

1. Agenda

Documents:

[2024_05_16_BZA_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[2024_V_04_206 PENDLETON RD.PDF](#)

[2024_V_04_206 PENDLETON RD_SITE PLAN.PDF](#)

[2024_V_03_1112 TIGER BLVD_APPLICATION.PDF](#)

[2024_V_03_1112 TIGER BLVD_SITE PLAN.PDF](#)



CITY OF
Clemson
PLANNING &
DEVELOPMENT

AGENDA
Board of Zoning Appeals Meeting
May 16, 2024 at 6:00 P.M.
1250 Tiger Blvd., City Hall
City Council Chambers

You can also view these meetings on the City of Clemson's YouTube channel.

How to Submit Public Comments

1. In person during appropriate portions of meetings
2. On the City's MyCivic web platform no later than 5:00 p.m. the day before the meeting

1. Call to Order

2. Adoption of Minutes – March 21, 2023

3. Public Hearing

- a. **2024-V-04:** Applicant Dante Magagnotti is requesting a variance from Section 305 C.8, to construct an accessory structure that is 1,260square feet, 32'x40', where 900 square feet is allowed at his home at 206 Pendleton Road. (VAR-000246-2024)
- b. **2024-V-03:** Applicant Austin Allen is requesting a variance for 1112 Tiger Blvd. from Sections 19-404 to construct a restaurant 59ft from the front property line where a maximum of 35ft front setback is allowed. (VAR-000245-2024)

4. Staff Reports

5. Other Business

6. Adjourn



1250 Tiger Blvd, Suite 4 • Clemson, SC 29631-2662
(864) 653-2050
Fax (864) 653-2057
www.cityofclemson.org

BOARD OF ZONING APPEALS NOTICE OF APPEALS FOR A VARIANCE

Please complete in ink and return to the Planning and Codes Administration Department with required attachments, information, and filing fee of \$250. Variance applications require a current survey of the property, and a designation of agent if owner is not the applicant. Both sides of this application must be completed; incomplete applications will not be accepted.

2024
File no.: V0-4 PIN: - - - - Date submitted: / / Board of Zoning Appeals meeting date: / /

OWNER(S) INFORMATION

Last name: MAGAGNOTTI First: DANTE Middle: J. Interest
 Sole owner Co-owner
Mailing address: 206 PENDLETON Rd. City: CLEMSON State: S.C. ZIP Code: 29631
Daytime phone no.: (864) 723-1725 Fax no.: () E-mail: dmagagnotti@gmail.com

APPLICANT INFORMATION

To be completed only if Owner is not Applicant:

Applicant's last name: MAGAGNOTTI First: DANTE Middle: J.
Mailing address: 206 PENDLETON Rd. City: CLEMSON State: S.C. ZIP Code: 29631
Daytime phone no.: (864) 723-1725 Fax no.: () E-mail: dmasagnotti@gmail.com

PROPERTY INFORMATION

Property address: 206 PENDLETON ROAD CLEMSON, S.C. 29631
Property dimensions: 586ft x 124 ft. Property area: 1.643 acres Zoning district:

DESIGNATION OF AGENT

To be completed by Owner(s) only if Owner is not Applicant:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this request for a variance.

Dante Magagnotti Owner name: *Dante Magagnotti* Owner signature: 4/29/2024 Date

Mariah Magagnotti Owner name: *Mariah Magagnotti* Owner signature: 4/29/2024 Date

To be completed by Applicant:

I certify that the information in this request is correct.

Applicant name: DANTE MAGAGNOTTI Applicant signature: *Dante Magagnotti* Date: 4/30/2024

REQUIRED INFORMATION

1. Request for Variance

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application for the property described on this application from the following provisions of the Zoning Ordinance Section(s):

CHAPTER 19, ARTICLE III, SECTION 305 C.8

So that the appropriate permit may be issued to allow the use of the property in a manner shown on the attached survey with supporting documents and described as follows:

We would like to build a garage larger than allowed. The garage will be used to house vehicles, camping and outdoors equipment, home-owner tools, and some workout equipment. Our house is <2000 sq. ft., and as a family of 5 we could use the extra storage space.

For which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. Justification for Variance

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Set Law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

The property is bordered on the left by arborvitae and on the right by a fence and lots of vegetation. It is also a 1.6 acre lot and the building will be set back significantly from the road.

b. These conditions do not generally apply to other properties in the vicinity as follows:

Several buildings around us are large and/or not residential in use. These conditions are not being applied in the vicinity.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

Our home is older (1937) and small and does not provide the space for the utilization that need such as exercise equipment, camping, gardening, and other hobbies. We also need more storage than we have in the home.

d. The authorization of the variance will not be of substantial detriment to adjacent properties or the public good, and the granting of the variance will not harm the character of the district as follows:

The garage will not appear excessively large from the road, and will take up much the same footprint as the current rundown carport and additional shed buildings that are in the spot. The school beside it will not be negatively impacted by the proposed garage.

e. The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district, would not extend physically a nonconforming use of the land and would not change the zoning district boundaries shown on the official zoning map.

This building will only be used for residential purposes. We will house our vehicles, store our outdoor equipment, have an exercise room and personal landscape supplies.

3. Documents provided

The following documents with a sealed survey are submitted to support this appeal:

1. PROPERTY PLAT WITH PROPOSED GARAGE DRAWN IN.
2. LETTERS FROM PROPERTY OWNERS ON EACH SIDE OF 206 PENDLETON ROAD.
3. DRAWING OF THE PROPOSED GARAGE (4 ELEVATIONS)

Use additional sheets if necessary.

