

**Meeting Minutes of the Board of Zoning Appeals
Tuesday, June 11th, 2024, at 5:15 PM
Spartanburg County Council Chambers**

The Board of Zoning Appeals met in Spartanburg County Council Chambers on Tuesday, June 11th, 2024, at 5:15PM with the following members in attendance **Brian Murdoch, McKay Moore, Darren Matz and John Moore**. Representing the Planning Department is **Fredalyn Frasier, Planning Director, Nan Zhou, Planner II, and Oksana Holbrooks, Administrative Assistant**.

Roll Call:

Mr. Matz: Darren Matz
Mr. Murdoch: Brian Murdoch
Ms. Moore: McKay Moore
Mr. Moore: John Moore

Mr. Matz: Public notification of the City of Spartanburg 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.

Approval of Agenda:

A motion was made by Ms. Moore, seconded Mr. Murdoch, to approve the agenda. The motion was approved with a vote of 4-0.

Ms. Moore: I move we approve the agenda for this night's meeting.
Mr. Murdoch: Second
Mr. Matz: All in favor?
Attendees: Aye.

Mr. Matz: New agenda item has been approved. The new item will be the instruction of new board member. Mr. John Moore joining us today. This is his first meeting. It's good one since it's just one item today vs many, welcome to the board and thank you for joining us.

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

Approval of Meeting Minutes from May 14th, 2024, has been moved to next month.

Old Business: None.

New Business:

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: Eddie Shvets

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.

Applicant:

Eddie Shvets, 227 Minnie Crain Dr, Inman, SC 29349.

Public Comment:

Charlene Mack, 236 Fairforest Rd, Spartanburg, SC 29301.

Discussion:

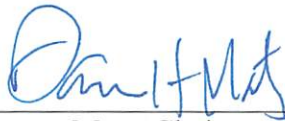
The Variance meets the requirements.

A motion was made by Ms. Moore, seconded Mr. Moore to approve the Variance with side setback reduction from 10' to 5' a vote by 3-1.

Staff Announcements:

None.

The meeting was adjourned at 5:55 PM.



Darren Matz, Chairman