The City of Spartanburg Board of Zoning Appeals

AGENDA
April 8, 2025, at 5:15 P.M.
Spartanburg County Council Chambers
366 N. Church Street – Spartanburg, SC 29303

(Please Note: Items as they appear on the Docket may or may not be considered in the order as they are presented. The Chairman will announce any changes after the roll call)

I. Call To Order.

II. Roll Call.

III. Freedom of Information Act Compliance – Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Requirements of the City of Spartanburg Zoning Ordinance.

IV. Rules and Procedures for Meeting Conduct.

V. Approval of Agenda.

VI. Disposition of Meeting Minutes from the February 11, 2025.

VII. Old Business: None.

VIII. New Business:

1. APP – 25-00200003 – The City of Spartanburg's Board of Zoning Appeals has received a request for an Appeal to the Zoning Ordinance permitted use table for the property located at 1413 W O Ezell Blvd for allowing applicant to open dog grooming business (TMS: 6-21-01-008.00); with a zoning designation of B-1 (Neighborhood Shopping District). **Owner/Applicant: Tina Allen and Katrina Klink.**

IX. Staff Announcements.

X. Adjournment.

For more information, please contact the City of Spartanburg Planning Department at planning@cityofspartanburg.org or call (864) 596-2068.

Meeting Minutes of the Board of Zoning Appeals
Tuesday, February 11, 2025, at 5:15 PM
Spartanburg County Council Chambers

The Board of Zoning Appeals met in Spartanburg County Council Chambers on Tuesday, February 11, 2025, 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, Sr. 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 Mr. Moore, seconded Ms. Moore, to approve the agenda. The motion was approved with a vote of 4-0.

Mr. Moore: I make a motion we approve it.
Ms. Moore: Second
Mr. Matz: All in favor?
Attendees: Aye.

Mr. Matz: New agenda has been approved for this evening.

Approval of Meeting Minutes from April 13, 2024.
A motion was made by Ms. Moore, seconded Mr. Moore, to approve the agenda. The motion was approved with a vote of 4-0.

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 Owner / Applicant of 103 Sweetbriar Ct. submits an Appeal to rebuild a detached Accessory Dwelling Unit destroyed due to tree damage from Tropical Storm Helene. The structure would be rebuilt within the same footprint in the rear yard and with previous features that included a garage at the bottom with a home office on the second floor located.

Applicant states that the ADU was originally built along with the primary dwelling unit around 1950 according to a survey dated March 1951 in an architectural design to compliment the primary structure. The detached Accessory Dwelling Unit was on the property before the tropical storm Helene blew two trees down that smashed the structure to the ground.

Staff review of the City's Zoning Ordinance Section 502 Nonconforming Use Regulations, specifically, Section 502.15 Destruction:

> 502.15 Destruction.
>
> A. A nonconforming building or structure which is damaged by fire, flood, wind, or other act of God or man, to an extent exceeding fifty percent (50%) of its then reproductive value, exclusive of foundations shall not be reconstructed except in conformance with the provisions of this Ordinance. However, single family dwellings shall be exempt from the provision of this subsection. (*)

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;
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; and
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 pertaining to this particular piece of property. Owner states that the second floor has functioned as a home office for the family over the years.

2. ***These conditions do not generally apply to other properties in the vicinity.***
   The immediate surrounding properties from the project site may have a detached garage or storage room in the backyard without a home office on the second floor.

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 502.15 Destruction, it states that "……a nonconforming building or structure which is damaged by fire, flood, wind, or other act of God or man, to an extent exceeding 50% of its then reproductive value, exclusive of foundations shall not be reconstructed except in conformance with the provisions of this Ordinance." The application of the Ordinance would effectively prohibit or restrict the proposed structure and utilization of the property.

Applicant:
Adam Cain and Elizabeth Cain, Owner.

Public Comment:
Ricky Eason, 1045 WO Ezell Blvd.

Discussion:
the proposal for the project did not appear to have any negative impact on the surrounding neighborhood. It was determined that the project would not cause any nuisances or significant traffic disruptions. The primary intent of the proposal seems to be focused on restoring the functionality of the property, with minimal effect on the community.

A motion was made by Mr. Moore, seconded Ms. Moore to approve the Appeal with a vote by 4-0.

