



Spartanburg County

Planning and Development Department

Board of Zoning Appeals

MINUTES

February 28, 2023

Members

Present:

Jack Gowan, Chairman
Angela Geter, Vice Chairman
Glenda Brady
Thomas Davies
Kae Fleming
James Langford
Michael Padgett
Jason Patrick
Stephen Wunder

Members

Absent:

Staff Present:

Joan Holliday, Director of Planning & Development
Leigh MacDonald, Current Planning Manager
Laurie Oakman, Senior Planner
Jeff DeWitt, Senior Planner
Bonnie Gibbs, Development Coordinator II
John Harris, County Attorney

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, written notice of its regular meeting schedule was provided at the beginning of this calendar year via the County website. In addition, the Agenda for this Meeting was posted on the bulletin board at the entrance to the Administration Building as well as on the County's website and was emailed to all persons, organizations, and news media requesting notice.

1. Call to Order

Chairman Jack Gowan called the meeting to order at 4:32 PM.

2. Approval of Minutes – January 31, 2023 Meeting

Glenda Brady moved to approve the minutes of the January 31, 2023 BZA meeting. Thomas Davies seconded the motion. The motion carried with a vote of 8 to 0.

3. Unfinished Business

4. New Business

A. Variance Request:

Startex Jackson Wellford Duncan Water District – 1690 Highway 357, Lyman
Friendship Elevated Water Storage Tank

Tax Map Number: 5-06-00-072.06

Variance to reduce the Eastern Side Setback Requirement from the required
160’ to 115’.

Laurie Oakman was sworn in and presented the following staff reports:

Variance Request (1 of 2)

Staff Report

| | | | |
|---------------------------------|--|------------|------|
| Meeting Date: February 28, 2023 | | | |
| Address | 1690 Highway 357, Lyman, SC 29365 | Ordinance | ULMO |
| Factual Dates | Variance Application Received | 01/31/2023 | |
| | Deadline for Variance | 01/31/2023 | |
| | Public Notice | 02/12/2023 | |
| | Adjoining Property Owner Notification | 02/14/2023 | |
| | Variance Signs Posted on Property | 02/14/2023 | |
| Applicant | Kim Fortner, Startex Jackson Wellford Duncan Water District (SJWD) | | |
| Applicant Status | COO for SJWD | | |
| Map Number | 5-06-00-072.06 | | |
| Acreage | 10.29 acres | | |
| Staff | Laurie Oakman | | |

Request:

The applicant is requesting to reduce the Side Setback (eastern), as per Unified Land Management Ordinance (ULMO) Section 2.02-1 Table 3b “Commercial & all Other Uses – Setbacks and Other Requirements”

| Type | Required Side Setback | Proposed Side Setback | Variance |
|---|-----------------------|-----------------------|----------|
| Side Setback (eastern property line) | 160 ft. | 115 ft. | 45 ft. |

Background Information:

SJWD purchased the subject site, consisting of 3.692 acres, on October 14, 2022. SJWD also owns a 6.06 acre parcel. A plat has been approved and recorded to combine the two parcels together. The property was purchased because it includes some of the highest ground elevations in the area and a crucial tie-in point to SJWD’s existing waterlines.

Staff Position:

If granted the Side setback variance, the applicant will be able to meet all other requirements of the Ordinance.

Four Criteria for granting a variance:

The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

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

Staff Analysis:

The property has the necessary topography required for siting a water tank.

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

Staff Analysis:

The property was selected because there were no available properties in close proximity to this high ground along Highway 357 which would be suitable for a tie-in-to SJWD'S existing waterlines.

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.

Staff Analysis:

Without a variance, it would be difficult to construct an adequate size tank to serve the needs of the SJWD water system.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

Staff Analysis:

The new elevated tank will be a composite style tank (concrete column, steel bowl). Composite style tanks collapse in a vertical fashion when they fail (rather than tipping). The tank placement will be such that the closest structure on adjacent property is approximately 200' from the new elevated tank.

Attachments:

1. Aerial Maps from GIS
2. Variance Application
3. Site plans
4. Street views of Subject Site

B. Variance Request:

Startex Jackson Wellford Duncan Water District – 1690 Highway 357, Lyman
Friendship Elevated Water Storage Tank

Tax Map Number: 5-06-00-072.06

Variance to reduce the Eastern Side Setback Requirement from the required
160' to 115'.

