

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS
A G E N D A
Regular Meeting
April 8th, 2021
4:00 PM

Greenville City Hall is currently closed to the public. Please use the following methods to participate in the meeting.

Virtual Meeting Viewing
<https://www.greenvillesc.gov/meeting>
Password: meetnow

Telephone: 1-415-655-0002
WebEx Event Number: 129-848-3504

Remote Viewing Location:

Greenville Convention Center, 1 Exposition Drive – Room 202A

The city of Greenville seeks input from citizens while adhering to public health and safety guidelines. All attendees at the remote viewing location will be subject to a temperature screening with a touch-less forehead thermometer. Anyone with a temperature reading above 100 degrees Fahrenheit will not be admitted. Attendees will be required to wear a covering over their mouth and nose, unless it violates a religious tenant or belief or causes difficulty breathing.

1. Call to Order

2. Welcome and Opening Remarks from the Chair

3. Roll Call

4. Approval of Minutes

- A. February 9th, 2021 – Workshop
- B. February 11th, 2021 – Regular Meeting

5. Call for Public Notice Affidavit from Applicants

6. Acceptance of Agenda

7. Conflict of Interest Statement

8. Call for Public Comment

9. New Business

A. V 21-178

Application by Samuel Hankins & Kiersten Bell for a VARIANCE to minimum lot size requirements at 10 and 12 CRYSTAL AVE. (TM# 021100-01-00801).

Documents:

[AGENDA PACKET - V 21-178 - 10 AND 12 CRYSTAL AVE..PDF](#)

. . . --

B. S 21-189

Application by Greenville County and the City of Greenville for a SPECIAL EXCEPTION to establish a greenway use for the Swamp Rabbit Trail at MULTIPLE PARCELS.

Documents:

[AGENDA PACKET - SPEX 21-189 - SWAMP RABBIT TRAIL SOUTHERN EXTENSION - GREENWAY.PDF](#)

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10. Other Business

11. Adjournment



**Planning Staff Report to
Board of Zoning Appeals
April 2, 2021**
for the April 8, 2021 Public Hearing

Docket Number:	V 21-178
Applicant:	Samuel Hankins & Kiersten Bell
Property Owner:	Raymond Levy (Borrowdale Properties, LLC)
Property Location:	10 & 12 Crystal Ave.
Tax Map Number:	021100-01-00801
Acreage:	11,175 sq. ft.
Zoning:	R-6, Single-Family Residential District
Proposal:	Variance to reduce minimum lot area requirement
Staff Recommendation:	Denial

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec.19-2.3.7, *Variance Permit*

Sec.19-5.1, *Table of dimensional standards*

Staff Analysis:

The applicants request a variance to minimum lot area requirements to allow subdivision of an existing 11,175 sq. ft. parcel into two (2) parcels for sale or future development. The property is zoned R-6, Single-Family Residential, and is currently improved with two (2) detached duplex structures. While the R-6 district does not permit duplex dwellings, historic aerial imagery suggests that the structures were constructed sometime prior to 1955; therefore, the duplex structures are considered viable and legal non-conforming uses and structures.

The R-6 district requires a minimum lot area of 6,000 sq. ft. The applicants have provided two (2) proposed options to subdivide the existing parcel:

1. **'Option 1'** proposes an irregular lot line where Lot 'A' would maintain 6,000 sq. ft. of lot area and Lot 'B' would contain 5,175 sq. ft., which then requires an 825 sq. ft. lot area variance request to allow sale or future development of an otherwise non-compliant remnant lot.
2. **'Option 2'** proposes two (2) variance requests. Lot 'A' would contain 5,813 sq. ft., which then requires a 187 sq. ft. variance request, and Lot 'B' would contain 5,362 sq. ft., which then requires a 638 sq. ft. variance request to allow sale or future development of two lots instead of the single original lot.

A variance permit shall be approved only upon finding that the applicants will suffer undue hardship if the chapter is strictly enforced and that the Board of Zoning Appeals finds that all of the following standards are met. Staff submits the following responses with respect to the standards required to grant a variance:

1. There are extraordinary and exceptional conditions pertaining to the property (such as size, shape, topography) that do not generally apply to other land in the vicinity

The subject property contains an approximate area of 11,075 sq. ft. with approximately 111 ft. of road frontage. Staff finds that several existing lots along this block of Crystal Ave. have similar or larger lot areas and road frontages. Specifically, there are four other lots that front Crystal Ave within the same block that range from 101 ft. of road frontage to 213 ft. of road frontage.

Within the application, the applicants state that the subject property is unique due to the presence of the non-conforming duplex structures. However, directly across the street, staff found four duplex structures on a single lot. On the adjacent lot to the left of this property is a four-unit structure on a single lot. While these two properties are zoned C-3 and OD, respectively, they do represent duplex and quadplex uses in the same block and character as the subject parcel. Staff does not find that the existence of these structures directly impacts physical conditions that relate to the parcel(s) nor the ability to re-develop the property under R-6 dimensional standards.

Staff finds that there are not extraordinary or exceptional conditions that pertain to the property given its extended road frontage or non-conforming structures.

2. The special circumstances are not the result of actions of the Applicant.

The requested variance is a result of the applicants' desire to subdivide the subject parcel rather than utilize the existing parcel.

Staff finds that the special circumstances are the result of the applicant's desire to subdivide.

3. Because of the stated extraordinary and exceptional conditions, the application of this Ordinance to the property would effectively prohibit or unreasonably restrict the utilization of the property.

While the proposed lot area variance(s) would allow for the parcel to be subdivided and sold to different parties, staff does not find the requested variance necessary to utilize and enjoy the property for single-family residential purposes nor necessary to retain the existing duplex structures on-site.

Staff finds that the dimensional standards and measurements of the ordinance would not unreasonably restrict the utilization of the property for residential purposes.

4. Granting the Variance is the minimum action that will make possible the reasonable use of the land which is not contrary to the public interest and which will carry out the spirit of this Ordinance.

Staff believes that the applicant could employ an alternative option to meet minimum zoning lot area requirements, such as the acquisition of enough additional adjacent

property to meet the R-6 lot area requirement. To grant a lot area variance and permit a density greater than that allowed within the R-6 zoning district would be contrary to the public interest and would act against the requirement and spirit of the Ordinance to maintain the harmony and character of established single-family residential areas.