The City of Spartanburg's Board of Zoning Appeals received a request for a Special Exception for the property located at 175 Alabama Street to be used as a Group Home (TMS: 7-12-07-262.00); with a zoning designation of DT-5 (Downtown Urban District). Owner/Applicant: GoForth Women's House; Agent: Teague Studio

Project Description and History
The Applicant/Owner, GoForth Recovery, is a non-profit organization providing housing and recovery programming in a group home environment. The proposed a group recovery facility will include women, their young children, two full-time live-in staff as residents, and a case manager. The proposed 14-bed women-only facility will serve the Spartanburg area. The average stay for residents is 10 months.

GoForth Recovery has an existing recovery program for men located at 282 S. Church Street that has operated for the past seven years.

The current zoning designation for the proposed use is DT-5, Downtown Urban District which requires a Special Exception for "Rooming or Boarding House" as listed under City of Spartanburg Downtown Urban Code **Section 3.1.3 Use Standards by Zone**:

USE TABLE					
BASE DISTRICT	D-T3	D-T4	D-T5	D-T6	SPECIAL REGULATIONS

Lodging					
Bed and Breakfast Inns	–	SE	P	P	
Hotels/Motels/Inns	–	–	P	P	
Rooming or Boarding House	–	–	SE	SE	

Analysis

Zoning Ordinance Consistency

The project site has a zoning designation of DT-5, Downtown Urban District. The proposed use and feature which per Section 603.52 of the Zoning Ordinance requires a Special Exception by the Board of Zoning Appeals.

Only uses listed under the regulations for residential districts as uses permitted by special exception and those uses where the letters SE appear in the column in the Table of Permitted Uses for Nonresidential Districts are eligible for a special exception.

The Board is to hear and decide appeals for Special Exception from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. The Board must utilize **Section 603.53 Guidelines** and any specific criteria in district regulations to determine whether a special exception should be granted.

The guidelines for the Board to consider in determining whether a special exception should be granted, in addition to specific criteria in district regulations include:

f. Traffic impact;
g. Vehicle and pedestrian safety;
h. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
i. Adverse impact of proposed use on the surrounding area including the aesthetic character of the area;
j. Orientation and spacing of improvements or structures; and
k. Compliance with the Comprehensive Plan.

A Special Exception may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing their consideration per the guideline criteria.

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

4. *Traffic impact.*

The property previously served as a law office and has not been actively used in several years; with the proposed number of residents including staff (14), scheduled visitors, and counselors, traffic similar to the previous use would resume on Alabama Street. The applicant has stated that between 6 and 8 vehicles will be parked on-site regularly. The property currently provides off-street parking to accommodate approximately 16 vehicles.

5. Vehicle and pedestrian safety.

The proposed use would present a marginal impact on vehicle and pedestrian safety. Traffic flow to and from the property will consist of private vehicles and occasional delivery vans.

6. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property–
Renovation of the property is planned. The facility will not create lighting, fumes, or obstructions of air that will impact the adjacent properties.

7. *Adverse impact of proposed use on the surrounding area including the aesthetic character of the area*.

The property will remain residential in character with most activities limited to the interior of the facility. The site may include a rear yard space for residents.

Renovation of the property is planned and must meet the DT-5 design guidelines and receive approval from the City's Design Review Board.

Additionally, The DT-5 guidelines include a provision for **Homes for Handicapped.** This by-right category for approved or licensed State agency facilities limits the use to nine (9) occupants. This provision does not apply to the Applicant as the proposed facility is not licensed by or under contract with the State of South Carolina.

Downtown Code Section 3.2.4 - Homes for Handicapped (serving 9 or fewer): A home serving nine or fewer mentally or physically handicapped persons, providing care on a 24-hour basis, and approved or licensed by a state agency or department or under contract with the agency or department for that purpose is exempt from local zoning ordinance requirements. Such a home is construed as a natural family as if related by blood or marriage. S. C. Code § 6-29-770(E).

8. Orientation and spacing of improvements or structures.

The Applicant states there will be no modifications to building orientation, and lot spacing or structures that have any adverse effect on the surrounding area. The renovation will not change the building footprint or the architectural character. Exterior plans are for minor maintenance, paint, new windows.

