



# 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

#### **AGENDA:**

1. Call to Order:
2. Approval of prior meeting minutes: From the meeting of July 03, 2025
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.
  - 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.
4. Public Comments:
5. 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.
  - 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.
6. Adjournment:



# 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  
Regular Meeting, July 03, 2025  
Pendleton Town Hall, 6 pm

## MINUTES:

### 1. Election of Chair and Vice-Chair for 2025:

Planning Staff asked the Board for nominations for Chairperson for the Board of Zoning Appeals for 2025. Ms. Edwards nominated Ms. Jennifer Crenshaw as Chairperson, which Ms. Patterson seconded. All members voted in favor of, and Ms. Crenshaw will serve as the Chairperson for the Board of Zoning Appeals for 2025.

Staff asked the Board to nominate a vice-chair for 2025. Ms. Edwards nominated Mr. Terence Hassan which Ms. Patterson seconded. All members voted in favor of, and Mr. Hassan will serve as the Vice-Chairperson for the Board of Zoning Appeals for 2025.

### 2. Call to Order

Ms. Brothers called the meeting to order at 6:04 pm.

### 3. Approval of prior meeting minutes: From the meeting of December 05, 2024

Ms. Brothers requested a motion to approve the December 5, 2024, meeting minutes. Ms. Edwards made a motion to approve the minutes as submitted, which Ms. Brothers seconded. All members voted in favor at 6:05 pm.

### 4. Public Comments:

With no public in attendance, no public comments were made.

### 5. Action Item:

- a. None to Consider.

### 6. Adjournment:

With no further business, Ms. Brothers made a motion to adjourn at 6:08 pm. Ms. Edwards seconded this motion, with all members voting in favor of.

Chairperson: \_\_\_\_\_ Date: \_\_\_\_\_





# PENDLETON

## SOUTH CAROLINA

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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.



# PENDLETON

SOUTH CAROLINA  
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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.



# PENDLETON

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.

**Staff Recommendation:**

Staff recommend **DENYING** the variance request from the applicant based on the current Town of Pendleton Sign Ordinances and because enforcing these ordinances does not satisfy all four requirements needed to grant a variance.

**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

ATTACHMENT: A



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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: \_\_\_\_\_

Receipt number: \_\_\_\_\_

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

Hearing Date: 9/4/2025

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

TOWN STAFF RECOMMENDATION:

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

DENIED: ☒

BOARD OF ZONING APPEALS DECISION:

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

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

Comments: \_\_\_\_\_



# 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

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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

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3. Such conditions are peculiar to the piece of property involved. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

See Attached

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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, 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

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**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.

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**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.

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**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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Sincerely,

John Emmons

Co-Owner, The Pendleton Candy Company

312-636-7260

johnmemmons@aol.com

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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

ATTACHMENT: B

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

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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.

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Barbara Hamberg  
Ward 2

Vince Gaulin  
Ward 3

Jeffrey Van Drie  
Ward 4

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## 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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---

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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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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

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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.

### 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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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.

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

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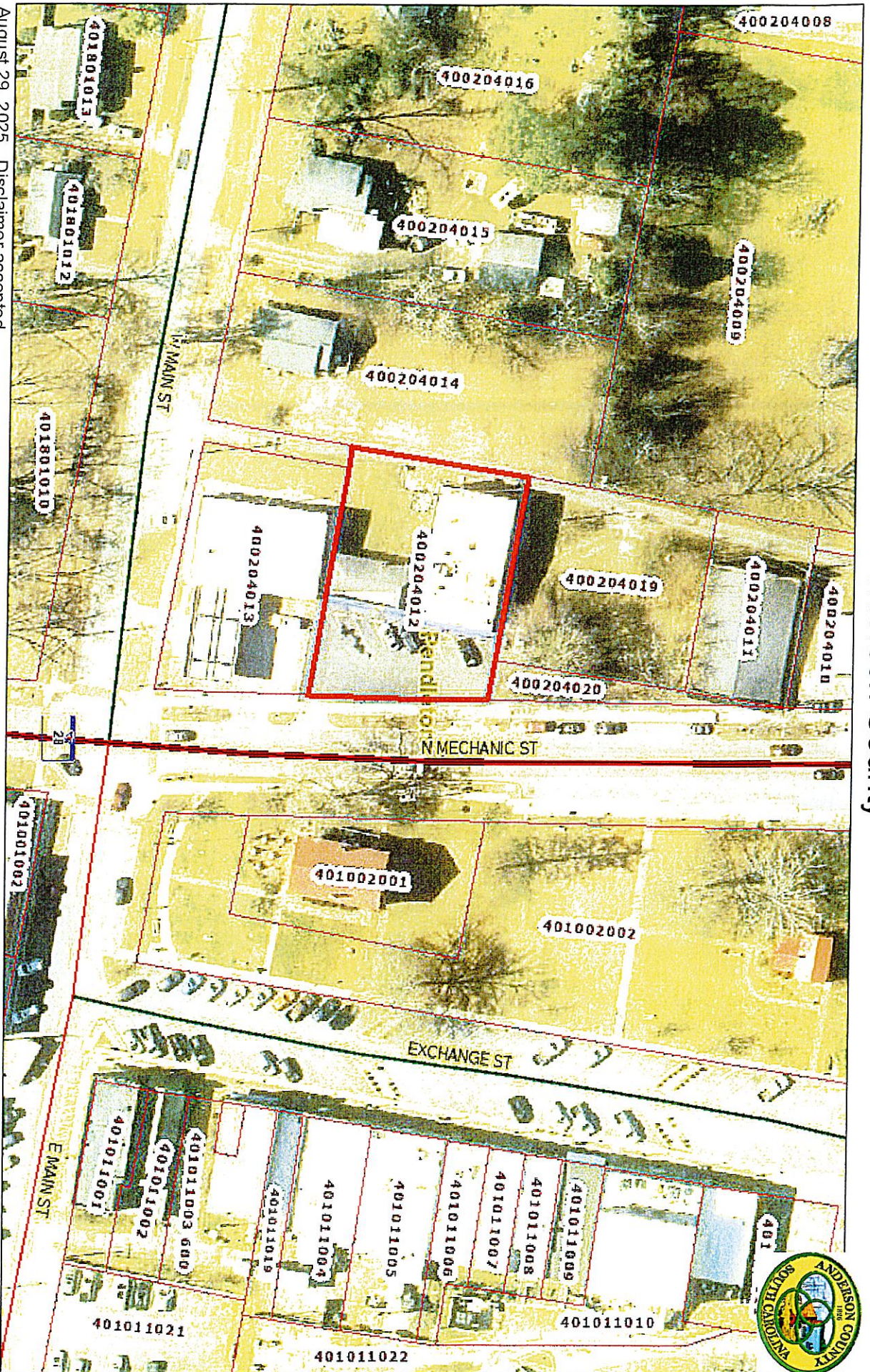
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CC: Kimberly Blackwell

# Anderson County

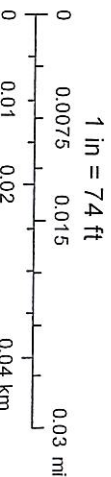


August 29, 2025 Disclaimer accepted.

