

MEMBERS

ROBERT BALLENTINE, *District 1*
Chairman
GARY STANCELL, *District 3*
Vice Chairman
BOBBIE LANGLEY, *District 2*
PHILIP SMITH, *District 4*
JON HUMPHREY, *District 5*
DAVID COX, *District 6*
MATTHEW KUTILEK, *At-Large*

PICKENS COUNTY

SOUTH CAROLINA

PLANNING COMMISSION



AGENDA Work Session

Pickens County Administration Building
Main Conference Room
222 McDaniel Avenue
Pickens, South Carolina

March 14, 2022
6:00 pm

1. Review of agenda items – Staff

Pickens County Government does not discriminate on the basis of race, color, or national origin, under Title VI of the Civil Rights Act. Persons who believe their access to services or programs is limited in violation of the Title VI may contact the Title VI Coordinator at 864-898-5844.

The meeting site is accessible to persons with disabilities. Accommodations for persons with disabilities may be arranged with advance notice by calling the Title VI Coordinator at 864-898-5844.

222 MCDANIEL AVENUE, B-10 • PICKENS, SC 29671 • 864.898.5956 • WWW.CO.PICKENS.SC.US

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PICKENS COUNTY

SOUTH CAROLINA

PLANNING COMMISSION



AGENDA

Pickens County Administration Building
Main Conference Room
222 McDaniel Avenue
Pickens, South Carolina

March 14, 2022
6:30 pm

- I. **Welcome and Call to Order**
Moment of Silence
Pledge of Allegiance
- II. **Introduction of Members**
- III. **Approval of Minutes**
February 14, 2022
- IV. **Public Comments**
Members of the public are invited to address the Planning Commission on any relevant topic not listed on this agenda.
- V. **Public Hearings**
 1. SDV-22-0001 John Galivan requesting a subdivision variance from the Pickens County development standards regarding division of property on a substandard private residential access classified as a private road. The property is located on Roanoke Ridge Road, Liberty. The property owner of record is Samuel D. Neely and Martha F. Neely.
TMS# 4089-00-14-4131
 2. SDV-22-0002 David Merck requesting a subdivision variance from the Pickens County development standards regarding division of property on a substandard private residential access classified as a common drive. The property is located on Kelly Merck Road, Central. The property owner of record is David E. Merck.
TMS# 4047-00-60-7886
 3. LU-22-0001 Land Use approval for a 15 site RV Park and Campground on approximately 5 acres of a larger 7.10 acre tract. The subject property is located at 107 Country Creek Road, Pickens. The applicant is Teresa Lewis. The property owners of record are James and Teresa Lewis.
TMS# 4197-00-90-6443
- VI. **Commissioners and Staff Discussion**
- VII. **Adjourn**

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PICKENS COUNTY PLANNING COMMISSION

MINUTES

of

February 14, 2022

6:30pm

PICKENS COUNTY ADMINISTRATION BUILDING Administration Building Auditorium

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, Chairman
Gary Stancell
Phil Smith
Bobbie Langley
Jon Humphrey
David Cox

STAFF PRESENT:

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.

Mr. Ballentine asked for the members of the Commission to introduce themselves.

Mr. Smith motioned that tonight's agenda be amended to move the public hearing portion of the meeting to immediately before **Old Business**. Mr. Cox seconded the motion. The motion to amend the order of the agenda; moving the public hearing portion of the meeting to immediately precede Old Business passed unanimously.

Mr. Stancell motioned that approval of the January 27th minutes of the Planning Commission be added to the agenda under **Approval of Minutes**. Mr. Cox seconded the motion. The motion passed unanimously.

Approval of Minutes

Mr. Ballentine called for corrections or for a motion regarding the minutes of the January 10, 2022 meeting.

Draft

1 Mr. Cox motioned that the minutes be approved as presented. Ms. Langley seconded the
2 motion.

3
4 The motion to approve the January 10, 2022 minutes passed unanimously.

5
6 Mr. Ballentine called for corrections or for a motion regarding the minutes of the January 27,
7 2022 meeting.

8
9 Mr. Cox motioned that the minutes be approved as presented. Mr. Stancell seconded the
10 motion.

11
12 The motion to approve the January 27, 2022 minutes passed unanimously.

13
14 ***Public Comments***

15
16 No one appeared or signed up to speak.

17
18 ***Public Hearings***

19
20 Mr. Ballentine briefly went over the procedures that will be followed for the public hearings.

21
22 Mr. Ballentine opened the public hearing portion of the meeting and called for the case being
23 heard.

- 24
25 **1. LU-21-0011 Rick Thoennes of the Hotchkiss Development Group, LLC,**
26 **as applicant, is requesting Land Use approval for a 150 unit, Single**
27 **Family Attached/Townhouse Development. The subject property is**
28 **located on SC 153, Easley. The property owner of record is Cardinal**
29 **Drive Development, LLC.**
30 **TMS# 5048-06-28-9971**

31
32 Mr. Rick Thoennes appeared before the Commission and gave a very brief overview of his
33 request; that the site was originally approved as a 360 or so unit multi-family, apartment project
34 but they are now requesting to reduce the project size to 150 townhomes on the same tract; that
35 the density will be a little higher than what's allowed for townhomes but be well under what was
36 approved with the original project; that a copy of the staff report was provided and they agree to
37 abide by all the suggested conditions.

38
39 Mr. Thoennes mentioned the suggested condition requiring the second entrance and they will
40 also comply with that; that they will provide a second entrance for emergency access onto SC
41 153 if permitted by SCDOT.

42
43 Ms. Langley asked Mr. Thoennes about unit sizes and the number of bedrooms in each unit.

44
45 Mr. Thoennes stated that there will be primarily three (3) bedroom units, two story with parking
46 meeting the minimum county requirements for single family residential dwellings with three
47 bedrooms.

48
49 Ms. Langley mentioned dark sky lighting and if his project would comply with those standards.

50
51 Mr. Thoennes was not aware of those requirements but would research and provide the type of
52 lighting recommended; that the county requires full cut-off lighting to reduce light spread but
53 would meet more stringent requirements if needed.

54
55 With no additional questions, comments, presentation or anyone present to speak either for or
56 against the request, Mr. Ballentine closed the public hearing and opened the floor for a motion.
57

1 Mr. Smith motioned to approve the request with all recommended staff notations and conditions.
2 Those notes and conditions being:

- 3
- 4 1. *Allowed density of 5.12 units per acre. Previous project provided*
- 5 *for more than 336 units on the same 29.3 acres.*
- 6 2. *A second entrance onto SC 153 shall be required. This entrance*
- 7 *can be utilized for emergency access only. Property provides*
- 8 *adequate frontage for additional, secondary accesses.*
- 9 3. *Number of hydrants for fire services shall be no less than 4 within*
- 10 *project.*
- 11 4. *Amenities shall be provided as noted on the site plan provided with the application*
- 12 *package.*
- 13

14 Mr. Stancell seconded that motion.

15

16 Ms. Langley asked for a friendly amendment to Mr. Smith's motion to add requirements for dark
17 sky lighting; that the motion should read how it has been conditioned on other approvals.

18

19 (Included here for reference and as will be intended as the official condition – the added
20 condition will be):

- 21
- 22 5. *All lighting within the development must be dark sky compliant.*
- 23

24 Mr. Smith agreed to amend his original motion to add a requirement for dark sky lighting.

25

26 Mr. Stancell rescinded his second to the original motion as stated by Mr. Smith.

27

28 With the lack of a second on the original motion, including with the friendly amendment, Mr.
29 Ballentine called for a new second.

30

31 Mr. Humphrey seconded the motion to approve.

32

33 Mr. Ballentine called for a vote on the motion to approve with the stated conditions. The motion
34 passed with four (4) in favor (Langley, Smith, Cox, Humphrey) and one (1) opposed (Stancell).

35

36 **Old Business**

37

38 **1. Draft 2022 One Pickens County Comprehensive Plan**

39

40 Mr. Ballentine moved to the next item on the amended agenda being discussion of the Draft
41 Comprehensive plan and changes made to it from the January 27th public hearing and
42 discussion.

43

44 Recognizing the Honorable Mayor from the City of Clemson being present, Mr. Brink asked the
45 chairman if time could be provided for Mayor Halfacre to speak and officially present the City's
46 comments to the Commission.

47

48 Mr. Ballentine recognized Mayor Halfacre.

49

50 Mayor Halfacre, City of Clemson appeared before the members of the Commission and
51 provided an official presentation of the City's comments which were provided during the public
52 hearing on January 27th.

53

54 Mayor Halfacre spoke on:

- 55
- 56 • The city's willingness to collaborate, coordinate, and support traffic study efforts
- 57 involving Pickens County and the City of Clemson.

- The disparity in growth currently happening between Northern Pickens County and Southern Pickens County and how the Comprehensive Plan continues to speak towards focusing growth in the southern half of the county. This growth concentration is troublesome for the City of Clemson relative to traffic, infrastructure, and the city's inability to grow area wise any further.
- The encouraging inclusion of language championing coordinated planning within Pickens County.
- The need to limit access to US 123 between Easley and Clemson
- Thankful for the Commission for making the minor edits and changes that they brought up in their letter and including them in the final draft.

Ms. Langley asked Mayor Halfacre how is the city addressing gentrification caused by development.

Mayor Halfacre spoke to some of the development requirements such as limiting building heights in the downtown core and making services and access to services walk able.

Members of the Commission, staff, and Mayor Halfacre discussed public engagement, how has the city handled or encouraged engagement amongst their citizens, and the county's difficulty in encouraging public participation in the planning process.

Mr. Cox asked Mayor Halfacre what the city anticipates in terms of growth numbers in the future.

Mayor Halfacre brought up the constraints the City has relative to growing area; that there just isn't anywhere to grow except up; that they have caps in place limiting buildings going vertical, especially in the downtown area.

Mr. Ballentine thanked Mayor Halfacre for appearing before the Commission.

Members of the Commission brought up additional changes they wished to be made to the draft.

- Page 36, word-smithing the paragraph speaking to unincorporated residents vs. those that live in the cities.
- Correcting the miscalculation of growth rates throughout the document
- Adding a section within the Population element and adding a few goals and objectives related to the county's veteran population; being the changes presented by Mr. Smith.

With no additional discussion, Mr. Ballentine opened the floor to a motion on the Draft Comprehensive as amended with the additional changes mentioned.

Ms. Langley motioned to approve the draft 2022 Pickens County Comprehensive Plan with the additional changes and edits.

Mr. Cox seconded the motion.

The 2022 Draft Comprehensive Plan, February 2022 version, with the additional changes referenced was adopted.

1 **New Business**

2
3 **1. Consideration of a Resolution Recommending Adoption of the 2022 One Pickens**
4 **County Comprehensive Plan by the Pickens County Council.**

5
6 Mr. Ballentine opened the floor for a motion on Resolution # 2022-0001 recommending adoption
7 of the 2022 One Pickens County Comprehensive Plan by Pickens County Council.

8
9 Mr. Stancell motioned that the resolution be approved as presented. Mr. Humphrey seconded
10 the motion. The resolution to forward the draft plan to County Council passed unanimously.

11
12 **Commissioners and Staff Discussion**

13
14 There were no additional discussion items.

15
16 **Adjourn**

17
18 There being no additional matters to be taken up by the Commission, Mr. Stancell motioned that
19 the meeting be adjourned. Ms. Langley seconded the motion to adjourn. The meeting was
20 adjourned at 7:42pmpm

21
22
23 Submitted by:

24
25
26
27 _____
28 Secretary

_____ Date

29
30
31 Approved by:

32
33
34
35 _____
36 Chairman

_____ Date

37
38
39
40
41
42
43 Due to technical issues with the meeting recording device, an audio recording of this meeting is
44 not available.

SDV-22-0001

CHRISTOPHER J. BRINK, AICP
DIRECTOR

JOEY AIKEN
CHIEF BUILDING OFFICIAL

SCOTTIE FERGUSON
STORMWATER MANAGER

RAY HOLLIDAY
COUNTY PLANNER

PICKENS COUNTY

SOUTH CAROLINA



COMMUNITY DEVELOPMENT

BUILDING CODES ADMINISTRATION • PLANNING • ADDRESSING
STORMWATER MANAGEMENT • ENVIRONMENTAL ENFORCEMENT

SDV-22-0001 Staff Report

Planning Commission Public Hearing: March 14, 2022 6:30 PM

The following report constitutes the assessment and evaluation by Planning staff on the above mentioned request.

