



Spartanburg County

Planning and Development Department

MINUTES

Unified Land Management Board of Appeals

March 26, 2019

**Members
Present:**

Michael Padgett, Chairman
Jack Gowan, Jr., Vice Chairman
Angela Geter
Louise Rakes
Kae Fleming
Thomas Davies
Marion Gramling
Jason Patrick
Jonathan Adams

**Members
Absent:**

Staff Present:

John Harris, County Attorney
Joan Holliday, Interim Planning Director
Joshua Henderson, Senior Planner
Leigh MacDonald, Senior Planner

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, the annual notice of meetings for this Board was provided on or before January 1, 2015 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 Mike Padgett called the meeting to order.

2. Approval of Minutes of February 26, 2019 Meeting

Jack Gowan made a motion to approve the minutes as submitted. Kae Fleming seconded the motion, which carried with a vote of 9 to 0.

3. Unfinished Business - None

4. New Business –

**a. Variance Request – Jermaine Clowney
280 Cleveland Chapel Rd., Spartanburg (7-08-04-004.00)**

Josh Henderson presented the following staff report:

Factual Dates

Variance Application Received	02/19/2019
Deadline for Variance	02/26/2019
Public Notice – Herald Journal	03/10/2019
Adjoining Property owners notified	03/04/2019
Variance Sign Posted on Property	03/04/2019
Board of Appeals Hearing	03/26/2019

Background Information

A variance request has been submitted for the property located at 280 Cleveland Chapel Rd., Spartanburg, SC 29303. The owner obtained a trade-in permit on November 20, 2018 to replace the existing 56’ by 24’ double wide mobile home that encroached 3.5’ into the rear setback with a 72’ by 27’ double wide mobile home that encroaches 15’ into the rear setback. Therefore, the structure can no longer be considered a legal nonconformity. This mobile home has already been moved to the property and set up.

The applicant is requesting the following variance:

To reduce the rear setback to 5’ from 20’ as required in Section 2.02-1 Dimensional Standards, Table 3a – Residential Setbacks & Other Requirements.

Staff Recommendation

The Board may grant a variance if it makes the following findings:

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

The variance request does not appear to meet this criteria.

The property does not appear to contain extraordinary or exceptional conditions, which would require a variance.

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

The variance request does not appear to meet this criteria.

There do not appear to be conditions that apply to this property that do not apply to other property 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.

The variance request does not appear to meet this criteria.

The applicant is able to place a mobile home in the exact same location to retain the legal nonconforming status.

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

The variance request appears to meet this criteria.

The placement of the mobile home does not appear to impact the adjoining properties.

The request to reduce the required rear setback to 5' from 20' does not appear to meet the four criteria for granting a variance as set forth in Section 5.02-2(2) of the ULMO and the SC Local Government Comprehensive Planning Enabling Act (SC Code of Laws, Title 6, Chapter 29). Therefore, staff is unable to recommend approval of the variance.

Josh Henderson presented the Board with an aerial image, site plan, and image of the property.

Chairman Padgett opened the public hearing.

Travis Johnson was sworn-in. He advised the Board that the home has already been placed in the location shown on the site plan, has passed county inspection, and has power. They did not realize the issue with the setback until afterwards when they obtained a placement survey. The home was placed in the most suitable place and as close to the original footprint as possible, given the natural spring that creates drainage issues.

Chairman Padgett closed the public hearing.

Marion Gramling made a motion to grant the variance based on the determination that the request meets all criteria for granting a variance as set forth in Section 5.02-2(2) of the ULMO and the SC Local Government Comprehensive Planning Enabling Act (SC Code of Laws, Title 6, Chapter 29).

a. The Board concludes that the Applicant(s) does have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to this particular property based upon the following finds of fact:

The subject lot is shallow and triangular shaped.

b. The Board concludes that these conditions do not generally apply to other property in the area based on the following findings of fact:

All other lots in the area are deeper and rectangular shaped, providing for more area in which to place a mobile home.

c. The Board concludes that 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 based on the following findings of fact:

The natural spring at the southwestern portion of the property creates drainage issues and could potentially compromise the foundation if the mobile home is required to be moved. Probable water and mold issues were also taken into consideration.

d. The Board concludes that the authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance based upon the following findings of fact:

The placement of the mobile home does not appear to impact the adjoining properties.

Thomas Davies seconded the motion. The motion carried with a vote of 9 to 0.

b. Report of Nominating Committee & Election of Officers

Chairman Padgett read the report of the Nominating Committee by Louise Rakes for Michael Padgett as Chairman, Jack Gowan as Vice Chairman, and Kae Fleming as Secretary as nominees by the Nominating Committee. Marion Gramling made a motion to close nominations. Jason Patrick seconded the motion. The motion carried with a vote of 9 to 0.

Marion Gramling made a motion to elect the slate as presented. Thomas Davies seconded the motion. The motion carried with a vote of 9 to 0.

5. Other Business – None

6. Adjournment

There being no other business, Thomas Davies made a motion to adjourn. Kae Fleming seconded the motion. The motion carried with a vote of 9 to 0.