



The City of Spartanburg Board of Zoning Appeals

AGENDA

October 10, 2023, at 5:15 P.M.

City Hall Council Chambers

145 W. Broad Street – Spartanburg, SC 29306

(Please Note: Items as they appear on the Docket may or may not be considered in the order as they are presented. The Chairman will announce any changes after the roll call)

I. Call To Order.

II. Roll Call.

III. Freedom Of Information Act Compliance – Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Requirements of the City of Spartanburg Zoning Ordinance.

IV. Approval of Agenda.

V. Disposition of Meeting Minutes from the July 11, 2023, Meeting.

VI. Old Business: None.

VII. New Business:

1. APP-23-020-0012: The City of Spartanburg's Board of Zoning Appeals has received an appeal to the zoning ordinance table of permitted uses to allow a dog grooming business to be located at 200 Dawn Redwood Drive (TMS: 7-09-00-018.14); with a zoning designation of B-1 (Neighborhood Shopping District). Owner: Niren Patel / Applicant: Angie Walker and Tanna Thompson / Agent: Katherine Fulmer and John Easterling.
2. APP-23-020-0013: The City of Spartanburg's Board of Zoning Appeals has received an appeal to the zoning ordinance table of permitted uses to allow rental cars in excess of limits located at 249 E. Blackstock Road (TMS: 6-21-13-002.00); with a zoning designation of B-1 (Neighborhood Shopping District). Owner: Larry O. Harmon / Applicant: Enterprise Rent A Car / Agent: Greyson Furnas, Colliers International.

VIII. Staff Announcements.

IX. Adjournment.

For more information, please contact Martin L. Livingston, Jr., AICP, CPM, Community Development Director at (864) 580-5323 or by email at mlivingston@cityofspartanburg.org.

Meeting Minutes of the Board of Zoning Appeals
Tuesday, July 11th, 2023, at 5:15 PM
City Hall Council Chambers

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, June 13th, 2023, at 5:15PM with the following members in attendance: **Brian Murdoch, McKay Moore, Brian Cohen, Darren Matz, Dominique Dawkins and Don Bramblett**. Representing for the Planning Department is **Martin Livingston, Community Director, Bob Coler, City Attorney, Nan Zhou, Planner I, Tia Keitt, Planner II, and Oksana Holbrooks, Administrative Assistant**.

Roll Call:

Mr. Bramblett: Don Bramblett
Ms. Moore: McKay Moore.
Mr. Matz: Darren Matz.
Mr. Murdoch: Brian Murdoch.
Mr. Cohen: Brian Cohen.
Ms. Dawkins: Dominique Dawkins

Mr. Matz: Okay, thanks. Real quick we'll read the Freedom of Information Act Compliance. Freedom of Information Act Compliance public notification Board of Zoning Appeals meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the requirements of the City of Spartanburg Zoning Ordinance.

Approval of Agenda:

A motion was made by Mr. Bramblett, seconded Ms. Moore to approve the agenda. The motion was approved with a vote of 6-0

Mr. Bramblett: I move to approve the agenda.
Mr. Matz: Okay, second?
Ms. Moore: Second
Mr. Matz: All in favor of motion say aye?
Attendees: Aye.
Mr. Matz: All opposed? Nay. Okay.

Mr. Matz: Okay disposition of minutes from June 13th meeting minutes from the last meeting. Is there any comments that we need to add?

Approval of Meeting Minutes from June 13th, 2023.

A motion was made by Ms. Moore seconded Mr. Cohen to approve the meeting minutes. The motion was approved with a vote of 6-0

Ms. Moore: I move we approve with any submitted changes.
Mr. Matz: Second.
Mr. Cohen: Second
Mr. Matz: All in favor?
Attendees: Aye.

Mr. Matz: Aye's have it.

Old Business:

VAR-23-00200005 The City of Spartanburg's Board of Zoning Appeals has received a Variance request to the minimum lot size requirement for a development Caulder Avenue Duplexes located at Caulder Ave. (TMS # 7-16-08-078.00; 7-16-08-079.00; 7-16-08-080.00; 7-16-08-081.00; 7-16-08-082.00; 7-16-12-002.00; 7-16-12-003.00; 7-16-12-004.00; 7-16-12-005.00; 7-16-12-006.00; 7-16-12-007.00); with a zoning designation of R-12 (General Residential District). Owner / Applicant: Spartanburg Housing / Agent: Paul Mills, Site Design Inc.

Mr. Matz: Before we get started , can you please state you name and swear you in please?

Ms. Zhou: Yes, good evening board members my name is Nan Zhou and I work with the Planning Department. I swear I'll tell the truth.

Project Description and History

The project sites are approximately 150,218 square foot lots located in the R-12 (General Residential District) zone. The project site abuts Caulder Avenue to the southeast boundary. The project site is surrounded by R-12, General Residential District, across from Caulder Ave., R-6, General Residential District to the west side of the project site, and R-15, Single Family Residential District to the north side of the project side. The applicant/agent is proposing to build 24 affordable duplex housing units on the lots. However, due to the requirement of Group Housing Project Minimum Project Area – 4 Acres or more (R-12), the current lots' total square footage is 3.95 Acre, and the owner does not own the adjacent surrounding lots. Therefore, a request of reducing the minimum project area down from 4 acres to 3.95 acres is needed in order for the applicant/agent to accomplish the affordable housing project.

Analysis

Zoning Ordinance Consistency

The project site has a zone designation of R-12, General Residential District. **Section 302.2 R-12 General Residential District Uses Permitted by Right** of the City of Spartanburg Zoning Ordinance, R-12, General Residential District, does allow for two family and multi-family dwellings. However, given the available size of the land for the development of the proposed project, the applicant is seeking a minimum project size reduction variance for group housing projects. A Variance may be granted by the Board of Zoning Appeals to the minimum size standards required in the ordinance. Variances may only be granted in the instances listed in Section 603.4. Section 603.4 lists nine particular instances in which the Board may grant a Variance. Of these nine, two are applicable to this project;

Section 603.4 (1): To permit any yard less than the requirements of this Ordinance.

Section 603.4 (3): To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width.

The Board must utilize **Section 603.3(A)(2)** and determine if the proposal meets all the criterion for approval. To hear and decide appeals for Variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A Variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

- b. These conditions do not generally apply to other properties in the vicinity;
- c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.
- e. In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Findings

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property –*

Currently, the total combined square footage of the parcels is 3.95 acres which falls short of the required 4 acres for minimum group housing projects by 0.05 acres. The owner of these parcels does not own any of the adjacent surrounding lands, prohibiting them from recombining additional lands from the surroundings to make up the shortage of 0.05 acres.

2. *These conditions do not generally apply to other properties in the vicinity –*

Properties located to the west side of the proposed project site are zoned R-6, General Residential District, and properties located to the northeast of the proposed project site are zoned for R-15, Single Family Residential District. If the proposed project parcels are zoned as R-6, General Residential District, then it would meet the minimum project areas required by the Zoning Ordinance.

3. *Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and –*

By granting the reduction of minimum project area for group housing projects, it will allow the landowner to accomplish building 24 affordable duplex housing units on these parcels. Otherwise, the proposed project cannot be developed with the desired number of affordable housing units.

4. *The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance–*

No substantial detriment or harm will be caused to the general public good. The character of the district will not be harmed by the granting of the Variance since the neighborhood will still remain as residential uses. Furthermore, the total area of the proposed project area is 3.95 acres which is equal to 98.75% of the required area, 4 acres.

5. *In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare–*

In the event the Board finds that the Variance finding can be met and the project approved, conditions of approval are attached to this report. The Board may choose to approve or amend them based on the outcome of this proposal.

Applicant:

Zedekiah Heydenburg, Engineer of Site Design

Joseph Jackson, Spartanburg Housing Development Director

Public Comments:

Annie Kerns, 293 S Converse St, Spartanburg, SC 29306.
Sonja Rice, 547 Caulder Ave, Spartanburg, SC 29306.