Applicant: John Galivan
1563 Victory Avenue
Williamstown, NJ

Property Owner(s): John Galivan, Sr., John Galivan, Jr., Ryan Galivan

Property Location: Roanoke Road/Roanoke Ridge, Liberty, SC

Acreage: 13 acres

Tax Map Number: 4089-00-14-4131

County Council
District: 2

Land Use Request: Division of Property on a Private Road

Variance Request(s) from
Planning Commission: Variance from the Pickens County development standards related to division on a substandard private residential access classified as a Private Road.

Request Background:

The applicant is requesting a variance from Section 1012(c) of the UDSO relative to a division of property located on a private residential access classified as a "Private Road". Roanoke Ridge is a privately maintained roadway with a dirt/gravel surface located within a 30' easement.

Current Property Use:

The tract is currently a 13 acre wooded/vacant tract. It is one of 10 parcels with access to Roanoke Ridge.

Utilities & Infrastructure

Transportation:

The property is served by Roanoke Ridge, a privately maintained roadway. The nearest public road providing access to Roanoke Ridge is Roanoke Road, a SCDOT maintained roadway.

Water:

Six Mile

Sewerage:

Individual, private septic

Photograph(s):

N/A

Comments from Reviewing Agencies:

Pickens County Engineer:

N/A

SCDOT:

N/A

Water and Sewage Provider:

N/A

SCDHEC:

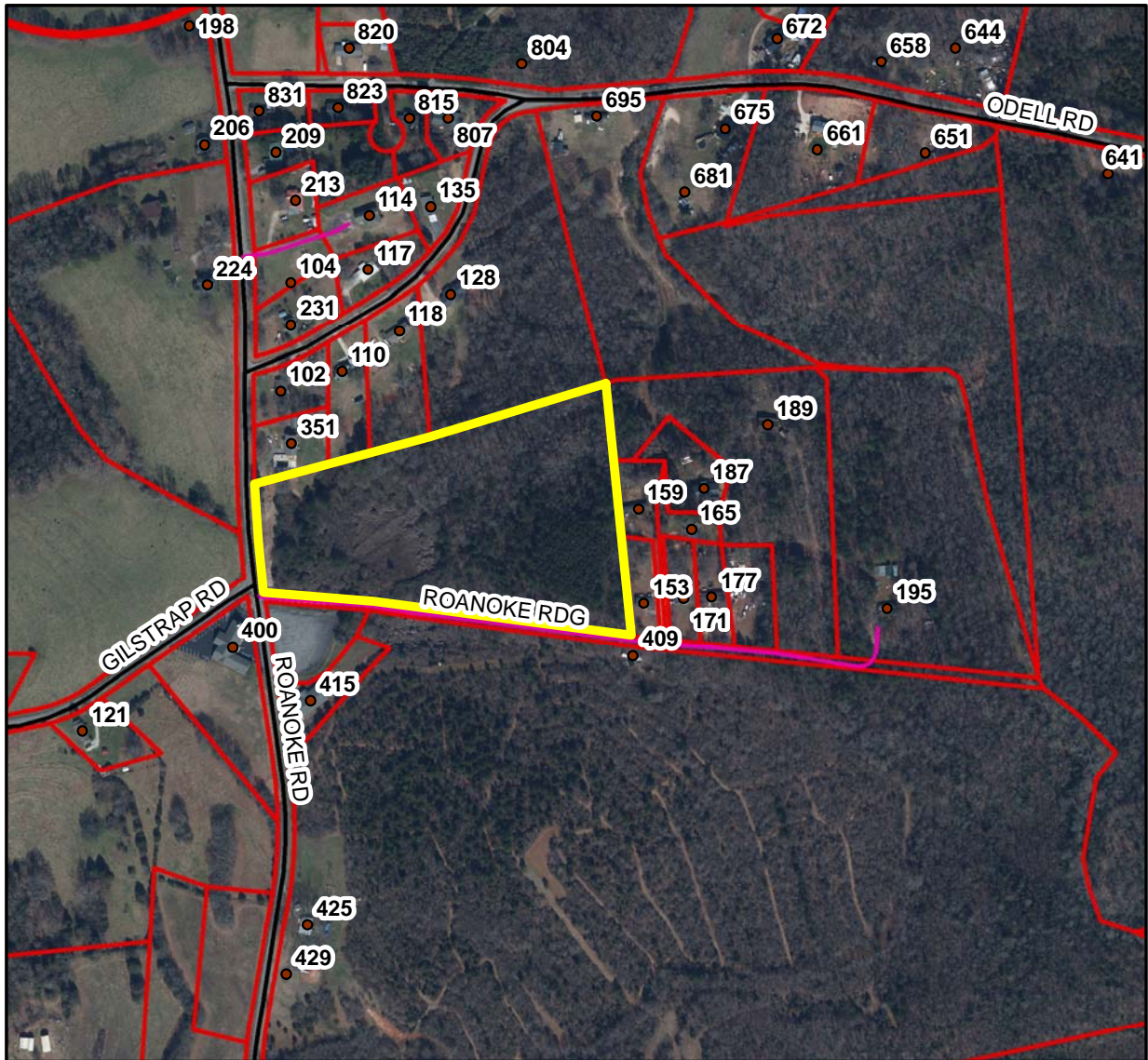
N/A

Other Reviewing Agencies:

N/A

SDV-22-0001

GERERAL SITE/AREA



SDV-22-0001

- State Roads
- County Roads
- Private

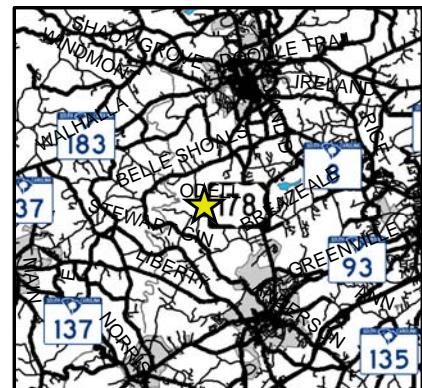


Department of
Community Development
222 McDaniel Avenue, B-10
Pickens, SC 29671
864-898-5956



0 140 280 560
Feet

Subdivision Variance
Division on a Substandard
Private Residential Access
Roanoke Ridge Road



Staff Analysis:

Analysis is based on UDSO Section 1012 for private residential access standards:

UDSO Section 1012(c), Private Roads

- (1) The maximum number of lots which may be served by a private road shall be governed by Article 4 of this ordinance.

Proposed division will be in line with this Article.

- (2) The private road shall be located within a designated right-of-way of at least fifty (50) feet in width and that ROW shall be owned and controlled by a HOA or other entity responsible for the road's maintenance.

The dedicated ROW is only 30' in width. There is no known maintenance agreement or established HOA.

- (3) All lots must meet minimum UDSO requirements for minimum frontage onto the private road.

Proposed division will be in line with the stated standards.

- (4) Minimum lot size shall be governed by Article 4.

Proposed division will be in line with this Article.

- (5) The private road cannot originate from a shared driveway or from a common drive. The private road may originate and connect to another private road provided that road meets the minimum requirements listed.

Roanoke Ridge originates at Roanoke Road, a SCDOT maintained roadway.

- (6) The maintenance of the private road must be mutually agreed upon by the respective property owners and this maintenance agreement shall be outlined in an access agreement to be recorded with the Register of Deeds and individually noted within the respective deeds.

There is no known maintenance agreement or established HOA.

- (7) The following plat certification shall be placed upon every plat for every lot utilizing a shared driveway:

"The private road and associated right-of-way shown on this plat shall be a private access not owned, maintained, or supervised by Pickens County and not constructed pursuant to any plan for future acceptance by Pickens County. All easements and right-of-ways shown upon the plat shall not be accepted for maintenance by Pickens County at any time in the future unless constructed as a public road in accordance with The Pickens County Unified Development Ordinance, as amended."

This language is required to be on the subject plat if the variance requests are granted.

- (8) All subdivisions utilizing private roads for access must be approved by the Planning Commission in accordance with the procedures listed in Article 12.

One such reason for this request.

- (9) Only those lots approved by the Planning Commission and platted with the private road may utilize said road.

One such reason for this request.

Recommendation:

Recommendations are not given for variance requests. However, if conditions are contemplated to be attached to an approval, staff would be available to assist in properly crafting said conditions.

The following are not to be considered application specific conditions. These are UDSO highlights which are applicable to all similar projects and are being provided as a reference. These notations are not to be considered as exclusive of all Pickens County Development Standards that will apply:

- *Approval only granted as applied for by the applicant and as otherwise approved by the Planning Commission; any revision to the approved project plan may require re-submittal to the Planning Commission.*
- *Approval by the Planning Commission may not include proposed site-specific design, unless or except as conditioned by the approval.*

Approval by the Planning commission does not constitute approval of the required development permits nor does it alleviate the requirement of submitting full construction plans and preliminary plats. Contact staff to obtain all necessary permits for development.



PICKENS COUNTY

SOUTH CAROLINA



COMMUNITY DEVELOPMENT

BUILDING CODES ADMINISTRATION • STORMWATER MANAGEMENT • PLANNING

APPLICATION FOR:

☐ Land Use Review / Subdivision Review

☐ Subdivision Variance

Case No.: _____

Note to Applicant: All applications must be typed or legibly printed and all entries must be completed on all the required application forms. If you are uncertain to the applicability of an item, please contact a member of the Planning Staff. Incomplete applications or applications submitted after the posted deadlines will be delayed.

Name of Applicant John Galivan

Mailing Address 1563 Victory Ave

Telephone 856-904-1499 Email johnagalivan@gmail.com

Applicant is the: Owner's Agent _____ Property Owner ☒

Property Owner(s) of Record John Galivan, John Galivan Jr, Ryan Galivan

Mailing Address _____

Telephone _____ Email _____

Authorized Representative _____

Mailing Address _____

Telephone _____ Email _____

Address/Location of Property 353 Roanoke Rd Liberty SC 29657

Existing Land Use Vacant land Proposed Land Use Personal Residence

Tax Map Number(s) 4089-00-14-4131

Total Size of Project (acres) 13 Number of Lots 3

Utilities:

Proposed Water Source: ☐ Wells ☒ Public Water Water District: _____

Proposed Sewer: ☒ Onsite Septic ☐ Public Sewer Sewer District: _____

REQUEST FOR VARIANCE (IF APPLICABLE):

Is there a variance request from the subdivision regulations or county road ordinance? ☒ Yes ☐ No
 If YES, applicant must include explanation of request and give appropriate justifications.

RESTRICTIVE COVENANT STATEMENT

Pursuant to South Carolina Code of Laws 6-29-1145:

I (we) certify as property owner(s) or as authorized representative for this request that the referenced property:

- ☐ IS subject to recorded restrictive covenants and that the applicable request(s) is permitted, or not otherwise in violation, of the same recorded restrictive covenants.
- ☐ IS subject to recorded restrictive covenants and that the applicable request(s) was not permitted, however a waiver has been granted as provided for in the applicable covenants. (Applicant must provide an original of the applicable issued waiver)
- ☒ IS NOT subject to recorded restrictive covenants

SIGNATURE(S) OF APPLICANT(S):

I (we) certify as property owners or authorized representative that the information shown on and any attachment to this application is accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for postponement of action on the request and/or invalidation of this application or any action taken on this application.

I (we) further authorize staff of Pickens County to inspect the premises of the above-described property at a time which is agreeable to the applicant/property owner.


 Signature of Applicant

2/18/22
 Date

PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application and understands that an application affecting the use of the property has been submitted for consideration by the Pickens County Planning Commission.


 Signature of Owner(s)

2/18/22
 Date

PICKENS COUNTY STAFF USE ONLY

Date Received _____ Received By _____

Pre-Application meeting held with _____ on _____

Application Forwarded to (date):

DHEC _____ ☐ N/A

County Engineer _____ ☐ N/A

SCDOT _____ ☐ N/A

Local VFO _____ ☐ N/A

School Board _____ ☐ N/A

Planning Commission Hearing Date _____

Deadline for Notice to Paper _____ to run _____

Letter of Hearing Sent to Applicant _____

Sign Placement Deadline _____

Planning Commission Action (date) _____

☐ Approval ☐ Approval w/ modifications ☐ Denial
 Modifications _____

Notice of Action to Applicant _____



Pickens County, South Carolina
Attachment A
LAND USE REVIEW
Standards of Land Use Approval Consideration

In consideration of a land use permit, the Planning Commission shall consider factors relevant in balancing the interest in promoting the public health, safety, and general welfare against the right of the individual to the unrestricted use of property and shall specifically consider the following objective criteria. Due weight or priority shall be given to those factors that are appropriate to the circumstances of each proposal.