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  
 Zip Code: 29601  
 Deed Page: 168  
 Description: N MECHANIC ST .31 AC  
 Current Plat: CP S 2953/2  
 Sale Price: \$400,000  
 Market Value: \$216,700



Anderson County GIS



ESRI, HighLand Mapping, and Anderson County GIS

ATTACHMENT: C



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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.



**Staff Report to the Town of Pendleton Board of Zoning Appeals for consideration of an application seeking a request to be acknowledged as an existing non-conforming use for their business located at 315 Brown Road. TMS #39-06-01-011**

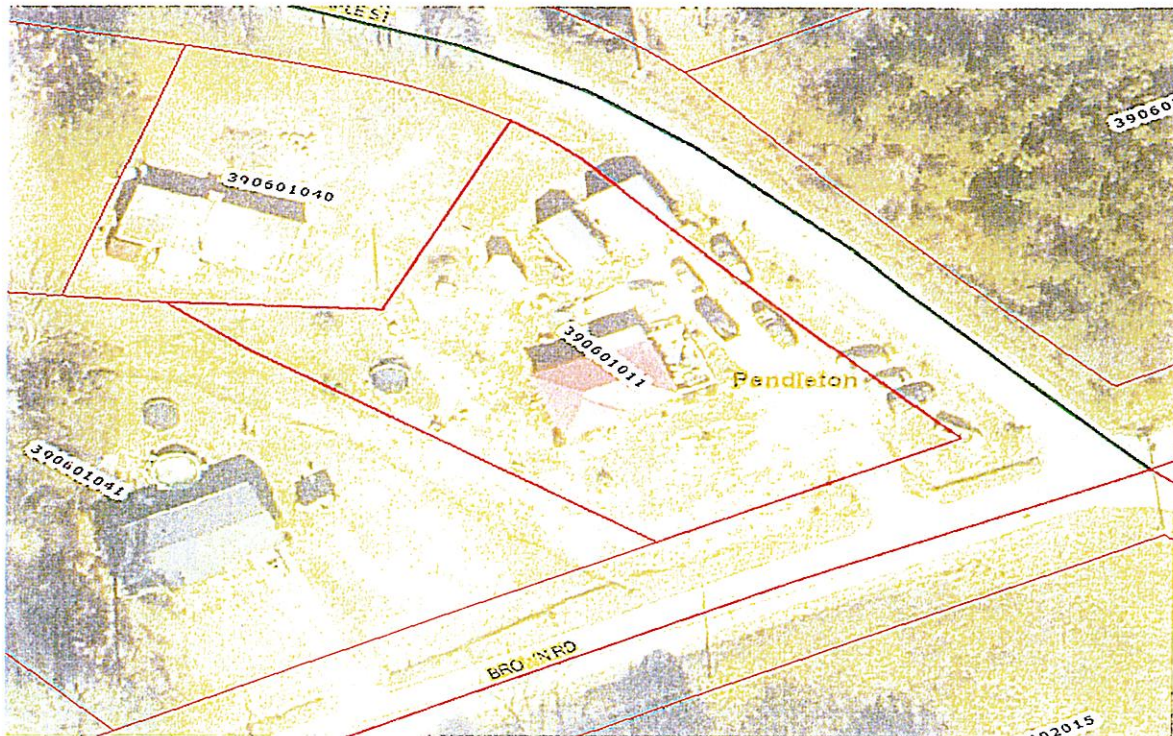
**Date of Report:** August 28, 2025

**Report By:** Owen Rines, Assistant Town Planner & Code Enforcement

**Applicant:** Mr. Michael Brown

**Request:** The applicant is requesting recognition and interpretation that this property, located at 315 Brown Road, has a grandfathered non-conforming use exemption to mitigate apparent violations from the current Zoning Ordinances and allowable uses.

**Property Location:** 315 Brown Road, Pendleton, SC. TMS #39-06-01-011



**Existing Zoning:** Low-Density Residential – R2



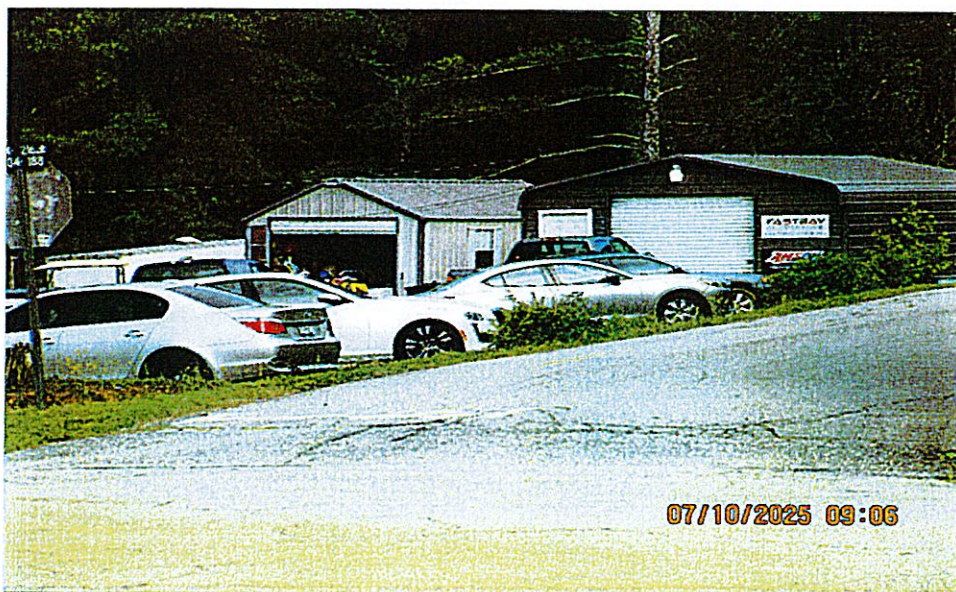
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**Purpose of Request:** Mr. Brown is seeking to request that his business at 315 Brown Road, Fastbay Automotive, be recognized as an existing non-conforming use. He maintains that Fastbay Automotive has been in continuous business at 315 Brown Road since before the adoption of zoning laws in the Town of Pendleton. Under our current Ordinance a non-conforming use is, *["Where buildings or uses legally existing on the effective date of this Ordinance are not in conformity with the provisions of this Ordinance, it is the intent and purpose of this Section to declare such buildings and uses within the Town of Pendleton to be non-conforming and detrimental to the orderly development of the Town and to eliminate such non-conforming uses and buildings as quickly as possible consistent with the rights of the owners and users thereof, for the purpose of protecting the public health, safety and general welfare."]*

**Future Land Use Map:** Low-Density Residential – R2

**Existing Conditions:** The property is currently being used both as a residence and as an on-site automotive repair shop. While the repair shop may offer a convenient option for nearby residents, this use is not permitted under the Low-Density Residential (R-2) zoning designation assigned to the property. The only allowable form of home-based business at this location would be an off-site automotive repair service, for which the applicant already holds a valid business license.





