

Agenda
Board of Zoning Appeals (BZA)
August 11, 2026, at 5:30 PM
Dr. T.K. Gregg Community Center
650 Howard St. Spartanburg, SC 29303

1. **Roll Call**
2. **Freedom of Information Act Compliance** – Public notification of the meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and requirements of the City of Spartanburg Zoning Ordinance.
3. **Rules and Procedures for Meeting Conduct**
4. **Approval of Agenda**
5. **Disposition of Minutes of July 14, 2026 meeting**
6. **Old Business: N/A**
7. **New Business:**
 1. **APP - 25-00200010.** Deferred Appeal Case from December 2025- The City of Spartanburg's Board of Zoning Appeals will review an Appeal previously deferred by the Applicant regarding erecting a new advertising sign (known as billboard) at 958 E. Main St. (TMS: 7-13-01-026.07) with a zoning designation of B-3 (General Business District). **Owner: 958 E. Main LLC / Applicant: Grace Outdoor Advertising, LLC / Agent: Craig D Justus.**
8. **Staff Announcements**
9. **Adjournment**

Meeting Minutes of the Board of Zoning Appeals (BZA)

Tuesday, July 14, 2026, at 5:30pm

Dr. TK Gregg Recreation Center
650 Howard St. Spartanburg, SC 29303

Attendance

Board Members Present

- Brian Murdoch, Chair
- McKay Moore, Vice Chair
- Dr. Midas Hampton
- Aksel Wagner

Staff Present

- Fredalyn Frasier, Planning Director
- Nan Zhou, Planner II

Others Present

- Theodore Fort, Homeowner – 207 N. Fairview Ave.
- Ed Miles, Homeowner – 633 Crystal Dr.
- Ricky Richardson, Homeowner – 643 Crystal Dr.
- Members of the public

Call to Order

Chair Brian Murdock called the meeting to order at 5:30 PM. A quorum was established with 4 members present.

The Chair stated that the public notice of the meeting was provided in compliance with the Freedom of Information Act and the City of Spartanburg Zoning Ordinance, and the Chair reviewed the meeting procedures for applicants and public comment.

Approval of Agenda

On a motion by Ms. McKay Moore and seconded by Mr. Dr. Midas Hampton, the agenda was approved by a vote of 4-0.

Approval of Meeting Minutes (July 14, 2026)

On a motion by Dr. Midas Hampton and seconded by Ms. McKay Moore, the meeting minutes from July 14, 2026 were approved by a vote of 4-0.

Old Business

No old business was presented.

New Business

Variance - 207 North Fairview Avenue - Minimum Lot Area

The Board considered a request for a variance to reduce the required minimum lot area from 8,000 square feet to approximately 6,534 square feet to allow the subdivision of an existing residential parcel containing two primary structures into two separate lots, with one existing structure to remain on each resulting lot. The property is located at 207 North Fairview Avenue and is zoned R-8, General Residential District.

Staff Presentation

- Staff presented the request and explained that the overall site is approximately 17,000 square feet and abuts North Fairview Avenue and Ravenel Street. Surrounding zoning includes R-8 (General Residential District), LOD (Limited Office District) to the east, and GID (General Institutional District) to the south associated with Converse College.
- The existing parcel contains two primary residential structures. The requested variance is tied to the proposed subdivision, which would place one existing structure on each new lot.
- Staff explained that the detached garage must remain with the southern house, which creates a larger southern lot and leaves the northern lot below the 8,000-square-foot minimum lot area required in the R-8 zoning district.
- Staff reviewed the variance criteria and identified exceptional conditions, including the presence of two primary structures constructed prior to the current zoning ordinance and the location of the detached garage. Staff also noted that the surrounding area remains residential and that the proposed subdivision would make the property less nonconforming than its existing condition.
- Staff recommended approval of the variance with standard conditions.

Applicant Presentation

- Theodore Eugene Fort, property owner, stated that he agreed with staff's presentation and had little to add.
- Mr. Fort explained that he and his wife acquired the property approximately two months earlier and that maintaining two houses on one parcel creates logistical challenges. He stated that the proposed subdivision would not negatively affect surrounding properties or their use.

Public Comments

The Chair opened the public comment period. No members of the public spoke in favor of or in opposition to the request. On a motion by Ms. McKay Moore and seconded by Dr. Midas Hampton, the public comment period was closed by a vote of 4-0. Because there was no public opposition, no applicant rebuttal was needed.

Board Deliberation and Staff Comments

Planning Department

- Board members stated that the request was straightforward and consistent with the staff report.
- Members noted that the subdivision would reduce the existing nonconformity by separating the two existing primary structures and allowing the detached garage to remain with the house it serves.
- The Board found that the request was compatible with the residential character of the surrounding area and that the proposed conditions were standard and appropriate.

Motion

On a motion made by Ms. McKay Moore and seconded by Mr. Aksel Wagner, the Board of Zoning Appeals approved the variance for 207 North Fairview Avenue, subject to the conditions recommended by staff. The motion was made 4-0.

Variance - 633 Crystal Drive - Interior Side Yard Setback Reduction

The Board considered a request for a variance to reduce the required interior side yard setback from 15 feet to 8 feet to allow construction of a proposed addition on the east side of the residence and a deck on the west side. The property is located at 633 Crystal Drive and is zoned R-15, Single-Family Residential District.

Staff Presentation

- Staff presented the request and explained that the subject parcel is approximately 15,000 square feet. The property abuts Crystal Drive to the south, and the surrounding residential properties are also zoned R-15 (Single Family Residential District).
- The R-15 zoning district requires a 15-foot interior side yard setback. The applicant requested a reduction to 8 feet to accommodate the proposed primary suite addition and a deck.
- Staff noted that the existing house (built in 1933) predates the current zoning ordinance, which was adopted in 1999. Staff also explained that the existing structure does not align with the property lines, particularly on the west side where the house is already closer to the side property line.
- Staff found that surrounding homes were generally built around the same time but are more parallel to their property lines and that many surrounding lots are wider than the subject parcel. While the ordinance does not prevent residential use, the setback requirement would significantly limit the proposed improvements.
- Staff recommended approval of the variance with standard conditions, finding that the request would not cause harm to the public or undermine the integrity of the zoning ordinance and that the surrounding area would remain residential in character.

