



The City of Spartanburg Board of Zoning Appeals

AGENDA

June 11, 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 City of Spartanburg’s Board of Architectural Design & Historic Review meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the City of Spartanburg’s Zoning Ordinance.
- IV. Approval of Agenda.**
- V. Disposition of Minutes from the April 9th, 2024, and May 14, 2024, Meeting.**
- VI. Old Business: None.**
- VII. New Business:**
 - 1. VAR – 24-00200006 – The City of Spartanburg’s Board of Zoning Appeals has received a request for a variance to the side setback requirement for property located at Fairforest Road (TMS: 7-15-04-102.00) (generally situated between 236 Fairforest Rd, and 242 Fairforest Rd.); with a zoning designation of R-12 (General Residential District). Owner/Applicant: Pinsk LLC.
- VIII. Staff Updates:**
- IX. Adjournment.**

For more information, please contact the planning department at (864) 580-5269 or by email at planning@cityofspartanburg.org.



The City of Spartanburg Board of Zoning Appeals

Meeting Minutes of the Board of Zoning Appeals Tuesday, April 9th, 2024, at 5:15 PM City Hall Council Chambers

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, April 9th, 2024, at 5:15PM with the following members in attendance **Dominique Dawkins, Brian Cohen, 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. Cohen: Brian Cohen
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 move we approve the agenda.
Ms. Dawkins: Second
Mr. Matz: All in favor?
Attendees: Aye.

Mr. Matz: Next item is the disposition of meeting minutes from previous meeting March 12th, 2024. Anybody comments?

Approval with edits to Meeting Minutes from March 12th, 2024.

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

Ms. Moore: I move we approve the minutes.



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Ms. Dawkins: Second.

Mr. Matz: All in favor?

Attendees: Aye.

Old Business: None

New Business:

The City of Spartanburg’s Board of Zoning Appeals has received a request for a 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

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 kids 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.

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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 big 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.
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

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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.

Applicant:

Eastside Baptist Church
Daniel Wood, 224 Thorncrest Dr.

Public Comment:

Susan Holland, 293 Lake Forest Dr.

Discussion:

The proposed project is well presented. A school is well needed for special needs. As long it meets all requirements pf SCDOT and criteria’s presented it should do well.

A motion was made by Mr. Bramblett, seconded Mr. Cohen to approve the Special Exception with conditions the school meets SCDOT school zone requirements with traffic study with a vote by 5-0.



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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.

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. 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

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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

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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–

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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.

Applicant:

Levi Kennedy.

Public Comment:

McDonald Pearson, 141 Chester St.

Discussion:

The proposed project does not meet all requirements for approval.

A motion was made by Ms. Moore, seconded Mr. Bramblett the Variance was denied with a vote of 2-3.

Staff announcements.

A new Planning Director will be joining Planning Department team Fredalyn M. Frasier April 22, 2024. Board members need to do renewals to be able to serve another term on the board



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The meeting was adjourned at 6:39 PM.

Darren Matz, Chairman

Meeting Minutes of the Board of Zoning Appeals Tuesday, May 14th, 2024, at 5:15 PM City Hall Council Chambers

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, May 14th, 2024, at 5:15PM with the following members in attendance **Dominique Dawkins, Brian Murdoch, McKay Moore and Don Bramblett**. Representing the Planning Department is **Martin Livingston, Community Services Director, Fredalyn Frasier, Planning Director, Nan Zhou, Planner II**.

Roll Call:

Mr. Bramblett: Don Bramblett
Mr. Murdoch: Brian Murdoch
Ms. Moore: McKay Moore
Ms. Dawkins: Dominique Dawkins

Mr. Murdoch: 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.



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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 4-0.

Mr. Bramblett: I move we approve the agenda for this night's meeting.

Ms. Dawkins: Second

Mr. Murdoch: All in favor?

Attendees: Aye.

Mr. Murdoch: Also, the meetings are the approval of minutes from last month. What I think we'll do, we will push that to next month. I was not here last month. So, we don't have but three to approve, so we'll move that to next month.

Approval of to Meeting Minutes from April 9th, 2024, has been moved to next month.

Old Business: None.

New Business:

The City of Spartanburg's Board of Zoning Appeals has received a request for a variance to the lot size for properties located at 1374 and 1376 Drayton Road (TMS: 7-09-13-113.00); with a zoning designation of R-12 (General Residential District). Owner/Applicant: Fernando Geiss and Henry Partowidjojo.

Project Description and History

The project site is an approximately 23,000 foot lot located at 1374 and 1376 Drayton Road (TMS: 7-09-13-113.00); with a zoning designation of R-12 (General Residential District). The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the lot size requirements which is less than 12,000 square feet for each of the property. The applicant submitted a survey for approval, but staff noted that the survey did not meet the lot size requirement. Staff also requested a survey of the second lot to determine if any other variances would be required. The applicant provided a survey that indicated that the lot frontage and the lot size also did not meet the zoning ordinance.

Variances from the regulations of this Ordinance shall be granted by the Board of Zoning Appeals only in accordance with the standards established in section 603, and may be granted only in the following instances and in no others:

- 1. To permit any yard less than the requirements of this Ordinance;**

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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; (*)**
3. **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;**
4. To permit the same off-street parking facility to qualify as required facilities for two or more units, provided that substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;
5. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty-five percent (25%) of the required facilities, whichever number is greater;
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
7. To increase by not more than forty percent (40%) the maximum distance that required parking spaces are permitted to be located from the use served;
8. To permit the height of a fence in the required rear, side and corner side yard to exceed the maximum height allowed by this Ordinance up to eight (8) feet when property is exposed to exceptional nuisances of traffic, dust, noise, glare, and vandalism; and (*)
9. To reduce the setback requirement for portable signs provided that no variance shall be granted to permit such signs within the triangular area formed by the right-of-way lines of intersecting streets (or a street and a driveway), and a line joining points on the right-of-way lines twenty-five (25) feet from the point of their intersection. If the property in question has no defined driveway to its parking area the Board shall satisfy itself that the proposed location of the portable sign will not interfere with traffic by blocking reasonable sight lines for streets, sidewalks and driveways before any variance is granted. The application for such variance shall be accompanied by a scaled drawing showing all information relevant to the variance request. (**)

Analysis

Zoning Ordinance Consistency

The project site is an approximately 23,000 foot lot located at 1374 and 1376 Drayton Road (TMS: 7-09-13-113.00); with a zoning designation of R-12 (General Residential District). The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the lot size requirements which is less than 12,000 square feet for each of the property. The applicant submitted a survey for approval, but staff noted that the survey did not meet the lot size requirement. Staff also requested a survey of the second lot to determine if any other variances would be required. The applicant provided a survey that indicated that the lot frontage and the lot size also did not meet the zoning ordinance.

