



# Spartanburg County

## Planning and Development Department

### MINUTES

#### Planning and Development Commission

#### COUNTY COUNCIL CHAMBERS

#### August 1, 2023

**Members Present:**

Toby McCall, Vice Chairman  
Doug Brackett, Secretary  
Parker Champion  
Les Green  
Allen Newman  
Donna Turner Williams  
Stewart Winslow  
Bill Hamilton

**Members Absent:**

Whit Kennedy, Chairman

**Staff Present:**

John Harris, County Attorney  
Joan Holliday, Planning Director  
Leigh MacDonald, Deputy Planning Director  
Ben Thomas, Planner IV Team Lead  
Rachel Dill, Planner II  
Azriel Gonzales, Engineering Coordinator

*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

Vice Chairman Toby McCall called the meeting to order.

#### 2. Approval of Minutes

July 11, 2023, Meeting

Doug Brackett made a motion to approve the July minutes. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

**3. Public Hearing**

Ben Thomas presented the following variance request staff report for Image Investments, Inc. as shown below:

**A. Image Investments, Inc. – New Cut Road, Inman, SC 29349**

**Tax Map Number: 1-43-00-001.10**

**Variance to reduce required road frontage resulting from proposed subdivision of parcel.**

**Variance Request**

Staff Report

<b>Image Investments, Inc.</b>			
<b>Meeting Date: August 1, 2023</b>			
<b>Address</b>	New Cut Road, Inman, SC 29349	<b>Ordinance</b>	Subdivision Regulations
<b>Factual Dates</b>	<b>Variance Application Received</b>	7/03/2023	
	<b>Deadline for Variance</b>	7/04/2023	
	<b>Public Notice</b>	7/16/2023	
	<b>Adjoining Property Owner Notification</b>	7/17/2023	
	<b>Variance Signs Posted on Property</b>	7/17/2023	
<b>Applicant</b>	Image Investments, Inc		
<b>Applicant Status</b>	Owner		
<b>Map Number</b>	P/O 1-43-00-001.10		
<b>Acreage</b>	48.3		
<b>Staff</b>	Ben Thomas		

**Request:**

The applicant is requesting to reduce the 100' road frontage requirement for a newly created lot on an Arterial road. The variance will only apply to the remainder of Parcel 1-43-00-001.10, as required in Section 7.30 Lots, of the Subdivision Regulations.

<b>Type</b>	<b>Required Setback</b>	<b>Proposed Setback</b>	<b>Variance</b>
Road Frontage (along New Cut Road) remainder of Parcel 1-43-00-001.10.	100'	50'	50'

**Background Information:**

Cory Caldwell, authorized agent for Image Investments, Inc., has submitted a variance request application. The variance request is to allow the subdivision of Image Investments, Inc.'s 50-acre lot which has 174.63' of road frontage. The variance is to allow reduced road frontage of the remainder parcel resulting from the proposed subdivision.

A plat for Image Investments, Inc. has been submitted for review, which shows a 1.7-acre lot with 124.63' of road frontage being subdivided from the 50-acre parent parcel. The variance if granted would allow the remainder parcel to have reduced road frontage of 50' along New Cut Road.

Section 7.30 Lots of the Subdivision Regulations states, "A subdivision proposed along any of the following roads must have no more than 4 lots frontage that road and using that road for driveway access. These lots must have at least 100' of road frontage." The variance for the remainder of the parent parcel would reduce the required road frontage from 100' to 50'. Both the proposed lot and the remainder of the parcel would have fee simple frontage along a publicly maintained road.

In 2018, Edward H. Maxwell, Jr. and Laura Susan Maxwell had a plat approved, which subdivided the 4-acre parcel, now addressed as 6511 New Cut Road, from the 50 acre subject parcel.

As represented by the applicant, the need for the variance is to create a new parcel with inadequate frontage along a publicly maintained road, to allow a home to be built on the 1.7 acre parcel in order to be closer to family. In the application, the applicant notes that the remainder would remain owned by the family with no plans for development.

**Staff Position:**

The Planning Department Staff recommends denial of this variance request. This recommendation is based on the limited road frontage for the remainder of the parcel.

Staff also believes that an alternative to the design proposed by this variance request would be to subdivide via an easement lot as defined in section 2.20 Definitions in the Subdivision Regulations. The easement lot would establish a 25' easement over a shared driveway between the newly created lot and the remainder of the parcel. The easement lot would limit the number of curb cuts along an Arterial road.

However, the applicant purchased this property in 2018 under different design standards for a subdivision than what is required today.

If the variance request is granted by the Commission, the applicant will be able to meet all other requirements of the Ordinance.

