

**Forest Acres Zoning Board of Appeals**  
**Monday, May 12, 2025**  
**5205 N. Trenholm Road**  
**6:00 PM**

**Minutes**

**I. Call to order**

**1. Determination of a Quorum**

A quorum was determined by the presence of Kate Usry, Robin O’Neal, Shirley Fawley, Will Owens and Jesse Smith. Pete Balthazor and Derek Pace were absent. Also present were Shaun Greenwood, City Administrator, Will Dillard, City Attorney, Kendall Adams, Assistant City Administrator and Keith Lindler, City Building Official.

**II. Approval of Minutes**

**1. April 14, 2025**

Ms. O’Neil made a motion to approve the April 14, 2025, minutes; Mr. Owens seconded. The minutes were approved unanimously.

**III. New Business**

**1. Variance Request**

*3608 Covenant Rd; TMS 14012-10-01; Victory Praise & Worship. 20-ft variance request to reduce the sign front setback from the highway right-of-way from 20 ft to 0 ft for new free-standing church sign.*

Ms. Usry introduced the item and asked if there was anyone present to speak about this variance request. Shana Turner, with Flagship Signs, spoke about the need for this variance as to place the sign 20-ft back from the property line would place the sign in a parking spot, causing that parking spot to be unusable. There is also a large bush that would need to be removed to make space for the sign.

Ms. O’Neal asked if the sign was already installed, which was confirmed. Ms. O’Neal then asked if, when obtaining the permit, did they not read or know the requirements. Ms. Turner stated that their permit department knew of the 20-ft setback requirement, though the image included with their application didn’t show the sign being within that setback. It was assumed that the placement from the photo was then ok to do. Mr. Greenwood stated that he believes when Ms. Turner states that the sign is 10-ft from the road, she’s meaning the road line, not the right of way. Sign setbacks are measured from the property line, which is the edge of the right of way. Ms. Fawley asked about what was written in the application concerning why this condition does not generally apply to other properties. What was written was that the church property’s line is further back into their property than other businesses on their road. After having driven Covenant Road herself, Ms. Fawley noted that the road is a straight line down the hill and wasn’t sure where they were seeing a difference with the other properties.

Dawn Darby, Executive Director of The Therapy Place, which is next door to the church, stated that their business hasn't had any issues with the sign and its location. Pastor Chambers, of Victory Praise and Worship, mentioned that the brightness of the sign had been brought to their attention and it was reduced. Ms. Usry asked when the sign was installed, and Pastor Chambers said in December 2024. Mr. Owens asked if there had been any complaints about the sign obstructing drivers or safety concerns. Ms. Turner and Pastor Chambers have not received any such complaints. Ms. Fawley asked if they could explain how the underground utility lines restricted the location of the sign. Ms. Turner stated that lines were marked by employees of 811, which didn't include the concrete area as they don't expect someone to be digging in that area.

Mr. Irwin Wilson, local business owner and church member, spoke in support of the sign. Ms. Darby also restated her support. Mr. Greenwood pointed out, for clarity, that the pictures showing the current sign location have not been verified as to whether the sign is indeed on the property line. If the sign is beyond the property line and in the right of way, the SC DOT will require the sign to be moved as it's then a liability for them. The City and the Zoning Board can't grant approval for anything to be built or placed beyond the property line, only up to the property line. Ms. Fawley asked about the call the City received pertaining to the sign, if it was about the placement or the light brightness. Mr. Greenwood stated it was related to whether the sign was too close to the road and if the digital component was too big. The City has also not received any complaints about sight issues due to the sign location. Ms. O'Neal asked if the variance would be grandfathered in and Mr. Greenwood stated the variance stays with the land.

Mr. Owens made a motion to approve the variance for the sign to be placed up to the zero-lot line; Ms. O'Neal seconded. The motion passed unanimously.