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Based on Section 603.4(1-3) 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 603.4(1-3) 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:

- g. 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

4. ***There are extraordinary and exceptional conditions pertaining to the particular piece of property –***

No. There are no extraordinary and exceptional conditions pertaining to the particular piece of property. The project site is an approximately 23,000 foot lot located at 1374 and 1376 Drayton Road (TMS: 7-09-13-113.00); with a zoning designation of R-12 (General Residential District). The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the lot size requirements which is less than 12,000 square feet for each of the properties. The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the lot size requirements which is less than 12,000 square feet. All documentation provided by the applicant indicates that the lots were originally separate lots and combined by a survey. Currently, the lot in its present condition is considered existing non-conforming to the zoning ordinance. If the variance is approved, the lots would meet the zoning ordinance requirements. A majority of the lots in the area

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have 80 feet frontage, but may not meet the lot size requirements or have lot frontage less than 80 feet.

2. ***These conditions do not generally apply to other properties in the vicinity –***
Yes. There are several lots in the area that have similar conditions. The three lots on Drayton Road which are less than 12,000 feet in size. The applicant provided a survey for both lots which indicate lot sizes less than 12,000 feet and one lot frontage less than 80 feet.

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 would not unreasonably restrict the utilization of the property. The property can still be used in its current condition but would be nonconforming to the zoning ordinance

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 not be of substantial detriment to the adjacent property or to the public good, and authorization of the district will not be harmed by the granting of the variance. Several lots in the area do not meet the lot size requirement and frontage measurements. Approval of the variance to reduce the lot size and the frontage would also meet the 80% rule required in Section 603.4(3) of the Zoning Ordinance.

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–***

Yes. Staff recommends, if approved, that a survey indicating all setbacks be required to be submitted for review and approval for both lots. Approval of this variance would eliminate the non-conforming condition. The application of the variance would create two single-family lots. The variance from the regulations of the zoning can be granted by the Board of Zoning Appeals only in accordance with the standards established in section 603, and can be granted in the following instances:

1. To permit any yard less than the requirements of this Ordinance;
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; (*)
3. 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



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area and width of the lot or lots be less than eighty percent (80%) of the required area and width; the activity is less intense.

Summary and Recommendation

The proposed request meets all the required Findings for approval of the Variance, Staff recommends approval of the variance to the lot size and lot frontage requirements to create two single-family lots.

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.

Applicant:

Fernando Geiss and Henry Partowidjojo.

Public Comment:

Vivian Shufelt, 1080 Wilkins Rd, Inman, SC

Discussion:

The Variance meets the requirements.

A motion was made by Ms. Dawkins, seconded Ms. Moore to approve the Variance with conditions to provide updated survey as presented by city staff with a vote by 4-0.

The City of Spartanburg's Board of Zoning Appeals has received a request for an appeal to the permitted use table regarding a dog grooming business, Tails in the City, located at 222 E. Blackstock Road (TMS: 6-20-12-089.00); with a zoning designation of B-1 (Neighborhood Shopping District). Applicant: Rebekah DeHart, Tails in the City.

Project Description and History

In earlier 2024, a building inspector found out that a dog grooming business was open without a Certificate of Occupancy and did not have an exhaust system installed inside the business. Later, when the business owner applied for the Certificate of Occupancy, planning staff became aware

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that the business use, pet grooming, is not allowed per the current City of Spartanburg Zoning Ordinance. Upon review of the City's Zoning Ordinance, staff noticed that pet grooming services are not stand alone uses but are recognized under Animal Kennel & Veterinary Clinic.

A. COMMERCIAL USES	GID	LOD	LC	B-1	B-3	B-4	I-1	I-2
5. Animal Kennel - a fully enclosed building with soundproofed exterior walls in accordance with the Building Code for the temporary lodging and boarding of domestic house pets. Outdoor kennels and cages are permitted. Medical treatment, clipping, and <u>grooming are permitted</u> , as is retail sale of pet products and accessories (see Veterinary Clinic and Veterinary Hospital in Table B, 40 and 41 below)					P	P	P	P

B. OFFICE, INSTITUTIONAL/PUBLIC AND QUASI-PUBLIC USES	GID	LOD	LC	B-1	B-3	B-4	I-1	I-2
41. Veterinary Clinic - (a fully enclosed building) used for the medical treatment of domestic house pets and allowing for their overnight treatment and/or observation until the veterinary doctor releases the same. <u>Outdoor kennels and cages are not permitted</u> . The overnight lodging of pets, if not medically necessary, is <u>prohibited</u> , as are <u>clipping (except where medically necessary), grooming, and retail sale of pet products and accessories</u> (See Animal Kennels under Section 303.5. Commercial Uses)		P		P	P	P	P	P

The proposed business is located at a strip mall shopping center that has a zoning designation of B-1, Neighborhood Shopping District. Based on the City of Spartanburg Zoning Ordinance Section 301 to 303: District Use Regulations and **Section 303.6 Table of Permitted Uses**, grooming is a service that will be allowed under Animal Kennel. However, Animal Kennel is **not** permitted use for properties under B-1, Neighborhood Shopping District zoning. Veterinary Clinic is allowed for businesses with B-1 zoning designation, but **prohibiting** clipping, grooming, and retail sales of pet products and accessories.