# PENDLETON

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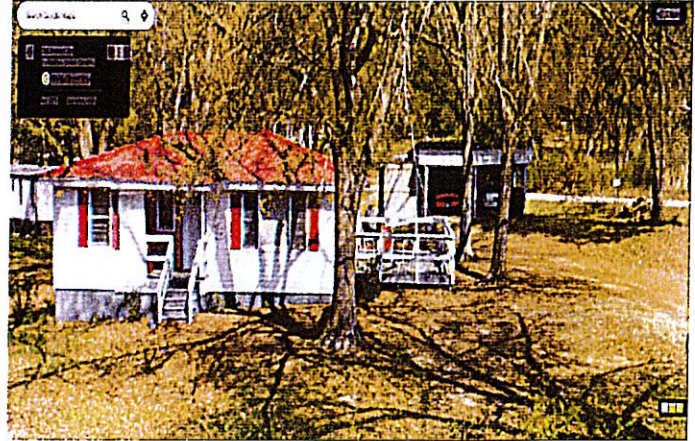
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## Reason for Request:

**Section 4-1(F) Table of Uses** prohibits all automotive businesses within the R-2 district. Fastbay Automotive did not begin operating at 315 Brown Road until March 2022. Previously, an automotive repair business known as Steve's Auto Service was located at 107 Maple Street, but that business closed in 2020. Additionally, Steve's Auto Service was never located at 315 Brown Road and had ceased operations well before Fastbay Automotive opened. While both businesses were operated by family members, the prior business was at a different location and had been closed for more than 30 days before activity began at 315 Brown Road. Under the current zoning ordinance, this lapse constitutes an abandonment of use, requiring the property to conform to the current zoning ordinances regulating home-based businesses, and nullifies any grandfather clause. The business license for 315 Brown Road, Fastbay Automotive, was applied for on March 7<sup>th</sup>, 2022. The original application was for an automotive shop, which Town Staff denied because it was in direct violation of the zoning of that property. Fastbay Automotive reapplied as a "MOBILE AUTO REPAIR(OFF-SITE)".



107 Maple Street (2013)



315 Brown Road (2013)



# PENDLETON

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**Section 11-3 Non-Conforming Uses and Structures (C)** states, "A non-conforming use of a building or land which has been abandoned permanently or temporarily for any reason for a period of thirty (30) days shall not thereafter be re-established except in conformity with the provisions of this Ordinance.

## 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.



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### ARTICLE 4 USE REGULATIONS

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#### SECTIONS:

SECTION 4-1	TABLE OF USES
SECTION 4-2	STANDARDS FOR CONDITIONAL USES
SECTION 4-3	ACCESSORY USES AND STRUCTURES
SECTION 4-4	TEMPORARY USES AND STRUCTURES

#### SECTION 4-1 TABLE OF USES

- A. P - Permitted uses. A "P" in a cell indicates that a use category is allowed by right in the respective district, subject to compliance with the use-specific regulations set forth in the final column of the table. Permitted uses are subject to all other applicable regulations of this chapter, including those set forth in Article 6, Development and Design Standards.
- B. C - Conditional uses. A "C" in a cell indicates that a use category is allowed conditionally in the respective district, subject to compliance with the use-specific regulations set forth in the final column of the table and administrative approval in the form of an Ordinance Compliance Letter in accordance with the procedures of Article 7, Procedures and Administration.
- C. S - Special exception uses. An "S" in a cell indicates that a use category is allowed only if reviewed and approved as a special exception in accordance with the special exception review procedures of Article 9, Board of Zoning Appeals.
- D. Prohibited uses.
1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, toxic, or explosive materials in violation of the state fire code.
  2. Rendering plants.
  3. Stripping excavating, or otherwise removal of topsoil for sale in any residential district.
  4. Slaughter houses/meat packaging plants.
  5. The display and sale of motor vehicles except for approved auto/truck/recreational vehicle sales establishments.
  6. The repair of more than one motor vehicle owned by a person living at a residence.



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7. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
  8. The use of a motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other business conducted unless expressly allowed herein or elsewhere in the Town of Pendleton Code of Ordinances.
- E. Uses not listed. The Zoning Administrator shall determine whether or not an unlisted use is consistent with an existing use type, or is substantially similar to an already defined use type.
- F. Table of Uses.

USE TYPE	CO	AF	R-1	R-2	R-3	R-4	MF	CB	NC	AB	LI
<b>A. RESIDENTIAL USES</b>											
Single-Family Dwelling	-	P	P	P	P	P	P	-	-	-	-
Manufactured Home	-	-	-	-	-	C	-	-	-	-	-
Live-Work Unit	-	-	-	-	-	-	-	-	P	-	-
Duplex Dwelling	-	-	-	-	-	-	P	-	-	-	-
Townhouse Development	-	-	-	-	-	-	P	-	-	-	-
Multi-family Development	-	-	-	-	-	-	P	-	-	-	-
Residential Accessory Dwelling	A	A	-	-	-	-	-	A	A	A	A
<b>B. PUBLIC AND INSTITUTIONAL USES</b>											
Veterinary Services	-	P	-	-	-	-	-	-	-	P	-
<b>C. SERVICES</b>											
Appliance Repair and Maintenance	-	-	-	-	-	-	-	-	-	P	-
Automotive Body, Paint, and Interior Repair and Maintenance	-	-	-	-	-	-	-	-	-	P	-
Automotive Glass Replacement Shops	-	-	-	-	-	-	-	-	-	P	-
Automotive Mechanical and Electrical Repair and Maintenance	-	-	-	-	-	-	-	-	-	P	-
Automotive Oil Change and Lubrication Shops	-	-	-	-	-	-	-	-	-	P	-
Barbershops, Beauty Salons, Nail Salons, and Other Personal Care Services (except tattoo and body art parlors)	-	-	-	-	-	-	-	P	P	P	-
Boarding Kennels	-	P	-	-	-	-	-	-	-	-	-
Cafeteria, Grill Buffet, and Buffet	-	-	-	-	-	-	-	-	-	P	-
Car Washes	-	-	-	-	-	-	-	-	-	P	-
Cemeteries and Crematories	P	A	C	C	C	C	C	-	-	-	-
Coin-operated Laundromats	-	-	-	-	-	-	-	-	P	P	-
Consumer Electronics, Computer and Office Machine, and Other Electronic and Precision Equipment Repair and Maintenance	-	-	-	-	-	-	-	-	-	P	-
Drinking Places	-	-	-	-	-	-	-	P	-	P	-
Dry cleaning and Laundry Services (except Coin-operated)	-	-	-	-	-	-	-	P	P	P	-
Food Trucks	-	-	-	-	-	-	-	C	C	C	C
Footwear and Leather Goods Repair	-	-	-	-	-	-	-	P	P	P	-
Funeral Homes and Funeral Services (except Crematories)	-	-	-	-	-	-	-	-	-	P	-



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**Non-conforming** means lots, structures, uses of land and structures, and characteristics of uses which are prohibited under the terms of this chapter, but were lawful at the date of enactment of this chapter.