## **2. Variance Request**

*4421 Reamer Ave; TMS 16704-01-06; Hanna. 314 sq ft variance to build an accessory structure over 750 sq ft to a total of 1,064 sq ft.*

Ms. Usry introduced the topic and asked if anyone was present representing the request. Eric Sparkes, owner of ECS Construction, introduced himself and the homeowner. He stated the variance of 314 sq ft over the 750 sq ft allowed for an accessory structure is to build a pool house. The current structure would be torn down and rebuilt due to it currently being in disrepair. Mr. Sparkes showed the Board pictures of the current building and what it will be replaced with. Ms. Usry asked how big the existing structure is. Mr. Sparkes stated the existing structure exceeds the 750 sq ft by 850 sq ft, including the separate tool shed also on the property. Ms. Fawley asked if Mr. Sparkes could show on the plat where exactly the current structure is located and where the proposed new structure will be located. Ms. Hannah Cope, of 4425 Reamer Ave, a neighbor who would be directly affected with seeing this structure from her back yard, was present to show her support.

Ms. Fawley made a motion to approve the variance as requested; Ms. O'Neal seconded. The motion passed unanimously.

## **3. Variance Request**

*3745 Linbrook Dr; TMS 14111-01-05; Gaines/Anderson. 1-ft variance request to increase the accessory building height from 15-ft to 16-ft for a storage shed.*

Ms. Usry introduced the topic and asked if anyone was there to support the variance. Mr. Kenny Gaines, the applicant, introduced himself and explained his need for the variance he was requesting. He bought a prefabricated storage building, not realizing the height of it, along with the height of the pad his contractor installed, would take it over the 15-ft height allowed. His property is on the corner so he doesn't have many direct neighbors who would be impacted by the variance if it was approved.

Ms. O'Neal made a motion to approve the variance as requested; Mr. Owens seconded. The motion passed unanimously.

#### **4. Variance Request**

*5827 N. Trenholm Rd; TMS 16801-02-08; Beth Shalom Synagogue. Variance request to Section 21.7.2 (a)(1) in relation to shipping containers not being allowed in any zoning district for storage.*

Ms. Usry introduced the topic and asked if anyone was there to speak in support of this request. Mr. Joe Jacobson, who's on the Beth Shalom Synagogue Board of Directors, explained the need for the variance. The Synagogue is in need of more storage and the use of a shipping container is an economical option for them. The container would be placed in a courtyard area that won't cause an egress issue.

Ms. Fawley mentioned that she drove to the property and wasn't able to see where the container would be placed. She also asked if the Synagogue had any future plans to get rid of the storage unit at a later time, noting that the area was growing. Mr. Jacobson explained that they were actually not gaining any members at this time. As of right now, this shipping container would be a permanent solution unless some other opportunity or money to build became available.

Mr. Greenwood explained that as this variance is a use variance request, the Planning and Enabling Act doesn't allow for a Zoning Board to grant a variance for a use that is strictly prohibited. In the City's zoning ordinances, this type of storage is prohibited in all districts except for a certain few. The first question would be if a variance can even be granted based off of this. Will Dillard, City Attorney, stated that whether a use variance can be granted is based off of Section 21.237(2)(f) of the City's zoning ordinance. That section states that "Therefore, under no circumstances shall the board of appeals grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district." Mr. Dillard stated that he was explaining the Zoning Administrators position, not as the Boards attorney. Mr. Smith asked if they were allowed to interpret what they, as the Board, could and couldn't vote on. Ms. Fawley stated she was confused as to why this issue was on the agenda if it wasn't something they could vote on. Mr. Greenwood said they were voting on whether this was a use-related question. Mr. Dillard explained that the City's position is that the Board does have the authority if this is a use issue. Mr. Greenwood then explained that if someone completes the variance request paperwork, city

employees can't tell them that they can't apply for it even if they know the applicant can't apply for it. The Board would have to determine if the variance would be grantable or not.