Discussion:

The need of the surrounding neighbors, the upkeep, the lighting and trash pickup, landscape and property value to the surrounding properties. If the project was to get denied the developer can rezone to a much more densely zoned requirement and have more buildings and be more populated.

A motion was made by Mr. Bramblett, seconded Mr. Murdoch to approve with a vote of 4-2.

New Business:

APP-23-020-0008: The City of Spartanburg's Board of Zoning Appeals has received an appeal to the Bufferyard Requirements for the development of the Coke Facility Redevelopment Phase I located at 500 W. Main Street (TMS: 7-12-13-024.00); with a zoning designation of B-3 PDD (General Business – Planned Development District). Owner: Palmetto Operating Company, LLC / Applicant: Brett Baumgarten / Agent: Danny Balon; Seamon Whiteside Engineering

Mr. Matz: Before we get started can you please state your name and relation to case please.

Mr. Matz: You promise to tell the truth?

Ms. Keitt: Yes, Tia Keitt Planner with City of Spartanburg Planning Department.

Project Description and History

Palmetto Operating Company and Coastal Partners, LLC are working on the adaptive reuse site, 500 West Main St., formerly the Coca Cola Bottling Company, and transitioning the site into mixed-use commercial. The developers have hired Seamon Whiteside Engineering to conduct site analysis and to carry the project through rezoning, site plan review and now before the BZA to Appeal Zoning Ordinance Bufferyard requirements: **§505.64 Landscaping Requirements for Buffers.**

Per the City of Spartanburg Zoning Ordinance, the commercial redevelopment project is considered Medium Intensity Commercial. This use next to an existing single family district zoning requires the **Bufferyard 4** landscaping between these two uses for the protection of residents from potential light and noise. See **Table 505.1 entitled Buffered Yard Requirements** (p. 169) of the City of Spartanburg Zoning Ordinance for the complete table

The applicant is Appealing the required Bufferyard as outlined in Section 505 Tree Protection and Landscaping and have submitted the Zoning Appeals application through the Planning Department.

Analysis

Zoning Ordinance Consistency

505.64 Landscaping Requirements for Buffers

A. Applicability. The purpose of a buffer is to protect existing low intensity land uses from being devalued or hurt caused by the effects of new higher intensity uses. The developer, owner or tenant of a new higher intensity use is required to install landscaped buffers adjacent to, but on their side

of, common property lines to protect existing lower-intensity uses. Buffers shall be required for all developed or redeveloped portions of a property based on the primary use of the property whether or not the primary use is located on a specific portion of the property.

B. Bufferyard Requirements

A proposed land use which is medium intensity commercial, high intensity commercial, light industrial or heavy industrial which abuts a single family residential use or multiple family residential use shall include a brick or stucco wall as part of the bufferyard.

The wall, fence or berm illustrated in the bufferyard can be located on either side of the required bufferyard, but typically shall be located on the highest elevation within the bufferyard in order to maximize the screening function. The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and that plants shall be sited utilizing existing and proposed topography to maximize the screening effect.

603.3 Appeals.

The Landowner /Applicant is seeking an appeal to **Section 505.64 Landscaping Requirements for Buffers**. Such an appeal shall be submitted within thirty (30) days after a decision by a board. Such notice of an appeal shall be accompanied by a check in the amount of \$50 payable to the City of Spartanburg to partially defray the cost of giving public notice of such hearing, none of which shall be refundable. The Planning Staff shall forthwith transmit to the Board all papers constituting the record upon which action appealed was taken from. An appeal stays all legal proceedings.

The Board must utilize **Section 603.3(A)(1)** and determine if the proposed Appeal meets all the criterion for approval. The Board must hear and decide Appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance; The Board may grant approval of the appeal in an individual case of unnecessary [site] hardship if the Board makes and explains in writing the following Findings:

Findings

a. ***There are extraordinary and exceptional conditions pertaining to the particular piece of property;***

The engineering firm (Seamon Whiteside) states that the existing building is located approx. 3 ft. from the adjoining property. At 20 ft. or less, Bufferyard 4 requires a Masonry Wall structure and 5 canopy trees. The engineer states that the slopes are steep (see application) and the required footing would put the wall over 9 ft high. Also, the constructability becomes a challenge, whereas installing a fence minimizes land disturbance.

b. ***These conditions do not generally apply to other properties in the vicinity;***

Topography, new land use vs. historic buildings with current zoning codes are conditions that developers run into when redeveloping a site to be an adaptive reuse project. The Zoning Ordinance requires the developer to install a masonry wall anywhere within the buffer zone with a minimum height of 6 ft. Portions of the boundary consists of a steep slope and the engineers would prefer not to disturb the hill. They have proposed to install a 6 ft tall stockade fence.

- c. ***Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and***

Enforcing the Zoning Code would prohibit and unreasonably restrict the proposed commercial mixed use of the property.

- d. ***The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.***

Approval of the Appeal would not be of substantial detriment to the adjacent properties. There is an existing 6' fence with trees and bushes that serves as a natural barrier between properties along Washington St. There are portions of the property where residents can look directly onto the old Coca Cola site. Residents of Washington and Monk Streets are nestled between two major thoroughfares and replace the required masonry wall with a fence will not impact the character of, nor harm the residential district.

- e. ***In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.***

Planning Staff have attached Conditions of Approval. Please note that the site plans and the building plans have been approved for this commercial redevelopment project. Conditions of Approval help to protect abutting properties residential properties in consideration of public health, safety and general welfare.

At the July 11, 2022 meeting, the Board **may grant approval** of the Appeal and allow a 6 ft. fence replace the required 6' masonry wall, **approve the appeal with conditions** that includes Staff comments and any additional conditions designated by the board, or **deny** the request. In the case of a denial, the applicant would be required to meet the landscaping and bufferyard requirements as it is written, or appeal the Board's decision. If necessary, the Board can also **table the matter** for the next meeting and request additional information for review.

In exercising its powers, the Board of Zoning Appeals may, in conformity with the provisions of Section 603, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may direct the issuance of permit approval. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

Applicant:

Brett Baumgarten & Danny Balon, Seamon Whiteside Engineering.

Public Comments:

Chris Sawhill, 104 N Daniel Morgan Ave, Spartanburg, SC 29306.

Pam Mitchell, 201 Briarwood Rd, Spartanburg, SC 29301.

Dave Wenstrup, 505 W Main St, Spartanburg, SC 29302.

Discussion:

The multi-use of the proposed project and the intention behind it. Confirmation location of the building, fence, landscaping, setbacks and buffer in between running along the property line. How does this project effect N. Highpoint Street and dates of the proposed project site. Does the building meet the code requirements and setbacks of the proposed site.

A motion was made by Ms. Moore, seconded Ms. Dawkins to approve with a vote of 5-1.

Ms. Moore: I move we approve the appeal to change the buffer yard extension.

Ms. Dawkins: Second

Mr. Matz: All in favor?

Attendees: Aye

Mr. Matz: All opposed?

APP-23-00200009 The City of Spartanburg's Board of Zoning Appeals has received an Appeal to the Parking Lot Landscaping Requirements for a commercial development located at 228 S. Pine St. and 453 E. Henry St. (TMS # 7-12-11-284.00 & 7-12-11-284.02); with a zoning designation of B-3 (General Business District). Owner/Applicant: Newburg Investment / Agent Raj Patel.

Ms. Zhou: My name is Nan Zhou and I'm here to present the last case request and it's also an appeal for 228 S Pine St. Actually this request involves two pieces of property.

Project Description and History

The project sites are approximately 52,272 square foot (1.2 acre) commercial lots located at 228 S. Pine St. (TMS # 7-12-11-284.00) and 453 E. Henry St. (TMS # 7-12-11-284.02). The lots are currently zoned for B-3, General Business District. 228 S. Pine St. site contains one-story building that was a fast-food restaurant. 453 E. Henry St. currently is a bank contains one-story building with a drive through. The proposed redevelopment plan for the two lots will be a mixed-use development containing retail stores and restaurant with alcohol sales.

