



The City of Spartanburg Board of Zoning Appeals

AGENDA

April 9, 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 March 12, 2024, Meeting.**
- VI. Old Business: None.**
- VII. New Business:**
 - 1. SE-24-002-00004: The City of Spartanburg’s Board of Zoning Appeals has received a request for a Special Exception to open a school in the existing wing of the Eastside Baptist Church located at 1850 Fernwood Glendale Road (TMS: 7-14-02-001.01); with a zoning designation of R-15 (Single-family Residential District). Owner/Applicant: Eastside Baptist Church.
 - 2. VAR-24-002-00005: The City of Spartanburg’s Board of Zoning Appeals has received a variance request to the lot size requirements to develop the Theodosia triplex (three-unit multifamily apartment) located at 108 Theodosia Drive (TMS: 7-15-04-058.00); with a zoning designation of R-12 (General Residential District). Owner/Applicant: Levi Kennedy.
- 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, March 12th, 2024, at 5:15 PM
City Hall Council Chambers**

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, March 12th, 2024, at 5:15PM with the following members in attendance **Dominique Dawkins, Brian Murdoch, McKay Moore, 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
Ms. Moore: McKay Moore
Mr. Murdoch: Brian Murdoch
Ms. Dawkins: Dominique Dawkins

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. Bramblett, seconded Ms. Dawkins to approve the agenda. The motion was approved with a vote of 5-0.

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

Mr. Matz: Next item is the disposition of meeting minutes from previous meeting February 13th, 2024?

Approval with edits to Meeting Minutes from February 13th, 2024.

A motion was made by Ms. Moore seconded Ms. Dawkins the motion was approved with a vote of 5-0.

Ms. Moore: I approve with edits.
Ms. Dawkins: 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 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

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.

Applicant:

Ethan Floyd – PTL Construction

Public Comment: None.

Discussion:

The building is being built to code. The requested setbacks is not detrimental to the surrounding properties and meets the 5 criteria's.

A motion was made by Ms. Moore, seconded Mr. Murdoch and Ms. Dawkins to approve the Variance with conditions of approval for the lot coverage be modified to 25% with a vote of 4-1.

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.

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 appealed 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.

Staff and Recommendation:

If this was submitted as a Variance the staff would recommends approval of this Variance.

Applicant:

Maude Davis, Spartan Main, LLC.

John Jamison, Spartan Main, LLC.

Public Comment: None.

Discussion:

The building has the two hour firewall rating and required while it was constructed. The building meets the requirements today. There is a declaration in place for parking.

A motion was made by Mr. Murdoch, seconded Ms. Dawkins to approve the Variance with condition the side setbacks apply with a vote of 5-0.

Staff announcements.

The meeting was adjourned at 6:12 PM.

Darren Matz , Chairman

TO: The Board Zoning Appeals

RE: SE-24-00200004 The City of Spartanburg's Board of Zoning Appeals has received a request for a Special Exception to open a school in the existing wing of the Eastside Baptist Church located at 1850 Fernwood Glendale Road (TMS # 7-14-02-001.01) with a zoning designation of R-15, Single Family Residential district. **Owner / Applicant: Eastside Baptist Church**

Date: April 1st, 2024

Project Description and History

The project site is an approximately 326,264.4 square foot (7.49 acres) lot located in the R-15 (Single Family Residential District) zoning designation. The project site abuts Fernwood Glendale Road to the south boundary and Sloans Grove Road to the north boundary. The project site is surrounded by R-15, Single Family Residential District, neighborhood to the west, and R-6 PDD, General Residential Plan Development District, neighborhood to the east.

Eastside Baptist Church currently has a kid's ministry and student's ministry that provide engaging learning experiences to kids and students, equipping each student through meaningful discipleship relationship that will ensure their growth. The kid's ministry is operated on Sundays (Sunday School at 9:30 am and Children's Church at 10:30 am)

The applicant, East Baptist Church, is proposing to open a school for children with special needs within the existing children's wing of the church (in the front section of the building) that will house approximately 15 to 30 children during normal school hours, Monday through Friday from 7:am to 3:30 pm.



Analysis

Zoning Ordinance Consistency

The project site has a zone designation of R-15, Single Family District. **Section 302.1 R-15 Single Family Residential District Uses Permitted by Special Exception** **Section 302.1 B** of the City of Spartanburg Zoning Ordinance, R-15, Single Family District, does allow uses for churches, synagogues, and other places of worship and public schools and private and parochial schools having a curriculum approximately the same as ordinarily given in public school.

A Special Exception may be granted by the Board of Zoning Appeals to the usage listed in the zoning ordinance Section 302.1 B Uses Permitted by Special Exception. Special Exceptions may only be granted under use regulations for residential districts as uses permitted by special exception.

The Board must utilize **Section 603.53 Guidelines** and determine whether a special exception should be granted, in addition to specific criteria in district regulations:

- a. Traffic impact;
- b. Vehicle and pedestrian safety;
- c. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
- d. Adverse impact of proposed use on the surrounding area including the aesthetic character of the area; and
- e. Orientation and spacing of improvements or structures.
- f. Compliance with the Comprehensive Plan

The Board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area. No variance may be granted by the Board in connection with the granting of a special exception.

Findings

1. *Traffic impact* –

Currently, the Eastside Baptist Church has a large parking lot with a 24 ft driveway in the front and two entrances allowing for vehicle queuing for drop off and pick up of students. The applicant indicates that the proposed school will only have 15 to 30 students with an average of 15 to 20 cars per hour Monday through Friday from 7-8 am and 3:30 pm to 4 pm.

