



**Planning Staff Report to
Greenville Planning Commission
January 11, 2019
for the January 17, 2019 Public Hearing**

Docket Number: A 18-1035
Proposal: APPEAL CIRCULAR DRIVE
Applicant: John Batson Jr.
Property Owner: BATSON JOHN DAVID JR, BATSON MARY J
Property Location: 103 MORNINGDALE DR
Tax Map Number: 0180000200400
Acreage: 0.437
Zoning: R-6, Single-Family Residential District
Staff Recommendation: UPHOLD ADMINISTRATOR'S DECISION

Staff Analysis:

In October of 2018, the Applicant applied for a permit to conduct site work for a semi-circular driveway in the front yard at 103 Morningdale Drive. The application was denied because the proposed driveway is not "consistent with the predominant development pattern and rhythm of the block" as required by the Single-Family Residential Infill Standards (Sec. 19-6.9.4(A) of the City Code of Ordinances).

The lot in question is a triangular shaped lot that slopes upward from the front of the lot to the rear and is zoned R-6: Single-Family Residential District. Currently, off-street parking for the lot is located at the rear of the property, and is accessed by a shared driveway on East Avondale Drive.

According to the Single-Family Residential Infill Standards, all driveways in established single-family neighborhoods shall be constructed in a way to be consistent with the predominant pattern and rhythm of the block (Sec. 19-6.9.4(A)). There are 11 houses on the block. Of those houses, three (3) have semi-circular driveways (2, 3, & 15 Morningdale Drive); and, of those three (3), two (2) lots are situated on the same side of Morningdale Drive as the lot in question with similar site constraints (3 & 15 Morningdale Drive). In determining the predominant development pattern, staff has construed predominant to mean a simple majority. Because the amount of semi-circular driveways consists of less than 50 percent of the block, the application was denied.

Staff does acknowledge that the Applicant received a permit in June of 2016 to construct a semi-circular drive in the front yard. However, since that time, that permit has lapsed. Now, staff has determined that adequate off-street parking is provided, and that constructing the proposed semi-circular driveway would substantially alter the established consistency of the predominant development pattern and rhythm of the block.



city of greenville

APPLICATION FOR APPEAL

Contact Planning & Development (864) 467-4476

Office Use Only:

Application# A 18-1035 Fees Paid 200
Date Received 12/17/18 Accepted By JAG
Date Complete _____ App Deny Conditions _____

APPLICANT/OWNER INFORMATION

*Indicates Required Field

APPLICANT

PROPERTY OWNER

*Name:	John Batson, Jr.	(Same)
*Title:	Owner	
*Address:	103 Morningdale Drive	
*State:	SC	
*Zip:	29609	
*Phone:	(864) 630-0312	
*Email:	ChipBatson@BatsonElectrical.com	

PROPERTY/APPLICATION INFORMATION

*STREET ADDRESS 103 Morningdale Drive, Greenville, SC 29609

*TAX MAP #(S) 0180000200400

*APPLICATION # Single Family Site Plan Permit (18-3788)

*DATE OF DECISION _____

*APPEAL TYPE (Please select one option below)

Appeal – Design Review Board

Appeal – Planning Commission

Appeal – Board of Zoning Appeals

Pursuant to SECTION 19-2.3.16 (A)(1) APPEALS FROM DECISIONS AND INTERPRETATIONS OF ADMINISTRATION – RIGHT OF APPEAL PLANNING COMMISSION

Appeals of decisions or interpretation of the administrator regarding the design and specifications manual, final PD plans, subdivision, and waivers to stormwater provisions shall be considered by the planning commission (Sections 19-6.7 – through 19-6.10).

DESCRIPTION OF APPEAL REQUEST

The written notice of appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, and all supporting materials shall constitute the record of the appeal. Please attach separate sheet if additional space is needed.

*Relevant Code Section(s) to Appeal: Section 19-6.9.4

*Description of Appeal Request: _____

Applicant would like to appeal Section 19-6.9.4 of the Land Management Ordinance, which states that driveways may only be permitted to the side and rear and shall not exceed ten feet wide except in rear yard. The semi-circular driveway that has been proposed was previously approved by the Planning department. It was originally requested we submit a variance for this style of driveway but the previous planning director and staff (Bryan Wood & Michael Kerski) indicated we would not need to submit the variance request and this style of driveway would be allowed at a staff level review. We were then directed to withdraw our variance submittal request.

Earlier this year we recommenced with efforts to push forward on the project to address outstanding engineering comments regarding sidewalk slopes so the project could be constructed. We were unaware the the previous site plan permit would expire and become null and void thereby not allowing the previous planning approval of the semi-circular driveway to remain. This only recently happened during the course of site plan permit review. A hammer-head direct access driveway would create a larger area of disturbance and grading which would greatly unbalance the appearance of the front yard of the lot. In addition, the circular driveway would keep with the circular drives of multiple adjacent properties in the area including the neighbor to the immediate west of the subject property.

INSTRUCTIONS

1. All applications and fees (made payable to the City of Greenville) must be received by the planning and development office. The required application fee is \$300.00.