Please respond to the following standards in the space provided or you may use an attachment as necessary:

- (A) Is the proposed use consistent with other uses in the area or the general development patterns occurring in the area?

yes

- (B) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?

NO

- (C) Is the proposed use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

yes

- (D) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

NO

- (E) Is the property suitable for the proposed use relative to the requirements set forth in this development ordinance such as off-street parking, setbacks, buffers, and access?

yes

- (F) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

yes

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

**AGREEMENT TO COOPERATE, REMIT
REMIT OR REFUND, AND
CONSENT TO CHARGES**


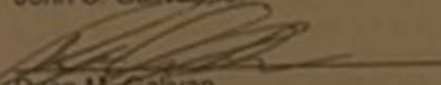
SELLER: Samuel D. Neely and Martha F. Neely
PURCHASER: John S. Galivan, Sr, John S. Galivan, Jr, and Ryan M. Galivan
PROPERTY: 353 Roanoke Road, Liberty, SC 29657
TMS: 4089-00-14-4131

The above stated Purchaser(s) and Seller(s) do hereby agree, without reservation, to cooperate fully and promptly should there be any clerical or mathematical errors associated with the closing of the property cited above. Errors of omission are considered as serious errors of commission. Should any party benefit from overpayment of funds, there will be a refund of the same within ten (10) calendar days of closing. Should there be any underpayment of funds due by any party, said party shall make payment of such sum within ten (10) calendar days of notice of funds due. All such refunds or payments shall be made in guaranteed funds to Acker Lambert Hinton P.A.

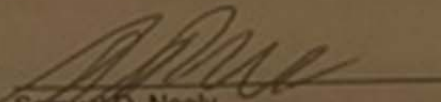
I/WE hereby acknowledge and agree that certain charges on my HUD-1 Settlement Statement are best estimates, such as charges involving taxes, interest, overnight, courier recording, title updating and accounting related fees. These charges may not reflect the actual costs and in fact may be more or less than the actual cost to the settlement agent(s). Any additional amount(s) may vary and are understood to help cover the administrative aspects of handling the particular item or service. I/we hereby consent to and accept the above- referenced charges by signing our HUD-1 Settlement Statement(s) and by signing this disclosure.

Witness our hand(s) and seal(s) on:

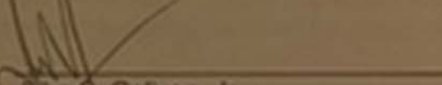
Date: November 19, 2021

X 
John S. Galivan, Sr

Ryan M. Galivan

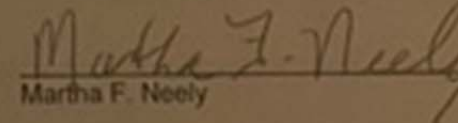
Date: November 19, 2021

X 
Samuel D. Neely

Date: November 19, 2021

X 
John S. Galivan, Jr

Date: November 19, 2021

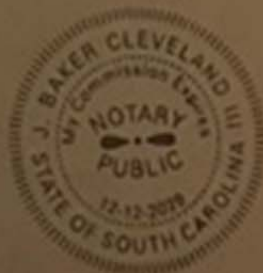
X 
Martha F. Neely

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

Sworn and Subscribed before me on this 19th day of November, 2021.


Notary Public for South Carolina

Commission Expires: 12-12-2024



Acker Lambert Hinton P.A.
859 Pendleton Street
Post Office Box 9
Pickens, South Carolina 29671

TITLE TO REAL ESTATE
STATE OF SOUTH CAROLINA

PICKENS COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That, We, **Samuel D. Neely and Martha F. Neely**, (henceforth referred to as "Grantor"), in consideration of the sum of One Dollar and other consideration to the Grantor(s) in hand paid at and before the sealing of these presents by **John S. Galivan, Sr, John S. Galivan, Jr, and Ryan M. Galivan, as joint tenants with rights of survivorship, and not as tenants in common**, (henceforth referred to as "Grantee"), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, subject to easements, restrictions, reservations and conditions set forth below the said **John S. Galivan, Sr, John S. Galivan, Jr, and Ryan M. Galivan, as joint tenants with rights of survivorship, and not as tenants in common**, the following described real estate:

All that certain piece, parcel or tract of land lying and being situate in the State of South Carolina, County of Pickens, containing 12.974 acres more or less, as shown on a boundary survey for "John Galivan, Sr., John Galivan, Jr., and Ryan Galivan" by Earth Arc Surveying, dated October 26, 2021 and recorded on November 16, 2021 in Plat Book 614 at Page 138, in the Pickens County Register of Deeds office, South Carolina.

TMS#: 4181-15-63-1130

This being the same property conveyed unto Samuel D. Neely and Marth F. Neely by deed of Thomas C. Childs dated March 22, 1977 and recorded on April 1, 1977 in Deed Book 13E at Page 635, in the Pickens County Register of Deeds office, South Carolina.

This property is conveyed subject to any and all existing rights-of-way for roads, utilities and any other easements that may appear of record and/or on the premises

TOGETHER with all and Singular the Rights, Members, Hereditments and Appurtenances to the said premises, belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said Premises before mentioned unto the said Grantee and their heirs and assigns forever.

And Grantor(s) do hereby bind the Grantor(s) and the Grantor(s) heirs and Personal Representatives to warrant and forever defend all and singular the said premises unto the Grantee(s), and the Grantee's(s) heirs and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the Grantor's hand and seal this 18 day of November, 2021.

Signed, Sealed and Delivered
In the Presence of:

[Signature]
Witness #1

[Signature]
Witness #2 / Notary

[Signature] L.S.
Samuel D. Neely

[Signature] L.S.
Martha F. Neely

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

ACKNOWLEDGEMENT

I, J. Baker Cleveland Jr, Notary Public for South Carolina, do hereby certify that **Samuel D. Neely and Martha F. Neely**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness by name and official seal this the 18th day of November, 2021.

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 12-12-2029

GRANTEE'S ADDRESS: 608 Payson Ave, Chesilhurst NJ 08089



D.B. 13E PG. 365

- 1) 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 STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN; ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS PROPERTY IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE.
- 2) THIS PROPERTY IS SUBJECT TO ANY AND ALL EXISTING RIGHT-OF-WAYS FOR ROADS, UTILITIES AND ANY OTHER EASEMENTS THAT MAY APPEAR OF RECORD OR NOT OF RECORD.
- 3) EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.
- 4) THE REFERENCE PLAT FOR THIS PARCEL WAS PREPARED BY THIS FIRM ON 10/26/2021.

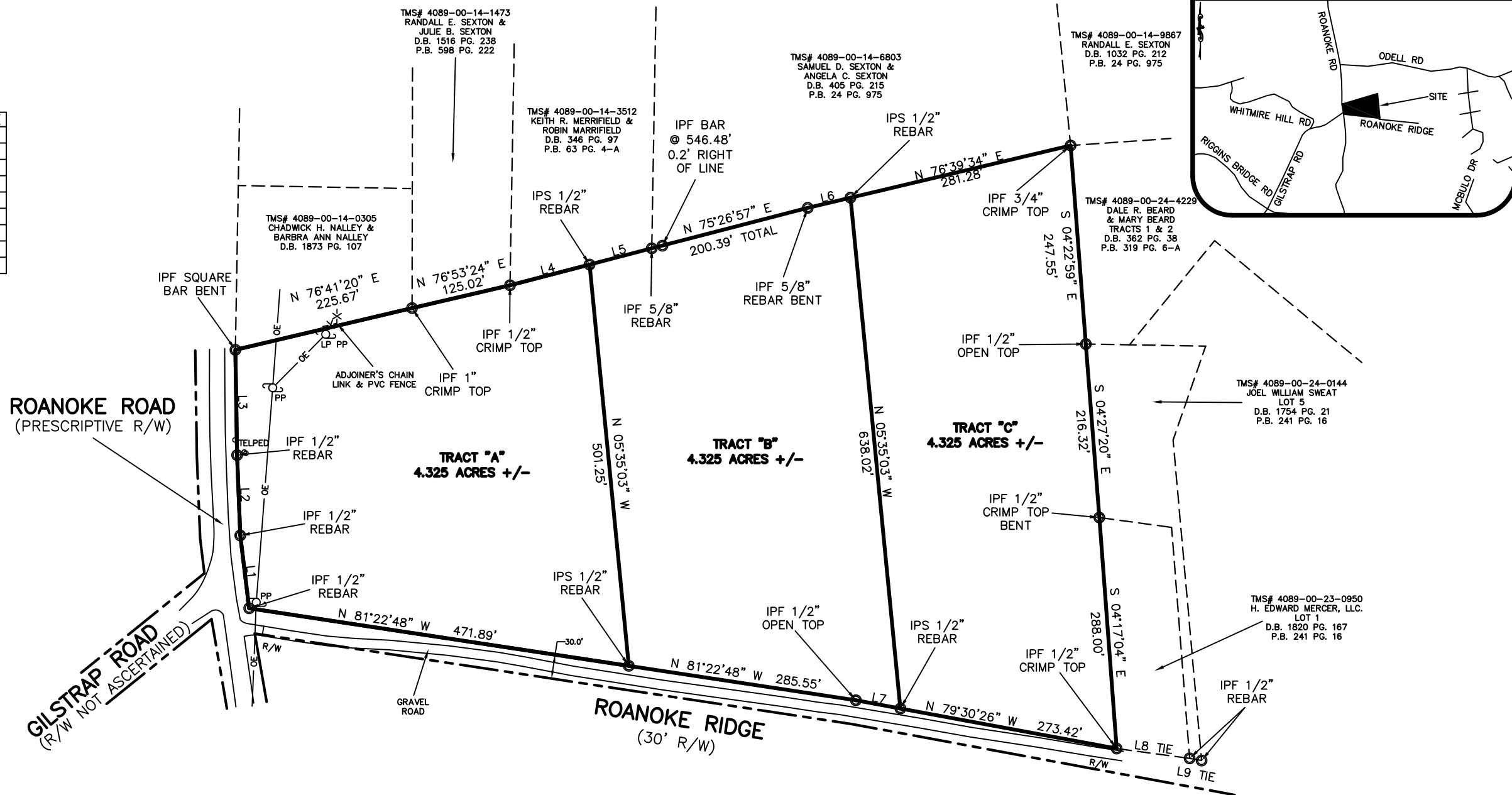
PLS: MYLES EARL WEEKES NO: 31965



REF. DEED BOOK: BK. 13E PG. 635
REF. PLAT BOOK: SEE NOTE
TAX MAP : 4089-00-14-4131

150' 0' 150' 300'

SCALE: 1" = 150'



●	IPS	IRON PIN SET
●	IPF	IRON PIN FOUND
△	CP	CALCULATED POINT
R/W		RIGHT-OF-WAY
⌚	PP	POWER POLE
⌚	LP PP	LIGHT POLE POWER POLE
— OE —		OVERHEAD ELECTRIC LINE
○	TELPED	TELEPHONE PEDISTAL
—X—X—X—		FENCE

STATE OF SOUTH CAROLINA
PICKENS COUNTY
BOUNDARY/SUBDIVISION FOR
**JOHN GALIVAN SR.
JOHN GALIVAN JR.
& RYAN GALIVAN**
SITE ADDRESS:
ROANOKE RIDGE
LIBERTY, S.C. 29657

EARTH ARC SURVEYING

EARTH ARC SURVEYING, L.L.C.
134 LONGWOOD LANE
EASLEY, S.C. 29642
TEL. (864) 723-2672
EMAIL: wmylesw@yahoo.com

SDV-22-0002

CHRISTOPHER J. BRINK, AICP
DIRECTOR

JOEY AIKEN
CHIEF BUILDING OFFICIAL

SCOTTIE FERGUSON
STORMWATER MANAGER

RAY HOLLIDAY
COUNTY PLANNER

PICKENS COUNTY

SOUTH CAROLINA



COMMUNITY DEVELOPMENT

BUILDING CODES ADMINISTRATION • PLANNING • ADDRESSING
STORMWATER MANAGEMENT • ENVIRONMENTAL ENFORCEMENT

SDV-22-0002 Staff Report

Planning Commission Public Hearing: March 14, 2022 6:30 PM

The following report constitutes the assessment and evaluation by Planning staff on the above mentioned request.

