

REQUEST FOR PRIVATE UNPAVED DRIVE DESIGNATION

UNDER

GREENVILLE UNTY LAND DEVELOPMENT REGULATIONS

SECTION 8.1-D

The undersigned, Cynthia B. Knight, Trustee of the Bishop Family Trust, and the attached property owners, being all the owners of real property on Jonathan Drive, hereby request that Jonathan Drive, Greenville County, SC, an existing private road/drive which is currently not listed as a private drive/road by the County of Greenville, be listed and recognized as an "unpaved private drive" under Greenville County Land Development Regulation 8.1-D "Unpaved Private Drives".

Name of Private Drive: Jonathan Drive, Taylors, SC

Nearest Intersection: Jonathan Drive and Locust Hill Road ( Hwy. 290 North)

Tax I.D. Numbers: See attached list of all owners and applicable tax map numbers of lots

Name: Cynthia B. Knight

Address: 39 Jonathan Drive

Taylors, SC 29687

Telephone: 864-879-3207

Property (Home Site): Tax Map No. T022010100701

  
Mrs. Cynthia B. Knight

Trustee of the Bishop Family Trust

Jonathan Drive is an existing private drive and has been in existence and continuous use since 1987. The area was not zoned until 2001. It is not a "new road" and provides access to an existing home with two other structures.

The permanent home has a street address on Jonathan Drive and in 1987 the County designated its address as 39 Jonathan Drive. The road is served by the US Postal Service as well as fire and emergency vehicles.

A plat is attached as well as a copy of the recorded non-exclusive easement for the private drive.

The following variance is requested from Section 8.1D 1:

1. A variance from the requirement that an unpaved shared driveway be located in an unzoned area.

The property was not zoned until 2001. The road was initially constructed in 1987.

The following variances are requested from the requirements under Section 8.1D 2:

2. A variance from the required surface width is requested (b)

The road has an all weather surface of more than a four inch thick layer of compacted stone. The compacted stone surface driveway is 10 feet wide; the required surface width is 20 feet wide.

- A variance of 10 feet is requested on the width of the current drive

3. A variance from the turn around opportunity at the terminus is requested (d)

A variance to omit the turn around opportunity at the end of the proposed extension of the drive is requested because the land is flat and provides ample space to turn vehicles around. The required letter from the Lake Cunningham Fire Department addressing the request is attached.

4. A variance from the required total length of the drive (g)

The maximum length of the drive may not exceed 1200 linear feet

The current length is 1350 linear feet to the end of 39 Jonathan Drive

- A variance of 150 linear feet is requested for the existing drive
- An additional variance of 465 linear feet is requested for the extension of the existing drive

5. A variance from the required right-of-way width (j)

The road right-of-way wide is required to be 40 feet

- The drive is 25 feet wide to the end of 39 Jonathan Drive and met the County standard in 1987. The right-of-way of the existing drive would require a variance of 15 feet.
- The planned 465 foot extension of the existing drive will comply with the required 40 foot right-of-way.

## **1.6 Variances**

Whenever, in the opinion of the Planning Commission, the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties, hardships, or injustices, the Planning Commission may modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner. The public interests of the county and its citizens are to be protected and the general intent and spirit of these regulations will be preserved. Planning Department staff will solicit comments from County Departments regarding the variance request. These comments shall be presented to the Commissioners for their review and use. All affected county departments shall accept variances granted by the Planning Commission. Variances approved by the Commission shall be binding for all affected county departments.

### **8.1-D. Unpaved Private Drives**

The intent of this provision is to provide affordable access to developments with a limited number of lots created in a rural environment, without having to construct a road to County public or private road standards. The intent is to provide for the safety of the property owners by requiring adequate access for Fire, Emergency Medical, and Law Enforcement vehicles. By consolidating multiple driveway connections, it provides for safer access to existing public roads. It provides for the continued uninterrupted use of the access for all of the owners by establishing a durable easement, and assigns responsibility for continuing maintenance of the access.

1. For the purpose of dividing property in the unzoned areas of the County the Planning Commission may authorize the creation of lots utilizing unpaved private drives under the following conditions:
  - a. No more than six (6) lots are created; however, additional lots may be allowed upon review and approval by the Planning Commission.
  - b. The unpaved private drive must be shown on a Preliminary Plat and must meet all the criteria for a preliminary plat as set forth in the provisions of the Greenville County Land Development Regulations and defined with metes and bounds.
  - c. The recorded plat must carry a statement that the unpaved private drive shall not be accepted and/or maintained as a public right-of-way until such time as it meets minimum County standards for a public road.
  - d. The unpaved private drive must be established by the creation and recording of an easement which:
    1. Is appurtenant
    2. Is non-exclusive
    3. In which all property owners own an undivided interest in the drive
    4. Names a person, persons, or an entity responsible for ownership and maintenance of the drive.

