

Meeting Minutes
Board of Zoning Appeals
January 13, 2026 at 5:30 PM
Dr. TK Gregg Community Center
650 Howard St. Spartanburg, SC 29303

Attendance

Board Members Present

- Brian Murdock, Chair
- McKay Moore, Vice Chair
- Brandon Harris
- John Moore
- Dr. Midas Hampton
- Don Bramlett

Staff Present

- Fredalyn Frasier, Planning Director
- Nan Zhou, Planner II
- Bob Coler, City Attorney

Others Present

- David Hill, Homeowner – 656 Boyd St.
- Cecilia Hannah, Homeowner – 658 Boyd St.
- Mike Macnabb, Civil Engineer – Bluewater Civil
- Tom Godfrey, Landowner Representative – Granite Development, LLC
- Mr. West – Property Owner behind Fresh Market

Call to Order

Chair Brian Murdock called the meeting to order at 5:30 PM and conducted a roll call. A quorum was established.

The Chair stated that public notice of the meeting had been provided in compliance with the Freedom of Information Act and City of Spartanburg requirements. Meeting procedures were referenced.

Approval of Agenda

On a motion by Mr. Don Bramlett and seconded by Ms. McKay Moore, the agenda was approved by a vote of 6–0.

Approval of Meeting Minutes (December 09, 2025)

On a motion by Ms. McKay Moore and seconded by Mr. Brandon Harris, the meeting minutes from December 09, 2025 were approved by a vote of 6–0.

Old Business

Planning Department

VAR - 25-00200005 (mediation). On September 9, 2025, the Board of Zoning Appeals denied the applicant's request regarding the construction of a two-story detached garage in the rear yard on a concrete pad poured by the contractor that encroaches on the side property line. A mediation was conducted in December 2025. Individuals participating in the mediation included: David Hill, Applicant, Brian Murdock BZA Chair, McKay Moore, Vice-Chair, Bob Coler, City Attorney, Fredalyn M. Frasier, Planning Director, Nan Zhou, AICP, Planner II. As a result of the mediation, the appeal was remanded to the Board of Zoning Appeals for further consideration.

Staff Presentation

Nan Zhou, Planner II with the City of Spartanburg Planning Department, presented the 656 Boyd Street case for reconsideration following the Board's denial in September of the previous year. Staff explained that the case returned to the Board as a result of a mediation meeting held on December 18, during which staff, the homeowner, and other parties discussed potential conditions that could address concerns raised during the earlier hearing. The purpose of the new hearing was to allow the Board to revisit the request based on refined measurements and agreed-upon conditions developed during mediation.

Ms. Zhou outlined four conditions that resulted from the mediation process.

1. The first condition required verification of the final measurements documenting the distance between the proposed garage and the side property line.
2. The second condition involved an agreed-upon landscaping plan intended to provide additional screening between the proposed structure and the neighboring property.
3. The third condition required confirmation of a proper fire-rated wall approved by the City's building official.
4. The fourth condition required closely monitored structural inspections throughout the construction phase to ensure compliance and safety.

Ms. Zhou further explained that the request remained unchanged and involved the construction of a two-story garage on an existing concrete pad. Updated survey information and refined measurements submitted by the applicant showed that the front corner of the garage foundation would encroach approximately 5.67 inches into the required side setback, while the rear corner would encroach approximately 3.124 inches due to the angle of the structure in relation to the property line. Staff noted that these revised measurements were smaller than those originally presented during the September hearing and represented new information for the Board's consideration.

In reviewing the variance criteria, there is only one finding that had changed from the previous staff report. Staff noted that extraordinary and exceptional conditions existed on the property because altering the garage foundation by shifting or cutting the structure would be structurally inadvisable and would create complications for the garage door configuration. Ms. Zhou also addressed concerns related to fire safety and screening, explaining that building code requirements prohibited windows or doors along the side wall facing the adjacent property because the wall would be required to have a fire-rated assembly.

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Mr. Bob Coler, the City Attorney, explained the purpose and structure of the mediation process that followed the Board's earlier denial of the variance request. Under state law, applicants who disagree with a Board of Zoning Appeals decision may appeal directly to circuit court, and the law requires mediation before the matter proceeds to a judicial hearing. Drawing on more than two decades of legal experience and years representing municipalities, the attorney described mediation as a practical and constructive process designed to encourage open discussion and deeper examination of the facts outside the formal courtroom setting. Unlike court proceedings, mediation is not focused on arguing technical legal points but instead allows all parties to explore details, ask questions, and work toward a possible resolution.

