



# PENDLETON

## S O U T H C A R O L I N A

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### History, Hospitality & Happenings!

Town of Pendleton  
Board of Zoning Appeals  
Called Meeting November 18, 2025  
Pendleton Town Hall, 6 pm

#### **AGENDA:**

1. Call to Order:
2. Approval of prior meeting minutes: From the meeting of September 04, 2025
3. Public Comments:
4. Action Item:
  - a. Consideration of an application seeking a variance to the Town of Pendleton's Sign Ordinance Section 6-6 B1, B3b, C3, and F2d4 located at 119 North Mechanic Street.
5. Adjournment:



# PENDLETON

## SOUTH CAROLINA

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### History, Hospitality & Happenings!

Town of Pendleton  
Board of Zoning Appeals  
Regular Meeting September 04, 2025  
Pendleton Town Hall, 6 pm

#### **MINUTES:**

1. Call to Order:

Chairwoman Ms. Jennifer Crenshaw called the meeting to order at 6:00 pm.

2. Approval of prior meeting minutes: From the meeting of July 03, 2025.

Chairwoman Ms. Jennifer Crenshaw asked if there were any questions or comments on the submitted minutes for their July 03, 2025, meeting. With no comments or questions, Ms. Brothers made a motion to approve the minutes as submitted, which was seconded by Ms. Patterson. All members voted in favor of at 6:00 pm.

3. Public Hearing:

- a. Public Hearing on an application seeking a variance to the Town of Pendleton's Sign Ordinance Section 6-6 B1, B3b, C3, and F2d4 located at 119 North Mechanic Street, having TMS# 40-02-04-012.

Chairwoman Ms. Crenshaw opened the Public Hearing on this item at 6:02 pm and asked staff to present their report. Mr. Poulson read his report and recommendation to the Board. Mr. Poulson explained that the applicant believes the items located outside their business represent art, not signage, and that is why they are seeking a variance. Mr. Poulson also informed the Board that both Ms Blackwell and Mr. Emmons were present tonight for any questioning.

Mr. Rob Wilkens from 186 Crooked Cedar Way spoke in favor of the Candy Shop and asked the Board to approve their variance, which would allow the artwork to remain.

Mr. Bill Dunlap, 107 North Mechanic Street, spoke in favor of the Candy Shop and stated that it was not in our best interest for one business to judge another, and this shouldn't happen. He asked the Board to allow the displays to stay.

Ms. Elizebeth Boleman Herring, 119 Duke Street, spoke in favor of the Candy Shop and read a list of violations that she identified currently on the town square. She felt that all businesses should be provided a book explaining everything that is expected of them and prohibited, and then enforced across the Board. She spoke against complaint-based enforcement of code violations.

Ms. Grace Ammonds, 451 Hamburg Street, spoke in support of the Candy Shop and against complaint-based code enforcement. She stated that the codes are not being equitably enforced.

Ms. Elizabeth Loyd, 520 South Mechanic Street, spoke in support of the Candy Shop and explained that the items in front of the store are artwork, and asked the Board to allow them to keep their decorations.

Ms. Angie Atkins, 1025 Tripoint Anderson, spoke in support of the Candy Shop and asked the Board to allow them to keep their displays.

Mr. Frank Harris, 322 Sliding Rock Drive, spoke in support of the Candy Shop and stated that the town should not selectively enforce code violations.

Ms. Marsha Harris, 322 Sliding Rock Drive, spoke in support of the Candy Shop and asked the Board to allow them to keep their displays.

Ms. Peg Mahan, 110 Stephens Road, spoke in support of the Candy Shop, expressing concern that there is discriminatory behavior present. She explained that MaMa Rays currently has violations in front of her store, and that the town needs to think about what they are doing.

With no further comments, Chairwoman Ms. Crenshaw closed this Public Hearing at 6:39 pm.

- b. Public Hearing on an application seeking a request to be acknowledged as an existing grandfathered non-conforming use to the Town of Pendleton Zoning Ordinance Article 4 Section 4-1D Prohibited Uses located at 315 Brown Road, having TMS# 39-06-01-011.

Chairwoman Ms. Crenshaw opened the Public Hearing on the second application at 6:39 pm and asked Mr. Owen Rines, Assistant Town Planner, to read his report and recommendation to the Board. Mr. Rines explained that the applicant is currently operating an automotive repair business inside a residential area.

Ms. Peg Mahan, 110 Stephens Road, stated that the purpose of comprehensive planning and zoning in the Town of Pendleton is to promote the health, safety, and general welfare of its people. Ms. Mahan stated that the property currently has stored drums containing chemicals in it, and also some type of drainage coming out of the mechanic shop onto the ground. Ms. Mahan stated that having a maintenance shop across the street from brand-new homes affects the value of these properties and those in the area. Ms. Mahan stated that the owners used to have a chemical powder coating business inside the garage, which created a health concern and polluted the neighborhood. She asked if the applicant has a permit to dispose of acid that is found in batteries and used motor oil. Ms. Mahan stated that changing the code in this situation is not the answer.

With no further comments, Chairwoman Ms. Crenshaw closed this Public Hearing at 6:43 pm.

4. Public Comments:

Chairwoman Ms. Crenshaw opened the public comment portion of the meeting at 6:43 pm.

Ms. Peg Mahan, 110 Stephens Road, spoke about how laws being enforced if someone complains is not effective, and there should be equal enforcement. She also spoke against the complaint-based enforcement system.

Ms. Abby Clark, 286 Church Street, spoke against the complaint-based enforcement system and stated that there needed to be a fairer system.

Ms. Hazel Gantt, 111 Stephens Road, spoke against the vulgar language comment and stated that there are bigger things to concentrate on. She expressed concern for the older citizens living in the area.

With no further comments made, Chairwoman Ms. Crenshaw closed the public comments at 6:48 pm.

5. Action Item:

- a. Consideration of an application seeking a variance to the Town of Pendleton's Sign Ordinance Sections 6-6 B1, B3b, C3, and F2d4 located at 119 North Mechanic Street.

Chairwoman Ms. Crenshaw opened action item A, the consideration of an application seeking a variance to the Town of Pendleton's Sign Ordinance, Sections 6-6 B1, B3b, C3, and F2d4, located at 119 North Mechanic Street, and invited the applicant to speak on their request.

Ms. Blackwell and Mr. Emmons introduced themselves and explained why they were requesting a variance. Ms. Blackwell explained that they felt the items outside their store was art created by artists, and because their store is so small, removing these items would create a hardship. Ms. Blackwell stated that one complaint from a merchant, who is out of compliance themselves, is not fair and not their intention. She explained that other cities and towns have made offers asking



them to relocate to their city. Ms. Blackwell stated that they did not want to move from Pendleton because one of their competitors was using the code as a weapon.

Ms. Patterson asked if the complaint had been made to the town via a text message. Ms. Blackwell explained that the complaint was made from a personal cell phone to an employee at the town. Ms. Blackwell stated that the complaint was made by a business owner asking why the candy shop was allowed to have all that stuff out front of their business, and they weren't. Ms. Blackwell said that they had had those displays up for six months before anyone mentioned it to her.

Ms. Patterson asked Ms. Blackwell if something they had out front of the store said "Willy Wonka" and "Jelly Belly" and if those were brand names that they carried inside their store. Ms. Blackwell said that they had had those things up, but had changed them with the season.

Ms. Blackwell stated that she felt the sign ordinance, which defines anything that attracts attention to a business as a sign, is too broad and needs to be revised.

Ms. Patterson also asked if they currently had signs in a right-of-way. Staff explained that items within the walkway and parking spaces, which could cause a tripping hazard, were not permitted.

Chairwoman Ms. Crenshaw asked Ms. Blackwell if they could tell them the square footage of the image on the wall. Mr. Emmons said that the image is approximately 30 square feet. Chairwoman Ms. Crenshaw stated that they were allowed a total of 50 square feet and asked if she was correct in saying that they were requesting more than 50 square feet. Chairwoman Ms. Crenshaw asked staff if window space and displays count as signage, as long as they are not attached to the window. Staff explained that the ordinance does not include window displays that are inside a store and not attached to a window as signage. He also explained that window signs were only allowed to cover 25 percent of the entire window. Chairwoman Ms. Crenshaw stated that the Board was only looking at the items on the exterior of the building, including the sign on the top part of the wall, the awning, and the display pieces created by Mr. Jordan.

Mr. Hassan asked what the square footage of the sign above the awning was. Mr. Emmons said it was approximately 20 square feet.

Mr. Hassan asked if they had two addresses or only one, since there were originally two different businesses in that building. Ms. Blackwell stated that they had two addresses for that building. Mr. Hassan asked if they were allowed square footage per address? Staff explained that the sign ordinance limits signage per business, regardless of the number of addresses the building has.

Chairwoman Ms. Crenshaw stated that the business had 50 square feet of sign space available and asked if they could choose how to utilize that space. Staff further explained that businesses were only allowed one sign per wall.

Ms. Brothers asked staff if we had a definition of art in our sign ordinance or code of ordinances. Staff reviewed our current ordinance and stated that it does not have a definition of art.

Chairwoman Ms. Crenshaw asked staff to clarify when they received the complaint about this business. Staff referred the Board to the last page of his report, which detailed a timeline of events for this complaint.

Chairwoman Ms. Crenshaw asked staff if the applicant was allowed to submit additional information outside of the original application. Staff explained that the Board was allowed to accept supplementary information if the applicant submitted it.

Chairwoman Ms. Crenshaw stated that the Board had not had any time to review the additional information submitted and said the Board may need some time to review it.

Chairwoman Ms. Crenshaw asked staff if the complaint from November 25, 2025, was the basis for this action. Staff explained that they received a complaint through our work order system on March 07, 2025, and this is the complaint that we took action on. Ms. Amber Barnes asked if she could address the Board since she was the one who received the text message. She explained that she received a text message from a business owner on November 25, 2025, which was held until March, when it was entered into the work order system. Ms. Barnes explained that she had received approximately six different inquiries about the candy shop between November 25 and March 7, 2025.

Ms. Patterson asked staff if the formal complaint was made on March 07, 2025. Staff explained that this was when our office received the work order complaint on the candy shop.

Chairwoman Ms. Crenshaw asked staff if we had met with the candy shop in April of 2025. Staff explained that we did meet with them in an attempt to work with them to bring the business into compliance.

Ms. Brothers asked Ms. Blackwell if there had ever been any effort between them and the staff to try to work through this violation. Ms. Blackwell explained that they did meet with staff and reviewed everything mentioned, but they felt the items were not considered signage.