Staff finds that the requested lot area variance would be contrary to the public interest and would act against the requirement and spirit of the Ordinance to maintain the harmony and character of established single-family residential areas.

5. The Authorization of the Variance will not result in a substantial detriment to adjacent property or to the Public Good, and the Character of the District will not be harmed by granting the Variance:

Sound planning suggests that the authorization of the variance request would result in a substantial detriment to adjacent property. The creation of new lots, that do not meet minimum lot area requirements for the R-6 zoning district would set a negative precedent and would undermine the general purpose and intent of the R-6 zoning district.

In response to this standard, the applicant states that the property immediately to the west of the subject property is below minimum square footage requirements. Staff concurs. However, Section 19-2.3.7(D)(2) states the following as not eligible as justification for a variance: *“the non-conforming use of neighboring lands, structures or buildings in the same zoning district that applies to the property for which the variance is sought.”*

Staff finds that authorization of the variance request would harm the general intent and character of the R-6 zoning district.

6. The granting of the Variance will be generally consistent with the purposes and intent of the Ordinance

To grant the requested variance would not be consistent with section 19-1.3, Purpose and Intent, of the Ordinance, with respect to:

- 19-1.3.1. *Light, air, open space.* Provide for adequate light, air, and open space.
- 19-1.3.4. *Promote diverse quality housing, protect neighborhoods.* Promote quality housing, preserve neighborhoods, and encourage diversity of housing options.
- 19-1.3.11. *Create harmonious community.* Facilitate the creation of a convenient, attractive, and harmonious community.
- 19-1.3.16. *Regulate the use, density, distribution, and character of land.* Regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

Furthermore, to grant the variance would not be consistent with the purpose of the R-6 district, described in Section 19-3.2.2 as, *“intended to preserve and encourage single-family residential development with a minimum lot size of 6,000 sq. ft.”*

Staff finds to grant the requested would not be consistent with the purposes and intent of the Ordinance.



city of
greenville

Office Use Only:

Application# ✓ 21-178

Fees Paid \$150

Date Received 3-5-21

Accepted By MDL

APPLICATION FOR VARIANCE CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT: Samuel Hankins & Kiersten Bell

Name

Title / Organization

MAILING ADDRESS: 111 Devenridge Drive Greer, SC 29650

PHONE: 864-561-8119

EMAIL: Samuel.hankins14@gmail.com

PROPERTY OWNER: Raymond Levy aka Borrowdale Properties LLC

MAILING ADDRESS: 121 Block House Road Greenville, SC 29615

PHONE: 864-350-3976

EMAIL: raymondlevy.zw@gmail.com

PROPERTY INFORMATION

STREET ADDRESS: 10 Crystal Avenue Greenville, SC 29605

TAX PARCEL #: 0211.00-01-008.01

DEED BOOK/PAGE: 2513/5943-5944

RECORDED DATE: 6/2/2017

ZONING DESIGNATION: R-6

ACREAGE: .25 acres

REQUEST

Unless limited by a condition of approval, a variance permit shall run with the land and not be affected by a change in ownership.

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: Section 19-3.2.2

DESCRIPTION OF REQUEST:

Two multi-family buildings on are on the same lot. We would like to split lot so that each multi-family can be sold to two different parties, Samuel Hankins & Kiersten Bell. Samuel and Kiersten are requesting a variance on both lots in regards to minimum square footage required or a variance on one lot. Two available options are attached as displayed on surveys for city approval. 1st option is granting variance on both proposed lots after dividing current lot or 2nd option is granting variance on only one lot after dividing current lot

INSTRUCTIONS

1. The application and fee, made payable to the City of Greenville, must be received by the Planning and Development office on or before the filing date reflected on the calendar schedule of the Board of Zoning Appeals. Submit the application by 2:00PM (business days) to ensure that it is accepted and processed the same day.
2. Special Exception and Variance applications require a public hearing before the Board of Zoning Appeals. Public hearing signs are required to be posted on the subject properties at least 15 days (but not more than 18 days) prior to the scheduled hearing date. The applicant is responsible for picking up signs at the Planning and Development office in City Hall, at the time of application submittal.

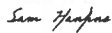
3. The applicant/owner must respond the "findings" questions on page 3 of this application (you must answer "why" you believe the application meets the tests for the granting of a variance). See also **Section 19-2.3.7, Variance Permit**, for additional information. You may attach a separate sheet addressing these questions.
4. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the requested variance; (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
5. You must attach the required application fee:
 (a) Single-Family Residential Uses: \$150.00
 (b) All Other Uses: \$250.00
6. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**
7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the Planning Office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the Planning Office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

3/3/2021 | 11:52 AM EST

DocuSigned by:

 DocuSign

 781C18855732477

3/3/2021 | 8:59 AM PST

Applicant Signature

Date

DocuSigned by:



3/3/2021 | 8:50 AM PST

Property Owner Signature

Date

STOP: To be filled when application submitted to Planning & Development office – 5th floor of City Hall

'Public Hearing' signs are acknowledged as received by the applicant

Received information for neighborhood meeting - [PDF Online](#)

APPLICANT SIGNATURE _____

APPLICANT RESPONSE TO
SECTION 19-2.3.7(D)(1), FINDINGS
(You may attach a separate sheet)

1. Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.

See attachment

2. Are the circumstances affecting the subject property the result of actions by the applicant/owner?

See attachment

3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.

See attachment

4. Is the request the minimum action that will make possible the reasonable use of land or structure which is not contrary to the public interest and which will carry out the spirit of the ordinance?

See attachment

5. Describe the ways in which the granting of the variance will not result in substantial detriment to adjacent property or to the public good. In what way(s) will the granting of the variance not harm the character of the district?

See attachment

6. Describe the ways in which the granting of the variance will be generally consistent with the purposes and intent of the ordinance.

