



The City of Spartanburg Board of Zoning Appeals

AGENDA

March 12, 2024, at 5:15 P.M.

**Spartanburg County Council Chambers
366 N. Church Street – Spartanburg, SC 29303**

(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 February 13, 2024, Meeting.**
- VI. Old Business: None.**
- VII. New Business:**
 - 1. VAR-24-002-00002: The City of Spartanburg’s Board of Zoning Appeals has received a request for a variance to the front and rear setbacks to property located at 206 Butternut Road (TMS: 7-21-00-138.00); with a zoning designation of R-12 (General Residential District). Owner: Live Strong Investments, LLC /Applicant: Ethan Floyd; PTL Construction.
 - 2. APP-24-002-00003: The City of Spartanburg’s Board of Zoning Appeals has received an appeal to the decision regarding the side yard setback for a survey of the property located at 2127 E. Main Street (TMS: 7-09-00-017.07); with a zoning designation of B-1 (Neighborhood Shopping District). Owner/Applicant: Maude Davis; Spartan Main, LLC.
- 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 planning@cityofspartanburg.org.

**Meeting Minutes of the Board of Zoning Appeals
Tuesday, February 13th, 2024, at 5:15 PM
City Hall Council Chambers**

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, February 13th, 2024, at 5:15PM with the following members in attendance **Dominique Dawkins, Brian Murdoch, Don Bramblett and Darren Matz**. Representing the Planning Department is **Martin Livingston, Community Services Director, Nan Zhou, Planner II, and Oksana Holbrooks, Administrative Assistant**.

Roll Call:

Mr. Bramblett: Don Bramblett
Mr. Matz: Darren Matz
Mr. Murdoch: Brian Murdoch
Ms. Dawkins: Dominique Dawkins- Virtually

Mr. Matz: The Freedom of Information Act Compliance says this. Public notification of this 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. Murdoch, seconded Mr. Bramblett to approve the agenda. The motion was approved with a vote of 4-0.

Mr. Murdoch: I make a motion.
Mr. Bramblett: Second
Mr. Murdoch: All in favor?
Attendees: Aye.

Mr. Murdoch: Second item is the disposition of meeting minutes from December 12th, 2023. Is there any items we need to adjust or corrections we need to make?

Approval of Meeting Minutes from December 12th, 2023.

A motion was made by Mr. Bramblett seconded Mr. Bramblett the motion was approved with a vote of 4-0.

Mr. Bramblett: So moved.
Mr. Murdoch: Second.
Mr. Murdoch: All in favor?
Attendees: Aye.

Old Business: None

New Business:

The City of Spartanburg's Board of Zoning Appeals has received a request for a variance to the front and side setbacks to property located at 266 Hydrick Street (TMS: 7-12-14-

172.00); with a zoning designation of R-8 SFD (General Residential – Single Family District). Owner/Applicant: Royce Camp; Royce Camp Construction.

Project Description and History

The project site is an approximately 6,100 square foot lot located in Hampton Heights Historic District with a zoning designation of R-8 SFD (General Residential – Single Family District). The project site is located on the west side of Hydrick Street and intersects with Beta Club Way. A majority of the properties on the street are built and very few vacant lots exist in the neighborhood. The lot is required to meet the Hampton Heights Historic District guidelines for new construction. The applicant has received approval for the new construction on the site with one of the conditions of approval required that the Board of Zoning Appeals (BZA) approves the front and left side setbacks for the new construction. Also, although not requested in the application, the applicant will need a review and approval of a variance for the Building Coverage Area requirement because of the size of the structure. The applicant is proposing a new construction, a one-story three bedroom and two bath bungalow with a front porch. The applicant is proposing a front setback of 15 feet and a left side setback of 5 feet. The current zoning designation R-8 SFD (General Residential – Single Family District) requires a front building setback of 30 feet and side yard setback of 8 feet. The applicant is requesting a front and side yard setback to be consistent with other structures on the street and in the neighborhood. Also, although not requested in the application, the applicant will need a review and approval of a variance for the Building Coverage Area requirement because of the size of the structure. The proposed structure exceeds the maximum building coverage area requirement of 30%.

Analysis

Zoning Ordinance Consistency

The project site has a zone designation of R-8 SFD (General Residential – Single Family District). **Section 302.1, R-8 SFD (General Residential – Single Family District) Uses Permitted by Right** of the City of Spartanburg Zoning Ordinance does allow single-family construction. The applicant is seeking front and side yard setback reduction variance for the construction of the new structure. A Variance may be granted by the Board of Zoning Appeals to the minimum front and side setback standards required in the ordinance. Variances may only be granted in the instances listed in Section 603.4. Section 603.4 lists nine instances in which the Board may grant a Variance. Of these nine, one is applicable to this project:

Section 603.4 (2): To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official.

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;
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
- c. 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.

- d. 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 –

The applicant is proposing a new construction, one-story, three bedroom and two bath bungalow with a front porch. The applicant is proposing a front setback of 15 feet and a left side setback of 5 feet. The current zoning designation R-8 SFD (General Residential – Single Family District) requires a front building setback of 30 feet and side yard setback of 8 feet. The applicant is requesting a front and side yard setback to be consistent with other structures on the street and in the neighborhood. Using the County Tax Assessor mapping for reference, a majority of the homes on the street have an average setback of approximately 15 feet from the front porch to the sidewalk and side yard setbacks varies from 5 to 10 feet. Also, although not requested in the application, the applicant will need a review and approval of a variance for the Building Coverage Area requirement because of the size of the structure. The proposed structure exceeds the maximum building coverage area requirement of 30%. Many of the structures in the neighborhood on Carlisle and Hydrick Street exceed the maximum building coverage area with most properties ranging from 30% to 35% Building Coverage Area. The applicant is proposing a building coverage area of approximately 36% with an estimated 2,200 square foot structure on an estimated 6,100 square foot lot.

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

A majority of the lots in the neighborhood are similar. The setbacks proposed by the applicant would be consistent with existing neighborhood design. The maximum building coverage area would be exceeded in the zoning district, but would be consistent with other properties in the vicinity of the vacant lot.

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 applicant is proposing to develop the site consistent with neighborhood standards, form, massing, and setbacks of structures on the street in conformance to the Hampton Heights Historic District guidelines.

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 –

The applicant is proposing to be consistent with other structures on the street. The approval of the variance would not be of detriment to the neighborhood. Denial of the variance would create a situation that would allow the structure to be distinctive in a historic district that required form, massing, and setbacks of structures to consistent with other structures on the street and in the neighborhood.

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–

The applicant is proposing a new construction, one-story three bedroom and two bath bungalow with a front porch. The applicant is proposing a front setback of 15 feet and a left side setback of 5 feet. The current zoning designation R-8 SFD (General Residential – Single Family District) requires a front building setback of 30 feet and side yard setback of 8 feet. The applicant is requesting a front and side yard setback to be consistent with other structures on the street and in the neighborhood. Using the County Tax Assessor mapping for reference, a majority of the homes on the street have an average setback of approximately 15 feet from the front porch to the sidewalk and side yard setbacks varies from 5 to 10 feet. The proposed structure meets all other setbacks requirements. Included in the staff report is the conditions of approval. The proposed structure exceeds the maximum building coverage area requirement of 30%. Many of the structures in the neighborhood on Carlisle and Hydrick Street exceed the maximum building coverage area with most properties ranging from 30% to 35% Building Coverage Area. The applicant is proposing a building coverage area of approximately 36% with an estimated 2,200 square foot structure on an estimated 6,100 square foot lot.

Summary and Recommendation

The proposed project meets all the required Findings for approval of the Variance. Staff recommends approval based on the Findings listed above.