2. *Vehicle and pedestrian safety* –

Unfortunately, staff has not received a vehicle traffic flow plan yet. However, the applicant indicates that due to the sufficient length of the parking lot driveway, there will not be any road congestion generated along the parking lot driveway and pedestrian safety will be maintained by proposed measures that would require vehicles to be stopped and engines to be turned off when dropping off or picking up children. Staff recommends having signage on site to assure pedestrian safety.

3. *Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property* –

Currently, the Church has kids' ministry and student's ministry services on Sundays and Wednesday. The proposed school will be in the existing children's wing section of the church that is closer to the front of the parking lot, noises generated will not impact the neighborhoods on the west and east side of the Church. Staff does not anticipate fumes or obstruction of air flow on adjacent properties.

4. ***Adverse impact of proposed use on the surrounding area including the aesthetic character of the area; and –***
Staff does not anticipate any adverse impact of the proposed school on surrounding area in terms of the aesthetic character of the area. The proposed school will be open inside the existing structure. No additional portion(s) will be added onto the existing structure. The nature and character of the area will still remain the same.
5. ***Orientation and spacing of improvements or structures –***
The proposed school is located inside the existing church building, therefore, the orientation and spacing of the church structure will not be impacted by the proposed use.
6. **Compliance with the Comprehensive Plan –**
2024 City of Spartanburg Comprehensive Plan lists the area as G-2 Neighborhood Controlled Growth Sector. In the Land Use and Community Character Element, it says that “.....Neighborhood Controlled Growth Sectors are areas that are developed with low- to medium-density neighborhoods that should remain ‘as is’. These neighborhoods are defined by conventional suburban development patterns of primarily detached single-family houses, with a limited number of multi-family, commercial, and civic uses. There may be some limited opportunities for infill in this Sector, which should be at a scale and character compatible with surrounding development. The proposed use of a school for kids with special needs is a civic use, and based on the number of students proposed on a daily basis, the activity is less intense.

Staff Recommendation

The proposed request does meet all the required Findings for approval of the Special Exception. Staff recommends **approval** of the request 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 the law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest.

Submitted by:

Nan Zhou

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:

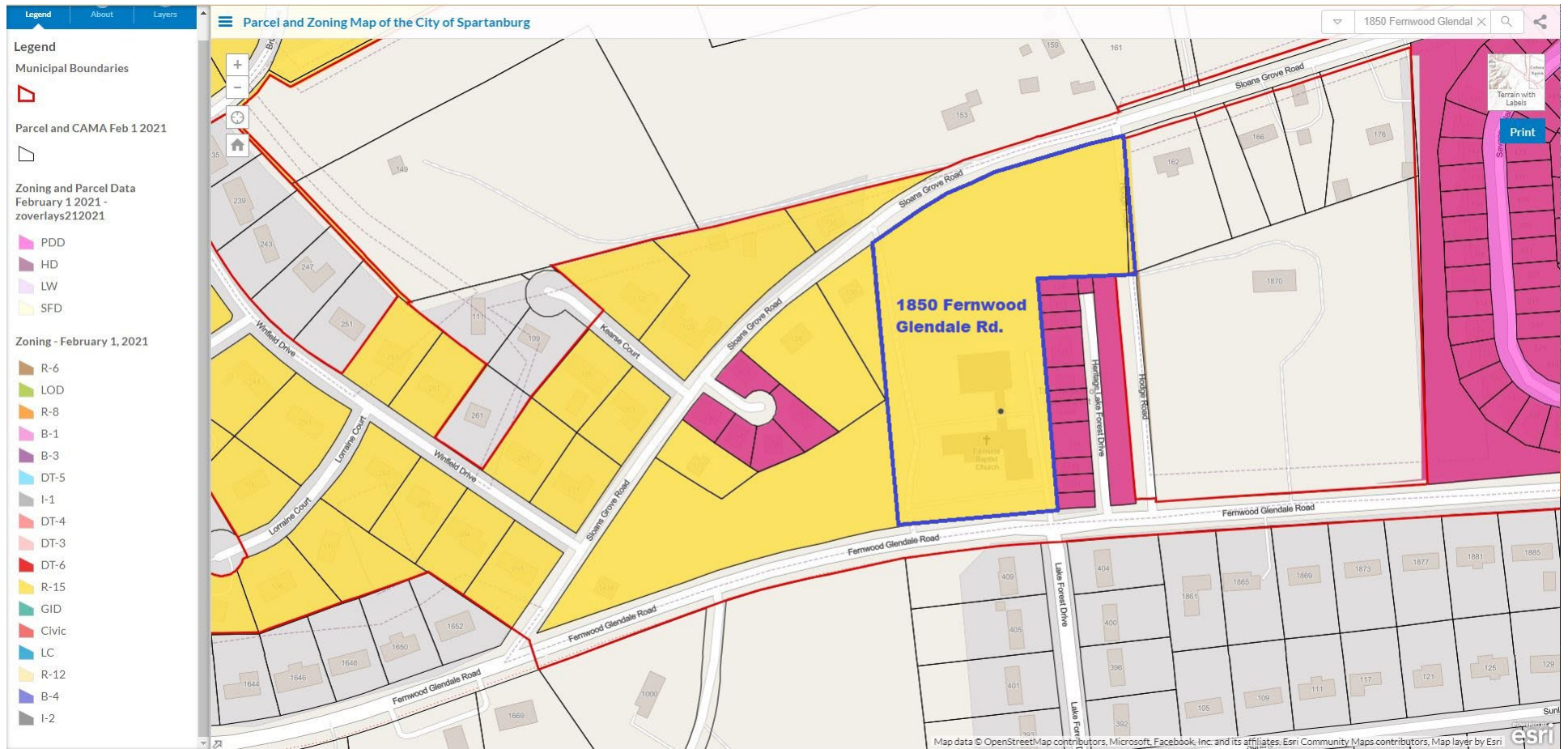
1850 Fernwood Glendale Rd. (TMS # 7-14-02-001.01)

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 25%, front yard setback is 40 feet, rear setback is 40 feet, and the interior side setback is 15 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 – 1850 Fernwood Glendale Rd.



