

**REQUEST FOR VARIANCE
JANICE MILLER TYSON
AND
JAMES F TYSON**

Under the provisions of the Greenville County Land Development Regulation adopted December 13, 2004, Article 1.6 provides that the Greenville County Planning Commission may grant variances in its regulation to modify such requirements that would result in "substantial or excessive difficulties, hardship or injustices" and allow properties to be developed in a reasonable manner. Such is the case in the application for a variance in the favor of the property of Janice and James Tyson consisting of a 8.8 acre parcel located near N. Rutherford Road and Beachwood Road and designated as T020010101202 on Greenville County Tax Map (see map).

In 1998 a letter was written by Patricia Webb to David C. Fowler in response to a request for a variance for Anderson Road to become a private road constructed to old private road standards. This variance VA-98-5 was approved, (see attached letter) therefore our property has become landlocked. Our deed (dated Nov. 10, 1994) gives us access to road easement from our property to Jefferson Drive. A variance will be required to remove the "land locked" status and allow the opportunity to get to or subdivide the property in the future as well as that of five contiguous independent properties totaling 32 acres that also will require a variance to be able to subdivide, develop or market these properties (See enclosed tax maps).

The 2004 regulation requires that any subdivision of parcels require that each parcel have access to a public road. In this case the access is to Jefferson Drive, which is owned by the County, but is not maintained by the County. The Planning Commission and Public Works (2004) now have defined a public road as only one that is on the County maintenance list.

Jefferson Drive and Mill Rocks Drive were deeded and accepted by the County in 1957 and a plat of the roads and property was recorded. (See attached). The regulations adopted in 2004 states (Article 1.1) "The provision of these regulations shall not apply to subdivision plat maps which, prior to the adoption of regulations governing the subdivision of lands, were recorded in the office of the Greenville County Register of Deeds". The access to "public roads" is those exact same roads and is exempted from current regulations. Jefferson Drive and Mill Rocks Drive have been shown and classified as public roads on the County tax maps since 1957 and remain today defined as public roads.

The status of Jefferson Road and Mill Rocks as a public road was confirmed by a letter from the Department of Roads and Bridges (a copy is enclosed) in 1994. Other surrounding parcels were subdivided and deeded and approved by the Planning Commission based on an access to Jefferson and Mill Rocks. The Taylor tract of 16 acres was subdivided into two parcels one of which was purchased by the Tyson's. The

Earline Gilreath Hungerford White's 16 acre tract was subdivided in three tracts; four parcels on Mill Rocks Drive were sold and building permits issued from 1994 to 1998. All transactions were based on Mill Rocks and Jefferson Drives as public roads. There was no written (or verbally) notice of any recession of the letter. The grantors and grantees as well as the Planning Commission and the closing attorney relied on the 1994 statement in executing these transactions until 2004. The letter was the word of the County. It does not seem right for the County to now undo the actions taken based on the authorization of its official communications in the past.

It was not until 2002, when a resident asked the County to pave the road that the County Public Works stated that the roads were not on their inventories and the county would not improve their county-owned road. In fact the Public Works Department, in its written Refusal, tried to define these roads as "private" even though they were owned by the county... The residents then paved the road with their own resources with the County's consent.

Except for a small portion (250± feet) the improvements on Jefferson, while not to the exact standards required by the County, exceed or are equal to the standards of other surrounding roads such as Beechwood and Cool Creek roads that are on the maintenance list.

A similar variance was granted by the Planning Commission in 1998 for Anderson Avenue which has been classified as a public road as were Jefferson and Mill Rocks. The County Real Property Services found that while shown on the recorded plats for Gilreath Estate Subdivision in 1957, that, in fact, Anderson Avenue had not been included in the deed to the county in 1957, apparently by oversight of the lawyer preparing the deed.

A 50 foot road easement from the present Tyson parcel (T020010101202) to Anderson Ave.(now Beach Cliff) was granted in a deed to Justin New and Sam Derieux from Elizabeth Gilreath and subsequently included in the deed to the Fowlers (vol. 1057-p571).