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 issue or direct the issuance of a permit. 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.

Applicant:

Royce Camp; Royce Camp Construction.

Public Comment:

John Cogburn; 270 Hydrick St, Spartanburg, SC 29306.

Discussion:

The square footage of proposed house, the side and front setback(s) are appropriate and would not be detrimental the surrounding neighborhood. They meet the requirements of the building and safety code.

A motion was made by Mr. Bramblett, seconded Mr. Murdoch and Ms. Dawkins to approve the Variance for side, front and building coverage of proposed structure with a vote of 4-0.

Staff announcements.

The meeting was adjourned at 5:52 PM.

Darren Matz , Vice Chairman

TO: The Board Zoning Appeals

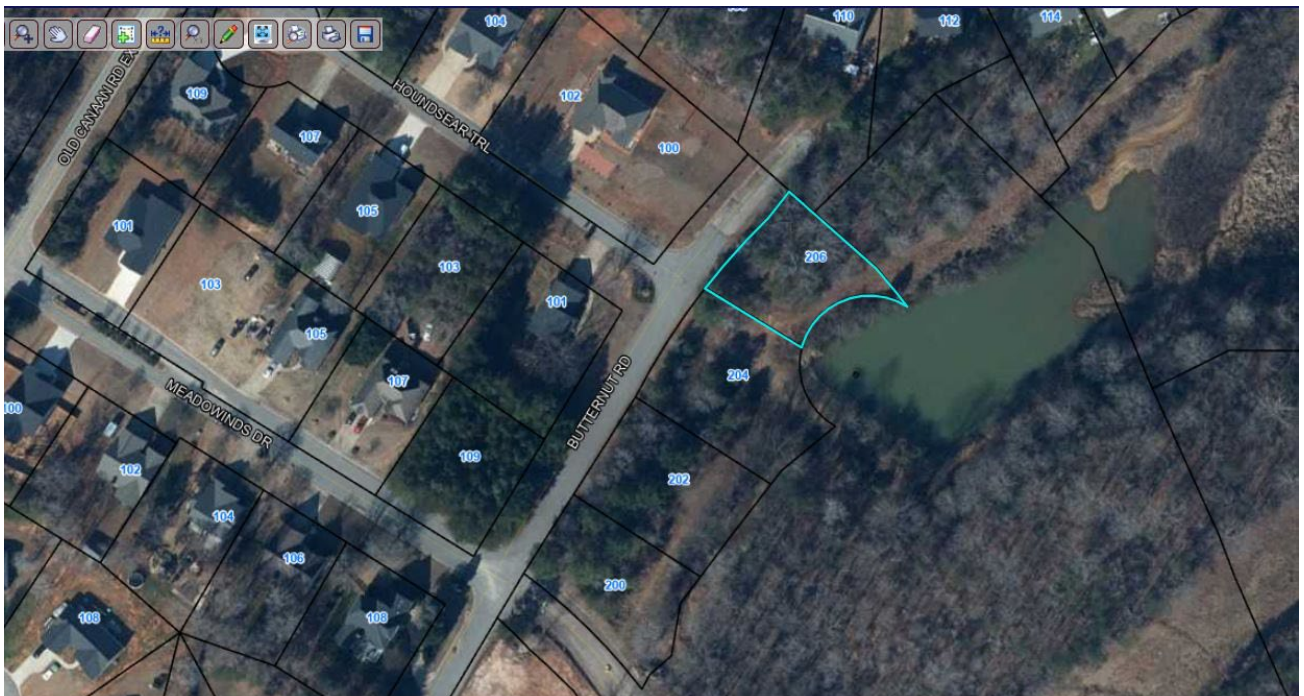
RE: VAR-24-00200002 The City of Spartanburg's Board of Zoning Appeals has received a Variance request to the front and rear setbacks to property located at 206 Butternut Rd. (TMS 7-21-00-138.00); with a zoning designation of R-12, General Residential District. **Owner: Live Strong Investments, LLC / Applicant: Ethan Floyd – PTL Construction**

Date: March 4th, 2024

Project Description and History

The project site is an approximately 13,068 square foot vacant lot with a zoning designation of R-12, General Residential District. The project site abuts Butternut Rd. to the west boundary. The surrounding properties to the west side of the project site are all zoned for R-12, General Residential District. The properties to the north and east sides of the project site are zoned for R-8 PDD, General Residential Planned Development District.

The applicant/agent are proposing to build a house on the lot that is closer to the front and rear setback requirements. Given the fact that the rear portion of the lot is adjacent to a retention pond, the size of this lot is reduced by approximately 1/3 as compared to the other regularly shaped lots along Butternut Rd. Therefore, in order for the owner / applicant to build a house that is consistent with other houses along Butternut Rd., the applicant is requesting a variance of reducing the front setback from 35 ft to 25 ft, and the rear setback from 30 ft to 20 ft.



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 Single Family dwellings.

However, given the fact that the lot “lost” approximately 1/3 in size due to a retention pond to the rear of the property, in order for the owner / applicant to build a house that is consistent in size with other houses along Butternut Rd., the applicant is seeking front and rear setbacks reduction variance to accomplish the proposed project. A Variance may be granted by the Board of Zoning Appeals to the minimum side setback 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, one is applicable to this project:

Section 603.4 (2): To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official.

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 –***
There is a retention pond located to the rear of this property that takes approximately 1/3 of the lot, making this property’s size smaller than the other three lots down on Butternut Rd. on the block.
2. ***These conditions do not generally apply to other properties in the vicinity –***
The other three lots down on Butternut Rd. on this block do not have a retention pond in the back that reduces the size of the lot.
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 the front setback from 35 ft to 25 ft and reduction of the rear setback from 30 ft to 20 ft will allow the applicant to build a house that is consistent in size with the other lots. Otherwise, the proposed project cannot be built as proposed.
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. The proposed project may add value to the neighborhood.

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.

Summary and Recommendation

The proposed project meets all the required Findings for approval of the Variance. Staff **recommends approval** based on the Findings listed above.

Submitted by:



