

**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. Matz: All in favor?
Attendees: Aye.

Mr. Matz: 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. Matz: 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.

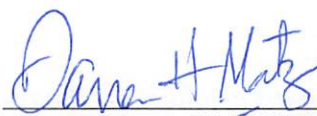
Discussion:

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.

 approved w/ edits

Darren Matz, Vice Chairman
DHM
3/2/24