Ms. Patterson stated that she felt the Board needed more time to review the new information because she thought that, in looking at the pictures, there are things that she would consider signs, and some things that she would not.

Ms. Patterson asked if any of the items displayed in these photos were for sale. Mr. Emmons stated they were not.

Chairwoman Ms. Crenshaw asked if they had taken any steps to date to come into compliance with the ordinance. Ms. Blackwell said that she had changed some of the décor, but not the lollipops and display benches out front.

Mr. Emmons stated that the lollipops, the large duck, Wonka, and the Jelly Belly man do not change.

Chairwoman Ms. Crenshaw asked if they felt the lollipops on the wall and the duck were things that they considered permanent. Ms. Blackwell said yes.

Chairwoman Ms. Crenshaw stated that the goal was to bring the business into compliance with our ordinances, not to shut it down, and that there was a lot of misinformation going around on this matter.

Chairwoman Ms. Crenshaw inquired about a claim made by Mr. Emmons in a June 18th email that they were being intimidated by vague threats from the town, and she asked him to elaborate on what he meant by this. Mr. Emmons stated that the town said he would be issued a civil summons if the business did not come into compliance.

Chairwoman Ms. Crenshaw read the four prongs required for the Board of Zoning Appeals to grant a variance as outlined in the Zoning Ordinance and asked for input from the Board. Ms. Brothers stated that she felt this prong was met because it was a "strip mall," which made it an extraordinary exceptional condition due to its size. Chairwoman Ms. Crenshaw read the second required prong as outlined in the ordinance, which Ms. Brothers stated she also felt met this one. Chairwoman Ms. Crenshaw read the third prong and stated that she felt there wasn't a detriment to the public good, and that she felt a lot of this was a result of the passive enforcement issue not under this Board's purview.

Mr. Hassan asked if they could downsize the lollipops to a size that would reduce their square footage, in an attempt to keep them. Ms. Blackwell said she would have to have them all remade, and she didn't have the finances to do that.

Ms. Patterson said she felt that they had met the first two required prongs, but she did not feel that they had met the last two. Ms. Brothers stated that she felt they had met both the first and last ones.

Ms. Brothers asked staff if the applicant had to meet all four prongs as outlined in the ordinance, and if they didn't, a variance couldn't be issued. Staff explained that she was correct, but that the Board had three options. He explained that they could approve the application as requested, deny the application as requested, or postpone any action to receive further information on the request.

Mr. Hassan stated that he would like the owners to work with the town to come up with a compromise and keep this place a great business on the square.

Ms. Brothers stated that she felt the Board should take some time to get more information on how the town and the applicant can work together to compromise on a solution. She stated that she didn't feel they should be given a blank slate, but they should be allowed to get closer to compliance.

Ms. Patterson stated that she agreed, and it was her hope that a compromise could be made and the business stay in town.

With no further discussion, Ms. Brothers made a motion to postpone any decision on this action item until a work session can be scheduled. Ms. Patterson seconded this motion, and all members voted in favor of at 8:15 pm.

- b. Consideration of an application seeking a request to be acknowledged as an existing grandfathered non-conforming use to the Town of Pendleton's Zoning Ordinance Article 4 Section 4-1D Prohibited Uses located at 315 Brown Road.

Chairwoman Ms. Crenshaw opened this action item at 8:16 pm, and staff read the Board their report. Mr. Rines explained that the applicant was asking the Board to define his business as a grandfathered use in this residential area.

Staff informed the Board that the applicants were present and had asked Ms Nancy Von Meyer to speak for them tonight.

Ms. Von Meyer informed the Board that this business has been operating for five (5) generations and has been in place since 1980. Ms. Von Meyer stated that failure to provide a variance would create a hardship for the family. She reviewed all four prongs required to grant a variance and demonstrated how they believed they had met each of them. Ms. Von Meyer explained that a variance should be granted in this situation due to the business's long-standing presence in the Town of Pendleton.

Mr. Brown stated that they used the barrels on the side of the building to collect rainwater.

Chairwoman Ms. Crenshaw asked staff to clarify whether this request was for a variance or to establish this business as a grandfathered non-conforming use. Mr. Rines explained that it was a request to be recognized as a grandfathered non-conforming use.

Ms. Patterson asked how far away this location is from the original business. Ms. Von Meyer said that Mr. Browns father operated a business two doors down from this one.

Ms. Patterson asked how many cars were usually at this location at one time. Mr. Brown stated five (5). He explained that he didn't want his shop to look junky, so they tried to turn customers around as quickly as possible.

Mr. Brown said he had a stroke two years ago, and that he felt he had two options, either live off the government or work doing what he knows how to do.

Chairwoman Ms. Crenshaw asked Mr. Brown how the business had changed since his grandfather owned it. Mr. Brown said that they had changed the building because the first building was from the 1950s.

Chairwoman Ms. Crenshaw asked Mr. Brown what happened to the business when his grandfather passed away. Mr. Brown said that his father took over the business until he had a stroke, and the business on Maple Street closed.

Ms. Patterson asked if the business on Maple Street had stayed open two years after he had a stroke. Ms. Brown said that they worked the business until 2020, when they closed it and moved to the Brown Road address.

Chairwoman Ms. Crenshaw stated that the paperwork shows a gap between the time the business on Maple Street closed and the time the one on Brown Road opened. Mr. Brown stated that there was an approximately two- to three-year operational gap between those two events.

Chairwoman Ms. Crenshaw stated that she interpreted this as two different businesses on two different pieces of property with different business licenses. She pointed out that Steve's Auto Services ceased operations in 2020 and Fast Bay Automotive began in 2022.

With no further discussion, Mr. Hassan made a motion to deny this application for grandfather status at 8:33 pm because it was not a continuous business. Chairwoman Ms. Crenshaw seconded the motion and asked that all in favor raise their hand. No other member of the Board raised their hand, and the vote was tied at two (2) to two (2). Since the vote was tied, the motion to deny the grandfather status failed. No other motions were made at that time, so no action was taken. Staff advised Mr. Brown that he would need to reapply.

6. Adjournment:

With no further business, Ms. Brothers made a motion to adjourn. Ms. Patterson seconded the motion, and all members voted in favor of it at 8:45 pm.

Chairwoman: \_\_\_\_\_ Date: \_\_\_\_\_





# PENDLETON

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## Staff Report to the Town of Pendleton Board of Zoning Appeals for consideration of an application seeking a Variance to the Town of Pendleton's Sign Ordinance Section 6-6 B1, B3b C3, and F2d4 located at 119 North Mechanic Street.

**Date of Report:** November 07, 2025

**Report By:** David Poulson, Town Planner

**Applicant:** Mr. John Emmons

**Request:** The applicant is requesting a variance from the Town of Pendleton Zoning Ordinances, specifically the Sign Ordinance Section 6-6 B1, B3b, C3, and F2d4.

**Property Location:** 119 North Mechanic Street, Pendleton, SC



**Existing Zoning:** Central Business District- CB





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**Purpose of Request:** Mr. Emmons is requesting a variance from the Town's sign regulations allowing him to keep all the items displayed in front of his store, which he feels should be considered decorative art rather than signage. He contends that these items are part of the character and atmosphere of his business, not advertisements intended to promote or identify products. However, under the current zoning ordinance, a sign is defined as *["any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry, which is located upon any land, or any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building. The flag, emblem, insignia, poster or other display of a nation, educational institution, or political unit shall not be included in this definition".]*

**Future Land Use Map:** Central Business District- CB

**Existing Conditions:** The existing building is currently being used as a candy shop, which is a valued and well-supported part of the Pendleton community. However, despite its positive contribution to the Town, the business is presently in violation of the Town's sign ordinance. The signs displayed on the property do not comply with the established regulations, creating the need for corrective action to bring the business into alignment with the Ordinance while still allowing it to continue serving as an asset to the community.





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## Reason for Request:

The Town of Pendleton's sign ordinance requires that a permit be obtained before any sign is erected or placed on business property. At the time these violations were noted, no permit was on file for the additional signage found on the property. In addition, the Ordinance specifically prohibits signs from being located in the public right-of-way, in a parking space, or in a loading zone, as outlined in Section 6-6(B)(3)(b) regarding prohibited signs. Furthermore, Section F(2)(d)(4) establishes clear limitations on both the number and size of signs permitted for a single business, ensuring consistency and compliance with the Town's design and safety standards







## **SECTION 9-2 DUTIES AND POWERS**

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the Enforcement of this Ordinance.

B. To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in a individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship only upon finding by the Board of Zoning Appeals that all of the following factors exist. This is a provision of Act 487 of 1967 South Carolina Code of Laws:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. The application of the Ordinance on this particular piece of property would create an unnecessary hardship;
3. Such conditions are peculiar to the piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. Economic Hardship shall not be deemed the sole basis for relief.

C. To permit uses by special exception subject to standards and conditions in this Ordinance.

D. In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part or may modify the order requirements, decision, or determination, and to the end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

Definition of a Sign from the Zoning Ordinance

**Sign** means any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry, which is located upon any land, or any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building. The flag, emblem, insignia, poster or other display of a nation, educational institution, or political unit shall not be included in this definition.



## **SECTION 6-6 SIGN REGULATIONS**

Section 6-6 B. General Provisions. All signs within the Town of Pendleton shall comply with the following regulations.

B1- A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in **Section 6-6(D)** and shall be issued by the Zoning Administrator or designee in accordance with **Section 6-6(G)**.

B3b- No sign shall be placed within a parking space or loading zone, attached to or painted on a fence, accessory structure, dumpster enclosure, power or telephone pole, or any natural feature, including a stone, except that sponsorship signs placed on fences at recreation facilities shall be allowed.

### **C3. Prohibited Signs**

Signs or advertising devices attached to or painted on a fence, accessory structure, dumpster enclosure, power or telephone pole, stone, or any other natural feature, or placed within a parking space or loading zone. Sponsorship signs per **Section 6-6(D)(15)** that are placed on fences at recreation facilities shall be allowed, and are an exception to this prohibition.

F2bd. Sign Regulations by Zoning District. All signs within the Town of Pendleton shall comply with **Section 6-6(B)**, and the following:

Awning, canopy, projecting, marquee, wall, or painted wall signs. Commercial uses may request signs that do not exceed an area of fifty (50) square feet in total for all combined signage on a building (a business can mix and match these sign types). The following are the dimensional requirements for each type of sign:

#### **(1) Awning or Canopy Signs.**

- Maximum Area: Twenty (20) square feet.
- Shall not project more than forty-two (42) inches away from the face of a structure.
- Must be located between the top of a doorway and the bottom of the roof line.
- One (1) permitted per business per exterior wall.