CLEMSON



207 Pendleton Rd.
Clemson, SC 29631

Ph:864-654-4483
Fax:864-654-1139

Fed. ID# 57-0864754
DSS 14,527

Accredited by
MONTESSORI SCHOOL
ACCREDITATION
COMMISSION

April 24, 2024

To Whom It May Concern,

As the owner of the properties occupied by Clemson Montessori School, and as the Director of Clemson Montessori School, I am not opposed to the Magagnotti's proposed garage construction.

Natalie McSharry

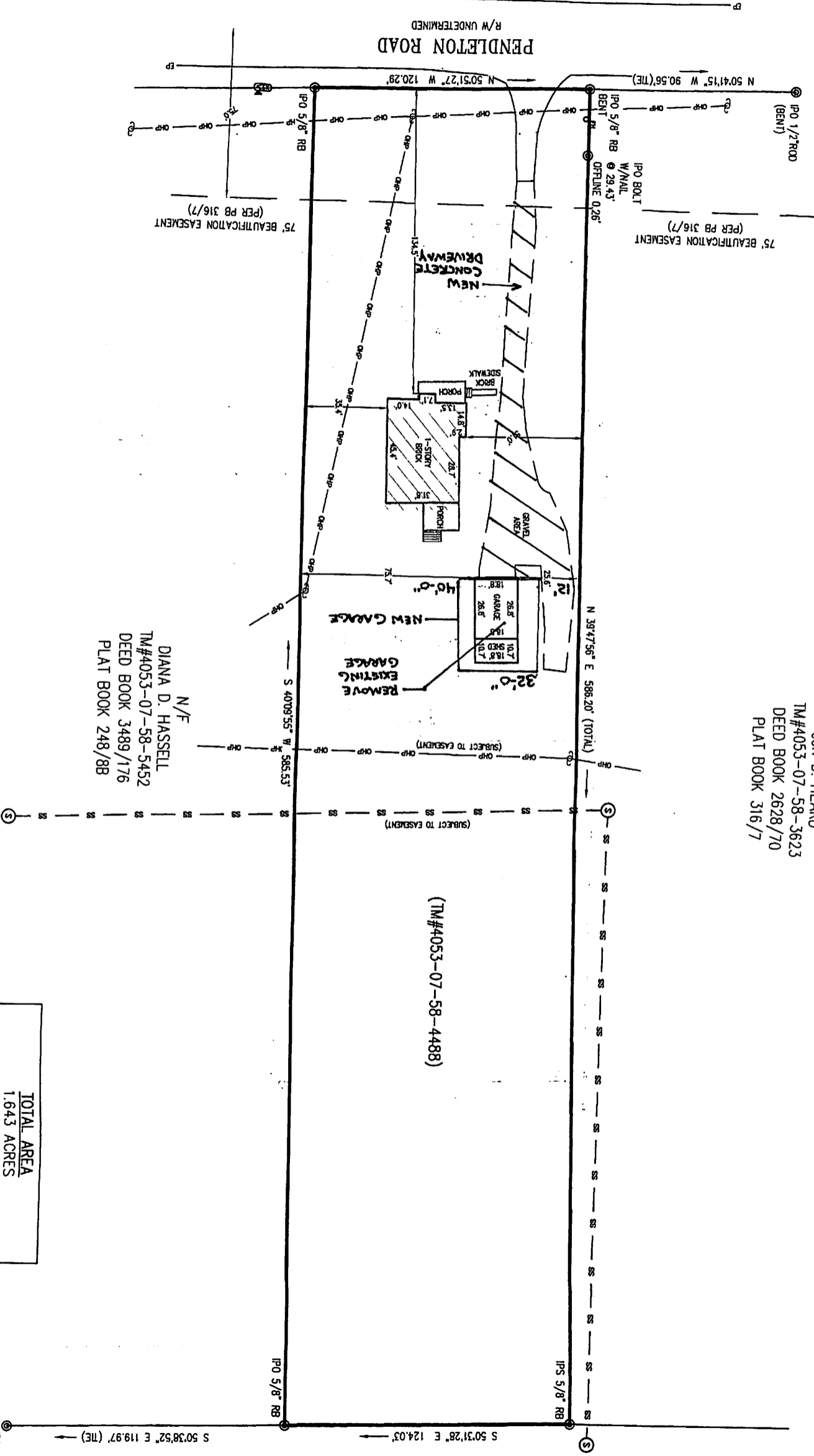


N/F
 JON D. HEARD
 TM#4053-07-58-3623
 DEED BOOK 2628/70
 PLAT BOOK 316/7

N/F
 DIANA D. HASSELL
 TM#4053-07-58-5452
 DEED BOOK 3489/176
 PLAT BOOK 248/88

TOTAL AREA
 1.643 ACRES

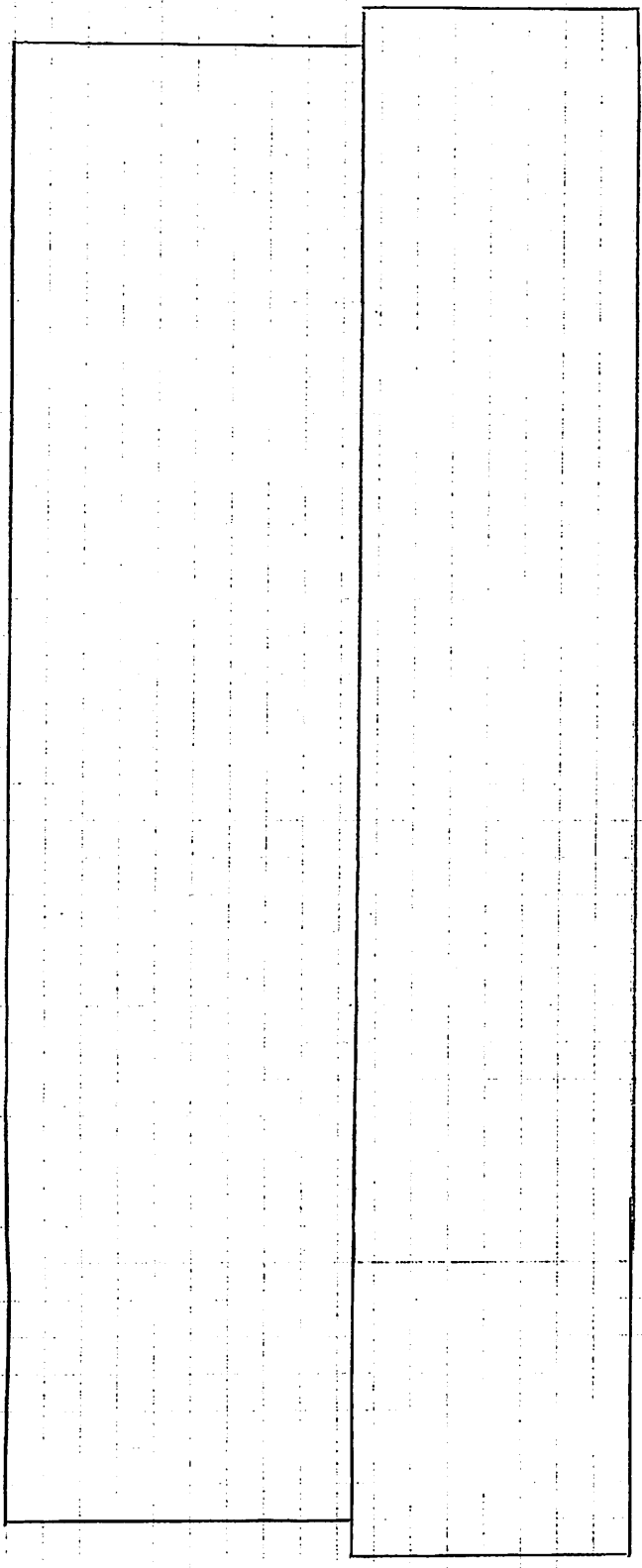
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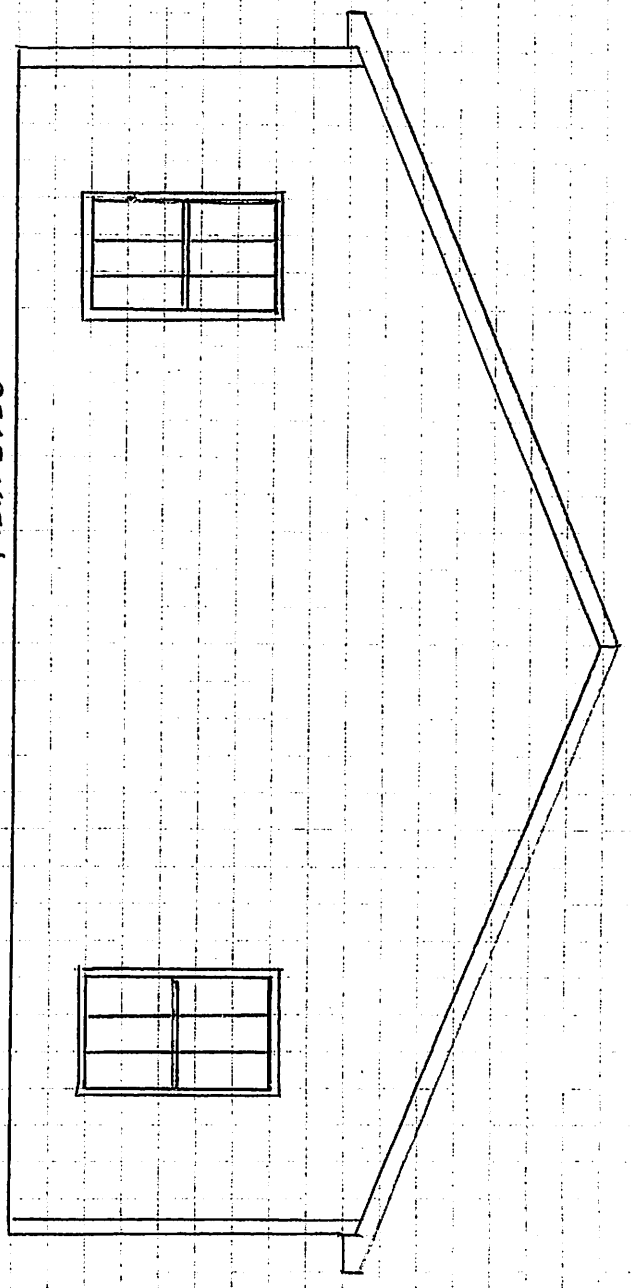
(TM#4053-07-58-4488)