ZONING MAP – 1850 Fernwood Glendale Rd.



Site Photos – Building Front



Site Photos – Building Front



Site Photos – Property to the Left of the Project Site



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



Site Photos – First Entrance



Site Photos – Second Entrance



Site Photos – Playground in the Back/Side of the Site



Site Photos – Side of the Building



Site Photos – Properties Across from the Project Site (Not in the City)



Site Photos – Property Directly Across from the Project Site



Site Photos – Front Parking Lot with 24 ft Driveway



Site Photos – Street View of Fernwood Glendale 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: Eastside Baptist Church

Street Address: 1850 Ferwood Glendale Rd

Zoning District: Residential Overlay: _____ Tax Map Number: 149527

Owner: Eastside Baptist Church

Phone: 864-579-1500

Address: 1850 Fernwood Glendale Rd

Email: Daniel@ebcspartanburg.com

City: Spartanburg

State: SC

Zip: 29307

Applicant: Eastside Baptist Church

Phone: 8645900458

Address: 1850 Fernwood Glendale Rd

Email: mwood@cibiaba.com

City: Spartanburg

State: SC

Zip: 29307

Agent: N/A

Phone: _____

Address: _____

Email: _____

City: _____ State: _____ Zip: _____

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

☐ Annexations

☒ Special Exceptions

☐ Zoning - Appeals

☐ Zoning - Map Amendment

☐ Planned Development Districts (PDD)

☐ Zoning - Conditional Use

☐ Zoning - Variance

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: Mary [Signature]

Date: 3/18/2024

Staff Use Only / Received by: Nant [Signature]

Date Received: _____

Time: _____

Permit Number: _____

SPECIAL EXCEPTION SUPPLEMENTAL APPLICATION FORM

Name of Development: Eastside Baptist Church

Location of Development: 1850 Fenwood Glendale Rd Spartanburg SC 29307

City Official or Body that made the Decision: _____

Specific Special Exception Use Being Requested:

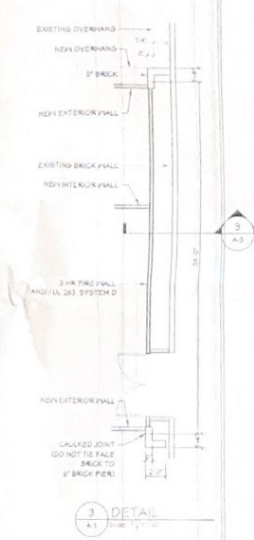
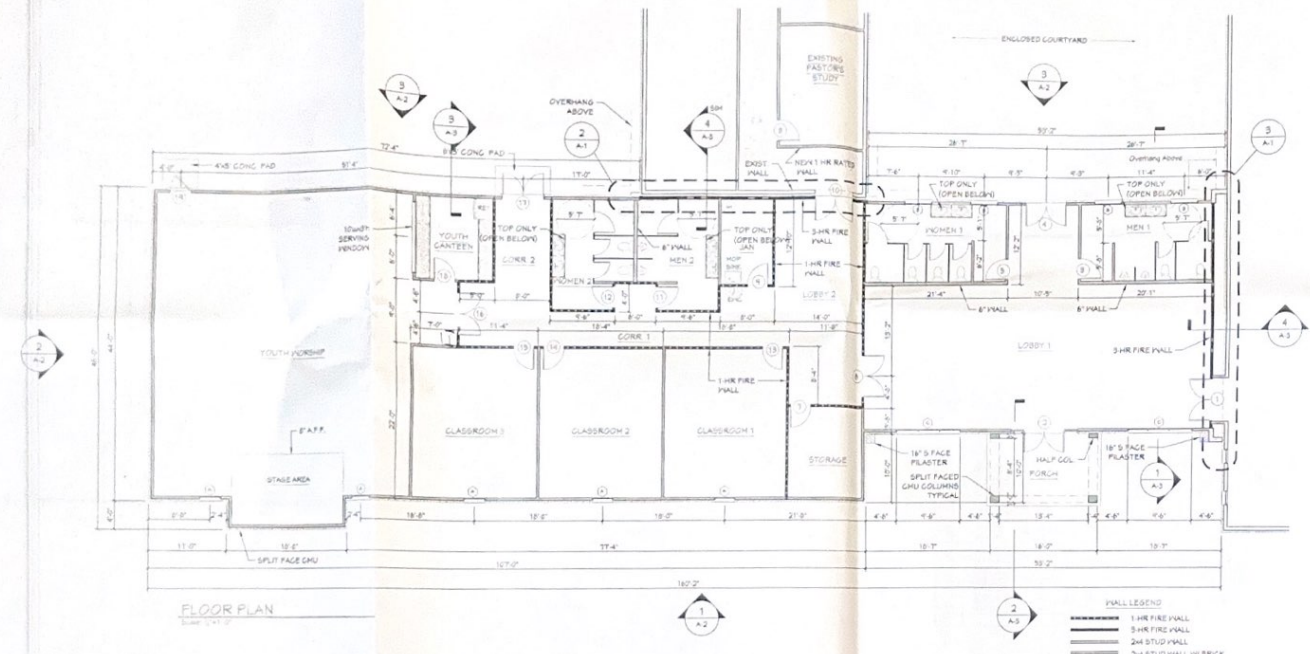
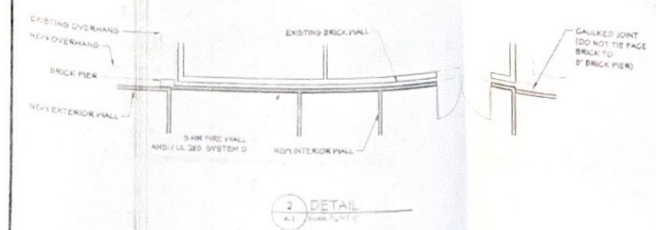
Eastside Baptist Church is requesting a special exception and approval to open a school within the existing Children's wing of the church. the request meets the guidelines for requesting a Special Exception. Please see details below. The school will hold between 15-30 children during school hours, 7am-3:30pm, Monday- Friday. Traffic impacts will be light with an average of 15-20 hours per day for drop off between 7-8am, Monday- Friday and pick up at 3:30pm, Monday- Friday. The traffic will flow through the main parking lot facing Fernwood Glendale Rd. The parking lot is very large and has a long straightway allowing for the cars to enter and pull through the parking lot during pick up preventing road congestion. Pedestrian safety will be maintained by having the cars stop their engine when pulling into the parking lot for pick up. The cars will not be on the street, limiting any unrelated pedestrian safety issues. The students will be housed inside the building during the school day, which will have little to no impact on extraneous noise to the neighboring houses. Cars in the parking lot for the school day (including pick up and drop off) will shut off the engines to limit additional fumes/ extraneous air pollutants to surrounding neighborhoods. We will not be completing any additional building plans or improvements to the current structure. We will not change the aesthetics of the current structure.