A Variance was granted recognizing Anderson Ave. as a private road owned by contiguous property owners. No mention was made in the private road deed (Alan Kent) of the easement. The easement, however, ran with the deed to the Fowlers which are now one of the owners of the private road. Three tracts have been subdivided by the Fowlers and 3 additional houses constructed on the unpaved private road since 1999.

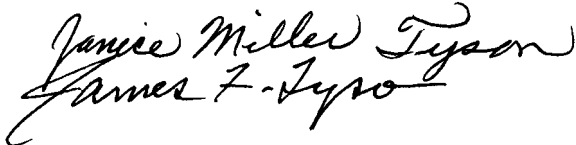
The change in classification of Jefferson Drive (and Mill Rocks) in 2004 has resulted in an unintended hardship on the surrounding properties and their owners. Six surrounding property owners, totaling 40 acres, do not have the right to subdivide their properties without access to a public road, which are Mill Rocks and Jefferson, and which were previously designated as public roads by the County. The Public Works Department now denies their status as public roads, after being so classified and acknowledged and

after multiple transactions have taken place. The Planning Commission staff states it cannot now declare the roads as "public" unless the roads are on the county maintenance schedule. This is inequitable, economic hardship and injustice that can be corrected by the Planning Commission.

The second and present proposed solution is for the Planning Commission to grant a variance on the status of Jefferson Drive and Anderson (now Beech Cliff Lane) that will unlock the land of the Tyson's and allows their property to be subdivided. This variance also would allow contiguous properties to be subdivided using Jefferson Drive as public access.

The further improvement of Jefferson and Mill Rocks Roads can be pursued with the Public Works Department. It is the intent of the owners that the further development of the properties is undertaken with the goal of preserving an environment that will protect and sustain the natural beauty of trees and streams that have been present for almost a century.

We respectfully ask the Planning Commission to approve a variance that returns Jefferson Drive and Anderson Road (now Beech Cliff Road) to a status of a public road .

The image shows two handwritten signatures in black ink. The top signature is "Janice Miller Tyson" and the bottom signature is "James F. Tyson". Both are written in a cursive, flowing style.

Janice Miller Tyson and James F. Tyson.
October 3, 2007

Greenville County, SC



PIN / Tax Map #	T020010101202	Landuse	1180
Owner Name	TYSON JAMES F	Subdivision Lot Number	PT TR 13 RUTHERFORD RD
Owner Name 2	TYSON JANICE MILLER	Subdivision	
Mailing Address	101 Richfield Ter	Site Address Number	
City	GREER	Site Address Street	NONE011092
State	SC	Sales Price	\$0
Zipcode	29650 244-3301	Building Value	\$0
In Care Of		Land Value	\$140,800
Previous Owner	TYSON JANICE MILLER	Total Value	\$140,800
Deed Date	20070731	Taxes	\$35.85
Deed Book	2281	Taxes Paid	Thursday, December 28, 2006
Deed Page	886	Estimated Acres	8.8
Plat Book	28-R	Square Footage	0
Plat Page	93	Number of Bedrooms	0
Tax District	289	Number of Bathrooms	0
Market Area	006178	Number of Half Baths	0
Jurisdiction	1		

Disclaimer: This map is not a LAND SURVEY and is for reference purposes only. Data contained in this



Greenville County Planning Commission

September 30, 1998

Mr. & Mrs. David C. Fowler
120 Beechwood Drive
Greer, SC 29651

Dear Mr. and Mrs. Fowler:

**RE: Variance Request VA-98-5
Anderson Road to Become a Private Road
Constructed to Old Private Road Standards**

I apologize for being so long in sending this notification to you, but I am new, and I neglected my follow through. At its regularly scheduled meeting on September 23, 1998, the Planning Commission approved your request to allow Anderson Road to become a private road, and allow it to be constructed to the previous private road standards (i.e. remain an unpaved surface) under the following conditions:

