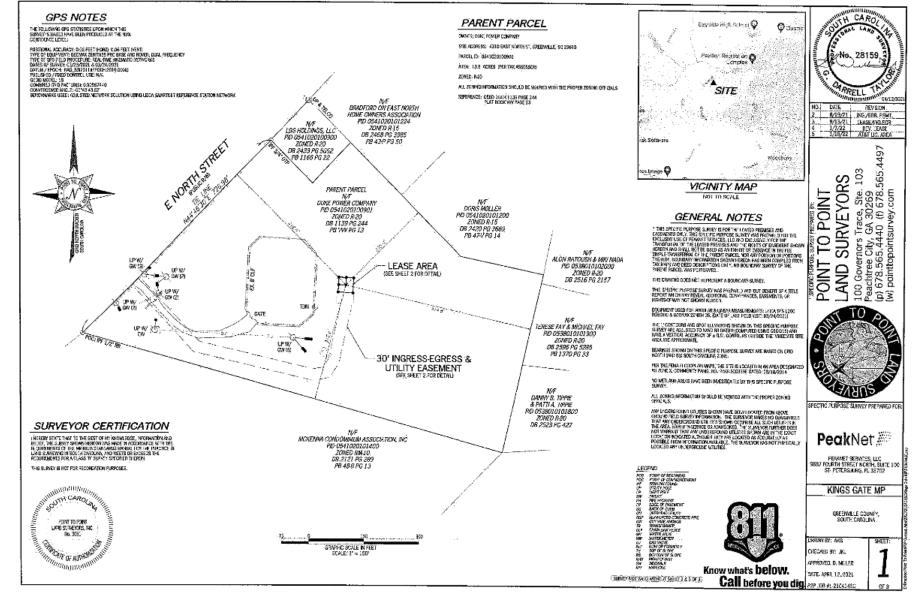
Access to Site - Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

CB-22-30: Use by Special Exception Considerations

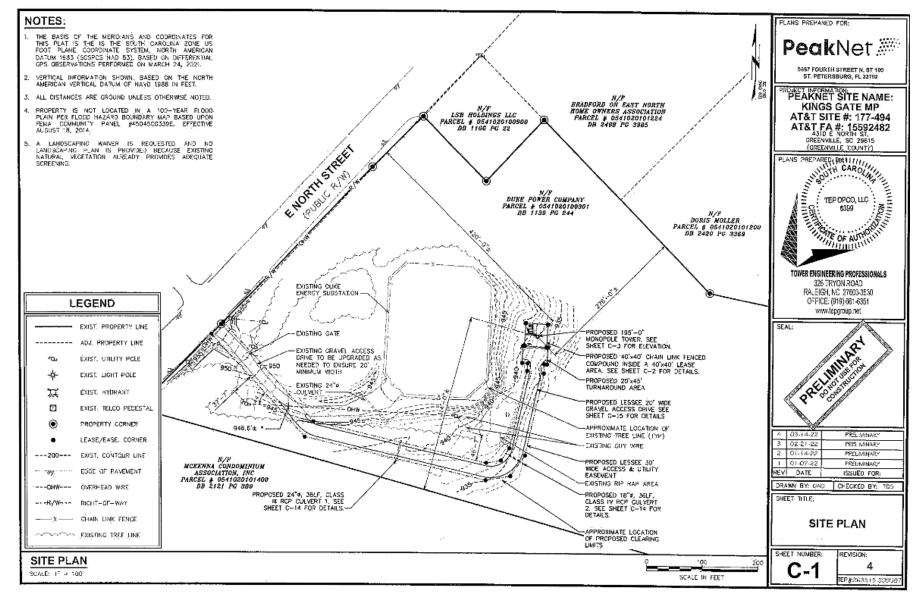
The Board shall consider the following factors:

- 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.