A copy of the Unpaved Private Drive Easement Agreement, which address Items 1 through 4 listed above, shall be provided to the Planning Department staff prior to recording the plat.

2. In addition to meeting all the County Engineering Division and SCDOT Encroachment permit requirements for offsets and construction within a public right-of-way, the unpaved private drive must also conform to the following minimum construction standards for the passage of emergency vehicles listed below. These standards are based in general on the Fire Code Access requirements.

- a. Have an all-weather surface (at least a four-inch thick layer of compacted stone base).
  - b. Have a minimum improved surface width of 20 feet for its entire length.
  - c. Have a minimum of 13 feet, 6 inches of vertical clearance along its entire length.
  - d. Have a turn-around opportunity at its terminus.
  - e. Adequately provide for storm water drainage. Pipes for stream crossings or storm water drainage must be sized appropriate for the passage of at least the 10-year design storm and be able to withstand the anticipated loads of emergency vehicles without deforming.
  - f. A stormwater management and an erosion and sediment control plan must be in effect for the subdivision.
  - g. The maximum length of the drive may not exceed 1200 linear feet without the authorization of the Planning Commission.
  - h. Vertical and horizontal curves and grades must accommodate the safe passage of emergency vehicles.
  - i. If the drive is to serve more than two (2) lots, the subdivider must furnish appropriate traffic control signs and road name signs.
  - j. Right-of-way width for the unpaved private drive must be 40 feet.
  - k. Each lot created on such an unpaved private drive must have a minimum of 20 feet of road frontage on the unpaved private drive.
3. Before the summary final plat can be filed, the required regulatory signage must be in place and the drive must be constructed. Also, a letter documenting that the drive meets the Fire Code requirements must be furnished to the Planning Department staff by the Fire Marshall of the appropriate fire district, or a registered professional civil engineer hired by the developer.
  4. Plats utilizing this unpaved private drive may not be recorded under Financial Security.
  5. Without the authorization of the Planning Commission, lots created on unpaved private drives shall not be further subdivided until such time as the drive is brought into compliance with the County 's public or private road standards.
  6. Continued maintenance of these access ways must be provided by the owner(s). Upon written notification by the County Fire Marshall or a representative of the fire district, the person(s) or entity responsible for maintenance must correct any cited deficiencies within 60 days of receipt of notification of the need for maintenance.
  7. Variances from these requirements may be allowed on a case-by-case basis.





2012012650

ESMT  
9 PGS

Book:DE 2401

Page:1070-1078

February 16, 2012 11:33:02 AM

Cons:\$1.00

Rec:\$13.00

Cnty Tax:EXEMPT

State Tax:EXEMPT

FILED IN GREENVILLE COUNTY, SC

STATE OF SOUTH CAROLINA

)

COUNTY OF GREENVILLE

)

NON-EXCLUSIVE EASEMENT  
AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that BARRON BISHOP AND PHILLIP D. CRAIN AS TRUSTEES OF THE LUCILLE B. BISHOP TRUST U/W OF SUE P. BISHOP , CARMON B. ADAMS AND STACEY A. MERCK, ALLEN M. KNIGHT AND CYNTHIA B. KNIGHT, hereinafter called "Grantors", for and in consideration of the sum of One (\$1.00) Dollar, the receipt and sufficiency of which is hereby acknowledged, do hereby grant unto BISHOP DISCLAIMER TRUST U/W OF J. FURMAN BISHOP, its beneficiaries, successors and assigns, hereinafter called "Grantees", the right, privilege and easement to go in and upon that certain land of Grantors (hereinafter "premises") situated in Greenville County, South Carolina described as follows:

ALL that lot of land in the State of South Carolina, County of Greenville, located about 4 1/2 miles northwest of Greer, containing approximately 2.18 acres and being shown as Tract #9 on a plat entitled Property of Sue P. Bishop Estate prepared by Tri-State Surveyors dated August 26, 1986, and recorded in the ROD Office for Greenville County in Plat Book 13-A at page 40 on September 12, 1986.