**Staff Recommendation:**

Staff recommends **DENYING** the request to be recognized as a grandfathered non-conforming use and exempt from the current Town of Pendleton Zoning Ordinance.

**ATTACHMENTS:**

Attachment A: Application for Interpretation and recognition of non-conforming use

Attachment B: Pictures

Attachment C: Map of the Area

Attachment D: Legal Ad



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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 11-3

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

Property Address: 315 Brown Rd. Pendleton

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

Zoning District: \_\_\_\_\_ Tax Map Number: 31060101

Applicant(s) Name (if other than owner): Michael Brown

Address: 315 Brown Rd. Pendleton

Phone number: 804-332-7145

Email: fixmycar-mike@gmail.com

Applicant(s) Signature: Mike Brown

Owner(s) Name: Michael Brown

Address: 315 Brown Rd. Pendleton

Phone number: 804-332-7145

Email: fixmycar-mike@gmail.com

Owner(s) Signature: Mike Brown

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

Date received: 8/11/2025

Fee Paid: \$200.00

Receipt number: 441438

Date Advertised: 8/13/2025

Hearing Date: 9/4/2025

Date Sign Posted: 8/15/2025

TOWN STAFF RECOMMENDATION:

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

DENIED: ☒

BOARD OF ZONING APPEALS DECISION:

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

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

Comments: \_\_\_\_\_



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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: \_\_\_\_\_

The Current Zoning Ordinance was adopted on March 7, 2023 and has the following district definitions

R-2, Low-Density Residential District. A district for low-density one-family dwellings situated on lots having a minimum area of ten thousand (10,000) square feet, and including customary secondary uses.

R-4, Medium-Density Mixed Residential District. A district for medium-density one-family dwellings situated on individual lots having a minimum area of eight thousand (8,000) square feet, and including customary secondary uses.

AF, Agricultural-Forest District. Primarily a district for general farming and tree growing purposes as well as certain specialized residential, recreational or other public purposes, and including customary secondary uses.

This petition is a request for recognition of an existing non-conforming use to mitigate apparent violations. The applicant is seeking recognition of the existing non-conforming use provisions of the existing Town of Pendleton Zoning Ordinances.

#### SECTION 11-3 NON-CONFORMING STRUCTURES AND USES

Where buildings or uses legally existing on the effective date of this Ordinance are not in conformity with the provisions of this Ordinance, it is the intent and purpose of this Section to declare such buildings and uses within the Town of Pendleton to be non-conforming and detrimental to the orderly development of the Town and to eliminate such non-conforming uses and buildings as quickly as possible consistent with the rights of the owners and users thereof, for the purpose of protecting the public health, safety and general welfare.

A. Continuing Existing Uses. Any use, building, or structure, existing at the time of enactment of this Ordinance, which does not conform to the provisions of this Ordinance for the District in which it is located shall be deemed to be a non-conforming use and may be continued only as hereinafter specified.

Change of Use. Once changed to a conforming use, no building or use of land shall be permitted to revert to a non-conforming use.

Abandonment of Use. A non-conforming use of a building or land which has been abandoned permanently or temporarily for any reason for a period of thirty (30) days shall not thereafter be re-established except in conformity with the provisions of this Ordinance.

Repairs, Alteration, and Maintenance. Ordinary non-structural repairs, alterations, or maintenance may be made to a non-conforming structure as required to keep it in sound condition. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition for any part of any building or structure declared unsafe by proper authority.

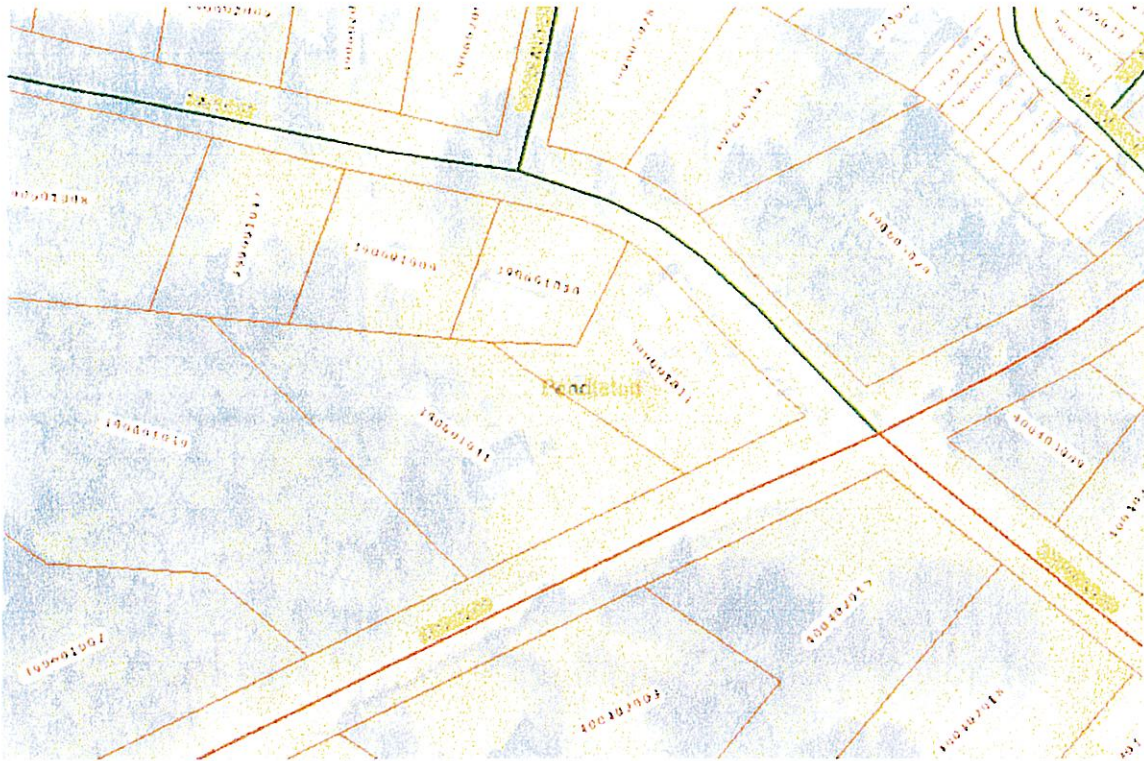
The applicant is not seeking special consideration, only the recognition that the business at 315 Brown Road existed long before there were zoning ordinances in

Pendleton and has had a continuously operated business at this location. The applicant seeks recognition of this non-conforming existing use to abate current and potential future misunderstandings regarding the operation of a business on this property.

1. Extraordinary and exceptional conditions pertaining to this property because of size, shape, or topography.

This property does not seek relief due to the physical characteristics of the parcel or the land on the property. The long existing business at this property has operated successfully and services on average 8-10 cars per week, with many weeks operating with fewer. The business does not significantly add to the traffic on the already busy state maintained Brown Road, which serves as a connector between Central Road and North Mechanic Street.