Applicant Presentation

- Ed Miles, property owner, stated that letters from both adjacent neighbors were included with the application materials.
- Mr. Miles explained that the requested 8-foot setback would allow the addition to remain closer to the street and avoid pushing the building farther into the rear portion of the lot, where it would have a greater impact on neighboring views and outdoor living areas.

Planning Department

- The applicant reviewed sight-line exhibits and renderings showing views from the neighboring porch and bay window. He stated that the proposed location would preserve views across the rear yards toward the creek and mature landscaping better than a design pushed farther back to meet the 15-foot setback.
- Mr. Miles described the lot as unusual because the house, constructed around 1933, is square to the street while the property lines angled away from the structure, limiting practical options for expansion within the existing setback requirements.

Public Comments

Ricky Richardson, 643 Crystal Drive, spoke in support of the request. He stated that he had lived on Crystal Drive for approximately 40 years, was familiar with the property and the proposed plans, and believed the request was reasonable. No members of the public spoke in opposition.

On a motion made by Mr. Aksel Wagner and seconded by Dr. Midas Hampton, the public comment period was closed by a vote of 4-0. Because there was no public opposition, no applicant rebuttal was needed.

Board Deliberation and Staff Comments

- Board members discussed the purpose of setbacks as providing separation and reducing impacts on neighboring properties. Members stated that the applicant had thoughtfully considered those purposes in the proposed design.
- Board members appreciated the explanation of why the addition was proposed closer to the street rather than farther into the rear yard, noting that the sight-line exhibits and renderings helped demonstrate the impact on neighboring views.
- The Board found that the request was reasonable given the shape and orientation of the lot, the age and placement of the existing house, the letters from adjacent neighbors, and the lack of opposition.
- Members stated that the conditions recommended by staff were appropriate and that the request presented a strong case under the variance criteria.

Motion

On a motion made by Dr. Midas Hampton and seconded by Mr. Aksel Wagner, the Board of Zoning Appeals approved the variance for 633 Crystal Drive subject to the conditions recommended by staff. The motion was made by a vote of 4-0.

Staff Announcements

- Staff presented updates to the public notice process, including reusable yard signs with QR code linking to a webpage with project maps, case information, and meeting packets. Staff noted that the signs will be reused for future cases and that each board will have a distinct color.

Planning Department

- Staff also described the transition from mailed letters in envelopes to postcard notices for property owners within the required notification area. The new process is intended to improve efficiency, reduce waste, and provide the same project information more clearly.
- Staff reported that coordination with the Appalachian Council of Governments was underway regarding virtual training opportunities and that new board member training and parliamentary procedure materials would be provided as needed.

Adjournment

On a motion made by Brian Murdock and seconded by Dr. Midas Hampton. The meeting was adjourned at 6:07 by a vote of 4-0.

Brian Murdoch, Chair

DATE

August 11, 2026

TO

Board of Zoning Appeals Members

PROJECT/ADDRESS/ TAX ID

958 E. Main St./ 7-13-01-026.07

STAFF

Fredalyn M. Frasier, Planning Director

Nan Zhou, AICP, Planner II

Stinson Ferguson, City Attorney/Max Hyde, Jr.

APPEAL REQUEST NUMBER

APP-25-00200010

COPIES TO

City Departments/Applicant

OWNER/APPLICANT

958 East Main LLC / Grace

Outdoor Advertising, LLC

AGENT

Craig D. Justus

APPEAL CONDITIONS

On March 8, 2023, Grace Outdoor Advertising, LLC and 958 East Main, LLC (hereinafter collectively the “Applicant”) submitted a sign permit application (hereinafter the “Application”) to erect a new digital advertising sign, commonly referred to as a billboard, (hereinafter the “Proposed Sign”) at 958 E. Main Street. The property is currently zoned for B-3, General Business District.

Following consultations between the Applicant, Grace Outdoor Advertising, LLC, and the Planning and Legal Departments, the Planning Director issued a denial of the Application on September 22, 2025.

The Application was scheduled for a hearing before the Board of Zoning Appeals on December 2025. The Application was subsequently deferred by the Applicant stating they wanted additional time.

The Applicant now submits this Appeal in response to that decision. The Applicant maintains that the Proposed Sign satisfies all applicable requirements of the Zoning Ordinance and that the Application was eligible for approval.

REQUEST

This Appeal (hereinafter the “Appeal”) of a determination by the City of Spartanburg Planning Department is made pursuant to Section 603.3 of the City of Spartanburg’s Zoning Ordinance (hereinafter the “Zoning Ordinance”) which states in pertinent part:

603.3 Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality...

603.3 (A) The Board of Appeals has the following powers:

(1) 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.

The City of Spartanburg (hereinafter the “City”) contends that Section 503.44 of the Zoning Ordinance requires the Application be denied as the Planning Director has done.

The sole issue for the Board of Zoning Appeals is whether or not the interpretation of Section 503.44 of the Zoning Ordinance is correct. The Planning Director, as the City’s de facto Zoning Administrator, is vested with the authority to interpret the Zoning Ordinance pursuant to Section 602.2 of the Zoning Ordinance, which states in pertinent part:

602.2 Interpretation. The Zoning Administrator shall give information upon request as to the provision of this Ordinance, and shall interpret the meaning of this Ordinance in the course of enforcement (emphasis added)

PROJECT DESCRIPTION AND HISTORY

On, or about, March 8, 2023 Grace Outdoor Advertising, LLC submitted an application with the City of Spartanburg’s Planning Department to erect a new digital advertising sign at 958 E. Main Street. A number of conversations between the parties occurred to discuss the City’s Zoning Ordinance and its treatment of advertising billboards. Ultimately, those conversations did not produce a viable, legal path forward for the construction of the new sign. On September 22, 2025, the Planning Director notified Applicant by letter that its application to erect a new digital advertising billboard at 958 E. Main Street was denied because of the language of Section 503.44 of the Zoning Ordinance.

In October, 2025, Craig Justus, the Agent, requested clarifications and grounds from the determination letter and stated that the height and digital deficiencies for the Proposed Sign have been addressed with the revised sign application. Upon receiving response from City Attorney for clarifications, Applicant filed an appeal with the City of Spartanburg Planning Department.