Tax Map #: T22.1-1-9

AND ALSO ALL that lot of land in the State of South Carolina, County of Greenville, located about 4 1/2 miles northwest of Greer, containing approximately 12.59 acres and being shown as Tract #5 on a plat entitled Property of Sue P. Bishop Estate prepared by Tri-State Surveyors dated August 26, 1986, and recorded in the ROD Office for Greenville County in Plat Book 13-A at page 40 on September 12, 1986.

This being the same property conveyed to Carmen B. Adams and Stacey A. Mauldin by deed of Fred J. Bishop dated March 24, 2000 and recorded March 29, 2000 in Book 1906 at Page 169, Greenville County Records.

Tax Map #: T22.1-1-5

AND ALSO All that lot of land in the State of South Carolina, County of Greenville containing two (2) acres as shown on a plat entitled "Property of Allen M. and Cynthia B. Knight" prepared by Tri-State Surveyors and dated September 1, 1987, and recorded in Plat Book 14-P at Page 51 in the ROD Office for Greenville County. Also, all that strip of land contiguous to the above two (2) acres being shown on said plat with the following metes and bounds:



Beginning at an iron pin on the southeast corner of said two (2) acres and running S. 34-50 E. 21.82 feet to an iron pin; thence S. 55-10 W. 250 feet to an iron pin; thence continuing S. 55-10 W. 210 feet to red oak; thence N. 36-44 W. 21.84 feet to an iron pin; thence N. 55-10 E. 210.72 feet to an iron pin; thence continuing N. 55-10 E. 250 feet to the beginning corner.

This being the same property conveyed to Allen M. Knight and Cynthia B. Knight by deed of J. Furman Bishop and William T. Bishop, Fred J. Bishop and J. Furman Bishop as Trustees of the Lucille Bishop Trust, and Fred J. Bishop, Individually dated September 15, 1987 and recorded September 17, 1987 in Book 1305 at Page 315, Greenville County Records.

Tax Map # portion of T22.1-1-7

**AND ALSO** All that lot of land in the State of South Carolina, County of Greenville and being shown as 1.81 acres, Parcel A, and 0.69 acres, Parcel B, on a survey for ALLEN M. KNIGHT AND CYNTHIA B. KNIGHT, by Chapman Surveying Company, Inc., dated November 7, 2000 in Plat Book 43-E at Page 84 in the ROD Office for Greenville County.

This being the same property conveyed to Allen M. Knight and Cynthia B. Knight by deed of Cynthia Knight as Trustee of the Bishop Disclaimer Trust U/W of J. Furman Bishop dated November 22, 2011 and recorded November 30, 2011 in Book 2397 at Page 2594, Greenville County Records.

Tax Map # portion of T22.1-1-7

over and across said premises within a right-of-way strip having a width of 25 feet, in the location crossing said property as shown on a survey titled "Property of Allen M. & Cynthia B. Knight" prepared by Tri-State Surveyors, dated September 1, 1987 and recorded September 2, 1987 in Plat Book 14-P at Page 51, Greenville County Records, said easement currently known as "Jonathan Drive". Although the easement shown on said plat shows a width of 20 feet, the easement granted herein shall follow the same location, course and distances but shall have a width of 25 feet off of the eastern property lines.

The purpose of this easement is for ingress and egress and the benefit of certain land of the Grantees described as follows:

**ALL** that lot of land in the State of South Carolina, County of Greenville, located about 4 ½ miles northwest of Greer, containing approximately 18.94 acres and being shown as Tract #7 on a plat entitled Property of Sue P. Bishop Estate prepared by Tri-State Surveyors dated August 26, 1986, and recorded in the ROD Office for Greenville County in Plat Book 13-A at page 40 on September 12, 1986.

This being the same property conveyed to Ruth W. Bishop as Trustee of the Bishop Disclaimer Trust U/W of J. Furman Bishop by deed of distribution from Ruth W. Bishop as Personal Representative of the Estate of J. Furman Bishop dated April 23, 1998 and recorded May 5, 1998 in Book 1760 at Page 749, Greenville County Records. See also deed recorded on May 5, 1998 in Book 1760 at Page 773, Greenville County Records.