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## SOUTH CAROLINA

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(2) Projecting Signs.

- Maximum Area: Thirty (30) square feet.
- Shall not be lower than nine (9) feet above grade or taller than twenty-five (25) feet above grade.
- Shall not project more than forty-two (42) inches away from the face of a structure.
- No more than one (1) permitted per business per exterior wall.

(3) Marquee Signs.

- Maximum Area: Thirty (30) square feet.
- Shall not project more than forty-two (42) inches away from the face of a structure.
- Must be located between the top of a doorway and the ceiling level of the first story.
- No more than one (1) permitted per business per exterior wall.

(4) Wall Signs and Painted Wall Signs.

- Maximum Area: Twenty (20) percent of the wall area per exterior wall that the sign occupies, not to exceed fifty (50) square feet per wall, and shall be calculated by drawing a box around all sign elements on a wall.
- Shall not extend more than eighteen (18) inches from the wall.
- No more than one (1) permitted per business per exterior wall.

**Variance** means relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

The Board of Zoning Appeals held a work session on October 16, 2025, to receive legal advice on this variance request.

**Staff Recommendation:**

Staff recommends **DENYING** the variance request from the applicant based on the current Town of Pendleton Sign Ordinances.

**ATTACHMENTS:**

- Attachment A: Application for Variance
- Attachment B: Supporting Documents
- Attachment C: Map of the Area
- Attachment D: Legal Ad
- Attachment E: Timeline of Events



# PENDLETON

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## VARIANCE APPLICATION

(For Variances from the Zoning Ordinance)

### SUBMITTAL

For Variance applications, applicant must submit:

- ☒ 1) A completed application form with the owner's signature.
- ☒ 2) A drawing (site plan/plot plan/plat) to scale must be submitted showing the property boundaries and dimensions, north arrow, scale, property address, owner's name, all structure's footprints, distance of each structure (STRUCTURE INCLUDES SIGNS) to the nearest property line, label each structure "existing" or "proposed," show all vehicle use areas, parking spaces, and buffer areas (if required), with the variance area highlighted.
- ☒ 3) A written narrative describing and supporting the variance request with information per Section 502.2 of the Zoning Ordinance. See attached supplemental information sheet for details.
- ☒ 4) Application Fee: Residential \$100.00, Commercial \$200.00
- ☒ 5) Deadline is 30 days prior to next meeting for adequate time to advertise request.

Variance Request from Zoning Ordinance Section(s): Section 6-6 B1, 6-6 Article C3, 6-6 F2d

Briefly describe variance request (attach description if necessary): See Attached

Property Address: 117-119 N Mechanic St. Pendleton, SC. 29670

Subdivision Name (if applicable): \_\_\_\_\_

Zoning District: CB Tax Map Number: APN/Parcel ID 040-02-04-012

Applicant(s) Name (if other than owner): John Emmons

Address: 104 Harris Place, Pendleton, SC. 29670

Phone number: 312-636-7260

Email: johnmemmons@aol.com

Applicant(s) Signature: \_\_\_\_\_

Owner(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email: \_\_\_\_\_

Owner(s) Signature: \_\_\_\_\_

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

Date received: 8/12/2025

Fee Paid: 200.00

Receipt number: 443106

Date Advertised: \_\_\_\_\_

Hearing Date: 9/4/2025

Date Sign Posted: \_\_\_\_\_

TOWN STAFF RECOMMENDATION:

APPROVED: \_\_\_\_\_

DENIED: ☒

BOARD OF ZONING APPEALS DECISION:

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

Comments: THE BOARD DECIDED TO HOLD A WORK SESSION ON THIS REQUEST AT A LATER DATE TO GIVE AN OPPORTUNITY TO PROVIDE ADDITIONAL INFORMATION





# PENDLETON

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## SUPPLEMENTAL INFORMATION SHEET FOR VARIANCES

(Per Section 502 of the Zoning Ordinance)

To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship only upon finding by the Zoning Board of Adjustment that all of the following factors exist. This is a provision of Act 487 of 1967 South Carolina Code of Laws.

In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.) **All questions must be answered.**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:  
See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The application of the Ordinance on this particular piece of property would create an unnecessary hardship. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:  
See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Such conditions are peculiar to the piece of property involved. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:  
See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. **Economic Hardship shall not be deemed the sole basis for relief.** DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:  
See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Designation of Agent** [complete 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 application:

Date: \_\_\_\_\_ Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Owner Signature: \_\_\_\_\_

## VARIANCE APPLICATION COVER LETTER

**To:** Pendleton Zoning Board of Appeals

**From:** John Emmons, Co-Owner, The Pendleton Candy Company

**RE:** Variance Request – Decorative Displays / Signage Interpretation **Date:** June 24, 2025

Dear Zoning Board Members,

On behalf of The Pendleton Candy Company, located at 119 N. Mechanic Street, we are formally submitting a request for a **zoning variance** concerning the Town's application of its sign ordinance (Section 6-6) as it pertains to decorative exterior elements and window displays used by our business.

As explained in the attached variance application, our business features several freestanding, wall-mounted, and window-based artistic displays designed to reflect our brand's whimsical, family-friendly aesthetic. These items are not used to advertise prices, promote products, or identify business services, and in many instances do not contain any text at all. However, they have been interpreted as signage by the Town's Code Enforcement office, triggering enforcement actions and a notice of violation.

We respectfully request a variance from the current application of the ordinance for the following reasons:

1. **Ambiguity in the Ordinance:** Section 6-6 does not clearly distinguish between commercial signs and decorative art. As a result, enforcement has been inconsistent and subjective.
2. **Site-Specific Considerations:** Our business occupies an irregular layout within a historic downtown building that includes multiple façade features and limited interior merchandising space. This necessitates certain functional and aesthetic design choices that may differ from conventional storefronts.
3. **Community Character and Branding:** The decorative elements are core to our identity and experience. They contribute to the vibrancy of the square, draw tourism, and have been publicly celebrated in state and national media.
4. **Good Faith Compliance:** We have already requested a formal interpretation, administrative stay, and have sought communication with the Planning Department. Unfortunately, these efforts have not yielded timely or substantive clarity. We now seek formal resolution through the variance process.

Please note that this application is submitted under protest and **without waiver of any legal rights or claims**, including those relating to selective or arbitrary enforcement and freedom of expression.

We remain committed to working collaboratively with the Town while protecting the viability and creative vision of our business. We look forward to presenting our position and welcome any guidance or pre-hearing feedback you may provide.

Sincerely,

John Emmons

Co-Owner, The Pendleton Candy Company

312-636-7260

johnmemmons@aol.com

### Attachments:

- Completed Variance Application
- Photos of Decorative Elements
- Copy of Code Section 6-6
- Correspondence with Code Enforcement
- FOIA Complaint Response
- Design Review Background Materials

## **Variance Justification – Required Responses**

**1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

**DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:**

119 N. Mechanic Street is a historic property located in Pendleton's Town Square, consisting of multiple segmented storefronts unified under a single business operation. Due to its segmented interior layout and divided exterior façade, traditional signage and merchandising layouts are not feasible. The narrow storefront width, window placements, and architectural details necessitate creative use of decorative elements to draw attention to the entrance and represent the business identity cohesively. The confined footprint also limits interior visibility from the street, requiring aesthetic cues to guide and engage potential visitors.

---

**2. The application of the Ordinance on this particular piece of property would create an unnecessary hardship.**

**DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:**

Strict interpretation of the ordinance to classify all decorative exterior elements as signage imposes a hardship by preventing the business from establishing a recognizable visual presence appropriate to the space and use. The property lacks adequate wall space and standard window visibility typical of modern storefronts. As a result, traditional signage would not be sufficiently visible or effective. Enforcing the sign ordinance without accommodating these unique conditions directly restricts our ability to operate successfully and undermines the business's visual brand—unfairly impacting us while similar nearby businesses are not held to the same standard.

---

**3. Such conditions are peculiar to the piece of property involved.**

**DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:**

The unusual layout of the premises—being two combined storefronts with an irregular interior and multiple points of visual access—creates a merchandising and branding challenge not present in other properties on the Square. The property is also located at a visual pivot point on the street and faces traffic from multiple angles, making placement of unified signage difficult without creative and artistic exterior enhancements. These site-specific needs are not addressed by the general sign code, making a variance necessary to achieve fairness and functional equity.

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**4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan.**

**DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:**

Granting this variance supports the public good by promoting economic vitality, preserving local character, and encouraging tourism. Our decorative elements have been widely celebrated by customers and media alike, and they enhance—not detract from—the aesthetics of downtown. They pose no safety or traffic issues, nor do they obstruct pedestrian or vehicular flow. Moreover, relief would align with the spirit of the ordinance: to maintain community character without unnecessarily burdening small businesses. No unfair competitive advantage or harm to neighboring properties would result. This is not a variance for use—it is simply a request to recognize artistic expression distinct from commercial signage.

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John Emmons  
Co-Owner, The Pendleton Candy Company  
312-636-7260  
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# REBUTTAL TO CITY ACTION & ON-SITE MEETING — PENDLETON CANDY COMPANY

**To:** Town of Pendleton

Zoning Administrator, Code Enforcement Officer, and Mayor

**From:** John Emmons and Kimberly Blackwell, Owners, Pendleton Candy Company

**Date:** June 18, 2025

**Subject:** Formal Rebuttal to Zoning Enforcement Action & June 17, 2025, On-Site Meeting

**Attachments:**

- Exhibit A: Transcript of On-Site Meeting, June 17, 2025
- Previously submitted certified letter & email requesting enforcement stay

## VIA EMAIL AND CERTIFIED MAIL

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### To Whom It May Concern,

We are writing to formally rebut the statements, positions, and enforcement interpretations conveyed to us during the **on-site meeting conducted on June 17, 2025**, at Pendleton Candy Company with City representatives David Poulson, Amber Barnes, Owen Rines, and Mayor Crenshaw.

This rebuttal is **not a new request**, but a **response to the inconsistencies, mischaracterizations, and verbal-only standards** relayed during that meeting — and to the City's **ongoing disregard of previously submitted, written communications** from us.

### 1. The City's Failure to Acknowledge or Act on Prior Requests

We have previously:

- **Mailed and emailed** a formal request for a **stay of enforcement**;
- Submitted **Freedom of Information Act (FOIA)** requests for complaint details and all internal communications related to our business, owners, and property;
- Reached out multiple times for clarification.