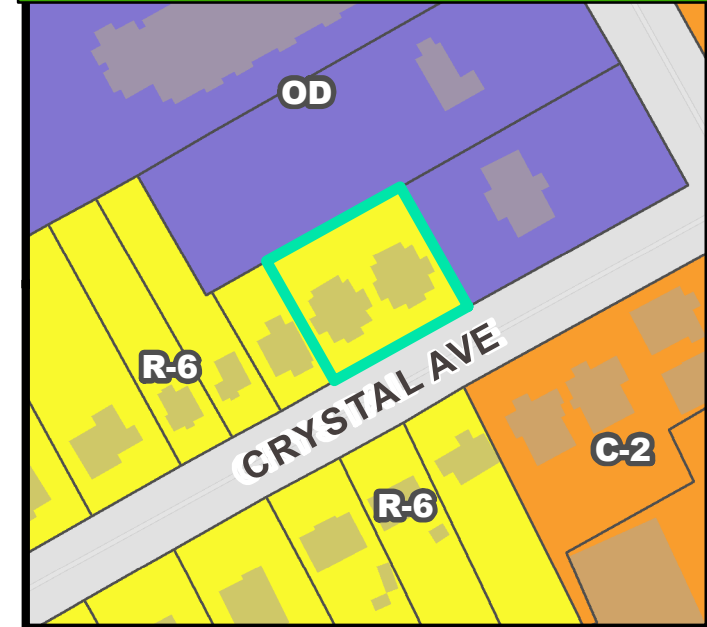
See attachment

V 21-178 • 10/12 CRYSTAL AVE.

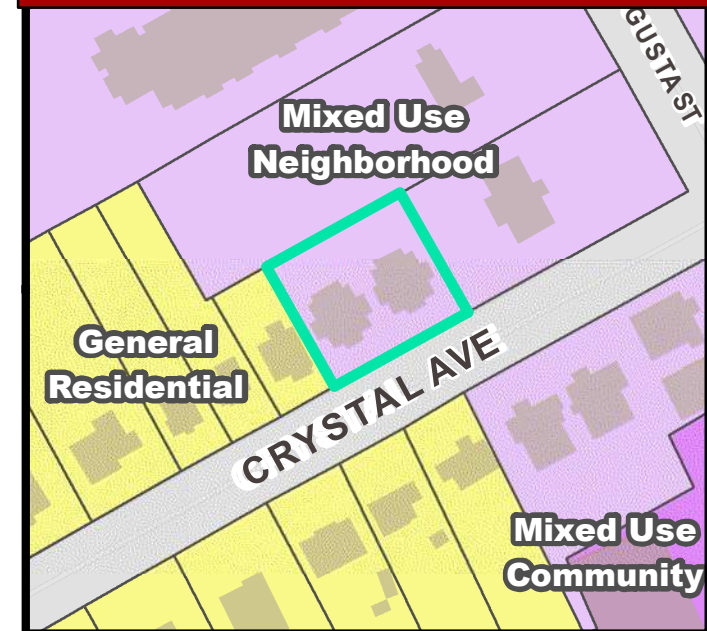
AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

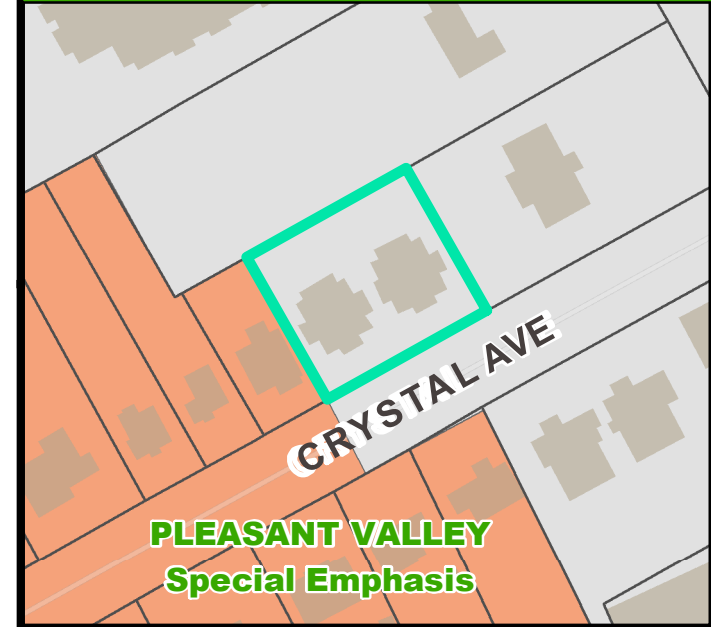


V 21-178 • 10/12 CRYSTAL AVE.

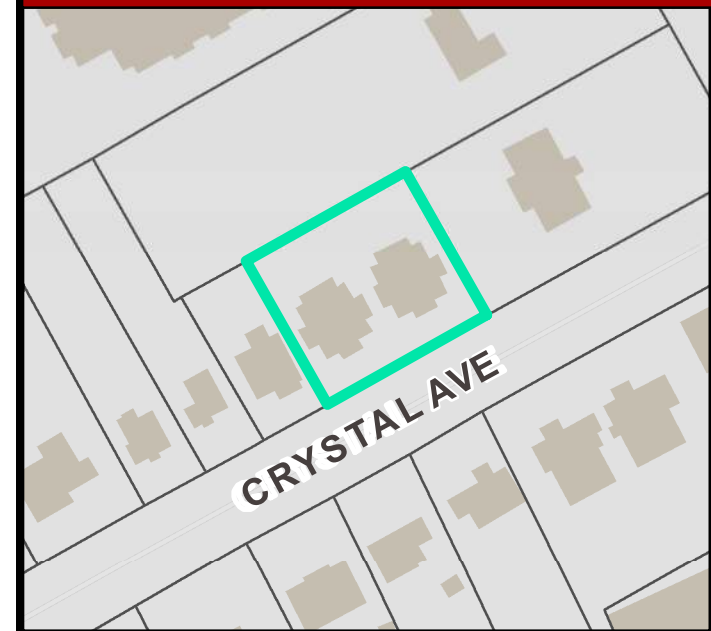
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