The applicant is seeking an appeal to allow her business of a dog grooming business to stay open at 222 E. Blackstock Rd. Ste E. An appeal stays all legal proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certified to the Board, after the notice of appeal shall have been filed with him, that by reason of facts states in the certificate a stay would, in his opinion, cause imminent peril to life and property.

The City of Spartanburg Board of Zoning Appeals

Analysis

Zoning Ordinance Consistency

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. 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
- 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 –***
Staff does not recognize any extraordinary and exceptional conditions pertaining to this particular piece of property. This dog grooming business sits in a small strip mall center surrounded by offices and retail stores. Given the proposed use, staff confirmed with the Building Official that an exhaust ventilation system will be required to install upon approval of the request.
5. ***These conditions do not generally apply to other properties in the vicinity –***
There are no other pet grooming businesses in the immediate vicinity, other than a PetSmart located a few blocks away on E. Blackstock Rd. Both PetSmart and Petco, on E. Main St. are currently sitting on lands with a zoning designation of B-1, Neighborhood Shopping District. Both PetSmart and Petco are mainly retail stores selling pet products, with dog grooming services provided by request or appointment only. Neither of them is specializing in pet grooming services only.

The City of Spartanburg Board of Zoning Appeals

6. *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 –*

Per the current City of Spartanburg Zoning Ordinance, animal kennel, which allows for a pet grooming business, is NOT allowed under B-1, Neighborhood Shopping District. While veterinary clinic, which DOES NOT allow pet grooming business, is allowed under B-1, Neighborhood Shopping District. Therefore, a pet grooming business is not allowed either because of the current zoning designation restrictions or because of the service.

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–*

Staff do not believe the authorization of a dog grooming business at this strip mall center will cause substantial detriment or harm to the general public good or adjacent property. The character of this strip mall shopping center will still remain as retail stores, health care center/offices, and insurance company. Staff do not see issues about keeping the pet grooming business at the strip shopping center since it does not pose adverse impact to the surrounding businesses.

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 that the Board finds that the findings can be met, and the project approved, conditions of approval are attached to this report. In exercising the power, the Board of Appeals may, in conformity with the provisions of this chapter, 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.

Applicant:

Rebekah Dehart, Tails in the City.

Public Comment:

None.

Discussion:

The applicant should not be penalized for the unspecified zoning ordinance.

A motion was made by Ms. Moore, seconded Ms. Dawkins to approve the Appeal with condition of exhaust ventilation system installation with a vote by 4-0.

The City of Spartanburg Board of Zoning Appeals

The City of Spartanburg’s Board of Zoning Appeals has received a request for a variance to the lot frontage for property located at 558 Hugh Street (TMS: 7-11-08-121.00); with a zoning designation of R-8 (General Residential District). Applicant: Hall Dillard, H. Dillard Company, Inc.

Project Description and History

The project site is an approximately 18,000 Square foot lot located at 558 Hugh Street (TMS: 7-11-08-121.00); with a zoning designation of R-8 (General Residential District). The site is located in a traditional single-family neighborhood with a vacant lot that was sold at the Forfeited Land Commission which is the current applicant – a contract for sale is included in the application. 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 8,000 square feet of lot area for a single-family property. The current size of the property is approximately 18,000 square feet would allow two lots to be developed for single-family housing. The zoning ordinance also requires a 60 feet minimum lot frontage. The lot frontage is 106 feet and would not allow for two 60 feet lot frontage. The applicant is proposing to split the lots with 8,773 square feet and 8,597 square feet each and 52.96 feet of frontage for each lot.

Variances from the regulations of this Ordinance shall be granted by the Board of Zoning Appeals only in accordance with the standards established in section 603, and may be granted only in the following instances and in no others:

- 1. To permit any yard less than the requirements of this Ordinance;**
- 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; (*)**
- 3. 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;**
4. To permit the same off-street parking facility to qualify as required facilities for two or more units, provided that substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;
5. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty-five percent (25%) of the required facilities, whichever number is greater;
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
7. To increase by not more than forty percent (40%) the maximum distance that required parking spaces are permitted to be located from the use served;
8. To permit the height of a fence in the required rear, side and corner side yard to exceed the maximum height allowed by this Ordinance up to eight (8) feet when property is exposed to exceptional nuisances of traffic, dust, noise, glare, and vandalism; and (*)

9. To reduce the setback requirement for portable signs provided that no variance shall be granted to permit such signs within the triangular area formed by the right-of-way lines of intersecting streets (or a street and a driveway), and a line joining points on the right-of-way lines twenty-five (25) feet from the point of their intersection. If the property in question has no defined driveway to its parking area the Board shall satisfy itself that the proposed location of the portable sign will not interfere with traffic by blocking reasonable sight lines for streets, sidewalks and driveways before any variance is granted. The application for such variance shall be accompanied by a scaled drawing showing all information relevant to the variance request. (**)

Analysis

Zoning Ordinance Consistency

The project site is an approximately 18,000 Square foot lot located at 558 Hugh Street (TMS: 7-11-08-121.00); with a zoning designation of R-8 (General Residential District). The site is located in a traditional single-family neighborhood with a vacant lot that was sold at the Forfeited Land Commission which is the current applicant – a contract for sale is included in the application. 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 8,000 square feet of lot area for a single-family property. The current size of the property is approximately 18,000 square feet would allow two lots to be developed for single-family housing. The zoning ordinance also requires a 60 feet minimum lot frontage. The lot frontage is 106 feet and would not allow for two 60 feet lot frontage. The applicant is proposing to split the lots with 8,773 square feet and 8,597 square feet each and 52.96 feet of frontage for each lot.