The applicant is requesting an appeal to not installing tree islands which will take away one (1) parking space from the last row of the parking spaces (west side of the site). Based on the site plan, fifty-seven (57) parking spaces are provided for the site redevelopment based on the proposed use. Therefore, based on the current City of Spartanburg Zoning Ordinance Section 505 Tree Protection and Landscaping Requirements 505.62 Parking Lot Landscaping Requirements (B), **One (1) Tree Island** is required for the last row of the parking spaces (west side of the site). The requested appeal is to challenge the Parking Lot Landscaping requirements based on staff interpretation of tree islands needed to adhere to.

The Landowner /Applicant is seeking an appeal to Parking Lot Landscaping Requirements, specifically to the one tree island installation needed for the last row of parking spaces (west side of the site) based on the number of parking spaces provided. The owner states that the current parking layout has taken advantage of sites' horizontal limitation to provide the maximum number of parking spaces as required. Installing one (1) tree island per twelve (12) single row with each island having one (1) large canopy tree will reduce the number of parking spaces provided on the site as required and needed, which may bring concerns such as traffic flow, street access, and services needs of the potential tenants.

Such an appeal shall be submitted no later than ten (10) days after the start of construction or within thirty (30) days after a decision by a board, commission, or bureau, or a decision of the Zoning Administrator, whichever is lesser. Such notice of an appeal, special exception, or variance shall be accompanied by a check **in the amount of \$50 payable** to the City of Spartanburg to partially defray the cost of giving public notice of such hearing, none of which shall be refundable. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which action appealed was taken from.

An appeal stays all legal proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by this Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance.

Analysis

Zoning Ordinance Consistency

The project site has a zoning designation of B-3 – General Business District. The zoning designation of the sites allows for mixed-use development such as a restaurant. The applicability of parking lot landscaping requirements shall apply to all surface parking lots containing more than four (4) parking spaces. In addition, these parking lot landscaping requirements shall apply to outdoor areas that store that have storage areas of 3,000 square foot or more. Also, the purpose of requiring parking lot landscaping is not only trying to beautify the parking lot, but also function to provide natural drainage and filter stormwater.

The Board must utilize **Section 603.3(A)(2)** and determine if the proposal meets all the criterion for approval. To hear and decide Appeal from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. An appeal may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other properties in the vicinity;
- c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.
- e. In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Findings

1. ***There are extraordinary and exceptional conditions pertaining to the particular piece of property –***
Currently, the site is surrounded by three public roads, E. Henry St., S. Pine St., and Ribault St., street parking is not an ideal option for the site if the number of parking spaces cannot meet the requirements on site based on the current Zoning Ordinance. Installing one tree island in the last row of the parking spaces will reduce the number of parking spaces on the site as required.

2. ***These conditions do not generally apply to other properties in the vicinity –***
Property across from the E. Henry St., Sugar-n-Spice was a non-conforming development that was in the City since 1940s. YMCA (Young Mens Christian Association of Spartanburg) on the right side of the project site has tree islands on their parking lot. Properties across from S. Pine St. Ward Law Firm and Regions Bank all have tree islands on their front parking lots.

3. ***Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and –***

There is no indication that a strict application of the ordinance would prevent the use of the property. The proposed use of the property is still permitted-by-right based on the current City Zoning Ordinance. The parking requirement can still be in compliance with the current zoning ordinance based on the square footage of the uses proposed by the owner. Furthermore, installing bike racks can reduce the parking by up to 20% if the required number of parking spaces cannot be met for the site development.

Proposed Retail – around 9,225 SF

Proposed Restaurant with 75 Seats – around 3,000 SF

4. ***The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance–***

Approval of the appeal would not be of substantial detriment to the adjacent properties and would not influence the property values, public health, safety, or general welfare of the public. However, by allowing the site to not install one tree island may pose challenges to other site's development in terms of meeting the parking lot landscaping requirements due to concerns about reducing parking spaces required based on the proposed use can be accomplished by installing bike racks on the site, which would allow up to 20% parking reduction.

5. ***In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare–***

At this time, staff doesn't believe that any conditions could be applicable to this situation.

Applicant:

Newburg Investments, Raj Patel. Was not in attendance.

Public Comments:

No public comments.

Discussion:

Going over the landscaping and layout plan. The requirements and parking lot size for the multi-use.

A motion was made by Mr. Murdoch, seconded Mr. Cohen the request for the appeal was denied to the parking lot landscape requirements with a vote of 6-0.

The meeting was adjourned at 7:33 PM.

Darren Matz , Chairman

To: The Board of Zoning Appeals

RE: APP 23-0200012. Board of Zoning Appeals has received an appeal to the zoning ordinance Table of Permitted Uses to allow a dog grooming business to be located at **200 Dawn Redwood Drive** (TMS: 7-09-00-018.14); with a zoning designation of B-1 (Neighborhood Shopping District). Owner: Niren Patel / Applicant: Angie Walker and Tanna Thompson / Agent: Katherine Fulmer and John Easterling.

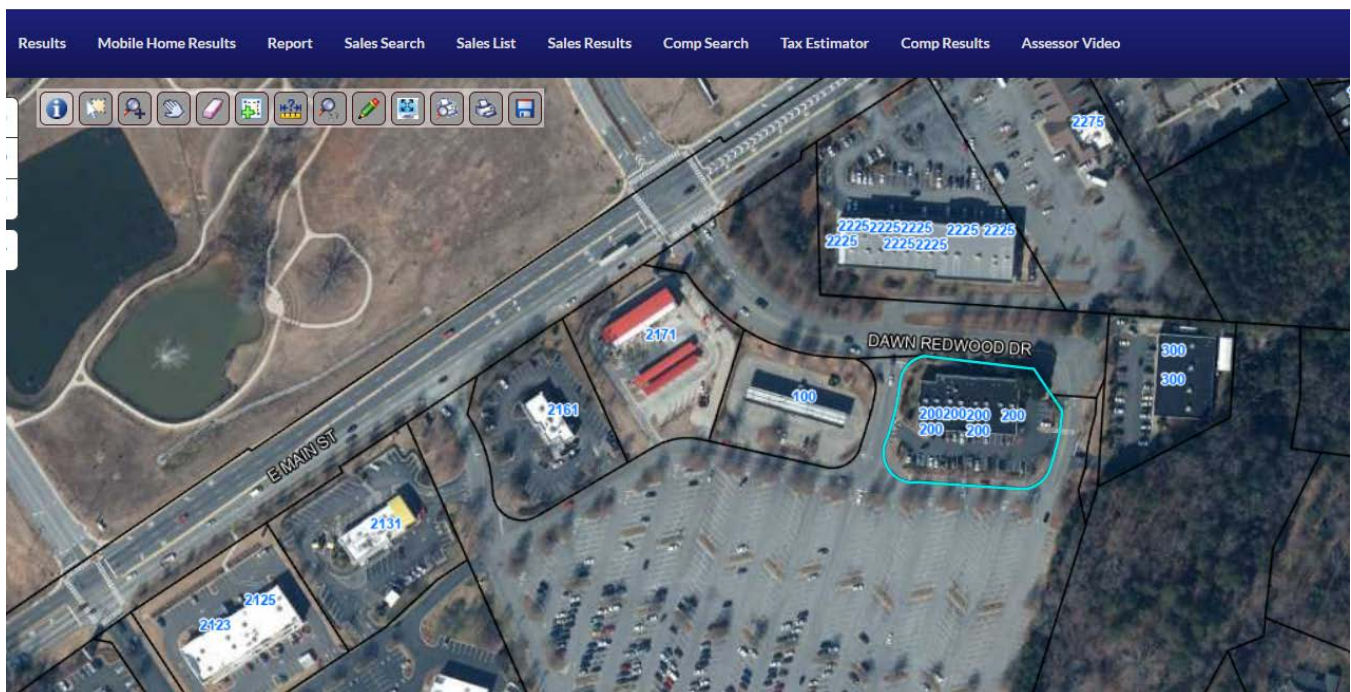
Date: October 3, 2023

Project Description and History

A dog grooming business owner requested a Zoning Verification Letter to confirm that a dog grooming business would be allowed at **200 Dawn Redwood Dr. suite 100, a B-1 Neighborhood Shopping Zoning District**. Upon review of the city's zoning ordinance, staff confirmed that pet grooming services are not a separate identified uses, but is a recognized service under **Animal Kennels Clinics** (see section 303.6 Table of Permitted Table A#5 - pg 28) and **Veterinary Clinics** (See Table of Permitted uses 303.6 Table B #41 -pg 34). Pet Shops (#77) are an identified Use and is allowed in B-1. Determined to set up a business at this location, staff provided the Agent with options, which included appealing the ordinance. The Applicant decided to appeal the ordinance.