In November, 2025, Planning staff advertised the appeal and prepared to present the case to the Board of Zoning Appeals for consideration in December 2025. However, the applicant requested to defer the case for further research.

On January 12, 2026, the second reading, City of Spartanburg City Council approved an ordinance suspending the acceptance, processing, and approval of applications for advertising signs (billboards and other off premise signs) pursuant to City Code Section 503.44 while the City updates regulations and other matters related thereto.

ANALYSIS

Section 503.44 of the Zoning Ordinance states in pertinent part as follows:

***503.44 Advertising Signs.** Are permitted in Zones B-3, B-4, I-1, and I-2. The City of Spartanburg shall prepare an inventory of all existing advertising signs within the city limits identifying the owner, zone and location of all such advertising signs. Any sign appearing on the inventory that is lost, removed, or destroyed may be replaced provided that the total number of signs contained within that inventory is not exceeded and further provided that the*

advertising signs shall comply with the standards set forth below provided however, the City may allow advertising signs that do not conform with Subsection 503.45, if currently existing advertising signs are deleted permanently from the inventory as negotiated by the City, or other set criteria proposed by the Planning Commission, and approved by Council from time to time.

The above section of the Zoning Ordinance was likely crafted with the majority of the City's Zoning Ordinance more than twenty-five years ago and last edited by City Council some fifteen years ago.

Staff also noted that a formal, comprehensive review of the City's advertising sign regulations will take place as part of the upcoming Zoning Ordinance update in 2026.

City staff is informed and believes that throughout its existence, this section of the Zoning Ordinance, particularly the language in bold type above, has been interpreted by giving each of the words their plain and ordinary meaning and not to hypothesize about what Council, in passing this ordinance, may have or could have meant, or questioning the wisdom of the legislation, or engaging in endless hypotheticals or reasoning debates.

Staff believes the appropriate interpretation includes the following logic. An inventory of then existing billboards was created. The most critical element of each billboard in the inventory was it's location. The practice over the years is as a billboard in its location was lost, removed, or destroyed, the billboard could be REPLACED at the location where it existed before being lost, removed, or destroyed.

City staff does not support the interpretation of the ordinance that would allow a property owner with no prior billboard on their property to construct a brand-new billboard at a brand-new location solely because an existing billboard elsewhere in the city has been lost, removed, or destroyed. Had Council intended to permit such an outcome, it would have established a clear mechanism for determining which property owners, if any, would be entitled to erect a new billboard in response to the removal of one from the existing inventory.

FINDINGS

The Board of Zoning Appeals makes and explains in writing the following findings:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*
Staff do not recognize any extraordinary and exceptional conditions pertaining to the particular piece of property
2. *These conditions do not generally apply to other property in the vicinity;*
The subject property for the Proposed Sign is currently zoned for **B-3, General Business District**, which permits advertising signs. The Proposed Sign is approximately 1,200 feet away from the nearest advertising sign near 875 E. Main St on the opposite side of the street. There are no advertising sign(s) within 1,000 feet from the Proposed Sign on the same side of the street.
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;*

The current Zoning Ordinance permits advertising signs in Zones B-3, General Business District, B-4, Heavy Commercial District, I-1, Light Industrial District, and I-2, Heavy Industrial District. City of Spartanburg conducted a Billboard Inventory in 2010 identifying and capturing all existing advertising signs within the city limits along with the owner, zone and location.

Zoning Ordinance Section 503.44 clearly states that “....Any sign appearing **on the inventory that is lost, removed, or destroyed may be replaced** provided that the total number of signs contained within that inventory is not exceeded and further provided that the advertising signs shall comply with the standards set forth below provided, andthe City may allow advertising signs that do not conform with Subsection 503.45, if currently existing advertising signs are **deleted permanently from the inventory** as negotiated by the City, or other set criteria proposed by the Planning Commission, and approved by Council from time to time.”

Even though the subject property is zoned B-3, General Business District, which permits advertising signs, it has not had any advertising sign at the subject property and nor does the subject parcel is listed in the inventory. Therefore, the subject parcel does not comply with the criteria set forth in the Zoning Ordinance Section 503.44 since all existing advertising signs appeared on the inventory that is lost, removed, or destroyed may be replaced (that is to say it may be reconstructed in the location where it existed prior to loss, removal, or destruction) provided that the total number of signs contained within the inventory is not exceeded and further provided that the replacement sign conforms with the standards set forth in the Zoning Ordinance.

Thus, the application of the City of Spartanburg Zoning Ordinance **does not prohibit or unreasonably restrict** the use of the subject property for commercial purposes. Erecting the Proposed Sign at the subject parcel is restricted under the current Zoning Ordinance provisions.

4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance;* Staff have evaluated the request under the standards for granting a variance as outlined in the City of Spartanburg Zoning Ordinance and South Carolina state law.

Section 503.44 indicates that any sign included in the inventory of all existing advertising signs—created following the adoption of Section 503.44 (hereinafter, the “Inventory”)—that is lost, removed, or destroyed may be replaced. In other words, such a sign may be reconstructed in the same location where it previously existed, provided that the total number of signs within the Inventory is not exceeded and that the replacement sign complies with all remaining standards set forth in Section 503.44 and Section 503.45 of the Zoning Ordinance (hereinafter, “Section 503.45”). The Proposed Sign appears to conflict with at least two—possibly more—of the standards set forth in Sections 503.44 and 503.45. Specifically, Section 503.44 generally limits the height of advertising signs to 35 feet, and Section 503.45 prohibits electronic variable message signs. Although the Zoning Ordinance provides a pathway for the City to permit electronic signs, such allowance would require the permanent removal of one or more existing signs from the Inventory.