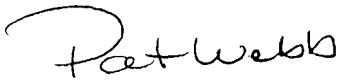
- The county will not clear or open the road or the ditches
- Maintenance of the road will be the responsibility of the owners
- The owners will provide a green blade road name sign
- Another road name will have to be selected because Anderson Road is a duplicate
- A turnaround, preferably a cul-de-sac, but at least a "T" turnaround, will be required at the end of the road way
- The owners will have to create an easement for the road which is appurtenant, provides for non-exclusive use of the road, and in which each owner will have an undivided interest

As we had not been informed of any intent on the part of the Halls to re-subdivide the property which they intend to purchase from you, we did not specifically bring the matter up with the Planning Commission. However, once the Commission gave their approval to create the private road and thus give you road frontage, I see no reason why you, the Halls, or any of the other property owners, could not subdivide your property as you see fit, subject of course to all applicable county and state requirements for subdivision of property. Please remember, though, if at any time in the future water or sewer lines are to be placed in the roadway, then the road will have to be paved.

Mr. & Mrs. David C. Fowler
September 30, 1998
Page Two

I hope that this notification clears up the questions you had, however, if you have any further questions, or if we can be of any further assistance to you, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Pat Webb". The signature is written in dark ink and is positioned to the left of the typed name.

Patricia F. Webb
Subdivision Administrator

cc: Gail Howell, Engineering Department

BOOK 1589 PAGE 405
 FILED
 GREENVILLE, S.C.
 NOV 10 1 58 PM '94
 JENNIE S. TAYLOR
 R.M.C.

Grantee(s) Address: 101 Richfield Terrace
 Greer, SC 29650

STATE OF SOUTH CAROLINA)
) TITLE TO REAL ESTATE
 COUNTY OF GREENVILL)

KNOW ALL MEN BY THESE PRESENTS, that HAZAEL G. TAYLOR and JANE TAYLOR ARRINGTON, in consideration of FORTY-TWO THOUSAND, FIVE HUNDRED and NO/100 (\$42,500.00) Dollars, the receipt of which is hereby acknowledged, have granted, bargained, sold and release, and by these presents do grant bargain, sell and release unto

JANICE MILLER TYSON and IRENE C. MILLER

their heirs and assigns forever:

ALL that certain tract of land situate and being in the State of South Carolina, County of Greenville, lying near the intersection of Rutherford Road and Beechwood Road, and also along the northern side of a proposed road known as Jefferson Drive, containing 8.866 acres, more or less, as shown on a plat entitled "Survey for Hazael G. Taylor and Jane Taylor Arrington (formerly property of the Estate of Elizabeth Gilreath)", prepared by C. O. Riddle Surveying Co., Inc., dated September 19, 1994, recorded in the RMC Office for Greenville County in Plat Book 28-L at Page 93, and having such metes, bounds, courses and distances as will appear by reference to said plat.

THIS being the same property conveyed to Jane Taylor Arrington by deed of Phillips Hungerford, Executor of the Estate of Elizabeth Gilreath, dated September 23, 1994, recorded in the RMC Office for Greenville County on September 26, 1994, in Deed Book 1582 at Page 968.

-289-720.1-1-12.2

THIS conveyance is made subject to any and all restrictions, easements, rights of way or zoning ordinances of record, on the recorded plat(s) or on the premises.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee(s) heirs or successors and assigns, forever. And, the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee's(s') heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