Applicant: David Merck
222 Kelly Merck Road
Central, SC

Property Owner(s): David Merck

Property Location: Kelly Merck Road, Central

Acreage: 41 acres

Tax Map Number: 4047-00-60-7886

County Council
District: 2

Land Use Request: Division of Property on a Private Road

Variance Request(s) from
Planning Commission: Variance from the Pickens County development standards related to division on a substandard private residential access classified as a Private Road.

Request Background:

The applicant is requesting a variance from Section 1012(c) of the UDSO relative to a division of property located on a private residential access classified as a "Private Road". Kelly Merck Road is a privately maintained roadway with a paved surface and located with a 19' easement, according to the applicant.

Current Property Use:

The tract is currently a 41 acre wooded, residential used tract. It is one of 7 parcels with access to Kelly Merck Road.

Utilities & Infrastructure

Transportation:

The property is served by Kelly Merck Road; a privately maintained roadway. The nearest public road providing access to Kelly Merck is Old Magnolia, a county maintained roadway.

Water:

Six Mile

Sewerage:

Individual, private septic

Photograph(s):

N/A

Comments from Reviewing Agencies:

Pickens County Engineer:

N/A

SCDOT:

N/A

Water and Sewage Provider:

N/A

SCDHEC:

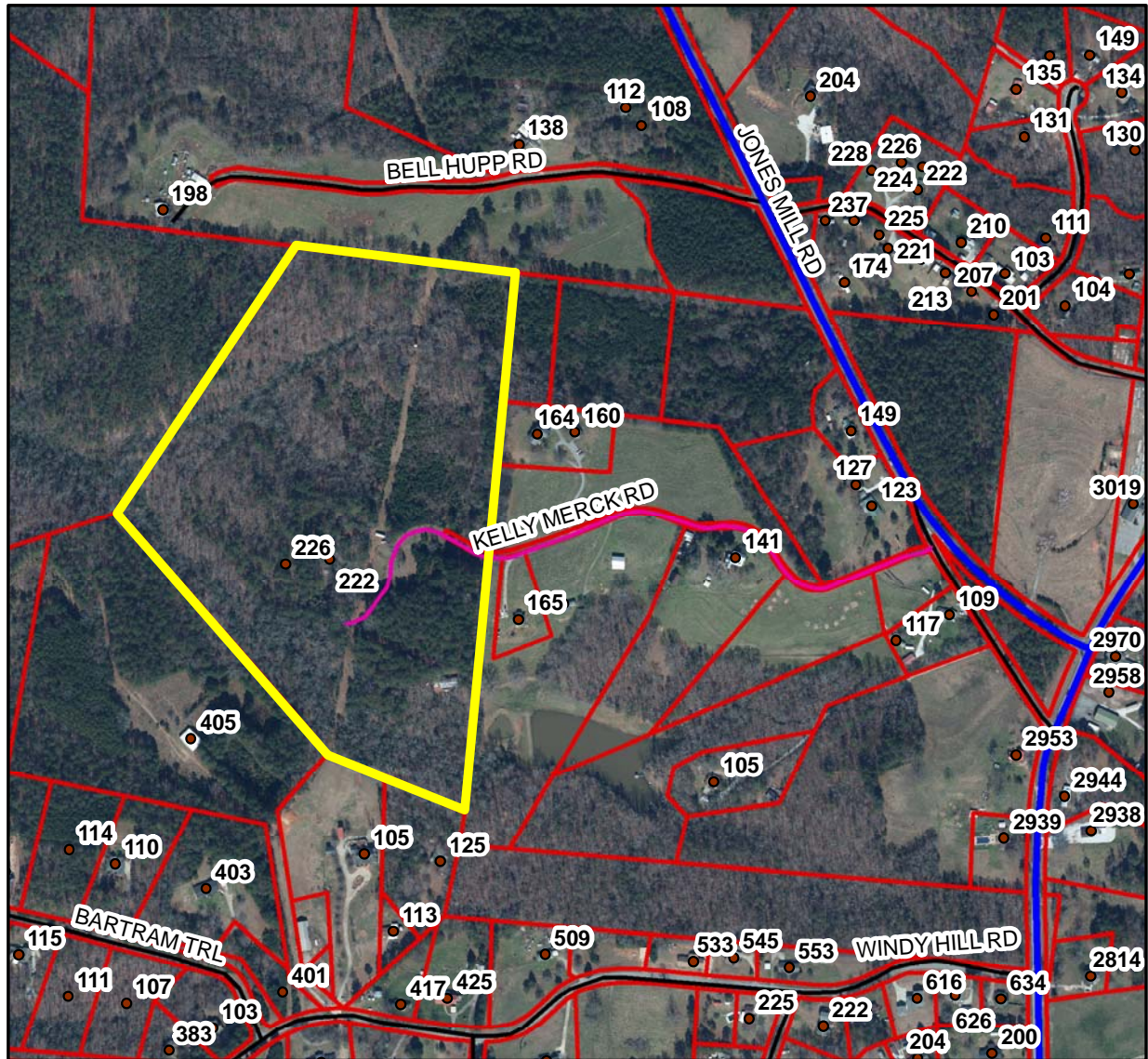
N/A

Other Reviewing Agencies:

N/A

SDV-22-0002

GENERAL SITE/AREA



SDV-22-0002

- State Roads
- County Roads
- Private

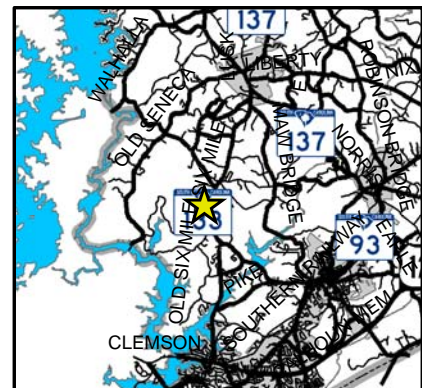


Department of
Community Development
222 McDaniel Avenue, B-10
Pickens, SC 29671
864-898-5956



0 170 340 680
Feet

Subdivision Variance
Division on a Substandard
Private Residential Access
Kelly Merck Road



Staff Analysis:

Analysis is based on UDSO Section 1012 for private residential access standards:

UDSO Section 1012(c), Private Roads

- (1) The maximum number of lots which may be served by a private road shall be governed by Article 4 of this ordinance.

Proposed division will be in line with this Article.

- (2) The private road shall be located within a designated right-of-way of at least fifty (50) feet in width and that ROW shall be owned and controlled by a HOA or other entity responsible for the road's maintenance.

The dedicated ROW is only 19' in width. A maintenance agreement does exist and has been recorded.

- (3) All lots must meet minimum UDSO requirements for minimum frontage onto the private road.

Proposed division will be in line with the stated standards.

- (4) Minimum lot size shall be governed by Article 4.

Proposed division will be in line with this Article.

- (5) The private road cannot originate from a shared driveway or from a common drive. The private road may originate and connect to another private road provided that road meets the minimum requirements listed.

Kelly Merck originates at Old Magnolia Road, a county maintained roadway.

- (6) The maintenance of the private road must be mutually agreed upon by the respective property owners and this maintenance agreement shall be outlined in an access agreement to be recorded with the Register of Deeds and individually noted within the respective deeds.

A maintenance agreement does exist and has been recorded.

- (7) The following plat certification shall be placed upon every plat for every lot utilizing a shared driveway:

"The private road and associated right-of-way shown on this plat shall be a private access not owned, maintained, or supervised by Pickens County and not constructed pursuant to any plan for future acceptance by Pickens County. All easements and right-of-ways shown upon the plat shall not be accepted for maintenance by Pickens County at any time in the future unless constructed as a public road in accordance with The Pickens County Unified Development Ordinance, as amended."

This language is required to be on the subject plat if the variance requests are granted.

- (8) All subdivisions utilizing private roads for access must be approved by the Planning Commission in accordance with the procedures listed in Article 12.

One such reason for this request.

- (9) Only those lots approved by the Planning Commission and platted with the private road may utilize said road.

One such reason for this request.

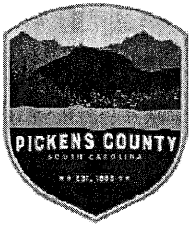
Recommendation:

Recommendations are not given for variance requests. However, if conditions are contemplated to be attached to an approval, staff would be available to assist in properly crafting said conditions.

The following are not to be considered application specific conditions. These are UDSO highlights which are applicable to all similar projects and are being provided as a reference. These notations are not to be considered as exclusive of all Pickens County Development Standards that will apply:

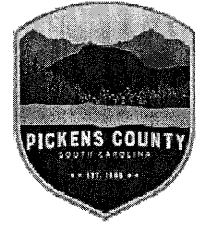
- *Approval only granted as applied for by the applicant and as otherwise approved by the Planning Commission; any revision to the approved project plan may require re-submittal to the Planning Commission.*
- *Approval by the Planning Commission may not include proposed site-specific design, unless or except as conditioned by the approval.*

Approval by the Planning commission does not constitute approval of the required development permits nor does it alleviate the requirement of submitting full construction plans and preliminary plats. Contact staff to obtain all necessary permits for development.



PICKENS COUNTY

SOUTH CAROLINA



COMMUNITY DEVELOPMENT

BUILDING CODES ADMINISTRATION • STORMWATER MANAGEMENT • PLANNING

APPLICATION FOR:

☒ Land Use Review /Subdivision Review

☒ Subdivision Variance

Case No.: _____ - _____ - _____

Note to Applicant: All applications must be typed or legibly printed and all entries must be completed on all the required application forms. If you are uncertain to the applicability of an item, please contact a member of the Planning Staff. Incomplete applications or applications submitted after the posted deadlines will be delayed.

Name of Applicant DAVID E. MERCK

Mailing Address 222 KELLY MERCK RD CENTRAL 29630

Telephone 864-650-2215 Email _____

Applicant is the: Owner's Agent _____ Property Owner ☒

Property Owner(s) of Record SAME

Mailing Address SAME

Telephone _____ Email _____

Authorized Representative RICK MERCK

Mailing Address 131 MCGUIRE ST NORRIS SC 29667

Telephone 864-508-6555 Email rickeymerck@gmail.com

Address/Location of Property 222 KELLY MERCK RD CENTRAL

Existing Land Use AG/RESIDENTIAL Proposed Land Use AG/RESIDENTIAL

Tax Map Number(s) 4047-00-60-7886

Total Size of Project (acres) 41 Number of Lots 4

Utilities:

Proposed Water Source: ☐ Wells ☒ Public Water Water District: SIX MILE

Proposed Sewer: ☒ Onsite Septic ☐ Public Sewer Sewer District: _____

REQUEST FOR VARIANCE (IF APPLICABLE):

Is there a variance request from the subdivision regulations or county road ordinance? ☒ Yes ☐ No

If YES, applicant must include explanation of request and give appropriate justifications.

RESTRICTIVE COVENANT STATEMENT

Pursuant to South Carolina Code of Laws 6-29-1145:

I (we) certify as property owner(s) or as authorized representative for this request that the referenced property:

- ☐ **IS** subject to recorded restrictive covenants and that the applicable request(s) is permitted, or not otherwise in violation, of the same recorded restrictive covenants.
- ☐ **IS** subject to recorded restrictive covenants and that the applicable request(s) was not permitted, however a waiver has been granted as provided for in the applicable covenants. (*Applicant must provide an original of the applicable issued waiver*)
- ☒ **IS NOT** subject to recorded restrictive covenants

SIGNATURE(S) OF APPLICANTS(S):

I (we) certify as property owners or authorized representative that the information shown on and any attachment to this application is accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for postponement of action on the request and/or invalidation of this application or any action taken on this application.

I (we) further authorize staff of Pickens County to inspect the premises of the above-described property at a time which is agreeable to the applicant/property owner.

x David Merck
Signature of Applicant

2-6-2022
Date

PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application and understands that an application affecting the use of the property has been submitted for consideration by the Pickens County Planning Commission.

x David Merck
Signature of Owner(s)

2-6-2022
Date

PICKENS COUNTY STAFF USE ONLY

Application Processing

Date Received _____ Received By _____

Pre-Application meeting held with _____ on _____

Application Forwarded to (date):

DHEC _____ ☐ N/ACounty Engineer _____ ☐ N/ASCDOT _____ ☐ N/ALocal VFD _____ ☐ N/ASchool Board _____ ☐ N/A

Hearing and Action

Planning Commission Hearing Date _____

Deadline for Notice to Paper _____ to run _____

Letter of Hearing Sent to Applicant _____

Sign Placement Deadline _____

Planning Commission Action(date) _____

☐ Approval ☐ Approval w/ modifications ☐ Denial
Modifications _____

Notice of Action to Applicant _____



Pickens County, South Carolina

Attachment A

LAND USE REVIEW

Standards of Land Use Approval Consideration

In consideration of a land use permit, the Planning Commission shall consider factors relevant in balancing the interest in promoting the public health, safety, and general welfare against the right of the individual to the unrestricted use of property and shall specifically consider the following objective criteria. Due weight or priority shall be given to those factors that are appropriate to the circumstances of each proposal.