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

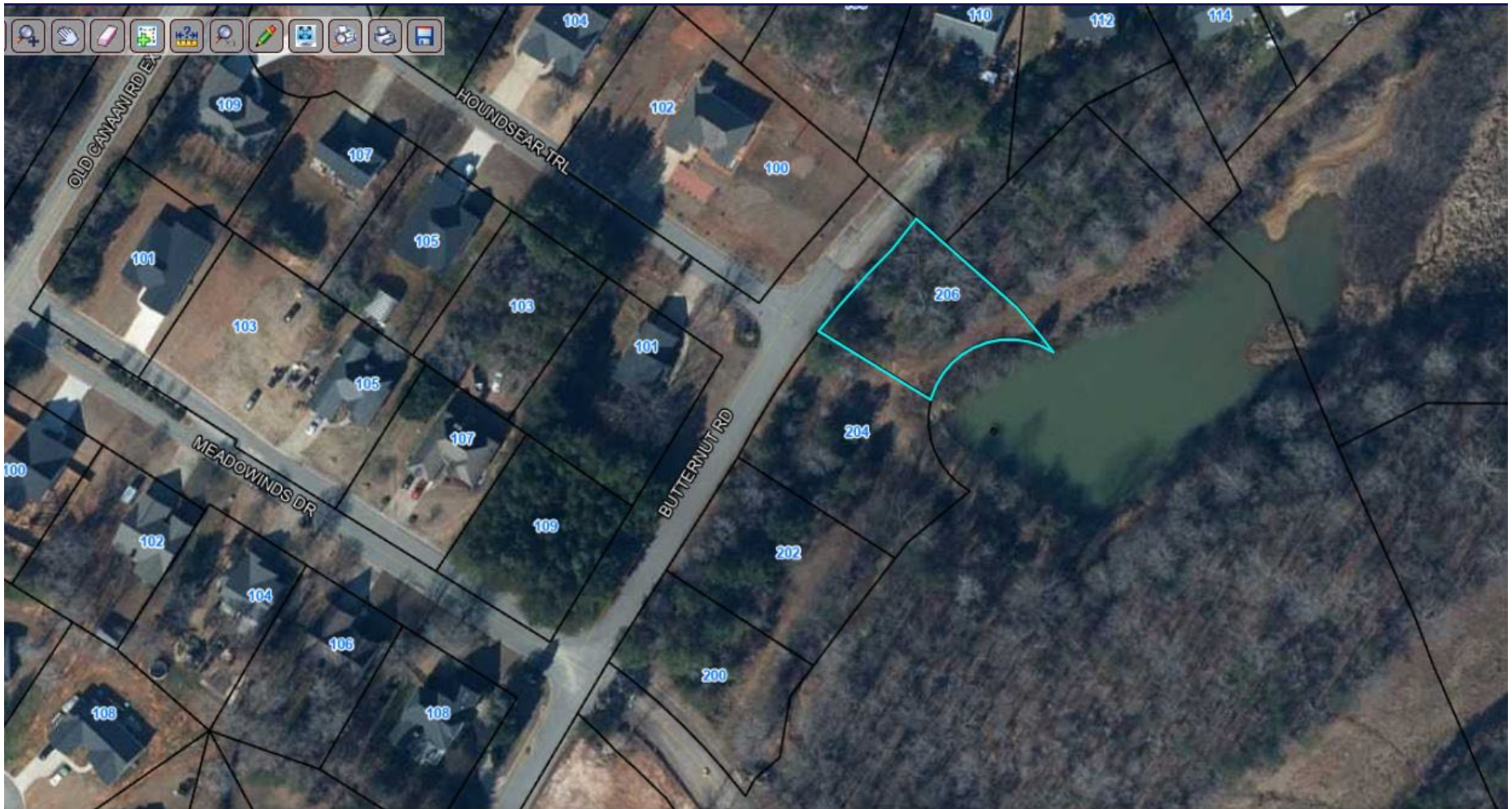
Attachments:
Conditions of Approval
Application
Photos

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:

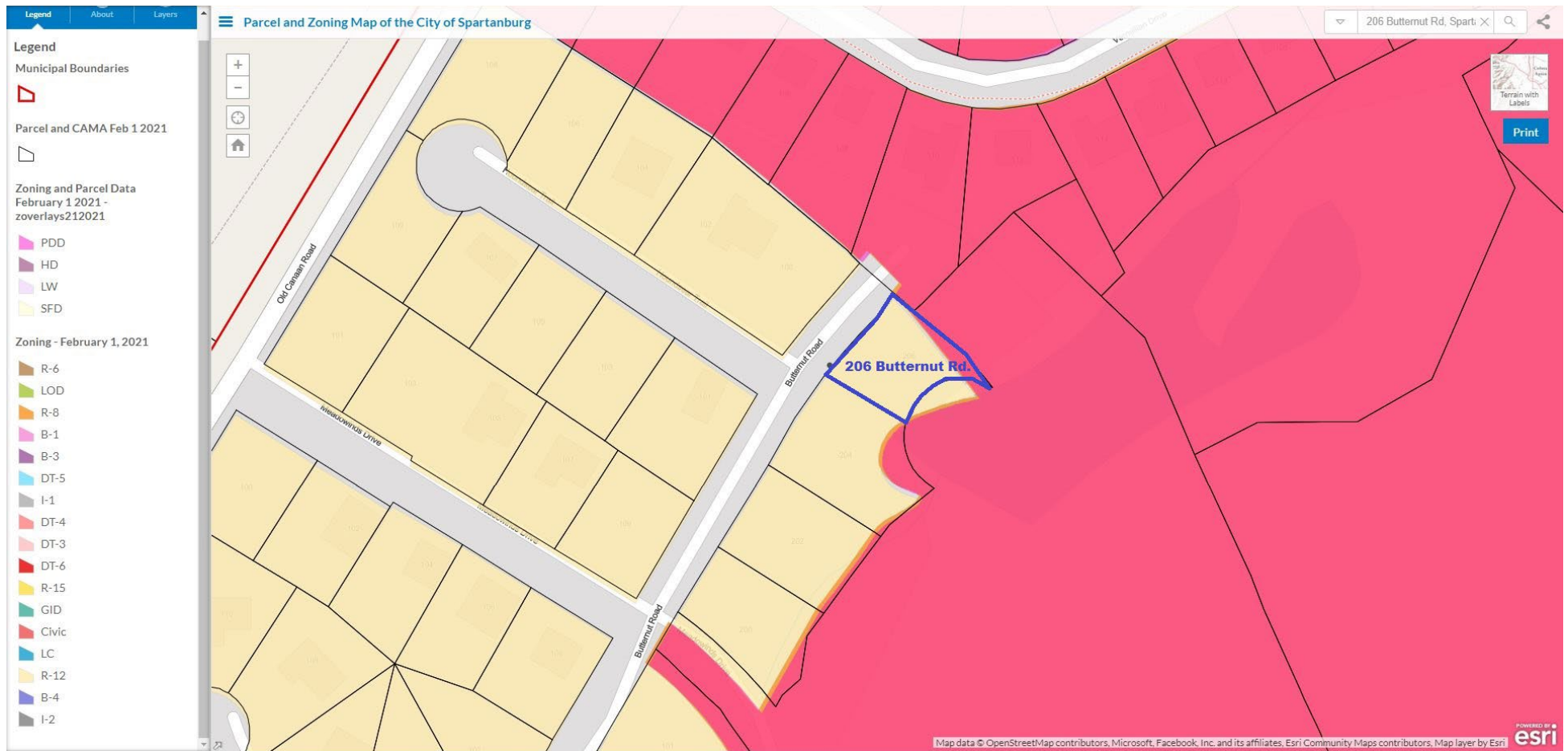
206 Butternut Rd. (TMS # 7-21-00-138.00)

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 35%, front yard setback is 35 feet, rear setback is 30 feet, and the interior side setback is 10 feet from the property line.
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.

SITE MAP – 206 Butternut Rd.



ZONING MAP – 206 Butternut Rd.



Site Photos – Front



Site Photos – Closer Look at the Current Conditions of the Site



Site Photos – Left Side



Site Photos – Right Side



Site Photos – Properties Across from Butternut Rd.



Mar 4, 2024

Site Photos – Property Across from the Project Site



Site Photos – Street View of Butternut Rd.



Site Photos – Street View of Butternut Rd.



