



Spartanburg County

Planning and Development Department

Board of Zoning Appeals

MINUTES

March 29, 2022

Members

Present:

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

Members

Absent:

Marion Gramling
Glenda Brady

Staff Present:

Leigh MacDonald, Manager
Bonnie Gibbs, Development Coordinator I
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 4:31 PM.

2. Approval of Minutes February 22, 2022 Meeting

Michael Padgett moved to approve the minutes of the February 22, 2022 BZA meeting. Thomas Davies seconded the motion. The motion carried with a vote of 6 to 0. Jack Gowan did not vote since he was not present at the February meeting.

3. Unfinished Business

A. Report of Nominating Committee

Kae Fleming motioned for the committee to remain the same. County Attorney John Harris advised to read the names and positions into the record.

B. Election of Officers

Kae Fleming nominated Jack Gowan as Chairman, Michael Padgett as Vice-Chairman and Thomas Davies as Secretary. Kae moved to approve the motion and Jason Patrick seconded the motion. The motion carried with a vote of 7 to 0.

C. New Business

A. Variance Request:

Antonio Johnson – Helping Hands ATM Services – 2325 Country Club Road
Tax Map Number: 7-17-07-050.00

Variance to reduce the Bufferyard Requirement from a Class 5 to a Class 3

Leigh MacDonald was sworn in and presented the following staff report:

Variance Request

Staff Report

Meeting Date: March 29, 2022			
Address	2325 Country Club Rd, Spartanburg	Ordinance	ULMO
Factual Dates	Variance Application Received	02/28/2022	
	Deadline for Variance	03/01/2022	
	Public Notice	03/13/2022	
	Adjoining Property Owner Notification	03/14/2022	
	Variance Signs Posted on Property	03/15/2022	
Applicant	Antonio Johnson		
Applicant Status	Owner		
Map Number	7-17-07-050.00		
Acreage	0.301 acres		
Staff	Jeff DeWitt		

Request:

The applicant is requesting to reduce the buffer yard from a Class 5 to a Class 3, as per Unified Land Management Ordinance (ULMO) Section 2.02-2 “Bufferyards”

Type	Required Buffer yard	Proposed Buffer yard	Variance
Buffer Yard	Class 5	Class 3	Buffer yard reduction

Background Information:

The site was acquired by the current owner in 2016 from the Spartanburg County Forfeited Land Commission. The applicant is currently in the process of acquiring an additional 465 sf of property along the western site boundary to meet the setback requirements for a proposed commercial building.

Staff Position:

If granted the buffer reduction 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 narrow shape of the lot makes it difficult to meet the setback and buffer requirements imposed on a commercial building.

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

Staff Analysis:

Most other properties in the Site vicinity are residentially developed and do not require buffer yards against adjoining parcels. Applicant maintains that the shape of the property is also unique for the neighborhood.

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:

A Class 5 vegetative buffer yard on both the western and eastern property boundaries would occupy all or most of the subject site parcel and not leave any room for construction of the proposed storage building. A Class 5C option (8 ft. masonry wall) would fit the sides of the subject site, but the applicant maintains that vegetative Class 3 buffer yard with a six-foot chain-link fence is better option. See Comments in Item #4, below.

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 applicant asserts that an 8 ft. masonry wall, as allowed for a Class 5C buffer yard, would be a detriment to the community. It would not hide the proposed storage building effectively and would attract graffiti and other forms of vandalism. A wall would not be consistent with character of the surrounding neighborhood. The trees in the proposed Class 3 buffer yard will eventually grow taller than a masonry wall and will do a better job of hiding the planned storage building, while the chain-link fence will provide adequate security for the subject site. The applicant believes the proposed alternative buffer yard will enhance the appearance of the neighborhood.

Attachments:

1. Aerial Map from GIS
2. Variance Application
3. Site plan
4. Frontal view of project site

Leigh MacDonald 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 then summarized the Staff Report for this site.

Michael Padgett asked Antonio Johnson, property owner, what was the size of the building. Mr. Johnson replied that it was 30 x 70ft and 13ft tall. Leigh MacDonald provided the use of the property was classified as high intensity for storage of lawn equipment and ATM's. Thomas Davies questioned why we were here it's contingent on the 465sf section to be purchased. County Attorney John Harris explained that a conditional approval would be contingent for the purchase of said property. Chairman Gowan questioned if the type of fence would be chain link or wood. Leigh MacDonald explained the applicant is proposing a chain link fence with evergreen hedges.

Chairman Jack Gowan opened the public hearing and asked if anyone was present to speak in favor of the variance. Mr. Gowan recognized Mr. Antonio Johnson to speak in support of the variance. Mr. Johnson was sworn in. Mr. Johnson explained that the 465sf of property had already been purchased and that he switched a residential building to commercial. Mr. Johnson presented a site plan to show the buffer in Exhibit 1. Mr. Johnson expressed concerns regarding graffiti if he were to build a wall. He then presented multiple pictures of graffiti in Exhibit 2. Mr. Johnson believes that chain link fence and evergreens would provide enough coverage over time. He explained that he wanted to build the building with cedar shank and stone and

presented a mockup of the building in Exhibit 3. Thomas Davies asked how he would protect his building. Mr. Johnson explained that the fence in the front with shrubs would be protection. Stephen Wunder asked if the neighbor was receptive, and Mr. Johnson stated that she was present. Mr. Johnson provided a plat and County Attorney John Harris stated it did not appear to be recorded.

Chairman Gowan asked if anyone was present that wished to speak in opposition of the variance. Ms. Mary Ann Love was sworn in. Ms. Love, the adjoining property owner, expressed that she was upset that the business was being built in a residential neighborhood. Ms. Love was concerned about the type of buffer and how it would affect the value of surrounding properties. Stephen Wunder asked if her property was a rental and Mrs. Love replied that it was rental. Chairman Gowan then closed the public hearing, and the Board discussed the request.

The Board discussed the types of fencing, vegetation, and the timing for the growth of the shrubs. County Attorney Harris stated that Planning staff could review the landscape plan for 4 trees per 100ft or 16 shrubs per 100ft and explained that the Board has discretion to stipulate. Thomas Davies proposed to grant the variance contingent on proof of the 465sf portion being recorded and approval of planting by staff.

After brief discussion, Thomas Davies moved to approve the variance since it appears to meet the 4 criteria, but contingent of proof of acquisition of 465sf and approval of Green Giant Cypress. Angela Geter seconded the motion. The motion carried unanimously (7-0) in favor of the variance.

4. Other Business

5. Adjourn

There being no other business, Michael Padgett moved to adjourn, and Angela Geter seconded the motion. Motion carried with a vote of 7 to 0. Meeting adjourned at 5:17 PM.