Based on Section 603.4(1-3) 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 603.4(1-3) 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

The City of Spartanburg Board of Zoning Appeals

- 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 the particular piece of property. The adjacent lot at 566 Hugh Street has a lot frontage of only 52.8 feet. Many of other lots in the area meet or exceed the lot frontage requirements.

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

Yes. There are several lots in the area have similar conditions. The most adjacent lot is less than 60 feet wide. Several of the lots in the area are vacant and may be considered lots of record prior to the establishment of the zoning ordinance. Lots on adjacent streets meet the zoning ordinance requirements.

8. 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 would not unreasonably restrict the utilization of the property. The property can be developed for duplexes or one single-family structure. The applicant is proposing to split the lot and build two single-family structures for sale. The lot frontage would meet Section 603.4(1-3) requirements and meet the 80% requirements and would be consistent with the ordinance.

9. 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 not be of substantial detriment to the adjacent property or to the public good, and authorization of the district will not be harmed by the granting of the variance. Several lots in the area do not meet the frontage requirements but meet the lot size requirements. Approval of the reduced lot frontage would also meet the 80% rule required in Section 603.4(3) of the Zoning Ordinance.

The City of Spartanburg Board of Zoning Appeals

10. 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. No additional conditions of approval would be required. Approval of this variance would not create a non-conforming use. The application of the variance would create two single-family lots that can be developed for housing. The variance from the regulations of the zoning can be granted by the Board of Zoning Appeals only in accordance with the standards established in section 603, and can be granted in the following instances:

1. To permit any yard less than the requirements of this Ordinance;
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; (*)
3. 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;

Summary and Recommendation

The proposed request meets all the required Findings for approval of the Variance. 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.

Applicant:

Hall Dillard, H. Dillard Company, Inc.

Public Comment:

None.

Discussion:

The proposed project is well put together and welcomed to the area. The site would benefit by adding a driveway for the safety of flow of traffic and would potentially alleviate emergency vehicles coming and going into the neighborhood.

The City of Spartanburg Board of Zoning Appeals

A motion was made by Mr. Bramblett, seconded Ms. Moore the Variance was approved with a condition of including a driveway with a vote of 4-0.

The City of Spartanburg's Board of Zoning Appeals has received a Variance request to the front and rear setbacks and building coverage for property located at 128 League St. (TMS 7-16-10-124.00); with a zoning designation of R-8, General Residential District. Owner/Applicant: Angela Cardona.

Project Description and History

The project site is an approximately 5,445 square foot (0.125 acre) vacant lot with a zoning designation of R-8, General Residential District. The project site abuts League Street to the north boundary. The surrounding properties of the project site are all zoned for R-8, General Residential District.

The applicant is proposing to build a single-family house on the lot that is closer to the front and rear setback requirements without reducing the footprint of the proposed house plan. Properties to the left and right side of the project site are existing non-conforming houses that were built prior to the adoption of City of Spartanburg Zoning Ordinance. Therefore, for the applicant to build a house that is consistent with other houses along League Street, the applicant is requesting a variance of reducing the front setback from 30 ft to 20 ft, and the rear setback from 30 ft to 20 ft.

Analysis

Zoning Ordinance Consistency

The project site has a zone designation of R-8, General Residential District. **Section 302.3 R-8 General Residential District Uses Permitted by Right** of the City of Spartanburg Zoning Ordinance, R-8, General Residential District, does allow Single Family dwellings.

A Variance may be granted by the Board of Zoning Appeals to the minimum setback standards required in the Ordinance. Variances may only be granted in the instances listed in Section 603.4. Section 603.4 lists nine instances from which the Board may grant a Variance. Of these nine, one is applicable to this request:

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:

The City of Spartanburg Board of Zoning Appeals

- 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 –

Staff do not recognize any extraordinary and exceptional conditions that would prevent the proposed single-family house from meeting the current front and rear setback requirements. The topography of the lot is relatively flat, and there is no natural obstacles preventing the owner to meet the current setback requirements for R-8 zoning designation. Property to the east side of the project site is an existing non-conforming house that was built prior to the current Zoning Ordinance (The house was demolished before but left the foundation on the site. The contractor is renovating the house now).

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

The adjacent lots of the project site are already built with single-family houses. The lots across from the street are currently vacant. The property to the east side of the project site is an existing non-conforming house and the house to the west side of the project site meets the front and rear setback requirements. The other two vacant lots along League Street (132 & 134 League Street) need to meet the current zoning setback requirements when houses are proposed to be built on those lots.

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 and rear setback from 30 ft to 20 ft, it will allow the applicant to build a single-family house that is approximately consistent in size with other lots in immediate surroundings. Otherwise, the project cannot be built as proposed in terms of keeping the same footprint square footage.

The City of Spartanburg Board of Zoning Appeals

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—*

Staff do not recognize any detriment or harm that will be caused to the general public. The character of the district will still remain as residential neighborhoods. However, staff do not see the hardships of the lot where the current setback requirements cannot be met.

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

Based on the above Findings, Staff **do NOT recommend approval** of this request since no hardships or exceptional circumstances pertaining to the lot can be found.

Applicant:

Angela & Daniel Cardona, Owner.

Public Comment:

Jair Ramisez, 920 Logan St.

Brandon Baker, 130 League St.

Discussion:

The proposed project is within the percent coverage for the lot size. Building a home presented as-is wouldn't be detrimental to the environment but improve the surrounding area.

A motion was made by Ms. Moore, seconded Ms. Dawkins the Variance was approved with a vote of 4-0.

The City of Spartanburg's Board of Zoning Appeals has received a request for a variance to the front and interior side lot setback for property located at 187 Carlisle Street (TMS: 7-12-14-286.00); with a zoning designation of R-8 SFD (General Residential – Single-family District). Owner: Thomas Wooten / Applicant: Gabriel Weisser; Taylored Homes.

The City of Spartanburg Board of Zoning Appeals

Project Description and History

The project site is an approximately 6800 square feet lot located at 187 Carlisle Street (TMS: 7-12-14-286.00); with a zoning designation of R-8 SFD (General Residential – Single-family District). The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the front and interior side setbacks. The applicant received approval to develop a single-family home on the property consisted with the Board of Architectural Design and Historic Review (HARB) standards.