**Staff Analysis:**

The four criteria that the Commission is accustomed to using as determination for the approval or denial of a variance request are required by state law on zoning variance requests. As this request is instead in relation to a subdivision variance, the Commission is not bound by consideration of those four criteria. Per Section 3.30 Variance from the Requirements of these Regulations, "the Commission may hear requests for a variance to any of the standards or regulations that are uniquely located in this Ordinance. A variance that modifies any of these standards and regulations must not be contrary to the public interest; but, owing to conditions peculiar to the property, the Commission may determine that a literal enforcement would result in unnecessary and undue hardship."

**Attachments:**

- 1. Variance Application**
- 2. Proposed Plat**

Ben Thomas presented the Commission with the variance request application, an aerial image of the site, a zoomed out aerial image of the site, the proposed plat, and a street view from New Cut Road. Mr. Thomas identified the structure located at 6511 New Cut Road and clarified the adjacent parcel as the location of the variance request.

Vice Chairman Toby McCall asked if the Commission had any questions for staff.

Bill Hamilton asked if this would have been allowed in 2018.

Ben Thomas responded that yes, for a two (2) acre parcel or greater, a fifty (50) foot flag lot would have been approved.

Vice Chairman Toby McCall asked if the Commission had any other questions for staff.

Parker Champion asked how many lots are on the plat.

Ben Thomas responded only one (1) new lot, that is 1.7 acres will be created. He continued that this 1.7-acre parcel would have 124.63 feet of frontage along New Cut Road, leaving the remaining acreage with fifty (50) feet of frontage.

Vice Chairman Toby McCall asked if the Commission had any questions for staff.

Vice Chairman Toby McCall opened the public hearing.

Vice Chairman Toby McCall briefly went over the rules in place for public hearings.

Cory Caldwell, authorized agent for Image Investments, Inc., was sworn in by Vice Chairman Toby McCall. Mr. Caldwell stated, he would like to build a home close to his mother and has no intention of developing the remaining acreage into a neighborhood. Mr. Caldwell let the

Commission know that his father passed away recently, and his mother needed assistance. Therefore, this was causing hardship for his family.

Vice Chairman Toby McCall asked if anyone else would like to speak.

Since there were no additional speakers, Vice Chairman Toby McCall closed the Public Hearing.

**4. Old Business – None**

**5. New Business**

**A. Variance**

- a. Image Investments, Inc. – New Cut Road, Inman, SC 29349  
Tax Map Number: 1-43-00-001.10  
Vote on variance to reduce required road frontage resulting from proposed subdivision of parcel.

The Planning Commission discussed the variance amongst themselves.

Bill Hamilton stated, since the 2018 standards were in effect at the time of purchase there was a hardship for this subdivision.

Bill Hamilton made a motion to approve the variance to reduce required road frontage resulting from proposed subdivision of the subject parcel. Allen Newman seconded the motion. The motion carried with a vote of 8 to 0.

**6. Discussion Items – None**

**7. Unified Land Management Ordinance (No. O-99-015)**

**A. Subdivisions**

- 1. Major (Preliminary Plats) – None
- 2. Major Final Plats (Read in Only) \*- None
- 3. Minor Summary Plats (Read in Only) \* - None
- 4. Minor Private Road Developments (Read in Only) \* - None
- 5. Minor Family Property (Read in Only) \* - None

**B. Land Development**

- a. Major (Preliminary Plats) - None
- b. Major Final Plats (Read in Only) \* - None

- c. Major Site Plan – None
- d. Minor Summary Plats (Read in Only) \* - None
- e. Major Summary Plats (Read in Only)\* – None
- f. Preliminary Extension Request – None

**8. Subdivision Regulations**

**A. Minor Subdivisions (Read in Only) \***

Ben Thomas requested that the following Minor Subdivision be read into the record as approved:

- a. Lots at Cardinal- Council District 5

Les Green made a motion to read into the record Lots at Cardinal as an approved Minor Subdivision. Bill Hamilton seconded the motion. The motion carried with a vote of 8 to 0.

**B. Final Plats (Read in Only) \*-**

Ben Thomas requested that the following Final Plat be read into the record as approved:

- a. Garrison Place- Council District 2

Allen Newman made a motion to read into the record Garrison Place as an approved Final Plat. Donna Turner Williams seconded the motion. The motion carried with a vote of 8 to 0.

**9. Proposed Amendments & Action Items- None**

**10. Other Business**

**A. Monthly Subdivision and Land Use Report**

Planning Staff stated the Monthly Subdivision and Land Use Report would be sent out via email when available.

**11. Adjournment**

There being no other business, Les Green made a motion to adjourn the meeting. Doug Brackett seconded the motion. The motion carried with a vote of 8 to 0.

By: Douglas C. Brackett  
 Doug Brackett, Planning Commission Secretary

Prepared by: Planning and Development Department Staff

**\* These items have been previously approved and recorded in the land records and require no action by the Planning Commission other than to be read into the minutes.**