2. The application of this ordinance on this particular piece of property would create an unnecessary hardship

The business at 315 Brown Road has been in continuous operation for over 50 years and is the income and work for the residents at this address. This is a generational business that has operated for three generations of Brown Family. The applicant is requesting that the existing non-conforming use be acknowledged and put in writing through the action of the Board of Zoning Appeals. The application is not seeking special consideration, only the acknowledgement of current ordinance.

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

The business use of this property is generational in nature and has existed long before the zoning ordinances were developed and adopted. There are a few other properties in Pendleton that follow this pattern, but these businesses are not in question for this applicant. As Pendleton grows and the historic family businesses age out there will naturally be fewer non-conforming existing uses. It is unique to Pendleton to embrace our historic businesses and the families that built and established the Town. The applicant feels this is a legacy business and causing it to shut down would be an economic hardship to the family, a disservice to Pendleton's historic mission, and would violate Pendleton's own Zoning Ordinance.

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

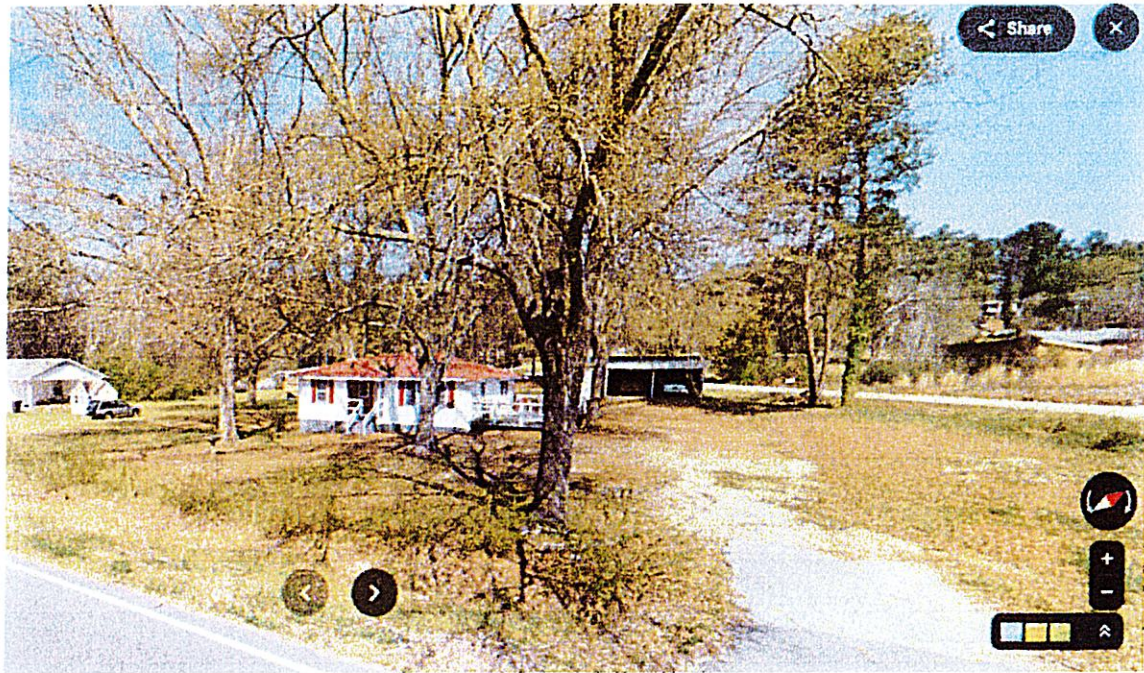
The business at 315 Brown Road is an existing non-conforming use that was established prior to the zoning ordinances. The Relief the applicant is seeking is for the Town to acknowledge its own Zoning Ordinance provisions. The business exists on a state-maintained road that has significant traffic as Brown Road is a connection between Central Road and North Mechanic and eventual to highway 76. As traffic increases in town due to intense residential development, many travelers seek to avoid passing through the village green and avail themselves of the relatively free flow along brown Road. The business on Brown Road does not significantly impact this traffic flow and therefore does not impact the Town's Land Use Plan.

The applicant reserves the right to provide additional information or detail at the time of the Board of Zoning Appeals meeting due to the relatively short time window available for response.