Ms. Fawley made a motion to deny the variance request due to it being a prohibited use; Ms. Usry seconded. The motion passed unanimously.

## **5. Appeal of Zoning Official Action**

*5827 N. Trenholm Rd; TMS 16801-02-08; Beth Shalom Synagogue. Appeal of interpretation of Zoning Ordinance Section 21.7.2 (a)(1) in relation to shipping containers not being allowed in any zoning district for storage.*

Ms. Usry introduced the appeal. Mr. Greenwood explained that the staff's official determination is that because the day school and Synagogue are zoned in the P districts, Public and Semi-Public Districts, and not Residential, they could not be allowed to place the container in what would be considered their backyard. This is why staff had to deny the request. Ms. Usry stated that she felt a residential area would have even higher standards for a storage type unit. Ms. O'Neal disagreed, saying that the Synagogue was a public space where the public could engage with the property and possibly this container. Residential usage is limited to those living at the home. Ms. Fawley asked if the Synagogue's only options would then be to build a storage unit or try to get the ordinance changed and Mr. Greenwood confirmed this, along with seeing if the property could be rezoned. Mr. Jacobson reiterated the Synagogue's position concerning space issues and the final cost of building more permanent.

Mr. Owens made a motion to confirm the decision of the Zoning Official and deny the appeal; Ms. Usry seconded. The motion passed unanimously.

## **6. Variance Request**

*139 Vallejo Cr; TMS 14011-06-05; Williams. 1-ft variance request to reduce the front setback from 35 ft to 34 ft to extend roof to provide cover for porch and front entrance to home.*

Ms. Usry introduced the topic and asked if anyone was present to speak on the variance request. Mr. Anthony Williams, property owner, introduced himself and explained the reason for their request. Currently, their property does not have a covered walkway and they would like to add a covered front porch by extending their roof line. The extension would encroach on the 35-ft front yard setback requiring a 1-ft variance so they can enter the house from the driveway. Mr. Leighton Jennings, a neighbor, spoke in support of the project. Mr. Greenwood stated that, without a plat, the water meter location is a good indicator of where the property line is as they are usually placed right on the line. Mr. Lindler did point out that the home is placed at an angle on the property, making this a continuation of a nonconforming setback.

Mr. Smith made a motion to approve the variance as requested; Mr. Owens seconded. The motion passed unanimously.

## **7. Appeal of Zoning Official Action**

*3720 Two Notch Rd; TMS 14102-08-01; Genuine Parts Company (NAPA). Appeal of how the square footage of a sign is calculated.*

Ms. Usry introduced the topic and asked if anyone was there representing NAPA. Ms. LaDanna Roberts, representing Blue Roots Marketing and Illumitech Signs, spoke about the appeal request. They are requesting that signage be calculated as though each set of words or logo are their own sign, instead of as if a box was being drawn around the entirety of the sign being requested. Calculating the sign size based on the size of each set of words or logos will give a smaller square footage, keeping the sign in line with the wall sign square footage currently allowed. Mr. Greenwood stated that this is an appeal of how sign area is calculated as there is no official definition in the zoning ordinance that addresses this. Our standard practice has been to draw a rectangle around what would be considered the one sign and calculate the square footage based off that. The sign ordinance states that six total walls signs are allowed for a total cumulative square footage of 120 sq ft. In this particular sign for NAPA Auto Parts, if the NAPA logo was further away from the rest, we could consider it its own sign, but that's not the case as currently presented.

Ms. O'Neal stated that the way of calculating being requested makes sense as otherwise the negative space gets counted in the total. Mr. Smith questioned if they moved the words and logo further apart from each other, could they be counted then as individual signs? Mr. Greenwood explained that if the NAPA logo was on one end of the building and the words "Auto Parts" on the other, they'd be counted as separate signs.

Mr. Smith made a motion to grant the appeal; Mr. Owens seconded. The motion passed, 3 to 2 with Ms. Usry also approving. Ms. O'Neal and Ms. Fawley opposed.

