

**PICKENS COUNTY PLANNING COMMISSION**

**MINUTES**

of

**December 9th, 2013**

**6:30pm**

**PICKENS COUNTY ADMINISTRATION BUILDING  
Main Conference Room**

**MEMBERS PRESENT:**

Jim Wilkie, Chair  
Bill Cato  
Weldon Clark  
Dennis Reinert  
Henry Wilson

**STAFF PRESENT:**

Ken Roper, County Attorney  
Chris Brink, Community Development Director  
Marshall Brown, County Planner

***Welcome and Call to Order***

Mr. Wilkie, presiding official, called the meeting to order at 6:30 p.m.

Mr. Wilkie asked those in attendance to join in a moment of silence. Mr. Wilkie led the recital of the Pledge of Allegiance.

Mr. Wilkie asked the members of the Commission to introduce themselves and to state which County Council member they represent.

***Approval of Minutes***

Mr. Wilkie asked for a motion regarding the minutes of the November 11th, 2013, meeting. Mr. Cato motioned to approve the minutes. Mr. Clark seconded the motion; motion passed unanimously.

***Public Comments***

No one was present wishing to address the Commission.

***Executive Session***

Mr. Wilkie motioned, seconded by Mr. Cato that the Commission convene in executive session to receive advice from legal staff.

## ***Public Session Reconvened***

Mr. Wilkie called the public meeting back to order and stated that no action is required as the result of the executive session; that it was to receive advice from the County Attorney.

## ***Public Hearings***

Mr. Wilkie opened the public hearing portion of the meeting and asked staff to give a brief overview of the hearing procedures.

Mr. Wilkie asked staff to announce the public hearing.

1. SDV-13-004 Subdivision Variance to allow 2 additional lots off a legal, non-conforming drive. Subdivision Variance to allow lots sizes less than 1.00 acre off a legal, non-conforming drive. Site is located on Lake Wood Lane, Sunset.  
*Tax Map# 4132-01-06-8130*

Mr. Wilkie opened the public hearing and asked if the applicant was present.

Robert Pierson, property owner and applicant appeared before the Commission along with Mr. Randall Hillen, esq., applicant's representative who gave a very brief overview of their request; that the applicant had purchased the property with the intent on subdividing it and that in fact a plat had been recorded showing it divided as they had desired before they had acquired the property; that county staff had adequately addressed the request and the recommendation for approval addresses the reasons for the variance. Mr. Hillen had no further comments and wished to address any concerns during the time for rebuttal.

Mr. Wilkie asked if there were any questions from the Commission.

There being no questions, Mr. Wilkie asked for anyone who wished to speak in opposition to the application.

Mr. Richard Carlson appeared before the Commission. He stated that he owned property in the area; that he reviewed county maps of the area and these lots would be the only lots less than one (1) acre.

Mr. Greg Findley appeared before Commission and presented information for review. Mr. Findley stated that he owned property in the area but wasn't part of the original subdivision that was created by Mr. Meehan; that as proposed, the lots would be smaller than any lot in the original 4 lot subdivision; that there are covenants that apply to the original subdivision that state there should be no more than 1 house per lot according to a plat of record; that there was a civil suit between the owners of the original lots 1 and 2 where the covenants came into play where a garage was made to come down because it was a structure, the same as a house; that there is another civil suit which was served on the applicant seeking an injunction asking Mr. Pierson to stop with the proposed subdivision; that he would like the Commission to table the matter at hand until the civil matter is settled.

Mr. Wilkie asked about the information that was presented to the Commission. Mr. Findley pointed out the covenants and stated that they apply to the property in question and that Mr. Pierson knew of the restrictions when the property was purchased.

Mr. Wilkie stated that since the Planning Commission has been duly noticed by the opposition to the request that covenants exist for the property in question and that those covenants appear to prohibit the proposed use of the property, according to SC Code of Laws 6-29-1145, "...the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order."

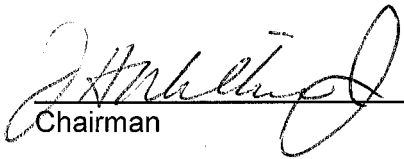
Based upon the applicable State Statue, no further action can be taken on this request at this time and the matter must be tabled for action at a later date.

Mr. Clark motioned to table the request, seconded by Mr. Wilson. The motion passed unanimously.

Discussion continued regarding this issue, what was needed to release the restrictive covenant restriction, when the issue could be brought up again, that the county attorney is available to discuss the matter with those involved.

**Adjourn**

With no additional business before the Commission, Mr. Wilson motioned to adjourn the meeting. Mr. Clark provided the second. The meeting adjourned at 7:05 pm.

  
Chairman

2-10-14  
Date