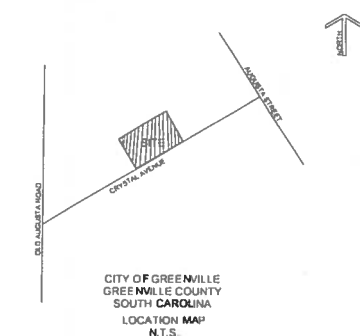
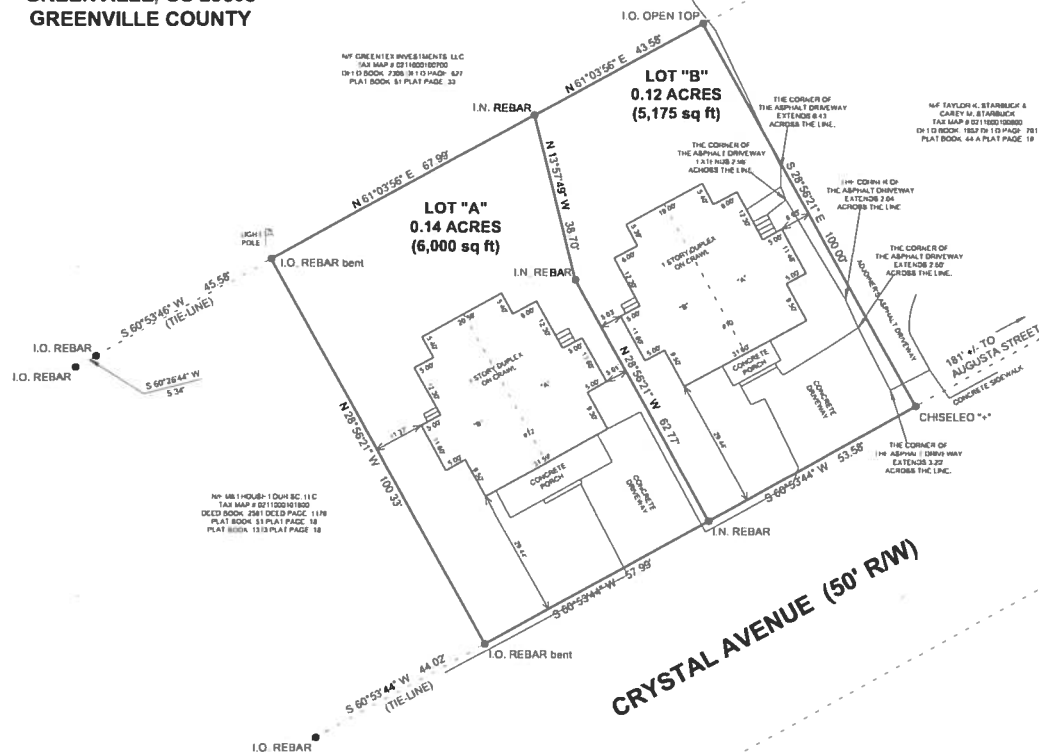
PRESERVATION OVERLAYS



REFERENCES			
TAX MAP #	DEED REF	PLAT REF	CURRENT OWNER
0211000100801	2613-5943	LLL-3A	BORROWDALE PROPERTIES, LLC

**A 0.14 ACRE PORTION OF TAX MAP # 0211000100801
DESIGNATED LOT "A" &
A 0.12 ACRE PORTION OF TAX MAP # 0211000100801
DESIGNATED LOT "B"
SITUATED @
CRYSTAL AVENUE
GREENVILLE, SC 29605
GREENVILLE COUNTY**

**Option 1
(caption added by staff)**



CERTIFICATE OF OWNERSHIP AND DEDICATION
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND THAT I (WE) ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND HEREBY DEDICATE TO PUBLIC USE OF ROADS, STREETS, AND EASEMENTS FOREVER ALL AREAS AS SHOWN OR INDICATED OR SAID PLAT

DATE: _____ SIGNED: _____
DATE: _____ SIGNED: _____
DATE: _____ SIGNED: _____
DATE: _____ SIGNED: _____

CERTIFICATE OF ACCURACY
I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS OF A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

2-22-2021 I. A. ROMO, P.L.S.
DATE SCPLS # 12250
REGISTERED SURVEYOR

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF GREENVILLE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED ON THE MINUTES OF THE CITY OF GREENVILLE PLANNING COMMISSION OF GREENVILLE COUNTY, SOUTH CAROLINA AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER OF DEEDS

DATE: _____ CITY ENGINEER
CITY OF GREENVILLE

**SUMMARY PLAT
FILE NUMBER**

**PROPERTY OF
SAMUEL HANKINS AND VIVIANA HANKINS**

BORROWDALE PROPERTIES, LLC
P.O. BOX 8327
GREENVILLE, SC 29608
OFFICE: (864) 906-6557

OWNER

IGNACIO A. ROMO, SCPLS 12250
P.O. BOX 8327
GREENVILLE, SC 29608
OFFICE: (864) 906-6557
SURVEYOR

NO. OF ACRES 0.26 MILES OF NEW ROAD 0.0

NO. OF LOTS 2 DATE 2-22-2021

ZONING R-6 JOB NO. 21085-B

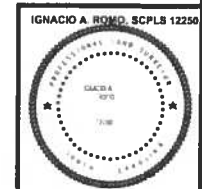
GRAPHIC SCALE
1"=20'

20 0 20 40 60

THERE IS A DRAINAGE AND UTILITY EASEMENT 5' EACH SIDE OF ALL INTERIOR LOT LINES AND A 10' ALONG THE INSIDE OF BACK PROPERTY LINE