The proposed business location would be at the end cap of a strip center. The shopping center is zoned B-1 and Section 303.6(5) states...[pet] grooming is a permitted activity in B-3 and higher. Pet grooming is **not** an allowed use in B-1, affirmed in Section 303.6(41) where it states...The overnight lodging of pets, if not medically necessary, is prohibited, **as are** clipping (except where medically necessary), grooming, and retail sale of pet products and accessories. An image of this Section is included in the staff report.

Spartanburg County, SC



Analysis
Zoning Ordinance Consistency

603.3 Appeals.

The Applicant is seeking an appeal to §303.6 Table of Permitted Uses -Table B #41. An appeal stays all legal proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property.

The Board must utilize Section 603.3(A)(1) and determine if the proposed Appeal meets all the criterion for approval. The Board must hear and decide Appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;

The Board may grant approval of the appeal in an individual case of unnecessary [site] hardship if the Board makes and explains in writing the following Findings:

Findings

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
Staff does not recognized any extradordinary or exceptional conditions pertaining to this particular piece of property. The space is just over 1200 square feet and is a part of a small strip center, surrounded by larger shopping plaza . Staff talked with the senior building inspector who does not forsee any complications with the locations. Given the use, the Sr. Building Inspector confirmed that an exhaust / ventilation system will be necessary. The business owners, planning staff and the inspector scheduled to meet at the location after the staff report will have been submitted.
- b. *These conditions do not generally apply to other properties in the vicinity;*
Interestingly, PetSmart & PetCo are located in B-1 zoning districts. Both companies are considered pet retailers that *sells pet food, products, and services, as well as certain types of live small animals*. Neither of these locations had to appeal the zoning ordinance, probably because the business is mainly retail, and not animal grooming, or just staff oversight.

Staff talked with the owners who shared that they provide one-on-one services and do not plan to keep pets in kennels. This pet grooming business is a small operation that offers services by appointment only.
- c. *Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and*
The application of the Ordinance to this location would **not** effectively prohibit or unreasonably restrict the utilization of the property. The location is in a strip mall and would still be a great space for any business that could fit.
- d. *The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.*
No, staff does not believe authorization of this Variance will be of substantial detriment to adjacent properties. Adjacent properties include a nail salon, GameStop, ABC liquour store, and a restaurant. GoodWill, Walmart, a car wash and gas station also surround the location. The pet grooming business could add a need service for pet owners in the surrouding community.
- e. *In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.*
Attached are conditions of approval, one being the owners schedule a Feasibility Site Visit.

At the October 10, 2023 meeting, the Board ~~may grant approval~~ of the Appeal and allow the business to install 319.192 sf of signage, ~~Approve the appeal with conditions~~ that includes Staff comments and any additional conditions designated by the board, or ~~deny~~ the request. In the case of a denial, the applicant would be required to meet the signage requirements as it is written, or appeal the Board's decision. If necessary, the Board can also ~~table the matter~~ for the next meeting and request additional information for review.

In exercising its powers, the Board of Zoning Appeals may, in conformity with the provisions of Section 603, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may direct the issuance of permit approval. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

Submitted by:

Tia Keitt

Tia Keitt, AICP
Planner II

Attachments:

Conditions of Approval

Application and supplemental items

Photos

CONDITIONS OF APPROVAL FOR PROJECT ON PROPERTY AT:

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. The use shall meet the standards and shall be developed within the limits established by Chapter 501.10 of the Spartanburg Municipal code as to the emission of noise, odor, smoke, dust, vibration, waste, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
3. **Schedule a feasibility site visit with the inspections department.** The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any permit application. Any errors or discrepancies found therein may result in the revocation if any approval or permits issues in connection therewith.
4. Adhere to all of **Chapter 6 Animals** of the City of Spartanburg Municode.
https://library.municode.com/sc/spartanburg/codes/code_of_ordinances?nodeId=COOR_CH6AN

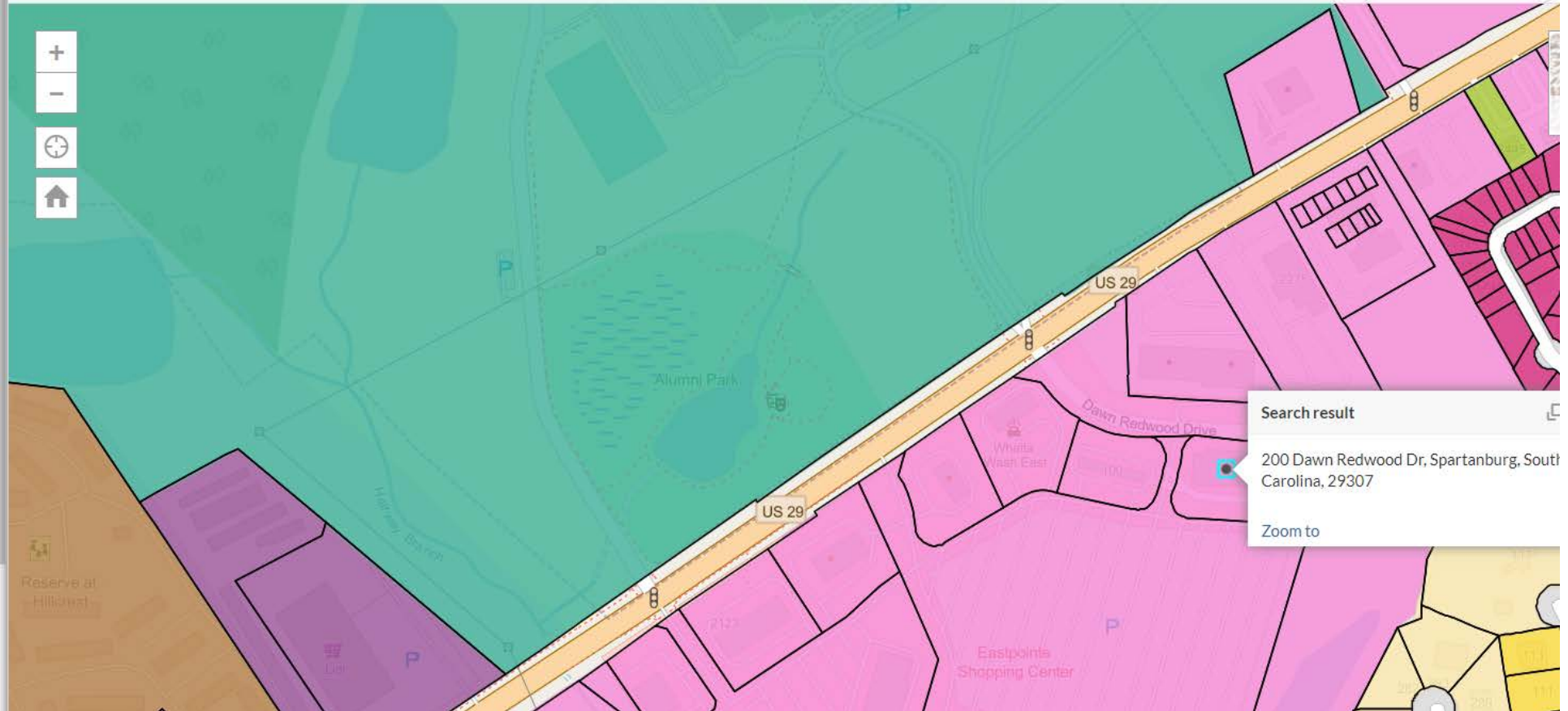
Section 301 to 303: District Use Regulations