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

- ☒ A Site Plan showing the preliminary proposed location of structures or use, access points and riparian buffer (if applicable). (Ten 11"x17" sets and one full size set, or email in PDF format).
- ☒ Information on traffic impact of the proposed use. Attach traffic study or SCDOT traffic counts if available.
- ☒ Written explanation on How & Why the requested special exception meets each of the criteria listed in the Zoning Ordinance Section 603.53 Special Exception Guidelines.
- ☒ Filing Fee - \$150.00

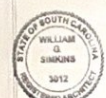
Staff Use Only / Received by: _____

Date Received: _____ **Time:** _____ **Permit Number:** _____



WALL LEGEND

1 HR FIRE WALL
3 HR FIRE WALL
2 HR STUD WALL
2 1/2 HR STUD WALL IV BRICK



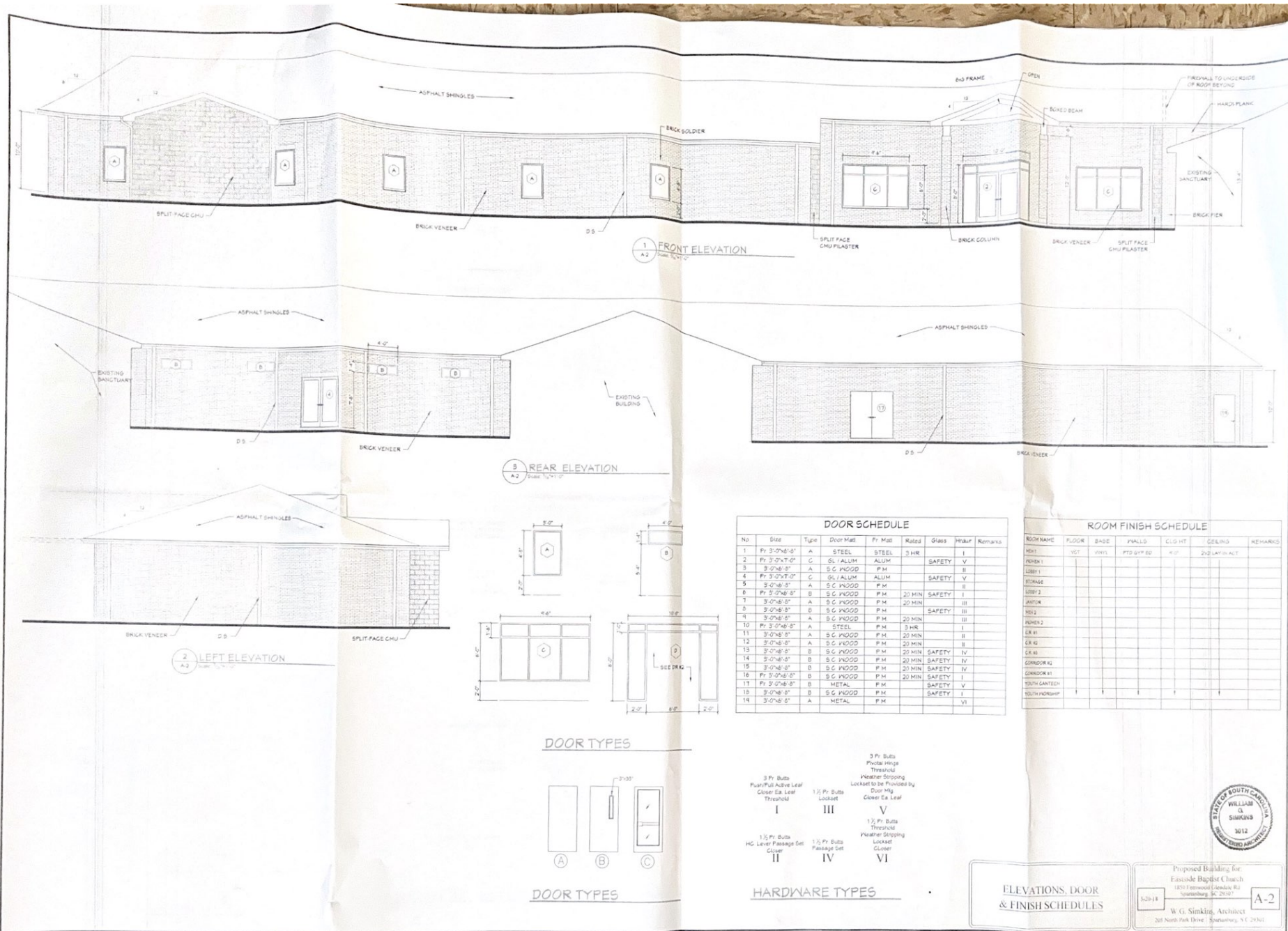
FLOOR PLAN & GENERAL NOTES

Proposed Building for
Eastside Baptist Church
1850 Piedmont Road
Spartanburg, SC 29307