On October 12, 2023, the City of Spartanburg’s Board of Architectural Design and Historic Review (HARB) approved the design of the structure in the Hampton Heights Neighborhood Historic District on a vacant lot. At that meeting, the city as a condition of approval failed to require the applicant to submit an application to the Board of Zoning Appeals (BZA) for the setback requirements for the front setback to be consistent with the historic district. Staff expedited the application to bring it before the Board to address the front and side setback requirements.

Variances from the regulations of this Ordinance shall be granted by the Board of Zoning Appeals only in accordance with the standards established in section 603, and may be granted only in the following instances and in no others:

1. **To permit any yard less than the requirements of this Ordinance;**
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; (*)**
3. **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;**
4. To permit the same off-street parking facility to qualify as required facilities for two or more units, provided that substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;
5. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty-five percent (25%) of the required facilities, whichever number is greater;
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
7. To increase by not more than forty percent (40%) the maximum distance that required parking spaces are permitted to be located from the use served;
8. To permit the height of a fence in the required rear, side and corner side yard to exceed the maximum height allowed by this Ordinance up to eight (8) feet when property is exposed to exceptional nuisances of traffic, dust, noise, glare, and vandalism; and (*)
9. To reduce the setback requirement for portable signs provided that no variance shall be granted to permit such signs within the triangular area formed by the right-of-way lines of

The City of Spartanburg Board of Zoning Appeals

intersecting streets (or a street and a driveway), and a line joining points on the right-of-way lines twenty-five (25) feet from the point of their intersection. If the property in question has no defined driveway to its parking area the Board shall satisfy itself that the proposed location of the portable sign will not interfere with traffic by blocking reasonable sight lines for streets, sidewalks and driveways before any variance is granted. The application for such variance shall be accompanied by a scaled drawing showing all information relevant to the variance request. (**)

Analysis

Zoning Ordinance Consistency

The project site is an approximately 6,800 square feet lot located at 187 Carlisle Street (TMS: 7-12-14-286.00); with a zoning designation of R-8 SFD (General Residential – Single-family District). The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the front and interior side setbacks. The applicant received approval to develop a single-family home on the property consisted with the Board of Architectural Design and Historic Review (HARB) standards.

Based on Section 603.4(1-3) 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 603.4(1-3) 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
- 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.

The City of Spartanburg Board of Zoning Appeals

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 the particular piece of property. The project site is an approximately 6800 square feet lot located at 187 Carlisle Street (TMS: 7-12-14-286.00); with a zoning designation of R-8 SFD (General Residential – Single-family District). The site is located in a traditional single-family neighborhood and surrounded by other single-family lots. The applicant is requesting a variance to the front and interior side setbacks. The applicant received approval to develop a single-family home on the property consisted with the Board of Architectural Design and Historic Review (HARB) standards. All other structures on lots that have front setbacks that are less than 20 feet on the street and the neighborhood.
2. ***These conditions do not generally apply to other properties in the vicinity –***
Yes. There are several lots in the area that have similar conditions. A review of the lots in previous BZA cases indicated side lot setbacks of 5 feet and front yard setbacks less than 20 feet.
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 would not unreasonably restrict the utilization of the property. The property can still be used in its current condition but would not be consistent with other structures on the lot in the street and in the 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 not be of substantial detriment to the adjacent property or to the public good, and authorization of the district will not be harmed by the granting of the variance. The side yard setbacks would meet the 80% rule, the front yards setback would not meet the requirements. All other requirements in Section 603 will be met with the approval of the variance.
5. ***In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare–***

The City of Spartanburg Board of Zoning Appeals

No. Staff does not recommend any additional conditions be considered. The variance from the regulations of the zoning can be granted by the Board of Zoning Appeals only in accordance with the standards established in section 603, and can be granted in the following instances:

1. To permit any yard less than the requirements of this Ordinance;
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;
3. 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;

Summary and Recommendation

Staff recommends approval of the Variance. The proposed request meets all the required Findings for approval of the Variance except the 80% limits requirements for the front yard setback. The Board has the authority to approve the front yard setbacks because of the other consistent conditions on the street and the neighborhood.

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.

Applicant:

Gabriel Weisser; Taylored Homes.

Public Comment:

None.

Discussion:

The project meets the requirements of zoning ordinance.

A motion was made by Ms. Dawkins, seconded Ms. Moore the Variance was approved with a vote of 4-0.



The City of Spartanburg Board of Zoning Appeals

Staff Announcements:

Welcoming new Planning Director, Fredalyn Frasier to City of Spartanburg.

The meeting was adjourned at 7:30 PM.

Brian Murdoch, Vice Chairman

TO: The Board Zoning Appeals

RE: VAR-24-00200010 The City of Spartanburg's Board of Zoning Appeals has received a Variance request to the side setback requirement for property located at Fairforest Road (TMS 7-15-04-102.00); with a zoning designation of R-12, General Residential District.

Owner/Applicant: Pinsk LLC – **Contact:** Edward Shvets

Date: June 4th, 2024

Project Description and History

The project site is an approximately 15,175 square-foot vacant lot with a zoning designation of R-12, General Residential District. The project site abuts Fairforest Road to the east boundary. The surrounding properties to the north, south, and east side of the project site are all zoned for R-12, General Residential District. Properties to the west side of the project are zoned for B-3, General Business District.

The applicant is proposing to build a single-family house on the lot that is closer to the side setback requirements without reducing the footprint of the proposed house plan. Properties to the west and east side of the project site have existing houses that were built in compliance with the current City of Spartanburg Zoning Ordinance standards for residential structures for R-12, General Residential District. In addition, the lot size of the project site, as compared to adjacent properties, is smaller and narrower poses difficulties for the owner to build a house as proposed. Therefore, the applicant is requesting a variance of reducing the side setback from 10 ft to 5 ft to fit the proposed single-family house.