The surrounding nature of the subject property is characterized by various commercial uses and multifamily complexes. While the proposal may not cause immediate harm to the public good; it would **compromise** the integrity of the zoning regulations. Granting an appeal in this case would

undermine the intent of the zoning ordinance and establish a **precedent** for future requests that could potentially weaken the consistent application of sign regulation in similarly zoned districts

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.*

Staff do not support assignment of conditions that would allow the erecting of a new advertising sign at the subject property. However, the Board of Appeals may, in conformity with the provisions of its assigned authority, 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

6. Section 503.44 of the Zoning Ordinance is applicable to the application for a sign permit in this matter.
7. 958 E. Main St is not a location where an advertising sign on the Inventory list mandated by Section 503.44 of the Zoning Ordinance existed.
8. Applicant has presented no currently existing advertising signs to be permanently deleted from the Inventory that would allow City to engage in negotiations to permit non-conforming signs pursuant to Section 503.44.
9. A variance, pursuant to Section 6045.4, is not available to Applicant because this scenario does not fall into one of the nine specifically enumerated variance categories.

RECOMMENDATION

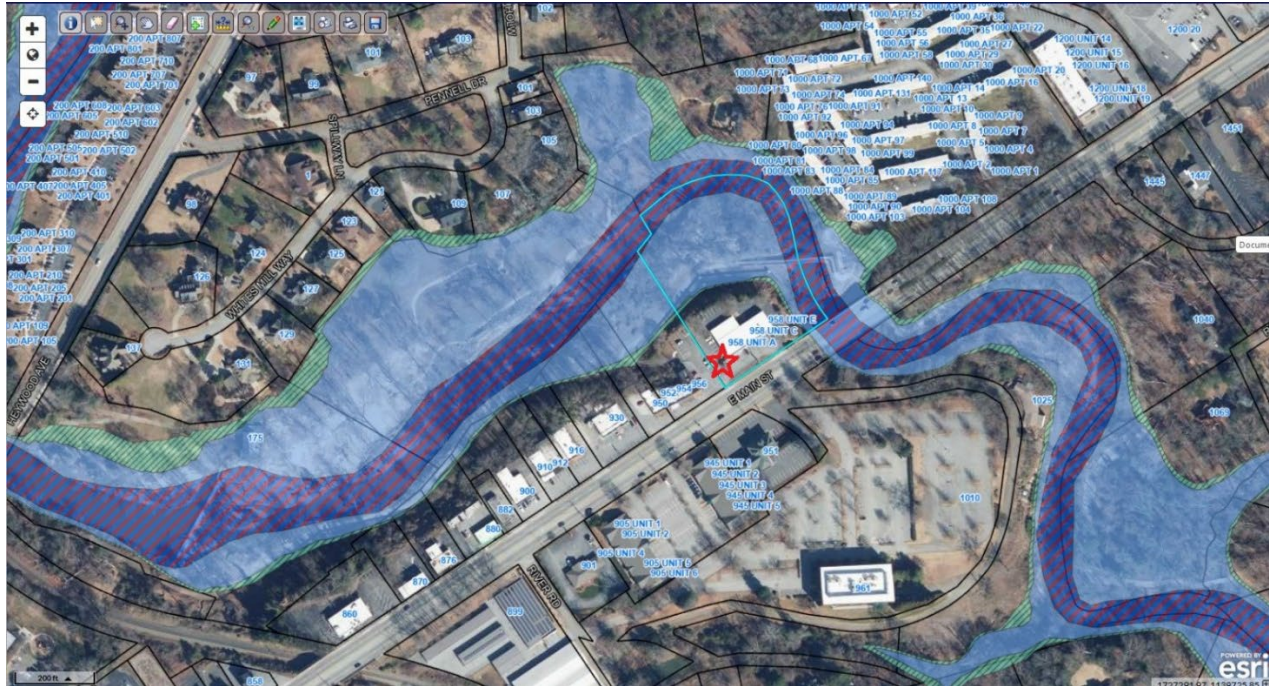
For the above stated reasons, Staff recommends the Board of Zoning Appeals uphold the determination and deny Applicant the relief they are seeking in this appeal.

The subject property is not included in the City's inventory of existing advertising signs and has not previously contained an advertising sign.

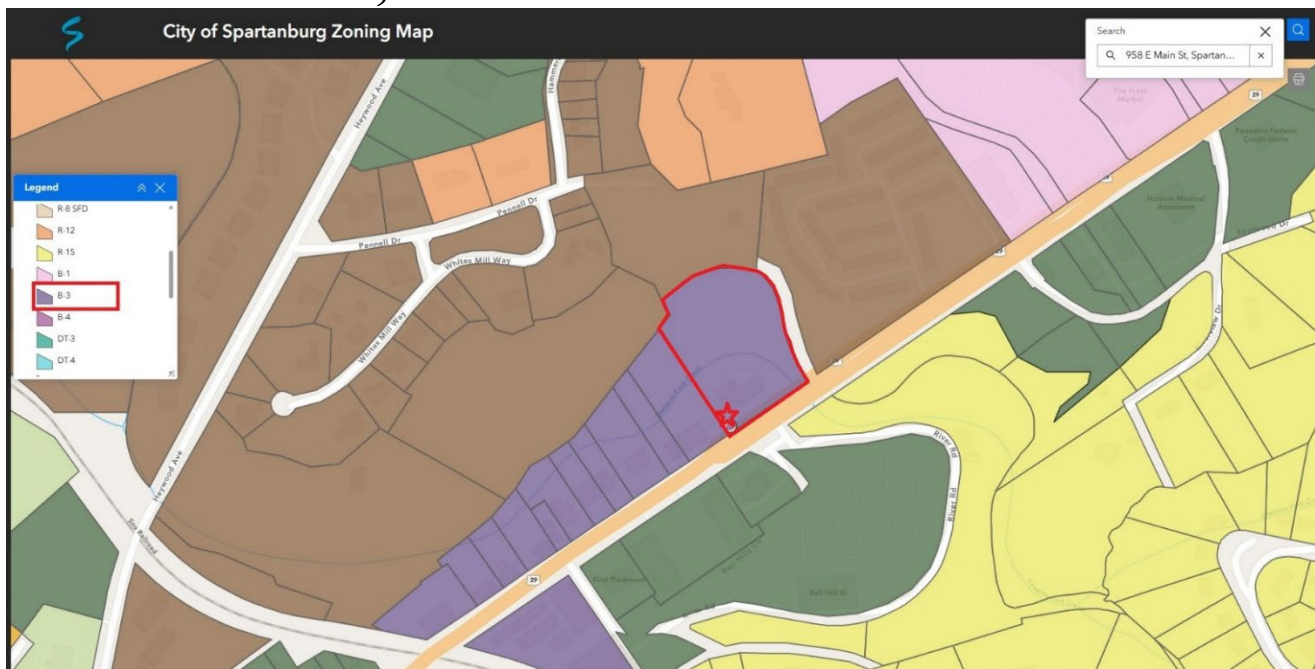
Pursuant to Section 503.44 of the Zoning Ordinance, any sign listed in the inventory that is lost, removed, or destroyed may be replaced, provided that the total number of signs in the inventory is not exceeded and that the replacement sign complies with the standards set forth in Section 503.45. This provision applies only to properties with signs already included in the established inventory.