Mr. Coler further explained that the mediation group included the applicant, city staff, and two members of the Board of Zoning Appeals serving in an advisory capacity. The purpose of including board members was not to create a quorum or make decisions, but rather to provide perspective on how the Board typically evaluates cases. During mediation, the group discussed the specific facts of the variance request in greater depth, including the small degree of encroachment into the setback, the role of the city inspector during the construction process, and the practical implications of potential solutions. The mediation process ultimately produced a proposed resolution that was then returned to the full Board for consideration because the Board acts on behalf of the city's governing body in zoning appeal matters.

The City Attorney emphasized that the Board's responsibility during the hearing was to carefully consider the mediated recommendation while remaining true to each member's individual judgment and conscience. He noted that mediation is intended to provide a more efficient and transparent way to examine facts that would otherwise be extensively debated in circuit court. The Board was also informed that the circuit judge overseeing the appeal had been updated on the mediation efforts and expressed support for a negotiated resolution if one could be reached. Mr. Coler concluded by reiterating that the mediation process had been conducted openly and transparently, allowing all participants to question one another freely and thoroughly explore the issues before bringing the proposed resolution back to the Board for final consideration.

Applicant Presentation

Mr. David Hill, homeowner of 656 Boyd St., explained to the Board that the process began in April 2025 when neighbors were shown the proposed plans and informed that permits would be sought. Building permit approval was obtained in May, 2025, and contractors later marked the property using provisional flags and verified corner pins. According to Mr. Hill, the construction error occurred when contractors moved the string line marking the property boundary during construction and subsequently measured from the fence rather than the actual property line. Because the fence was not perfectly aligned with the property line, the resulting encroachment measurements differed slightly between the front and rear corners of the structure.

Mr. Hill stated that several alternative solutions discussed at the previous hearing were later determined to be structurally impractical after consultation with architects and industry standards for the following reasons:

1. The garage slab was described as a monolithic concrete structure with integrated footings, making it difficult to cut back or resize without compromising structural integrity.
2. Modifying the slab would conflict with recommendations from the American Concrete Institute and International Residential Building Code guidance due to concerns about supporting a load-bearing exterior wall on a narrow concrete extension.
3. Additional complications included plumbing lines located beneath the slab and within the affected wall, as well as the recessed weather-seal lip at the garage opening. Resizing the structure would also require widening the garage door to a non-standard custom size, resulting in significantly higher costs and construction challenges.

Mr. Hill further addressed concerns regarding fire safety and neighborhood compatibility. The encroaching wall was intentionally designed without windows facing the neighboring property. The wall would exceed required fire-rating standards through the use of multiple layers of Type X gypsum board, mineral wool insulation, and noncombustible fiber cement siding. The garage was also described as using a “hot roof” design with no exposed attic soffits, reducing the risk of fire spread. In addition, the homeowner expressed willingness to install evergreen landscaping above the existing six-foot fence in consultation with the neighboring property owner in order to provide year-round visual screening and maintain the character of the neighborhood.

Lastly, Mr. Hill also explained and provided some context for the sequence of events surrounding the discovery of the setback issue during construction. Excavation work occurred at the end of June, followed by plumbing installation and preparation for the slab inspection. During the inspection process, the city inspector reportedly informed the homeowner that he had forgotten his tape measure but had already signed off on the permit card. Because the contractor considered the inspection approved, the concrete pour proceeded despite the homeowner’s concerns about verifying measurements. The homeowner emphasized that the variance request was limited in scope, resulted from a simple construction error, and would not create harm to neighboring properties or establish a broader precedent. Mr. Hill agreed to work closely with city inspectors moving forward to ensure compliance throughout the remainder of the project.

Public Comments

Cecilia Hannah, homeowner of 658 Boyd St., spoke in support of the Hills’ variance request and continued construction project. She explained that she and her husband, Troy, had observed the Hills’ efforts to improve and maintain the property since moving into the neighborhood earlier in the year. Ms. Hannah stated that the Hills had demonstrated transparency throughout the process by communicating directly with neighbors, going door to door to explain the situation and answering questions as concerns arose. She expressed her belief that the construction error was an honest mistake and that the homeowners had intended to comply with all applicable requirements throughout the project.