Despite clear documentation (see attached certified mail receipt and correspondence), we were told during the June 20 meeting that a new request was needed — a request already made and acknowledged. This signals either **institutional miscommunication or intentional deflection**.

### 2. Expanding the Alleged Violation Without Documentation

During the on-site meeting, we were told that **“all decorations”** — interior, exterior, and seasonal — are now considered signage under Section 6-6. This was **not stated in the original Notice of Violation**, nor is it supported by any official written interpretation of the zoning ordinance.

**There has been no formal communication or published clarification** from the City expanding the scope of what constitutes a violation. Relying on verbal expansion of code definitions:

- Undermines transparency and due process;
- Conflicts with the plain language of Article 2 (Definitions) and Section 6-6;



- Places the burden entirely on the merchant to guess at evolving, subjective standards.

### 3. Unequal and Selective Enforcement

As captured in the transcript (Exhibit A), **City officials acknowledged that other businesses in downtown Pendleton are also noncompliant**, but no action has been taken against them. This includes:

- Permanent exterior displays;
- Decorative items in flower beds;
- Sandwich boards and banner signage;
- Seasonal inflatables and objects not tied to sales or branding.

Our business is being held to a **different and more punitive standard**, which **violates the principle of equal application of law**. The complainant in this case — a **known competitor** — has, per staff admission, **called or contacted the City repeatedly** in an apparent campaign to pressure enforcement. The City appears to be **rewarding persistent complaints** with regulatory overreach.

### 4. City's Inconsistent and Conflicting Interpretations

Throughout the June 20 meeting, **City staff made contradictory statements**, including:

- That decorations “may” or “may not” be considered signage depending on context;
- That enforcement is “complaint-based,” yet also proactive at the City’s discretion;
- That decorative elements could be allowed “for a time” but with no formal policy guidance;
- That sandwich boards and flowerbed items are “ok for some,” but suddenly not for us.

This **lack of coherent standards and inconsistent communication** makes compliance impossible and **exposes our business to arbitrary penalty**.

### Our Position and Documentation

Let it be clearly stated:

- We have **complied in good faith** with all city requests for clarification.
- We have **filed formal FOIA requests** and expect full responses.
- We **have not received consistent enforcement rationale**.
- We **have not received a meaningful path forward or appeal**.
- We **have received only threats of civil summons**, not collaboration.

We maintain that:

- **Decorative elements are art**, not signage.
- We are **being targeted unfairly** while others remain untouched.
- We **were given no new formal documentation** at the June 20 meeting.
- We are **not in violation** of the code as it is written and interpreted broadly for others.

### Conclusion

We will continue to operate with integrity and in support of our community and fellow business owners. But we will not accept enforcement that is **inconsistent, retaliatory**, or based on **unwritten interpretations of law**.

We expect:

- Formal response to this rebuttal;
- Clarification of the City's enforcement standard in writing;
- Equal application of the law to all merchants;
- A fair, good-faith path forward — not intimidation through vague threats.

Sincerely,

**John Emmons**

**Kimberly Blackwell**

Pendleton Candy Company

119 N. Mechanic Street

Pendleton, SC 29670

**John Emmons**  
Pendleton Candy Company  
119 N. Mechanic Street  
Pendleton, SC 29670  
johnmemmons@aol.com  
312-636-7260

6/9/2025

**VIA EMAIL AND CERTIFIED MAIL**

Owen Rines  
Assistant Planner & Code Enforcement  
Town of Pendleton  
310 Greenville Street  
Pendleton, SC 29670  
owenr@townofpendleton.org

**RE: Request for Formal Interpretation, Administrative Stay, and Equal Enforcement –  
Section 6-6 and Decorative Art Displays**

Dear Mr. Rines,

This letter is in response to the recent code enforcement notice issued to Pendleton Candy Company, alleging noncompliance with the Town of Pendleton's zoning ordinance, specifically Section 6-6 and provisions under Article 2.

We respectfully request:

1. A **formal administrative interpretation** of the zoning ordinance's application to decorative and artistic elements located:
  - o Inside storefront windows,
  - o Attached to the exterior of the building, and
  - o Freestanding on sidewalks or within the landscape beds in front of our storefront.These items are **non-commercial artistic displays**, created to reflect the character and immersive experience of our business and are not intended to serve as advertising in any traditional sense.
2. An **immediate stay of enforcement**, including any civil summons, penalties, or business license actions, until such interpretation is rendered and any appeal process is completed.
3. A written statement outlining the Town's **policy and approach for equal and consistent enforcement** of zoning ordinances—especially as it pertains to visual displays and exterior decor in the Historic District. We are aware of multiple businesses within the same commercial district, including those affiliated with public officials, which utilize similar features that would fall under the same definition being applied to our storefront.

Additionally, we believe the Town's interpretation of Section 6-6 raises a more fundamental concern:

The sign ordinance, as presently interpreted, is **overly broad and lacks specific limitations**, allowing nearly any visual feature—artwork, seasonal props, window arrangements, or standalone decorations—to be deemed a "sign." This vagueness creates an environment where enforcement becomes **subjective, inconsistent, and potentially selective**, rather than guided by clear, neutral standards. A regulation with this degree of ambiguity poses risks not only to individual businesses, but also to the fairness, character, and legal integrity of local governance.

Pendleton Candy Company has operated in good faith with strong community support since our opening in 2023. We take pride in bringing joy, color, and creativity to downtown Pendleton—values that should not be discouraged under the guise of code enforcement. We are committed to ensuring compliance where it is properly and clearly defined, and we respectfully request your timely response and guidance on how to proceed with formal interpretation or administrative appeal.

Sincerely,  
**John Emmons**  
Co-Owner, Pendleton Candy Company

**Mr. John Emmons**

Co-Owner

Pendleton Candy Company

119 North Mechanic Street

Pendleton, SC 29670

**RE: Sign Violations at Pendleton Candy Company**

Dear Mr. Emmons,

This letter is to inform you that Pendleton Code Enforcement received a complaint regarding potential sign violations at the Pendleton Candy Company. In response, a site visit was conducted on April 17, 2025, and several violations of the Town of Pendleton's sign ordinance were documented.

The following violations were observed:

1. **Section 6-6, Article C3 – Prohibited Signs**
2. **Section 6-6, Article F – Sign Regulations by Zoning District: Number of Signs Allowed**

According to Section 6-6 of the Town's Zoning Ordinance, a "sign" is defined as any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry, which is located upon any land or building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

Key regulatory provisions related to this matter include:

- **Section 6-6 B1:** A permit is required for the erection, alteration, or reconstruction of any sign unless otherwise noted in Section 6-6D. Permits must be issued by the Zoning Administrator or designee.
- **Section 6-6 B3b:** No sign shall be placed within a parking space or loading zone or attached to a fence, accessory structure, dumpster enclosure, utility pole, or any natural feature.

- **Section 6-6 F2d:** In the Central Business District, signage is limited to a total of fifty (50) square feet for all combined signage on a building. One sign is permitted per business per exterior wall.

During the inspection, it was noted that there are multiple signs, as defined by the ordinance, on the front façade of the building, and the combined signage exceeds the fifty (50) square feet limit, as outlined in Section 6-6.

At this time, your business has the following options to address the violations:

1. **Remove the signage that is in violation** and bring the property into compliance with the current ordinance.
2. **Appeal the Zoning Administrator's interpretation** of the ordinance to the Board of Zoning Appeals.
3. **Request a variance** from the Design Review Board claiming that removing the signs will cause unnecessary hardship, as defined in Section 10-5 Variances and Appeals, to allow the signage in its current form. This review by the Design Review Board is required because this business is located within the Central Business District which is subject to additional regulations and approval requirements.

As the Zoning Administrator for the Town of Pendleton, I have reviewed this matter and find that Code Enforcement correctly interpreted the ordinance. The items referenced in the complaint meet the definition of a sign under our current regulations and, therefore, are subject to the applicable requirements in Section 6-6 of the Zoning Ordinances.

If you wish to pursue an appeal or request a variance, the business owner must submit a formal written request to initiate the appropriate process. Upon receipt of this request, a stay of enforcement will be enacted by code enforcement.

Please feel free to contact our office if you have any questions or would like assistance in determining the best course of action.

Sincerely,

David A. Poulson  
Zoning Administrator  
Town of Pendleton  
(864) 646-9409  
Davidp@townofpendleton.org

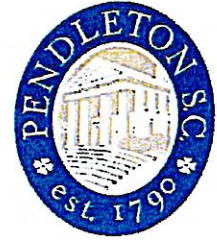
# Town of Pendleton

*History, Hospitality, Happenings...HOME*

Frank H. Crenshaw  
Mayor

Steven Miller  
Administrator

Amber Barnes  
Asst. Administrator



June 20, 2025

Mr. John Emmons  
119 North Mechanic Street  
Pendleton, SC 29670

**RE: Sign Violations at Pendleton Candy Company in response to your letter dated 06/10/2025**

Mr. Emmons,

The following guidelines, as outlined in the current Zoning Ordinance, define the actions the Code Enforcement Officer and the Zoning Administrator are authorized to take upon receiving a complaint and/or discovering a violation.

## **Regarding Sign Violations:**

### **G. Administration and Enforcement:**

#### **1. Sign Permit Required:**

- a. Except for those signs specifically mentioned in **Section 6-6(D)**, it shall be unlawful, after enactment of this Ordinance, for any person to erect or place a sign within the corporate limits of the Town of Pendleton unless a permit is secured.
- b. In the event that the owner wishes to alter an existing sign for which a permit has been issued, a new permit must be submitted. (Alteration shall exclude routine repair.)
- c. The existence of a permanent sign at the time of passage of this Ordinance which does not conform with the standards of this Ordinance or other Ordinances of the Town of Pendleton shall constitute a vested right.
- d. The existence of a temporary sign at the time of passage of this Ordinance shall not constitute a vested right.
- e. Any nonconforming temporary sign, (i.e. not permanently mounted), shall be removed or brought into conformity no later than fifteen (15) days after the date of the adoption of this Ordinance.
- f. When any permanent sign is removed, or whenever any renovation, change, or repair becomes necessary, other than routine re-painting or other repair of up to fifty (50) percent of the sign itself, such sign shall not be replaced, repaired, or renovated, except in conformity with the regulations of this and other Ordinances of the Town of Pendleton.