The Applicant has not demonstrated that application of the ordinance creates an unnecessary hardship as defined under state law or the City's zoning code. The subject property retains reasonable use under its current zoning classification

Aerial Photo – 958 E. Main St.

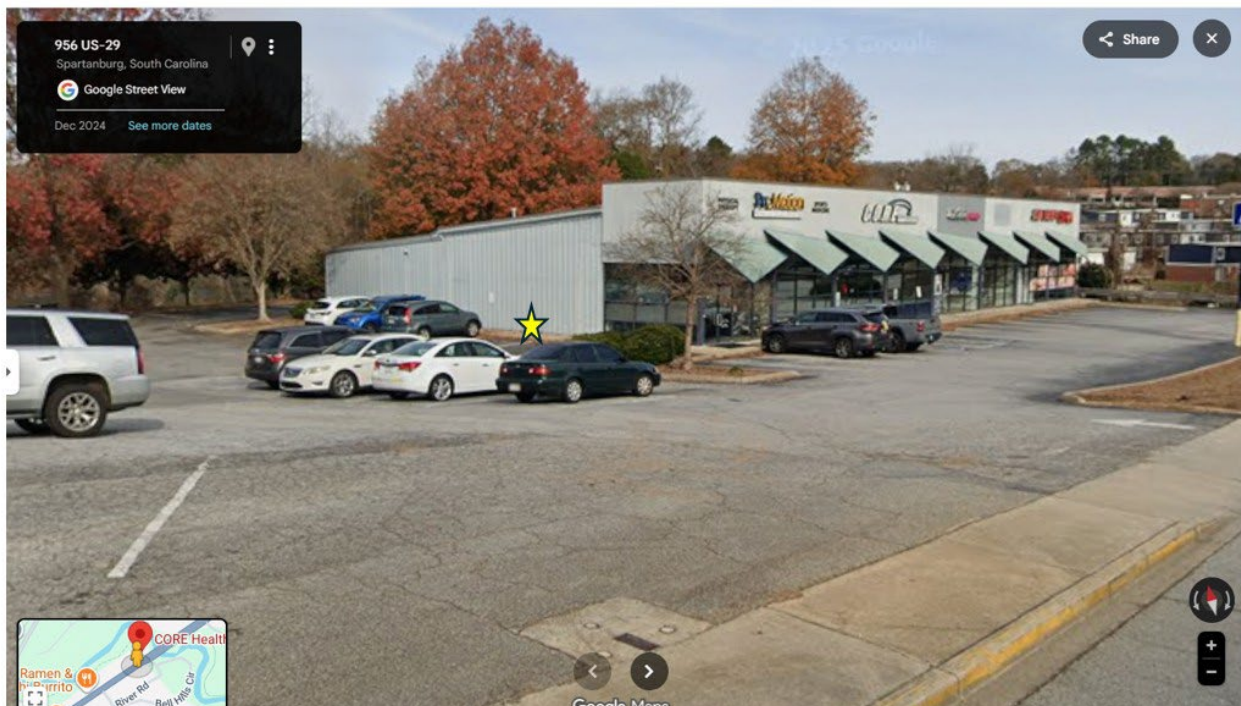


Zoning Map – 958 E. Main St. B-3, General Business District



Proposed Sign Location

Grace Billboard Proposed Location



Site Photos – Subject Property 958 E. Main St.



Site Photos – Properties in the Vicinity



OCT 24 2025



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: Grace Outdoor Advertising, LLC

Street Address: 958 E. Main Street

Zoning District: 6RGC Overlay: SFP Tax Map Number: 7-13-01-026.07

Owner: 958 East Main LLC Phone: _____

Address: PO Box 1354 Email: _____

City: Travelers Rest State: SC Zip: 29690

Applicant: Grace Outdoor Advertising, LLC Phone: 803-319-4381

Address: 1201 Lincoln Street, Suite 300 Email: diana@graceoutdoor.com

City: Columbia State: SC Zip: 29201

Agent: Craig D. Justus Phone: 828-373-0464

Address: 9 SW Pack Square, Suite 301 Email: cjustus@wilkersonjustus.com

City: Asheville State: NC Zip: 28801

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: 10/21/25

Staff Use Only / Received by: Planning/DK [Signature]
Date Received: 10/24/25 Time: _____ Permit Number: 25-021040



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: Grace Outdoor Advertising, LLC

Location of Development: 958 E. Main Street

City Official or Body that made the Decision: Fredalyn M. Frasier

Date of the Decision you are Appealing: September 22, 2025

Please summarize the Decision you are Appealing:

See attached letter

Please explain the Basis for your right to Appeal:

See attached letter

The Nature of the Appeal:

See attached letter

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: _____

WILKERSON JUSTUS PLLC

October 20, 2025

Robert P. Coler
City Attorney
City of Spartanburg
P.O. Box 1749
Spartanburg, SC 29304
bcoler@cityofspartanburg.org

**RE: Grace Outdoor Advertising, LLC, Sign Permit Application –
958 E. Main Street, Spartanburg**

Dear Mr. Coler:

I hope you are well. As you know, my firm represents Grace Outdoor. Grace is appealing the determination of Fredalyn M. Frasier (“Frasier”), Spartanburg Planning Director, dated September 22, 2025, denying its sign permit application (“Determination”). A copy of the Determination is attached hereto as Exhibit “A”. This letter sets forth reasons for this appeal.¹

In the Determination, Frasier contends that the City’s sign regulations in Section 503.44 only allow new billboards in the following scenario: an advertising sign (also known as a billboard) is “lost, removed, or destroyed” and then “reconstructed in the location where it existed prior to loss, removal, or destruction.” In your email of October 13, 2025, you clarified that the City’s position is that the sign regulations do not allow a person to “erect a new sign in a new location.” A copy of your email is attached hereto as Exhibit “B”.

