

Spartanburg County

Planning and Development Department



MINUTES

Unified Land Management Board of Appeals

July 24, 2018

Members

Present:

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

Members

Absent:

Jonathan Adams

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 June 26, 2018 Meeting

Thomas Davies made a motion to approve the minutes as submitted. Jack Gowan seconded the motion, which carried with a vote of 6 to 0. Kae Fleming abstained from voting having missed the June 26, 2018 meeting.

3. Unfinished Business – None

4. New Business –

a. Variance Request – Four Seasons Farms

529 E. Heatherstone Ln., Roebuck (6-29-00-365.00)

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

Factual Dates

Variance Application Received	06/07/2018
Deadline for Variance	06/26/2018
Public Notice – Herald Journal	07/08/2018
Adjoining Property owners notified	07/05/2018
Variance Sign Posted on Property	07/05/2018
Board of Appeals Hearing	07/24/2018

Background Information

Adams Homes AEC, LLC has submitted a variance request for the property located at 529 E. Heatherstone Ln., Roebuck, SC 29376. The applicant is proposing to place a 42.8’ by 56.8’ home on the property, which will encroach into the rear setback.

The applicant is requesting to reduce the rear setback to 9.7’ from 20’ as required in Section 2.02-1 Dimensional Standards, Table 3a - Residential Setbacks & All 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 subject property appears to be capable of housing the proposed use with a modified home design and meet all requirements as set forth in the ULMO.

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 does not appear to meet this criteria.

The setback reduction would be along the rear of the property, which would place the concrete patio very close to the shared property line with the adjacent Lot 34.

Given the lack of extraordinary conditions of the property, the request to reduce the required rear setback to 9.7' 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.

Angela Geter arrived. Josh Henderson presented the Board with an aerial image, site plan, and street view of the property.

Chairman Padgett questioned if a building permit had already been issued for the home. Josh Henderson responded that no permits have been issued for this property.

Chairman Padgett opened the public hearing.

Keith Modrak, applicant, was sworn-in. Adams Homes does not have a plan in their current library to accommodate only a 25' depth of buildable area. Their current smallest plan is 32' deep. They would need to re-design in order to get a plan that would fit. He would be willing to remove the concrete patio and just include stoop to stay farther away from the rear property line.

William Nowadly, adjacent property owner to the rear of the subject parcel, was sworn-in. He believed the applicant capable of designing a plan that would fit onto the lot without encroaching into the setback adjacent to his property.

Al Gauthier, homeowner in the subdivision, was sworn-in. He asked the Board to deny the variance, finding the request not able to meet the County's hardship rules. He advised the Board that Adams Homes is a large company servicing many southeast states and should be capable of finding an appropriate footprint.

Chairman Padgett closed the public hearing.

Marion Gramling 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 to 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 subject property appears to be capable of housing the proposed use with a modified home design and meet all requirements as set forth in the ULMO.

d. The Board concludes that the authorization of the variance will be of substantial detriment to adjacent property or the public good, and the character of the district will be harmed by the granting of the variance based upon the following findings of fact:

The setback reduction would be along the rear of the property, which would place the concrete patio very close to the shared property line with the adjacent Lot 34.

Thomas Davies seconded the motion. The motion carried with a vote of 8 to 0.

5. Other Business – None

6. Adjournment

There being no other business, Jack Gowan made a motion to adjourn.

Kae Fleming seconded the motion. The motion carried with a vote of 8 to 0. The Meeting adjourned at 4:42 p.m.