A. Appeal – Design Review Board	\$300.00
B. Appeal – Planning Commission	\$300.00
C. Appeal – Board of Zoning Appeals	
a. Applicant	\$300.00
b. Third Party with Standing	\$50.00

2. The staff will review the application for "sufficiency" pursuant to Section 19-2.2.6, Determination of Sufficiency and will contact the applicant to correct any deficiencies which must be corrected prior to placing the application on the appropriate agenda.
3. **Public Notice Requirements.** Appeal applications require a public hearing. The applicant is responsible for sign posting the subject property at least 15 days (but no more than 18 days) prior to the scheduled hearing date.

(To be filled out at time of application submittal)

JCW Public Hearing signs are acknowledged as received by the applicant

4. Public hearing signs must be posted on the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date. The appeal application will be placed on the next regular scheduled board meeting that allows sufficient time to prepare the record and meet required notice requirements.
5. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

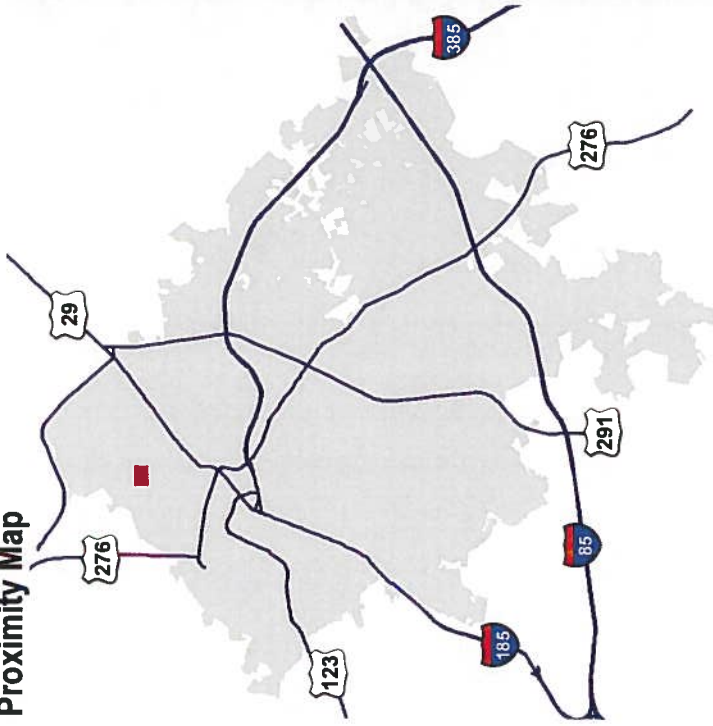
If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the board that granting the requested change would not likely result in the benefit the applicant seeks.

6. To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ___ or is not ___ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

*Signatures	
Applicant	<i>[Signature]</i> 12.17.18
Date	
Property Owner/Authorized Agent	<i>[Signature]</i> 12.17.18
Date	

A 18-1035 • 103 MORNINGDALE DR.

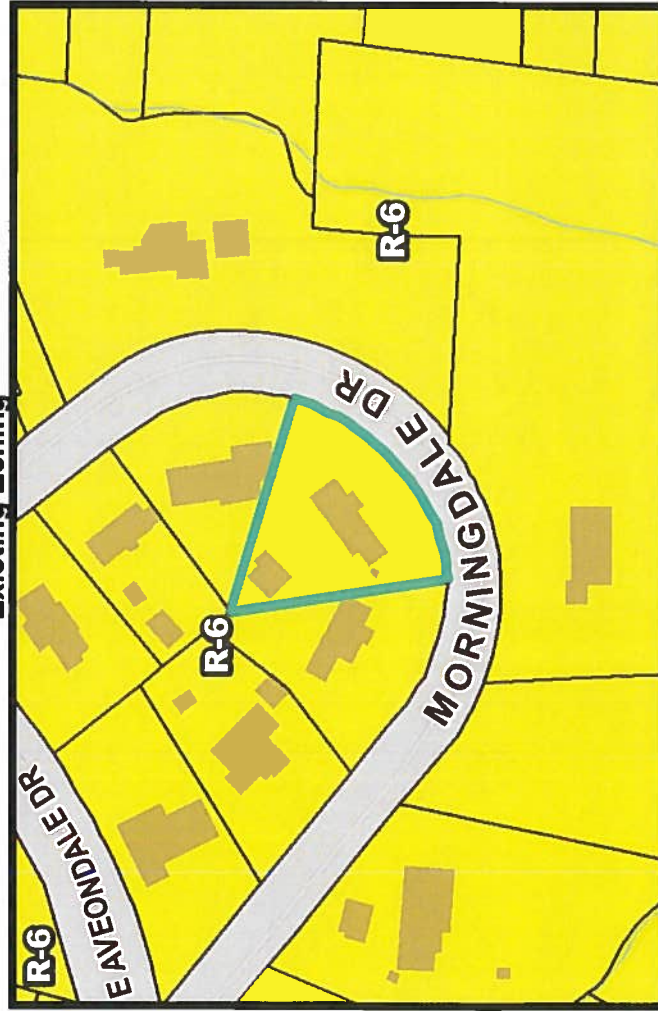
Proximity Map



Aerial View



Existing Zoning



Future Land Use