The above interpretations are wrong for several reasons.

One, Frasier is adding words and superimposing limitations into Section 503.44 of the City’s zoning ordinance, which is not allowed. The City leaders could have said that a new sign must originate solely from the scenario of the same sign owner reconstructing a sign at the same location. The ordinance does not say that, and the City staff under the guise of construction cannot amend the ordinance. For instance, the ordinance does not use the terms “reconstructing” or “same lot.”

Two, Frasier’s interpretation renders several sections of the ordinance meaningless or superfluous. The first sentence of Section 503.44 reads: “Advertising

¹ Since the Determination, Grace submitted to the City a revised application to cure the complaints in the Frasier letter regarding digital and height.

signs are permitted in Zones B-3, B-4, I-1 and I-2.” This is clear language, permitting new signs to be erected in those zones. Juxtaposed to that is the language in the prohibited sign section of the Zoning Ordinance that does not identify billboards as such. Reading the two sections together, the only reasonable construction is that new billboards are allowed subject to standards like the appropriate zones set forth in the first sentence of Section 503.44 and sign spacing and dimensional standards in subsections A-I of Section 503.44. Frasier’s interpretation that Section 503.44 is limited to the same person replacing the same sign at the same location would render meaningless the need to mention the zones and other sign development standards. Frasier’s interpretation also renders meaningless the need to mention at all any cap on the number of signs. Reconstructing a sign on the same lot is always a 1 for 1 that would never trigger the cap. The cap is only meaningful if signs are removed over time throughout the City (thus reducing the number of signs) and then someone comes in to construct a new sign somewhere else (subject to the standards in Section 503.44).

Three, the second sentence which Frazier focuses on to the exclusion of the rest of Section 503.44 refers to an inventory or list of signs. The term “replace” can be easily read to mean a substitution in that sign inventory (so long as the maximum number is not exceeded). This construction obviously does not mandate the placement of a sign on the same lot or parcel and harmonizes with the remaining portions of the code.

In summary, the City’s Zoning Ordinance expressly permits billboards in three zones subject to standards, all of which my client currently satisfies. The ordinance does not limit new signs to being those reconstructed on the same lot or parcel. Frasier has superimposed limitations that do not exist. *Helicopter Solutions, Inc. v. Hinde*, 414 S.C. 1, 13 (2015) (a reviewing court or agency cannot read into an ordinance language restricting property rights to a greater degree than intended by the legislative body). Ambiguities in the ordinance are construed in Grace Outdoor’s favor. *Id.*

We look forward to resolving this case through the appeal rights granted by South Carolina law.

Sincerely,
WILKERSON JUSTUS PLLC
David M. Wilkerson
(Electronically Signed)
David M. Wilkerson

Cc : Client

September 22, 2025

Diane Stevenson
Grace Outdoor Advertising, LLC
1201 Lincoln St., Suite 300
Columbia, SC 29201
diana@graceoutdoor.com

RE: Sign Permit Application, 958 E. Main Street

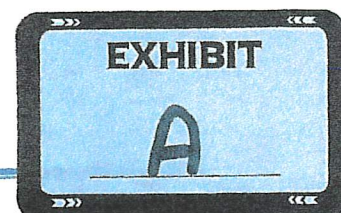
Dear Ms. Stevenson,

Thank you for your interest in doing business in Spartanburg. Unfortunately, your application to construct an advertising sign on the property located at 958 E. Main St. (hereinafter the "Proposed Sign") does not comply with the criteria set forth in the City of Spartanburg's Zoning Ordinance (hereinafter the "Zoning Ordinance") and is hereby denied. In particular, the Proposed Sign does not comply with Section 503.44 of the Zoning Ordinance (hereinafter "Section 503.44"). Our interpretation of Section 503.44 leads us to conclude that any sign that appeared on the inventory of all existing advertising signs created subsequent to passing of Section 503.44 (hereinafter the "Inventory") that is lost, removed, or destroyed may be replaced (that is to say it may be reconstructed in the location where it existed prior to loss, removal, or destruction) provided the total number of signs contained within the Inventory is not exceeded and further provided the replacement sign conforms with the remainder of the standards set forth in the Section 503.44 and Section 503.45 of the Zoning Ordinance (hereinafter "Section 503.45").

Based on our understanding of your application, the proposed sign appears to conflict with at least two—possibly more—of the standards outlined in Sections 503.44 and 503.45. Specifically, Section 503.44 generally limits sign height to 35 feet, and Section 503.45 prohibits electronic variable message signs. While there is a pathway for the City to allow electronic signs, it would require one or more existing signs to be permanently removed from the Inventory.

For your convenience I am providing a copy of Sections 503.44 and 503.45 of the City of Spartanburg's Zoning Ordinance attached hereto. Furthermore, the entire Zoning Ordinance and City Code of Ordinances may be found on our website at cityofspartanburg.org or municode.com.

If you disagree with these conclusions, you may file an appeal with the City of Spartanburg's Board of Zoning Appeals, pursuant to Section 603.3 of the City's Zoning Ordinance and Section 6-29-780 et seq. of the South Carolina Code of Laws. Should you have any questions or need assistance with the appeals process, please feel free to contact me or the City Attorney Bob Coler for guidance.



Finally, our conclusions above are our interpretation of the currently existing Zoning Ordinance. We are duty bound, by statutory construction principles, to interpret the ordinance, giving its language and phrases their plain and ordinary meaning and accurately reflects the intent of the legislation passed by City Council more than a decade ago.

We recognize that there may be alternative approaches to regulating advertising signs within the City. As part of our upcoming comprehensive review and update of the City's Zoning Ordinance, set to begin later this year, we will be thoughtfully exploring those options. We acknowledge the current gap in policy and are committed to addressing it through this process. We invite you to be part of the discussion and share your perspectives as we move forward.

Sincerely,

A handwritten signature in blue ink that reads 'Fredalyn M. Frasier'.