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: Meadowind Farms

Street Address: 204^b Butternut Rd. Spartanburg, SC 29306

Zoning District: R-12 Overlay: _____ Tax Map Number: 7-21-00-138.00

Owner: Live strong Investments LLC Phone: _____

Address: 103 Wampee Dr Email: _____

City: Powdersville State: SC Zip: 29673

Applicant: Ethan Floyd Phone: 864-606-8857

Address: PO Box 6332 Email: Ethanptlconst@Gmail.com

City: Spartanburg State: SC Zip: 29304

Agent: N/A Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

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: [Signature] Date: 1/30/24

Staff Use Only / Received by: Nan Deanna
Date Received: 1/31/24 Time: _____ Permit Number: 24-0200002

ZONING VARIANCE SUPPLEMENTAL APPLICATION FORM

Name of Development: Meadowinds Farms

Location of Development: 206 Butternut Rd. Spartanburg, SC 29306

Section Number(s) of the Ordinance from which a Variance(s) is requested:

Ordinance Section 603.3 (A) (2)

Describe completely and specifically the requested Variance:

We would like to change the front setback from 35 ft to 25 ft and the rear from 30 ft to 20 ft

Explain briefly why the Variance is requested:

The existing setbacks will not allow the width of a house to match the existing houses

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

☒ A typed narrative that explains How and Why the requested Variance meets All of the criteria of the Zoning Ordinance Section 603.3 (A) (2), (see attached copy). Criteria for Approval of Variances; and

☐ Notarized written certification, signed by the owner(s) of record of the property, that the owner(s) consent to the request for a Variance. Certification is not necessary if the owner is the applicant; and

☐ A sealed site plan to scale that clearly illustrates the requested Variance in relation to the affected site and to the surrounding parcels and uses. A reproducible copy of this plan, no larger than 11" x 17", must be submitted. In addition, please include or email the site plan in PDF format; and

☐ **Filing Fee:** \$150.00

Staff Use Only /

Received by:

Nail Osama

Date Received:

11/3/24

Time:

Permit Number:

24-020002



What are the extraordinary and/or exceptional conditions that apply to your parcel?

Part of the property line is shorten by the retention pond in the rear and we'd like to be consistent with the look and the floor plan to the houses existing and it's potential.

How do these conditions differentiate your parcel from those in the immediate vicinity?

The lot is shorter in distance from the front and the rear compared to the other parcels in the immediate vicinity.



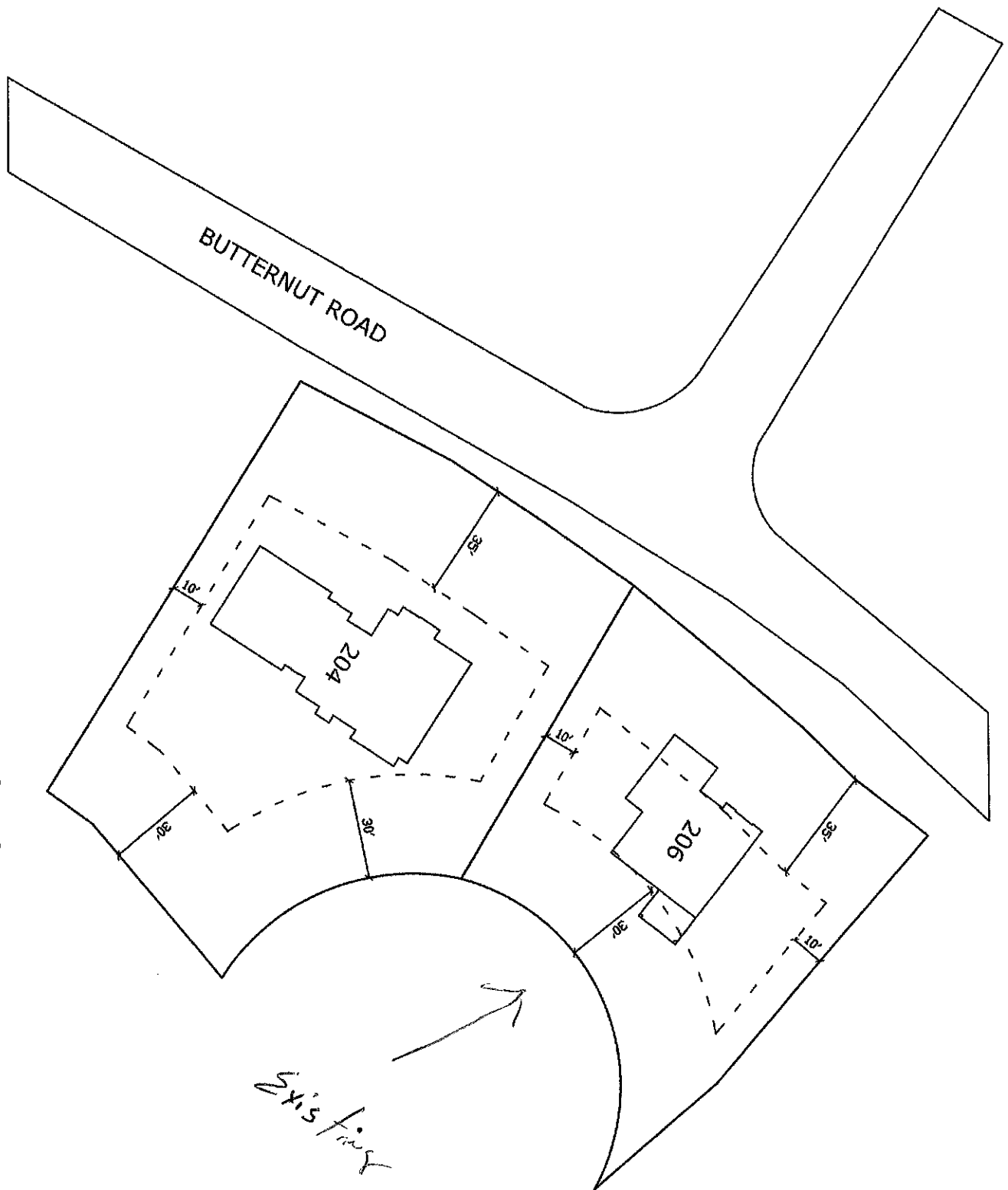
How would these conditions and the application of the Ordinance to your particular lot effectively prohibit or unreasonably restrict the utilization of your property

We will still have good front yard and rear yard. It will not restrict or prohibit the utilization of the property.

Will the authorization of a variance be of substantial detriment to adjacent property or to the public good? Will the character of the district be harmed by the granting of the variance?

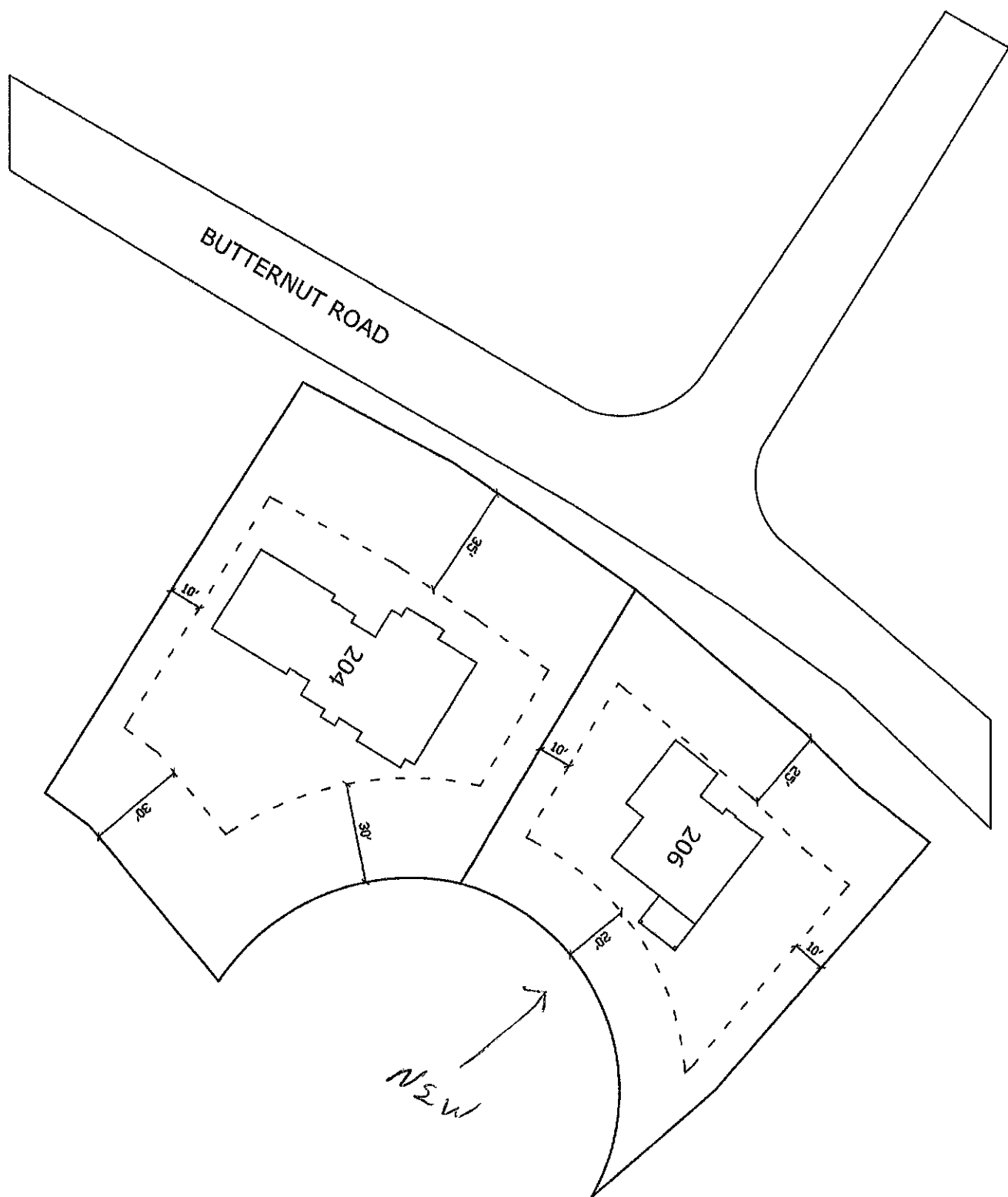
No, the authorization of a variance will not be a substantial detriment to the adjacent property or to the public good.