ACCORDING TO F.E.M.A. FLOODWAY DATA, THIS PROPERTY IS NOT LOCATED IN AN ESTABLISHED FLOOD HAZARD AREA

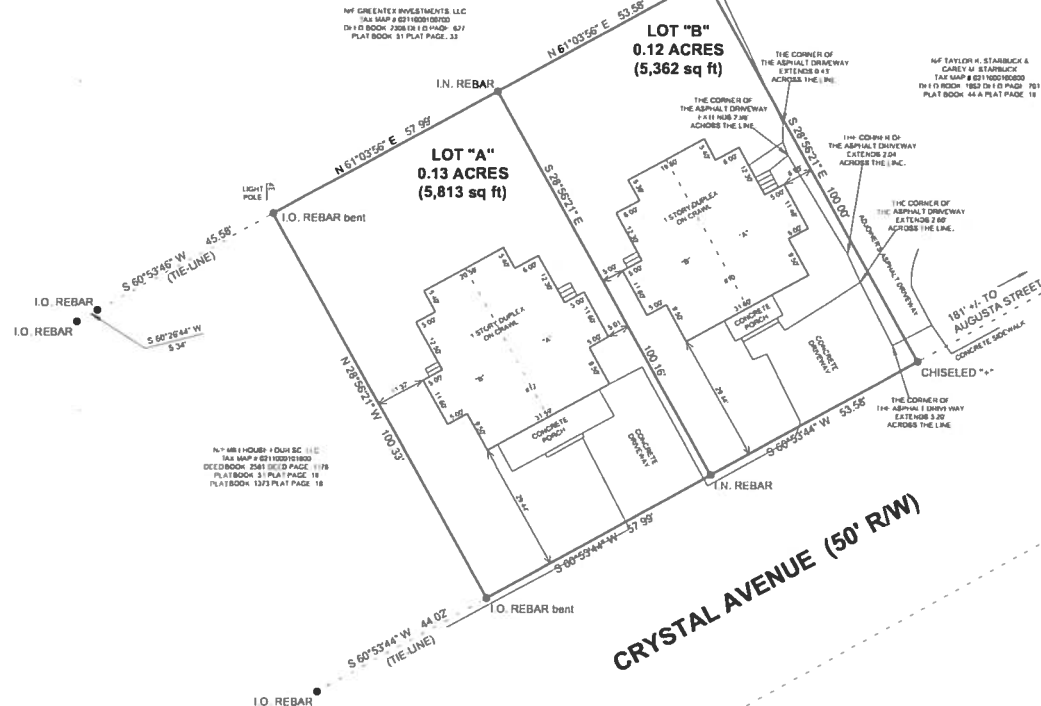
THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD AND NOT OF RECORD



REFERENCES			
TAX MAP #	DEED REF.	PLAT REF.	CURRENT OWNER
0211000100801	2613-5943	LLL-3A	BORROWDALE PROPERTIES, LLC

Option 2
(caption added by staff)

A 0.13 ACRE PORTION OF TAX MAP # 0211000100801
DESIGNATED LOT "A" &
A 0.12 ACRE PORTION OF TAX MAP # 0211000100801
DESIGNATED LOT "B"
SITUATED @
CRYSTAL AVENUE
GREENVILLE, SC 29605
GREENVILLE COUNTY



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND THAT I (WE) ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND HEREBY DEDICATE TO PUBLIC USE OF ROADS, STREETS, AND EASEMENTS, FOREVER ALL AREAS AS SHOWN OR INDICATED ON SAID PLAT

DATE: _____ SIGNED: _____
DATE: _____ SIGNED: _____
DATE: _____ SIGNED: _____
DATE: _____ SIGNED: _____

CERTIFICATE OF ACCURACY

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS OF A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

2-22-2021 I. A. ROMO, PLS
DATE SCPLS # 12250
REGS/LEO SURVEYOR

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF GREENVILLE, WITH THE EXCEPTION OF SUCH VARIANCES IF ANY AS ARE NOTED IN THE MINUTES OF THE CITY OF GREENVILLE PLANNING COMMISSION OF GREENVILLE COUNTY, SOUTH CAROLINA AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER OF DEEDS

DATE: _____ CITY ENGINEER
CITY OF GREENVILLE

SUMMARY PLAT
FILE NUMBER

PROPERTY OF
SAMUEL HANKINS AND VIVIANA HANKINS

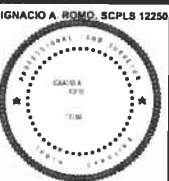
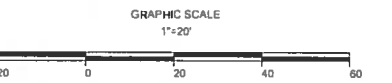
BORROWDALE PROPERTIES, LLC
P.O. BOX 6377
GREENVILLE, SC 29608
OWNER

I. A. ROMO, PLS 12250
P.O. BOX 6377
GREENVILLE, SC 29608-6377
OFFICE (864) 805-6052
SURVEYOR

NO OF ACRES 0.26 MILES OF NEW ROAD 0.0

NO OF LOTS 2 DATE 2-22-2021

ZONING R-6 JOB NO. 21085



THERE IS A DRAINAGE AND UTILITY EASEMENT 5' EACH SIDE OF ALL INTERIOR LOT LINES AND A 10' ALONG THE INSIDE OF BACK PROPERTY LINE

ACCORDING TO F.E.M.A. FLOODWAY DATA, THIS PROPERTY IS NOT LOCATED IN AN ESTABLISHED FLOOD HAZARD AREA

THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD AND NOT OF RECORD

APPLICANT RESPONSE TO
SECTION 19-2.3.7(D)(1), FINDINGS
ATTACHMENT

1. The subject property has two multi-family buildings (two duplex buildings on the lot), each building containing two units, seem to have been grandfathered into R-6 zoning as both buildings were built approximately on or before 50 years ago. Subject property is in direct proximity to other multi-family properties on Crystal Avenue and Augusta St. and these other properties have either O-D or C-2 zoning assigned to them. Multi-family in a predominately single-family residential neighborhood makes this an extraordinary and exceptional condition.
2. No current circumstance affecting the subject property is the result of actions by the applicant(s)/owner.
3. The ordinance effectively prohibits and unreasonably restricts this property to be divided because of minimum square footage which is required to retain per lot (if lot were to be divided)
4. The request will make possible the reasonable use of land and structure and is not contrary to the public interest and will continue to carry out the spirit of the ordinance as the use of the property is not changing and will give housing to multiple individuals or families seeking to live in this residential neighborhood.
5. Granting this variance will not result in substantial detriment to adjacent property or to the public good as the home to the left of the subject property already is below minimum square footage requirements in terms of size of lot and in regards to this ordinance and property to right of subject property is multi-family property with commercial zoning and property located diagonally across the street is a multi-family property with commercial zoning. Furthermore, granting of the variance will not harm the character of the district because subject property is in direct proximity to other like-kind properties with similar use and the continued use of subject property will not change.
6. Granting this variance will still encourage residential development and use. All other dimensional standards for this ordinance and R-6 zoning are not being infringed other than current minimum lot square footage.