11-10 1137 3 1000

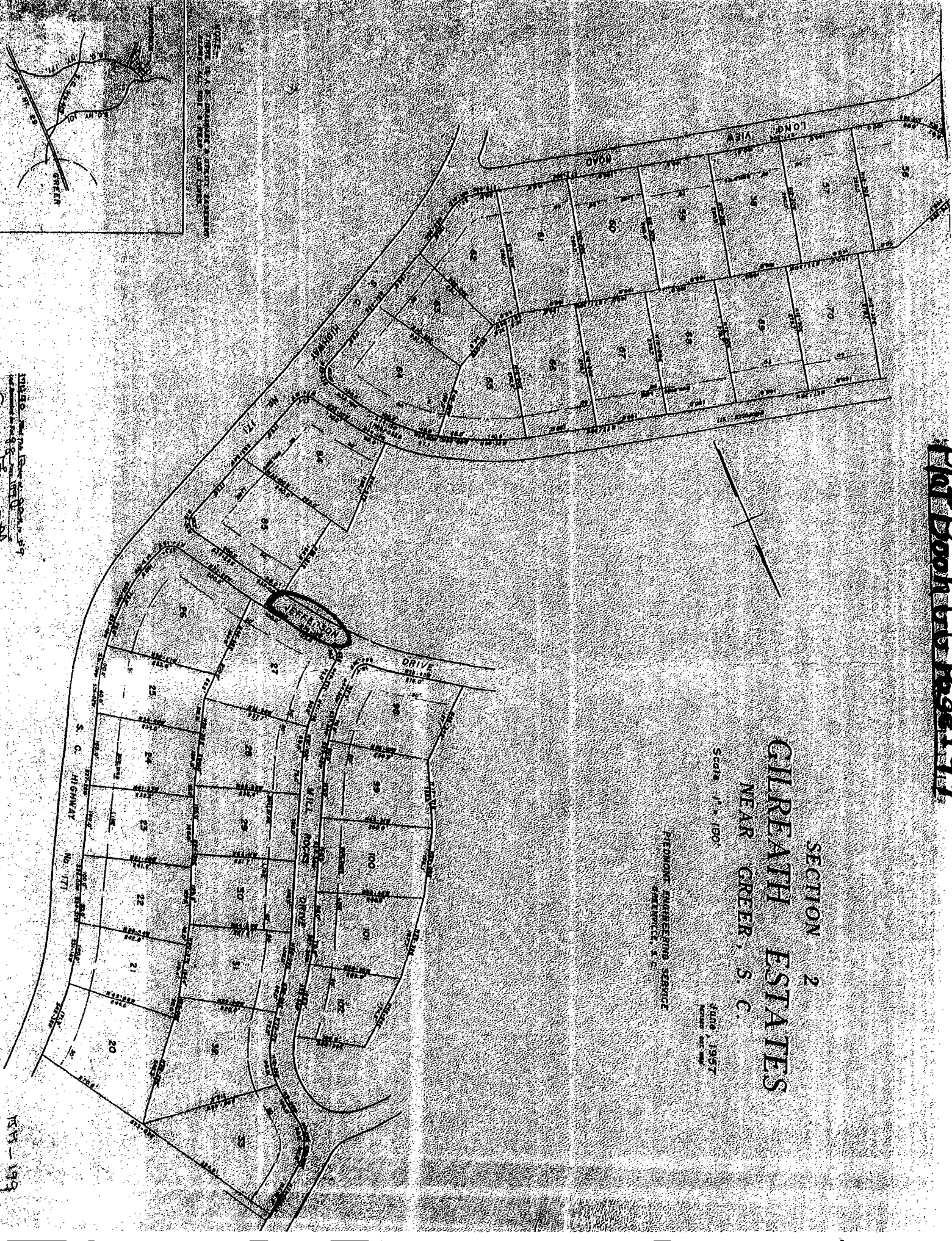
1101 Douthett 1994-1111

SECTION 2
GILBREATH ESTATES
NEAR CREEK, S. C.

Scale 1" = 100'

June, 1957

FOUNDING ENGINEERING SERVICE
FARMVILLE, S. C.



NOTES: 1. THE BOUNDARIES OF THIS SECTION ARE SHOWN BY THE DOTTED LINE. 2. THE BOUNDARIES OF THE ADJACENT SECTIONS ARE SHOWN BY THE SOLID LINE.

THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE USED AS SUCH. IT IS A PRELIMINARY PLAT AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

153-199

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY

John H. White
A. H. WILLS, COUNTY ATTORNEY

Known All Men by These Presents:

That **Hazael G. Taylor**, as trustee, in consideration of the sum of One and no/100 DOLLARS,

to the grantor(s) in hand paid at and before the sealing of these presents by the grantor(s) (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said **THE COUNTY OF GREENVILLE, S. C.,** and its successors and assigns:

All those parcels and strips of land in the County of Greenville, State of South Carolina, in **Q. Neal Township**, shown as roads and streets in Sections I and II of **Gilreath Estates**, and more particularly described as follows:

1. That strip designated as **MILFORD CIRCLE** on a plat of Section I of **Gilreath Estates** made by **Piedmont Engineering Service**, July, 1957.
2. That strip designated as **WILL ROCKS DRIVE** on a part of Section II of **Gilreath Estates** made by **Piedmont Engineering Service**; June 1957.
3. That strip designated as **JEFFERSON DRIVE** on a plat of Section II of **Gilreath Estates** made by **Piedmont Engineering Service**, June 1957.
4. All the right, title and interest of the grantor in that strip designated as **LONG VIEW ROAD** on a plat of Section II of **Gilreath Estates** made by **Piedmont Engineering Service**, June 1957. A portion of **Long View Road** is already in use as a public road.

These strips of land are conveyed to the County of Greenville for use as public roads.

This is a portion of the property conveyed to **Hazael G. Taylor**, as trustee, by **Hazael G. Taylor, Janie G. Derieux, Elizabeth Gilreath and Earline G. White**, by deed recorded in the **R. M. C. Office for Greenville County**, Vol. _____ at page _____, and this deed is executed pursuant to the powers granted in that deed.

TOGETHER with all and singular the Rights, Members, Hereditaments 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 grantee(s) hereinafter named, and Heirs and Assigns forever. ITS SUCCESSORS AND ASSIGNS FOREVER.

And the grantor(s) do(es) hereby bind the grantor(s) and the grantor(s)'s Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinafter named, and the grantee(s)'s Heirs and Assigns against the grantor(s) and the grantor(s)'s Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor(s)'s hand and seal this 12th day of July in the year of our Lord One Thousand Nine Hundred and 1957.

Signed, Sealed and Delivered in the Presence of

[Signature]
Betty Ann Surratt

[Signature]
AS TRUSTEE
(Seal)
(Seal)
(Seal)
(Seal)

