



PENDLETON

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Town of Pendleton
Board of Zoning Appeals
April 29, 2024
Pendleton Town Hall, 6 pm

AGENDA:

1. Call to Order:
2. Approval of prior meeting minutes from the March 19, 2024, meeting.
3. Public Hearing:
 - a. Public hearing on an application seeking a variance to the Town of Pendleton's Zoning Ordinance, Article 6 Section 6-9 Townhome and Duplex Development Design Standards for a Group Development. The public is allowed 3 minutes each to comment.
4. Public Comments:
5. Action Item:
 - a. Consideration of an application seeking a variance from Article 6 Section 6-9 Townhome and Duplex Development Design Standards.
6. Adjournment:



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Town of Pendleton
Board of Zoning Appeals
Called Meeting March 19, 2024
Pendleton Town Hall, 6 pm

MINUTES:

1. Election of Chair and Co-Chair for 2024:

Chairwoman Ms. Crenshaw opened the floor for nominations of Chairperson for 2024. Ms. Von Meyer nominated Ms. Crenshaw to be the Chairwoman for 2024. Ms. Brothers seconded the nomination with all members voting in favor of at 6 pm. Ms. Jennifer Crenshaw will serve as the Chairperson for 2024.

Chairwoman Ms. Crenshaw opened the floor for nominations of Vice-Chairperson. Mr. Hassan nominated Ms. Brothers to be Vice-Chair for 2024. Ms. Von Meyer seconded the nomination with all members voting in favor of at 6:01 pm. Ms. Jami Brothers will serve as Vice-Chairwoman for 2024.

2. Call to Order

Chairwoman Ms. Crenshaw called the meeting to order at 6:01 pm.

3. Approval of prior meeting minutes: From the meeting of December 07, 2023

Chairwoman Ms. Crenshaw asked if there were any questions about the approval of the minutes from the December 07, 2023, meeting. With no questions from the board, Ms. Brothers made a motion to approve the minutes as submitted. Ms. Von Meyer seconded the motion with all members voting in favor of at 6:03 pm

4. Public Comments:

With no public in attendance, no public comments were made.

5. Action Item:

- a. None to Consider.

6. Consideration of executive session to discuss a board members appointment per SC Code of Law Section 30-4-70 (A)(1).

Chairwoman Ms. Crenshaw asked for a motion to enter an executive session to discuss board member appointments per SC Code of Law Section 30-4-70 (A)(1). Mr. Hassan made a motion to enter the executive session which was seconded by Ms. Brothers. All members voted in favor of at 6:04 pm.

There were no motions made or votes taken in the executive session.

7. Consideration of motions / votes from executive session.

Ms. Brothers made a motion to recommend Pendleton Town Council remove Ms. Danita Freeman from the Board of Zoning Appeals for violation of the attendance policy for this board. Ms. Von Meyer seconded the motion with all members voting in favor of at 6:09 pm.

8. Adjournment:

With no further business, Ms. Brothers made a motion to adjourn the meeting at 6:10 pm. Ms. Von Meyer seconded the motion with all members voting in favor of.

Chairperson: _____ Date: _____



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Staff Report to the Town of Pendleton Board of Zoning Appeals Request for Variance from Exterior Elevation Designs Standards for a Townhome Group Development located on Lot 3A1A Cotesworth St.

Date of Report: April 23, 2024

Report By: David Poulson, Town Planner

Applicant: Dalton Road Holdings, LLC

Request: The applicant is seeking a variance from Article 6 Section 6-9 Townhome and Duplex Development Design Standards for a Townhome group development.

Property Location: Lot 3A1A Cotesworth Street behind the new Circle K Gas Station.

Existing Zoning: Multi-Family (MF).

Surrounding Zoning & Land Use:

North: Zone: Planned Development Residential (PUD).
Land Use: Champions Village.

West: Zone: Light Industrial (LI).
Land Use: Clemson Self Storage.

East: Zone: Areawide Business (AB)
Land Use: Circle K Gas Station, Commercial Lots on Hwy 76

Existing Conditions: This property was originally annexed into Pendleton Town Limits in 2016 and initially zoned Areawide Business (AB). At that time, the developer intended to construct single-family homes, which was allowed in Areawide Business (AB) but was removed when the Zoning Ordinances were amended several years later. Dalton Road Holdings, LLC applied to rezone this property on May 09, 2023, from Areawide Business (AB) to a Low-Density Residential (R2), which allows single-family homes. After consideration and approval from the Planning Commission to recommend Town Council approve this rezoning request, conversations between council members and the developer took place in an attempt to improve the development on this site. After these conversations, both the developer and council members felt that this area of Town would benefit from a denser development and approved a zoning change to Multi-Family (MF), allowing for a Townhome Development, at their September 05, 2023, meeting.