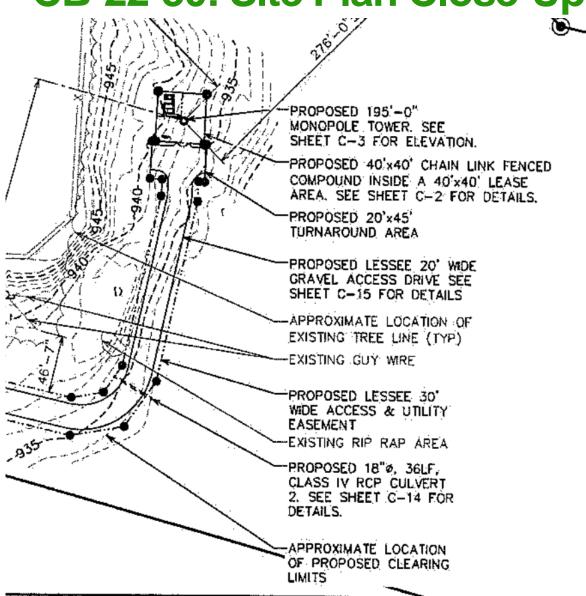
CB-22-30: Site Plan



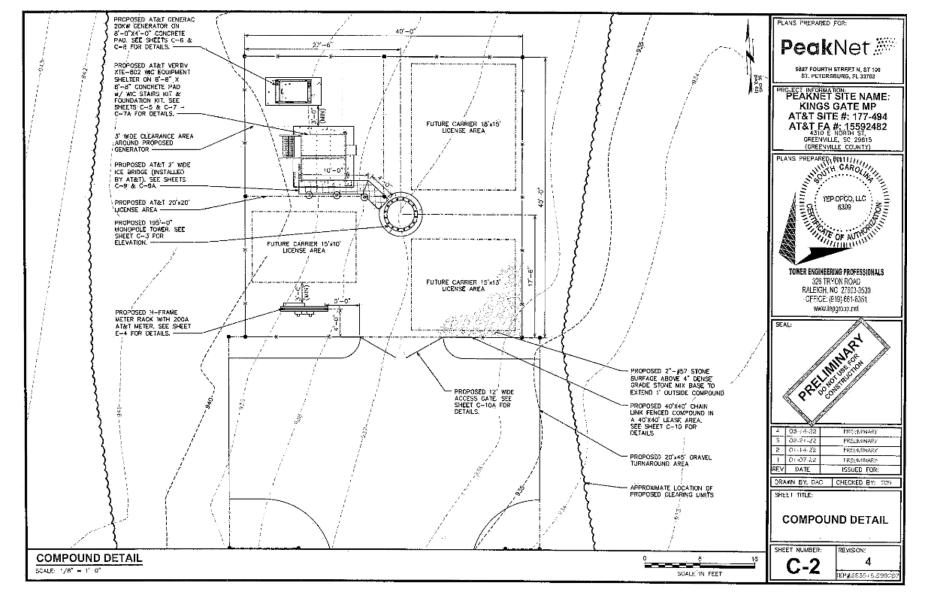
CB-22-30: Site Plan 2



CB-22-30: Site Plan Close-Up



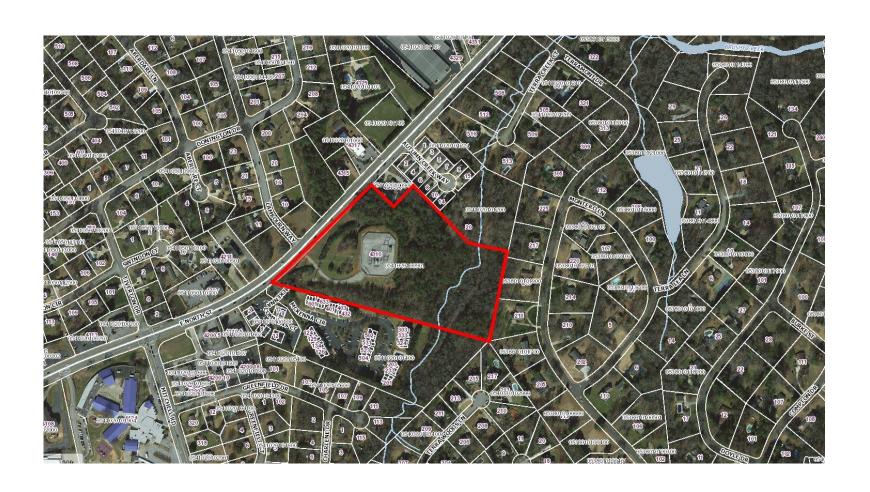
CB-22-30: Tower Site Detail



CB-22-30: Zoning Map



CB-22-30: Aerial Map



CB-22-30: Photos



Subject Property



North



West



South

CB-22-31

Applicant: Patrick Lewis of Latour Homes, LLC

Project Type: Variance

Address: 100 Valentine St., Greenville, SC 29601

Zoning: R-7.5, Single-Family Residential

Posting: Confirmed 4/26/22

CB-22-31: Request

The property is located on the northeast corner of the intersection of Maloy St. and Valentine St, near Anderson Rd. and in the Sterling community.

The applicant is requesting a variance of 7 feet 6 inches from the front setback and a variance of 12 feet 1 3/4" inches from the right side setback in order to construct a residence on the site.

There are no prior applications before the BZA.

CB-22-31: Setback Requirements

Section 7:3, Table 7.3 – Setback/Height Requirements for the R-7.5 District;

FRONT = 30' from edge of road R.O.W. (Valentine St.)

SIDE = 20' from edge of road R.O.W. (Maloy St.)

SIDE = 5' from property lines

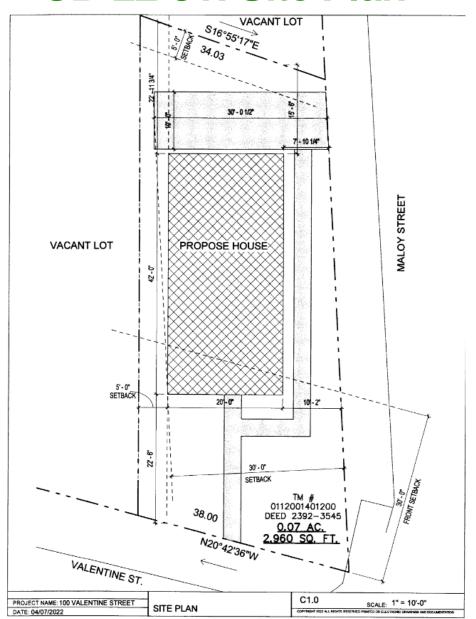
REAR = 5' from property line

CB-22-31: 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-22-31: Site Plan



CB-22-31: Zoning Map



CB-22-31: Aerial Map



CB-22-31: Photos



Subject Property



East



North



West

CB-22-32

Applicant: Matthew S. Tellier for Adrienne W. Tellier

Project Type: Use by Special Exception

Address: 607 W. Parker Rd., Greenville, SC 29611

Zoning: R-7.5, Single-Family Residential District

Posting: Confirmed 4/26/22

CB-22-32: Request

The property is on W. Parker Rd. near the intersection of W. Parker Rd. and W. Blue Ridge Drive in Greenville.

The applicant is requesting a Use by Special Exception to allow for Breathwork Instruction classes and services on site.

CB-22-32: Use by Special Exception Requirements

• **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-22-32: Condition 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. $1' \times 2'$) 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-22-32: Condition 13 – Home Occupation

The following home occupations shall be permitted. The Board of Zoning Appeals in accordance with the provisions of Article 3 and the aforementioned requirements may permit other home occupations.

Parker / Populician
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-22-32: 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-22-32: Zoning Map



CB-22-32: Aerial Map



CB-22-32: Photos





Subject Property



North



East West

End of Dockets

- Announcements/Requests by BZA Members
- Adjournment