303.6 TABLE OF PERMITTED USES (**)(*****)**

A. COMMERCIAL USES	GID	LOD	LC	B-1	B-3	B-4	I-1	I-2
1. Airport							SE	SE
2. Amusement Center, (inside) excluding video poker and video casinos				P		P	P	P
3. Amusement Park, Amusement Arcade, Kiddy Land, and Go-Carts (See also Fair, Carnival, Rodeo)					P	P	P	P
4. Animal Breeding and Sales, with no animals to be located within 500 feet of any residentially zoned property or fifty (50) feet from any property line							P	P
5. Animal Kennel - a fully enclosed building with soundproofed exterior walls in accordance with the Building Code for the temporary lodging and boarding of domestic house pets. Outdoor kennels and cages are permitted. <u>Medical treatment, clipping, and grooming are permitted, as is retail sale of pet products and accessories</u> (see Veterinary Clinic and Veterinary Hospital in Table B, 40 and 41 below)					P	P	P	P

Section 301 to 303: District Use Regulations

B. OFFICE, INSTITUTIONAL/PUBLIC AND QUASI-PUBLIC USES	GID	LOD	LC	B-1	B-3	B-4	I-1	I-2
32. Radio and Television Stations with on-site transmitting/receiving towers or antennas. No towers or antennas shall be permitted in Zone D-T4, D-T5, or D-T6 if the tower or antenna constitutes the principal use of the property		P			P	P	P	P
33. Radio and Television Stations and Studios excluding transmitting/receiving towers or antennas		P		P	P	P	P	P
34. Research and Development Facility		P		P	P	P	P	P
35. School, Beauty, Music, Art, or Dance		P		P	P	P	P	P
36. School, Elementary, Junior High, or High School	P			P	P	P	P	P
37. School, Trade, Vocational, or Business	P			P	P	P	P	P
38. Soup Kitchens*						SE		
39. Theater, indoor or outdoor, and/or Artistic Programs and Events (excluding motion picture theaters)	P	P	P	P	P	P	P	
40. Utility Company Offices		P	P	P	P	P	P	P
41. Veterinary Clinic - (a fully enclosed building) used for the medical treatment of domestic house pets and allowing for their overnight treatment and/or observation until the veterinary doctor releases the same. <u>Outdoor kennels and cages are not permitted.</u> The overnight lodging of pets, if not medically necessary, is prohibited, as are clipping (except where medically necessary), grooming, and retail sale of pet products and accessories (See Animal Kennels under Section 303.5. Commercial Uses)		P		P	P	P	P	P









General Application

Name of Development: DAWN REDWOOD/WALMART SHADOW CENTER

Street Address: 200 DAWN REDWOD DRIVE, SPARTANBURG 29307

Zoning District: B1 Overlay: _____ Tax Map Number: 7-09-00-018.14

Owner: NIREN PATEL Phone: 706-267-0503

Address: 4017 FIRETHORN COURT Email: DRNIREN@YAHOO.COM

City: AUGUSTA State: GA Zip: 30907

Applicant: ANGIE WALKER & TANNA THOMPSON Phone: 405-990-0338

Address: 434 ALLISON DRIVE Email: THOMPSON.TANNA@YAHOO.COM

City: SPARTANBURG State: SC Zip: 29306

Agent: KATHERINE FULMER & JOHN EASTERLING Phone: 864-415-5931

Address: 1 REAL ESTATE WAY Email: KFULMER@NAIEF.COM

City: SPARTANBURG State: SC Zip: 29302

Please select the activity requested / also, please attach the required Supplemental Form:

- | | |
|--|--|
| ☐ Annexations | ☐ Planned Development Districts (PDD) |
| ☐ Special Exceptions | ☐ Zoning - Conditional Use |
| ☒ Zoning - Appeals | ☐ Zoning - Variance |
| ☐ Zoning - Map Amendment | |

Fees and Payments can be made using the Permit Number and the [City of Spartanburg Payment Portal](#).

To the best of my knowledge, the information on this application and all additional documentation is true, factual and complete. I hereby agree to abide by all conditions of any approvals granted by the City of Spartanburg. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I hereby authorize the staff of the Planning Department to inspect the premises of the above-described property.

Applicant / Owner Signature: Mren Patel Date: 9-18-23
DocuSigned by: 03C27A8C7F7A436...

Staff Use Only / Received by: _____

Date Received: _____ Time: _____ Permit Number: _____

ZONING APPEALS SUPPLEMENTAL APPLICATION FORM

Name of Development: DAWN REDWOOD/WALMART SHADOW CENTER

Location of Development: 200 DAWN REDWOOD DRIVE, SPARTANBURG 29307

City Official or Body that made the Decision: PLANNING DEPARTMENT

Date of the Decision you are Appealing: 9-11-23

Please summarize the Decision you are Appealing:

HARPER & FRIENDS DOG GROOMING WOULD LIKE TO LEASE SUITE 100 AT 200 DAWN REDWOOD DRIVE. THIS CENTER IS ZONED B1 WHERE PET GROOMING BUSINESSES ARE NOT ALLOWED. WE ARE ASKING THAT THE BOARD OF ZONING TO PLEASE CONSIDER ALLOWING THIS BUSINESS BY APPEALING THE B1 ZONING JUST FOR THIS INDIVIDUAL SUITE.

Please explain the Basis for your right to Appeal:

HARPER & FRIENDS WOULD BE A GREAT TENANT FOR THIS LOCATION AND WILL NOT BE A NUISANCE TO THIS CENTER. THIS SUITE HAS BEEN VACANT FOR SOME TIME AND HAVING A TENANT WITH PEOPLE & ANIMALS COMING IN AND OUT WILL HELP WITH THE SOME OF THE ISSUES WE HAVE HAD WITH THE HOMELESS LIVING BEHIND THIS VACANT SPACE & LITTERING. THEY WILL NOT BE BOARDING DOGS ONLY WASHING AND GROOMING. ANIMAL SERVICES ARE APPROVED AT MANY SIMILAR SHOPPING CENTERS IN SPARTANBURG.

The Nature of the Appeal:

THE NATURE OF THE APPEAL IS HOPING TO ALLOW A DOG GROOMING BUSINESS OPERATE IN THIS CENTER DUE TO B1 ZONING. THIS CENTER WAS ZONED MANY YEARS AGO WHEN PET GROOMING WAS NOT AS POPULAR AS IT IS NOW. APPEALING THIS ZONING AND ALLOWING A PET GROOMING BUSINESS TO BE AT TENANT IN THIS CENTER WILL BE A POSITIVE MOVE FOR THIS CENTER, OTHER TENANTS AND THEIR CLIENTELE. PET SERVICES, SUCH AS HARPER & FRIENDS, IS ALLOWED IN LOD AND B3 AND HIGHER.

ALL OF THE FOLLOWING ITEMS MUST BE ATTACHED for this application to be complete.

- ☐ A detailed narrative outlining grounds of the Appeal and citing any Zoning Ordinance section number(s) relied upon; and a statement of the specific decision requested of the Board of Zoning Appeals.
- ☐ When an Appeal is filed by an Agent for another party, that party must submit written certification consenting to the Appeal.
- ☐ Filing Fee - \$50.00

Staff Use Only / Received by: _____

Date Received: _____

Time: _____

Permit Number: _____

FOR LEASE

200 Dawn Redwood Dr., Suite 100 Spartanburg, SC 29307

NAI Earle Furman

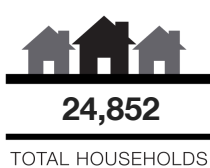
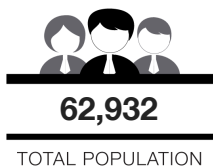
\$16.00 SF/YR (NNN)



Retail | 1,283 SF

- Adjacent to Walmart Super Center
- Across the street from new Spartanburg High School
- E. Main Street retail corridor
- 26,600 VPD on E. Main Street
- Busy center with great neighboring tenants
- Ample parking

5 MILES INFORMATION



No Warranty Or Representation, Express Or Implied, Is Made As To The Accuracy Of The Information Contained Herein, And The Same Is Submitted Subject To Errors, Omissions, Change Of Price, Rental Or Other Conditions, Prior Sale, Lease Or Financing, Or Withdrawal Without Notice, And Of Any Special Listing Conditions Imposed By Our Principals No Warranties Or Representations Are Made As To The Condition Of The Property Or Any Hazards Contained Therein Are Any To Be Implied.