DocuSigned by:
Sam Hopkins 3/4/2021 | 7:10 PM EST
5728C594299141F
DocuSigned by:
Kirsten Bell 3/4/2021 | 6:13 PM PST
761618855722477

Applicant(s) Signature

DocuSigned by:
Raymond Levy 3/4/2021 | 3:59 PM PST
92E8585ADE9846C
Property Owner Signature



**Planning Staff Report to
Board of Zoning Appeals
April 2, 2021
for the April 8, 2021 Public Hearing**

Docket Number:	S 21-189
Applicants:	Greenville County and the City of Greenville
Property Owner:	Greenville County
Property Location:	Abandoned Railroad from Cleveland Park to CU-ICAR
Tax Map Number:	MULTIPLE
Acreage:	--
Zoning:	VARIES
Proposal:	Special Exception to establish a greenway
Staff Recommendation:	Approve with conditions

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*
Sec. 19-2.3.5, *Special Exception Permit*
Sec. 19-4.1, *Table of Uses*

Staff Recommendation: Staff concludes that the application complies with the standards to grant a Special Exception Permit for a **'greenway'** If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The use of the property shall substantially conform to the testimony of the applicant and content of the application and shall be limited to a greenway with a multi-use trail.

Staff Analysis:

The applicants, Greenville County and the City of Greenville, propose to establish a greenway use for the southern extension of the Swamp Rabbit Trail. The proposed southern extension consists of the development of an approximate 4.5-mile-long multi-use path within an abandoned railroad right-of-way that spans from Cleveland Park to the Clemson University International Center for Automotive Research (CU-ICAR). Multiple trailhead connections are proposed, with primary connections located at road crossings.

A Special Exception Permit shall be approved only upon a finding that the Applicant demonstrates that all the following standards are met:

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the GVL 2040 Comprehensive Plan designates this stretch of property/abandoned railroad right-of-way as “*Swamp Rabbit Trail*.” The proposed location of the southern trail extension is consistent with the “*Green Line extension*” outlined in the approved Swamp Rabbit Trail Extension Master Plan.

Staff finds that the proposed use is consistent with the Comprehensive Plan.

2. Complies with use specific standards

The Land Management Ordinance does not contain specific use standards for greenways.

Staff finds that the proposed use complies with use-specific standards.

3. Compatibility with the surrounding lands

Adjacent properties contain a mix of single-family and multi-family residential, retail, restaurant, personal service, and office uses. Staff finds that the proposed greenway use will enhance and complement adjacent residential and commercial land uses.

Staff finds that the use is compatible with the adjacent lands.

4. Design does not have substantial adverse impacts

Access points along the trail will be provided at most road crossings and along the trail as development occurs and neighborhood interest allows.

Staff finds that the design does not appear to pose any substantial adverse impacts to adjacent properties.



city of
greenville

Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Ty Houck Director of Greenways/Greenville County
* _____ Name _____ Title / Organization _____
permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Calin Owens Mobility Coordinator / City of Greenville
(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: 301 University Ridge, Suite 3800 Greenville SC 29601

PHONE: 864-331-6470 **EMAIL:** thouck@greenvillecounty.org AND cowens@greenvillesc.gov

PROPERTY OWNER: Greenville County SC

MAILING ADDRESS: 301 University Ridge, Suite 3800 Greenville SC 29601

PHONE: 864-331-6470 **EMAIL:** thouck@greenvillecounty.org

PROPERTY INFORMATION

STREET ADDRESS: Abandoned Railroad from Cleveland Park to CUICAR

TAX PARCEL #: Varies -- see maps **ACREAGE:** 20 **ZONING DESIGNATION:** Varies -- see maps

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Public Greenway / Rail Trail -- Swamp Rabbit Trail

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

TWO 'Public Hearing' signs are acknowledged as received by the applicant

Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

PROPERTY OWNER SIGNATURE

DATE

Carli O' - 3/10/21
City Manager

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

This development is consistent with the Comprehensive Plan (2009) and 5 Year Review. Specifically this enhancement of the Swamp Rabbit Trail is outlined in Chapter 9: Transportation. This Special Exception will provide touch points on all aspects of the Comprehensive Greenway Plan: (1) creating value and generating economic activity, (2) bicycle & pedestrian transportation (reducing traffic congestion), (3) improving health through active living, (4) clear skies, clean rivers, and protected wildlife, (5) protecting people and property from flood damage and (6) enhancing cultural awareness and community identity.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN SECTION 19-4.3, USE SPECIFIC STANDARDS.

The Swamp Rabbit Trail Southern Extension is designed to promote and enhance the quality and character of the built environment in the City of Greenville. More specifically, the purpose of the Swamp Rabbit Trail Southern Extension is to:

- (A) Encourage high quality development;
- (B) Ensure development remains compatible;
- (C) Maintain and enhance the quality of life for the city's citizens;
- (D) Shape the city's appearance, aesthetic quality, and spatial form;
- (E) Promote compatibility between nonresidential development and adjacent residential uses;
- (F) Provide property owners, developers, architects, builders, business owners, and others with an adjacent recreational amenity;
- (G) Encourage a pedestrian- and bicyclist-friendly environment;
- (H) Ensure greater public safety, convenience, and accessibility

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

The Swamp Rabbit Trail Southern Extension is an extension of the existing 20+ mile greenway network located throughout Greenville County and the City of Greenville. This development is compatible in character with adjacent residential, commercial, and industrial development and provides additional recreational amenities and multi-modal connectivity to this specific region in the City.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

The Swamp Rabbit Trail Southern Extension is a non-motorized, linear recreation and transportation corridor. There are no adverse effects on adjacent property. There will be no noise, glare, or vibration activities allowed, except during construction activity. The greenway is maintained by Greenville County and the City of Greenville and no additional adverse effects are known.