No, the character of the district will not be harmed by the granting of the variance.



Existing Setbacks

①



Proposed Setbacks

Spartanburg County, SC

Summary

Parcel ID 7-21-00-138.00
Account # 158001
MillageGroup 940Z - 7SSZ - SPARTANBURG SANITARY SEWER DISTRICT
Land Size 0.3 AC
Utilities ,ALL PUBLIC
Fire District
Site Conditions PAVED
Location Address 206 BUTTERNUT RD
 SPARTANBURG 29306
Legal Description LOT 42 MEADOWIND FARMS PHASE I PB 125-762
 (Note: Not to be used on legal documents)
Neighborhood 0776
Property Usage Non-Qualified Regular Residential Vacant (6RGP)

Owners

[LIVESTRONG INVESTMENTS LLC](#)
 103 WAMPEE DR
 POWDERSVILLE SC 29673

Valuations

	2023	2022	2021	2020
Market Land Value	\$21,900	\$14,000	\$14,000	\$14,000
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
= Total Market Value	\$21,900	\$14,000	\$14,000	\$14,000
Taxable Land Value	\$21,900	\$14,000	\$14,000	\$14,000
+ Taxable Improvement Value	\$0	\$0	\$0	\$0
+ Taxable Misc Value	\$0	\$0	\$0	\$0
- Ag Credit Value	\$0	\$0	\$0	\$0
= Total Taxable Value	\$21,900	\$14,000	\$14,000	\$14,000
Assessed Land Value	\$1,314	\$840	\$840	\$840
+ Assessed Improvement Value	\$0	\$0	\$0	\$0
+ Assessed Misc Value	\$0	\$0	\$0	\$0
= Total Assessed Value	\$1,314	\$840	\$840	\$840

Fees

Assessment	Units	Amount
City of Spartanburg Total Fees	1	\$30.00

Land

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth
6% RES VAC (6RGP)	1.00	Lot	LOT	0	0

Sales

Sale Date	Sale Price	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
11/9/2022	\$40,000	DEE-2022-056681	139S	144	Unqualified - MULTIPLE PARCEL VALID SALE	Improved		
8/17/2018	\$14,000	DEE-2018-38886	120W	825	Qualified	Vacant	MOROZ YAROSLAV	
8/3/2015	\$10	DEE-2015-33979	109T	552	Unqualified - GIFT	Vacant	ONUFRIYCHUK,ROMAN	
9/11/2014	\$10	DEE-2014-36669	107A	931	Unqualified - OTHER	Improved	ONUFRIYCHUK,YAROSLAV	
2/24/2014	\$9,500	DEE-2014-7108	105L	335	Qualified	Vacant	LES MCLEAN DEV CO INC ,	
2/1/1997	\$80,000	DEE-1997-1989	65L	501	Unqualified - PARTIAL INTEREST	Vacant	MCJEFKO DEVELOPMENT	
12/1/1992	\$0	DEE-1992-12645	59Q	604	Unqualified - OTHER	Improved	GASKINS SARAH ETAL	
2/1/1962	\$0		27T	497	Unqualified - OTHER	Improved		

No data available for the following modules: Exemptions, Buildings, Commercial Buildings, Mobile Home Buildings, Yard Items, Sketches, Photos.

TO: The Board Zoning Appeals

RE: APP-24-002-00003: The City of Spartanburg's Board of Zoning Appeals has received an appeal to the decision regarding the side yard setback for a survey of the property located at 2127 E. Main Street (TMS: 7-09-00-017.07); with a zoning designation of B-1 (Neighborhood Shopping District). Owner/Applicant: Maude Davis; Spartan Main, LLC.

Date: March 12, 2024

Project Description and History

The project site is an approximately 13-acre commercial lot located at 2127 E. Main Street (TMS: 7-09-00-017.07); with a zoning designation of B-1 (Neighborhood Shopping District). The site includes two commercial shopping centers. The applicant submitted a plat and survey request to combine an adjacent parcel which appear to be a storm water pond and sewer easement (2105 E. Main Street) and the existing shopping center (2127 E. Main Street) and split the properties into two commercial parcels. If the plat is approved the parking standards for the properties may not be met because of the reduction in parking for the larger store (Extra Space Storage). The property owner would be required to have a shared parking use agreement on file if the appeal is approved.

The subject property is zoned B-1, Neighborhood Shopping District. Section 401(B) requires interior side yard setbacks for buildings with a maximum height of 35 feet to be five (5) feet. Presently as constructed the building is existing non-conforming with a building height greater than 35 feet. The interior side yard setback has a further designation of letter (I) which refers to section 403.1(I) which requires staff to consider building heights and setbacks. Building heights greater than 35 feet require the setback to be 1/5 of the building heights. Currently the measurement for the setbacks on the submitted plat is a little over six feet for both buildings. The buildings are twelve (12) feet apart. Section 403.1(I) requires that buildings over 35 feet require a setback of 1/5 the building height. The current building is 44 feet tall. Based on the standards, the setbacks from the interior building line is required to be 8.8 feet. The applicant is proposing a setback of 7.4 feet.

Section 403.1: Exceptions and Modifications Supplementing The Table of Area and Dimensional Requirements.

I. For the B-1 District there shall be a minimum interior side yard of five (5) feet. However, if the building height exceeds thirty-five (35) feet, the interior side yard shall be equal to one-fifth (1/5) of the building height.

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. 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 interior side yard setback is required to meet a minimum of five feet. The Neighborhood Shopping District has a further requirement in Section 403.1(I) regarding an increase in the setback based on the height of the building. The applicant requested to submit an appeal to address the building height and setback requirements.