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, allows Single Family dwellings.

A Variance may be granted by the Board of Zoning Appeals to the minimum setback standards required in the Ordinance. Variances may only be granted in the instances listed in Section 603.4. Section 603.4 lists nine instances from which the Board may grant a Variance. Of these nine, one is applicable to this request:

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 –***
The lot width and size of the project site, as compared to the lots to the east and west side, is smaller and narrower. It will be challenging for the owner to build a single-family house on a narrow lot without changing the proposed house plan.
2. ***These conditions do not generally apply to other properties in the vicinity –***
The properties to the east and west side of the project site are wider and bigger than the project site. Existing houses are on the adjacent lots. The land directly across from the project site is currently vacant.
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 side setback from 10 ft to 5 ft, will allow the applicant to build a single-family house as proposed. Otherwise, the 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–***
Staff do not recognize any detriment or harm that will be caused to the general public. The character of the district will remain as residential 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

Based on the above Findings, Staff **recommend approval** of this request about side setback reduction.

Submitted by:



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

Attachments:

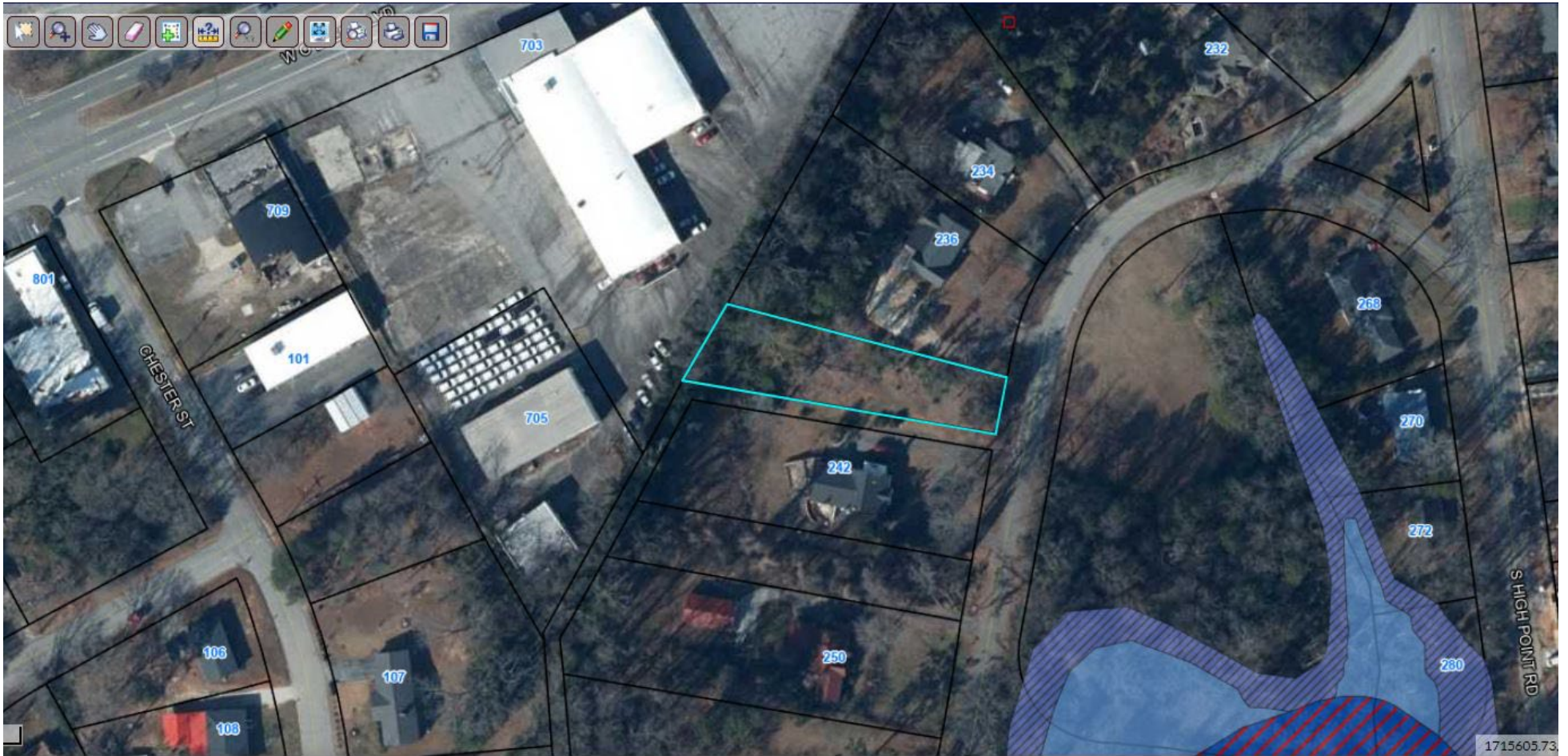
Conditions of Approval
Application
Photos

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:

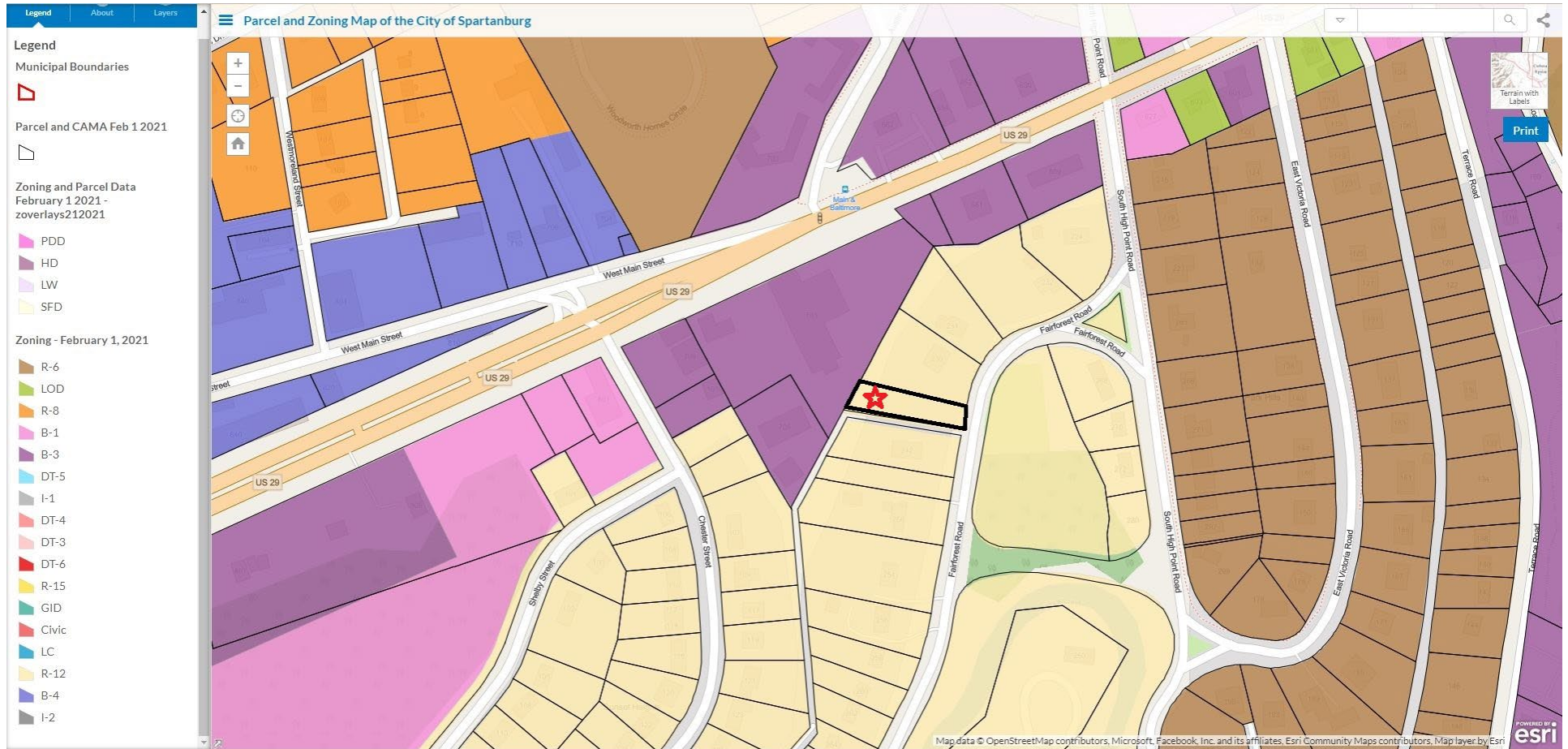
Fairforest Road (TMS # 7-15-04-102.00)

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All setbacks excluding the street side yard setback shall meet the setback requirements in the City of Spartanburg Zoning Ordinance, where the maximum building coverage is 35%, front yard setback is 35 feet, rear setback is 30 feet, and the interior side setback is 10 (approved to be reduced to 5 feet) 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 – Fairforest Road



ZONING MAP – Fairforest Road



Fairforest Road Site Photos

Front of Property



Right Side of Property



Fairforest Road - Left Side of the Property



Fairforest Road Property to the Right Side of the Project Site



Fairforest Road - Vacant Lot Across from the Project Site



Fairforest Road Street View



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

General Application

Name of Development: Fairforest RD

Street Address: Fairforest RD Spartanburg

Zoning District: R-12 Overlay: _____ Tax Map Number: 7-15-04-102.00

Owner: Pinsk LLC Phone: 864-580-3842

Address: 41 nesbitt dr unit B Email: PointSouthPermits@gmail.com

City: Inman State: SC Zip: 29349

Applicant: Pinsk LLC Phone: 864-580-3842

Address: 41 nesbitt dr unit B Email: PointSouthPermits@gmail.com

City: Inman State: SC Zip: 29349

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: [Signature] Date: 4/9/24

Staff Use Only / Received by: _____

Date Received: _____ Time: _____ Permit Number: _____ [Packet Page 42](#)

ZONING VARIANCE SUPPLEMENTAL APPLICATION FORM

Name of Development: Fairforest Rd

Location of Development: Fairforest Rd Spartanburg

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

Describe completely and specifically the requested Variance:
House is 40' and width is 60' in front - requesting 5ft side setbacks to fit home

Explain briefly why the Variance is requested:
Variance is requested to fit home within property. without variance - it will be hard to squeeze in a home.

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: _____



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

Cant Fit Home on Lot With current setbacks.

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

The authorization Will bring a brand new home into the neighborhood and enhance the Value of adjacent Properties. The lot will be Graded and maintained making the neighborhood nicer as well bring more income into the city.



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

Parcel is not wide enough to fit standard home with garage;
with existing setbacks our home would have to be 23' to fit.

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

Other parcels are wider and already have existing homes on them.

