



*City of Clemson*  
**PLANNING & CODES ADMINISTRATION**

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**BOARD OF ZONING APPEALS**  
**March 19, 2015 – 6:00 P.M.**  
**CITY COUNCIL CHAMBER**

**Members Present:** Jon Silkworth, Marvin Dixon, Elaine Richardson and Ray Brown

**Members Absent:** Mindy Spearman, Cynthia Robinson

**Staff Present:** Todd Steadman, Zoning and Codes Administrator and Beth Connor, Recording Secretary

1. **Call to order:** Acting Chairman Elaine Richardson called the meeting to order at 6:00 P.M. Ms. Richardson proceeded to explain the process for the Public Comment section of the meeting including the swearing in for sworn testimony. Ms. Richardson asked for a show of hands of those wishing to speak. Ms. Richardson proceeded to conduct a swearing in ceremony.
2. **Board Business: None**
3. **Adoption of Minutes: February 19, 2015 Meeting:** Marvin Dixon moved that the Minutes be approved with correction. Jon Silkworth seconded the motion. Motion approved unanimously by show of hands.
4. **Advisory/Action Items:**
  - a. **2015-SE-03:** A Special Exception request to allow a new Bed and Breakfast on a vacant parcel 4043-16-84-6552 which is zoned R-20 and located between 609 Cherry Road and 613 Cherry Road.

**Staff Report:** Todd Steadman pointed out a couple corrections on his staff notes. Mr. Steadman reported that the parcel is vacant property, which does not have an E-911 address. Mr. Steadman reminded the Board that they are not here to approve the plan, but to approve the use for this parcel.

Mr. Steadman met with the Applicant and this is an allowed use. Mr. Steadman said that the proposed use meets the 10 Special Exception Standards for a Bed and Breakfast as listed in the Zoning Ordinance. Mr. Steadman went over the 10 standards.

Elaine Richardson questioned whether the property would be owner occupied, which is one of the standards. Mr. Steadman said that Ms. Porter's intent is to acquire the property and live there.

**Applicant:** Regina Porter, 401 Red Maple Way, who is a Pharmacist and teaches at Anderson University plans to sell her home on Red Maple Way and move into the Bed and Breakfast. Ms. Porter said that the purchase of the parcel was contingent on the approval of the Board.

Ms. Porter informed the Board that she has visited approximately 100 Bed and Breakfasts around South Carolina. Ms. Porter stated she will develop a good plan and will design her house.

Jon Silkworth asked how many bedrooms there would be and how many guests would stay there per night. Ms. Porter said that there would be 4 bedrooms plus hers.

Ms. Porter said that the house will be built so it could be a family home, if sold.

Ms. Richardson asked about parking. Ms. Porter stressed that she is environmentally conscious and intends to keep lots of green space. She intends to limit gravel and concrete in the back of the house where the parking would be located or in a garage.

#### **Public Session Open:**

Steve Walter, 5 Poplar Drive. He and his wife have lived there for 20 years. His property is around the corner from the lot. He feels that this approval of this variance would be the beginning of the erosion of the R-20 district, single family that they have enjoyed. He said that several houses in this vicinity have extra bedrooms and some of them have been rented in the past for extended periods, although none are rented today. The house across the street from them has an extra bedroom in the basement, like a mother-in-law room, the owner, Norman Becker was told that he could no longer rent, so he stopped. The new owners of Mr. Becker's house has been renting out the room in the basement to a gentleman for a number of years but he is gone now. His license plate was from Kansas. The house next door to him is for sale because the owner passed away and is advertised as a 7 bedroom house, apparently with a 1 bedroom basement apartment on one end, and a 2 bedroom apartment on the other end and the 2 bedroom apartment which is closest to them was rented for a number of years, semester by semester by students. He never had any trouble with anybody there so that is not his concern that they'll have some noise or something like that. It's more that if you approve the amendment for this house that right around the corner is a house with 7 bedrooms and he thinks the Board would be hard pressed to explain to them why they couldn't take weekend guests, ballgame guests there. They are very concerned that this is the beginning of the erosion of their single family status.