Tax Map # T22.1-1-7

**LESS HOWEVER**, All that lot of land in the State of South Carolina, County of Greenville containing two (2) acres as shown on a plat entitled "Property of Allen M. and Cynthia B. Knight" prepared by Tri-State Surveyors and dated September 1, 1987, and recorded in Plat Book 14-P at Page 51 in the ROD Office for Greenville County. Also, all that strip of land contiguous to the above two (2) acres being shown on said plat with the following metes and bounds:

Beginning at an iron pin on the southeast corner of said two (2) acres and running S. 34-50 E. 21.82 feet to an iron pin; thence S. 55-10 W. 250 feet to an iron pin; thence continuing S. 55-10 W. 210 feet to red oak; thence N. 36-44 W. 21.84 feet to an iron pin; thence N. 55-10 E. 210.72 feet to an iron pin; thence continuing N. 55-10 E. 250 feet to the beginning corner.

This being the same property conveyed to Allen M. Knight and Cynthia B. Knight by deed of J. Furman Bishop and William T. Bishop, Fred J. Bishop and J. Furman Bishop as Trustees of the Lucille Bishop Trust, and Fred J. Bishop, Individually dated September 15, 1987 and recorded September 17, 1987 in Book 1305 at Page 315, Greenville County Records.

Tax Map #: portion of T22.1-1-7

**AND LESS HOWEVER**, All that lot of land in the State of South Carolina, County of Greenville and being shown as 1.81 acres, Parcel A, and 0.69 acres, Parcel B, on a survey for ALLEN M.-KNIGHT AND CYNTHIA B. KNIGHT, by Chapman Surveying Company, Inc., dated November 7, 2000 in Plat Book 43-E at Page 84 in the ROD Office for Greenville County.

This being the same property conveyed to Allen M. Knight and Cynthia B. Knight by deed of Cynthia Knight as Trustee of the Bishop Disclaimer Trust U/W of J. Furman Bishop dated November 22, 2011 and recorded November 30, 2011 in Book 2397 at Page 2594, Greenville County Records.

Tax Map # portion of T22.1-1-7

The easement granted herein shall be permanent and binding on Grantors, their heirs, successors and/or assigns and shall run with the land and permanently remain for the benefit of Grantees, their heirs, successors and/or assigns.









STATE OF SOUTH CAROLINA )  
COUNTY OF Greenville )

Affidavit

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at \_\_\_\_\_ bearing \_\_\_\_\_ County Tax Map Number T221-1-9 T221-1-5 was transferred by Barron Bishop + Phillip Cain as trustees, Corman B Adams, Stacey A. Monk, Allen M. Knight + Cynthia B. Knight to Bishop Disclaimer Trust v/w of J. Furman Bishop on \_\_\_\_\_.
3. Check one of the following: The deed is
  - (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c)  exempt from the deed recording fee because (see information section of affidavit):  
1 (If exempt, please skip items 4 - 7 and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see information section of this affidavit):
  - (a) \_\_\_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_.
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \_\_\_\_\_.
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \_\_\_\_\_.
5. Check Yes \_\_\_\_\_ or No \_\_\_\_\_ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "yes" the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.
6. The deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: \_\_\_\_\_
  - (b) Place the amount listed in item 5 above here:  
(If no amount is listed, place zero here) \_\_\_\_\_
  - (c) Subtract line 6(b) from line 6(a) and place result here: \_\_\_\_\_
7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: \_\_\_\_\_.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Brian A. Martin  
Responsible Person Connected with the Transaction

Brian A. Martin  
Print or Type Name Here

SWORN to before me this 15th  
day of February 2012  
Katie Ridgeway  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_





## INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership, interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A "charitable entity" means an entity which may receive deductible contributions under section 170 of the Internal revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed executed pursuant to foreclosure proceedings;
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty;
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD  
2012012650 Book: DE 2401 Page: 1070-1078  
February 16, 2012 11:33:02 AM

*Timothy J. Hanney*



# LAKE CUNNINGHAM



**COMMISSIONERS**  
M. KAY FARMER  
LAURA S. MORRIS  
MICHAEL A. PARRIS

## FIRE DEPARTMENT

**COMMISSIONERS**  
CHRISTI A. POOLE  
JAMES T. PRENTICE  
JASON H. WRIGHT

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TRAVIS G. BALLIEW, INTERIM FIRE CHIEF

In reference to Jonathan Dr off Locust Hill Rd

Jonathan Dr at this time has an acceptable all weather surface and turn around for emergency vehicles,  
However any new sections will need to be brought to the county's unpaved shared drive standard and  
approved by the fire department before building permits are issued.

Travis Balliew

Assistant Fire Chief

Lake Cunningham Fire Dept

2802 N McElhaney Rd

Greer SC 29651

(864)895-1212