

**GREENWOOD CITY/COUNTY JOINT BOARD OF ZONING APPEALS  
GREENWOOD COUNTY LIBRARY, AUDITORIUM  
GREENWOOD, SOUTH CAROLINA**

**January 7, 2019**

***Meeting Called to Order***

The Joint Board of Zoning Appeals of Greenwood County met in the American Veteran's Auditorium of the Greenwood County Library on Monday, January 7 2019, at 5:30 p.m. A quorum was present with the following members in attendance:

F. R. Rushton, Chairman  
Wayne Mathis  
Richard Thomason  
Steve Turner  
Glynn Boles  
Tina Escalona  
Johnathan Bass  
Marchelle Thompkins-Bryant

Those members absent included:  
None

Greenwood City/County Planning Department Staff present:  
Chris Hudson, Planner

***Approval of Minutes***

Richard Thomason made a motion to accept the minutes for December 3, 2018. Glynn Boles seconded the motion, which carried unanimously.

***Hearing Procedures***

Chairman Rushton bypassed the reading of the rules of procedure as there were no members of the public in attendance other than the applicant.

***4-Point Criteria***

Chris Hudson read the 4 Point Criteria from the South Carolina Code of Laws for granting variances.

**Public Hearing**

Variance request number V-19-01-01 (County Council District 1) by Angel Torres. The subject property is located at 604 New Zion Rd. and is zoned RDD (Rural Development District). The property is identified by GPIN # 6823-251-963. The requested variance will allow for a reduction of the side setback required for the placement of a mobile home.

Chris Hudson gave the staff overview as follows:

### **Variance Request**

The Applicant is requesting a Variance to allow for a reduction in the front and side setbacks required for the placement of a mobile home in the Rural Development District.

Pursuant to Title 6, Chapter 29, Section 800, Code of Laws of South Carolina, 1976, as amended, 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; these conditions do not generally apply to other property in the vicinity; because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and, 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.

### **Analysis**

The address of the subject property is 604 New Zion Rd. in an unincorporated portion of Greenwood County. The property is zoned RDD (Rural Development District) and is identified by GPIN # 6823-251-963. The property is approximately .19 acre in size and is owned by Angel Torres. The applicant proposes to place a mobile home on the site.

The surrounding area is zoned RDD (Rural Development District) in all four cardinal directions. The property is bordered by vacant land to the north, a single family home to the south and west, and a mobile home to the east.

The Greenwood County Zoning Ordinance for the RDD (Rural Development District) requires a 50 foot front setback as well as a 10 foot side setback for all single family homes. The applicant states that the lot width by deed and plat is 80 feet wide. The existing lot of record predates the overlay of the current zoning district. The proposed mobile home is 76 feet long by 32 feet in width. The existing septic tank and drain field are toward the rear of the parcel. The applicant states that given the length of the mobile home, and constriction of the buildable area due to the existing septic system, a Variance for both front and side setback is necessary.

The Greenwood County Ordinance provides all lots of record that are non-conforming for size a reduction in setback equal to the degree to which the lot is nonconforming, with the maximum setback reduction capped at 40%. The subject property at .19 acres in size qualifies for the full 40% reduction, resulting in a 30 foot front setback, a 6 foot side setback, and a 24 foot rear setback. The small lot size, mobile home length and the septic system are constraints which render the normal remedy of setback reduction by Ordinance ineffective in providing relief from the site constraints experienced by the applicant.

The matter at hand is whether to allow a reduction of 30 feet from the front setback as well as a reduction of 8 feet from the side setbacks required for the placement of a mobile home in the RDD (Rural Development District). Should the Variance be granted as proposed by the Applicant, the resulting setbacks would be 10 feet from the front property line and 2 feet from each side property line.

Chairman Rushton opened the Public Hearing.

The following represented and spoke in favor of the request:

Angel Torres 604 New Zion Rd, Promised Land, SC 29649. Mr. Torres spoke to say that he has been coming to Greenwood County for the better part of his life, and plans to retire to the subject property when done with his military service. Mr. Torres went on to explain that he enjoys a good relationship with his neighbors on all sides as well as across the road and that the folks in the area were in favor of his request.

Mr. Torres explained that his request would move the mobile home closer to the road than the existing foundation pad. Mr. Torres informed the board that the parcel had been improved for home placement by the removal of the cedar tree depicted in the photos included with the Board's information packet. Mr. Torres informed the Board that should the Variance request be granted, the home to be moved to the parcel would be inhabited by his mother at the present time and would in the future be a home for he and his wife upon their retirement from military service.

Chairman Rushton asked the applicant if there was a mobile home on the property when it was purchased, to which the applicant replied no. Chairman Rushton asked if there had been a mobile home on the past, to which the applicant replied yes. Staff informed the Board that the existing mobile home pad was of a size that would only service a very old mobile home of a vintage no longer allowed to be placed in Greenwood County by ordinance. Staff went on to explain that any mobile home currently allowed in the County would require a Variance for setback given the size of both the parcel and modern mobile homes.

Mr. Bass asked if the mobile home was to be placed closer to the eastern side of the parcel, closer to Mrs. Frances's side of the property. Mr. Torres explained that the home would be centered on the parcel in relation to the side setbacks as well as closer to the roadway.

Chairman Rushton asked if there had been any contact from folks in the area. Staff replied that the only call received had been from Mrs. Frances, the property owner to the east. Staff explained that Mrs. Frances had indicated her support for the request. Chairman Rushton asked if there would be need vehicular access to the rear of the property, in that the reduced side setbacks would make it difficult to get a car behind the home. Mr. Torres indicated that there would not be a need for pulling a car behind the home.

Mr. Thomason asked of the applicant owned the proposed home, to which Mr. Torres answered in the affirmative. Mr. Boles voiced concern over the front setback reduction asking if there were no way to move the septic system. Mr. Bass pointed out that there was little room to move the septic system given the size of the property. Mr. Hudson pointed out that the front to back fall of the topography on the lot was not clearly shown in the images before the Board, and given the change in elevation a relocation of the septic system and drain field would prove problematic. Mr. Bass pointed out that Mrs. Frances owned not only the lot to the east, but also the lot to the north so her property bordered the subject property on two sides.

The following spoke in opposition to the request:

None

Chairman Rushton closed the public hearing and asked the Board Members for any discussion or a motion pertaining to the request.

Mr. Bass made a motion to approve the request citing the Staff opinion as reason to grant the Variance. Mr. Boles seconded the motion which was carried unanimously.

Chairman Rushton thanked both Mr. Torres and his wife for their service to the Country.

*Adjournment*

Mr. Thomason made a motion to adjourn; seconded by Mr. Boles. The motion carried unanimously. The meeting was adjourned at 5:48 p.m.