#### **COUNCIL**

Lyn Merchant  
Ward 1

Barbara Hamberg  
Ward 2

Vince Gaulin  
Ward 3

Jeffrey Van Drie  
Ward 4

Municipal Complex  
310 Greenville Street  
Pendleton, SC 29670

Phone: 864-646-9409

Fax: 864-646-5425

[info@townofpendleton.org](mailto:info@townofpendleton.org)  
[www.townofpendleton.org](http://www.townofpendleton.org)



# Town of Pendleton

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Amber Barnes  
Asst. Administrator



## 2. Application for Sign Permit:

a. An application for a permit required by this Section shall be filed with the Zoning Administrator or designee, who shall mark such applications as received and filed as of the date of such receipt and filing. The application form for a sign permit shall contain the following, at a minimum:

- (1) Name, address, and phone number of the property owner.
- (2) Name of persons or firms, as well as its Town business license number thereof, erecting the sign.
- (3) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.
- (4) Time limitations on the sign, if it is a Temporary Sign (i.e. start date and end date).
- (5) Zoning District and Tax Map number.
- (6) Type of sign proposed.
- (7) Height, width, and area (square footage) of the sign.

a. All sign permit applications shall be accompanied by a Sign Plan, containing the following information, at a minimum:

- (8) Two (2) copies of a sign plan must be submitted, showing the specific location of all the existing and/or proposed sign on the applicable site, with each sign labeled as existing or proposed.
- (9) Two (2) copies of a sign plan must be submitted, showing the specific location of all the existing and/or proposed sign on the applicable site, with each sign labeled as existing or proposed.
- (10) Distances from the proposed sign to the nearest adjacent property line and right(s)-of-way shall be shown.
- (11) All applicable setbacks for the signs shall be shown and listed on the site plan. The proposed sign shall obey the applicable setbacks, unless a variance from the Board of Zoning Appeals is approved.
- (12) The dimensions of the proposed sign(s), including the height, width, and square footage, shall be provided.
- (13) Where applicable, provide the dimensions of the wall surface of the building or window to which the sign is to be attached.
- (14) If the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached shall be provided with the Sign Plan.
- (15) Two (2) copies of a photograph or drawing depicting the proposed sign with the wording to be contained on the sign, along with any emblems, insignias, and other adornments, shall be provided along with the Sign Plan.

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*Asst. Administrator*

b. Fees. All sign permit applicants shall be required to pay an administrative fee, established by the Town, unless expressly waived in this Section.

c. A sign permit shall become null and within six (6) months of the date of issuance of the permit if the sign has not been placed on the site within that time frame.

3. Action on Sign Permit Application. The Zoning Administrator or designee shall reply to such application in writing within fourteen (14) calendar days.

4. Sign Permit Issuance, Refusal, or Appeal:

a. If the Zoning Administrator or designee authorizes the erection or alteration of a sign pursuant to an application filed under this Section, then a permit shall be issued to the applicant. If the Zoning Administrator or designee does not authorize the erection or alteration of the sign as applied for in the application, then the Zoning Administrator or designee shall write a letter to the applicant, advising that the request in the application is refused.

b. Appeals of refused applications shall be made to the Board of Zoning Appeals within thirty (30) days after the sign permit is refused.

5. Enforcement:

a. In the event that a permanent or temporary sign is erected or altered on private property without an approved permit, the lot owner will be notified and given fifteen (15) days to remove the sign or secure a permit. If after fifteen (15) days the sign is not removed and/or a sign permit is not secured, a fine will be charged to the lot owner for the violation. **Article 12, Legal Status Provisions** outlines the enforcement process. A sign shall be treated as a structure for enforcement purposes.

b. The Town shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this Ordinance, and properly dispose of them.

c. If it is determined by the Zoning Administrator or designee that a sign is abandoned, is not being maintained, or not being used for purposes under which the original permit was issued, the lot owner will be notified and given thirty (30) days to remove the sign. After thirty (30) days the Town will have the sign removed and the property owner will be charged for costs of removal incurred by the Town.

6. Sign Inspection. All signs for which a permit is required shall be subject to

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*Mayor*

Steven Miller  
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Amber Barnes  
*Asst. Administrator*

inspection by Town officials. Town officials will be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. In the event that maintenance is deemed necessary, the sign owner will be notified by letter. The sign owner will then have thirty (30) days in which to have the maintenance completed, or a fine will be charged to the lot owner for the violation. **Article 12, Legal Status Provisions** outlines the enforcement process. A sign shall be treated as a structure for enforcement purposes

7. Variances. Sign variances are intended to allow flexibility in the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs which enhance the overall character of an area or allow for mitigation of unusual site conditions. Variances shall only pertain to the sign's height, width, area, location, or number of signs allowed on a site.

a. Procedures. An application for a variance from the specific sign requirements set forth in this Ordinance may be made to the Town of Pendleton Board of Zoning Appeals. The application shall be submitted to the Zoning Administrator or designee thirty (30) days before the meeting at which the request will be heard.

b. Approval Criteria. Sign variances may be approved if the Board of Zoning Appeals finds that the applicant has shown that the criteria below have been met. The applicant must meet the following criteria:

- (1) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
- (2) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
- (3) The hardship has not been created by any person having an interest in the property.
- (4) Financial returns only shall not be considered as a basis for granting the variance.
- (5) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.
- (6) The variance does not confer a special privilege to the applicant that is denied to others.

c. Under no circumstance shall a variance be requested or granted to allow a sign type which is not allowed by this ordinance, nor a sign type that is not expressly allowed in the specific zoning district in question.

c. The Board of Zoning Appeals may impose such conditions and restrictions

## COUNCIL

Lyn Merchant  
*Ward 1*

Barbara Hamberg  
*Ward 2*

Vince Gaulin  
*Ward 3*

Jeffrey Van Drie  
*Ward 4*

Municipal Complex  
310 Greenville Street  
Pendleton, SC 29670

Phone: 864-646-9409

Fax: 864-646-5425

[info@townofpendleton.org](mailto:info@townofpendleton.org)  
[www.townofpendleton.org](http://www.townofpendleton.org)

# Town of Pendleton

*History, Hospitality, Happenings...HOME*

Frank H. Crenshaw  
*Mayor*

Steven Miller  
*Administrator*

Amber Barnes  
*Asst. Administrator*



upon the premises benefited by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

## ARTICLE 12 LEGAL STATUS PROVISIONS

### SECTION 12-1 INTERPRETATION AND CONDUCT

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements necessary to uphold the purpose of this Ordinance. It is not necessary to uphold the purpose of this Ordinance. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires more open spaces than required by other resolutions, ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute require more restrictive standards than are required by the regulations of this Ordinance, the provisions of such statute shall govern.

### SECTION 12-2 VIOLATION

In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

#### COUNCIL

Lyn Merchant  
*Ward 1*

Barbara Hamberg  
*Ward 2*

Vince Gaulin  
*Ward 3*

Jeffrey Van Drie  
*Ward 4*

### SECTION 12-3 PENALTY

It shall be unlawful to construct, reconstruct, alter, change the use of or occupy any land, building or other structure without first obtaining the appropriate permit from the Zoning Administrator; and such Zoning Administrator shall not issue any permit unless the requirements of this Ordinance and of any ordinance or resolution, adopted pursuant to it are complied with. A violation of any ordinance or resolution, adopted pursuant to the provisions of this act is hereby declared to be a misdemeanor under the laws of the State and, upon conviction thereof, an offender shall be liable to a fine of not more than five hundred (500) dollars, or imprisonment not exceeding thirty (30) days, or both. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be in violation of this Ordinance, the Zoning Administrator or any

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# Town of Pendleton

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adjacent or neighboring property owner who would be especially damaged by such violation, may in addition to other remedies institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

## SECTION 12-4 VALIDITY

Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

## SECTION 12-5 REPEAL OF CONFLICTING ORDINANCES

All ordinances and part of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

## SECTION 12-6 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after January 1, 2019.

### COUNCIL

Lyn Merchant  
*Ward 1*

Barbara Hamberg  
*Ward 2*

Vince Gaulin  
*Ward 3*

Jeffrey Van Drie  
*Ward 4*

Thank you for your time and patience regarding this matter.

Respectfully,

Owen Rines  
Assistant Town Planner & Code Enforcement Officer  
Town of Pendleton  
(864) 646-9409