Mellie Warner, 103 Tamassee Drive, she has lived there 27 years and grew up at 97 East Lewis Drive. Big ties to the neighborhood. She's concerned as Mr. Walter that this is the tip of the iceberg and that all of a sudden the neighborhood with elderly owners that will be dying out and then there will be bed and breakfasts on every corner. She's concerned about traffic. The students fly up and down Cherry Road. The speed limit is maybe 35 but nobody is going that unless they see a Cop. They're doing more like 50 and she's concerned about cars getting in and out of this place. She said that Ms. Porter did not answer about how many people per room. She wants to know how many beds are in each of those rooms. Is going to be 1 double bed, 2 twin beds, 2 double beds. Because with 2 double beds you could put 16 people in there. She's concerned about the idea of it being sold and converted back. With four bedrooms and four baths it sounds just like a student apartment. Everybody has got to have their own bathroom these days. So, plus they would have the extra, the fifth one. So she's a little concerned about that and mostly, just are we starting down a path that we don't want to go down. Clemson is starting to be nothing but student apartments. There are very few neighborhoods left for Professors and anybody else to live close to the University and we're one of the few of those and we've been impacted less by all the building because it tends to be on the other side of town but we could be very definitely impacted if we go by having a lot of transient people. She's heard Judge Keller, well, Leonard say that they make it on football weekends and I can see

that could probably happen for somebody to make it on football weekends, so they wouldn't have to rent it out all weekends. So this could be encouragement for others to do this.

Ron Jameson, and I grew up here, in fact in my parent's house. Ms. Connor asked for his address. 107 Crestwood Drive, and I have the same concerns as Mellie does. I'm trying to figure out where this lot is. Is part of it back up to Hunnicut Drive? Mr. Steadman clarified where the lot is located. His concern is traffic. Traffic is very bad. His father got hit by a car crossing the road about 20 years ago. He just doesn't think it is good for the neighborhood. He said it is an older neighborhood with big lots. Everybody there bought 2 lots. He owns 2 lots and he just doesn't think that place is big enough and his other question is how many bed and breakfasts does Clemson have? In the City limits. There's one that's on Issaqueena Trail and that's a big farm and it looks like a Bed and Breakfast. But this is not a farm. It's a residential, single family and we already have some student rentals in there. We've had some problems and I think there are houses that are not on the rental thing but that's not for me, unless it becomes a problem. I don't like it and I like to see them get an area that's bigger and not a residential area.

### **Public Session Closed**

Ms. Richardson asked if there is a license requirement. Mr. Steadman said that there would be a City of Clemson Business License requirement.

Ms. Richardson asked about inspections. Mr. Steadman said that the Fire Marshal may, but feels that DHEC would do a yearly inspection. Mr. Steadman will get information about inspections. Mr. Steadman informed the Board that they could make the condition of the motion for some sort of an annual inspection.

Mr. Steadman told the Board that the guidelines for parking would be the same as the R-20 Zoning District. There is also a 25' setback from the road.

Mr. Steadman said that the model of the house would be 4 bedrooms with 4 baths. Regarding the future use of this house for a home, Mr. Steadman said if the property was bought to become a rental unit, the occupancy is 2 unrelated.

Mr. Steadman said that as far as unlawful rentals in the area, Staff is not aware of them.

Mr. Steadman said that the football weekend rentals is on the Planning Commission meeting for Monday and Staff is to provide guidelines for such rentals.

Ms. Richardson asked what the buffer requirements were. Mr. Steadman said that the setback was 10' on the side and 40' on the back. If there is a detached garage, the maximum size is 900 square feet and the setbacks would be 10' on the side and rear.

Ms. Richardson asked the Applicant about the bedrooms and occupants. Ms. Porter said that her idea is to have the parcel be beautiful and aesthetically pleasing to Clemson. Ms. Porter said that all of the bedrooms would be suites, 2 with queen size beds and 2 with king size beds plus a private bathroom

Discussion followed.

Ms. Richardson asked for a straw vote.

Brian Roberts asked the difference between a Special Exception and a Variance. Mr. Steadman explained the difference.

Mr. Steadman reminded the Board that each request is a case by case situation and if the request is denied the Board must inform the Applicant of the reason.

Mr. Roberts asked the Applicant how she would respond to the concerns expressed by the Public of the impact on the neighborhood.

Ms. Porter addressed all concerns. Ms. Porter expressed the intent of the B & B to be a quiet, beautiful place, being used by people associated with Clemson University. Ms. Porter feels that the type of people that would be staying there would not disturb the area, but enjoy the place. Ms. Porter doesn't feel that this will interfere with activities and told the people that they are welcome to visit anytime. The house will be 2 floors and a porch.

Ms. Richardson said that the minimum square footage is 2500. Ms. Porter said that the house will be around 3800 square feet.

Ms. Richardson asked Mr. Silkworth what concerns he had. Mr. Silkworth asked about the rear buffer yard, which could be a landscape buffer. Mr. Steadman said that it is a 15' buffer which could be fence and trees.

Mr. Steadman said that the lot is fairly wooded with an existing canopy. Mr. Steadman said they could require a privacy fence in rear and side.