9. Compliance with the Comprehensive Plan.
The 2023 Comprehensive Plan lists this area as Center Infill Growth Sector. The 2023 Comprehensive Plan states that "……These centers of activity are mostly or full built-out but still have vacant or underutilized land. Additional growth and development in these areas is desirable due to the presence of existing infrastructure. These areas represent the greatest opportunity for complete mixed use, walkable centers and character-based zoning. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector." The proposed use is located near the downtown core, where mixed-use development and walkable streets characterize the area will complement the downtown character.

Summary:

The six specific criteria are to be evaluated by the Board of Zoning Appeals as they decide whether or not to grant an application for a Special Exception.

Submitted by:

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:

175 Alabama St. (TMS # 7-12-07-262.00)

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. When an existing use which is permitted only by Special exception is proposed to be extended or substantially altered in a manner which would in any way change the character or intensity of the use, such proposed extension or substantial alteration shall be treated as a special exception under this section.

3. A Special Exception is not transferable and shall be null and void if, prior to construction of a project, there is a change of ownership of the land for which said permit has been issued and/or in the nature of the special use, provided that a seller of the property may seek a Special Exception when there is an interested purchaser for the property and this is disclosed. This Special Exception, if granted, is transferable only to the interested purchaser that was disclosed at the time of the hearing.

4. 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.

5. 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.

Applicant:
Nick Wildrick, Executive Director.

Public Comment:
Adam Cain, 103 Sweet Briar Ct.
Dr. Jennifer Parker, 520 Magnolia Blossom Ct.
Lauri Mitro, 408 W Pointe
Cece Wright, 220 Coburn Dr
Marcos Gomez, 167 Alabama St
Lona Gomez, 167 Alabama St
John Willingham, 260 Cochran Rd
Terri Willingham, 119 Ellei Rd
Rev David Whitman, 161 N Dean St
Robin Carrett, 565 Old Clifton Village Rd
Nick Wildrick, 1010 Arden
Lauren Pittman, 213 Wayman Dr
Sharron Goodlett, 298 Morning St
Meghan Teague, 167 S Fairview Ave

Laura Henton, 158 Hall St
Karen Thomas, 447 Risen Star Dr
Gary Poliakoff, 3 Lafferty Ct
Jim Carn, 811 Red Hill Rd
Lisa Hudgens, 180 Hall St
Sabrina Eason, NA
Dana Gottman, 320 E Main St
Nicole Springfield, 622 Flintwood Dr
Jeremy, 1495 Hwy 357
Sharon Rounds, NA

Discussion:
This has been a challenging proposal, but throughout the deliberation, all voices were heard and respected. While there are certain restrictions in this zone, several uses are permitted without special exceptions, and boarding houses are allowed in the surrounding B-3 and B-4 zones. The DT-5 zone, however, is intended to foster a more urban environment with greater flexibility for business development.

No one questioned the merit or public benefit of the proposed program, as it offers valuable opportunities for individuals. The focus now is on identifying potential special exceptions that could address some of the concerns raised, ensuring a balance between the program's goals and the community's needs.

A motion was made by Mr. Moore, seconded Ms. Moore to Approve the Appeal with the special exception, with conditions of adoption of the Goforth Recovery guidelines as submitted in the packet with a further definition of "home for women only", a revisitation of the special exception within one year, and no smoking allowed past the front facade of the structure with a vote by 3-1.

Staff Announcements: None.

The meeting was adjourned at 7:39 PM.

_____
Darren Matz, Chairman

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

TO: **The Board Zoning Appeals**

RE: **Appeal Request Application:** APP-25-00200003
Address: 1413 W.O. Ezell Blvd
Tax Map Number: 6-21-01-008.00
Zoning: B-1, Neighborhood Shopping District
Applicants: Tina Allen and Katrina Klink

Date: March 11, 2025

Request:
The City of Spartanburg's Board of Zoning Appeals has received an Appeal to the permitted use table to allow continued operation of a dog grooming business, SuperDogs Grooming and Day Spa to be allowed in the **B-1, Neighborhood Shopping District**.