Ms. Hannah further stated that she and her husband viewed the Hills as valuable neighbors and supported allowing the project to proceed to completion. Although their property was not directly adjacent to the side where the encroachment occurred, she noted that they were familiar with the structure being constructed and had watched the project develop over time. She emphasized that

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they had no concerns about the proposed garage or its impact on the neighborhood and hoped the homeowners would be permitted to finish the project as planned.

Board Discussion

Board members discussed the results of the mediation process and expressed support for the applicant's request after receiving additional information and clarification regarding the setback encroachment. Several Board members stated that the mediation process provided a more complete understanding of the circumstances, including the revised setback measurements, the role of the city inspection process, and the structural limitations involved in modifying the garage slab. Members generally agreed that the applicant had made substantial efforts to comply with the rules and that the encroachment resulted from a combination of innocent mistakes and circumstances outside the applicant's control rather than intentional misconduct.

Key points raised by board members included:

1. **Brandon Harris** stated that the applicant had clearly researched the structural limitations and demonstrated that modifying or cutting the slab was not a feasible option.
2. **John Moore** praised the mediation process for bringing additional facts to light, including the smaller-than-expected setback encroachment and the circumstances involving the city inspector's approval during construction.
3. **Dr. Midas Hampton** emphasized that the applicant had exercised due diligence through communication with contractors and city staff and that granting the variance would not create a harmful precedent.
4. **McKay Moore** expressed appreciation for the Board's collaborative process and the opportunity to reconsider the matter collectively using the diverse experiences and perspectives of the members.
5. **Don Bramlett**, who had supported the variance during the original hearing, noted that irregular property lines are common in older neighborhoods and emphasized the challenges homeowners face when acting as their own contractors. He also commented that experienced contractors can help manage complicated construction situations and encouraged consideration of that factor moving forward.

Additional comments focused on practical construction realities and the limited nature of the encroachment. Mr. Brian Murdock, who had not participated in the original vote, observed that the encroachment averaged only slightly more than four inches and stated that the updated facts and context provided through mediation may have meaningfully affected the Board's understanding of the case.

Collectively, the Board members indicated that the additional information gained through mediation helped clarify the situation and supported reconsideration of the variance request.

Board Action

Following deliberation, the Board determined that the applicant's request for a variance should be approved, allowing Mr. Hill to build a detached garage in the back yard.

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Motion

On a motion by Mr. Don Bramlett and seconded by Mr. John Moore, the Board of Zoning Appeals granted Approval for the Variance Permit #25-00200005 (mediation) for 656 Boyd St. with conditions outlined in the staff report and the conclusion of the mediation.

The motion passed unanimously (6-0)

New Business

APP - 25-00200012. The City of Spartanburg's Board of Zoning Appeals has received an Appeal regarding the permitted use table for a proposed pet store, PETSMART, located at 1200 E. Main St. (7-13-01-001.08) with a zoning designation of B-1 (Neighborhood Shopping District). **Owner: Waterstone Southeast Spartan Portfolio LLC / Applicant: Mike Russo / Agent: Tom Godfrey**

Staff Presentation

Nan Zhou, Planner II with the City of Spartanburg Planning Department, presented the Appeal case involving a proposed PetSmart location at 1200 E. Main Street. The existing building, formerly occupied by Tuesday Morning, is approximately 11,700 square feet and is zoned B-1 (Neighborhood Shopping District). If approved, the project would include a small rear addition that would later undergo site plan review, increasing the total building area to just over 15,000 square feet.

The site fronts East Main Street and is located near neighboring commercial uses, including Fresh Market and a restaurant with an outdoor seating area adjacent to the proposed pet store.

Ms. Zhou explained that the proposal is similar to several cases reviewed in the past year involving pet-related businesses in locations where such uses are not currently permitted. Although the primary use would be retail sales, the store would also provide pet-related services.

A key concern in the staff review involved compatibility with neighboring businesses, particularly assumptions that the proposed PetSmart shared a wall with Fresh Market. New information and photographs clarified that the buildings are separate structures, even though they appear connected from the exterior. Staff noted that they were unaware of this distinction when preparing their recommendation. Questions regarding noise, ventilation, and other operational impacts would be addressed through building code requirements if the project is approved, with the applicant expected to provide additional details. Staff reported receiving calls from residents, but the inquiries were primarily requests for information about the proposed tenant and concerns about potential land use changes, rather than complaints about the project itself.

Additional information was provided by the applicant shortly before the meeting, after the staff report had already been completed. While staff acknowledged that this new information addressed some concerns from the staff report, staff did not change recommendations at that time.