Municipal Complex  
310 Greenville Street  
Pendleton, SC 29670

Phone: 864-646-9409

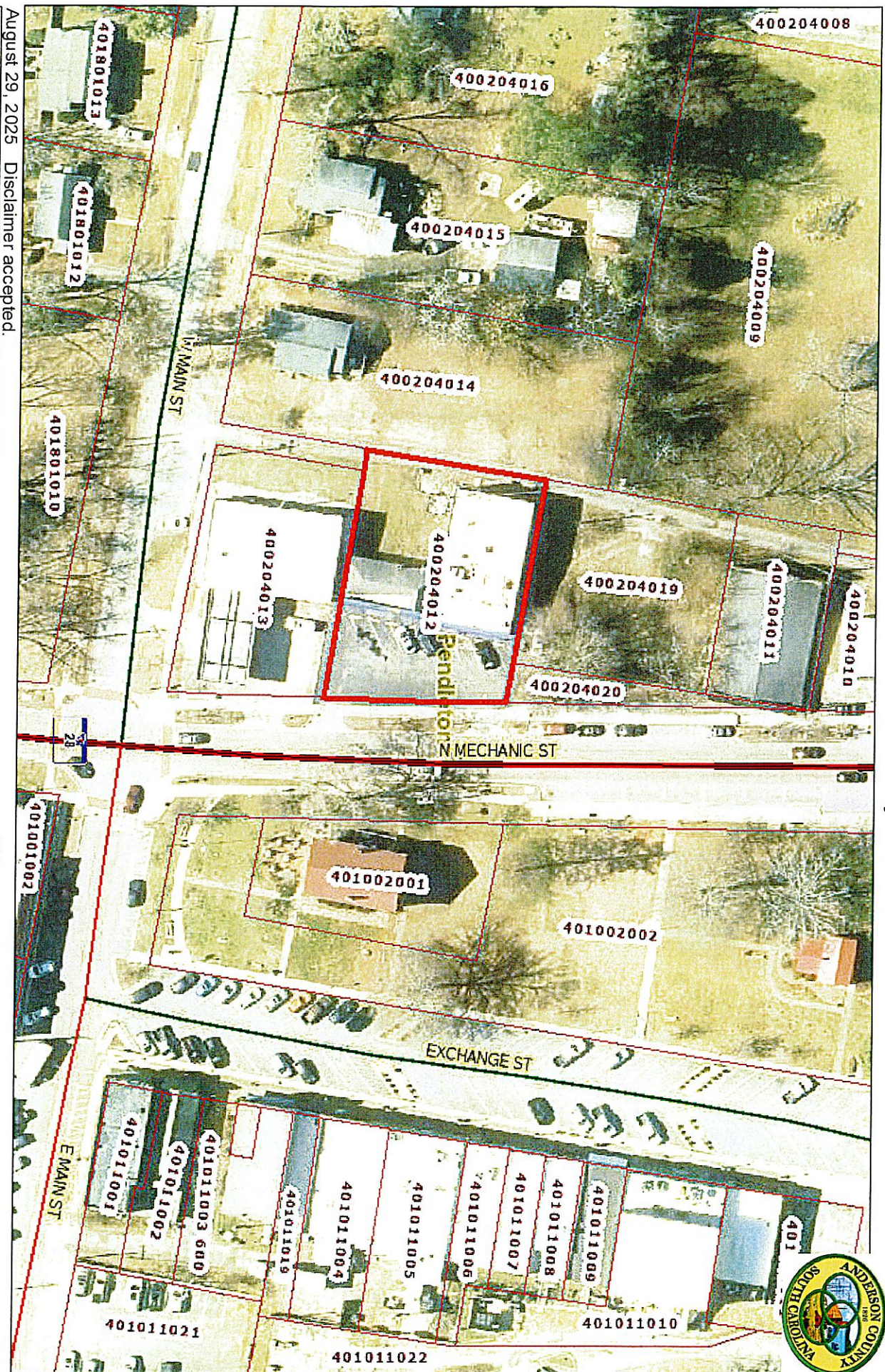
Fax: 864-646-5425

[info@townofpendleton.org](mailto:info@townofpendleton.org)  
[www.townofpendleton.org](http://www.townofpendleton.org)

CC: Kimberly Blackwell

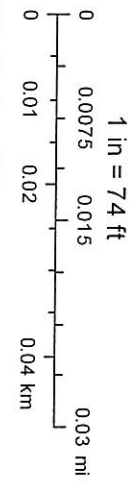


Anderson County



August 29, 2025 Disclaimer accepted.

TMS: 400204012  
Owner: SULLIVAN STREET WINSTON LLC  
City/State: 301 N MAIN ST STE 501 GREENVILLE SC  
Deed Book: 18108  
Tax District: 44  
Sale Year: 2025  
Deed Page: 168  
Current Plat: CP S 2953/2  
Description: N MECHANIC ST .31 AC  
Market Value: \$216,700  
Sale Price: \$400,000



ESRI, Highland Mapping, and Anderson County GIS





# PENDLETON

## SOUTH CAROLINA

---

### History, Hospitality & Happenings!

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#### PUBLIC NOTICE

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The Town of Pendleton Board of Zoning Appeals will hold a public hearing in the Council Chambers of Town Hall on Thursday, September 04, 2025, at 6:00 pm to receive public input concerning an application for a variance to the current Sign Ordinance at 119 N. Mechanic Street. The meeting is open to the public, and the public is welcome to speak.

Please run ad on Tuesday, August 12, 2025  
bill ad to Amyee Crawford  
Town of Pendleton  
310 Greenville Street  
Pendleton, S.C. 29670

## ATTACHMENT: E

### Pendleton Candy Company Timeline

Prepared by Owen Rines, Assistant Town Planner & Code Enforcement Officer

- Complaint received 3/7 2025. Work Order Number 19427565. —
- 4/17/2025
  - At 12 p.m., staff visited Pendleton Candy Company with body cam active. I provided them with my contact information and explained to them that we received a complaint about their signs and that we would like to meet with them to discuss the ordinances and how we can work together on a possible solution.
  - John Emmons called staff at 12:05 p.m., and we talked about the violations, and I explained what the complaint was about. I asked him to email me so we could set up a time to meet.
  - John Emmons emailed me at 3:02 p.m. about his availability for a future meeting. I forwarded the email to the Zoning Administrator.
  - Staff answered at 4:41 p.m. and told Mr. Emmons we would be available in the afternoon next week.
- 4/18/2025
  - Mr. Emmons emailed at 12:13 a.m. and asked for a copy of our Zoning Ordinances.
- 4/21/2025
  - At 1:49 p.m., I emailed Mr. Emmons a copy of the complete Zoning Ordinance for the Town of Pendleton. I provided the page numbers where he could find the sign ordinance information. I also asked him to confirm what time on Tuesday or Wednesday would work best for him. We received no response to this email confirming a time he would be able to come up to Town Hall.
- 4/23/2025
  - At 1:54 p.m., I received a call from Town Hall that Mr. Emmons was there to meet with staff. Staff was out of the office at a previously scheduled meeting and unable to respond to Town Hall.
  - Upon returning to the office at 2:56 p.m. I called Mr. Emmons and left a voicemail with my contact information, requesting him to call me back with a new time to meet. I received no response to this message.
- 4/29/2025
  - I emailed Mr. Emmons to follow up from the voicemail I left him on 4/23/2025. In the email, I proposed the date and time of May 7<sup>th</sup> at 1 p.m., to which I received no response.

- 5/22/2025
  - After receiving no response to the above communication attempts, a notice of violation letter “NOV” was sent via US Mail to the business owners.
  
- 6/3/2025
  - Mr. Emmons emailed me and said he would like to meet with us to discuss the violation. I responded and told him we could meet him on June 6<sup>th</sup> at 10:30 a.m. Mr. Emmons did not respond to this email.
  
- 6/6/2025
  - Although we received no response confirming the June 6<sup>th</sup> meeting, staff made sure to make themselves available at this time in case Mr. Emmons arrived at Town Hall.
  - 10:27 a.m. Mr. Emmons came to town hall to meet with staff to discuss further steps. Mr. Emmons was supplied with another copy of the sign ordinance and explained each section. Mr. Emmons stated that the items in question were objects and not signs. Staff informed Mr. Emmons the definition of a sign as outlined in the ordinance. Mr. Emmons asked about the displays currently in the windows of the business and if they were in violation. Staff explained the ordinance dealing with signage in windows.
  - Mr. Emmons asked for a 14-day extension, at which time he said he would either remove everything or be issued a summons. Staff agreed to the 14-day extension, which will end on June 20, 2025.
  
- 6/9/2025
  - I received an email from Mr. Emmons asking for a “Request for Formal Interpretation, Administrative Stay, and Equal Enforcement – Section 6-6 and Decorative Art Displays.
  - During this time, Mrs. Barnes received a FOIA request from Mr. Emmons asking for various documents.
  
- 6/17/2025
  - Pendleton Planning Staff, along with Town Administration, met with Ms. Blackwell on-site to show exactly what was not in compliance with the sign ordinance and to offer remedies to bring her business into compliance.

- 6/19/2025
  - Mr. Poulson, the Zoning Administrator, sent Mr. Emmons a letter summarizing what his business was in violation of and that Code Enforcement had interpreted the Zoning Ordinance correctly. Mr. Poulson also provided Mr. Emmons with options for moving forward with this process.
  
- 6/20/2025
  - Mr. Emmons was sent a response to his email dated 6/9/2025, further outlining the violations found at this address and the role and responsibilities of Code Enforcement.
  
- 08/12/2024
  - Planning staff received an application from Mr. Emmons requesting a variance to our current sign ordinance.
  
- 09/04/2025
  - Staff scheduled a hearing with the Board of Zoning Appeals for this variance request.

# Board of Zoning Appeals Hearing Handout

## The Pendleton Candy Company – Variance Request

**Hearing Date:** September 4, 2025

**Location:** Town of Pendleton Council Chambers

---

### Introduction

- The Pendleton Candy Company is a family-owned business located at 119 N. Mechanic Street.
  - We are recognized statewide and nationally, including in *Southern Living Magazine* and *SC Travel Guide*.
  - Our decorative exterior features are not advertising signs – they are whimsical **art pieces** central to our identity and customer experience.
  - Noted South Carolina artist Steve Jordan of Charleston SC created a painting of our exterior last year. Which is sold in his gallery and in our store.
- 

### The Issue

- Town Code Section 6-6 broadly defines signage and does not clearly distinguish between **commercial signs** (logos, prices, business names) and **decorative art** (whimsical, artistic, or seasonal décor).
  - Enforcement was triggered by a **text message** to a city employee.
  - Starting as an **informal complaint from a competing merchant to a city**, not by a uniform review of all downtown businesses.
  - This creates **selective enforcement**, putting nearly every business at risk.
  - This allows the **weaponization** of the ordinance and the enforcement mechanism.
- 

### Four Required Criteria for Variance

#### 1. Extraordinary and Exceptional Conditions

- Property with irregular façade and divided storefront layout.
- Unusual size/shape limits conventional signage and merchandising space.

#### 2. Unnecessary Hardship

- Strict interpretation would eliminate our artistic identity and harm our ability to attract visitors.
- Our façade cannot accommodate adequate conventional signage.

#### 3. Peculiar to the Property

- Conditions are unique to this property – two joined storefronts, relatively small square footage to storefront window sizes.
- Requires creative use of decorative exterior elements.

