

**Meeting Minutes of the Board of Zoning Appeals
Tuesday, August 13th, 2024, at 5:15 PM
Spartanburg County Council Chambers**

The Board of Zoning Appeals met in Spartanburg County Council Chambers on Tuesday, August 13th, 2024, at 5:15PM with the following members in attendance **Brian Murdoch, McKay Moore, Darren Matz, Dominique Dawkins and John Moore**. Representing the Planning Department is **Fredalyn Frasier, Planning Director, Nan Zhou, Planner II, and Oksana Holbrooks, Administrative Assistant**.

Roll Call:

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

Mr. Bramblett: 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:

A motion was made by Ms. Moore, seconded Mr. Moore, to approve the agenda. The motion was approved with a vote of 5-0.

Approval of Meeting Minutes from May 14th, 2024:

A motion was made by Ms. Dawkins, seconded Mr. Moore, to approve the agenda. The motion was approved with a vote of 5-0.

Approval of Meeting Minutes from June 11th, 2024:

A motion was made by Mr. Moore, seconded Ms. Moore, to approve the agenda. The motion was approved with a vote of 5-0.

Old Business: None.

New Business:

The City of Spartanburg's Board of Zoning Appeals has received a request for an appeal to the permitted use table regarding a dog training business, Wags on Tails LLC, located at 2099 S. Pine Street (TMS: 7-17-06-012.00); with a zoning designation of LC (Limited Commercial District). Owner: John Petras - Artep LLC / Applicant: Maria Davison – Wags on Tails

Project Description and History

The applicant/Business Owner of Wags on Tails, applied for a Certificate of Occupancy for a dog training business. Staff review of the City's Zoning Ordinance showed that Pet Training Services are currently not addressed or recognized in the City of Spartanburg Zoning Ordinance **Section 303.6 Table of Permitted Uses** under Animal Kennel and Veterinary Clinic.

The applicant is seeking an appeal to allow a dog training business to operate at 2099 S. Pine St. Ste C. Per City Code:

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 grooming are permitted, 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 prohibited, as are clipping (except where medically necessary), grooming, and retail sale of pet products and accessories (See Animal Kennels under Section 303.5. Commercial Uses)		P		P	P	P	P	P

The proposed business is located in strip shopping center zoned LC, Limited Commercial District. Based on the City of Spartanburg Zoning Ordinance Section 301 to 303: District Use Regulations and **Section 303.6 Table of Permitted Uses**, pet training is a service that has **not** been addressed or recognized in the current zoning ordinance.

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 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

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Staff do not recognize any extraordinary and exceptional conditions pertaining to this particular piece of property. This dog training business sits in a small strip shopping center surrounded by offices and retail stores, aiming at providing small group dog training classes and community education. 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.

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

There are no other pet training businesses in the immediate vicinity. Both PetSmart, on E. Blackstock Rd. and Petco, on E. Main St. are currently located within a zoning designation of B-1, Neighborhood Shopping District, providing dog training services by requests and are operated mainly as retail stores selling pet products.

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 –

Per the current City of Spartanburg Zoning Ordinance Section 301 to 303: District Use Regulations and **Section 303.6 Table of Permitted Uses**, dog training is a service that has **not** been addressed and recognized in the current zoning ordinance. Therefore, a dog training business is not allowed because of the nature 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 training business at this strip shopping center will cause substantial detriment or harm to the general public good or adjacent property. The character of this strip shopping center will still remain as retail stores and offices. Staff do not see issues allowing the dog training 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:

Maria Davison, Owner.

Public Comment:

Tom Leopard, 111 Candler Pl, Spartanburg, SC 29302.

Rosanna Lephram, 105 Candor Pl, Spartanburg, SC 29302.

Discussion:

This small business is well proposed. It will not be detrimental to the surrounding.

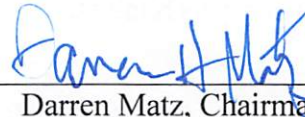
A motion was made by Ms. Moore, seconded Mr. Bramblett to approve the Appeal with stated condition on the staff report with condition # 7, recommend Hours of Operation a vote by 3-2.

Election of new Chair/Vice Chair Board Member.

A motion was made by for Chair Mr. Matz to be reelected, and Vice Chair Ms. Moore with a vote by 5-0.

Staff Announcements: None.

The meeting was adjourned at 6:28 PM.



Darren Matz, Chairman