## **8. Variance Request**

*E/S Trenholm Rd; TMS 16604-01-03; Blatt. Variance request in relation to number of trees being removed from the property and the replanting required by the zoning ordinance.*

Ms. Usry introduced the topic. Mr. Lee Blatt, property owner, spoke about his request. He believes the tree ordinance wasn't meant for a property such as his, which is 23 acres. If he was to follow the ordinance, he would have to remove an additional acre of trees to be able to not have to replant in the space where he wanted the original trees removed. Mr. Blatt provided some diagrams to the Board and they were accepted by the Board as exhibits 1 and 2. Mr. Owens asked what exactly he will be doing with the property. Mr. Blatt stated that he would be redeveloping the property, including a space for his home and a stormwater retention pond, as required. Mr. Greenwood explained that the trees need to be removed as there is a significant grade change and as a matter of policy with our land disturbance permits, when there is a significant amount of grading work being done, if the trees are disturbed too much in a graded area, they're going to die anyways so they're counted towards the trees being removed and that must be mitigated by replanting trees.

Mr. Owens then asked if Mr. Blatt was saying that because there are so many trees, if he went by the letter of the ordinance, it would cover some of the area back up. Mr. Blatt confirmed and stated that he could destroy another acre to keep things the way he would like. Ms. Fawley asked if what was being asked was for a variance on the number of trees having to be replanted. Mr. Blatt stated that as of now, he would be required to replant half of the trees that were removed.

Ms. Usry asked if the variance was concerning the entire 2.76 acres. Mr. Blatt explained that the area of 2.76 acres was the area trees that would need to be replanted, using this more as a representation of the requirement. As the ordinance states that you have to replant half of what is removed, he would then have to take out more than he would need to keep his original plan in place, once replanting is done. Mr. Greenwood summarized that the variance would be for the difference between what is required to be replanted versus what you actually could replant. That difference would be what the variance is based off of. Mr. Linder explained that the area being considered is the area of disturbance, which was the area that needed to obtain a Richland County Land Disturbance Permit.

Ms. O'Neal made a motion to approve a variance of 80 percent of replanting of trees removed in the area of disturbance; Mr. Smith seconded. It was clarified by Mr. Dillard for the record as a 10 percent replacement. The motion passed unanimously.

## **9. Appeal of Zoning Official Action**

*E/S Trenholm Rd; TMS 16604-01-03; Blatt. Appeal of interpretation of a storm water retention pond not being allowed as shown on plans by the zoning ordinance.*

Ms. Usry introduced the topic. Mr. Greenwood explained that Mr. Blatt's lot is unique in that it's large in size and split into several different zoning districts. He has an area that is split between C-1 (commercial district) and R-1 (residential district). Because the pond would split that zoning category, he believed that the residential property would need to be rezoned for the pond to be used for commercial purposes. A retention pond that services a commercial property, even partially, is considered an accessory use to a commercial use, even if it also services residential. It was recommended that the portion of the property having the pond be rezoned to commercial (C-1). A map showing the various zoning districts of the property were given to the Board and accepted as exhibit 4.

Ms. O'Neal asked if this appeal was defining the zoning or asking for the zoning. Mr. Greenwood explained that the appeal was of his determination that the pond could not be used for commercial purposes once it crosses the residential boundary line. Mr. Blatt stated that he submitted to Richland County for a land disturbance permit eight months prior, which Forest Acres was in the loop on the entire time. At the last minute, they realized the pond was in R-1. Mr. Blatt doesn't feel the pond would affect the feel of the R-1 neighborhood as it won't be seen. He stated that theoretically, this has been approved by DES and Richland County, having to sign that the pond would be maintained. Mr. Blatt believes that when the ordinance was written, it was never designed for a property like his. He's asking for the pond to be able to be fed by residential and commercial. Mr. Blatt said he searched for the word pond in the zoning ordinance and saw no sign of it, except in the portion for stormwater which was adopted from Richland County, leaving him to believe that there should then be no stormwater ponds within Forest Acres.