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Reason for Request:

Pendleton Town Council passed an Ordinance imposing a temporary moratorium on the issuance of rezoning requests and construction permits for Duplex and Townhome developments in all zoning districts by a second and final reading of Ordinance 21-08 on July 12, 2021. As a result of this moratorium, Pendleton Town Council amended the Zoning Ordinances and added Article 6 Section 6-9, Townhome and Duplex Development Design Standards. (Attachment A) Within these standards, minimum design requirements were established for Townhome and Duplex Developments along with the approval process for all group developments. The submitted Townhome designs for this new development violate the following section of these standards, (Garages must be recessed at minimum 12 inches from the front façade of the building). The applicant is requesting a variance to this section to allow the submitted Townhome design.





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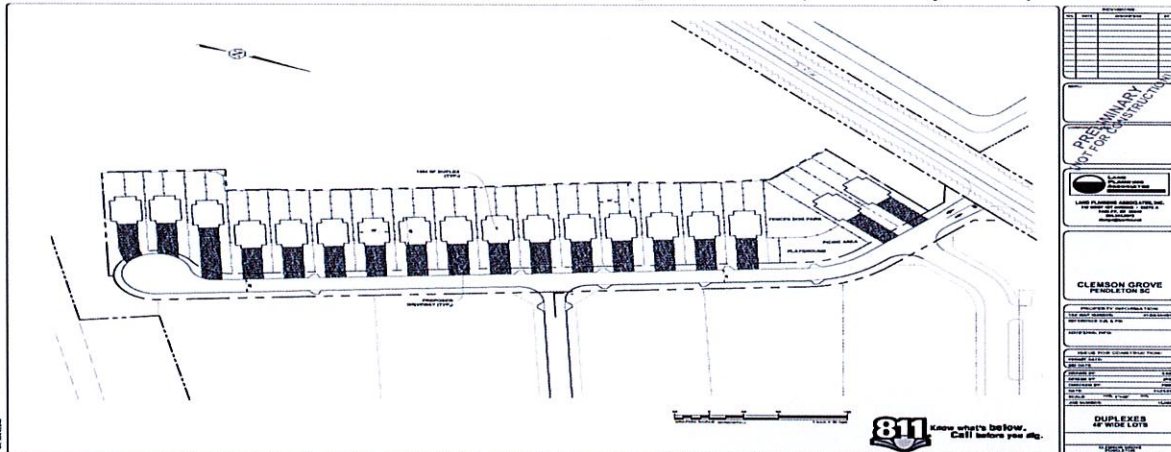
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Definitions:

Townhouse Development means a series or group of three or more attached units with no other dwelling or portion of other dwelling directly above or below, with each dwelling unit having direct ground level access to the outdoors and fire walls separating each dwelling unit, extending from the foundation through the roof. The townhouse dwellings may be on individual fee-simple lots or clustered as part of a horizontal property regime.

Townhouse Dwelling Unit means an attached single-family domicile on its own separate lot containing one dwelling unit that occupies space from the ground to the roof and is attached to one or more other townhouse dwelling units by at least one common wall or is individually owned as part of a horizontal property regime.

Group Development means a building or group of buildings which consists of numerous similar uses or a combination of normally separated uses functioning as a unit, and which are interdependent on required site amenities such as parking, site access, landscaping, and trash collection, regardless of the number of parcels the group development may be separated into.





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SECTION 9-2 DUTIES AND POWERS

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the Enforcement of this Ordinance.
- B. To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in a individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship only upon finding by the Board of Zoning Appeals that all of the following factors exist. This is a provision of Act 487 of 1967 South Carolina Code of Laws:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 2. The application of the Ordinance on this particular piece of property would create an unnecessary hardship;
 3. Such conditions are peculiar to the piece of property involved; and
 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. Economic Hardship shall not be deemed the sole basis for relief.
- C. To permit uses by special exception subject to standards and conditions in this ordinance.
- D. In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part or may modify the order requirements, decision, or determination, and to the end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

SECTION 9-3 PROCEDURES

- A. Interpretation Request; Variance Appeal. A request for interpretation of regulations or an appeal for variance from provisions of the Zoning Ordinance may be taken by a person aggrieved or by an officer, department, or board of the Town affected by a decision of the Enforcing Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered, by filing with the Board of Zoning Appeals a written notice of appeal specifying the grounds thereof. The Board shall maintain for review all papers constituting the record upon which the action appealed from was taken.