✉ **John Easterling**
O: +1 864 205 5500
jeasterling@naiearlefurman.com

✉ **Katherine Fulmer**
O: +1 864 720 1663
C: +1 864 415 5931
kfulmer@naiearlefurman.com

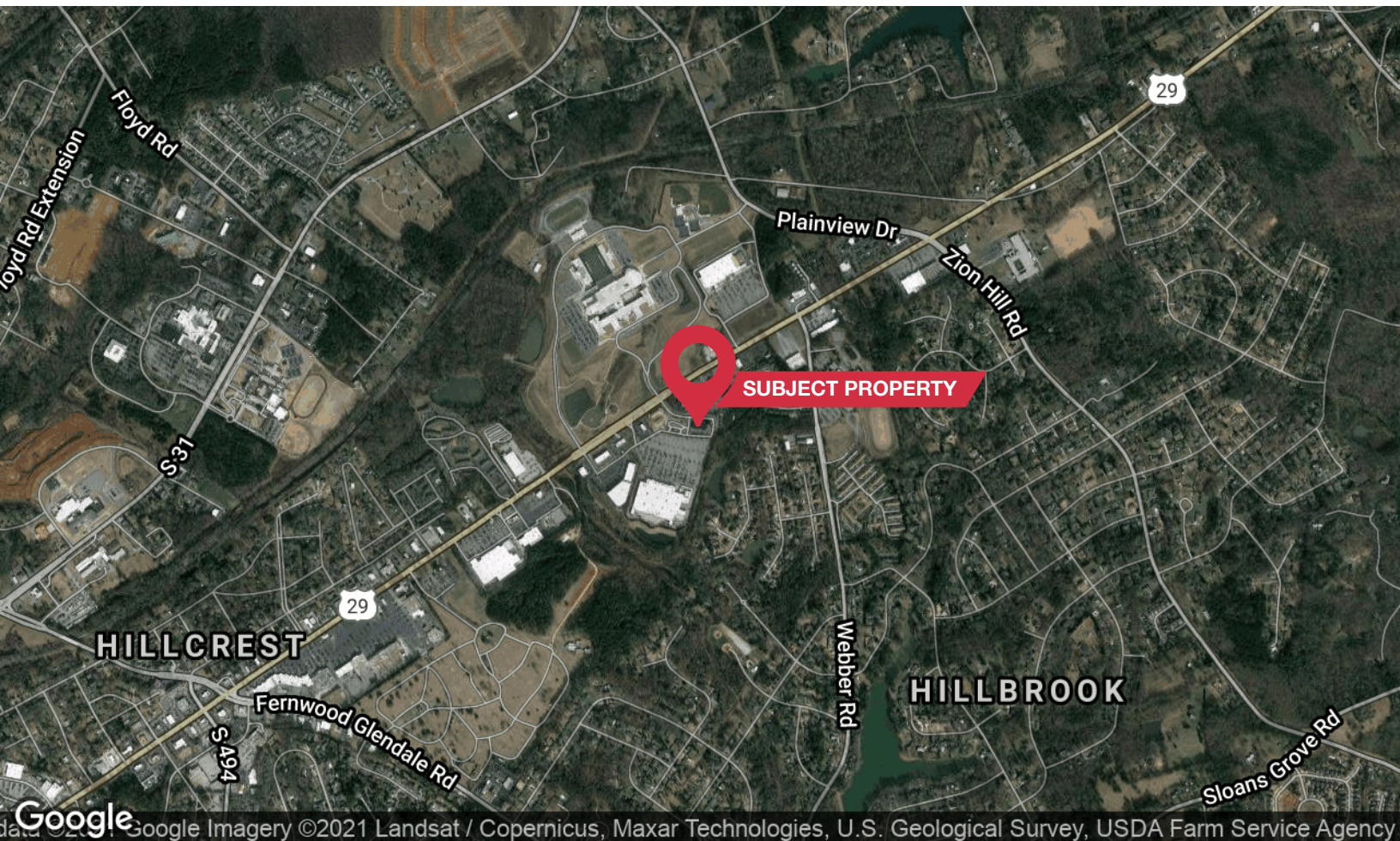
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📍 **1 Real Estate Way**
Spartanburg, SC 29302
naiearlefurman.com

FOR LEASE

200 Dawn Redwood Dr., Suite 100 Spartanburg, SC 29307

NAI Earle Furman



✉ **John Easterling**
O: +1 864 205 5500
jeasterling@naiearlefurman.com

✉ **Katherine Fulmer**
O: +1 864 720 1663
C: +1 864 415 5931
kfulmer@naiearlefurman.com

No Warranty Or Representation, Express Or Implied, Is Made As To The Accuracy Of The Information Contained Herein, And The Same Is Submitted Subject To Errors, Omissions, Change Of Price, Rental Or Other Conditions, Prior Sale, Lease Or Financing, Or Withdrawal Without Notice, And Of Any Special Listing Conditions Imposed By Our Principals. No Warranties Or Representations Are Made As To The Condition Of The Property Or Any Hazards Contained Therein As Any To Be Implied.

📍 **1 Real Estate Way**
Spartanburg, SC 29302
naiearlefurman.com

TO: The Board Zoning Appeals

RE: APP-23-00200013 The City of Spartanburg's Board of Zoning Appeals has received an Appeal to the Zoning Ordinance table of permitted uses to allow rental cars in excess of limits located at 249 E. Blackstock Rd. (TMS # 6-21-13-002.00); with a zoning designation of B-1, Neighborhood Shopping District. **Owner: Larry O. Harmon; Applicant: Enterprise Rent A Car; Agent: Greyson Furnas.**

Date: October 3rd, 2023

Project Description and History

The project site is an approximately 66,861 square foot commercial lot located at 249 E. Blackstock Rd. (TMS # 6-21-13-002.00). The lot was in a zoning classification of LOD, Limited Office District, received approval for rezoning to B-1, Neighborhood Shopping District from City Council on September 25, 2023 to accommodate the proposed use of auto rental. The site currently contains one-story building with drive through that was a "Cash n Go"

Currently, Enterprise Rent A Car is located at 238 E. Blackstock Rd, sharing ingress and egress with CPM Federal Credit Union. The applicant, Enterprise Rent A Car is requesting an appeal to the Zoning Ordinance Section 303.6 Table of Permitted Uses **No. 18 Auto, Rental** to allow them to operate the business with no limitation on number of cars, trucks, and trailers with inventory on site.

Section 301 to 303: District Use Regulations

A. COMMERCIAL USES (CONTINUED)	GID	LOD	LC	B-1	B-3	B-4	I-1	I-2
17. Auto, Rental – rental of cars, trucks, and trailers with inventory is limited as follows: (1) no more than ten car can be parked on the property at one time; (2) no more than five trucks can be parked on the property at one time. No truck shall have more than two axles nor have a gross vehicle weight exceeding 32,000 lb.; (3) only trailers utilized for transporting a single car can be located on the property and no more than five trailers at one time				P				
18. Auto, Rental					P	P	P	P

Such an appeal shall be submitted no later than ten (10) days after the start of construction or within thirty (30) days after a decision by a board, commission, or bureau, or a decision of the Zoning Administrator, whichever is lesser. Such notice of an appeal, special exception, or variance shall be accompanied by a check **in the amount of \$50 payable** to the City of Spartanburg to partially defray the cost of giving public notice of such hearing, none of which shall be refundable. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which action appealed was taken from.