KH A
 TM
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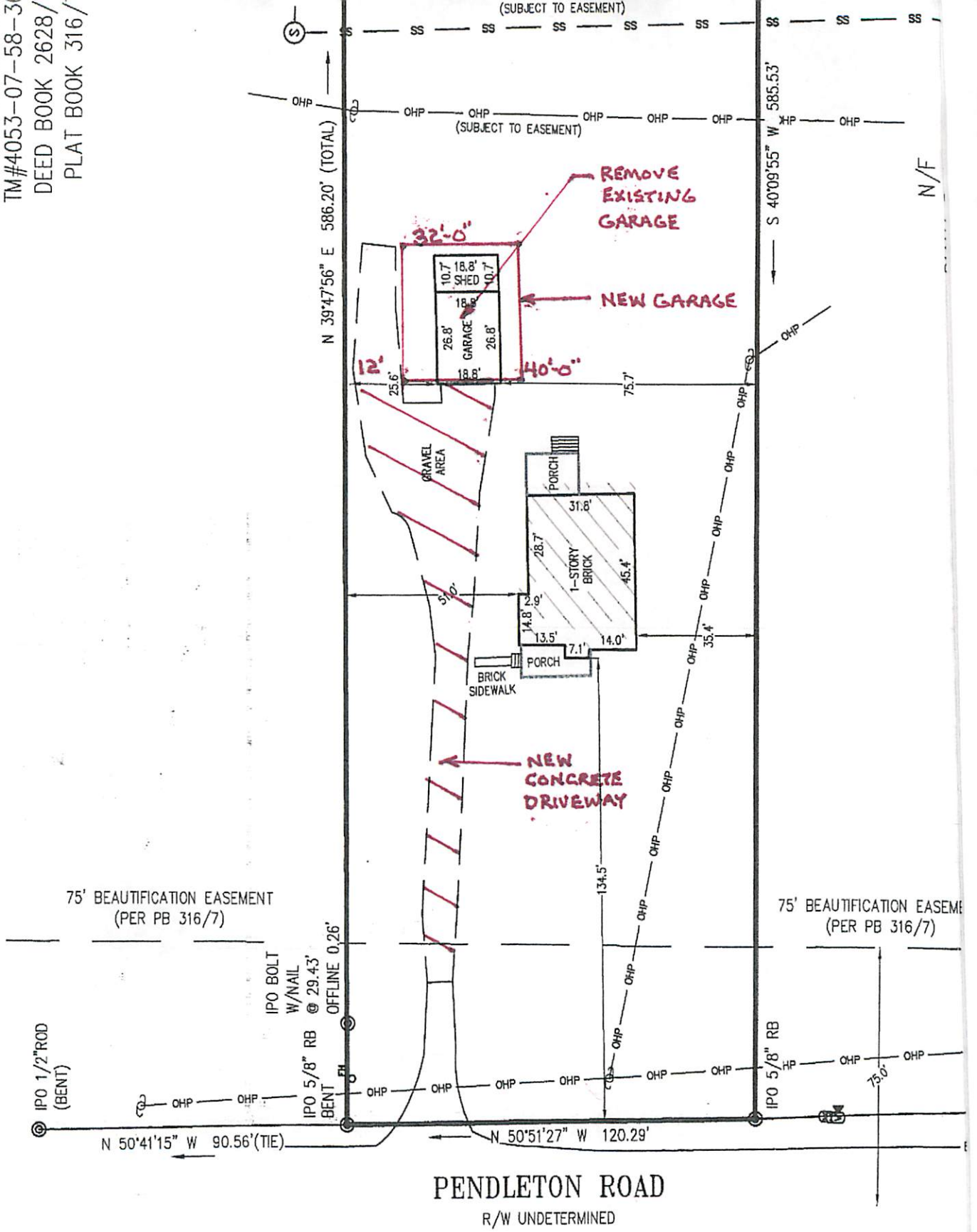
LEFT SIDE VIEW



REAR VIEW



N/F
JON D. HEARD
TM#4053-07-58-3
DEED BOOK 2628/
PLAT BOOK 316/



PENDLETON ROAD
R/W UNDETERMINED

EP



1250 Tiger Blvd, Suite 4 • Clemson, SC 29631-2662
(864) 653-2050
Fax (864) 653-2057
www.cityofclemson.org

BZA

**BOARD OF ZONING APPEALS
NOTICE OF APPEALS FOR A VARIANCE**

Please complete in ink and return to the Planning and Codes Administration Department with required attachments, information, and filing fee of \$250. Variance applications require a current survey of the property, and a designation of agent if owner is not the applicant. Both sides of this application must be completed; incomplete applications will not be accepted.

2024
File no.: V0-3 PIN: 4044-16-94-5355 Date submitted: 4/30/2024 Board of Zoning Appeals meeting date: 5/16/2024

OWNER(S) INFORMATION

Last name: Hines First: Will Middle: T Interest: Sole owner Co-owner
Mailing address: 333 Cheek Rd City: Monroeville State: LA ZIP Code: 30665
Daytime phone no.: (706) 816-3677 Fax no.: () E-mail: will@keecoaddevelopment.com

APPLICANT INFORMATION

To be completed only if Owner is not Applicant:

Applicant's last name: ALLEN First: AUSTIN Middle: MATTHEW
Mailing address: 49 GREENLAND DRIVE City: GREENVILLE State: SC ZIP Code: 29615
Daytime phone no.: (864) 230-6232 Fax no.: () E-mail: AMARAWD@GMAIL.COM

PROPERTY INFORMATION

Property address: 1112 TIGER BLVD CLEMSON, SC 29631 Property dimensions: 148' x 275' Property area: 0.97 acres Zoning district: CP-2

DESIGNATION OF AGENT

To be completed by Owner(s) only if Owner is not Applicant:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this request for a variance.