Please respond to the following standards in the space provided or you may use an attachment as necessary:

- (A) Is the proposed use consistent with other uses in the area or the general development patterns occurring in the area?

YES

- (B) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?

IT WILL NOT

- (C) Is the proposed use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

YES

- (D) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

IT WILL NOT

- (E) Is the property suitable for the proposed use relative to the requirements set forth in this development ordinance such as off-street parking, setbacks, buffers, and access?

YES

- (F) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

YES

David E. Merck

222 Kelly Merck Road

Central, SC 29630

February 6, 2022

Letter of Intent-

To the Pickens County Planning Commission and all concerned,

In preparation to distribute my real estate to my heirs, I employed the services of Clemson Engineering to prepare a survey showing approximately 41 acres divided at my direction into four parcels (see attached). The four parcels will be dispersed in the future to my children. My home and 5.35 acres upon my death, the others at my discretion.

I have owned and lived on this property for approximately 35 years. My late wife and I also lived here as renters in the late 1950's. My family and I have always enjoyed and had good relationships with our neighbors, the Kelly's and Smith's, their parents and grandparents.

When I bought this property (approx 1985) from part of the Kelly family, Mr. Houston Kelly (deceased) gave me a right-of-way to cross in and out across his property. Since that time, three other homes by his descendants have been permitted for construction by Pickens County on what was Mr. Kelly's estate.

It is not our intent to develop, further subdivide or offer to sell any of the property.

It is my understanding that the additional 3 lots created would still allow the property to qualify for ingress and egress on a private road since there would only be a total of 8 properties along Kelly Merck Road.

Mr. James Kelly, Mrs. Penny Smith and I were responsible for the cost of grading, preparation and asphalt paving of our private road some years ago. We are aware of the cost and upkeep of a private road.

I have attached a copy of a recorded easement maintenance agreement prepared by Newton Law Firm of Clemson. With your approval, the agreement will be updated and recorded to include each new parcel's tax map numbers.

The existing ROW across the Kelly and Smith properties is 19' wide. Mr. Houston thought that was a good number at the time and it seems to have worked so far. The proposed ROW on the subdivision of the 41 acres is 30' wide. Like I stated at the beginning, we are not interested in creating a subdivision. We are asking for consideration to be given to grant a variance to the new subdivision ROW requirement of 50' on the basis that this is an existing private road.

If you have any questions please call my son, Rick Merck at 864-508-6555.

Respectfully submitted,

A handwritten signature in black ink that reads "David Merck". The signature is written in a cursive style with a large, stylized 'D' and 'M'.

David Merck

NEWTON LAW FIRM OF CLEMSON, LLC

PO Box 1539
Clemson, SC 29633-1539
104 Pinnacle Street, Clemson, SC 29631



Office e-mail: closing@newton.com
Website: newtonlawclemson.com

Randall M. Newton, Esquire
Kimberly S. Newton, Esquire

Telephone: (864) 654-6042
Fax: (864) 653-3305

May 5, 2020

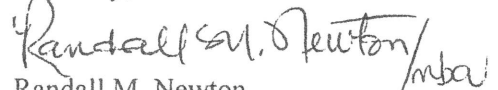
Mr. Houston Kelly
165 Kelly Merck Road
Central, SC 29630

Dear Mr. Kelly:

Enclosed you will find the ~~recorded easement maintenance agreement~~ from your recent closing.

This concludes our representation of you in this matter. However, please let me know if you have any questions or if I may be of future service.

Sincerely,


Randall M. Newton
Attorney at Law

mba

Enclosure

File: 20-0431

cc: James Kelly
David Merck
Penny Smith

Inst # 202005906 DocType:D/AGREE Page
1 of 6 BKD:2154 PG:223 04/30/2020 at
01:36:28 PM, Fee:\$25.00 PAUL
MCGUFFIN REGISTER OF DEEDS
PICKENS CO., SC

NEWTON LAW FIRM OF CLEMSON, LLC
PO BOX 1539
CLEMSON, SC 29633-1539
FILE #20-0431

STATE OF SOUTH CAROLINA) UNDERSTANDING AND AGREEMENT
 : FOR MAINTENANCE OF EASEMENT
COUNTY OF PICKENS) FOR INGRESS AND EGRESS

THIS UNDERSTANDING AND AGREEMENT is entered into this 24th
day of April, 2020, by Houston H. Kelly, James Kelly, Penny Smith,
and David Merck.

WHEREAS, Houston H. Kelly owns property being in shown as
Tract B-1, 1.1 Acres, more or less and shown on a Plat prepared
by R. Jay Cooper, P.E. & L.S. 4682, dated August 10, 2016 and
recorded in Plat Book 604, page 81, records of Pickens County,
South Carolina;

WHEREAS, Houston H. Kelly owns property situate on Kelly
Merck Road in Pickens County, South Carolina, to the east of the
above described property, bearing Tax Map Number 4047-00-70-3563;

WHEREAS, James Kelly owns property bearing the Tax Id Number
4047-00-71-4182;

WHEREAS, David Merck owns property bearing the Tax Id Number
4047-00-60-7886;

WHEREAS, Penny Smith owns property bearing the Tax Id Number
4047-00-70-9431;

WHEREAS, the parties are desirous of maintaining said as
shown on the above-referenced plat for the purposes of egress and
ingress for their private use and for the use of their heirs and
assigns;

NOW, THEREFORE, in consideration of the mutual promises
contained herein, the parties agree as follows:

1. That said easement shall at all times remain open and
shall serve as a right-of-way, easement and a means of egress and
ingress and utilities for properties owned by the party, their
heirs, executors, devisees, and assigns.

3. That they shall at all times maintain the easement in a state at least as good as the present condition, that said easement shall be maintained at its present length and width and that he shall cover all costs and expenses of maintenance from the date of this Agreement.

4. Should either party sell other property along this right-of-way, the new owners will help with the maintenance on a prorata basis.

5. That this is the entire agreement of the parties and that there are no covenants, conditions or warranties other than those set forth herein.

6. That this agreement shall be construed in accordance with the laws of the State of South Carolina.

7. That this agreement shall be recorded in the records of the Register of Deeds of Pickens County and shall be binding upon all heirs and executors and future devisees and assigns of the parties.

IN WITNESS WHEREOF, the parties have hereunto set their Hands and Seals on the date above written.

IN WITNESS WHEREOF, the parties have hereunto set their Hands and
Seals on the date above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Dallas Kelly
Witness #1

James Kelly
James Kelly

Casey Lackey
Witness #2 or Notary

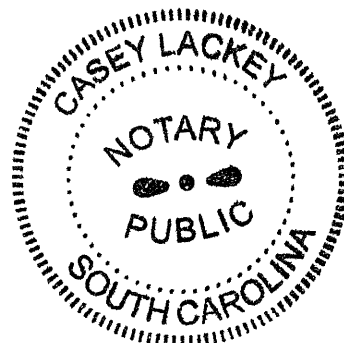
STATE OF SOUTH CAROLINA)
 : ACKNOWLEDGMENT
COUNTY OF PICKENS)

BEFORE ME, a Notary Public for South Carolina, personally
appeared James Kelly, who, being personally known to me, or upon
producing valid and proper identification, and upon being duly
sworn, state that they executed the within-named Instrument for
the purposes therein written.

SWORN to before me this
19th day of April, 2020.

Casey Lackey
Notary Public for South Carolina
My commission expires _____

MY COMMISSION EXPIRES
NOVEMBER 15, 2026



IN WITNESS WHEREOF, the parties have hereunto set their Hands and
Seals on the date above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Galler Kelly
Witness #1

David P. Merck
David Merck

Casey Lackey
Witness #2 or Notary

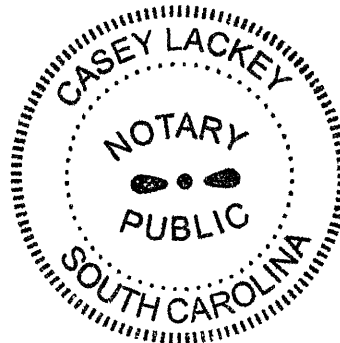
STATE OF SOUTH CAROLINA)
 : ACKNOWLEDGMENT
COUNTY OF PICKENS)

BEFORE ME, a Notary Public for South Carolina, personally
appeared David Merck, who, being personally known to me, or upon
producing valid and proper identification, and upon being duly
sworn, states that he executed the within-named Instrument for
the purposes therein written.

SWORN to before me this
19th day of April, 2020.

Casey Lackey
Notary Public for South Carolina
My commission expires _____

**MY COMMISSION EXPIRES
NOVEMBER 15, 2026**



IN WITNESS WHEREOF, the parties have hereunto set their Hands and
Seals on the date above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Dallas Kelly
Witness #1

Penny Smith
Penny Smith

Casey Lackey
Witness #2 or Notary

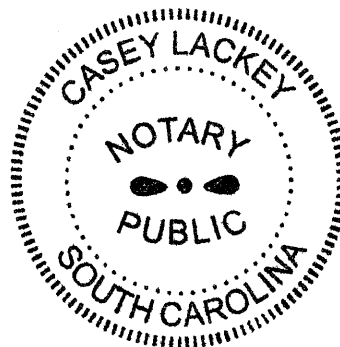
STATE OF SOUTH CAROLINA)
 :
COUNTY OF PICKENS) ACKNOWLEDGMENT

BEFORE ME, a Notary Public for South Carolina, personally
appeared Penny Smith, who, being personally known to me, or upon
producing valid and proper identification, and upon being duly
sworn, states that she executed the within-named Instrument for
the purposes therein written.

SWORN to before me this
19th day of April, 2020.