#### 4. No Harm to Public Good

- Displays are non-commercial, family-friendly, and enhance the downtown environment.
  - Supports the spirit of the ordinance by strengthening Pendleton’s vibrancy and economy.
- 

### Community Benefits

- Enhances downtown character and tourism appeal.
  - Draws visitors and boosts spending across the Square.
  - **The Pendleton Candy Company performed over 22,000 transactions last year and drew over 60,000 visitors to the Square and our Store.**
  - Sets Pendleton apart as a small-town destination with individuality and creativity.
- 

### Enforcement Concerns

- FOIA records confirm enforcement began with an **informal complaint**, not consistent city review.
  - This precedence risks future targeting of **any successful business** downtown.
  - Allowing this variance protects all merchants from arbitrary enforcement until ordinance is clarified.
- 

### Our Request

- Grant a variance to allow our decorative art pieces to remain.
  - Preserve individuality while the ordinance and enforcement process are updated.
  - Protect downtown businesses by ensuring consistent, fair application of the rules.
- 

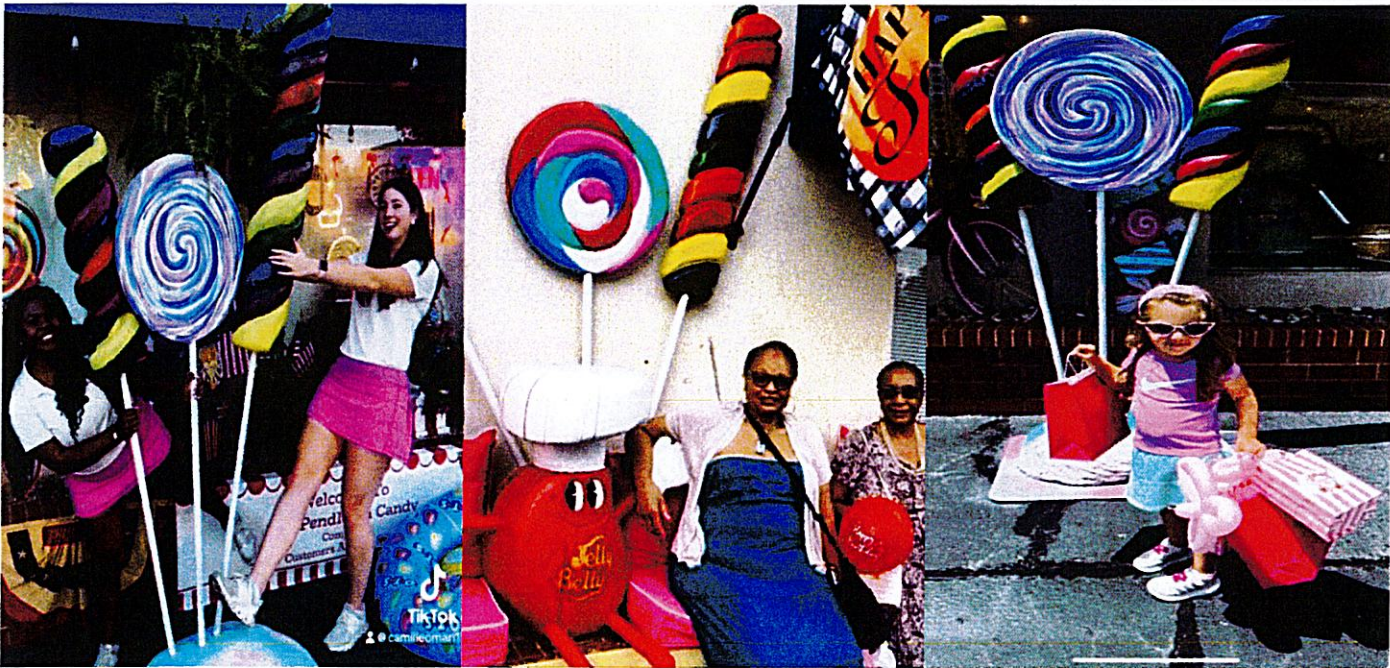
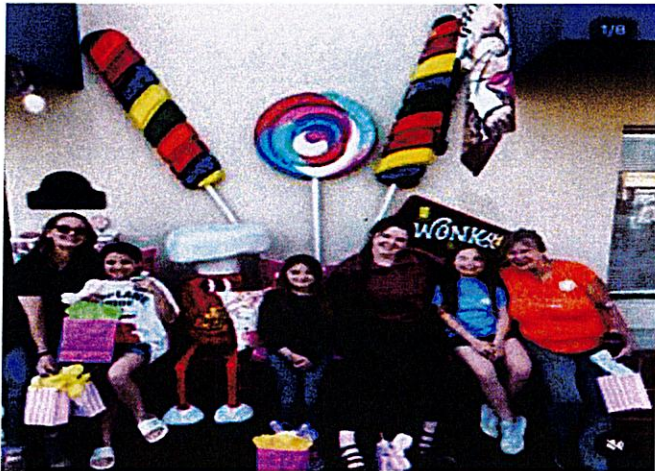
### Appendices (Attached)

- **Appendix A:** Photos of Decorative Art
  - **Appendix B:** Copy of Section 6-6
  - **Appendix C:** Media recognition
  - **Appendix D:** FOIA excerpts showing complaint origins
- 

**Prepared by:**  
Kimberly Blackwell and John Emmons, Owners  
The Pendleton Candy Company



Appendix A: Photos of Decorative Art







## Appendix B: Copy of Section 6-6

### Annotated Excerpt – Section 6-6 Signs (Pendleton Zoning Ordinance, March 2023)

---

#### Purpose (6-6.A)

*“The purpose of this section is to protect the historic character of the Town, encourage attractive appearance, and create a balance between advertising needs and community aesthetics.”*

⚠ **Comment:** These are broad goals but provide no measurable standards. Enforcement becomes subjective because there are no definitions for “attractive” or “balance.”

---

#### General Provisions (6-6.B)

*“Any device, structure, fixture, or representation that is designed to advertise, identify, display, or attract attention shall be considered a sign.”*

⚠ **Comment:** This definition is vague. Words like “representation” or “attract attention” could include **artwork, seasonal decorations, murals, or whimsical props**. No distinction is made between **commercial signs** and **decorative art**.

Anything that can draw attention to your business can be construed as a sign under the verbiage of the ordinance!

---

#### Placement Restrictions (6-6.B.3)

*“Signs shall not be attached to natural features such as rocks, trees, or fences.”*

⚠ **Comment:** Overly broad language. Could extend to planters, painted décor, or artistic displays that are **not** advertising signage.

---

#### Permit and Enforcement (6-6.G)

*“No sign shall be erected, altered, or relocated without a permit. The Zoning Administrator shall administer this section.”*

⚠ **Comment:** Ordinance does not define **standards for evaluation or consistency in enforcement**. In practice, this creates a **complaint-driven system** where one business can trigger enforcement against another.

---

#### Summary of Vagueness

- Section 6-6 **fails to define objective thresholds** (e.g., percentage of window coverage, lettering size, presence of text).
  - It **gives unlimited discretion** to Code Enforcement to decide what counts as a “sign.”
  - Enforcement is **selective and inconsistent**—nearly every downtown business is in violation under current language.
-

## Appendix C: Media recognition

# The Best Candy Shops In Every Southern State

By Symiah Dorsey Published on November 16, 2024



COURTESY OF PENDLETON CANDY COMPANY

### Pendleton

This newcomer to the candy scene has quickly won over the hearts of locals and visitors alike. In its first year, The Pendleton Candy Company earned a 2024 Best of South Carolina Award thanks to enthusiastic votes from customers. This real-life Candyland is filled with shelves of colorful candy, cases of homemade treats, and playful LED-signs. But what truly keeps people coming back is owner Kimberly Blackwell, a mortgage banker turned baker who draws inspiration from her grandmother's recipes to create one-of-a-kind sweets.

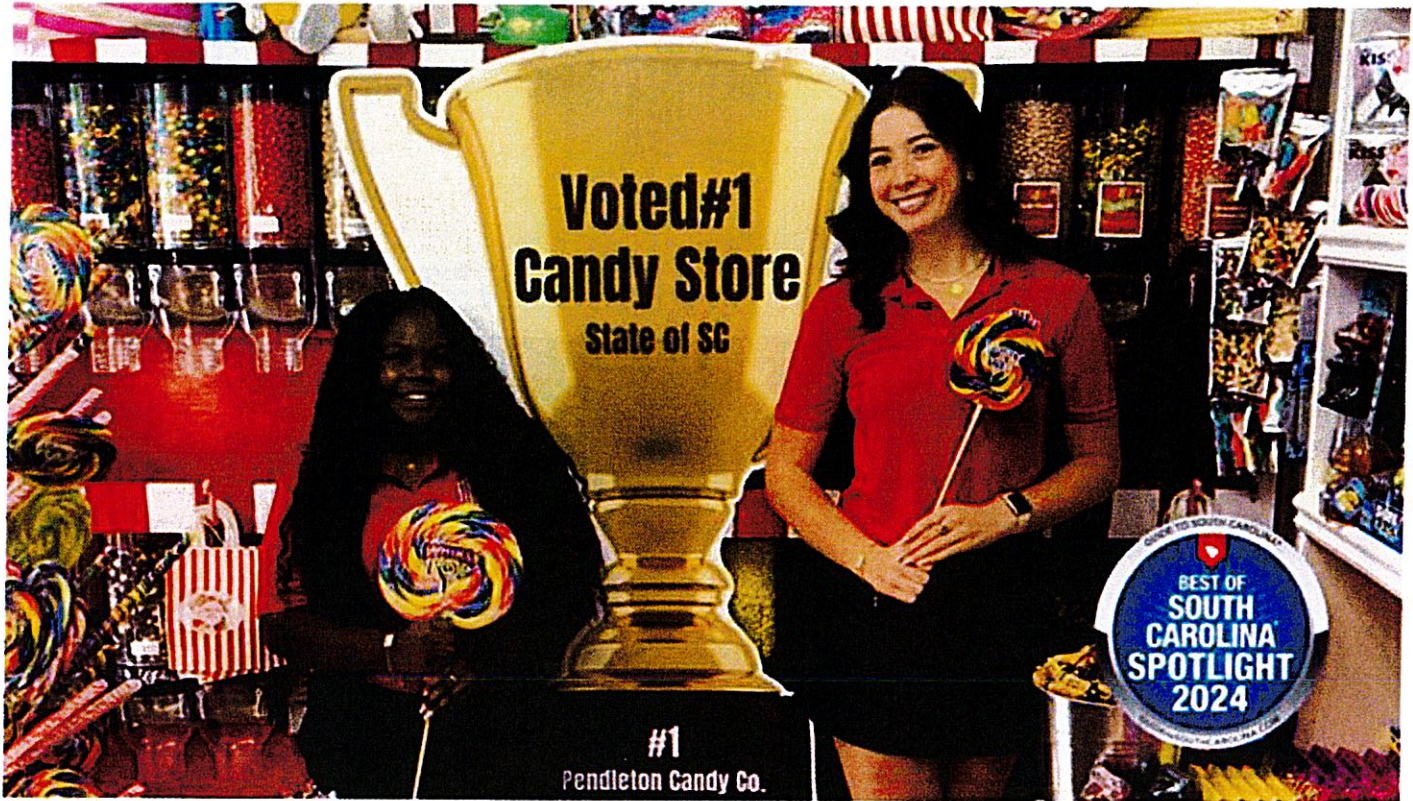
[instagram.com/pendletoncandycompany](https://www.instagram.com/pendletoncandycompany/); 119 N Mechanic St, Pendleton, SC 29670; 703-214-6060



# THE GUIDE TO **SOUTH CAROLINA**

(<https://guidetosouthcarolina.com>)

BUSINESS | INDUSTRY | LIFESTYLE | LEISURE



## From Banker to Baker: The Sweet Story of The Pendleton Candy Company

In the heart of Pendleton, SC, there lies a delightful haven of sweetness that has captured the hearts and taste buds of locals and visitors alike. The Pendleton Candy Company, a newcomer to the town's bustling square, recently snagged a coveted 2024 Best of South Carolina Award, thanks to the enthusiastic votes of its loyal customers. This achievement shines a spotlight on not just the store's delectable offerings, but also on the entrepreneurial spirit that thrives in small-town America.

