



# PENDLETON

S O U T H C A R O L I N A

History, Hospitality & Happenings!

Town of Pendleton  
Design Review Board  
Regular Meeting, April 4, 2024  
Pendleton Town Hall, 6 pm

## **AGENDA:**

- 1. Election of Chair and Co-Chair for 2024:**
- 2. Call to Order**
- 3. Approval of prior meeting minutes:** From the meeting of February 23, 2023
- 4. Public Comments:**
- 5. Action Item:**
  - a. None to Consider
- 6. Adjournment:**



# PENDLETON

## SOUTH CAROLINA

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### History, Hospitality & Happenings!

Town of Pendleton  
Design Review Board  
Called Meeting, February 23, 2023  
Pendleton Town Hall, 6 pm

#### **MINUTES:**

Chairwoman Ms. Smith was absent with notice. Vice Chairman Mr. Edwards conducted the meeting.

#### **1. Election of Chair and Co-Chair for 2023:**

Vice Chairman Mr. Edwards asked for nominations for Chairperson for 2023. Ms. Bristow nominated Ms. Ann Smith to be the Chairwoman for 2023, which received a second from Mr. Smith. All members voted in favor of this motion at 6:01 pm.

Vice Chairman Mr. Edwards asked for nominations for Vice Chair for 2023. Ms. Bristow nominated Mr. Byron Edwards for Vice Chairman, which received a second from Mr. Smith. All members voted in favor of at 6:02 pm.

Ms. Ann Smith will serve as Chairwoman of the DRB for 2023, and Mr. Byron Edwards will serve as Vice Chairman for 2023.

#### **2. Call to Order**

Vice Chairman Mr. Edwards called the meeting to order at 6:02 pm.

#### **3. Approval of prior meeting minutes:** From the meeting of September 15, 2022

Vice Chairman Mr. Edwards asked if there were any discussions on the submitted minutes from the September 15, 2022, meeting. Hearing none, Vice Chairman Mr. Edwards asked for a motion to approve these minutes. Ms. Bristow made a motion to approve the minutes as submitted, which received a second from Mr. Smith. All members voted in favor of at 6:02 pm.

#### **4. Public Comments:**

No public comments were made.

#### **5. Action Item:**

- a. The consideration for approval of design and elevation plans for the construction of a new commercial building at 706 South Mechanic Street inside the South Mechanic Street Overlay District.

Vice Chairman Mr. Edwards introduced this action item for the board's consideration and welcomed the applicant to the meeting. Planning staff, Mr. Poulson, read his report to the board and informed them of the plan and the town's recommendation on this new commercial building within the South Mechanic Street Corridor.

Mr. Smith asked the applicant if she would be boarding large animals at this location. Dr. Hutchenson said she only sees a few large animals at her practice, and none would be boarded there.

Ms. Bristow asked if she had plans to leave her existing building in place while constructing the new one. Dr. Hutchenson said that the back side of the current building would be taken down, but she plans to keep the front portion open during construction.

Vice Chairman Mr. Edwards asked about the required parking spaces as shown on the plans. The applicant's architect said that the town ordinance required that number of parking spaces. Mr. Edwards asked staff if they could ask for a variance to that requirement because the project would look better with fewer spaces.

Vice Chairman Mr. Edwards asked about the large area in the front of the plan and if there was any way to soften the edges by adding street trees and plantings in this area. The applicant said they could do that if they could reduce the number of required parking spaces. Mr. Edwards said that he was concerned about vehicles having to back out onto South Mechanic Street and that the addition of trees and plantings would eliminate the sea of vehicles on this lot. He also said that sidewalks at the front of the lot would help promote the walkability and connected feeling the town aims for.

Mr. Smith asked if they had ever had any vehicle accidents in the past, pulling in or pulling out of their lot. Dr. Hutchenson said there have been accidents in front of her building. He recommended that they do something here to make this area safer and attempt to reduce accidents. Staff informed the board what our current ordinance requires for the screening of parking lots using landscaping strips and planters and explained that they could make this request a condition of approval.