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 structures on the property are existing structures. The property owner is attempting to split the properties into two parcels. Section 403.1(I) requires that buildings over 35 feet require a setback of 1/5 the building height. The current building is 44 feet tall. Based on the Zoning Ordinance, the setbacks from the interior building line is required to be 8.8 feet. The applicant is proposing a setback of 7.4 feet. If the plat is approved, one property will meet the requirements and the other property will not meet the side yard setback requirements. Also, it does not appear that the properties will meet the parking standards required in the ordinance because of the reduction of the parking spaces for the Extra Space Storage. A shared use agreement would be required prior to approval of the plat. There are no extraordinary or exceptional conditions pertaining to this property.

2. ***These conditions do not generally apply to other properties in the vicinity –***
Surrounding properties are typical commercial developments. Most of the surrounding commercial structures meet the standards. A majority of the properties in the Neighborhood Shopping District meet the front and side yard setbacks. The conditions at this property do generally apply to other properties except where the properties may decide to split the properties.
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 application of the ordinance to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property. The property is currently in use as a commercial shopping center. Prohibiting the replating of the property would not prohibits its existing use.
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 a variance to 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. There is no indication that having the property lines adjusted would affect fire and building codes requires. According to the Building Official, if a building is 10 feet apart, it typically meets building codes requirements. A building less than 10 feet apart would require extensive improvements to the exterior wall to meet fire code rating requirements.
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 requirements. Currently the measurement for the setbacks on the submitted plat is a little over six feet for both buildings. Section 403.1(I) requires that buildings over 35 feet require a setback of 1/5 the building height. The current building is 44 feet tall. Based the standards, the setbacks from the interior building line is required to be 8.8 feet. The applicant is proposing a setback of 7.4 feet. The Board may wish to require a shared use parking requirement as a condition of approval should the use of the existing property change to a retail store which would require additional parking. Section 504: Off Street Parking Standards - Number 67. Self-Service Storage Facility – requires One space per 2,000 sq. ft. of gross floor area.

Submitted by:


Martin L. Livingston, Jr., AICP, CPM
Community Development Director

Attachments:
Conditions of Approval
Application
Photos

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:

2127 E. Main Street (TMS: 7-09-00-017.07)

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 interior side yard setback shall meet the setback requirements in the City of Spartanburg Zoning Ordinance, where the maximum building coverage is not applicable, 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.
8. Property would be required to provide a shared use parking agreement for the parking spaces between the shopping center and the storage space facility.

SITE MAP



ZONING MAP

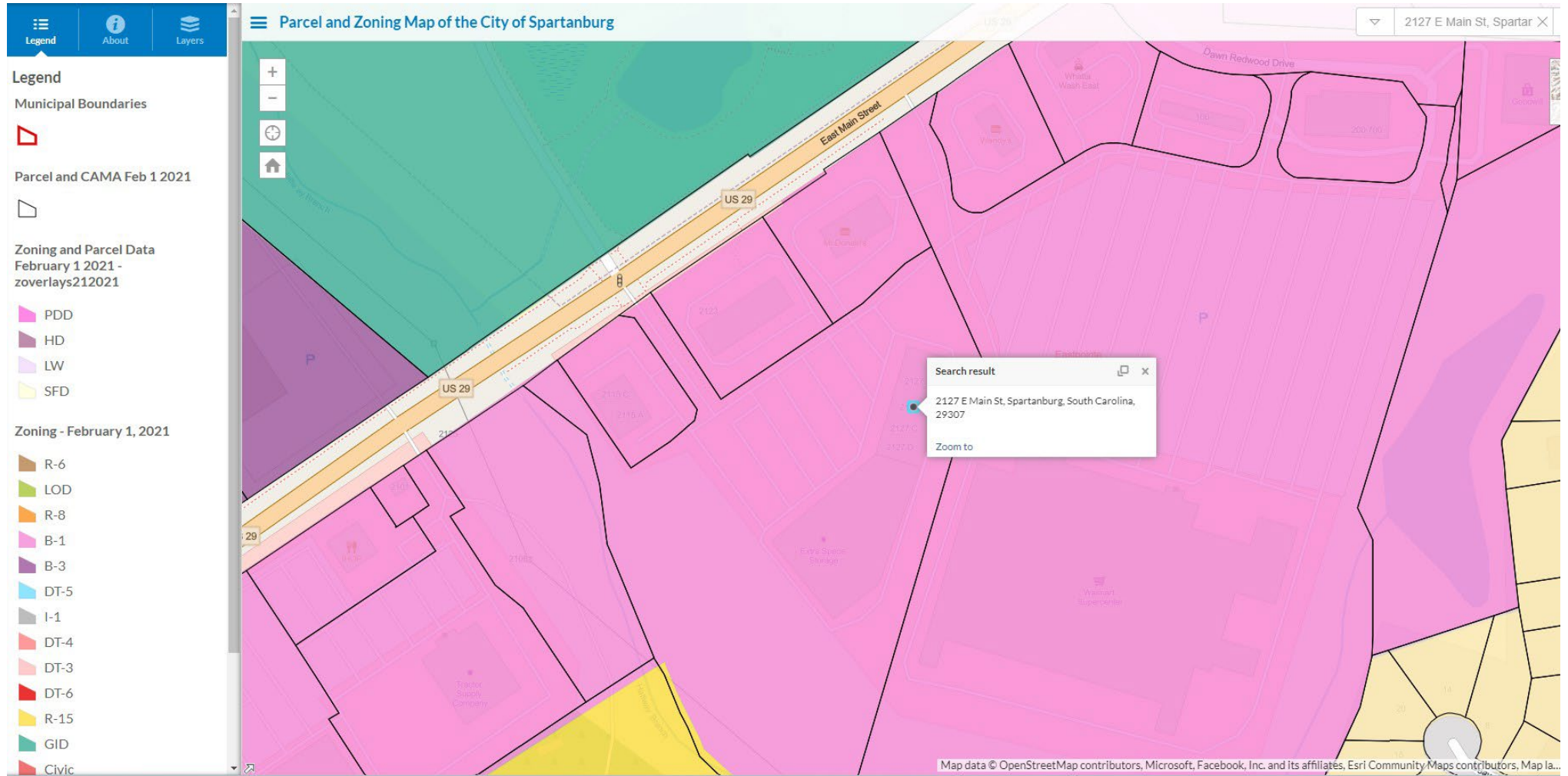


Table 401 – (B) Table of Area Dimensional Requirements

Section IV: District Area and Dimensional Requirements

§ 401 - (B) Table of Area Dimensional Requirements By District

These Standards Apply to One or More Commercial Buildings on a Zoning Lot (*8)

Zoning District	Max. Bldg. Height (Feet)	Min. Lot Area (Square Ft.)	Min. Lot Per Dwelling Unit (Square Ft.)	Min. Lot Width at Lot Line for Lots Not on the Radius of a Cul-De-Sac (Ft.)(*9)(*15)	Min. Lot Width at Front Bldg. Line on the Radius of a Cul-De-Sac (Ft.) (*9)	Max. Bldg. Coverage (As a %)	FRONT	REAR	INTERIOR SIDE (*1)	STREET SIDE (*2)	Max. Gross Floor Area
GID/ LOD (*13)(*14)	E	6,000 (*5)	4,000 (*5)	100	50	50/G (*6)	25/H	15/L (*5)	10/L (*5)	15/C (*4)	
LC (*12)	35/A	21,780 Or ½ Acre		100	50	•	35	30	10	10/C	
B-1	35/A		1,800	100	50		25	10	5/I	15/J	K
B-3			800	100	50		15			10/J	K
B-4			800	100	50		25			10/J	K
I-1				100	50		25	15	15	25	K
I-2				100	50		25	15	15	25	K
D-T4 D-T5 D-T6	For Area and Dimensional Requirements in Downtown Urban Districts, see §§15.3.3 – 3.6										

LEGEND: Letters A thru M are defined in Subsection 403.1

BLANK SPACE: No requirement.