Variance Request (2 of 2)

Staff Report

| Meeting Date: February 28, 2023 | | | |
|---------------------------------|--|------------|------|
| Address | 1690 Highway 357, Lyman, SC 29365 | Ordinance | ULMO |
| Factual Dates | Variance Application Received | 01/31/2023 | |
| | Deadline for Variance | 01/31/2023 | |
| | Public Notice | 02/12/2023 | |
| | Adjoining Property Owner Notification | 02/14/2023 | |
| | Variance Signs Posted on Property | 02/14/2023 | |
| Applicant | Kim Fortner, Startex Jackson Wellford Duncan Water District (SJWD) | | |
| Applicant Status | COO for SJWD | | |
| Map Number | 5-06-00-072.06 | | |
| Acreage | 10.29 acres | | |
| Staff | Laurie Oakman | | |

Request:

The applicant is requesting to reduce the Side Setback (eastern), as per Unified Land Management Ordinance (ULMO) Section 2.02-1 Table 3b “Commercial & all Other Uses – Setbacks and Other Requirements”

| Type | Required Side Setback | Proposed Side Setback | Variance |
|---|-----------------------|-----------------------|----------|
| Side Setback (western property line) | 160 ft. | 112 ft. | 48 ft. |

Background Information:

SJWD purchased the subject site, consisting of 3.692 acres, on October 14, 2022. SJWD also owns a 6.06 acre parcel. A plat has been approved and recorded to combine the two parcels together. The property was purchased because it includes some of the highest ground elevations in the area and a crucial tie-in point to SJWD’s existing waterlines.

Staff Position:

If granted the Side setback variance, the applicant will be able to meet all other requirements of the Ordinance.

Four Criteria for granting a variance:

The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

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

Staff Analysis:

The property has the necessary topography required for siting a water tank.

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

Staff Analysis:

The property was selected because there were no available properties in close proximity to this high ground along Highway 357 which would be suitable for a tie-in-to SJWD’S existing waterlines.

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.

Staff Analysis:

Without a variance, it would be difficult to construct an adequate size tank to serve the needs of the SJWD water system.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

Staff Analysis:

The new elevated tank will be a composite style tank (concrete column, steel bowl). Composite style tanks collapse in a vertical fashion when they fail (rather than tipping). The

tank placement will be such that the closest structure on adjacent property is approximately 200' from the new elevated tank.

Attachments:

1. Aerial Maps from GIS
2. Variance Application
3. Site plans
4. Street views of Subject Site

Laurie Oakman presented the Board with aerial images, street views, images of the site structures, and a copy of the plans for the proposed development on the subject site. She explained that the site is located in the area of the County governed by the Unified Land Management Ordinance (ULMO). She summarized the Staff Report for the site.

James Langford asked why the tank could not be placed on the rear parcel. Kim Fortner, applicant, with SJWD Water District was sworn in. Ms. Fortner advised that the adjacent property is 12' higher in elevation, which allows for savings on construction since SJWD would be able to tie into the current water line. She also explained that in the future, tanks would be constructed in rotation around the property. Thomas Davies asked how much water the tank would hold, and Ms. Fortner advised it holds 2.5 million gallons. Jack Gowan asked for the elevation from the street to the tank. Ms. Fortner replied that it was 984 feet at the base of the tank. A brief discussion was had regarding replacing tanks in the future and demolishing the current tank.

Chairman Jack Gowan opened the public hearing and asked if anyone was present to speak in favor of the variance. Hearing none, Mr. Gowan asked if anyone was present that wished to speak in opposition of the variance. Hearing none, he closed the public hearing.

The Board discussed the requests among themselves.

Thomas Davies made a motion to approve the variance request (1 of 2) for a reduction in the eastern side setback to 115' from 160' based on the determination that the request meets all the criteria for granting a variance. Kae Fleming seconded the motion. The motion carried with a unanimous vote of 8 to 0.

Thomas Davies made a motion to approve the variance request (2 of 2) for a reduction in the western side setback to 112' from 160' based on the determination that the request meets all the criteria for granting a variance. Stephen Wunder seconded the motion. The motion carried with a unanimous vote of 8 to 0.

4. Other Business

Angela Geter arrived at the meeting.

5. Adjourn

There being no other business, Thomas Davies moved to adjourn. Angela Geter seconded the motion. Motion carried with a vote of 9 to 0. Meeting adjourned at 4:53 PM.