APPLICANT RESPONSE TO

SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

Open space, including recreational spaces, are encouraged in all developments throughout the City of Greenville. In addition, accessible transportation routes that encourage multi-modal transportation is encouraged. There are varying adjacent uses including neighborhood residential, commercial, and industrial.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

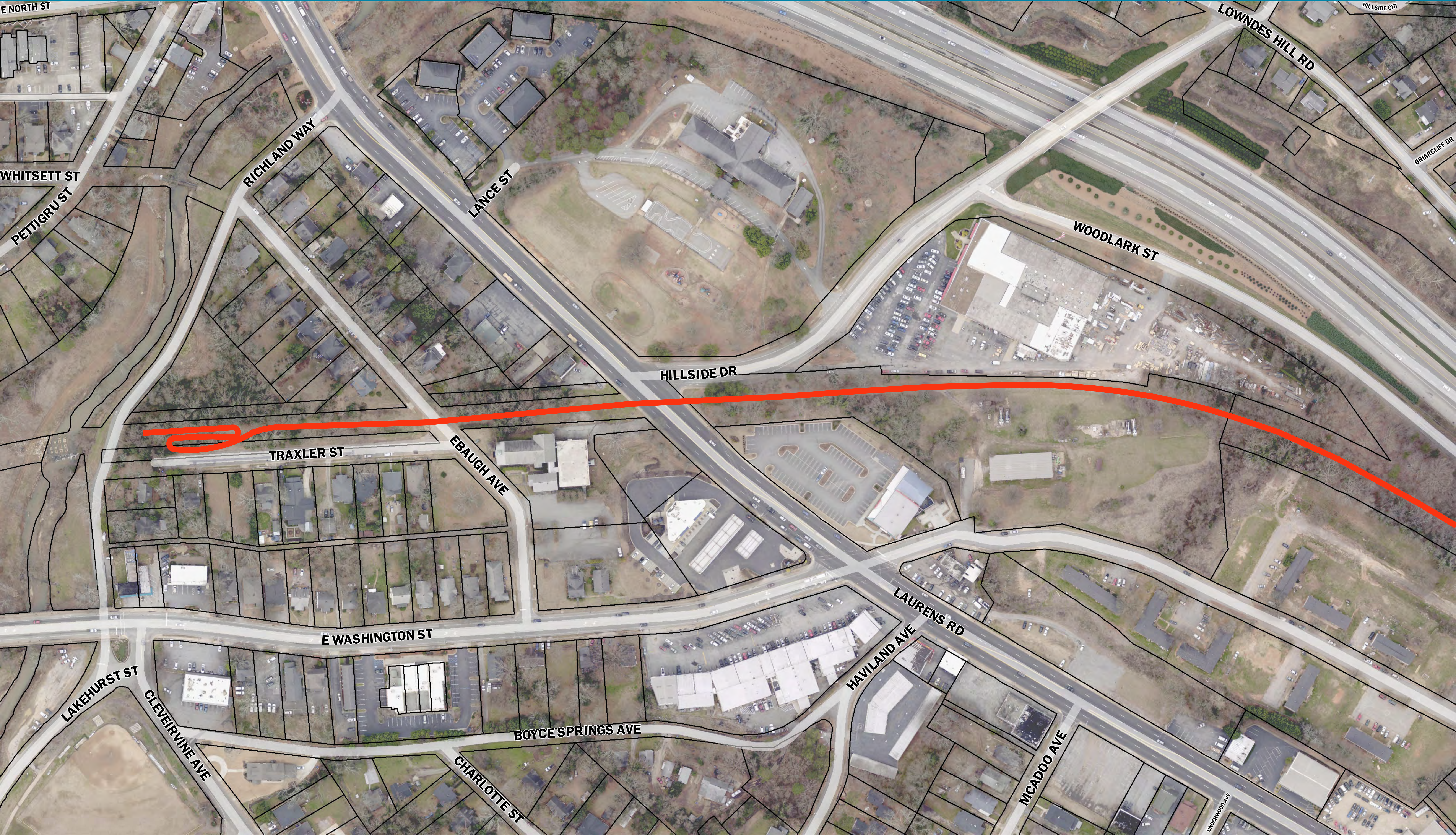
The Swamp Rabbit Trail Southern Extension will not injure the use of neighboring property. Adjacent properties will not be effected since there are no adverse impacts including noise, vibration, parking, etc.

3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

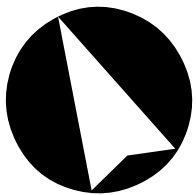
The Swamp Rabbit Trail Southern Extension does not require additional infrastructure capacity.

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

Parks are nonconforming uses in all zoning districts within the City of Greenville.



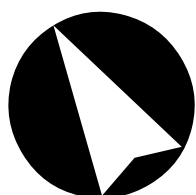
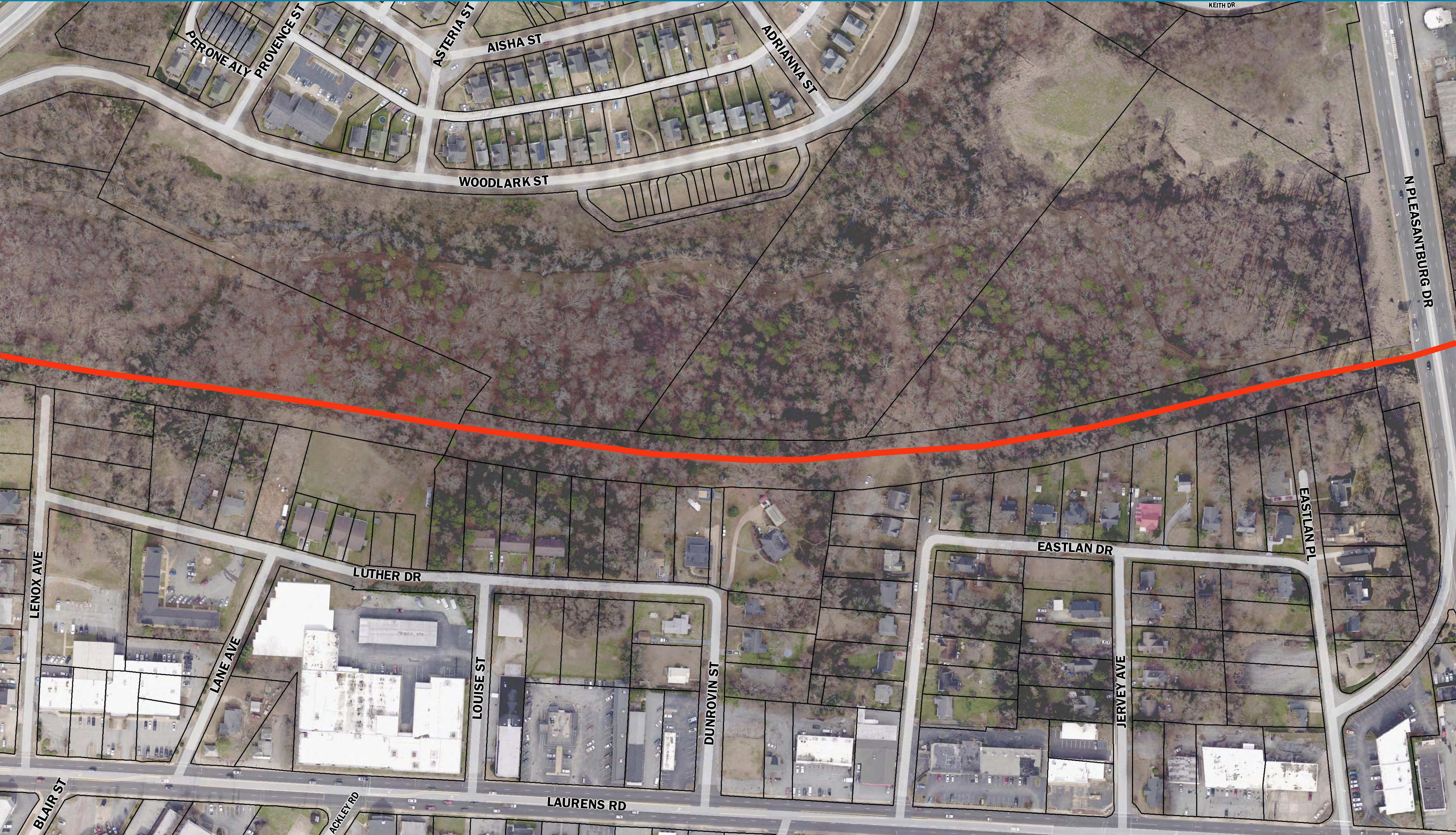
Map for informational purposes only. City of Greenville does not guarantee the accuracy of these maps or the data within. Trail centerline is approximate.