Mr. Edwards asked how the exterior dog kennels would be screened. Dr. Hutchenson said the kennels would be covered and made of chain fencing.

With no further discussion from the board, Vice Chairman Mr. Edward made a motion to approve the request as submitted with the addition of street trees and additional landscaping at the front of the parking lot. Mr. Bristow seconded the motion, with all members voting in favor of at 6:27 pm. Staff asked the board for clarity on the fact that the approved motion did not include the requirement for a sidewalk. Mr. Edwards confirmed that it did not.

**6. Adjournment:**

With no further business, Vice Chairman Mr. Edwards asked for a motion to adjourn. Mr. Smith made a motion, with Mr. Edwards seconding it, and all members voted in favor at 6:30 pm.

Chair: \_\_\_\_\_ Date: \_\_\_\_\_



**Staff Report to the Town of Pendleton Design Review Board for  
Election of New Officers for 2024.**

**Date of Report:** March 28, 2024

**Report By:** David Poulson, Town Planner

**Applicant:** Town of Pendleton

**Request:** Elect a new Chairperson and Vice-Chairperson for the Design Review Board for 2024.

**Staff Recommendation:**

Per the current Town of Pendleton Ordinances, a Chairperson and Vice-Chairperson must be elected by the members of the Design Review Board Yearly. Staff recommends the board elect the new Chairperson and Vice-Chairperson for 2024.

## **ARTICLE 10 DESIGN REVIEW BOARD**

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### **SECTIONS:**

SECTION 10-1	CREATION OF DESIGN REVIEW BOARD
SECTION 10-2	ORGANIZATION
SECTION 10-3	DUTIES AND POWERS
SECTION 10-4	PROCEDURES
SECTION 10-5	VARIANCES AND APPEALS
SECTION 10-6	MOST RESTRICTIVE SHALL PREVAIL

### **SECTION 10-1 CREATION OF DESIGN REVIEW BOARD**

- A. Creation. There is hereby created a Design Review Board, for the administration of all design overlay districts.
- B. Purpose. The purpose of the Design Review Board is to review the design and development standards within the Town of Pendleton's overlay districts, in order to foster high-quality, attractive, and sustainable development that is compatible with the Town's existing character. The Design Review Board shall act to protect and enhance the character and quality of the community's development while maintaining and strengthening a recognizable identity and character that is unique to the Town of Pendleton. The Design Review Board shall not require the replication of the existing built form, or a certain stylistic result, but shall allow imaginative design that is respectful of its neighborhood.

### **SECTION 10-2 ORGANIZATION**

- A. Appointment of Officers. The Design Review Board shall be composed of five (5) members. It is the declared policy of the Town Council to appoint only those persons who have demonstrated their civic interest, general knowledge of the design overlay districts, independent judgment, and availability to prepare for and attend meetings.
- B. Terms of Office. The term of office shall be four (4) years. The terms of three (3) members shall expire in each odd numbered year and the terms of two (2) members shall expire in each even numbered year. The Design Review Board shall be identified by place numbers one (1) through five (5). The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Design Review Board members may be appointed to succeed themselves.

- C. Vacancy. Vacancies in the Design Review Board membership shall be filled by appointment by the Town Council for the unexpired term. It shall be the duty of the Chairperson of the Design Review Board to notify the Town Administrator within ten (10) days after any vacancy shall occur among members of the Design Review Board.
- D. Removal. Members of the Design Review Board may be removed from office for cause by the affirmative votes of a majority vote of the Town Council. Members of the Design Review Board may be removed by the Town Council at any time for:
  - 1. Failure to attend three (3) consecutive meetings without an excused absence, or
  - 2. Failure to attend thirty (30) percent or more of the meetings within a twelve (12) month period without an excused absence, or
  - 3. Any other valid reason related to performance of duties.
- E. Organization. The Design Review Board shall hold an annual organization meeting and shall elect a Chairperson and Vice-Chairperson from among its members before proceeding to any other matters of business. A Secretary shall be elected from either members of the Design Review Board or the Zoning Administrator. The Design Review Board shall meet regularly and shall designate the time and place of its meeting. The Design Review Board shall adopt its own rules of procedure and keep record of its proceedings in accordance with the State Statutes and these regulations. Newly appointed members shall be installed at the first regular meeting following their appointment.
- F. Meetings and Quorum. Three (3) members of the Design Review Board shall constitute a quorum for the conduct of business. The members of the Design Review Board shall regularly attend meetings and public hearings of the Design Review Board.