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B. Decision and Voting:

1. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under these regulations shall be construed as limitations on the power of the Board to act.
2. Nothing herein contained shall be construed to empower the Board to change terms of these regulations, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of these regulations will be strictly enforced.
3. In exercising its powers, the Board of Zoning Appeals, in conformity with the provisions of Act 487 of 1967 of the General Statutes of South Carolina, may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
4. The concurring vote of three (3) members of the Board shall be necessary to approve application upon which it is required to pass under these regulations or to effect any variance in said regulations.
5. Member disqualification:
 - a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the Board.
 - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

Staff Recommendation:

Staff recommends CONSIDERATION OF A VARIANCE TO THESE DESIGN STANDARDS BY THE BOARD OF ZONING APPEALS.

Attachment A: Article 6 Section 6-9- Townhome and Duplex Development Design Standards

Attachment B: Map of the Area.

Attachment C: Submitted Exterior Elevation Townhome Design.

Attachment D: Variance Application

ATTACHMENT: A

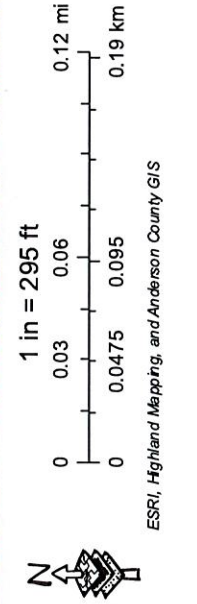
Article 6 Section 6-9 - Townhome and Duplex Development Design Standards

Purpose: Attention to building design encourages an aesthetically appealing and safe place to live. The following is the minimum requirement for Townhomes or Duplex Developments in all allowed zones. Overlay Districts, Planned Unit Developments, and Flexible Review Districts are subject to these requirements plus any additional requirements that may be imposed under those approval processes.

- All exterior elevations must be approved by the Planning Commission. If located inside an overlay district, these requirements will apply in addition to any Design Review Board requirements as set forth by the zoning ordinance for each corridor.
- Abutting townhouses shall have complementary but not identical facades as approved by the Planning Commission.
- Building facades and roofs shall include architectural elements that vary the appearance of a large building mass, break up long blank walls, express the individuality of each dwelling, and enhance the character of the neighborhood.
- The main entry to units adjacent to a public street shall face the street and provide direct access to the street sidewalk system.
- All mechanical equipment must be located in the rear or side yard.
- Garages must be recessed at minimum 12 inches from the front façade of the building. Detached, side load or rear loaded garage systems are preferred.
- Street trees are required on all new construction and must have a minimum of one (1) tree per (50) linear feet of road frontage. Existing trees to remain can be considered towards this requirement upon approval from the zoning administrator.
- Provide pedestrian entries that are clearly defined and highly visible from other buildings and public areas and consider safe alignments of sidewalks and paths
- Each townhouse unit shall feature a main entry that is covered and includes architectural features that provide weather protection and visual interest to the structure.
- Each unit must have a rear porch area. Size 100 SQFT
- For units without street frontage, main entries shall connect to the street sidewalk system through parking lots.
- Areas of development sites that are not occupied by buildings or infrastructure shall be landscaped with ground cover
- The current International Building Code requirements shall be adhered to, paying particular attention to the firewall requirements.
- Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to enhance the look of the structures.
- The maximum building height shall be two stories, but in no event shall the height exceed 40 feet
- Sidewalks must be installed. In cases where grade or other situations prohibit the installation of sidewalks, a payment of 150 percent of the cost must be made to the Town of Pendleton sidewalk fund by the developer. The Town of Pendleton reserves the right to determine the best location to allocate the sidewalk fund
 - The 150 percent will be calculated on the cost of all sidewalks, street trees, streetlights, curbing, or other infrastructure needed that can not be installed by the developer.
- Where these standards and the standards of the overlay district or underlying zoning district differ, the more restrictive standard shall prevail.