Owner name: Will Hines Owner signature: [Signature] Date: 4-11-24

To be completed by Applicant:

I certify that the information in this request is correct.
Applicant name: AUSTIN ALLEN Applicant signature: [Signature] Date: 4/30/24

REQUIRED INFORMATION

1. Request for Variance

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application for the property described on this application from the following provisions of the Zoning Ordinance Section(s):

SECTION 19-404-DENSITY, BULK AND DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES AND/OR STRUCTURES IN THE NON-RESIDENTIAL DISTRICTS (35' MAX FRONT SETBACK)

So that the appropriate permit may be issued to allow the use of the property in a manner shown on the attached survey with supporting documents and described as follows: PROPOSED SITE PLAN ATTACHED.

For which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. Justification for Variance

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Set Law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

THE SITE SITS IN A HOLE WITH STEEP TOPD ALONG THE RIGHT OF WAY WHICH NATURALLY PUSHES THE BUILDING TO THE REAR. STRICT APPLICATION OF THE ORDINANCE WOULD FORCE THE PARKING AND DRIVE THRU TO WORK TOGETHER WHICH ISN'T REALISTIC.

b. These conditions do not generally apply to other properties in the vicinity as follows:

THE ADJACENT AND NEARBY COMMERCIAL PROPERTIES ON TOWER BLVD DID NOT HAVE TO DESIGN TO THIS STANDARD.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

STRICT APPLICATION OF THE ORDINANCE WOULD FORCE THE DRIVE THRU TO WORK WITH PARKING WHICH ISN'T FEASIBLE.

d. The authorization of the variance will not be of substantial detriment to adjacent properties or the public good, and the granting of the variance will not harm the character of the district as follows:

THE AUTHORIZATION OF THIS VARIANCE WILL ALLOW THIS SITE TO BE MORE CONSISTENT WITH THE SURROUNDING AREA.

e. The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district, would not extend physically a nonconforming use of the land and would not change the zoning district boundaries shown on the official zoning map.

N/A

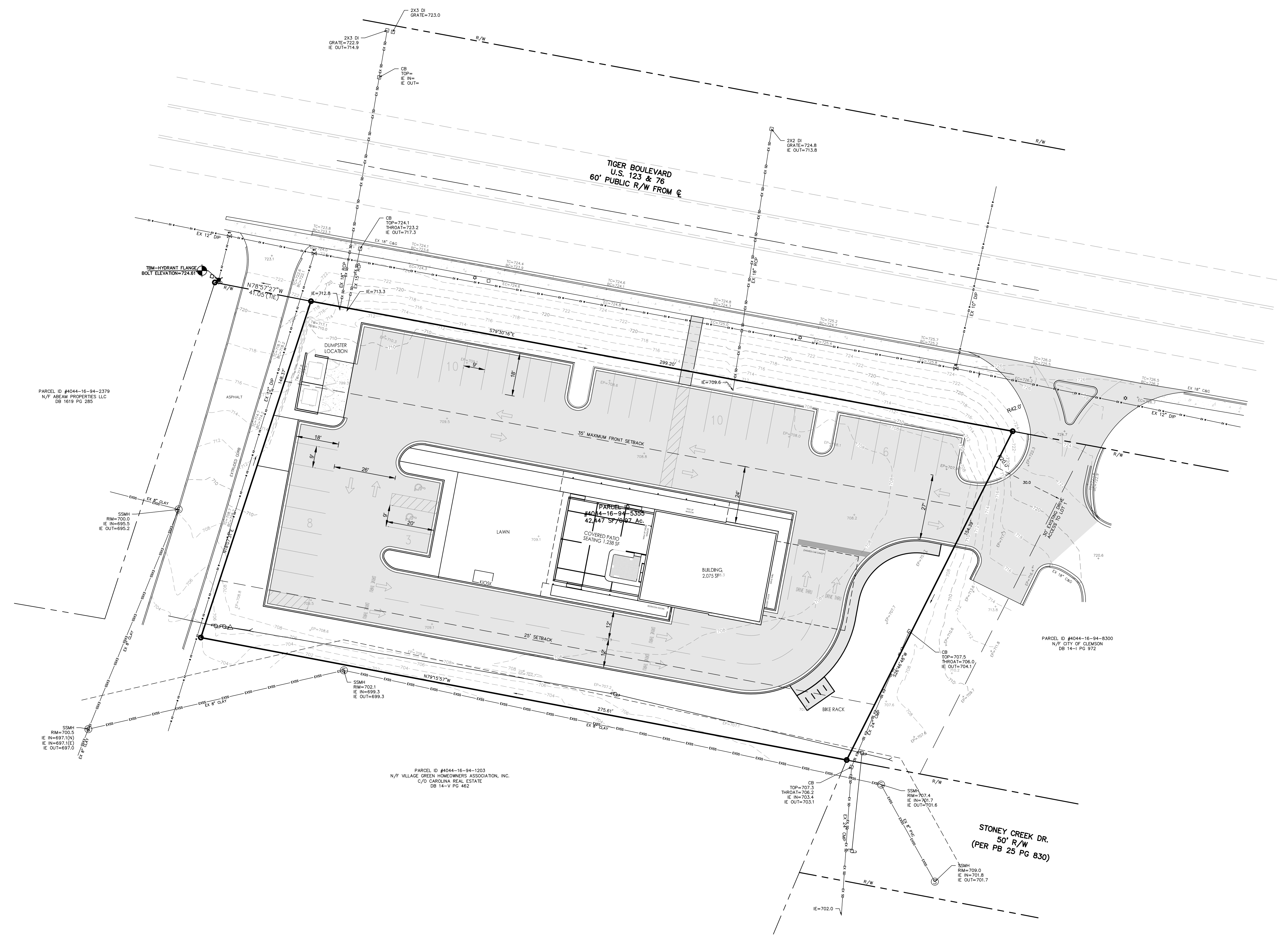
3. Documents provided

The following documents with a sealed survey are submitted to support this appeal:


- SITE PLAN
- APPLICATION
- SURVEY

Use additional sheets if necessary.