Casey Lackey
Notary Public for South Carolina
My commission expires _____

MY COMMISSION EXPIRES
NOVEMBER 15, 2026

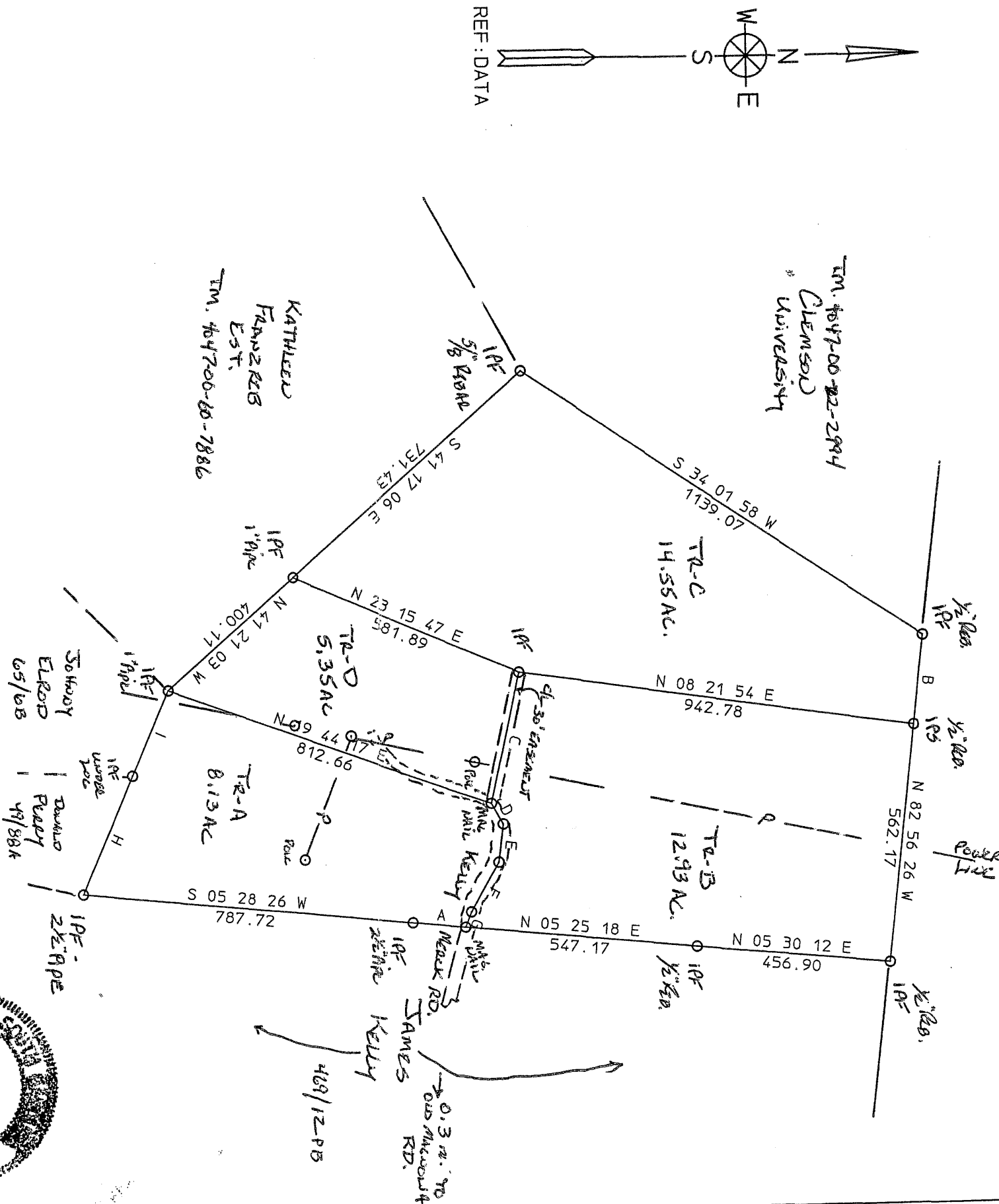


The shared driveway and associated easement shown on this plat shall be a private access not owned, maintained, or supervised by Pickens County and not constructed pursuant to any plan for future acceptance by Pickens County. All easements shown upon the plat shall not be accepted for maintenance by Pickens County at any time in the future unless constructed as a public road in accordance with The Pickens County Unified Development Ordinance, as amended.

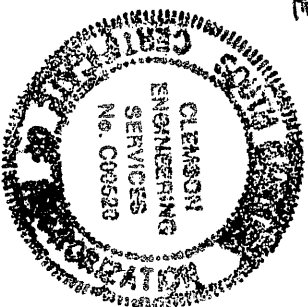
LINE	BEARING	LENGTH
A	N 05 25 25 E	123.97
B	N 82 56 26 W	213.69
C	S 77 13 50 E	316.81
D	S 61 42 59 E	55.81
E	S 82 32 10 E	90.43
F	S 60 08 37 E	133.59
G	S 66 39 28 W	38.54
H	S 66 29 47 W	304.03
I	N 66 22 15 W	217.60

T.M. 4047-00-62-3951
HAROLD HUPP
DB. 2075/145

T.M. 4047-00-22-2944
CLEMSON
UNIVERSITY



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.



CLEMSON ENGINEERING SERVICES

ACREAGE -
PLAT OF UNBALANCED TRAVERSE
PRECISION OF FIELD SURVEY - 1:10000
SCALE 1 IN. = 300 FT.

DATE: AUGUST 27, 2020
STATE OF SOUTH CAROLINA
COUNTY OF PICKENS
TOWNSHIP OF CENTRAL
ON KELLY MERCK ROAD
T.M. 4047-00-60-7886

PLAT PREPARED FOR
DAVID E. MERCK

AREA WAS CALCULATED
BY THE DMD METHOD

D. E. Merck
R. JAY COOPER P.E. & L.S. 4662
PHONE 864-654-2573

PROPERTY SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, EASEMENTS, OR RESTRICTIONS OF RECORD.
REF. DEED BK: 2067/96
* Plat 01 C.E.S. 5/14/84

LU-22-0001

CHRISTOPHER J. BRINK, AICP
DIRECTOR

JOEY AIKEN, CBO
CHIEF BUILDING OFFICIAL

SCOTTIE FERGUSON
STORMWATER MANAGER

RAY HOLLIDAY
COUNTY PLANNER

PICKENS COUNTY

SOUTH CAROLINA

COMMUNITY DEVELOPMENT

BUILDING CODES ADMINISTRATION • PLANNING • ADDRESSING
STORMWATER MANAGEMENT • ENVIRONMENTAL ENFORCEMENT



LU-22-0001 Staff Report

Planning Commission Public Hearing: March 14, 2022 6:30 PM

The following report constitutes an assessment and evaluation by Planning staff on the above mentioned request.

Applicant:	Teresa Lewis 107 Country Creek Drive Pickens, SC
Property Owner(s):	James Ed and Teresa G. Lewis
Property Location:	SC 11/Country Creek Road Pickens, SC
Acreage:	5 +/- acres of a larger 7.10 acre tract
Tax Map Number:	4197-00-90-6443
County Council District:	3
Land Use Request:	15 site RV Park and Campground – as noted on application (24 sites noted on site plan)
Variance Request(s) from Planning Commission:	

Request Background:

The applicant is proposing to develop 5 acres of a 7.10 acre tract (Aunt Sue's), into a 15 site (application)/24 site (sketch plan) RV Park and Campground, with bath house.

Current Property Use:

The subject property is currently commercial. Aunt Sue's occupies a portion of the overall site.

Surrounding Area:

North: Residential (2.25 acres +)

South: SC 11, Residential (1.75 acres +)

East: Residential (2.00 acres +)

West: Vacant/wooded

Future Land Use:

The property is designated as "Rural Residential" Character Area.

Utilities & Infrastructure

Transportation:

The property is served by SC 11, a SCDOT maintained roadway and Country Creek Drive, a county maintained roadway.

Water:

Private Water, well

Sewerage:

Private Sewer, septic

Past Development/Approvals:

While not subject to any recent development permit or approval, upon the subject tract is Aunt Sue's, a multi-use commercial site, consisting of shops, restaurant, and outdoor gathering spot.

Photograph(s):

N/A

Comments from Reviewing Agencies:

Pickens County Engineer:

See Attached Letter/Email

SCDOT:

N/A

Water and Sewage Provider:

N/A

SCDHEC:

N/A

PC Emergency/Fire Services:

N/A

SDPC:

N/A

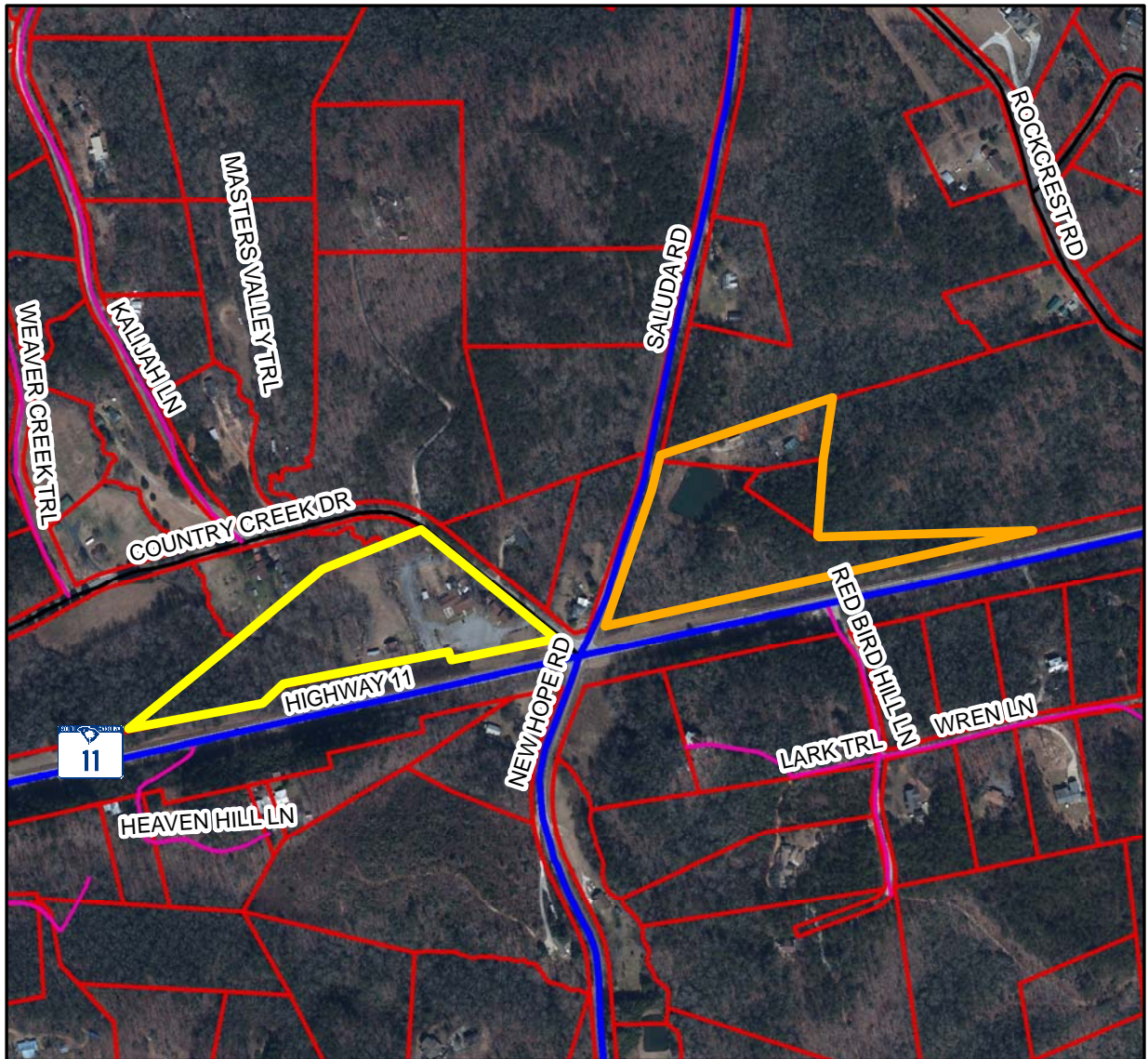
Other Reviewing Agencies:

Pickens County PRT

For any rentals or leases they plan to do that are less than 90 days in length, they will be subject to Accommodations Tax