Street View 2025



2013 Street View

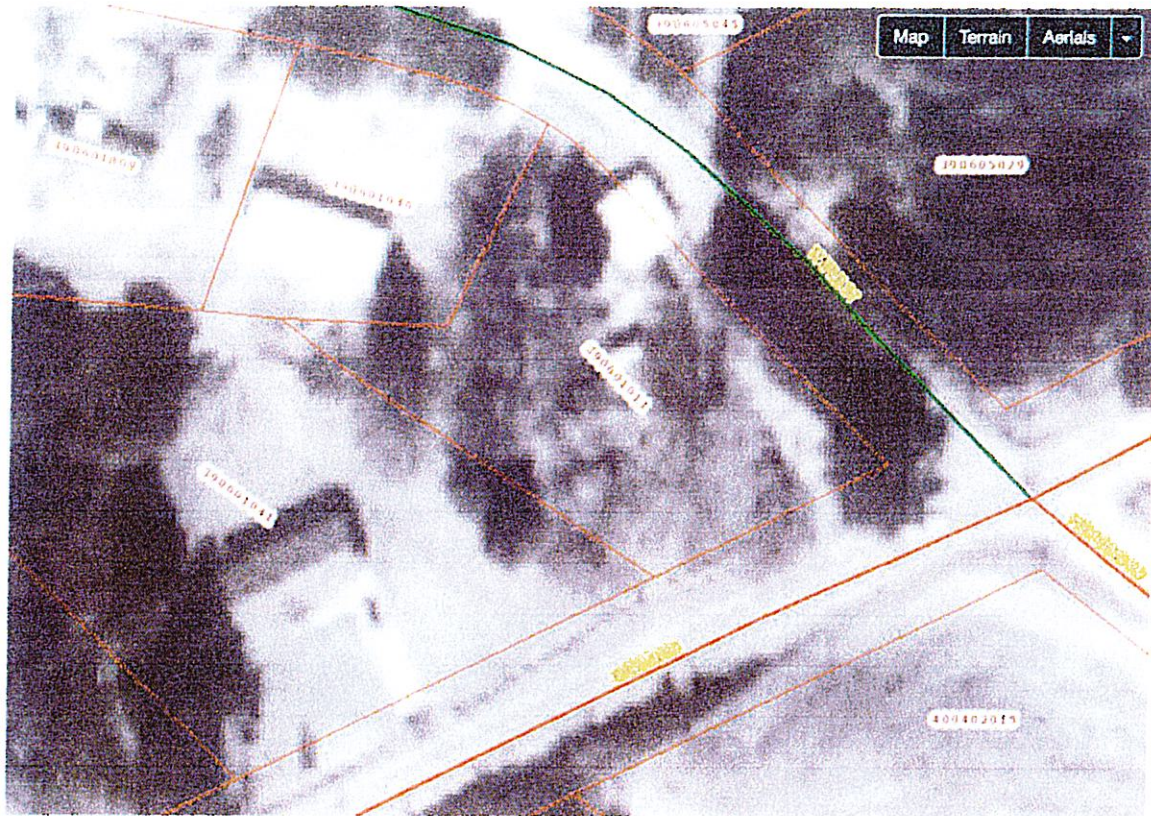


Street View 2019



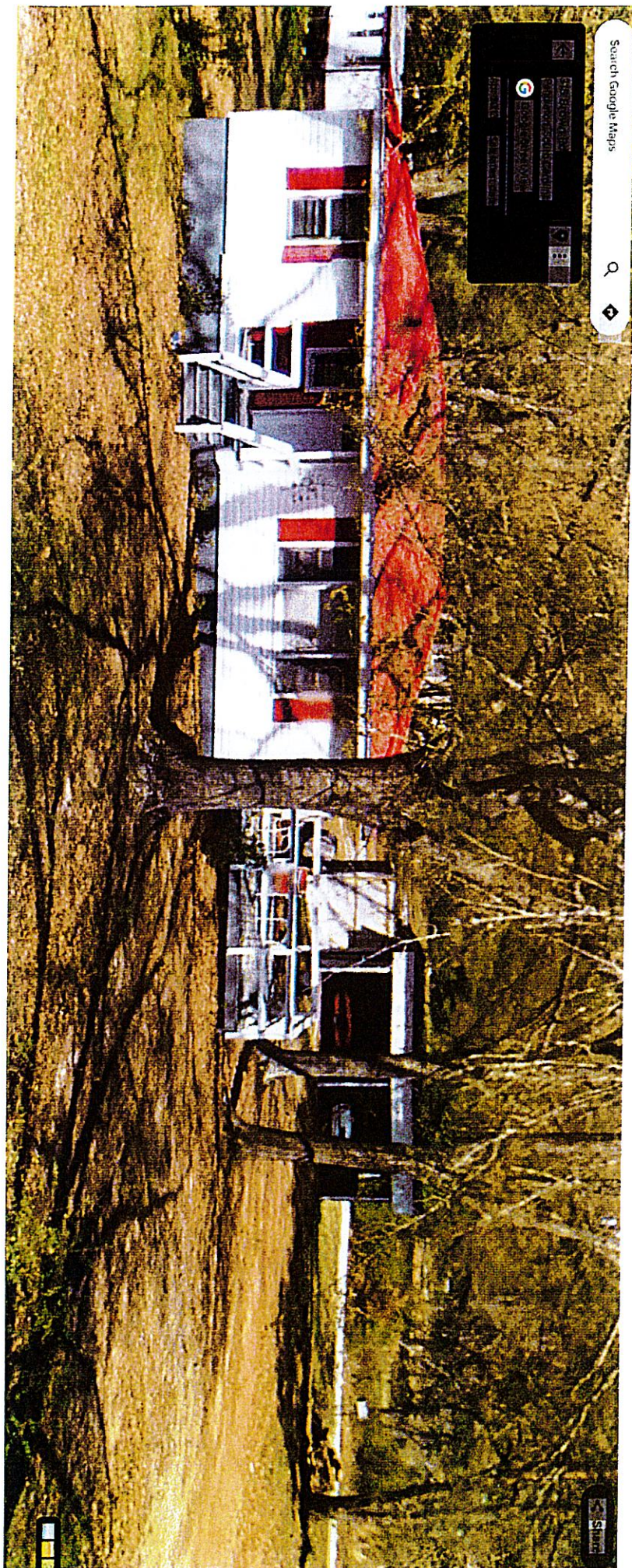
## Aerial Imagery From GIS

1995

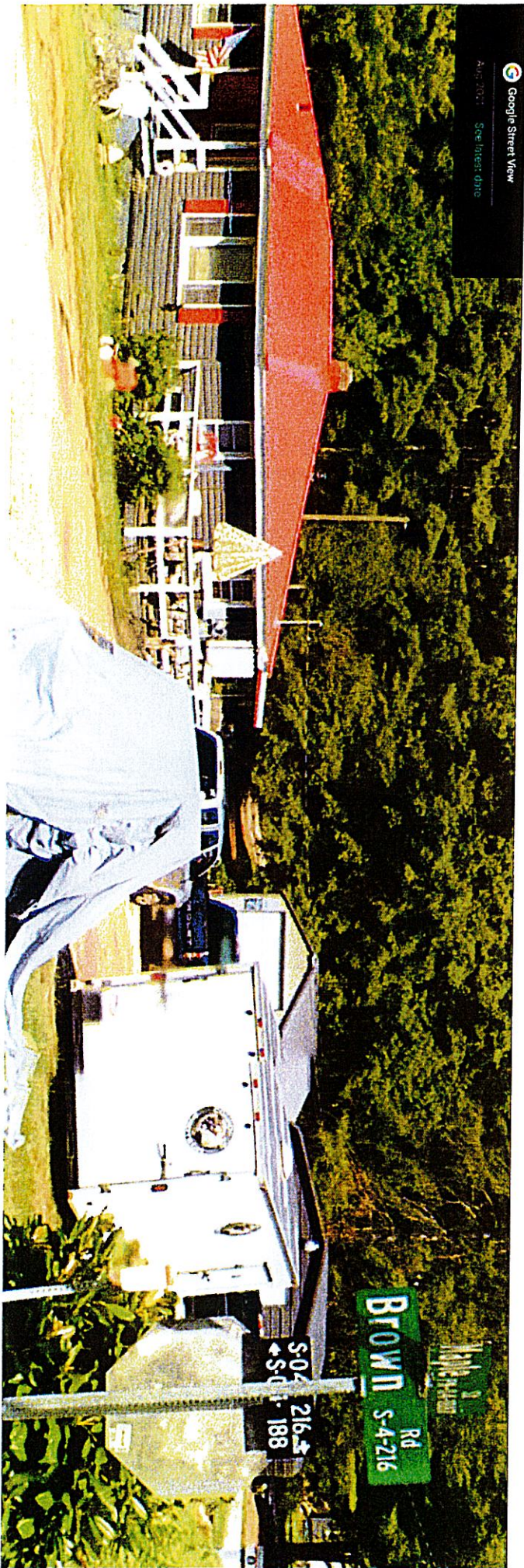


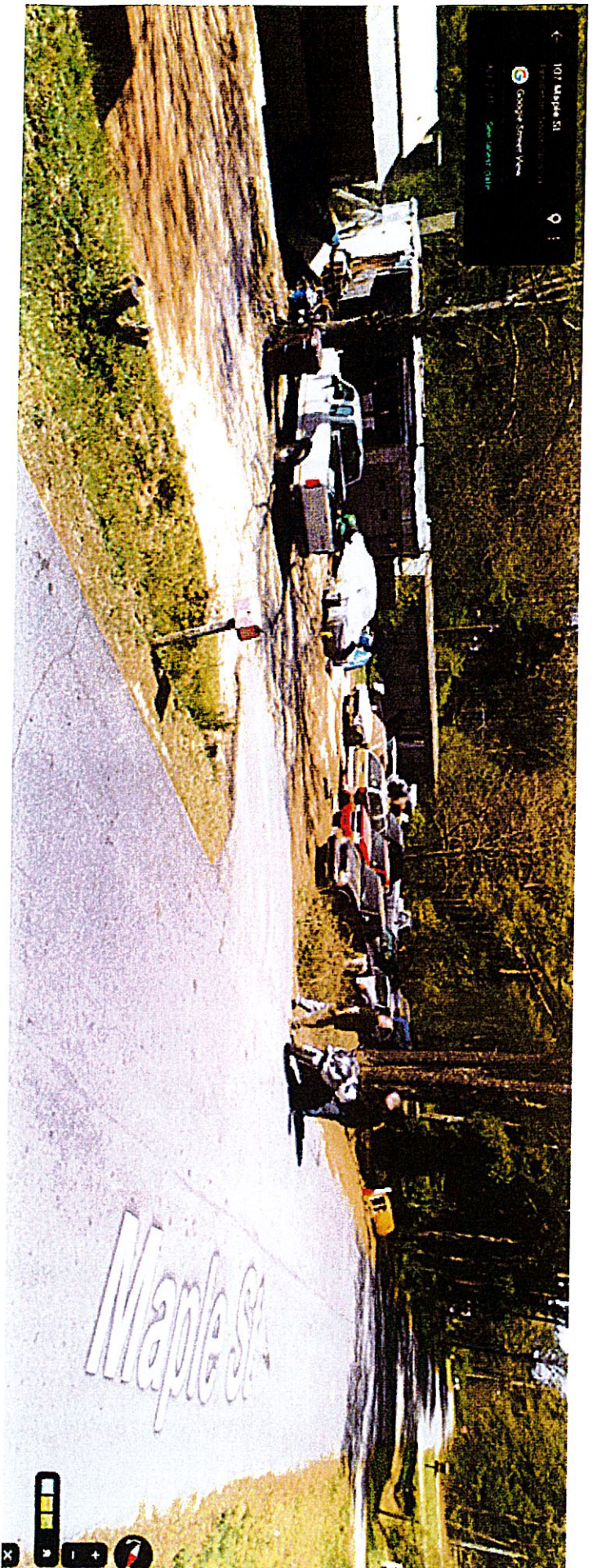
2005

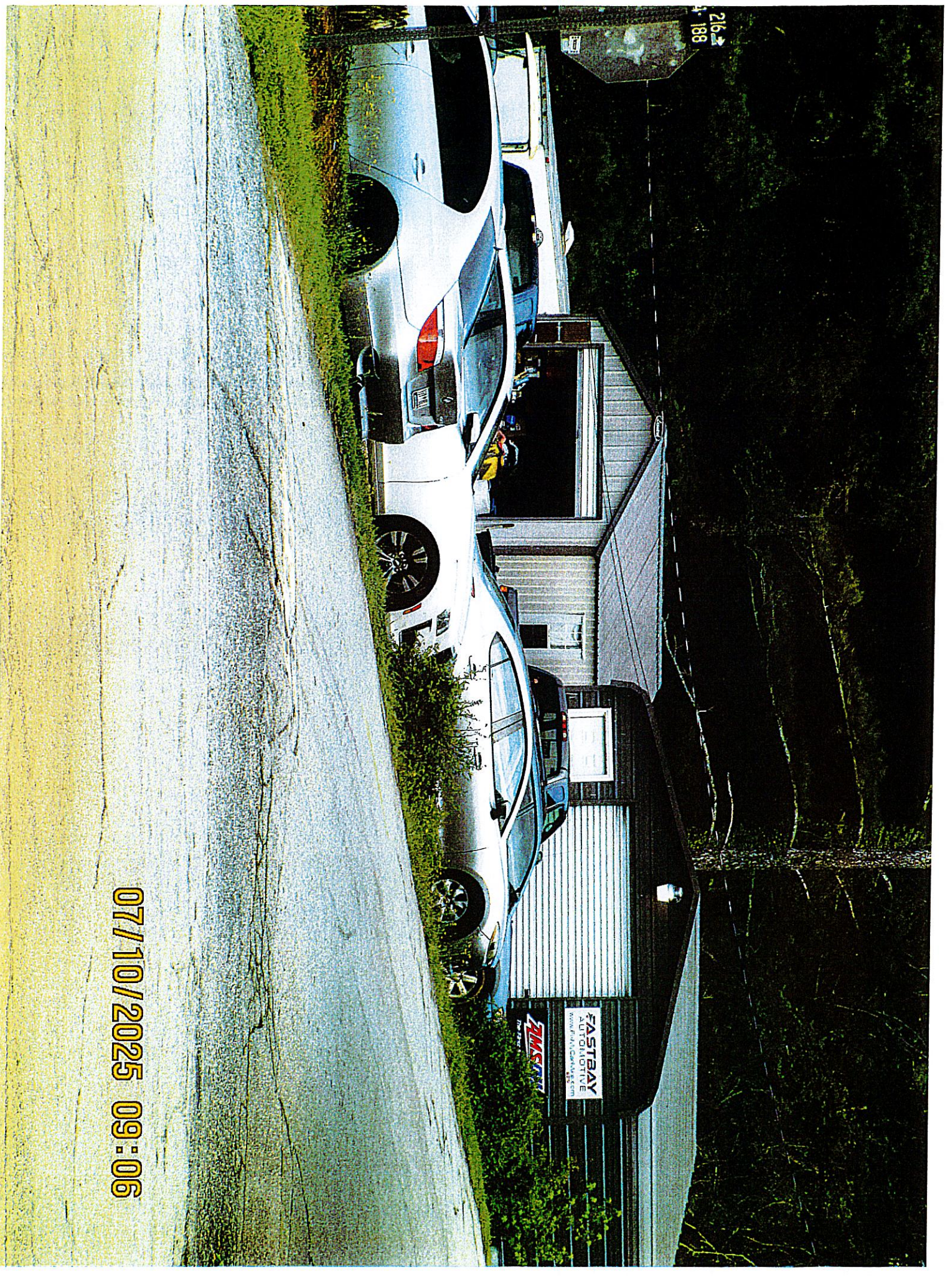






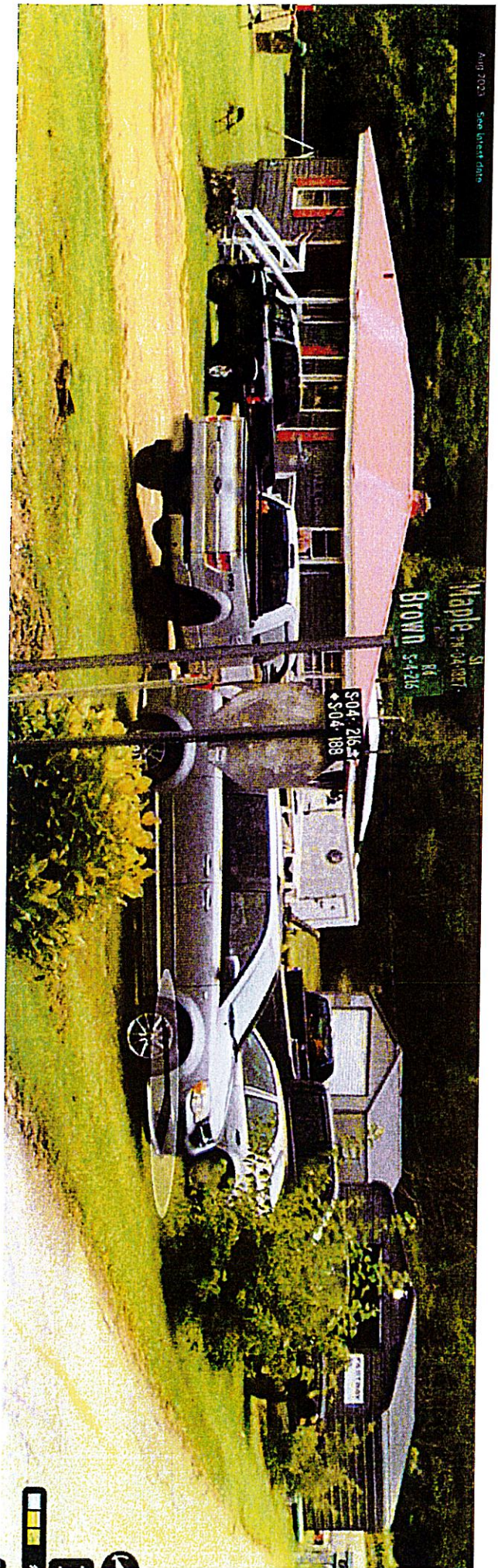


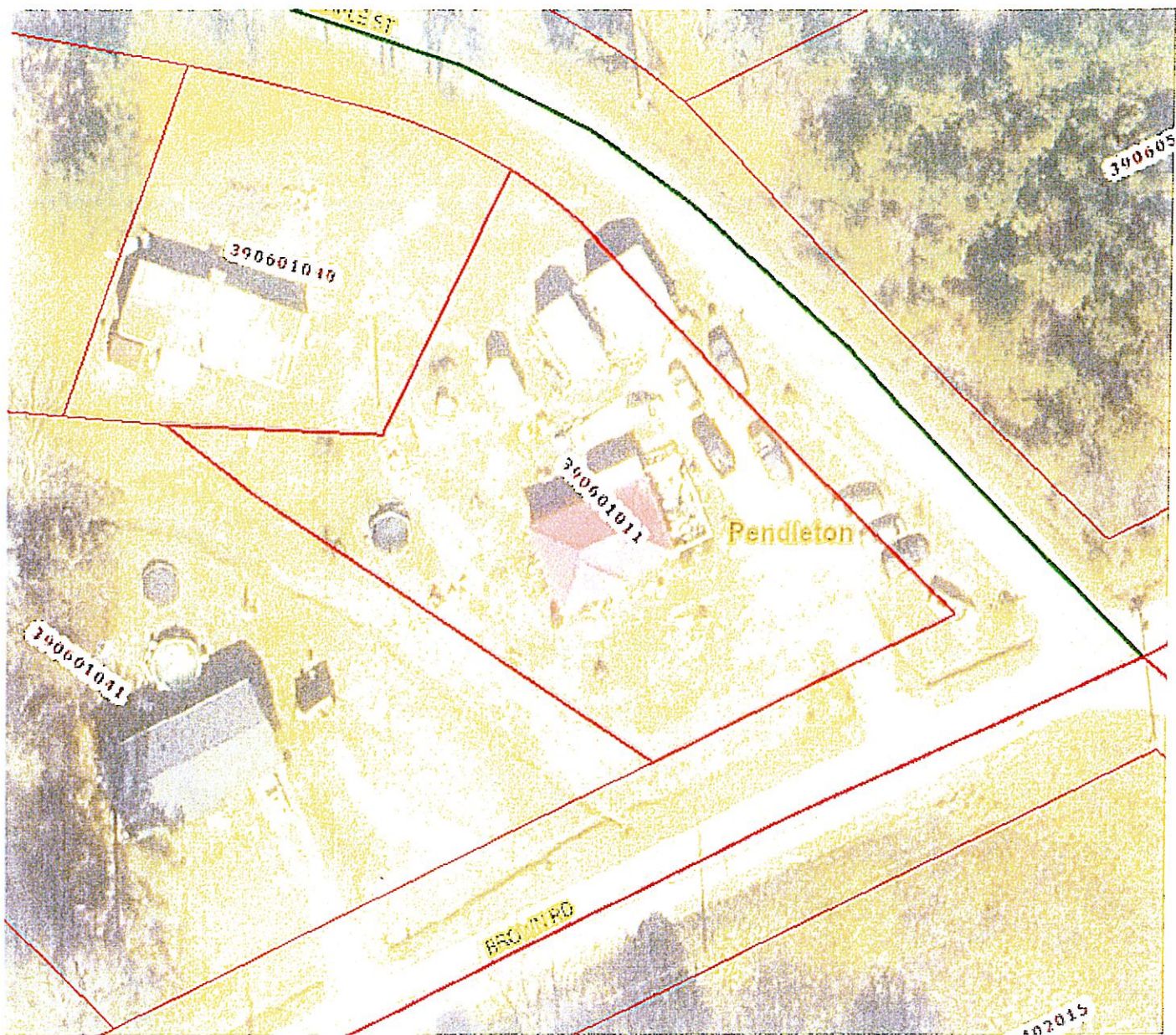




07/10/2025 09:06

Aug 2023 See front drive







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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 conditional Use Regulations restricting businesses in residential areas at 315 Brown Rd. The meeting is open to the public, and the public is welcome to comment.