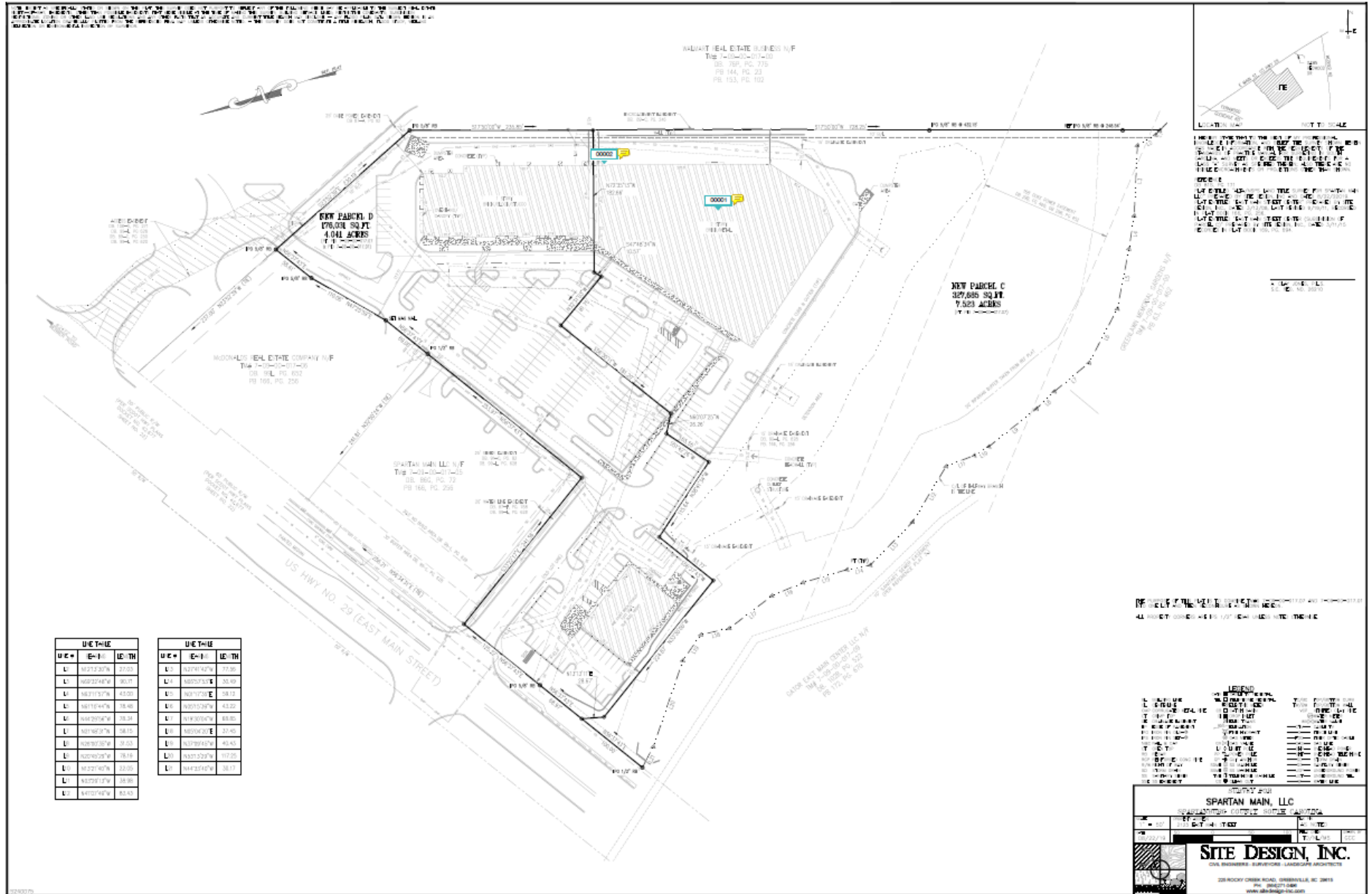
Note: "Spacing Of Structures" - See Subsection 501.13 (B)(6)

- No individual structure shall have a floor area greater than 12,000 square feet.

*1 - **INTERIOR SIDE:** A side yard not abutting a street right-of-way.

*2 - **SIDE STREET:** A side yard that abuts a street right-of-way.

Submitted Plat



Site Photos



Site Photos





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: Eastpointe Shopping Center

Street Address: 2127 East Main Street, Spartanburg, SC

Zoning District: B-1 Overlay: _____ Tax Map Number: 7-09-00-017.07; 7-09-00-017.01

Owner: Spartan Main, LLC Phone: 864-263-5422

Address: 201 Riverplace, Suite 400 Email: mdavis@realtylinkdev.com

City: Spartanburg State: SC Zip: 29307

Applicant: Spartan Main, LLC Phone: 864-263-5422

Address: 201 Riverplace, Suite 400 Email: mdavis@realtylinkdev.com

City: Spartanburg State: SC Zip: 29307

Agent: _____ Phone: _____

Address: _____ Email: _____

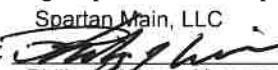
City: _____ State: _____ Zip: _____

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: 
Spartan Main, LLC
Philip J. Wilson, Manager

Date: 2/14/2024

Staff Use Only / Received by: _____

Date Received: _____ Time: _____ Permit Number: _____



Planning Department

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

ZONING APPEALS SUPPLEMENTAL APPLICATION FORM

Name of Development: Eastpointe Shopping Center

Location of Development: 2127 E. Main Street, Spartanburg, SC 29307

City Official or Body that made the Decision: Martin L. Livingston, Jr.

Date of the Decision you are Appealing: February 7, 2024

Please summarize the Decision you are Appealing:

Internal side yard for a building with height exceeding 35 feet.

Please explain the Basis for your right to Appeal:

The space between the two existing buildings will remain the same distance regardless of a property line being requested as part of a subdivision plat to run between the two buildings.

The Nature of the Appeal:

To allow the required internal side yard between the two existing buildings to be reduced to accommodate the existing dimension.

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: _____

Maude Davis

From: Martin Livingston <mlivingston@cityofspartanburg.org>
Sent: Wednesday, February 7, 2024 12:20 PM
To: Maude Davis
Cc: Nan Zhou; Oksana Holbrooks; Buddy Bush; Christopher Lewis
Subject: RE: Spartan Main, LLC - Subdivision Plat 2125 Main

Ms. Davis:

Thanks for the discussion yesterday. The subject property is zoned B-1, Neighborhood Shopping District. There is a building height requirement tied to the setback. Building heights greater than 35 feet require the setback to be 1/5 of the building heights. The ordinance does not address whether the parapet is counted as part of the building height. Typically, in the downtown it is clearly defined, but there is no definition that addresses that issue. We would need clarification from the BZA or Building Official. I will ask the Building Official when he returns to the office. Below is the Table 401 with the section that addresses side setbacks of building. Currently the measurement for the setbacks on the submitted plat is a little over six feet for both buildings. Section 403.1(I) requires that buildings over 35 feet require a setback of 1/5 the building height. A Board of Zoning Appeals (BZA) request will need to be made to request a variance to the standards. A link to the appeal form is provided below for your use. The submission deadline is February 19, for the March meeting. Please let me know if you have any questions.

<https://www.cityofspartanburg.org/DocumentCenter/View/362/Zoning-Appeal-PDF>

Section 403.1: Exceptions and Modifications Supplementing The Table of Area and Dimensional Requirements.

I. For the B-1 District there shall be a minimum interior side yard of five (5) feet. However, if the building height exceeds thirty-five (35) feet, the interior side yard shall be equal to one-fifth (1/5) of the building height.