An appeal stays all legal proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by this Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance.

Analysis

Zoning Ordinance Consistency

The project site has a zoning designation of B-1 – Neighborhood Shopping District. The zoning designation of the site currently DOES NOT allow for auto rental usage in general. However, also in the current Zoning Ordinance, Auto, Rental business will be allowed on site under the restriction(s) addressed in No. 17 from 303.6 Table of Permitted Uses.

The Board must utilize **Section 603.3(A)(2)** and determine if the proposal meets all the criterion for approval. To hear and decide Appeal from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. An appeal may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other properties in the vicinity;
- c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.
- e. In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Findings

1. ***There are extraordinary and exceptional conditions pertaining to the particular piece of property –***
Currently, the site is surrounded by Duke Energy Utility to the right side of the property, and a one-story building with several offices. Currently, Enterprises sits on a smaller site on the other side of E. Blackstock Rd. (238 E. Blackstock Rd) with very limited parking spaces on site. The proposed location, 249 E. Blackstock Rd., has a bigger parking lot in the rear of the property allowing Enterprise Rent A Car to have more inventory on site serving customers without the need of leasing spaces from other properties accommodating the inventory.
2. ***These conditions do not generally apply to other properties in the vicinity –***
Properties to the right side of the project site is a utility site owned by Duke Energy, the site to the left of the project site is housing some offices with enough parking spaces on site. Properties directly across from the project site are a used car dealer, Burns Buy Here Pay Here of Spartanburg, with a zoning designation of B-3, General Business District, and a strip mall center with retail stores. Both the used car dealership and the strip mall center have ample parking spaces on site accommodating parking needs.

3. ***Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and –***

The current Zoning Ordinance 303.6 Table of Permitted Uses either DOES NOT allow Auto Rental in general under B-1, Neighborhood Shopping District, or it restricts the number of cars, trucks, and trailers with inventory on site. The restriction(s) from the current Zoning Ordinance will NOT allow Enterprise Rent A Car to operate completely or have no more than 10 cars, or 5 trucks on the property at one time under the current new zoning designation for the site.

4. ***The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance–***

Approval of the appeal would not be of substantial detriment to the adjacent properties and would not influence the property values, public health, safety, or general welfare of the public. However, by allowing Enterprise Rent A Car to operate on the site, it is suggested that they may need to work on their due diligence with the neighborhood behind the site to make sure that the noise level is acceptable.

5. ***In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare–***

Approval of this appeal will be specific to this site and will NOT AFFECT the zoning ordinance and staff enforcement of the current requirement.

Submitted by:



Nan Zhou, AICP
City Planner II
City of Spartanburg Planning Department

Attachments:

Conditions of Approval

Application

Photos

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:

249 E. Blackstock Rd. (TMS # 6-21-13-002.00)

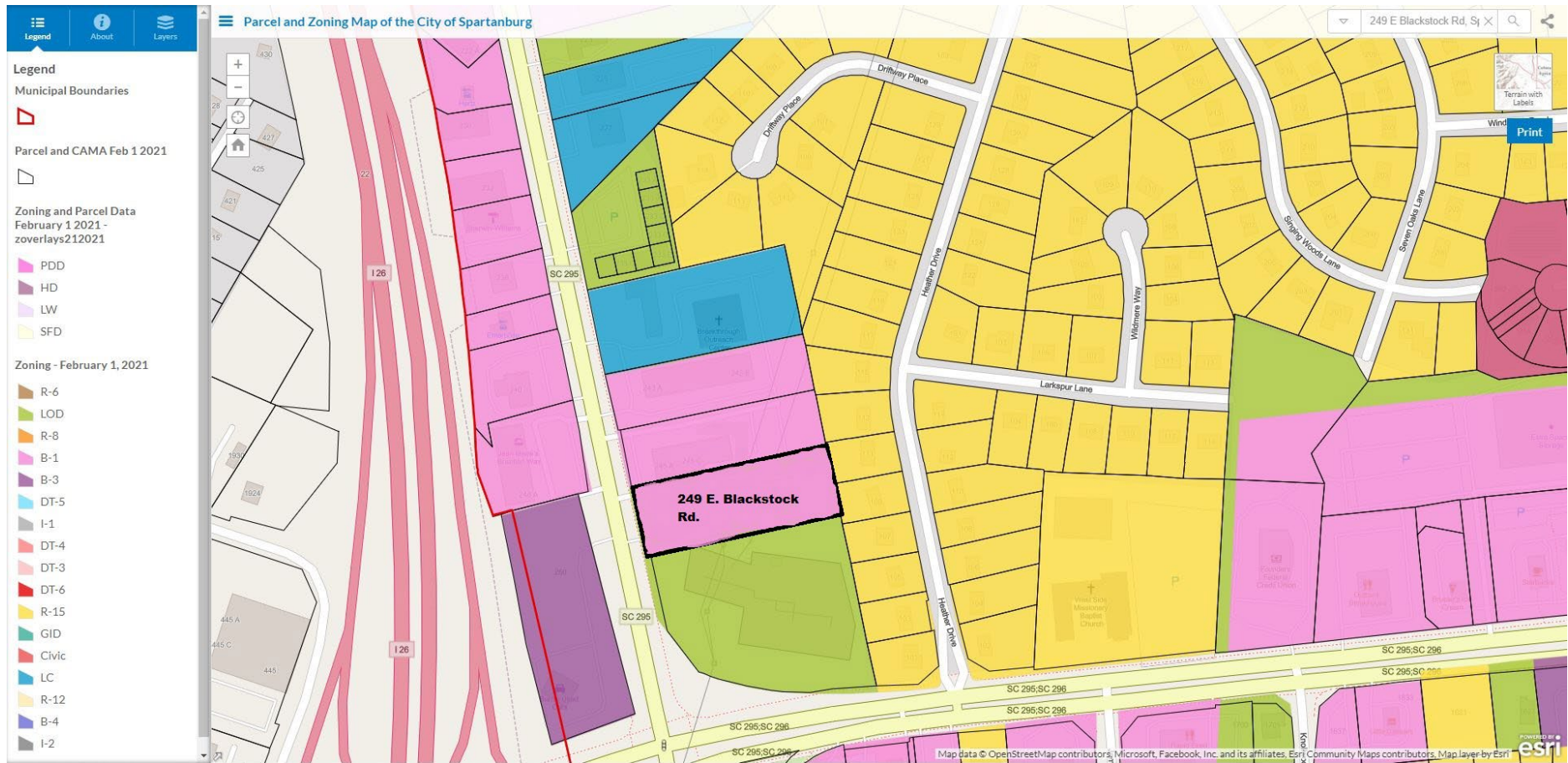
1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All setbacks excluding the street side yard setback shall meet the setback requirements in the City of Spartanburg Zoning Ordinance, where the maximum building coverage is N/A, front yard setback is 25 feet, rear setback is 10 feet, the interior side setback is 5 feet, and the street side setback is 15 feet.
3. The use shall meet the standards and shall be developed within the limits established by Chapter 501.10 of the Spartanburg Municipal code as to the emission of noise, odor, smoke, dust, vibration, waste, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
4. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation if any approval or permits issues in connection therewith.
5. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Spartanburg City Planning Department. All aspects of construction must be completed prior to use. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
6. All requirements of the Building, Fire, Water and Streets and Stormwater Departments shall be completed prior to building occupancy permit issuance and continuously maintained thereafter.
7. Site Pre-construction meeting with the City of Spartanburg Storm Water Manager, Jay Squires, is required prior to site disturbance. Building pre-construction meeting with City of Spartanburg Building Official, Buddy Bush, required prior to vertical construction.

The map displays a residential and commercial area with various lot numbers and street names. A yellow rectangle highlights a specific lot (249). The map includes a toolbar with various navigation and analysis tools, a scale bar (200 ft), and a copyright notice for Esri.