### **SECTION 10-3 DUTIES AND POWERS**

- A. Exterior Alteration of Structures and Sites. All exterior alterations to structures and sites that the Zoning Administrator or designee finds not to be in clear compliance with overlay district regulations may be reviewed by the Design Review Board. Full façade renovations shall be reviewed by the Design Review Board.
- B. Demolition and Relocation of Structures. Structures proposed to be moved from, or demolished within, an overlay district shall be reviewed by the Design Review Board. Alternatives to demolition or relocation shall be provided and discussed by the Design Review Board if the structure is considered to be of historic or cultural distinction. Criteria to support demolition or relocation of a structure from the overlay district shall include the following:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.
  2. There is a demonstrated public need for the new use on that specific site, which outweighs any public benefit which might be gained by preserving the subject building on the site.
  3. The proposed development, if any, is compatible with the surrounding area, considering such factors as location, bulk, landscaping, and exterior design.
- C. **New Construction, Building Additions, and New Parking Areas.** All new construction, building additions, and new parking areas shall be reviewed by the Design Review Board for compliance with the overlay district guidelines.
- D. **Interior Renovations.** All interior renovations shall be exempt from review by the Design Review Board, although building permits may be required for such work.
- E. **Variance Requests.** All requests for variances from the overlay district guidelines shall be reviewed by the Design Review Board based upon the specific criteria listed in **Section 10-5, Variances and Appeals**. Variances from any other section of the Zoning Ordinance shall be reviewed by the Board of Zoning Appeals.

## **SECTION 10-4 PROCEDURES**

- A. **Procedure for Application.** The application process for development within the design overlay districts shall begin with submittal of an application for review. Application forms shall be requested from the Zoning Administrator. Supplemental materials shall be required as part of the application. A list of required supplemental materials may be requested from the Zoning Administrator and include:
1. Sketch plans for new construction, additions, relocated structures into the overlay district, and new parking areas. They shall contain the following (not all items below are required for all development - check with the Zoning Administrator for verification):
    - a. An engineer's scale
    - b. North arrow
    - c. Plan date
    - d. Owner name and address
    - e. Site address with Tax Map Number
    - f. Area of parcel (in acres or square feet)
    - g. Zoning district of parcel
    - h. Height and/or stories (if new or addition)
    - i. Footprint of all existing and proposed structures (label as "existing" or "proposed")



- j. Property lines with dimensions
  - k. Setback lines with widths
  - l. Street names
  - m. Sidewalks
  - n. Points of ingress/egress (driveway)
  - o. List amount of parking required and provided
  - p. Parking layout, with dimensions of:
    - (1) Drive aisles
    - (2) Parking spaces
    - (3) Planting islands
    - (4) Pedestrian paths
    - (5) ADA parking space locations
  - q. Traffic circulation within site
  - r. Square footage of new structure(s) or addition(s)
  - s. Square footage of existing structure(s) (if any)
  - t. List existing and proposed uses
  - u. Show/label landscape buffer areas and screens
  - v. Show all landscaping (existing and proposed)
  - w. Location of sign structures (existing and proposed)
  - x. Label mechanical equipment, service areas, and screens
  - y. Any additional information required per overlay district guidelines.
2. Architectural sketches (renderings/elevations) shall show the following (not all items below are required for all development - check with the Zoning Administrator for verification):
- a. Architectural features
  - b. Proposed materials
  - c. Proposed color samples
  - d. Walls
  - e. Terraces
  - f. Plantings
  - g. Window and door details
  - h. Ornamental light poles, and light coverings attached to structures
  - i. Attached signage
3. Photographs, which shall include:
- a. All existing structures on the lot from all four sides of the property (if structures exist)
  - b. Structures proposed for demolished (if any)
  - c. Area of structure proposed for repairs, alterations, and additions (if any)
  - d. Perspective view of lot frontage
  - e. Adjoining and adjacent properties

4. A Sign Permit Application Form is required for all new signage and shall be a separate submittal.
5. A Variance Application Form is required for all variance requests and shall be a separate submittal.

