



Spartanburg County

Planning and Development Department

MINUTES

Unified Land Management

Board of Appeals

June 26, 2018

Members

Present:

Michael Padgett, Chairman
Jack Gowan, Jr., Vice Chairman
Thomas Davies
Angela Geter
Jonathan Adams
Jason Patrick

Members

Absent:

Louise Rakes
Marion Gramling
Kae Fleming

Staff Present:

John Harris, County Attorney
Bob Harkrader, Planning Director
Joan Holliday, Deputy Director
Joshua Henderson, Senior Planner
Leigh Davis, 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 Michael Padgett called the meeting to order.

2. Approval of Minutes of May 22, 2018 Meeting

Jason Patrick made a motion to approve the minutes as submitted. Thomas Davies seconded the motion, which carried with a vote of 6 to 0.

3. Unfinished Business – None

4. New Business –

a. Variance Request – Boiling Springs Storage
3220 Parris Bridge Rd., Boiling Springs (2-52-00-007.05)

Josh Henderson was sworn-in and presented the following staff report:

Factual Dates

Variance Application Received	05/29/2018
Deadline for Variance	05/29/2018
Public Notice – Herald Journal	06/10/2018
Adjoining Property owners notified	06/11/2018
Variance Sign Posted on Property	06/11/2018
Board of Appeals Hearing	06/26/2018

Background Information

Boiling Springs Storage has submitted a variance request for the property located at 3220 Parris Bridge Rd., Boiling Springs, SC 29316. The applicant is proposing to install a self storage facility containing 132 units. Seven of the smaller 10x10 units will be placed adjacent to the front office, which is 10.9’ from the right-of-way of I-85, in order to be visible from Parris Bridge Rd..

Applicant seeks the following variance:

To reduce the front setback to 10.9’ from 50’ as required in Section 2.02-1 Dimensional Standards, Table 3b – Commercial & All Other Uses – 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 remaining units are capable of being placed outside of the required setback, although not visible from the road.

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 setback reduction would be along the road right-of-way and not along any shared property lines; therefore, the variance would unlikely impact adjoining properties.

Given the ability to utilize the property without a variance, the request to reduce the required front setback to 10.9' from 50' 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 street view of the property.

Chairman Padgett opened the public hearing.

Patrick McClendon, was sworn-in and advised the Board that his client is purchasing the property from the County. They wish to have the main office at the front gate to check security. With the property only 60' wide, there are not many options for utilization of the front portion other than a road.

Chairman Padgett closed the public hearing.

Chairman Padgett found it possible to relocate the office while still meeting all requirements of the ULMO.

Jack Gowan made a motion to deny the variance based on the determination that the request does not meet 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 not have an unnecessary hardship because there are no extraordinary and exceptional conditions pertaining this particular property based upon the following finds of fact:

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

b. The Board concludes that these conditions do generally apply to other property in the area based on the following findings of fact:

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

c. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The remaining units are capable of being placed outside of the required setback, although not visible from the road.

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 setback reduction would be along the road right-of-way and not along any shared property lines; therefore, the variance would unlikely impact adjoining properties.

Jonathan Adams seconded the motion. The motion carried with a vote of 6 to 0.

5. Other Business – None

6. Adjournment

There being no other business, Jack Gowan made a motion to adjourn. Thomas Davies seconded the motion. The motion carried with a vote of 6 to 0. The meeting adjourned at 4:56 p.m..