Fredalyn M. Frasier, Planning Department Director, further stated that staff noted that the two existing pet store locations referenced in the report are not located adjacent to or near restaurants or food-serving establishments. This distinction is important because previous

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applications for pet stores have raised concerns about compatibility with nearby uses, particularly where food preparation or dining activities occur. As a result, staff has consistently evaluated the relationship between proposed pet-related businesses and surrounding land uses when making recommendations.

Ms. Frasier acknowledged that the zoning ordinance is more than 40 years old and does not specifically address modern pet retail and grooming uses, which were not common when the code was written. Because the code lacks standards such as separation distances, entrance setbacks, or end-cap location requirements that are often found in newer zoning regulations, staff must rely on broader compatibility considerations, industry trends, and prior board decisions when reviewing these applications. Although the applicant submitted additional information shortly before the meeting that may help address some compatibility concerns, staff emphasized that the board must determine whether that information sufficiently resolves the issues raised by the outdated zoning framework

Applicant Presentation

Tom Godfrey, representative of the owner of the Shopping Center of Waterstone Properties started providing some background and leasing challenges relating to the current vacant space, former Tuesday Morning. The building is approximately 12,000 square feet, which is slightly smaller than typical “junior anchor” spaces like PetSmart, Marshalls, or HomeGoods, making it challenging to lease. Despite these constraints, an agreement has been reached with PetSmart to occupy the space, with a small addition proposed at the back to optimize usability. The interior will be custom fitted for PetSmart’s operations, with about 85% of sales focused on general retail merchandise and the remaining 15% on accessory services such as dog training sessions, grooming in a dedicated pet spa, and cat adoptions in a small room. The store will not sell dogs or cats, and veterinary services will not be provided.

PetSmart’s design features new HVAC systems and an enclosed grooming area to accommodate the unique needs of the store. The location is a standalone building and fits well within the shopping center’s existing use restrictions, complementing Fresh Market. Fresh Market has reviewed the floor plan of the proposed use and approved the use. The store is strategically positioned to maintain adequate distances from neighboring entrances, approximately 100 feet from both Fresh Market and Gerhard’s restaurant, adhering to typical industry standards for compatibility. PetSmart also proposed a pet waste station near the front of the store to provide convenience for customers with pets, keeping it away from neighboring restaurants to avoid conflicts and maintain cleanliness. Mr. Godfrey stated that they are willing to work with staff about the details of the pet waste station.

Overall, Mr. Godfrey concluded that it would be a positive addition to the shopping center and would align well with the property's existing use restrictions. PetSmart would bring increased activity and economic vitality to the shopping center while remaining compatible with surrounding businesses through appropriate design controls and conditions.

Mike MacNabb, Bluewater Civil Engineer responded to concerns about the location and design of the proposed pet relief station, explaining that staff's primary concern was ensuring pets had a designated, convenient area near the store entrance rather than using landscaped islands or other areas throughout the shopping center. Mr. MacNabb noted that the relief station would utilize a permeable surface, likely an artificial turf product such as AstroTurf installed over a stone or sand base to allow water and pet waste liquids to infiltrate properly. The area would also include a waste disposal station stocked with bags so pet owners could immediately clean up after their animals, helping maintain the site and minimize impacts on surrounding businesses and landscaping.

Public Comments

Mr. West, a property owner behind the Fresh Market expressed concerns about the potential impacts of the proposed PetSmart location on adjacent residential properties. Mr. West was particularly concerned about potential noise and odors associated with the pet-related business. He noted that these concerns were hidden because a previously existing ten-foot masonry wall that separated the commercial property from neighboring residences was destroyed during a severe storm in 2023 and has not yet been rebuilt. Mr. West explained that he and other nearby residents, including an elderly neighbor, have repeatedly contacted the property owner and management company seeking repairs but have received only assurances from the property owner stating that plans and engineering designs are still being prepared.

Mr. West further explained that the wall had originally been constructed as part of the shopping center development and had served as an important buffer between the commercial property and surrounding homes. After the storm damaged approximately 100 feet of the wall, the debris remained for an extended period before finally being removed. The speaker stated that city inspectors and fire officials had reviewed the situation, and a survey confirmed that the wall was not located on his property. Despite multiple conversations with the property owner and management representatives over the past two years, he expressed frustration with the lack of progress toward rebuilding the wall and emphasized the need for the issue to be addressed, particularly before introducing a new pet-oriented use adjacent to nearby residences.