LU-22-0001/LU-22-0002

GENERAL SITE/AREA



LU-22-0001

LU-22-0002

State Roads

County Roads

Private

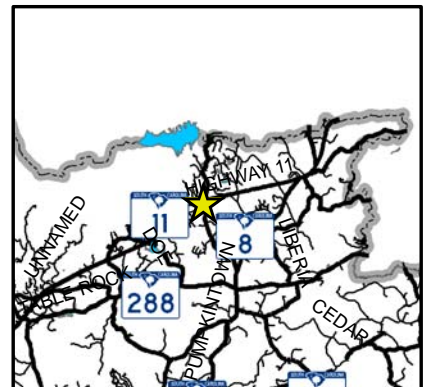


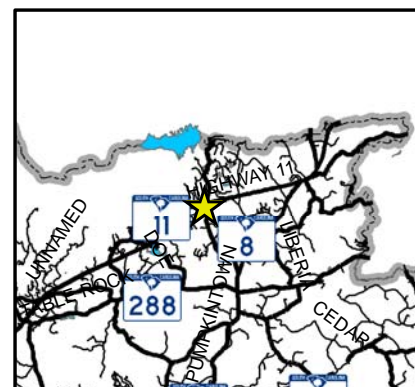
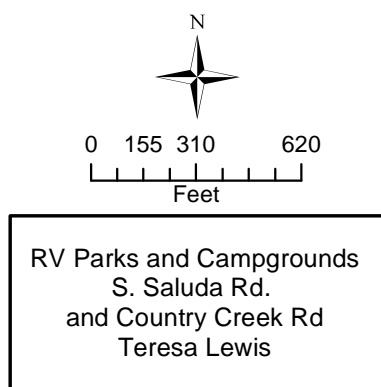
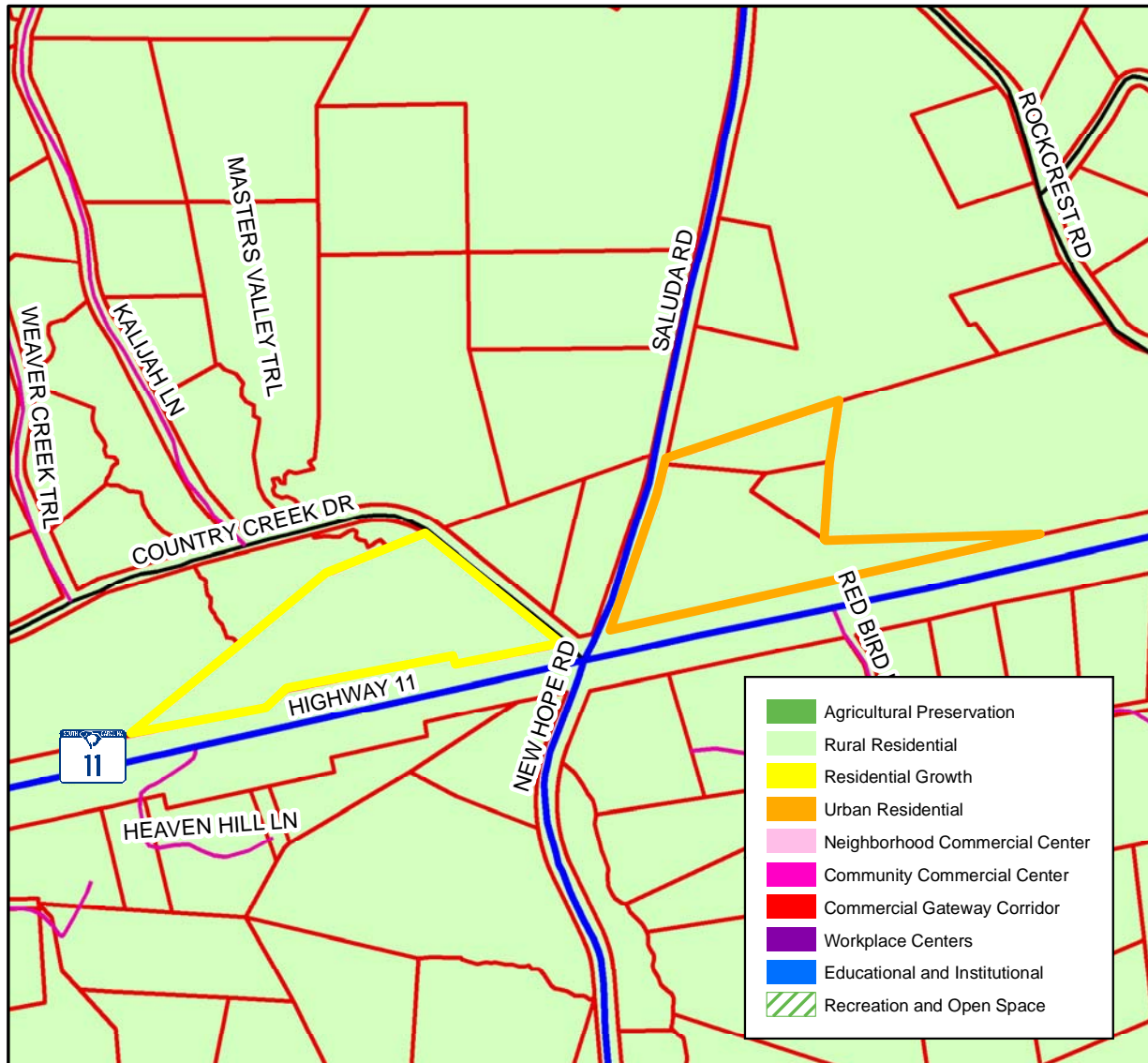
Department of
Community Development
222 McDaniel Avenue, B-10
Pickens, SC 29671
864-898-5956



0 155 310 620
Feet

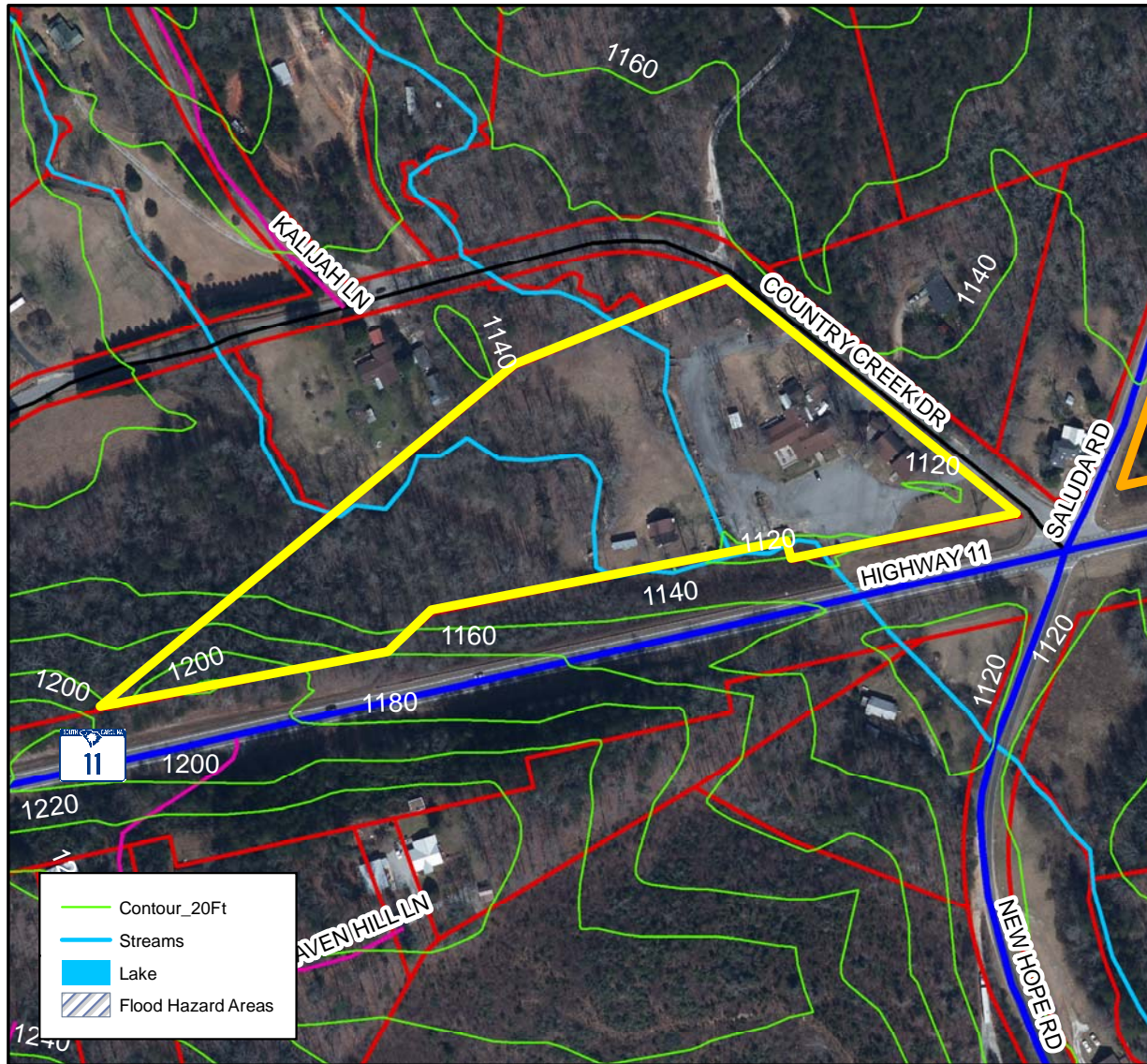
RV Parks and Campgrounds
S. Saluda Rd.
and Country Creek Rd
Teresa Lewis





LU-22-0001

Topography/Hydrology



LU-22-0001

LU-22-0002

State Roads

County Roads

Private

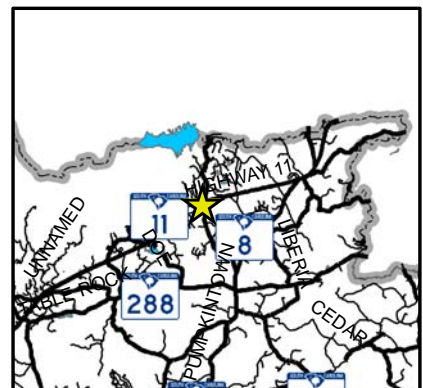


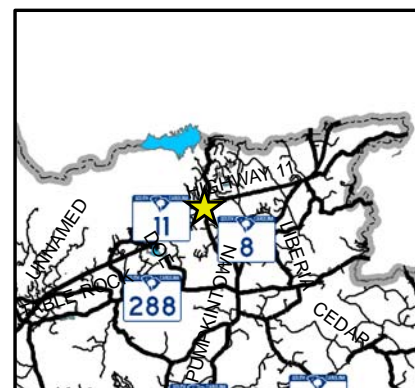
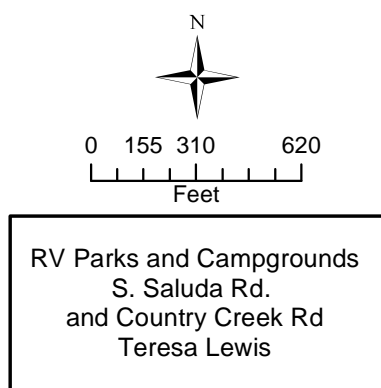
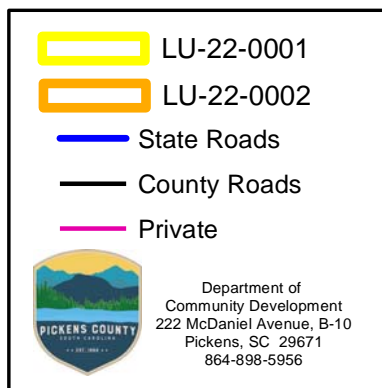
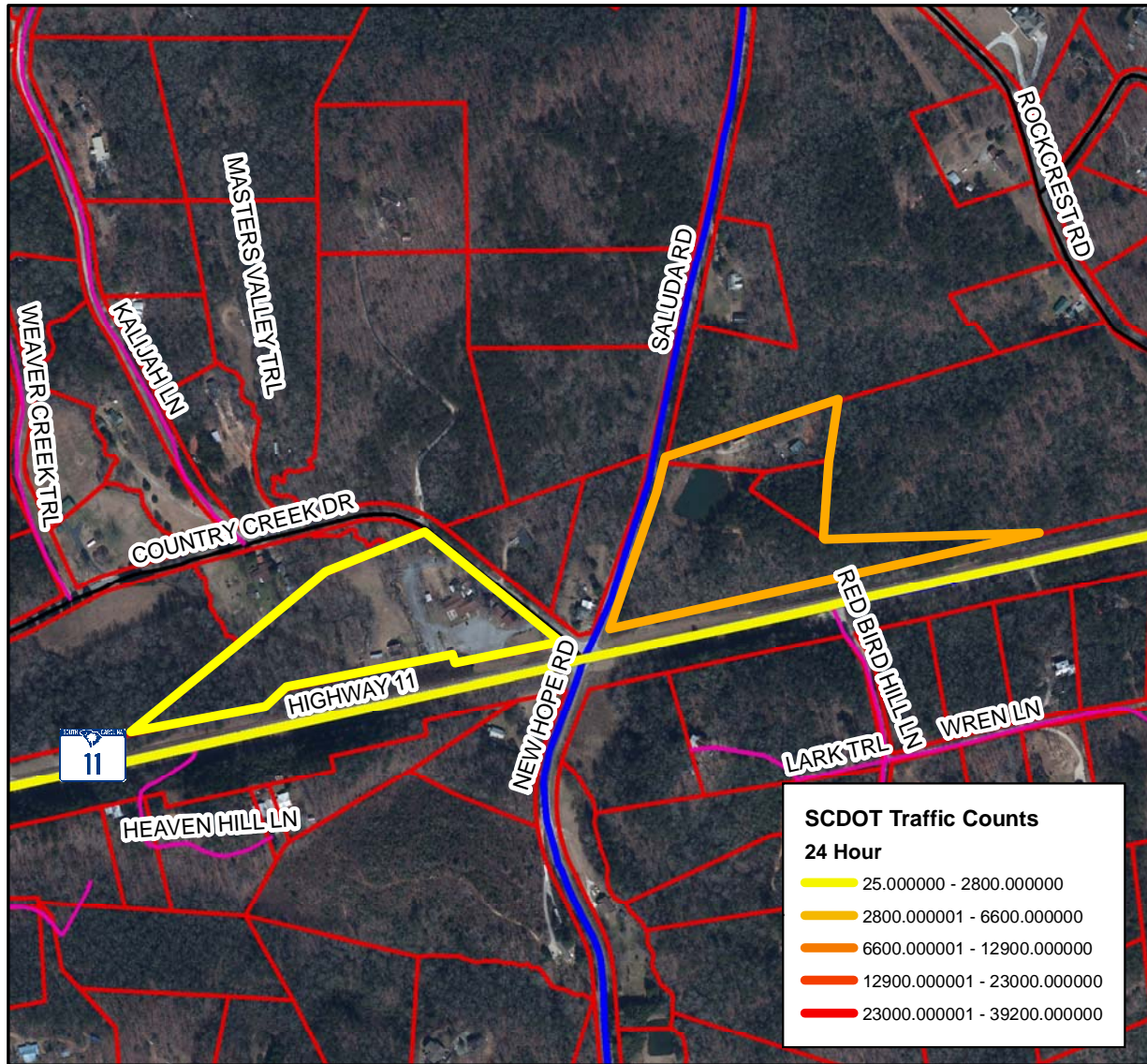
Department of
Community Development
222 McDaniel Avenue, B-10
Pickens, SC 29671
864-898-5956



0 70 140 280
Feet

15 Site
RV Park and Campground
Country Creek Rd
Teresa Lewis





Analysis of Standards for Land Use Approval:

Staff analysis of the application is made based upon the findings criteria as set forth in Section 1205(f) of the UDSO. The applicant has submitted his/her response to the same findings criteria.