Streets shown include: BLACKSTOCK RD, LARKSPUR LN, WILDMERE WAY, HEATHER, and I-26 WB EXIT 22 (ON).

Lot numbers visible include: 235, 238, 240, 246, 249, 250, 255, 243, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

ZONING MAP – 249 E. Blackstock Rd.



Site Photos – Front



Site Photos – Right Side



Site Photos – Left Side



Site Photo – Rear Parking Lot



Site Photo – Rear Parking Lot



Site Photos – Property to the Right Side of the Project Site



Site Photos – Properties to the Left Side of the Project Site



Site Photos – Properties Across from the Project Site (Strip Mall Center)



Site Photos – Properties Across from the Project Site (Used Car Dealer)



Site Photos – Current Site Photo of Enterprise Rent A Car



Site Photos – Current Site Photo of Enterprise Rent A Car



Site Photos – Current Site Photo of Enterprise Rent A Car



Site Photos – Shared Ingress and Egress with CPM





Planning Department

PO Box 1749 • Spartanburg, SC 29304 • phone: (864) 596-2068 • email: planning@cityofspartanburg.org
website: www.cityofspartanburg.org

General Application

Name of Development: 249 E. Blackstock Rd. (Enterprise Rent-A-Car)

Street Address: 249 E. Blackstock Rd.

Zoning District: B-1 LOD Overlay: n/a Tax Map Number: 6-21-13-002.00

Owner: Larry O. Harmon Phone: 864-590-1538

Address: 180 Emerald Dr. Email: billmcltr@aol.com

City: Campobello State: SC Zip: 29322

Applicant: Enterprise Rent-A-Car Phone: 803-260-3494

Address: 249 E. Blackstock Rd. Email: andrew.w.metze@ehi.com

City: Spartanburg State: SC Zip: 29301

Agent: Greyson Furnas Phone: 864-316-8192

Address: 145 W. Main St. Suite 300 Email: greyson.furnas@colliers.com

City: Spartanburg State: SC Zip: 29306

Please select the activity requested / also, please attach the required Supplemental Form:

- | | |
|--|--|
| ☐ Annexations | ☐ Planned Development Districts (PDD) |
| ☐ Special Exceptions | ☐ Zoning - Conditional Use |
| ☒ Zoning - Appeals | ☐ Zoning - Variance |
| ☐ Zoning - Map Amendment | |

Fees and Payments can be made using the Permit Number and the [City of Spartanburg Payment Portal](#).

To the best of my knowledge, the information on this application and all additional documentation is true, factual and complete. I hereby agree to abide by all conditions of any approvals granted by the City of Spartanburg. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I hereby authorize the staff of the Planning Department to inspect the premises of the above-described property.

Applicant / Owner Signature: _____ Date: 09/05/2023

Staff Use Only / Received by: Personal / Tia
Date Received: 9/18/23 Time: _____ Permit Number: APP 23-0200013

**ZONING APPEALS
SUPPLEMENTAL APPLICATION FORM**

Name of Development: 249 E. Blackstock Rd. (Enterprise Rent-A-Car)

Location of Development: 249 E. Blackstock Rd. Spartanburg, SC 59301

City Official or Body that made the Decision: Zoning Board

Date of the Decision you are Appealing: August 17th, 2023

Please summarize the Decision you are Appealing:

the site will be rezoned to a B-1 site and Enterprise can transition to its new location under the B-1 guidelines (no more than 10 cars...) However, we would like to appeal the amount of cars permitted to be on-site for Enterprise's use.

Please explain the Basis for your right to Appeal:

Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such appeal shall be submitted within thirty (30) days after a decision by a board, commission, bureau, or a decision of the Zoning Administrator, whichever is lessor.

The Nature of the Appeal:

The appeal is to allow a B-1 zoning district to rent more than 10 automobiles on the site.

ALL OF THE FOLLOWING ITEMS MUST BE ATTACHED for this application to be complete.

- ☐ A detailed narrative outlining grounds of the Appeal and citing any Zoning Ordinance section number(s) relied upon; and a statement of the specific decision requested of the Board of Zoning Appeals.
- ☐ When an Appeal is filed by an Agent for another party, that party must submit written certification consenting to the Appeal.
- ☐ Filing Fee - \$150.00

Staff Use Only / Received by: _____

Date Received: _____

Time: _____

Permit Number: _____

Spartanburg County, SC

Summary

Parcel ID 6-21-13-002.00
Account # 117627
MillageGroup 540Z - 6SSZ - SD6/SPARTANBURG SANITARY SEWER/City of Spartanburg
Land Size 1.495 AC
Utilities ,PUBLIC WATER,PUBLIC SEWER
Fire District
Site Conditions PAVED
Location Address 249 E BLACKSTOCK RD
 SPARTANBURG 29301
Legal Description P/O LOT 2 BLK E GEORGE DEAN SR SUB HWY R/W TAKEN 42.501A TR 92
 (Note: Not to be used on legal documents)
Neighborhood 0000
Property Usage Non-Qualified Regular Commercial Improved (6RGC)

Owners

[HARMON LARRY O](#)
 180 EMERALD DR
 CAMPOBELLO SC 29322

Valuations

	2023	2022	2021	2020
Market Land Value	\$128,165	\$114,665	\$114,665	\$114,665
+ Market Improvement Value	\$76,100	\$70,700	\$70,700	\$70,700
+ Market Misc Value	\$16,900	\$16,300	\$16,300	\$16,300
= Total Market Value	\$221,165	\$201,665	\$201,665	\$201,665
Taxable Land Value	\$128,165	\$114,665	\$114,665	\$114,665
+ Taxable Improvement Value	\$76,100	\$70,700	\$70,700	\$70,700
+ Taxable Misc Value	\$16,900	\$16,300	\$16,300	\$16,300
- Ag Credit Value	\$0	\$0	\$0	\$0
= Total Taxable Value	*\$221,165	*\$201,665	*\$201,665	*\$201,665
Assessed Land Value	\$7,690	\$6,880	\$6,880	\$6,880
+ Assessed Improvement Value	\$4,566	\$4,242	\$4,242	\$4,242
+ Assessed Misc Value	\$1,014	\$978	\$978	\$978
= Total Assessed Value	\$13,270	\$12,100	\$12,100	\$12,100

*This parcel is subject to the value cap

Fees

Assessment	Units	Amount
City of Spartanburg Total Fees	1	\$690.00

Land

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth
6% COMM IMPV (6RGC)	65,122.00	Square Foot	SQ FT	0	0

Commercial Buildings

Style Retail / 75
Gross Sq Ft 1,770
Finished Sq Ft 1,336
Perimeter 284
Stories 1
Interior Walls DRYWALL
Exterior Walls BRICK
Quality C (C)
Roof Type DOUBLE PITCH
Roof Material COMP SHINGLE
Exterior Wall1 BRICK
Exterior Wall2
Foundation CONT FOOT
Interior Finish DRYWALL
Ground Floor Area
Floor Cover CARPET with 50% VINYL
Full Bathrooms 0
Half Bathrooms 0
Heating Type CENTRAL HEAT with 0% AIR COND
Year Built 1986
Year Remodeled
Effective Year Built 1986



October 3, 2023

Planning Department
City of Spartanburg
P.O. Box 1749
Spartanburg, SC 29304
Submitted by email to Planning@cityofspartanburg.org

Re: APP-23-00200013

Dear Planning Department Staff,

Thank you for your letter of September 20, 2023 informing us of the Appeal request to the Zoning Ordinance table of permitted uses to allow rental cars in excess of limits located at 249 E. Blackstock Road requested by Enterprise Rent A Car. CPM operates a full-service branch at 240 E. Blackstock Road and I am writing today in support of the usage sought by Enterprise Rent A Car. We find their planned use of 249 E. Blackstock Road for rental car parking to be a pragmatic solution to support their growing business.

Sincerely,

A handwritten signature in black ink that reads "James Gergen". The signature is written in a cursive, flowing style.

James Gergen, CEO
CPM Federal Credit Union
jgergen@cpmfed.com