W. G. Simkins, Architect
201 North Park Drive Spartanburg, S.C. 29303

106-18

A-1



TO: The Board of Zoning Appeals

RE: VAR-24-002-00005: The City of Spartanburg's Board of Zoning Appeals has received a variance request to the lot size requirements to develop the Theodosia triplex (three-unit multifamily apartment) located at 108 Theodosia Drive (TMS: 7-15-04-058.00); with a zoning designation of R-12 (General Residential District). Owner/Applicant: Levi Kennedy.

Date: April 9, 2024

Project Description and History

The project site is an approximately 21,000 Square foot lot located at 108 Theodosia Drive (TMS: 7-15-04-058.00); with a zoning designation of R-12 (General Residential District). The site is located in a traditional single-family neighborhood with one existing non-conforming lot with two duplexes. The applicant is seeking a variance to the requirements in the zoning ordinance related to Table 401(A) Table of Area and Dimensional Requirements by District which requires 10,000 square feet of area for each unit developed. The current size of the property is approximately 21,000 and would only support the development of a duplex.

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 \$150 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 is an approximately 21,000 Square foot lot located at 108 Theodosia Drive (TMS: 7-15-04-058.00); with a zoning designation of R-12 (General Residential District). The site is located in a traditional single-family neighborhood with one existing non-conforming lot with two duplexes. The applicant is seeking a variance to the requirements in the zoning ordinance related to Table 401(A) Table of Area and Dimensional Requirements by District which requires 10,000 square feet of area for each unit developed. The current size of the property is approximately 21,000 square feet and would only support the development of a duplex.

Based on Section 603.4(3) Variances, the Board has the authority to permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width;

The Board must utilize Section 603.3(A)(2) and determine if the proposal meets all the criterion for approval. To hear and decide appeals for a **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 –***
No. There are no extraordinary and exceptional conditions pertaining to this particular piece of property that would allow it to be developed as a tri-plex. The current size of the property would allow it to be developed as a duplex. The site is located in a traditional single-family neighborhood with one existing non-conforming lot with two duplexes. The applicant is seeking a variance to the requirements in the zoning ordinance related to Table 401(A) Table of Area and Dimensional Requirements by District which requires 10,000 square feet of area for each unit developed. The current size of the property is approximately 21,000 square feet and would only support the development of a duplex. A significant amount of the property is in a flood plain and cannot be developed – like other properties in the vicinity.
2. ***These conditions do not generally apply to other properties in the vicinity –***
No. The conditions at this property are similar to the conditions of other properties in the vicinity. The current size of the property is approximately 21,000 square feet and would only support the development of a duplex. A significant amount of the property is in a flood plain and cannot be developed – like other properties in the vicinity.
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 –***
No. The application of the ordinance does not restrict the use of the property. The property can be used as single-family or duplex housing. The property size is not large enough to be converted to a tri-plex apartment. The development of a tri-plex apartment would not be consistent with the character of the surrounding neighborhood.

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–***

Yes. The authorization of a Variance will create an existing non-conforming use in a traditionally single-family neighborhood. There is already an existing non-conforming use with two duplexes on one lot in the neighborhood. The property size is not large enough to be converted to a tri-plex apartment. The development of a tri-plex apartment would not be consistent with the character of the surrounding 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–***

No. Approval of this variance would create a non-conforming use. The current size of the property would allow it to be developed as a duplex. The site is located in a traditional single-family neighborhood with one existing non-conforming lot with two duplexes. The applicant is seeking a variance to the requirements in the zoning ordinance related to Table 401(A) Table of Area and Dimensional Requirements by District which requires 10,000 square feet of lot area for each unit developed. The current size of the property is approximately 21,000 square feet and would only support the development at maximum a duplex. A significant amount of the property is in a flood plain and cannot be developed – like other properties in the vicinity.

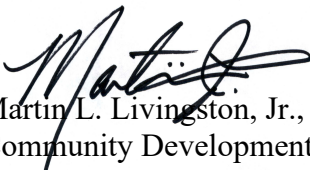
Summary and Recommendation

The proposed request does not meet all the required Findings for approval of the Variance. Staff recommends denial of the request 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 the law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest.