Project Description and History

The new business owners of SuperDogs Grooming and Day Spa located at 1413 W.O. Ezell Blvd. applied for a Certificate of Occupancy. The new owners were informed that the business they acquired SuperDogs grooming, is a non-conforming use based on the current zoning classification and the non-conforming use non-transferable meaning it cannot be transferred from one owner to new ownership.

Upon review of the City's Zoning Ordinance states 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 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. Outdoor kennels and cages are not permitted. 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 a shopping center with the 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 the business of a dog grooming business to remain at 1413 W.O. Ezell Blvd. 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.

Analysis

Zoning Ordinance Consistency

The Board is required to utilize Section 603.3(A)(2) of the Zoning Ordinance and determine if the proposal meets all the criterion for approval. The Board is 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;
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 shopping center surrounded by retail stores. The current dog grooming business has a ventilation exhaust system installed. However, the current ventilation exhaust system needs to be reinspected by the Building Department and subject to be required to be in compliance with the current building code.

2. ***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.

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, 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***– The business has operated in this location since 2013. It is the change of ownership that has triggered the variance request. 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. 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.

    - The Board is recommended to address manners of operation and assign conditions:
        - Hours
        - The current ventilation exhaust system needs to be reinspected by the Building Department and is subject to be required to be in compliance with the current building code upon issuance of the Certificate of Occupancy.

Submitted by:

Nan Zhou

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

Attachments:
Conditions of Approval
Application
Photos

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY LOCATED AT:

1413 W.O. Ezell Blvd. (TMS # 6-21-01-008.00)

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. 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.

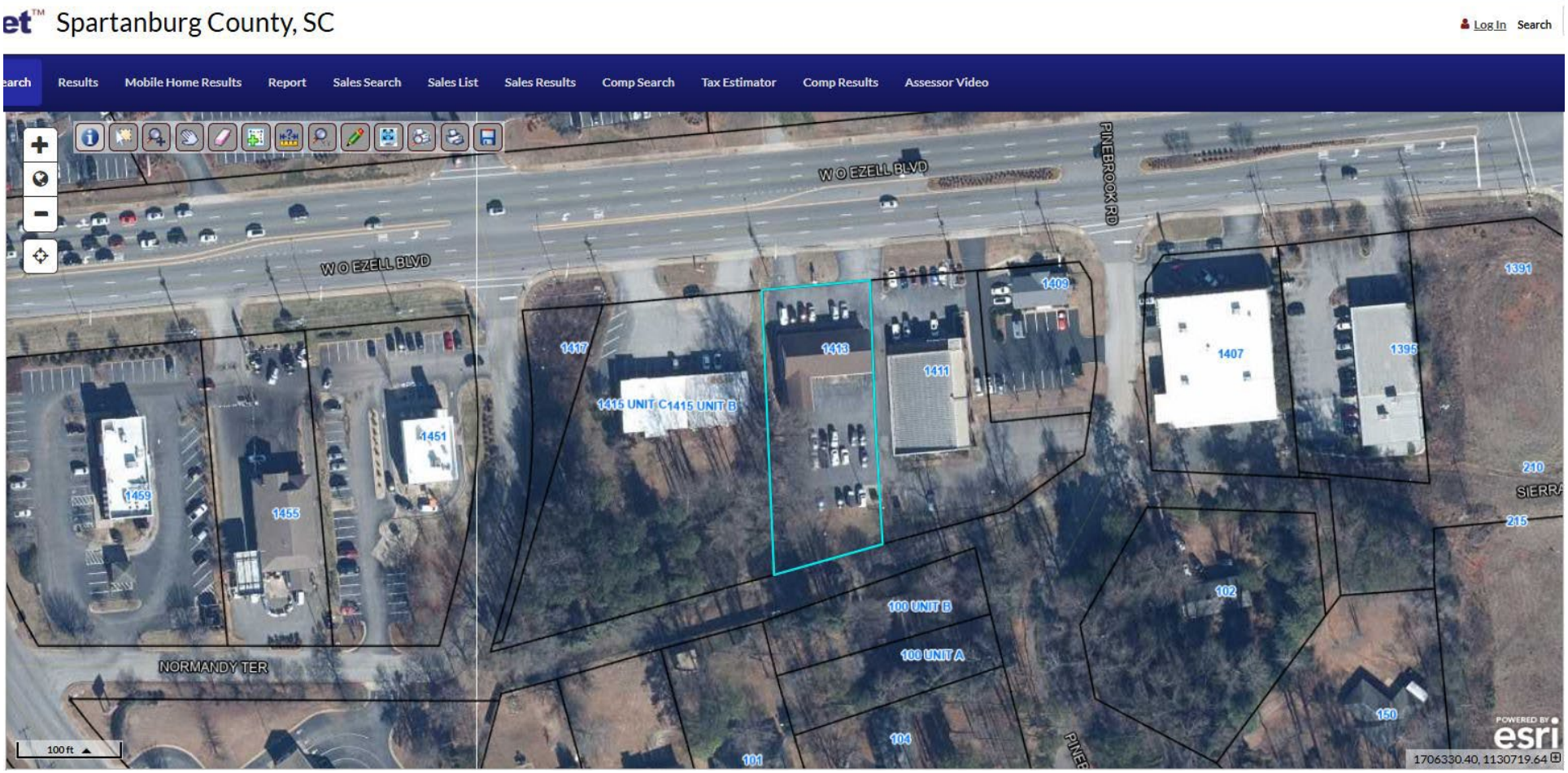
3. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation if any approval or permits issues in connection therewith.