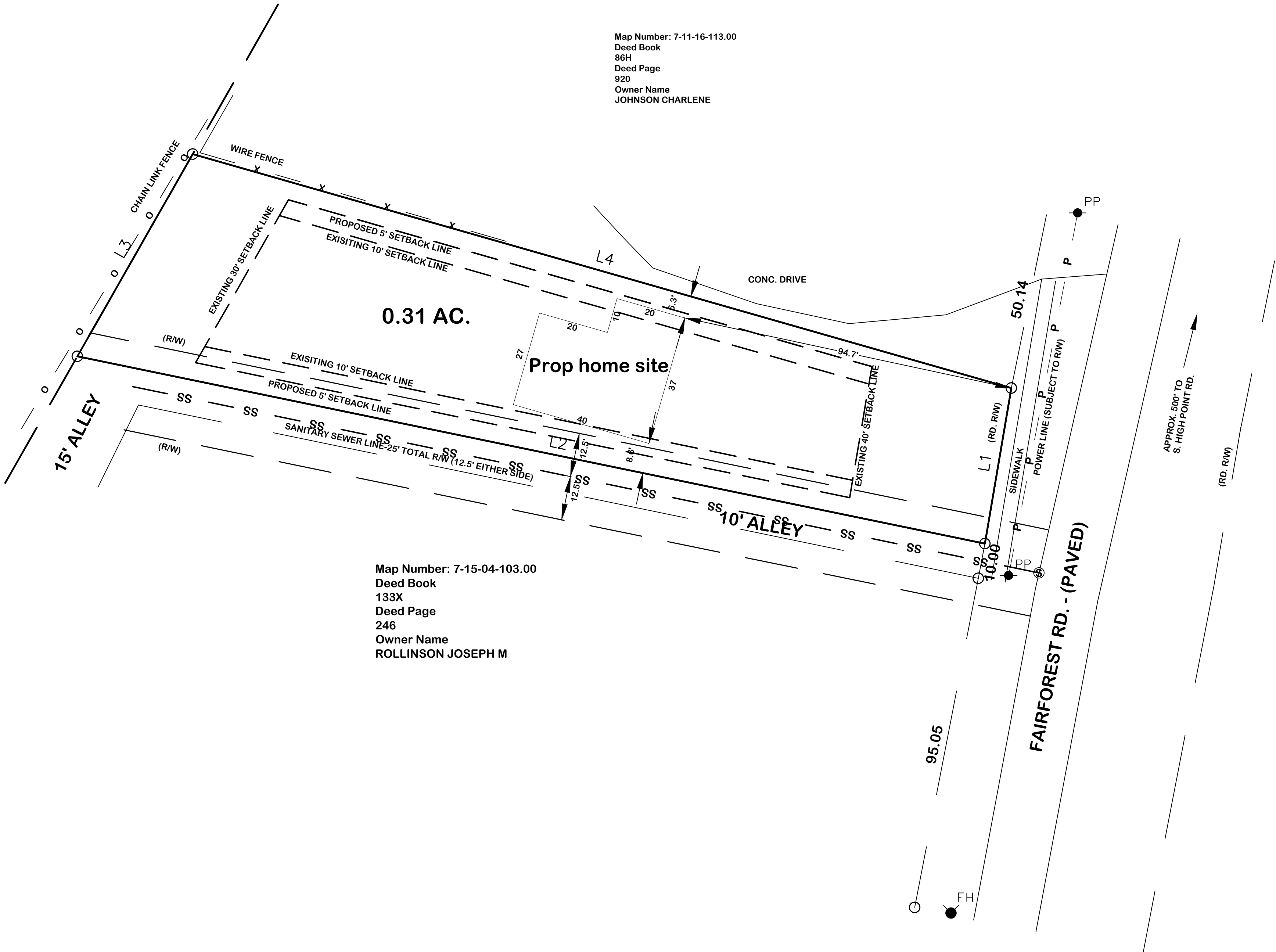


VICINITY MAP N/S

NOTES

- NO TITLE SEARCH BY HUSKEY & HUSKEY, INC.
- PROPERTY SHOWN SUBJECT TO EASEMENTS OF/NOT OF RECORD.
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED, UNLESS SHOWN OTHERWISE.
- NO FEATURES LOCATED OTHER THAN THOSE SHOWN.
- 1/2" REBAR ON ALL CORNERS, UNLESS NOTED OTHERWISE.
- ADJOINING PROPERTY OWNERS AND THEIR RESPECTIVE PROPERTY LINES, WHICH MAY BE APPROXIMATED, ARE BASED ON MOST CURRENT COUNTY RECORDS AND DO NOT AFFECT THE VALIDITY OF THE SURVEY SHOWN HEREON.

Map Number: 7-11-16-112.00
Deed Book
138R
Deed Page
614
Owner Name
703 WEST MAIN LLC



Map Number: 7-15-04-103.00
Deed Book
133X
Deed Page
246
Owner Name
ROLLINSON JOSEPH M

Map Number: 7-11-16-113.00
Deed Book
86H
Deed Page
920
Owner Name
JOHNSON CHARLENE

LINE	BEARING	DISTANCE
L1	S 09°38'46" W	44.73
L2	N 78°20'21" W	262.73
L3	N 29°42'00" E	66.00
L4	S 74°03'00" E	241.40

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA; AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'B' SURVEY AS SPECIFIED. THE BUILDING(S) OR WALL(S) SHOWN HEREON DO NOT ENCROACH ON THE ADJACENT PROPERTY, EXCEPT AS SHOWN. I HEREBY STATE THAT THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1/7500 AS SHOWN HEREON AND THE AREAS WERE DETERMINED BY THE D.M.D. METHOD OF CALCULATION OR BY COMPUTER. THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA, AS DEFINED BY THE FLOOD INSURANCE MAP.

REF. PLAT BOOK REF. DEED BOOK 143X, PP. 324

CLOSING SURVEY FOR

FAIRFOREST

LOCATED IN SPARTANBURG CITY LIMITS - LOT 18, BLK. I, PARK HILLS SUBD.

COUNTY: SPARTANBURG COUNTY TAX MAP PARCEL: 7-15-04-102.00 STATE: SOUTH CAROLINA

DATE: MAY 7, 2024 FIELD BOOK 042924 FIELD CHIEF T. E. H. DRWN. BY S. H. D. REVISED: T. E. H. CKD. BY T. E. H.

SCALE 1" = 20' HUSKEY & HUSKEY, INC. - PROFESSIONAL LAND SURVEYORS 2339 CHESNEE HWY. - SPARTANBURG, SC 29307 PH. (864)578-5671, FAX (864)578-1771, E-MAIL huskeypls@gmail.com Job No. 042924

MEMBER OF THE S.C. SOCIETY OF PROFESSIONAL LAND SURVEYORS



REG. NO. 19006 Page 46