Submitted by:


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

Attachments:

Conditions of Approval

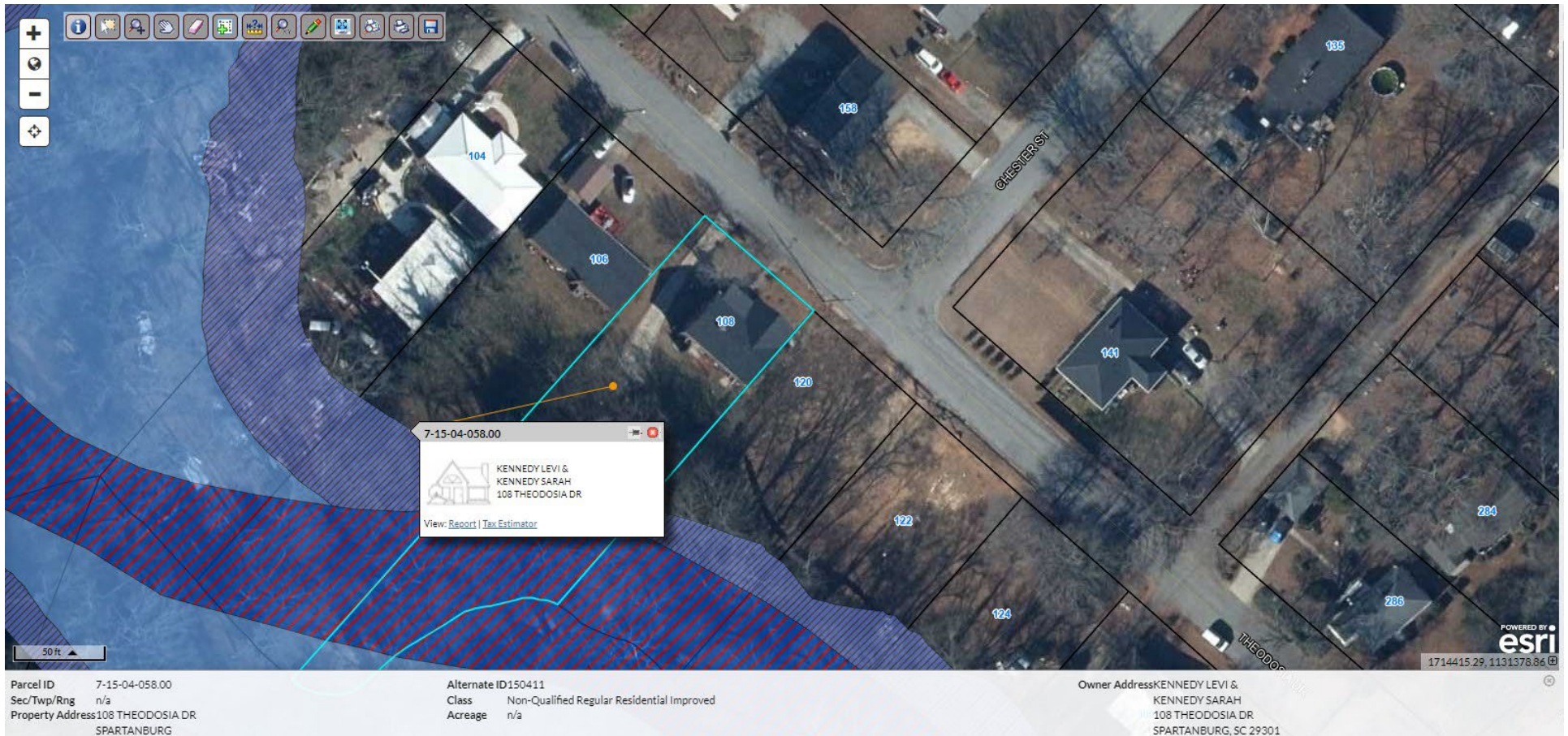
Application

Photos

**CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:
108 Theodosia Drive (TMS: 7-15-04-058.00)**

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 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 35 feet, rear setback is 30 feet, the interior side setback is 10 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.