## Appendix D: FOIA showing complaint origins

Received 6-10-25 AB

**John Emmons**  
Pendleton Candy Company  
119 N. Mechanic Street  
Pendleton, SC 29670  
johnmemmons@aol.com  
312-636-7260

6/9/2025

### VIA EMAIL AND CERTIFIED MAIL

FOIA Officer / Town Clerk  
Amber L. Barnes  
Town of Pendleton  
310 Greenville Street  
Pendleton, SC 29670  
amberb@townofpendleton.org

### RE: Freedom of Information Act Request – Anonymous Complaint & Enforcement Records

To Whom It May Concern:

Pursuant to the South Carolina Freedom of Information Act (SC Code Ann. § 30-4-10 et seq.), I respectfully request copies of the following records related to the Town of Pendleton's zoning enforcement action against Pendleton Candy Company:

1. Any and all complaints—verbal, written, or electronic—received by the Town regarding Pendleton Candy Company (119 N. Mechanic Street) from **July 1, 2023 to present**, including any references to "signage," "decorations," "zoning," or "code enforcement."
2. Records indicating whether the complaint(s) were anonymous or submitted by identified individuals.
3. Internal correspondence, emails, or notes from Town staff discussing enforcement action, investigation, or response related to Pendleton Candy Company during the same period.
4. Any photographs, staff memos, or formal reports created as part of the investigation or enforcement process.

Please notify me of any associated fees in advance if the estimated cost exceeds \$50. I request that all responsive records be delivered in electronic format, if available.

Thank you for your attention to this request. Please contact me if any clarification is needed.

Sincerely,  
**John Emmons**



9:46

LTE



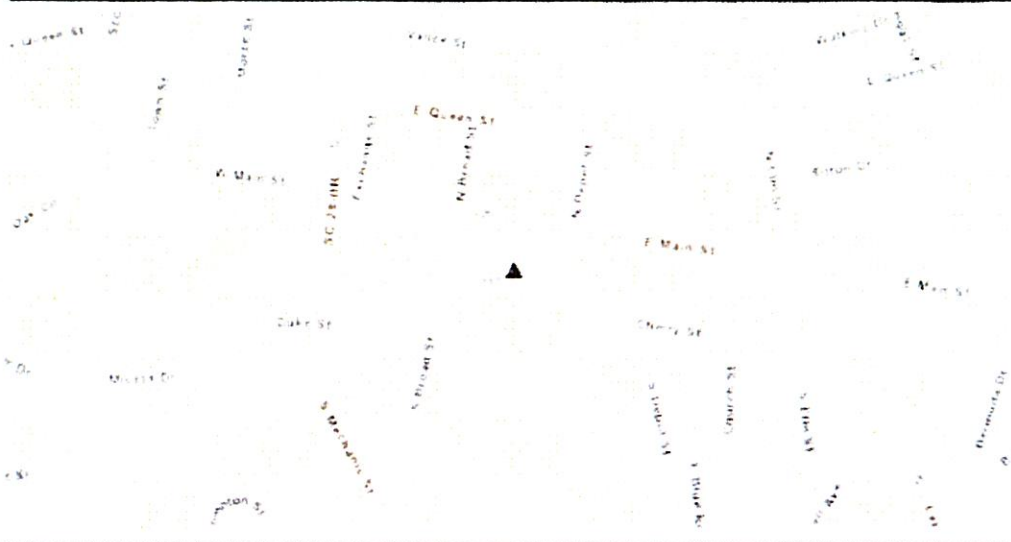
Terri

Mon, Nov 25 at 11:51 AM

Amber FYI, a former business owner went to the candy store and asked how they could have so much stuff out, because she couldn't when she was in town. She was told that they are #1 even in Southern Living, and it is private property. (Some guy told her this). Just thought you would like to know. Hope you are getting ready for an amazing Thanksgiving day!!

Mon, Nov 25 at 3:03 PM

Hey! Thanks for sharing and I will share with code enforcement. Happy Thanksgiving to you too!



Total Cost

50.00

**Equipment**

Start Date	ID	Total Usage	Total Cost
			\$0.00

**Materials**

Start Date	ID	Quantity	Total Cost
			\$0.00

**Grand Total Cost: \$0.00**

# Town of Pendleton

*History. Hospitality. Happenings...HOME*



Frank H. Crenshaw  
Mayor

Steven Miller  
Administrator

Amber Barnes  
Asst. Administrator

May 21, 2025  
Pendleton Candy Company  
119 North Mechanic Street  
Pendleton, SC 29670

Dear Owners,

Our office has received a complaint about your business located at 119 North Mechanic Street, Pendleton, SC. The signs and items located at the front of the store violate our zoning ordinance regulating signs in the Town of Pendleton. Please see the picture included with this letter for reference.

Section 6-6 Sign Regulations, Article C.3- Prohibited Signs states the following  
"Signs or advertising devices attached to or painted on a fence, accessory structure, dumpster enclosure, power or telephone pole, stone, or any other natural feature, or **placed within a parking space or loading zone**. Sponsorship signs per **Section 6-6(D)(15)** that are placed on fences at recreation facilities shall be allowed, and are an exception to this prohibition."

It is imperative that you contact me within (14) days of the date of this letter to discuss the necessary action to correct these violations. Failure to contact Code Enforcement or correct the violation will result in the issuance of violation summons and could subsequently result in fine or corrective action by the Town of Pendleton.

Your prompt response to this matter is appreciated.

## COUNCIL

Lyn Merchant  
Ward 1

Barbara Hamberg  
Ward 2

Vince Gaulin  
Ward 3

Jeffrey Van Drie  
Ward 4

Sincerely,

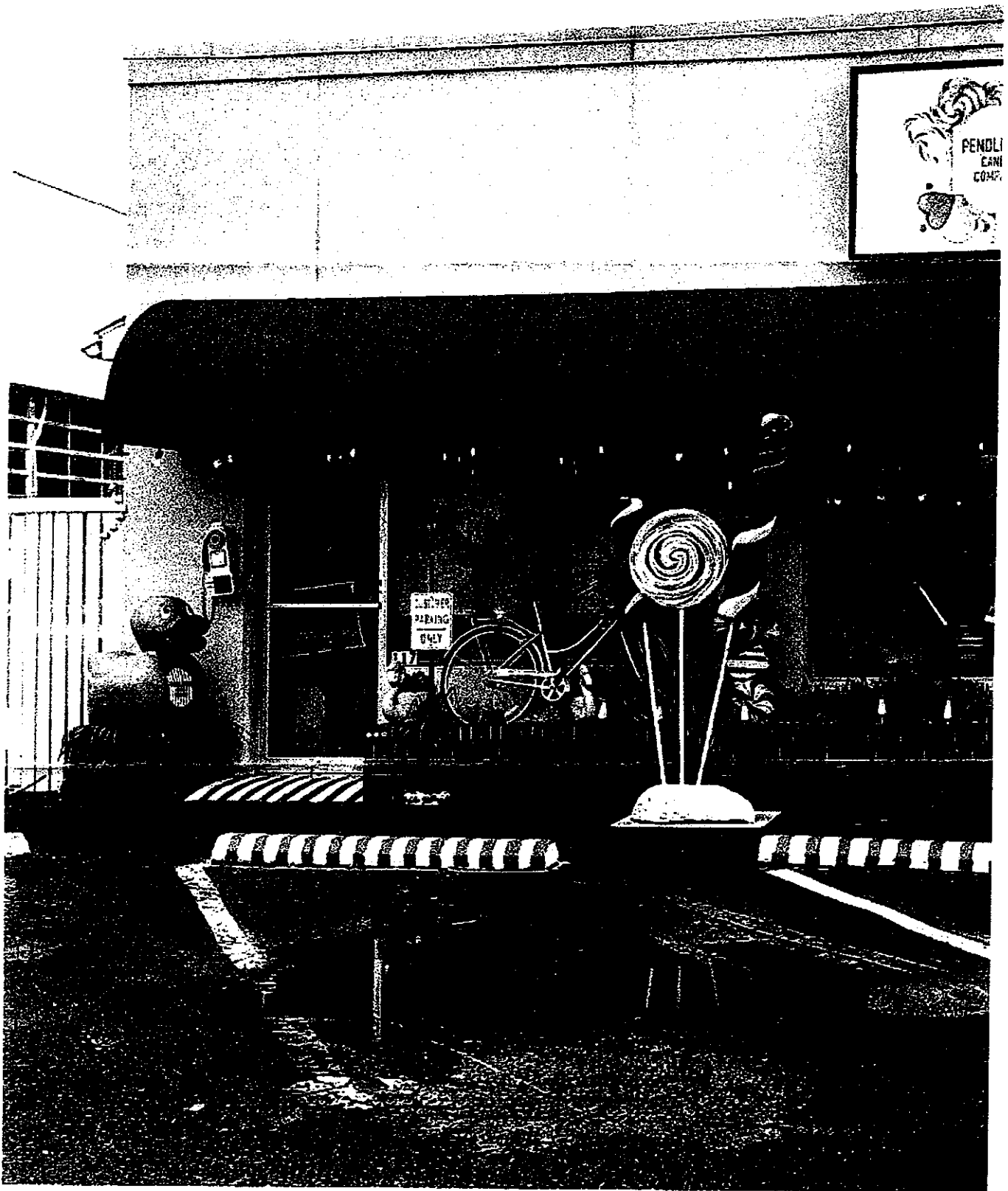
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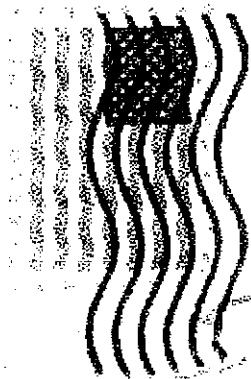




TOWN OF PENDLETON  
310 GREENVILLE ST  
PENDLETON SC 29670-1419

Pendleton Candy Company  
119 N. Mechanic St  
Pendleton, SC 29670

GREENVILLE SC 296  
22 MAY 2025 PM 2 L



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