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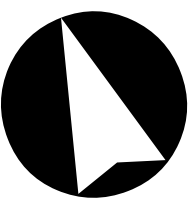


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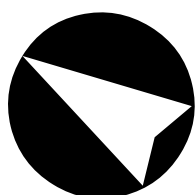
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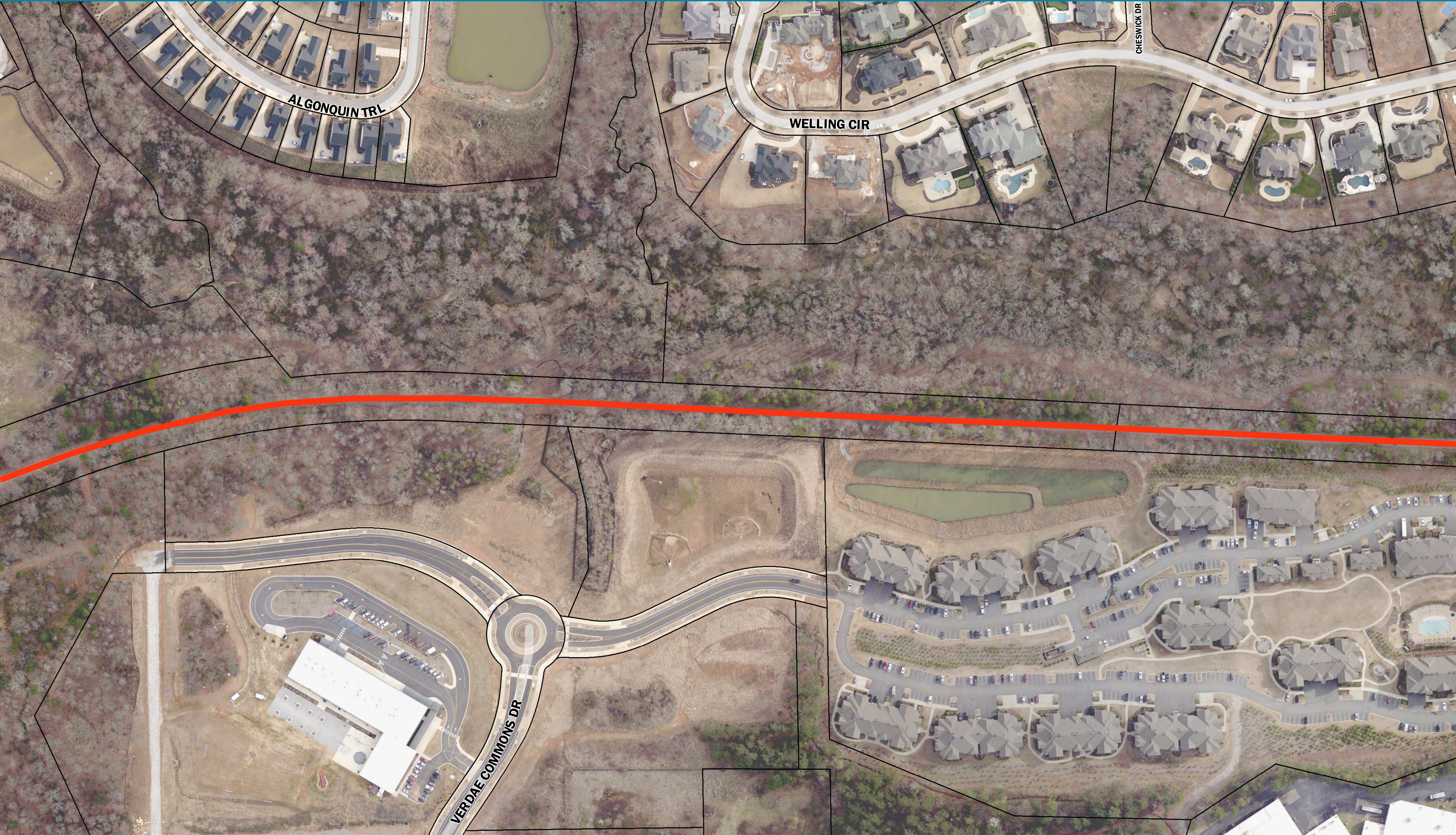
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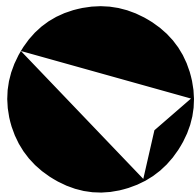
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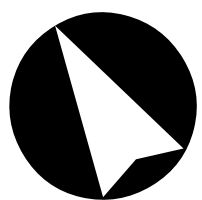


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