© 2021 Arbor Land Design, LLC. THIS DRAWING IS THE PROPERTY OF ARBOR LAND DESIGN, LLC AND IS FURNISHED WITH THE CONDITION THAT IT IS NOT TO BE ALTERED WITHOUT THE WRITTEN AUTHORIZATION OF ARBOR LAND DESIGN, LLC. FURTHERMORE, THIS DRAWING IS NOT TO BE COPIED, REPRODUCED OR USED BY OTHERS EXCEPT AS REQUIRED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.




ARBOR
LAND DESIGN
 LANDSCAPE ARCHITECTS - CIVIL ENGINEERS
 LAND SURVEYORS - LAND PLANNERS
 PO Box 263, Greenville, SC 29602
 864.235.3589
 postmaster@aldllc.net

C.O.A.  SEAL
 SOUTH CAROLINA
 ARBOR
 LAND DESIGN
 #6651
 CERTIFICATE OF AUTHORIZATION

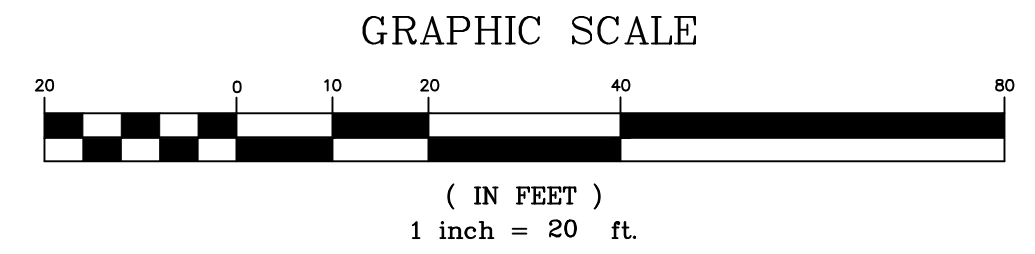
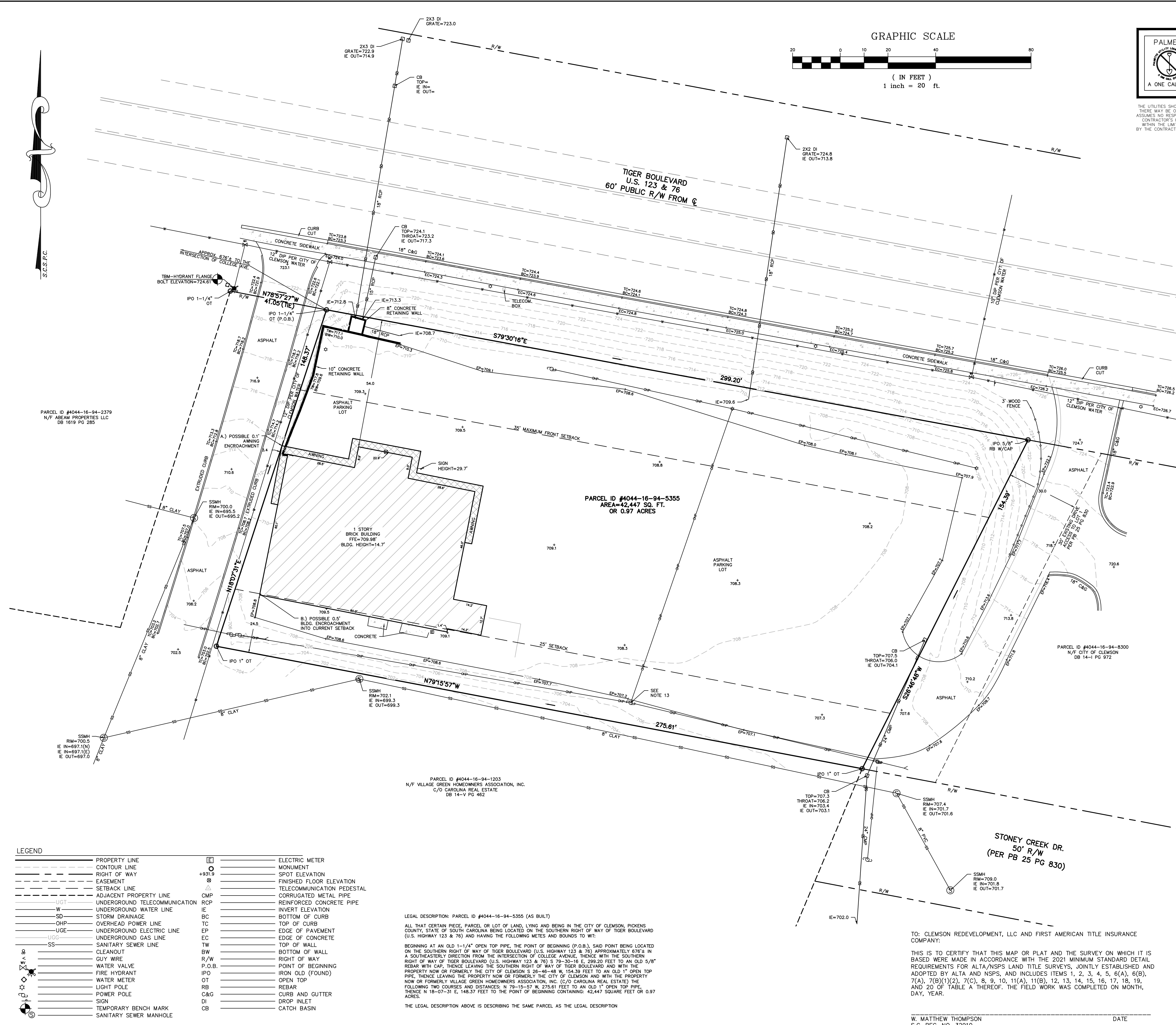
REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	4/30/24	RELEASED FOR BZA SUBMITTAL AND REVIEW	AMA