Mr. Dillard restated the uniqueness of this lot with its split zoning districts. A brief memo was distributed to the Board, listing a few zoning provisions and a paragraph on the City's position. Mr. Dillard said that the belief is that for the pond to service a commercial property, the pond should also be on commercial property. The memo includes exhibits 1, 2, and 3, which were

entered into the record. Mr. Dillard then asked Mr. Greenwood a few questions. Mr. Dillard explained that he was there to represent the City, not advise the Board. Mr. Greenwood confirmed that the property in question was correct, and the zoning map showed the correct districts. He also confirmed that the portion of the pond extending into the R-1 zoning is more than 25 ft from the C-1 boundary, according to the maps. Mr. Greenwood read from the zoning ordinance the definition of accessory use, confirming that the City would consider a stormwater pond an accessory use. The limited uses for R-1 zoning was read. Mr. Greenwood stated that a pond would be considered an accessory use, required by another portion of the ordinance. Mr. Dillard then asked if other commercial accessory uses could be established in the R-1 zoning district, using a commercial parking lot as an example. Mr. Greenwood agreed. Mr. Dillard asked what the process would be to allow the commercial district to use a pond in a residential district. Mr. Greenwood explained that the process would be to rezone that area in question to be part of that commercial use, and it is eligible for rezoning.

Mr. Blatt mentioned several court cases that he believes relates to his situation with the pond and land use. He stated he has a geotechnical engineer, environmental engineer, landscape architect and a floodway engineer and all of their consensus on this project is that the best place for the pond is where he currently has it because it isn't just going to serve C-1 as there are other issues with water coming from other properties onto his. Ms. Usry asked if the pond would be detrimental to the quiet residential nature of the area. Mr. Blatt answered that he thought it would increase it as this would ensure nothing could be built there. Mr. Owens asked Mr. Greenwood if, due to the grading, water would flow down towards the pond, which he confirmed. Mr. Owens also asked if there are other situations where something else residential was built, would they have to ensure that not even a drop of water from a commercial space drops into the pond. Mr. Greenwood stated that unless it was part of a planned development, he couldn't think of another situation where there was an accessory use to a commercial on a residential, as it's generally not allowable. Mr. Blatt pointed out again the uniqueness of the size of this lot. Mr. Owens asked if it was then the responsibility of the homeowner that no water from anywhere goes into the pond.

Mr. Dillard stated that Mr. Blatt already has permission to build the pond, the appeal is for Mr. Blatt to be able to figure out what he's going to do next. If Mr. Blatt wants to build a commercial structure in the C-1 district and use the pond, including the portion in the R-1 district, would he have zoning permission to do that. Mr. Greenwood interpretation was that he would not have zoning permission. Mr. Dillard said Mr. Blatt is asking what rules he would be held to. It's a question of what can be built to make use of the pond. Mr. Owens stated that while this is a unique situation, it sounded to him like this was not strictly prohibited by the ordinance. Mr. Dillard said this was City staff trying their best to apply the ordinance, as it's written, looking at how it applies to this situation, but also what the ordinance means in terms of other request that may come in. Mr. Dillard stated that the list for permitted items in R-1 shouldn't be looked at as if to say that if it's not prohibited somewhere that it could be built. Several of the zoning districts have both permitted and prohibited lists, usually the commercial districts. The fact that R-1 doesn't have a prohibited list doesn't mean it's ambiguous. What's permitted in R-1 is a pond for residential use or any other use allowed in R-1. The pond is not allowed as an accessory use for a commercial district in R-1 as a commercial use isn't allowed in R-1. The zoning is what needs to be addressed.