Board Discussion

Board members discussed the proposed use as a pet store, along with the pet relieve area placement in relation to the adjacent uses, and reconstruction of the rear masonry wall.

Discussion included the following:

- **Brandon Harris:** Mr. Harris supported moving forward with the PetSmart proposal based on the additional information provided by the applicant. However, he recommended that approval be conditioned on the reconstruction of the rear masonry wall before PetSmart begins operations at the site.

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- **Dr. Midas Hampton:** Dr. Hampton agreed with approving the project and noted that concerns about shared walls with adjacent properties had been alleviated because the building is independently constructed. Nevertheless, he emphasized that the rear masonry wall should be rebuilt before the store opens in order to protect nearby residential properties and residents.
- **John Moore:** Mr. Moore was conflicted about the proposal. While he appreciated the potential benefits of a pet store, Mr. Moore expressed disappointment that the damaged wall had not been rebuilt despite longstanding requests from neighboring residents. He also raised concerns about possible impacts from poorly controlled pets and believed the applicant should have submitted supporting materials earlier to allow for staff review. Ultimately, he deferred to the staff recommendation while noting concerns about communication and responsiveness.
- **MacKay Moore:** After reviewing the conditions of approval, Ms. Moore concluded that the applicant's supplemental materials adequately addressed the required findings. She believed PetSmart could benefit the shopping center by increasing customer traffic, supporting surrounding businesses, improving pedestrian activity, and reducing the negative effects of a vacant storefront. She supported approval and was open to adding a wall reconstruction condition.
- **Don Bramlett:** Based on Mr. Bramlett experience as a customer of pet retail stores, he viewed PetSmart primarily as a retail operation rather than an intensive animal-related use. He noted that relatively few customers bring pets into such stores and that proposed restrictions on pet sales, boarding, and similar activities reduced potential concerns. Mr. Bramlett supported the concept of adding a competing pet retailer to the area but strongly objected to the proposed outdoor pet relief area at the front of the building, with argument that it would detract from the shopping center's appearance, create potential nuisances, and be visible to nearby businesses and patrons. He preferred relocating the relief area to the rear of the building or enclosing it from public view. He also supported rebuilding the rear wall, noting that it could help prevent escaped pets from entering nearby residential neighborhoods.
- **Brian Murdock:** Mr. Murdock believed that customers bringing pets to the store would likely allow their animals to relieve themselves wherever convenient, regardless of whether a designated pet relief area exists. Mr. Murdock argued that providing a dedicated relief area near the store entrance is a practical solution because pets may have been in vehicles for an extended period before arriving. He compared the concept to the placement of trash cans in public spaces, noting that people and animals tend to use the most convenient option available. While he supported having a pet relief area, he suggested adding screening, such as solid walls on the sides adjacent to neighboring tenants, to reduce its visibility and impacts. He also strongly supported requiring the reconstruction of the eight-foot masonry wall along the rear property line before a certificate of occupancy is issued, emphasizing the need to protect nearby residents and address potential neighborhood impacts

Board Action

Following deliberation, the Board determined that the applicant's request for an appeal should be approved with conditions. The conditions are:

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1. Repair the brick wall behind the shopping center before a Certificate of Occupancy (CO) will be issued.
2. Installation of an exhaust ventilation system in compliance with current Building Code for pet stores, the Buildings Department may assign other conditions where noted in the Code.
3. Planning staff is to review and approve placement, screening, design, and materials of any pet relief area.

Motion

On a motion by Mr. Brandon Harris and seconded by Dr. Midas Hampton, the Board of Zoning Appeals granted Approval with Conditions for the Appeal Permit #25-00200012 for 1200 E. Main St.

The motion passed unanimously (4-2).

Staff Announcements

Staff informed the board that all future meetings will continue to be held at the TK Greggs facility and will begin at 5:00 p.m. Board members were also advised that a continuing education recap will be distributed soon, outlining available training opportunities. Additionally, the ACOG has released its new board orientation schedule and is currently developing its continuing education schedule, which is expected to be shared in the coming weeks or months. Once available, board members will have opportunities to enroll in courses offered either in person or virtually. Staff also noted that efforts are underway to host at least one continuing education session locally to reduce travel requirements for board members

Adjournment

On a motion by Mr. Moore and seconded by Dr. Midas, the meeting was adjourned unanimously.

Meeting adjourned at 7:23 P.M.



 Brian Murdoch, Chair

Brian Murdoch