LEGEND

CAFERACER
1112 TIGER BLVD
 CLEMSON SOUTH CAROLINA
BZA
SITE PLAN

DRAWN:	AMA	DATE:	APRIL 30, 2024
DESIGN:	AMA	HORIZONTAL SCALE:	1"=20'
APPROVED:	AMA	VERTICAL SCALE:	N/A

GRAPHIC SCALE: 0' 20' 40'
 SCALE: 1"=20'
 JOB NO. **23283**
 DRAWING NO. **SP-1** SHEET NO. **1 OF 1**



CAUTION

PALMETTO UTILITY LOCATION SERVICE

3 DAYS BEFORE DIGGING CALL TOLL FREE 811

A ONE CALL SYSTEM FOR COMMUNITY AND JOB SAFETY.



FIRST AMERICAN TITLE INSURANCE COMPANY
 COMMITMENT NUMBER: NCS-1200221-ATL
 ISSUING OFFICE FILE NUMBER: NCS-1200221-ATL
 COMMITMENT DATE: DECEMBER 4, 2023

- EXCEPTIONS:
- 1.) NOT A SURVEY MATTER.
 - 2.) NOT A SURVEY MATTER.
 - 3.) SEE CURRENT SURVEY.
 - 4.) NOT A SURVEY MATTER.
 - 5.) SEE CURRENT SURVEY.
 - 6.) NOT A SURVEY MATTER.
 - 7.) NOT A SURVEY MATTER.
 - 8.) NOT A SURVEY MATTER.
 - 9.) NOT A SURVEY MATTER.
 - 10.) NOT A SURVEY MATTER.
 - 11.) SEE CURRENT SURVEY FOR ACREAGE.
 - 12.) SEE CURRENT SURVEY.
 - 13.) RIGHT OF WAY AND EASEMENT TO THE TOWN OF CLEMSON FOR SEWER LINE, DEED BOOK 13-H PAGE 546, MAY OR MAY NOT AFFECT PROPERTY, BLANKET IN NATURE, KNOWN SEWER LINES AND APPURTENANCES SHOWN ON SURVEY.
 - 14.) PLAT BOOK 604 PAGE 36 USED AS A REFERENCE.
 - A.) RIGHT OF WAY FOR US 123 IS SHOWN ON CURRENT SURVEY.
 - B.) RETAINING WALL IS SHOWN ON CURRENT SURVEY.

NOTES:

- 1.) PARCEL ID #4044-16-94-5355 AREA=42,447 SQUARE FEET OR 0.97 ACRES
- 2.) SITE ADDRESS: 1112 TIGER BOULEVARD CITY OF CLEMSON PICKENS COUNTY, SOUTH CAROLINA
- 3.) REFERENCES: DB 1796 PG 277 (VESTING DEED) PB 604 PG 36 PB 28 PG 865 PB 25 PG 830 SCDOT DOCKET #39.602 SHEET 4
- 4.) PROPERTY SUBJECT TO ANY AND ALL EASEMENTS AND R/W OF RECORD AND NOT OF RECORD
- 5.) FIELD WORK COMPLETED: JANUARY 5, 2024
- 6.) HORIZONTAL DATUM IS S.C.S.P.C. (NAD 83) VERTICAL DATUM IS NAVD 88 DATUMS WERE ESTABLISHED USING STATIC GPS SURVEYING AND "NGS OPUS"
- 7.) POSSIBLE ENCROACHMENTS:
 - A.) POSSIBLE 0.1' AWNING ENCROACHMENT ONTO ADJACENT PROPERTY.
 - B.) POSSIBLE 0.5' BUILDING ENCROACHMENT INTO CURRENT SETBACK.
- 8.) 2' FOOT CONTOUR INTERVAL SHOWN.
- 9.) WETLAND DETERMINATION/SURVEY NOT PROVIDED FOR SITE.
- 10.) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION 'X' BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 45077003790, WITH A DATE OF IDENTIFICATION OF 4-16-08. FOR COMMUNITY NUMBER 450238, IN THE CITY OF CLEMSON, PICKENS COUNTY, STATE OF SOUTH CAROLINA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 11.) ZONING: CP-2 SETBACKS: PER CITY OF CLEMSON ZONING AND CODES FRONT: 8' (MINIMUM) / 35' (MAXIMUM-SHOWN) SIDE: 0' REAR: 25'
- 12.) UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND BASED UPON PALMETTO UTILITY PROTECTION SERVICES LOCATIONS AND REFERENCES.
- 13.) OVERHEAD POWER RIGHT-OF-WAY UNKNOWN. TYPICAL LAURENS ELECTRIC DISTRIBUTION R/W IS 40', 20' EACH SIDE OF CENTERLINE. TYPICAL DUKE ENERGY DISTRIBUTION R/W IS 30', 15' EACH SIDE OF CENTERLINE.
- 14.) NO TITLE INFORMATION PROVIDED FOR THIS SURVEY.