4. 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.

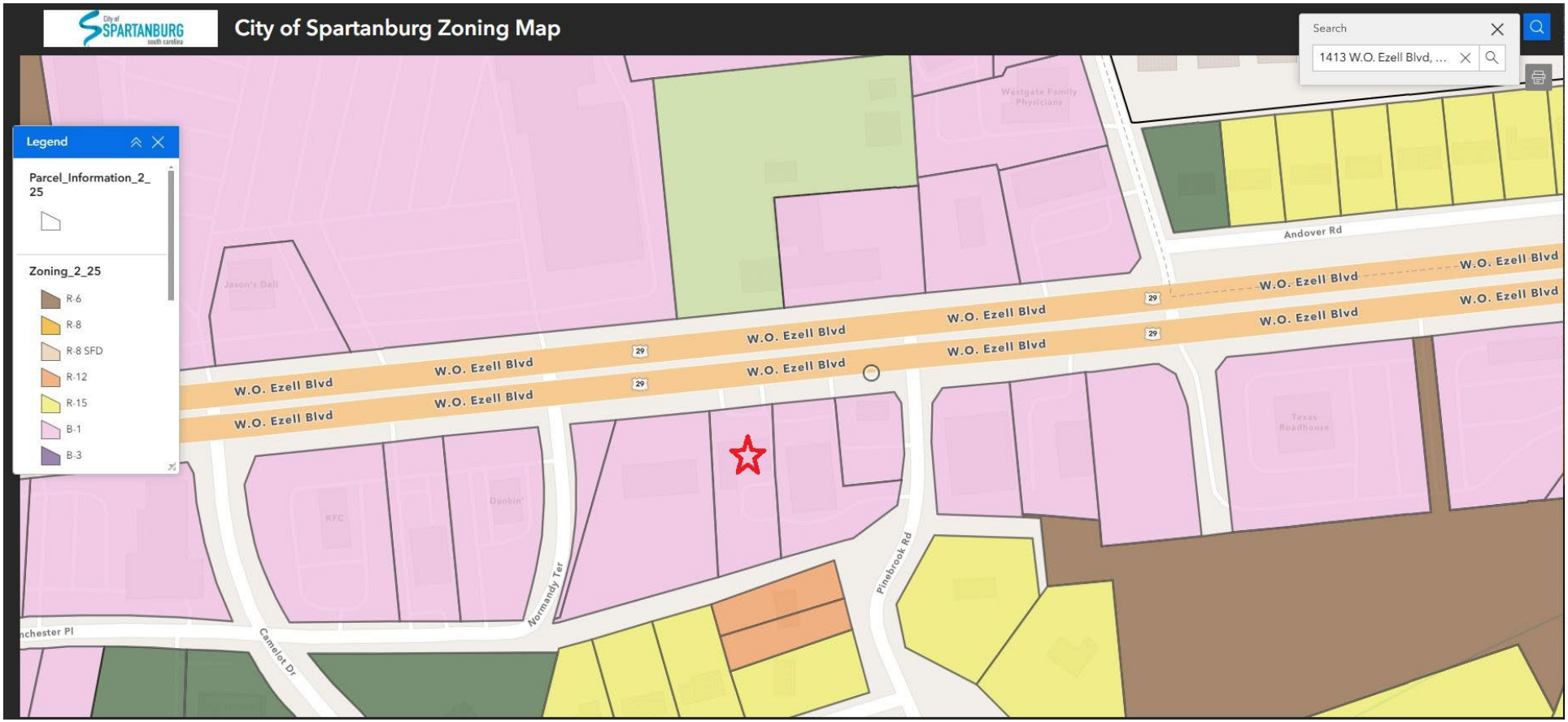
5. All requirements of the Building, Fire, Water and Streets and Stormwater Departments shall be completed prior to building occupancy permit issuance and continuously maintained thereafter.