B. Procedure for Hearings:

1. Hearings. The Design Review Board shall have a public hearing anytime a variance from the overlay district guidelines is requested. The hearing shall allow the applicant or representative of the applicant, along with any persons in support or opposition of the variance, to be heard in a significant manner.

Notice of Hearings. Notice of hearings shall be given by paid advertisement one time in a newspaper of local distribution, stating the time and place of such public meeting, which time shall not be earlier than thirty (30) days from the date of the meeting, and not later than fifteen (15) days from the date of meeting, stating the time and place of such public meeting. Notice of hearings shall also be given via a sign announcing the public hearing, which shall be placed on the street frontage of the lot on which the modifications are proposed. More than one (1) sign may be required due to the size of the site.

C. Procedure for Decisions:

1. The Design Review Board shall decide to approve the request, deny the request, or table the request no more than forty-five (45) days after receiving all required application materials. Conditions of approval may be attached to any approval.
2. If the case is approved, a Certificate of Appropriateness shall be issued to the applicant by the Zoning Administrator or designee.
3. If a case is denied, the Design Review Board shall state the reasons in the minutes and in a letter to the applicant. The letter may include advice and illustrative drawings in regard to appropriateness of design, arrangement, texture, material, color, and the like, of the property involved. An applicant may re-apply for approval at any time; there is no waiting period following denial by the Board.
4. The Design Review Board may table a request only if there is insufficient data (data not presented that is in excess of the required materials listed in **Section 10-4(A)**) to make an appropriate decision. The Board must state specifically what data is needed and shall approve or deny the development request at the next schedule meeting after the additional materials are submitted.

D. Procedure for Obtaining a Certificate of Appropriateness:

1. A Certificate of Appropriateness shall only be issued for items approved by the Design Review Board.
2. The Zoning Administrator or designee shall issue a Certificate of Appropriateness after all conditions of approval (if any) defined by the Design Review Board have been met.
3. No building permit, grading permit, sign permit, or other permit shall be requested until a Certificate of Appropriateness has been issued. Any permit obtained that is not in conformity with this Section shall be invalid.

## **SECTION 10-5 VARIANCES AND APPEALS**

- A. Procedure for Requesting a Variance from Overlay District Guidelines. Approval of a variance from overlay district guidelines shall not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the overlay district guidelines will, in an individual case, result in unnecessary hardship. The spirit of the overlay district shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in such individual case of unnecessary hardship only upon finding by the Design Review Board that at least two (2) of the four (4) following factors exist:
1. There are extraordinary and exceptional physical conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
  2. The proposed variance to the overlay district guidelines will more closely approximate the character, design, or building material desired per the overlay district character.
  3. Such conditions are unique to the piece of property or structure involved.
  4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the overlay district guidelines. Economic hardship shall not be deemed the sole basis for relief.
- B. Procedure for Appeals:
1. The applicant, owner, or any aggrieved party may appeal a non-variance decision made by the Design Review Board pertaining to an alleged error in the due process or order of the proceeding. The appeal shall be heard by the Board of Zoning Appeals, as detailed in **Article 9, Board of Zoning Appeals**. If the appeal concerns any item other than the due process or order of the proceeding, then the appeal must be made to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.

2. The applicant, owner, or any aggrieved party may appeal a decision made by the Design Review Board pertaining to a variance, whether it is a variance from an overlay district requirement or any other section of the Zoning Ordinance. The appeal must be made to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.
3. All appeals shall be requested from either the Board of Zoning Appeals or the Courts of South Carolina within thirty (30) days after the decision of the Design Review Board is rendered.

## **SECTION 10-6 MOST RESTRICTIVE SHALL PREVAIL**

The standards of both the overlay district and the underlying zoning district shall apply. Where the standards of the overlay district and the underlying zoning district differ, the more restrictive standard shall prevail.