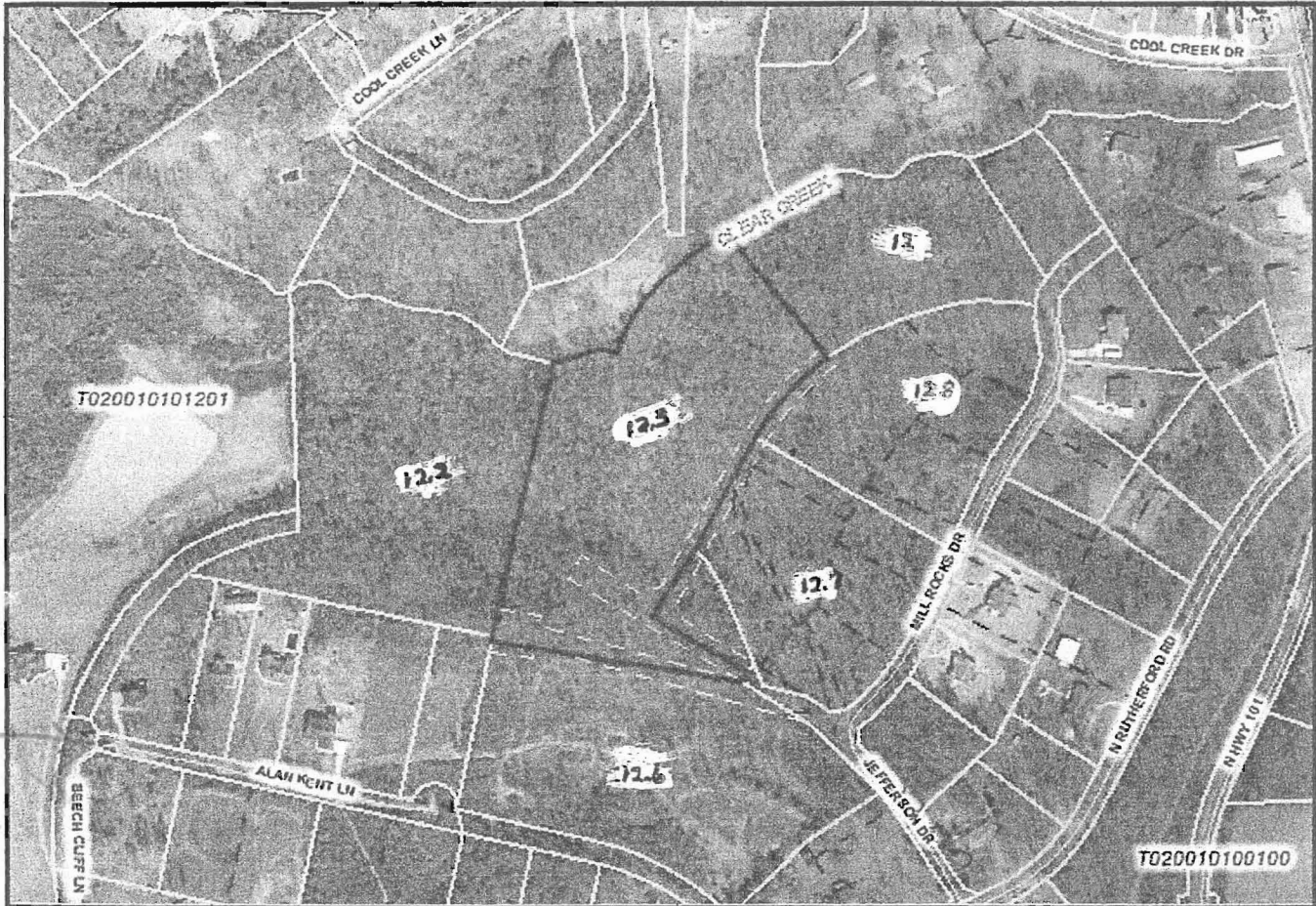
State of South Carolina,
Greenville County
Personally appeared before me
I saw the within named grantor(s) **Hazael G. Taylor** as trustee
sign, seal and as **100** set and deed deliver the within
witnessed the execution thereof.
A. D. 1957
[Signature]
Notary Public for South Carolina.

State of South Carolina,
Greenville County
NOT NECESSARY
RENUNCIATION OF DOWER
Notary Public, do hereby certify
note, all whom it may concern, that Mrs
wife of the within named
did this day appear before me and upon being privately and separately examined, by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto
Heirs and Assigns, all her interest and estate
and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.
GIVEN under my hand and seal this
day of _____ A. D. 1957
(Seal)
Notary Public for South Carolina

Recorded documentary stamp attached, S. C. S. _____ U. S. S. _____
Recorded this 12th day of AUGUST 1957 at 9:00 A. M. N. 1957

FILED
1957 A.M.
GREENVILLE
S. C.

Greenville County, SC



N Anderson Dr

PIN / Tax Map #	T020010101203	Landuse	1180
Owner Name	HUNGERFORD PHILLIPS EXECUTOR	Subdivision Lot Number	JEFFERSON RD & ANDERSON AVE
Owner Name 2		Subdivision	
Mailing Address	2358 N Highway 101	Site Address Number	
City	GREER	Site Address Street	NONE011092
State	SC	Sales Price	\$0
Zipcode	29651	Building Value	\$0
In Care Of		Land Value	\$136,000
Previous Owner	TAYLOR HAZAEL G ETAL	Total Value	\$136,000
Deed Date	19940926	Taxes	\$35.85
Deed Book	1582	Taxes Paid	Tuesday, January 16, 2007
Deed Page	966	Estimated Acres	8.5
Plat Book		Square Footage	0
Plat Page	0	Number of Bedrooms	0
Tax District	289	Number of Bathrooms	0
Market Area	006178	Number of Half Baths	0
Jurisdiction	1		

greenville.co.com - property searches - tax Map.