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

2 - List Businesses						
Account Number	Appl#sort	Name	Physical Address 1	Status	Contact	Alternate Name
14495	FASTBAYLLC	FASTBAYLLC	315 BROWN RD	A	MIKE BROWN	

3 - Business Detail

Account number: 14495

Name: FAST BAY LLC

Status: Active

Alpha sort: FASTBAYLLC

Inactivate date:

[Demographics](#)
[Business Information](#)
[Contact Information](#)
[Notes](#)
[License History](#)
[Fees](#)
[Additional Fees/Taxes](#)
[Documents](#)

Business description: MOBILE AUTO REPAIR (OFFSITE)

Business category: Other

Business class: 811111

Rate: 4R

Type of business: LLC

Area code: 1

Original license date: 10/20/2022

State license number: [REDACTED]

Expiration: [REDACTED]

Other license: [REDACTED]

### 3 - Business Detail

Account number

173

Status

Inactive

Inactivate date

11/16/2020

Name

STEVE'S AUTO SERVICE

Alpha sort

STEVESAUTO

Demographics

Business Information

Contact Information

Notes

License History

Fees

Additional Fees/Taxes

Documents

Alternate name

Physical address 1

107 MAPLE ST

Phone

(846) 646-9326

Physical address 2

Alternate phone

( ) -

City/State/Zip

PENDLETON

SC

29670

Foreign zip

Fax

( ) -

Web address

☐ Cash Only ☐ Bankruptcy ☐ Bad check ☐ Exempt From Penalty

 Print application

 Print invoice

 Enter charges/payments

 Print license