6. An exhaust ventilation system shall be reinspected by the building department upon issuance of the Certificate of Occupancy and is subjected to be required to be in compliance with the current building code.

SITE MAP – 1413 W.O. Ezell Blvd.

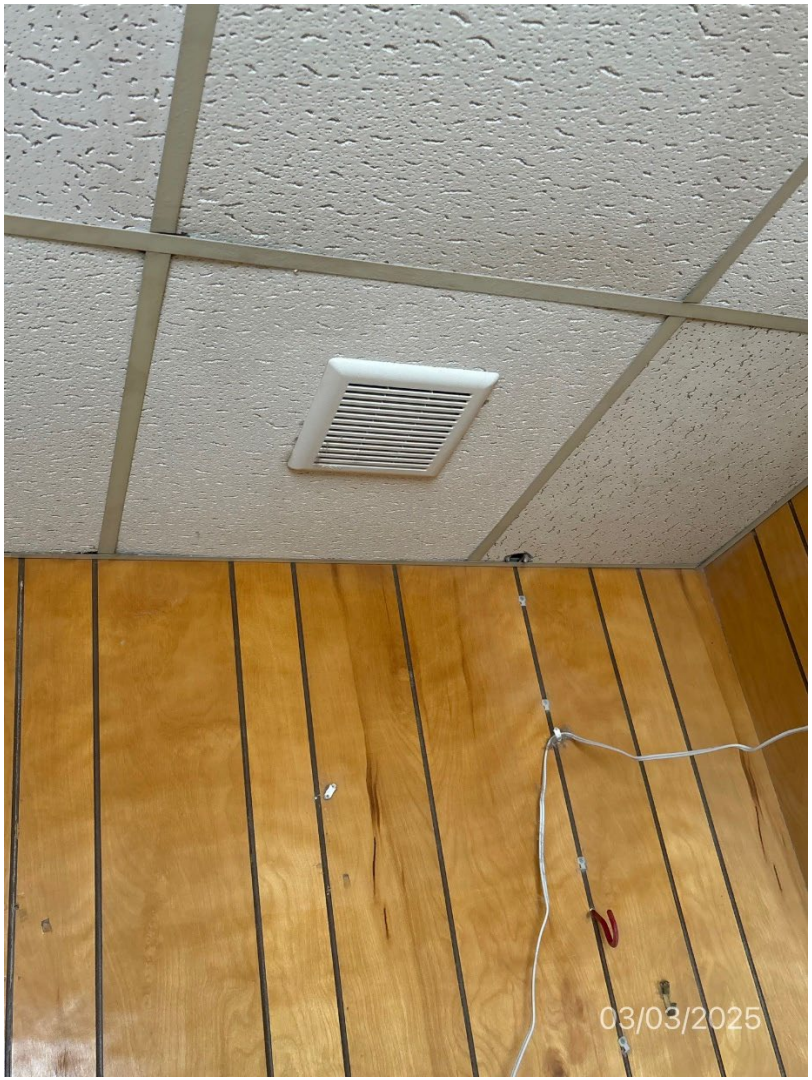


ZONING MAP – 1413 W.O. Ezell Blvd.



Site Photos – Store Front and Shopping Center

Site Photos – Other Retail Stores on the Right and Left Side of the Project Site

Site Photos – Properties Across from the Project Site

Site Photos – Existing Ventilation Exhaust System