Anderson County



April 25, 2024 Disclaimer accepted.
TMS: 410004003
Owner: DALTON ROAD HOLDINGS LLC
Owner Address: 6004 HWY 24
City/State: TOWNVILLE SC
Deed Page: 228
Deed Book: 12942
Tax District: 44
Sale Year: 2017
Zip Code: 29689
Current Plat: CP S.3031/8
Description: TR 3A1A COTESWORTH ST 3.68 AC
Sale Price: \$5
Market Value: \$368,000

1 in = 295 ft
 0 0.03 0.06 0.095 0.12 mi
 0 0.0475 0.095 0.19 km

PP S 2871/6

ESRI, Highland Mapping, and Anderson County GIS

ATTACHMENT: C





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VARIANCE APPLICATION

(For Variances from the Zoning Ordinance)

SUBMITTAL

For Variance applications, applicant must submit:

- 1) A completed application form with the owner's signature.
- 2) A drawing (site plan/plot plan/plat) to scale must be submitted showing the property boundaries and dimensions, north arrow, scale, property address, owner's name, all structure's footprints, distance of each structure (STRUCTURE INCLUDES SIGNS) to the nearest property line, label each structure "existing" or "proposed," show all vehicle use areas, parking spaces, and buffer areas (if required), with the variance area highlighted.
- 3) A written narrative describing and supporting the variance request with information per Section 502.2 of the Zoning Ordinance. See attached supplemental information sheet for details.
- 4) Application Fee: Residential \$100.00, Commercial \$200.00
- 5) Deadline is 30 days prior to next meeting for adequate time to advertise request.

Variance Request from Zoning Ordinance Section(s): VARIANCE FROM THE DESIGN STANDARDS FOR TOWNHOMES
 Briefly describe variance request (attach description if necessary): REQUEST A VARIANCE FROM ARTICLE 6 SECTION 6-9 OF ZONING ORDINANCE, TOWNHOME + DUPLEX DEVELOPMENT DESIGN STANDARDS ALLOWING FOR THE GARAGE TO EXTEND MORE THAN 12 INCHES FROM THE FRONT FACADE OF THE BUILDING

Property Address: LOT 3A1A COTESWORTH STREET
 Subdivision Name (if applicable): N/A
 Zoning District: MF Tax Map Number: 41-00-04-003

Applicant(s) Name (if other than owner): Richard Bennett
 Address: 16004 Hwy 24 Townville SC 29169
 Phone number: 804 314 3200 Email: rich@mcconright.com
 Applicant(s) Signature: Richard Bennett

Owner(s) Name: Gleason Grove Investments LLC
 Address: 16004 Hwy 24 Townville SC 29169
 Phone number: _____ Email: _____
 Owner(s) Signature: Heather P Bennett

*****OFFICE USE ONLY*****

Date received: _____ Fee Paid: _____ Receipt number: _____
 Date Advertised: 4/12/2024 Hearing Date: 4/29/2024 Date Sign Posted: 4/12/2024
 TOWN STAFF RECOMMENDATION: APPROVED: _____ DENIED: _____
 BOARD OF ZONING APPEALS DECISION: APPROVED: _____ DENIED: _____
 Comments: _____



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SUPPLEMENTAL INFORMATION SHEET FOR VARIANCES

(Per Section 502 of the Zoning Ordinance)

To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship only upon finding by the Zoning Board of Adjustment that all of the following factors exist. This is a provision of Act 487 of 1967 South Carolina Code of Laws.

In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.) All questions must be answered.

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

The size of these lots require a particular product in size and design

- The application of the Ordinance on this particular piece of property would create an unnecessary hardship. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

The ordinance limits the type & size of product on these lots, not the highest & best use. The variance will allow a much better product that matches the surrounding developments

- Such conditions are peculiar to the piece of property involved. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

The submitted design is the best product for the size of these lots

- Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. **Economic Hardship shall not be deemed the sole basis for relief.** DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

Granted the variance will allow a better looking and more functional unit.

Designation of Agent [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application:

Date: _____ Owner Signature: _____

Date: _____ Owner Signature: _____



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PUBLIC NOTICE

The Town of Pendleton Board of Zoning Appeals will hold a public hearing in the Council Chambers of Town Hall on Monday, April 29, 2024, at 6:00 pm to receive public input concerning an application for a variance to design standards for a group development having TMS# 41-00-04-003. The meeting is open to the public, and the public is welcome to speak.

Please run ad Friday, April 12, 2024
bill ad to Amyee Crawford
Town of Pendleton
310 Greenville Street
Pendleton, S.C. 29670