SITE MAP



ZONING MAP

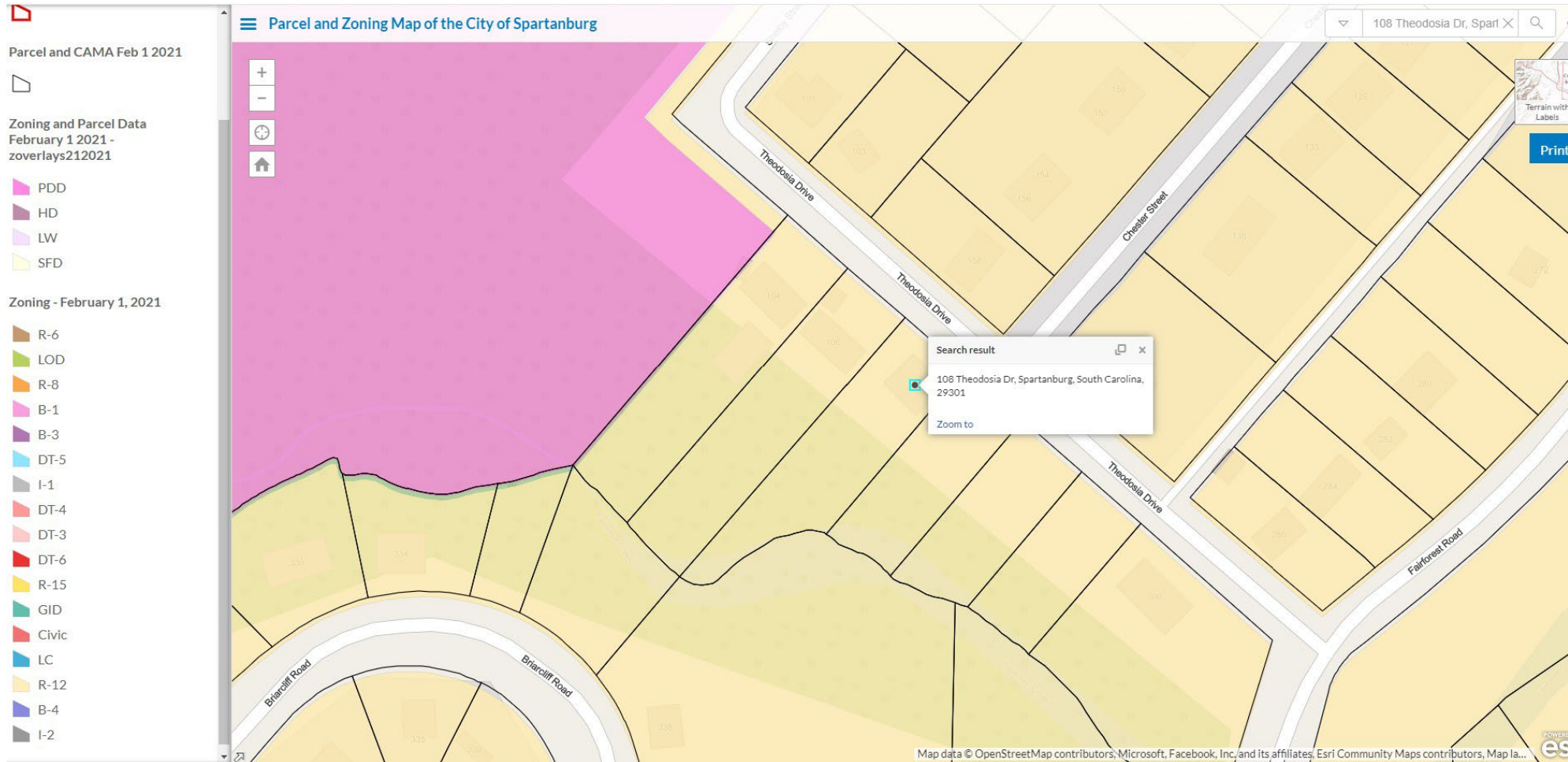


Table 401 – (A) Table of Area Dimensional Requirements

Section IV: District Area and Dimensional Requirements

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

These Standards Apply Only to One Residential Structure on a Zoning Lot (*8)