Mr. Silkworth would also like to see an occupancy cap at 8.

Marvin Dixon spoke of restrictions that the Board could impose.

Mr. Roberts feels that the B & B would be self-limiting with the number of bedrooms.

Ray Brown agrees saying that it would be limiting with the types of beds in the rooms.

Mr. Dixon stated that he and his wife have stayed in bed and breakfasts all over. Mr. Dixon said that people with the same interests tend to stay there and they are mature adults. Mr. Dixon feels that there should be no other source of flame allowed, there should be sufficient egress and privacy. Mr. Dixon feels that the neighbors should be less concerned with a B & B than rental property.

Mr. Dixon said that he sees no reason to vote against it.

The Public mentioned the 7 bedroom house that is for sale and expressed concern that if this request is approved who's to say that the 7 bedroom house wouldn't become a B & B.

Mr. Steadman said that the property owner would have to request the Special Exception of the 7 bedroom house to be a B & B.

Mr. Dixon pointed out that there are 3 types of property: Apartment, house, B & B. There can be no bedroom less than 300 square feet.

Ms. Richardson informed the Board that she had Googled Bed & Breakfasts in the area and found that there is one other in Clemson (Sleepy Hollow on Issaqueena Trail) and Pendleton. Ms. Richardson said that all comments about the facility were positive.

Brian Roberts moved that the request be approved as presented without conditions. Ray Brown seconded the motion.

Marvin Dixon amended the motion to include:

- Standard 6' privacy fence around the house open in the front
- Join the Association of Bed and Breakfasts in South Carolina
- Keep the parking in the rear
- Annual inspection by appropriately licensed inspector

Motion approved unanimously by show of hands,

- b. **2015-SE-04:** A Special Exception request to allow a new religious use to be established on vacant parcel 4063-05-28-1097 which is zoned R-20 and located at the intersection of Gordon Lane and Central Road.

**Staff Report:** Todd Steadman clarified the location. Mr. Steadman said that the parcel is located in an R-20 Zoning District and religious purposes are allowed by Special Exception.

Mr. Steadman said that the Applicant submitted a rough drawing of the site. Mr. Steadman said that Staff has no concerns and feels that the drawing can be modified to fit the lot.

Mr. Steadman reminded the Board that they are approving the use, not the design.

Ms. Richardson asked about the parking requirement. Mr. Steadman responded that the requirement is 1 per 4 seats based on the maximum occupancy of church, though that occupancy has not determined at this time.

Ms. Richardson asked if this is an existing church and the response was yes.

**Applicant Report:** Adrienne Garner, 133 Raven Lane, represented the Church. Ms. Garner said that the Church has been in existence for 2 years. Ms. Garner said that they have not made a decision on the size of the Church, but the membership is 100 now.

Ms. Garner said that the Church is contemporary, like a small country Church. Ms. Garner said that at this time they are leasing the 7<sup>th</sup> Day Adventist Church for their services.

Ms. Garner said that there will be nothing to distract the community.

**Public Comment Session open:**

James Hicks, Deacon at the Greater Faith Baptist Church informed the Board that if they need to save space, they can add a basement.

Mr. Brown asked how they would control erosion if they had a basement. Mr. Hicks said that they would direct water to the branch of the creek. Mr. Hicks said that the slope goes around the back.

**Public Comment Session closed**

Mr. Steadman said that they would have to go through DHEC and have a Stormwater Plan.

Mr. Steadman pointed out that the parking on the drawing was more than they would need.

Ms. Richardson asked if the Applicant was allowing concessions for growth. Ms. Garner responded that they don't expect 200.

Mr. Dixon commented on the congregation growing.

Ms. Richardson asked about setbacks on the property. Mr. Steadman responded that it was 50' all around.

Ms. Richardson asked if there was any concern about traffic on Sunday. Mr. Steadman responded that he has been with the City a year or so and he has heard a lot of concern about traffic. The traffic that the City has may be a hassle at times for there is room for growth.

Mr. Brown commended that the entrance to the Church is on the best side.

Marvin Dixon moved that the request be approved as presented. Jon Silkworth seconded the motion. Motion approved unanimously with show of hands.

**5. Reports:** Mr. Steadman said he didn't have any reports, but wanted to let the Board know that he attended the City Council Retreat where they prioritized objectives for the City. One of the priorities was to have a 'Planning 101' session where all the Boards and Commission, as well as City Council get together and talk about the different roles that each group has.

**6. Other Items:** None

**7. Adjourn – 7:30 p.m.**

Respectfully submitted,

Beth Connor  
Recording Secretary

*Note: Proceedings of this meeting have been recorded.*