Section IV: District Area and Dimensional Requirements

§ 401 - (B) Table of Area Dimensional Requirements By District

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GID/ LOD (*13)(*14)	E	6,000 (*5)	4,000 (*5)	100	50	50/G (*6)	25/H	15/L (*5)	
LC (*12)	35/A	21,780 Or ¼ Acre		100	50	•	35	30	
B-1	35/A		1,800	100	50		25	10	
B-3			800	100	50		15		
B-4			800	100	50		25		
I-1				100	50		25	15	
I-2				100	50		25	15	
D-T4 D-T5 D-T6	For Area and Dimensional Requirements in Downtown Urban Districts, see §§51								

LEGEND: Letters A thru M are defined in Subsection 403.1

BLANK SPACE: No requirement.

Note: "Spacing Of Structures" - See Subsection 501.13 (B)(6)

- No individual structure shall have a floor area greater than 12,000 square feet.

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*2 - **SIDE STREET:** A side yard that abuts a street right-of-way.

Martin L. Livingston, Jr., AICP, CPM

City of Spartanburg

PO Box 1749

Spartanburg, SC 29304

Phone: (864) 580-5323

www.cityofspartanburg.org

From: Maude Davis <Mdavis@realtylinkdev.com>

Sent: Wednesday, February 7, 2024 11:51 AM

To: planning <planning@cityofspartanburg.org>

Cc: Maude Davis <Mdavis@realtylinkdev.com>

Subject: Spartan Main, LLC - Subdivision Plat 2125 Main

Importance: High

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Livingston:

Detailed Narrative for Zoning Appeals
2127 E. Main Street, Spartanburg, SC 29307

Spartan Main, LLC (“Owner”) acquired this property in 2006 and has worked to produce a successful development since that time. The last addition to complete the development was the construction of a storage facility in 2020.

A subdivision plat was submitted on January 30, 2024 to allow subdivision of the storage facility into a separate parcel. This allows the Owner the ability to market the storage facility to a prospective buyer that is interested only in acquiring the storage facility use. The ability to market and sale the storage facility to a selective storage facility buyer will produce a higher value for that parcel. This will generate a higher value on the parcel for future tax revenue.

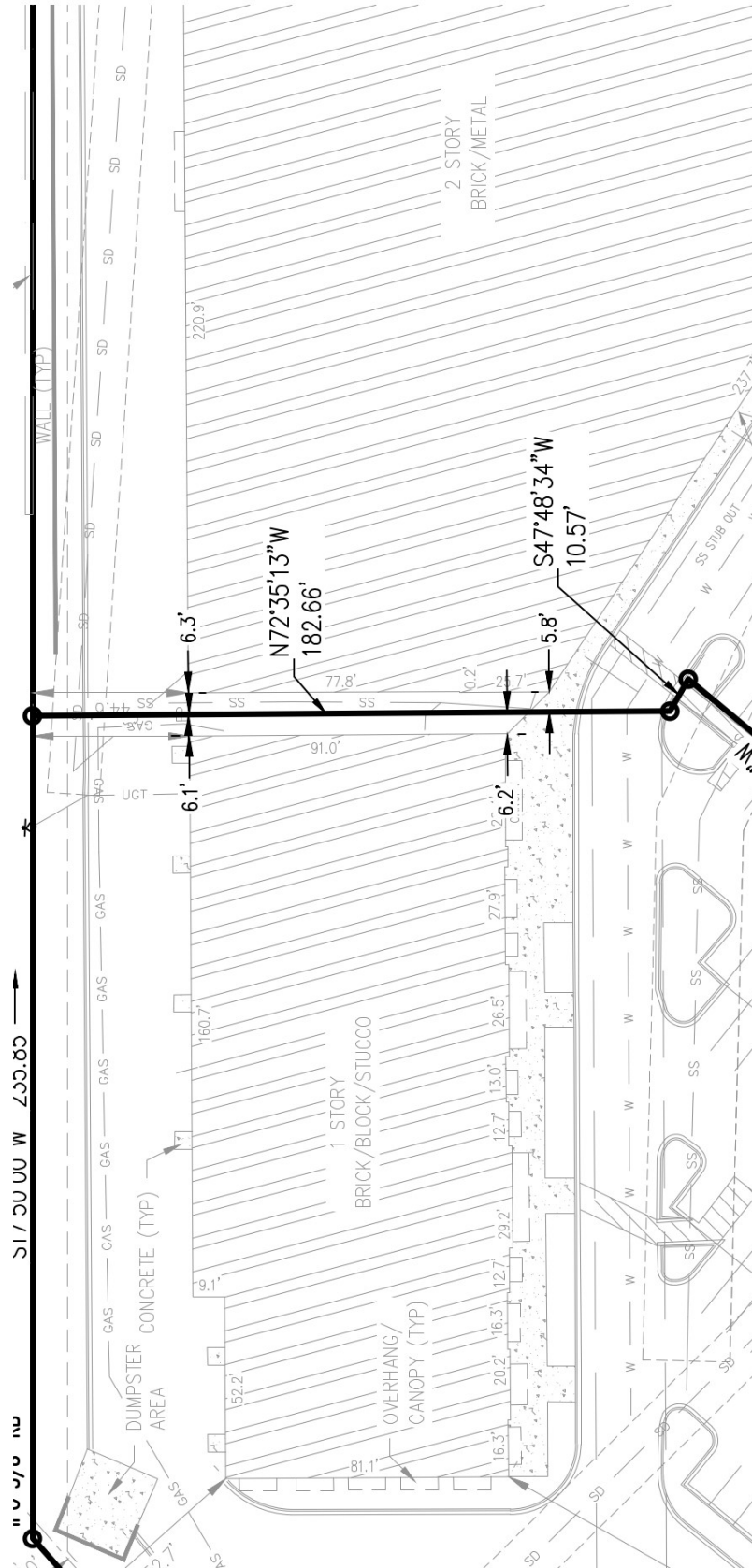
The subdivision plat submitted creates a property line within the existing space between two existing buildings [12.4’ at the rear of the buildings and 12.0’ at the front of the buildings]. West of the proposed property line is a 1 story multi-tenant mixed use building. East of the proposed property line is a multi-story storage facility.

Section 4.03.1(l) for B-1 District requires a minimum interior side yard of five (5) feet. However, if the building exceeds thirty-five (35’) feet, the interior side yard shall be equal to one-fifth (1/5) of the building height.

As reflected on the attached detailed section of the subdivision plat, the internal side yard for the 1-story building west of the proposed property line meets the 5’ internal side yard. The building east of the proposed property line (storage facility) has a building height of 39.2’ with an architectural feature (parapet) of 44’. My understanding from Mr. Livingston’s confirmation, the 44’ would be considered the building height for purposes of this Section 4.01.1(l). One-Fifth 1/5 of the height would be 8.8’. As reflected on the detailed section of the subdivision plat submitted, the internal side yard provided for the storage facility east of the proposed property line is 6.3’ in the rear and 5.8’ in the front.

The proposed property line between the buildings can be shifted to the west to provide for the minimum 5.0’ internal side yard for the 1-story multi-tenant mixed use building located west of the proposed property line. This will provide additional spacing for the storage facility located east of the proposed property line for an internal side yard increase to 7.4’ in the rear and 6.9’ in the front (see attached detailed section of the proposed shift).

The total distance between the two existing buildings [12.4’ at the rear of the buildings and 12.0’ at the front of the buildings] remains the same with or without a proposed property line for purposes of subdividing the storage facility; therefore, the Owner requests approval for the internal side yard for the future storage facility parcel east of the proposed property at 7.4’ in the rear and 6.9’ in the front.



Detail for the proposed shift to the west of proposed property line