Fredalyn M. Frasier
Planning Director

cc: Chris Story, City Manager
Bob Coler, City Attorney
Buddy Bush, Building Official

From: Robert Coler <bcoler@cityofspartanburg.org>

Sent: Monday, October 13, 2025 2:29 PM

To: Craig Justus <cjustus@wilkersonjustus.com>

Cc: Christie Lindsey <clindsey@cityofspartanburg.org>; David Wilkerson <dwilkerson@wilkersonjustus.com>; Cynthia Arrowood <carrowood@wilkersonjustus.com>; Fredalyn Frasier <ffrasier@cityofspartanburg.org>; Martin Livingston <mlivingston@cityofspartanburg.org>

Subject: RE: Grace Outdoor Advertising, LLC, Sign Permit Application - 958 E. Main Street, Spartanburg

Craig,

Our determination is that your client's application was to erect a new sign in a new location. We do not read the Zoning Ordinance to allow that. What we read the Ordinance to allow, following statutory interpretation principles, is that they could replace a sign on the inventory that was lost, removed, or destroyed in the place it existed at the time it was inventoried. That is the plain and ordinary meaning we are giving to the word "replaced" in the Ordinance. Therefore, I suppose your former scenario better describes our position better than your latter scenario in Paragraph 2, Sentence 2 of your below email. Although, I have issues with the exact language of your former scenario, which is why I have tried to more clearly articulate our position with the first four sentences of this email.

I hope this helps.

Thanks,
Bob

Robert P. Coler
City Attorney
Spartanburg, SC
(864) 596-2722
bcoler@cityofspartanburg.org
www.cityofspartanburg.org



From: Craig Justus <cjustus@wilkersonjustus.com>

Sent: Monday, October 13, 2025 12:30 PM

To: Robert Coler <bcoler@cityofspartanburg.org>

Cc: Christie Lindsey <clindsey@cityofspartanburg.org>; David Wilkerson <dwilkerson@wilkersonjustus.com>; Cynthia Arrowood <carrowood@wilkersonjustus.com>

Subject: Re: Grace Outdoor Advertising, LLC, Sign Permit Application - 958 E. Main Street, Spartanburg



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

Bob,

Please answer the below.

Craig
Sent from my iPhone

On Oct 6, 2025, at 3:46 PM, Craig Justus <cjustus@wilkersonjustus.com> wrote:

Bob,

Thank you. We will review.

I need you to clarify something from the recent "determination." It is not clear whether the City is contending our client's application was denied due to a contention that Grace Outdoor was not eligible at all to apply the existing capacity below the sign cap (based on the language in the parenthetical in the written determination of replacing a sign on the same parcel, which is language not found in the Ordinance), or due strictly to the determinations of height and digital. Both these latter points could have been resolved with comments from staff years ago. My client has recently filed a revised application addressing these perceived height and digital deficiencies. Which leaves the issue of whether Grace is eligible to take advantage of the room under the sign cap if Grace is not intending to take a sign down at the same time as applying for the one in question.

Please advise ASAP. An appeal to the BZA is likely if the City has determined that Grace was never eligible so that its recent revisions for the proposed sign will also be rejected.

Thank you,

Craig

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

Sign Permit Application

Prior to the installation of a Sign in the City of Spartanburg, a sign permit must be obtained. To ensure that the proposed sign size and installation comply with the City's sign regulations as outlined in the Spartanburg Zoning Ordinance Section 503, the following information must be submitted with your application:

- ☐ **Elevation drawings, pictures, and sign renderings with measurements for proposed signage(s)** showing the height, type, location of the sign with the property dimensions, material of the sign, and any utility of other easements present on the property.

Planning Permit Number: _____ Building Permit Number: _____ Permit Fee: _____

Name of Business or Establishment that sign will Identify Advertising Sign with Static Faces for various advertisers
Address of Business: Street: 958 E Main St City: Spartanburg State: SC Zip: 29302
864-238-0728 Business Owner: Jason Epps
Phone: _____ Business Owner: _____
7-13-01-026.07
Tax Map #: _____ (Need Help? Visit this [website](#) and search by name or location address.)
Zoning District: B3 (Looking for the Zoning? Visit this [website](#) for more information.)

Sign Contractor Name: Grace Outdoor Advertising Total Contract Price: \$ \$90,000.00
Address / Street: 1201 Lincoln St City: Columbia State: SC Zip: 29201
City Business License of Current Year #: will apply as needed
Phone: 803-319-4381 Fax: _____ Email: diana@graceoutdoor.com

For signs located at City zoning districts: (B-1, B-3, B-4, LOD, GID, LC, I-1, I-2)

Linear feet of street frontage where business is located (facing the road) 298.6 FT

Linear feet of the front building wall where individual business is located 134 FT

Types of the signage(s) Wall ☐ Pole ☒ Monument ☐ Directional Sign ☐ Menu Board ☐ Window/Door ☐

***Please Note:** A ground-based freestanding business sign shall be no greater than twenty (20) feet in height; &

Any freestanding signs shall be located no less than 10 feet from the street right-of-way and the front property line(s)

For signs located at Downtown Urban Districts: (DT-4, DT-5, & DT-6)

Wall dimension (Primary Frontage) – Front Facades: _____ FT (length) _____ FT (height)

Wall dimension (Secondary walls) – All other facades: _____ FT (length) _____ FT (height)

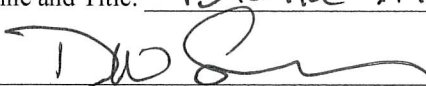
Types of signage(s): Wall ☐ Theater Marquee ☐ Window/Door ☐ Tenant Identification ☐ First Floor Projecting ☐
Awning ☐ Monument ☐ Post & Arm ☐ Sandwich Board ☐

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

Checklist Before Submission:

- ☒ Completed Sign Permit Application
- ☒ Contractor Information (including the City Business License Number and Contract Price)
- ☒ Elevation Drawing/Proposed Signage (s) Drawing with Dimensions
- ☒ *For New Freestanding Signage, 10 ft Setback Requirement is Showing on the Drawing

☒ I certify to the best of my knowledge that all information provided is true and correct and all work performed under this permit shall conform to all plans and specifications herewith submitted and shall conform to the City Zoning and Building codes and all the laws and ordinances pertaining thereto. I understand the City of Spartanburg accepts no responsibility for signs that do not conform to covenants or guidelines set by associations. I attest that there are no recorded deed restrictions or restrictive covenants that apply to this property which are contrary to, conflict with, or prohibit the permitted activity being requested. If any information is false or misleading, the permit may be considered void and revoked.

