

PICKENS COUNTY PLANNING COMMISSION

MINUTES

of

February 8, 2021

6:30pm

PICKENS COUNTY ADMINISTRATION BUILDING Main Conference Room

NOTICE OF MEETING AND PUBLIC HEARING: Pursuant to Section 30-4-80 of the S.C. Code of Laws, annual notice of this Commission's meetings was provided by January 1, 2021 via the Pickens County Website and posted next to the Offices of the County Planning Department. In addition, the agenda for this meeting was posted outside the meeting place (Pickens County Administration Building Bulletin Board) and was emailed to all persons, organizations, and news media requesting notice. Notice for the public hearings was published in the *Pickens County Courier*, posted on the properties subject of public hearing(s), and emailed to all persons, organizations, and news media requesting notice pursuant to Section 1205(d)(1) of the Pickens County Unified Development Standards Ordinance.

MEMBERS PRESENT:

Bobby Ballentine, Vice-Chairman (Presiding Official)

Phil Smith

Gary Stancell

Bobbie Langley

Jon Humphrey

Michael Watson

STAFF PRESENT:

Ray Holliday, County Planner

Chris Brink, Community Development Director

Welcome and Call to Order

Mr. Ballentine, the Presiding Official, called the meeting to order at 6:30 p.m.

Mr. Ballentine asked those in attendance to join in a moment of silence and for the recital of the Pledge of Allegiance.

Approval of Minutes

Mr. Ballentine called for a motion regarding the minutes of the January 11, 2021 meeting. Mr. Stancell motioned to approve the minutes as submitted. Ms. Langley seconded the motion. The motion passed unanimously.

Public Comments

No one signed up or was otherwise present to speak.

Public Hearings

Mr. Ballentine opened the public hearing portion of the meeting and called for the first case to be heard.

- 1. SDV-20-0006 Randall Molloseau requesting a subdivision variance from the Pickens County development standards regarding the division of property on a private residential access. The subject tract is located on Smith Memorial Highway, Six Mile. The property owner of record is Tony Stephens.
TMS# 4048-00-70-1884**

Mr. Randall Molloseau appeared before the members of the Planning Commission and provided background information on his subdivision/variance request; that he currently has a purchase agreement for approximately 43 acres on Creek Bend Drive but is wanting to purchase an additional smaller 2.00 acre tract for fruit trees; that he has a mortgage with Mr. Stephens but will be purchasing the property outright; that there is no intention to use the property for anything else except for agriculture.

Mr. Watson asked about the construction (asphalt) and maintenance of the road; reading a portion of the Letter of Intent referencing road maintenance.

Mr. Molloseau indicated that there was a right-of-way agreement signed by Mr. Stephens and Mr. Hendricks outlining access along Creek Bend Drive and maintenance of that portion of the road.

Mr. Ballentine asked if anyone was present to speak in favor of the request.

There being none, Mr. Ballentine then called for anyone wanting to speak in opposition.

Mr. Tom Hendricks appeared before the Commission on behalf of his brother David, an adjacent property owner and user of Creek Bend Drive both in opposition to and to provide information relative to the lack of a signed and agreed upon maintenance agreement; that a right-of-way contract for maintenance does not exist as Mr. Molloseau stated; that there is no recorded maintenance agreement that David Hendricks has signed or acknowledges; that due to a property owner dispute the access to Creek Bend Drive at Henry Merck Road is gated and locked; that his brother David paved the roadway at his own expense and has maintained it himself without any agreement.

Mr. Watson asked about the gate Mr. Hendricks mentioned.

Mr. Hendricks stated that Henry Merck Road is a county minimum maintenance road and near where Creek Bend Drive intersects, there is a locked gate that was put up in a dispute with adjacent property owners by the owner on which whose property Creek Bend Drive crosses; that this has caused issues for owners along Creek Bend Drive particularly regarding emergency access.

Ms. Langley asked about the deeded right-of-way/easement agreement that Mr. Molloseau mentioned.

Mr. Hendricks stated that yes, there is an easement and access referenced in a deed and plat specifically for access across property owned by Mr. Stephens for Mr. David Hendricks but that access does not call for maintenance of Creek Bend Drive by anyone and nothing has been signed by his brother agreeing to maintenance by anyone else.

Discussion continued amongst staff, Commission members, the applicant, and Mr., Hendricks relative to issues surrounding easement access, maintenance, right-of-way, who owns what, maintenance, etc.

Mr. Ballentine offered time for rebuttal by the applicant.

Mr. Molloseau stated that they had a prior agreement with both Mr. Stephens and Mr. David Hendricks regarding easement access and maintenance; that he and his wife have been paying Mr. Stephens for the 43 acre tract for approximately 10 years with an understanding that they had an agreed upon easement access.

Members of the Commission discussed amongst themselves the need for additional information and clarification on the issues that have been raised.

There being no additional presentation, comments, or discussion, Mr. Ballentine closed the public hearing for this item.

Mr. Watson motioned that the case be tabled. Mr. Humphrey seconded the motion.

Members of the Commission discussed what was needed to be brought back by the applicant or what additional information was need to be presented to help the Commission understand the ownership issue, access, and maintenance; that a bigger picture (map) was needed of the area; that they would like to see a maintenance agreement be brought back for review.

Ms. Langley motioned to amend the original motion to require the applicant to bring back agreements that clarify ownership and maintenance of Creek Bend Drive and which show access has been established. Mr. Humphrey seconded the motion to amend.

The motion to amend the original motion passed unanimously.

Mr. Ballentine called for a vote on the original motion, as amended. The motion to table the item pending the submittal of additional materials passed unanimously.

Mr. Ballentine called for the next case and opened the public hearing.

**2. SDV-21-0001 Debbie Blair requesting a subdivision variance from the Pickens County development standards regarding the placement of a second dwelling on a parcel less than 1.00 acres in size. The property is located at 642 Golden Creek Road, Liberty. The property owner of record is Debbie Blair.
TMS# 4078-16-72-8751**

Ms. Debbie Blair appeared before the Commission and gave a very brief explanation of why she was requesting a variance; that she only has approximately .80 acres and that she needs to place a second dwelling on the property to care for her disabled son; that county requirements are a minimum of .50 acres needed for each dwelling, leaving her approximately .20 acres short; that she is wanting to place a single-wide manufactured home on the property as the second residence; that the local Clayton Homes dealership is assisting her with this request.

The members of the Commission, along with staff and the applicant discussed the placement of the second dwelling on the parcel, the discrepancy with the site plan and what was the actual plan for the second dwelling placement and location, and the lack of a combined survey showing one, complete parcel.

There being no additional information provided, additional comments, or discussion, Mr. Ballentine closed the public hearing and called for a motion.

Mr. Smith motioned that the variance request be approved with a condition; that condition being:

1. A survey of the property will be required showing a combination of all the subject tracts as one.

Mr. Stancell seconded the motion. The motioned passed unanimously.

Commissioners and Staff Discussion


Mr. Brink gave a very brief update on the Comprehensive Plan.

Mr. Ballentine spoke about the work of the Planning Commission and his appointment as Chair due to the previous Chair resigning; that attendance is vitally important and to please let staff know as soon as possible if a member is not able to attend a scheduled meeting.

Adjourn

There being no additional matters to be taken up by the Commission, Mr. Smith motioned that the meeting be adjourned. The motion was seconded by Ms. Langley. The meeting was adjourned at 7:42 pm.

Submitted by:


Secretary

3/8/2021
Date

Approved by:


Chairman

3/8/2021
Date