Grantor's Address: 102 Fannin Ave., Greenville SC 29601

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

EASEMENT

BOOK 1582 PAGE 961

FILED
SEP 25 4 27 PM '94

KNOW ALL MEN BY THESE PRESENTS, that Hazael G. Taylor and Jane Taylor Arrington (Grantor)

in consideration of One & 00/100 (1.00) Dollars

the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto Phillips Hungerford, Executor of the Estate of Elizabeth Gilreath (Grantee)

an easement for the purpose of providing ingress and egress; building a public or private road; and installing utilities including water, sewer, gas, electricity, and other services to the Grantee's property and to contiguous property of the Grantor. This easement is a portion of land running through the Grantor's tract designated as T20.1-01-12.3 to the Grantee's tract designated as T20.1-01-12.2 on the Tax Map of Greenville County.

Being all that certain piece, parcel or tract of land, lying and being situate in the County of Greenville, State of South Carolina, near the City of Greer, as shown on a plat for the "Estate of Elizabeth Gilreath, Hazael G. Taylor and Jane Taylor Arrington" by C.O. Riddle Surveying Company dated August 31, 1994 and being more particularly described as follows:

Beginning at an iron pin found located in the western right-of-way of proposed Jefferson drive and being on the joint property line of Earline G. H. White and the Estate of Elizabeth Gilreath, Hazael G. Taylor and Jane Taylor Arrington, along said right-of-way S 55-52-15 E for a distance of 173.33 feet to an iron pin; thence leaving said right-of-way and following along the joint property line of Hazael G. Taylor et al with an arc to the left having a chord bearing of N 64-53-34 W and a chord distance of 23.32 feet to an iron pin; thence N 73-54-53 W for a distance of 582.18 feet to an iron pin; thence with an arc to the left having a chord bearing of N 85-49-02 W and a chord distance of 20.62 feet to an iron pin; thence S 12-30-18 W for a distance of 20.72 feet to an iron pin; thence N 80-05-54 W for a distance of 100.10 feet to an iron pin; thence, leave said joint property line and continuing along joint property line of Samuel Peroux, N 12-30-18 E for a distance of 25.09 feet to an iron pin; thence leaving said joint property line and continuing along the joint property line of Elizabeth Gilreath N 12-30-18 E for a distance of 75.08 feet to an iron pin; thence, leaving said joint property line and continuing along a joint property line of the Estate of Elizabeth Gilreath, Hazael G. Taylor and Jane Taylor Arrington S 80-05-54 E for a distance of 100.10 feet to an iron pin; thence S 12-30-18 W for a distance of 23.71 feet to an iron pin; thence with an arc to the right having a chord bearing of S 67-19-51 E for and a chord distance of 11.47 feet to an iron pin; thence S 73-54-53 E for a distance of 452.88 feet to an iron pin being the point of beginning. Said tract contains 0.850 acres.

-289-T20.1-1-12.3
12.4

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee(s)' heirs or successors and assigns, forever. And, the grantor(s) hereby bind the grantor(s) and the grantor(s)' heirs or successors, executor and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee(s)' heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the grantor's hand(s) and seal(s) this 23 day of September, 1994

SIGNED, sealed and delivered in the presence of:

[Signature]
[Signature]

Hazael G. Taylor by Jane Taylor Arrington
Hazael G. Taylor (SEAL)
Jane Taylor Arrington
Jane Taylor Arrington (SEAL)

STATE OF SOUTH CAROLINA
COUNTY OF

PROBATE

Personally appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and as the grantor(s)' act and deed, deliver the within written deed and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 23 day of September, 1994

[Signature]
Notary Public for South Carolina.
My commission expires 7-21-96

[Signature]
(SEAL)

RECORDED this 9-26 0615 day of 19 94 at 3 M. No. 1000

WITNESS the grantor's(s') hand(s) and seal(s) this 9th day of November, 1994.