Mr. Smith asked if the City was making a recommendation to the Board. Mr. Greenwood stated that the City doesn't make recommendations on variances, this is an appeal of his decision so his/the City's position has already been given. The City's decision is that this isn't allowable if it's going to be used for future commercial uses. It can be built right now for just residential but the minute it's built and a commercial use is designed to drain into the pond, that's when the issue with our existing zoning comes in. The commercial portion wouldn't be permissible as it wouldn't have adequate stormwater per zoning. Mr. Smith said he believes this a formality of how the parcel has the different zonings. He asked if there are any other parcels in Forest Acres that have this type of split zoning. Mr. Greenwood said there are no other properties with this type of zoning. Ms. Fawley asked what the plans were for the part of the property listed as R-3. Mr. Blatt stated he has no plans for that part of the property. Ms. Fawley then asked if she heard correctly that Mr. Blatt could ask for a rezoning. Mr. Blatt said he could ask for a larger C-1 area to include the pond. Mr. Owens stated that earlier in the meeting, the Board had an applicant that he felt the members would have wanted to help except what they were wanting was strictly prohibited by the ordinance. Now an applicant is asking for something that's not strictly prohibited and he believes they should be intellectually consistent.

Mr. Dillard reiterated that the City is aware that if the property is rezoned to C-1, that any C-1 type business can go there. The decision that was made by Mr. Greenwood wasn't a consequences based decision. It was a good faith interpretation and application of the ordinance. Mr. Dillard said this also questions what happens the next time someone comes in that has a commercial property next to a residential property and they want to make some accessory use on the R-1 property to serve the C-1 property. If Mr. Greenwood had granted this, he wouldn't have grounds to deny any others. Mr. Dillard stated the question before the Board isn't is this a good place to put this pond, it's an accessory use of a commercial property a permitted use in an R-1 zoning district. Mr. Blatt stated that he believes this is the only time this type of issue would come up and he does not believe rezoning is the best use of the property.

Mr. Smith stated that he agreed with the application and decision that was made, but it was also up for interpretation as to how it's written. He also agrees that there is some precedence that could be set but it's also up to them to take exception where there is exception. He states that if this property is rezoned, it's more detrimental than as written and taking exception in his opinion. Mr. Lindler mentioned that while Mr. Blatt has to go through other agencies such as DES and Richland County, they don't care about the ordinances for Forest Acres. This type of pond is required by the state, the county and EPA to have this type of plan for the stormwater. Ms. O'Neal stated she has a problem, as she sees someone who has a plan that's beneficial to the City. She'd rather see this than have the space be filled with buildings. However, if Mr. Greenwood is saying that Mr. Blatt is appealing his decision, what's going to happen if we grant him the appeal. Mr. Greenwood answered that essentially the Board would be setting a precedence that commercial accessory uses would be allowable in the R-1 district. As of right now, Mr. Greenwood wouldn't allow any commercial building permits if the stormwater would be dispersing into a residential pond. This issue is a future issue which Mr. Blatt is asking about before he starts to build.



Ms. Fawley stated that because this isn't being asked for as a variance but an appeal, Mr. Blatt mentioned earlier that he wished he knew about Council being present. He does have a right to withdraw this request and if they don't vote on it, he has the option to then talk to an attorney about his options. She also understands that there is no other property like this right now but there is residential property on Forest Drive, Trenholm Road and others, where there is land for commercial that they can buy the property behind them that's residential and this issue could be back before the Board. Mr. Smith asked what the point of this was if they allow this to happen and the City wouldn't allow it anyways. Mr. Greenwood explained that if the Board upholds the appeal, Mr. Blatt would be able to build on the commercial property and use the pond as an accessory use to the commercial property.

Ms. O'Neal made a motion to grant the appeal; Mr. Owens seconded. The motion passed 3-2 with Mr. Smith also approving. Ms. Usry and Ms. Fawley opposed.

#### **IV. Adjourn**

Mr. Smith made a motion to adjourn; Ms. O'Neal seconded. The meeting was adjourned at 8:33 pm.