LEGEND

—	PROPERTY LINE	⊠	ELECTRIC METER
- - -	CONTOUR LINE	○	MONUMENT
- - - -	RIGHT OF WAY	⊕	SPOT ELEVATION
- - - - -	EASEMENT	⊕	FINISHED FLOOR ELEVATION
- - - - -	SETBACK LINE	⊕	TELECOMMUNICATION PEDESTAL
- - - - -	ADJACENT PROPERTY LINE	⊕	CORRUGATED METAL PIPE
- - - - -	UNDERGROUND TELECOMMUNICATION	⊕	REINFORCED CONCRETE PIPE
- - - - -	UNDERGROUND WATER LINE	⊕	INVERT ELEVATION
- - - - -	STORM DRAINAGE	⊕	BOTTOM OF CURB
- - - - -	OVERHEAD POWER LINE	⊕	TOP OF CURB
- - - - -	UNDERGROUND GAS LINE	⊕	EDGE OF PAVEMENT
- - - - -	UNDERGROUND ELECTRIC LINE	⊕	EDGE OF CONCRETE
- - - - -	SANITARY SEWER LINE	⊕	TOP OF WALL
- - - - -	CLEANOUT	⊕	BOTTOM OF WALL
- - - - -	GUY WIRE	⊕	RIGHT OF WAY
- - - - -	WATER VALVE	⊕	POINT OF BEGINNING
- - - - -	FIRE HYDRANT	⊕	IRON OLD (FOUND)
- - - - -	WATER METER	⊕	OPEN TOP
- - - - -	LIGHT POLE	⊕	REBAR
- - - - -	POWER POLE	⊕	CURB AND GUTTER
- - - - -	TEMPORARY BENCH MARK	⊕	DROP INLET
- - - - -	SANITARY SEWER MANHOLE	⊕	CATCH BASIN

LEGAL DESCRIPTION: PARCEL ID #4044-16-94-5355 (AS BUILT)

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN THE CITY OF CLEMSON, PICKENS COUNTY, STATE OF SOUTH CAROLINA BEING LOCATED ON THE SOUTHERN RIGHT OF WAY OF TIGER BOULEVARD (U.S. HIGHWAY 123 & 76) AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN OLD 1-1/4" OPEN TOP PIPE, THE POINT OF BEGINNING (P.O.B.), SAID POINT BEING LOCATED ON THE SOUTHERN RIGHT OF WAY OF TIGER BOULEVARD (U.S. HIGHWAY 123 & 76) APPROXIMATELY 676.3 IN A SOUTHEASTERLY DIRECTION FROM THE INTERSECTION OF COLLEGE AVENUE, THENCE WITH THE SOUTHERN RIGHT OF WAY OF TIGER BOULEVARD (U.S. HIGHWAY 123 & 76) S 79-30-16 E, 299.20 FEET TO AN OLD 5/8" REBAR WITH CAP, THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF TIGER BOULEVARD AND WITH THE PROPERTY NOW OR FORMERLY THE CITY OF CLEMSON S 26-40-48 W, 154.39 FEET TO AN OLD 1" OPEN TOP PIPE, THENCE LEAVING THE PROPERTY NOW OR FORMERLY THE CITY OF CLEMSON AND WITH THE PROPERTY NOW OR FORMERLY VILLAGE GREEN HOMEOWNERS ASSOCIATION, INC. (C/O CAROLINA REAL ESTATE) THE FOLLOWING TWO COURSES AND DISTANCES: N 79-15-57 W, 275.61 FEET TO AN OLD 1" OPEN TOP PIPE, THENCE N 18-07-31 E, 148.37 FEET TO THE POINT OF BEGINNING CONTAINING 42,447 SQUARE FEET OR 0.97 ACRES.

THE LEGAL DESCRIPTION ABOVE IS DESCRIBING THE SAME PARCEL AS THE LEGAL DESCRIPTION

TO: CLEMSON REDEVELOPMENT, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1)(2), 7(C), 8, 9, 10, 11(A), 11(E), 12, 13, 14, 15, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MONTH, DAY, YEAR.

W. MATTHEW THOMPSON
 S.C. REG. NO. 32910

DATE

ALTA/NSPS LAND TITLE SURVEY FOR:

CLEMSON REDEVELOPMENT, LLC.

1112 TIGER BOULEVARD
 CITY OF CLEMSON
 PICKENS COUNTY, S.C.

SCALE: 1" = 20'

DATE: 1/8/2024

PT. FILE: 23283.txt

DWG. NO: 23283-SURVEY

APPROVED BY: W. MATTHEW THOMPSON S.C. REG. NO. 32910

LANDSCAPE ARCHITECTS - CIVIL ENGINEERS
 LAND SURVEYORS - LAND PLANNERS
 PO Box 263, Greenville, SC 29602
 864.235.3589
 palmetto@arbordesign.net

ARBOR LAND DESIGN