A. Is the proposed use consistent with other uses in the area or the general development patterns occurring in the area?

While the proposed use, commercial RV Park, may seem inconsistent with current and existing development patterns in the vicinity, the area, however, due to the proximity to Table Rock State Park, other properties of SCPRT and SCDNR, area lakes, and other available recreation activities in the immediate area and the overall region, the location should be ideal for a small, family orientated RV Park and Campground.

Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

With adherence to the standards enumerated in the UDSO relative to RV Parks and Campgrounds and additional standards proposed by staff, any potential impacts on adjacent properties will be mitigated.

B. Is the proposed use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

The current Comprehensive Plan identifies the area, the proposed project site in particular, as "Rural Residential". The Comprehensive Plan speaks to placement of development where there are services capable of supporting development. Services in the area are adequate for the proposed project.

C. Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The use and request as proposed should not cause an excessive use or burden to existing public facilities; provided the applicable standards set forth in the UDSO are adhered to. Due to the size and nature of the proposed project, no impact on the local school attendance zone is anticipated.

D. Is the property suitable for the proposed use relative to the requirements set forth in this development ordinance such as off-street parking, setbacks, buffers, and access?

Yes. The size of the tract allows the proposed project to meet the respective standards as set forth in the Unified Development Standards Ordinance of Pickens County for such uses.

E. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Yes. The use and request as proposed appears to balance protection of public health and welfare with the unfettered use of property.

Staff Analysis based on Section 302 of the UDSO

*The following analysis of the application is made based upon the standards for RV Parks and Campgrounds enumerated in Section 302 of the UDSO. The applicable standards have been included for reference with the proposed project's compliance to each standard noted in **BOLD**.*

Sec 302 Recreational Vehicle (RV) Parks and Campgrounds.

302(a) Purpose.

The purpose of this section is to provide opportunities for quality developed campgrounds and recreational vehicle parks that are properly sited where there is adequate public street access and

adequate access to other public services which may be needed by such endeavor. In order to create a desirable and successful recreation environment while protecting the public health, safety, and welfare, Planning Commission review and consideration will be required; unless exempted in the following sections.

302(b)

Use Standards.

- (1) *Each park must have direct frontage and access to a collector or arterial street. Access to each individual site and other provided structures shall be from internal streets. Individual sites shall not be accessed directly from a public road.*

Project, as proposed, must meet this standard; the sketch plan does not show internal access but will need to be designed and presented for review during project permitting.

- (2) *No site shall be used as a permanent residence and shall only be for the use of travel trailers, pickup campers, coaches, motor homes, camping trailers, other vehicular accommodations, tents, park model units, and on-site rental cabins. No site may be used for more than one hundred eighty (180) days in any calendar year by the same occupant.*

Use of site must be in compliance

- (3) *Overall density of the park or campground shall be limited to no more than four (4) sites per acre. When a proposed park or campground is one (1) acre in size or less and will have 4 sites or less Planning Commission review as enumerated in Section 1203 will not be required.*

Proposed RV Park will have 15 sites (per application)/24 sites (per sketch plan)

- (4) *Each site in the campground or park shall have a minimum area of eight hundred (800) square feet and have a stabilized and compacted vehicular parking pad of packed gravel, paving, or other suitable material. At least one site must be ADA accessible. When permanent units (Cabins) are provided, at least one (1) unit must be ADA accessible.*

Sketch plan is not detailed enough to show compliance. Proposed RV Park must be compliant and such compliance will be reviewed during project permitting.

- (5) *All sites shall be setback from all side and rear property lines by a minimum of ten (10) feet and a minimum of twenty (20) from the edge of any public road right-of-way. When the park or campground is adjacent to a residential use, that ten (10) feet must be vegetated accordingly in order to provide a solid evergreen screen.*

Sketch plan is not detailed enough to show compliance. Proposed RV Park must be compliant and such compliance will be reviewed during project permitting.

- (6) *Sites may be served by on-site sewage disposal system as permitted by SCDHEC; however, each individual site may not be served with an individual system.*

Project will be served by SCDHEC permitted septic.

- (7) *Sites within the park that are not otherwise served with sewage disposal connections, an onsite bath house (provisions for restroom and bathing facilities) must be provided.*

A bath house is also being provided

- (8) *Sites shall not be served by individually metered power or water service. When multiple sites are being provided, master meter(s) must provide service to the entire park. All sites must have access to public water, either directly or communally.*

Project will need to comply.

Planning Staff Recommendation:

Approval, with notation and conditions

1. *Approval limited to 15 sites; 4 Site Built Cabins and 11 traditional RV/Tent sites. If the applicant/campground owner wishes to increase the number of sites and such allowance (site number/density/permitted use) is permitted by the adopted standards in place at the time of application, a new request will be required for the additional sites.*
2. *All provided cabins, bath house, or other accessory or equipment buildings must be either site built or be certified "Park Model" units with the foundation screened. Off site or pre-fabricated buildings will not be permitted. Colors and materials used on all structures must be natural or woodland like so that they fit and blend into the surroundings. Planning staff must first approve all proposed materials and colors prior to permitting.*
3. *Front façades of all structures must face SC 11, or be designed in such a way so that a "false" front façade faces SC 11. No rear entries or service areas, including equipment, may face or otherwise be visible from SC 11.*
4. *All RV/Tent sites must be set back from SC 11 a minimum of 100' and be separately screened with evergreen plantings that, at maturity, reach a height of 10'.*
5. *No existing vegetation may be removed within 10' of the ROW/shared property line of SC 11.*
6. *No direct access onto SC 11 will be permitted.*

The following are not to be considered application specific conditions. These are UDSO highlights which are applicable to all similar projects and are being provided as a reference. These notations are not to be considered as exclusive of all Pickens County Development Standards that will apply:

- *Approval only granted as applied for by the applicant and as otherwise approved by the Planning Commission; any revision to the approved project plan may require re-submittal to the Planning Commission.*
- *Approval by the Planning Commission may not include proposed site-specific design, unless or except as conditioned by the approval.*
- *Approval by the Planning commission does not constitute approval of the required development permits nor does it alleviate the requirement of submitting full construction plans and preliminary plats. Contact staff to obtain all necessary permits for development.*



PICKENS COUNTY

SOUTH CAROLINA



COMMUNITY DEVELOPMENT

BUILDING CODES ADMINISTRATION • STORMWATER MANAGEMENT • PLANNING

APPLICATION FOR:

☒ Land Use Review / Subdivision Review

☐ Subdivision Variance

Case No.: _____

Note to Applicant: All applications must be typed or legibly printed and all entries must be completed on all the required application forms. If you are uncertain to the applicability of an item, please contact a member of the Planning Staff. Incomplete applications or applications submitted after the posted deadlines will be delayed.

Name of Applicant Teresa Lewis

Mailing Address 107 Country Creek Dr. Pickens, SC 29671

Telephone 864-684-4039 Email telewis6259@att.net

Applicant is the: Owner's Agent _____ Property Owner ☒

Property Owner(s) of Record James ED + Teresa G. Lewis

Mailing Address 1891 S. Saluda Rd Cleveland, SC 29635

Telephone 864-684-4039 Email telewis6259@att.net

Authorized Representative _____

Mailing Address _____

Telephone _____ Email _____

Address/Location of Property 107 Country Creek Dr. Pickens, SC 29671

Existing Land Use Commercial Restaurant Proposed Land Use Campground Addition

Tax Map Number(s) _____

Total Size of Project (acres) 5

Number of Lots 15

Utilities:

Proposed Water Source:

☒ Wells

☐ Public Water

Water District: _____

Proposed Sewer:

☒ Onsite Septic

☐ Public Sewer

Sewer District: _____

July 2020

Page 1 of 8

REQUEST FOR VARIANCE (IF APPLICABLE):

Is there a variance request from the subdivision regulations or county road ordinance? ☐ Yes ☐ No
 If YES, applicant must include explanation of request and give appropriate justifications.

RESTRICTIVE COVENANT STATEMENT

Pursuant to South Carolina Code of Laws 6-29-1145:

I (we) certify as property owner(s) or as authorized representative for this request that the referenced property:

- ☐ IS subject to recorded restrictive covenants and that the applicable request(s) is permitted, or not otherwise in violation, of the same recorded restrictive covenants.
- ☐ IS subject to recorded restrictive covenants and that the applicable request(s) was not permitted, however a waiver has been granted as provided for in the applicable covenants. (Applicant must provide an original of the applicable issued waiver)
- ☐ IS NOT subject to recorded restrictive covenants

SIGNATURE(S) OF APPLICANT(S):

I (we) certify as property owners or authorized representative that the information shown on and any attachment to this application is accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for postponement of action on the request and/or invalidation of this application or any action taken on this application.

I (we) further authorize staff of Pickens County to inspect the premises of the above-described property at a time which is agreeable to the applicant/property owner.

Jerem Lewis
 Signature of Applicant

12-1-21
 Date

PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application and understands that an application affecting the use of the property has been submitted for consideration by the Pickens County Planning Commission.

Jerem Lewis
 Signature of Owner(s)

12-1-21
 Date

PICKENS COUNTY STAFF USE ONLY

Date Received _____ Received By _____

Pre-Application meeting held with _____ on _____

Application Forwarded to (date):

DHEC _____ ☐ N/A

County Engineer _____ ☐ N/A

SCDOT _____ ☐ N/A

Local VFD _____ ☐ N/A

School Board _____ ☐ N/A

Planning Commission Hearing Date _____

Deadline for Notice to Paper _____ to run _____

Letter of Hearing Sent to Applicant _____

Sign Placement Deadline _____

Planning Commission Action (date) _____

☐ Approval ☐ Approval w/ modifications ☐ Denial

Modifications _____

Notice of Action to Applicant _____



Pickens County, South Carolina

Attachment A

LAND USE REVIEW

Standards of Land Use Approval Consideration

In consideration of a land use permit, the Planning Commission shall consider factors relevant in balancing the interest in promoting the public health, safety, and general welfare against the right of the individual to the unrestricted use of property and shall specifically consider the following objective criteria. Due weight or priority shall be given to those factors that are appropriate to the circumstances of each proposal.

Please respond to the following standards in the space provided or you may use an attachment as necessary.

- (A) Is the proposed use consistent with other uses in the area or the general development patterns occurring in the area?

yes, it will be consistent with our current use at Aunt Sue's and with the development of our "Scenic Hwy"!

- (B) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?

NO

- (C) Is the proposed use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

Yes, this is the second time this property has put in for a Campground Permit. It was approved the first time, just expired.

- (D) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

NO Affect.

- (E) Is the property suitable for the proposed use relative to the requirements set forth in this development ordinance such as off-street parking, setbacks, buffers, and access?

Yes

- (F) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Yes, we are a family run business that adheres to all County, DHEC and State regulations.

Pickens County Land Use Letter of Intent – 2/28/22

The purpose of this Land Use Permit request is to begin construction for a Family ran campground. Located 2 miles east of Table Rock Mountain S. C. on scenic Hwy 11 in Pickens County. This property located at 107 Country Creek Drive, Pickens County SC 29671 maintains the scenic natural beauty for Hwy 11. The campground will provide much needed affordable accommodation for the area to allow additional space for the ever-growing population of visitors to our area.

The campground will follow the same rules that our local state park has and will not allow anything that will take away from our calm natural beauty.