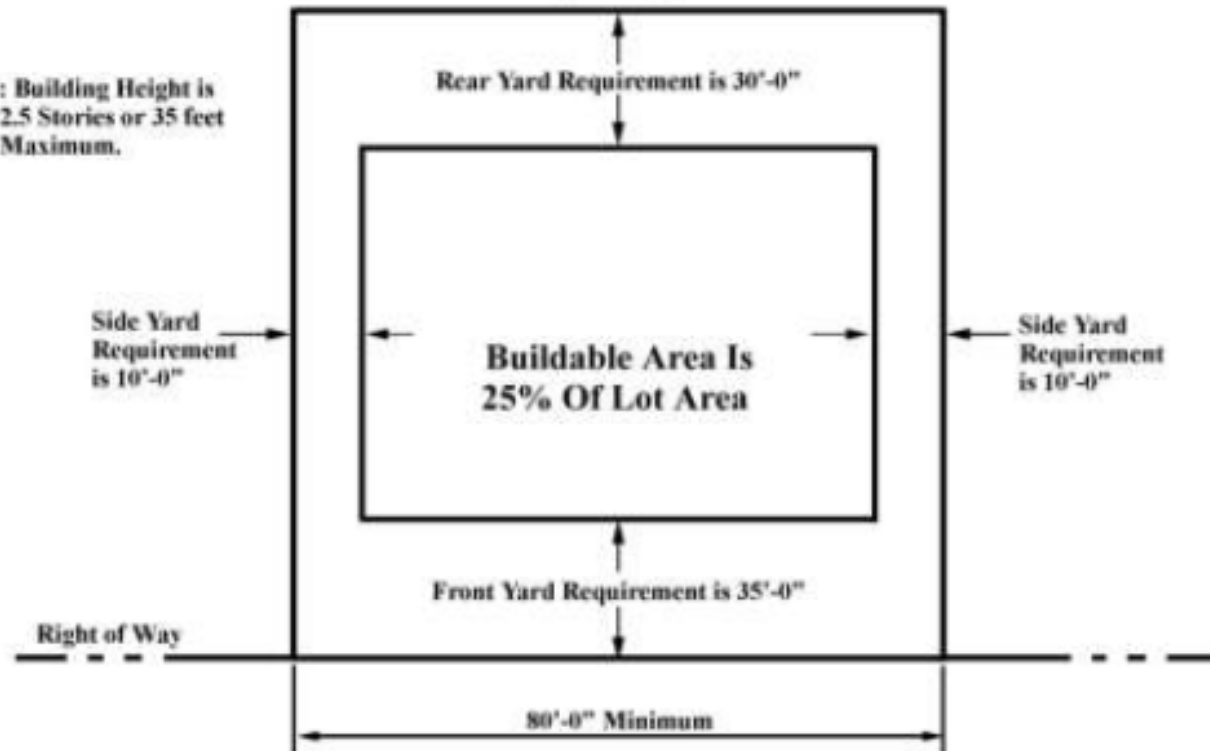
MINIMUM YARD REQUIREMENTS

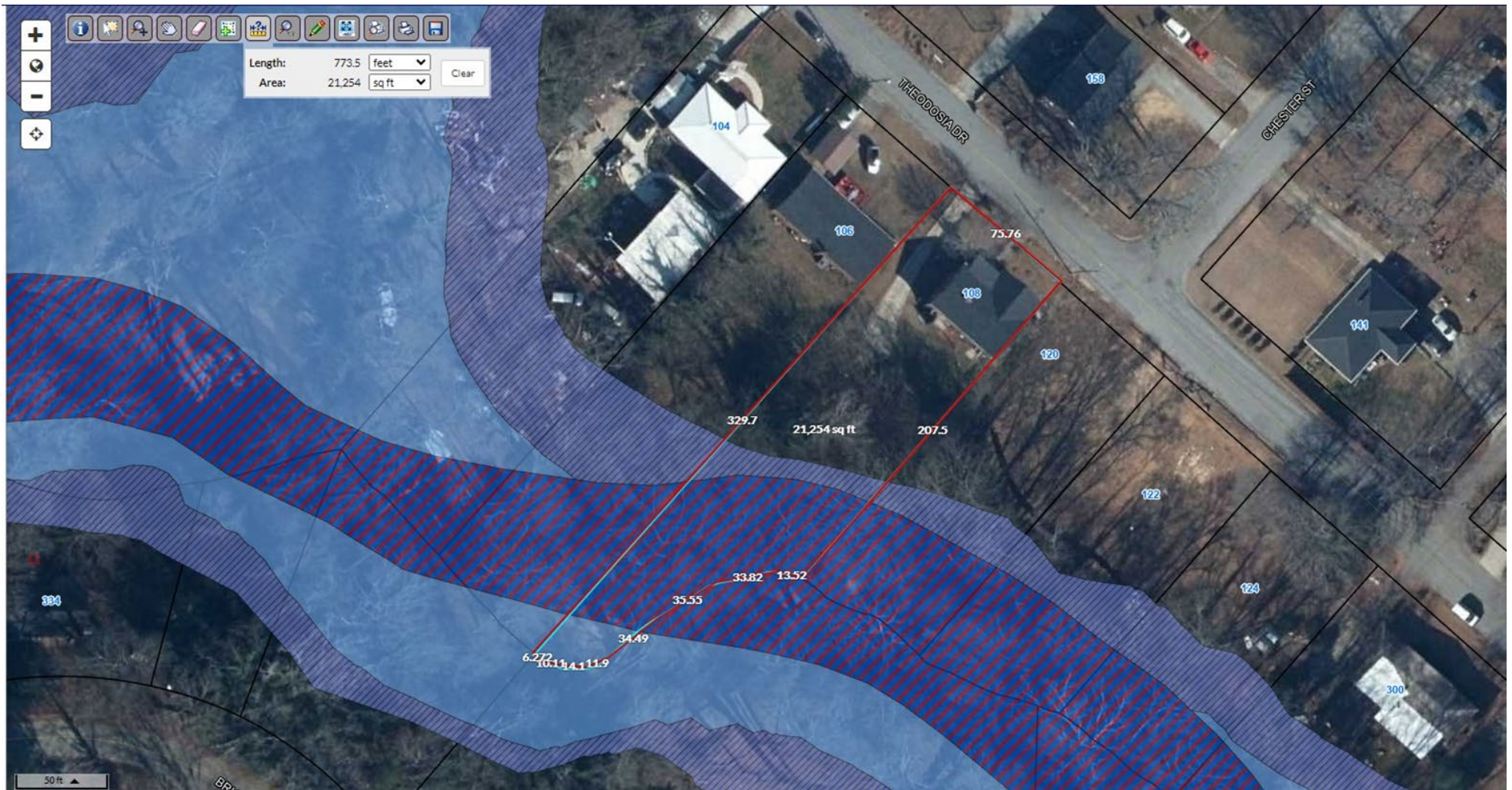
Zoning District	Max. Bldg. Height (Feet)	Min. Lot Area (Square Ft.)	Min. Lot Per Dwelling Unit (Square Ft.)	Min. Lot Width At Lot Line For Lots Not On The Radius Of A Cul-De-Sac (Ft.) (*9)	Min. Lot Width At Front Bldg. Line On The Radius Of A Cul-De-Sac (Ft.) (*9)	Max. Bldg. Coverage (As a %)	FRONT	REAR	INTERIOR SIDE (*1)	STREET SIDE (*2)	Max. Gross Floor Area
R-15	35/A	15,000	15,000	90	80	25 (*16)	40/B	40	15/M (*11)	15/C	
R-12	D	12,000	10,000	80	80	35 (*16)	35/B	30	10	15/C	
R-8 SFD (*10)	D	8,000		60	50	40 (*16)	30/B	30	8	15/C	
R-8	D	8,000	6,000	60	50	40 (*16)	30/B	30	8	15/C	
R-6 (*14)	D	4,000	2,000/F	50	50	50	15/B	20	5	15/C	
GID/ LOD (*13)	E	4,000/N (*5)(*14)	2,000 (*5)	50 40	50 40	50/G 50/G (*6)	25/H 15	15/L 15/L (*5)	10/L 5 (*5)	15/C 15/C (*4)	
LC (*12)	35/A	21,780 Or ½ Acre				•	35	30	10	10/C	
B-1	35/A		1,800		50		25	10	5/I	15/J	K
B-3			800		50		15			10/J	K
B-4			800		50		25			10/J	K
I-1							25	15	15	25	K
I-2							25	15	15	25	K
D-T4 D-T5 D-T6	For Area and Dimensional Requirements in Downtown Urban Districts, see §§515.3.3 – 3.6										

R-12 SINGLE FAMILY

Lot Area Is 12,000 SQ. FT. Minimum

**NOTE: Building Height is
2.5 Stories or 35 feet
Maximum.**





Site Photos



Site Photos



Mar 26, 2024 at 10:18 AM



Mar 26, 2024 at 10:18 AM

General Application

Name of Development: _____

Street Address: _____

Zoning District: _____ Overlay: _____ Tax Map Number: _____

Owner: _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Applicant: _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

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: Levi Kennedy Date: _____

Staff Use Only / Received by: _____

Date Received: _____ Time: _____ Permit Number: _____

ZONING VARIANCE SUPPLEMENTAL APPLICATION FORM

Name of Development: _____

Location of Development: _____

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

Describe completely and specifically the requested Variance:

Explain briefly why the Variance is requested:

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: _____

Date Received: _____

Time: _____

Permit Number: _____



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

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

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

[illegible]