SIGNED, sealed and delivered

Howard E. Ruffes
Cyrl D. Fadden

Hazel G. Taylor by Jane Taylor (LS)
HAZEL G. TAYLOR Attorney in Fact
Jane Taylor Arrington (LS)
JANE TAYLOR ARRINGTON

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

PROBATE

PERSONALLY appeared before me the undersigned who, on oath, states that (s)he saw the above named grantor(s) sign, seal and as the grantor's(s') act and deed, deliver the within Title to Real Estate and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

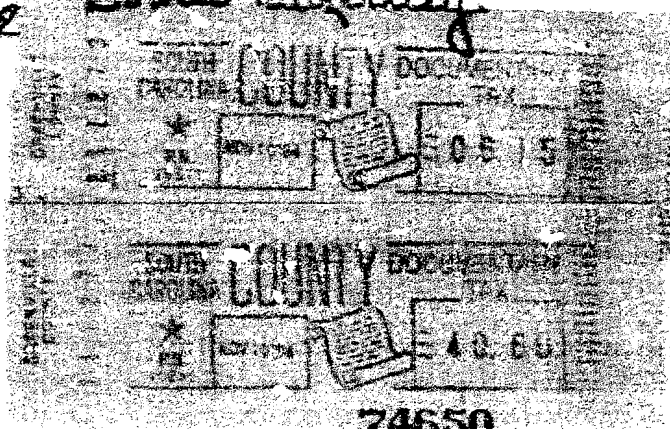
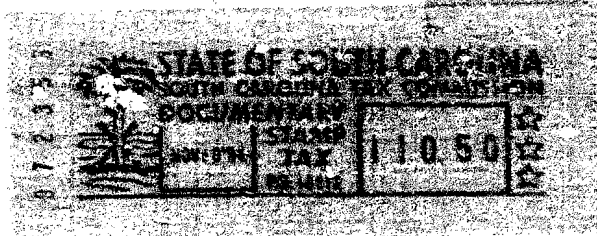
Howard E. Ruffes

SWORN to before me this 9th day of November, 1994.

Cyrl D. Fadden (LS)
Notary Public for South Carolina
My Commission Expires: 3/29/99

FILED FOR RECORD IN GREENVILLE
COUNTY SC RMC OFFICE AT 01:58 PM
11/10/94 RECORDED IN DEED
BOOK 1589 PAGE 0405
DOC # 94074650

Donnie Taylor



74650

COUNTY OF GREENVILLE

Public Services Department
(803) 467-7011

October 21, 1994

Mr. Phillip Hungerford
102 Fairview Avenue
Greenville, SC 29601

RE: GILREATH ESTATES
SECTION 1 & 2

Dear Mr. Hungerford:

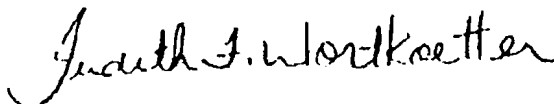
After our conversation last month, I requested my staff to review our past records and recorded deeds. When Gilreath Estates was recorded in 1957, the signature of the County Attorney was the only requirement needed to accept roads into the County Inventory.

The signature of J. M. Wells, County Attorney, "Approved As To Form" indicates that these roads are on our street inventory.

As you indicated in our meeting, when the time comes for development of the lots, *connecting* roads will be brought up to current standards by the developer and Greenville County maintain them.

If Greenville County can be of further assistance, please feel free to call.

Sincerely,



Judith F. Wortkoetter, P.E.
County Engineer

JFW:mjb