Applicant Printed Name and Title: Diana W. Stevenson, CEO
Applicant Signature:  Date: 10/2/25

For Official Use Only: Date Filed: _____ Action: [☐] Approved [☐] Denied By _____
Comments: _____

Free Standing Signs



New Sign



Existing Sign (The structure of a pole or monument sign is on the site)

Note: If the sign is existing, please provide photos of the existing signage and current location

1. Overall Dimension:

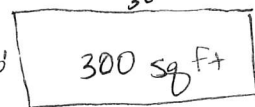
Width: 30' FT

Thickness: 8" FT

Height from the ground to the top of the sign: ☐ Less than 10' ☒ Greater than 10'

The actual height of the sign 35 FT overall height

Sign face measures
10' x 30'



****Please Note:** Signs over 10' in height require structural engineered drawings complying with Chapter 16 of the 2021 IBC. Applicant must submit **two (2) copies** of structural drawings with this form that will be forwarded to the Building Department for plan review. Submitted drawings must include stamp and signature of a licensed S.C. structural engineer.

2. Type of lighting use in/on the sign:



Fluorescent



Neon



Halogen



L.E.D



Incandescent



Other



None

Electrical Service for sign is:



Existing / Electrical Inspector will verify, in field, proper terminations and wire gauges.



New Install / Provide a detailed diagram of electrical circuit.
Electrical Inspector will verify in the field.



None Provided

Electrical Load Information:

Lamps: _____

Ballast: _____

Voltage: _____

Total Conn. Load: _____

Circuit Required: _____

This device is U. L. listed and certified: ☐ YES ☐ NO

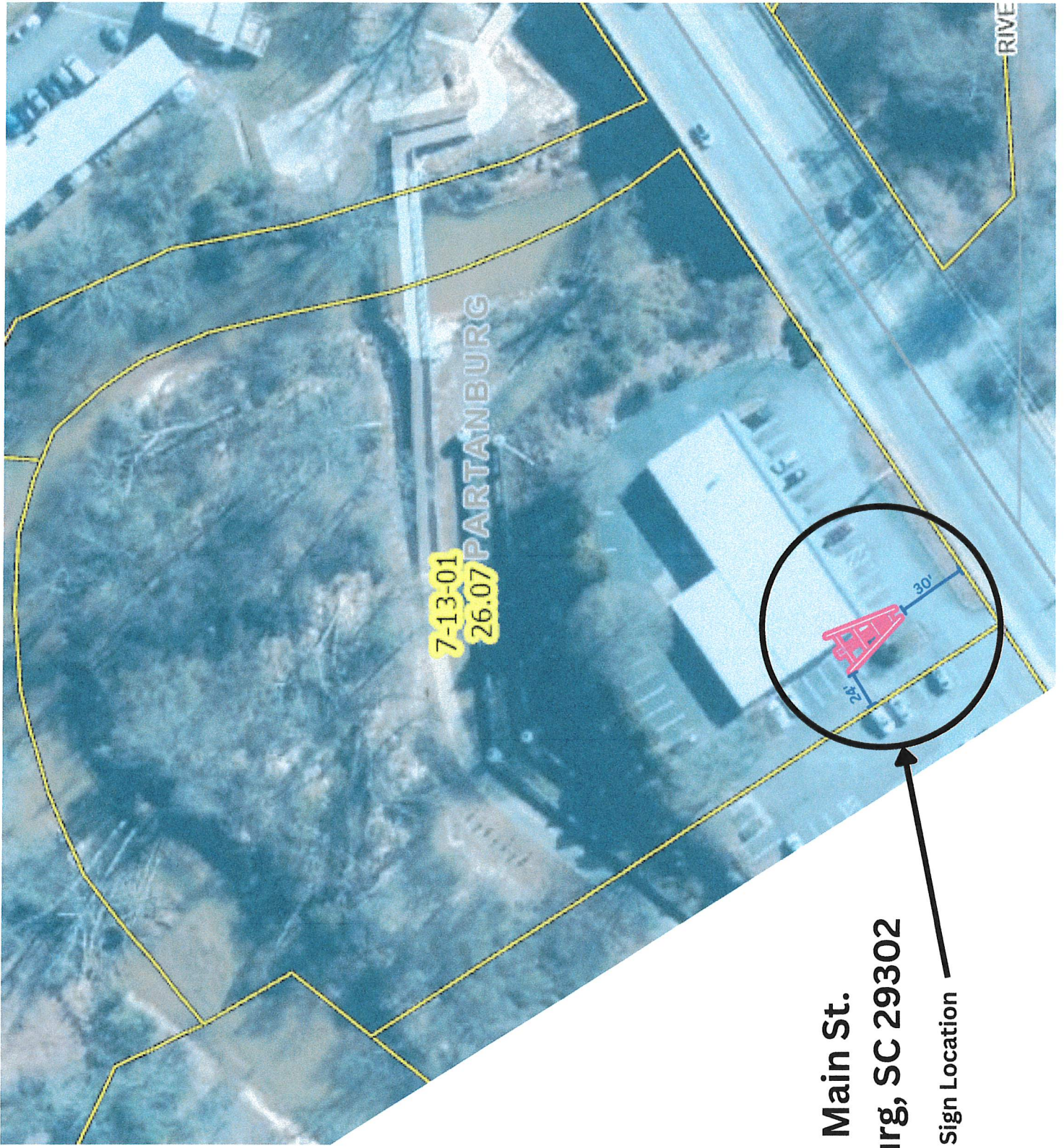


Contractor Information

Contractor Name – Grace Outdoor Advertising

Price of Project - \$90,000.00

Per Johnny Ali, the city' Business License Manager, we do not need a business license until we get approved. We currently do not do any business in the city, so we do not currently have a business license. Once the permit is issued, we will immediately apply and pay for our license.



958 E. Main St.
Spartanburg, SC 29302

Proposed Sign Location