



Spartanburg County

Planning and Development Department

MINUTES

Unified Land Management

Board of Appeals

September 24, 2019

Members

Present:

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

Members

Absent:

Jonathan Adams
Jason Patrick

Staff Present:

Joan Holliday, Interim Planning Director
Leigh MacDonald, Senior Planner
Laurie Oakman, Senior Planner
Rachel Dill, Development Coordinator

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 August 27, 2019 Meeting

Jack Gowan made a motion to approve the minutes as submitted. Thomas Davies seconded the motion, which carried with a vote of 7 to 0.

3. Unfinished Business –

a. Update on All Metals

Laurie Oakman advised the Board that she had the 2014 project folders pulled from archives. That plan showed an undisturbed buffer that is to be maintained by All Metals. Nothing new was required.

4. New Business –

**a. Variance Request – CMH Homes, Inc.
1420 Asheville Hwy., Spartanburg (6-13-07-023.00)**

Leigh MacDonald presented the following staff report:

Factual Dates

Variance Application Received	08/27/2019
Deadline for Variance	08/27/2019
Public Notice – Herald Journal	09/08/2019
Adjoining Property owners notified	09/09/2019
Variance Sign Posted on Property	09/09/2019
Board of Appeals Hearing	09/24/2019

Background Information

The applicant is proposing to replace their office building on the existing mobile home sales lot with a 2,100 square foot modular office building. Per the written application, the current location of the office is not ideal due to topography and poor drainage. The applicant is requesting to reduce the front setback to 21.6’ from 50’ as required in Section 2.02-1 Dimensional Standards, Table 3b – Commercial & All Other Uses – Setbacks & Other Requirements. A display unit currently sits in the space where the applicant is proposing to move the office.

Staff Position

The new office will be placed in the same location as an existing display unit that is already encroaching into the setback. The structure will only encroach in the direction of the road right-of-way and will meet all other setback requirements along shared property lines. Staff is unable to confirm the issues with topography and drainage.

Ms. MacDonald presented the Board with an aerial image, site plan, and street view of the property.

Chairman Padgett opened the public hearing.

Chris Tuttle was sworn-in. He advised the Board that the existing office has poor drainage and water collects underneath the structure, which has created issues with mold and rotting. They wish to place the new office in the location of an existing display unit.

Joey Enos was sworn-in and stated that the office has been in that location for 30 years and the display unit has also been in its current location since the business was first opened. The office was previously remodeled.

Chairman Padgett closed the public hearing.

Marion Gramling suggested that the applicant move one of the units on the right of the parking lot and move the office there, where it would be on higher ground and be able to meet setbacks.

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) due to there being other options to locate the office without granting a variance. Angela Geter seconded the motion. The motion carried with a vote of 7 to 0.

**b. Variance Request – Saxon Fair & Event Center
175 Sibley St., Spartanburg (6-18-02-103.00)**

Leigh MacDonald presented the following staff report:

Factual Dates

Variance Application Received	08/27/2019
Deadline for Variance	08/27/2019
Public Notice – Herald Journal	09/08/2019
Adjoining Property owners notified	09/09/2019
Variance Sign Posted on Property	09/09/2019
Board of Appeals Hearing	09/24/2019

Background Information

The applicant is proposing to convert the Saxon Mill property to a high-end fair and event center. This use falls under the ULMO definition of a flea market.

The applicant seeks the following variances:

To allow sales within 200’ of a residential subdivision as required in Section 3.27(2) Flea Markets, Swap Meets, and Open Air Markets.

To eliminate landscape screening at the street and buffers as required in Section 3.27(7) Flea Markets, Swap Meets, and Open Air Markets.

To allow sales items to remain out overnight as required in Section 3.27(8) Flea Markets, Swap Meets, and Open Air Markets.

Staff Position

The applicant will be unable to proceed with the project without the approval of the variances.

Leigh MacDonald presented the Board with an aerial image, site plan, and street view of the property.

Chairman Padgett opened the public hearing.

Jeanie Kellett was sworn-in. She has been an antique dealer for 25 years and attended similar events in Atlanta and Charlotte. People come from across the country to attend these types of markets. She and others are excited to have another market opening. Chairman Padgett asked if the other markets were primarily in residential or commercial areas. Ms. Kellett responded that she has seen them in both types of areas.

Greg Sveinsson asked Mrs. Oakman to hand out an exhibit showing flyers for information on the market.

Jeff Hadden, Una Fire Chief, was sworn-in. The applicants have offered to accommodate and fund options for the fire department to access the property in case of emergency and for public safety and protection. He also supported the development as a tax-payer and believes this to be a good thing for the community.

Mr. Sveinsson and Danny Moody, co-owners, were sworn-in. Mr. Sveinsson advised the Board that most booths would take 4-5 hours to set up and, therefore, it is vital to the business that they be allowed to leave merchandise overnight. The 200' setback from a residential subdivision would kill the project, and they already have vegetation around the property as well as a fence with gates to allow emergency services easy access. Mr. Moody further advised the Board that the tents all have sides that can be zipped up. They do not wish to add screening from the street because they do not want to block the view and neighbors have also expressed to them a desire not to have trees blocking the fair.

Phillip Moore was sworn-in. He has lived in the village for 75 years and is concerned about preserving the water quality of his well. He has also recently had problems with standing water and drainage in his backyard that he believes to be associated with the site. Laurie Oakman advised the Board that the project is not proposing any additional impervious surface or paving.

Chairman Padgett closed the public hearing, and the Board members considered each variance separately.

To allow sales within 200' of a residential subdivision as required in Section 3.27(2) Flea Markets, Swap Meets, and Open Air Markets:

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) and the project would help the community and clean up an eyesore. Jack Gowan seconded the motion. The motion carried with a vote of 6 to 0, with Angela Geter abstaining from the vote.

To eliminate landscape screening at the street and buffers as required in Section 3.27(7) Flea Markets, Swap Meets, and Open Air Markets.

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) and they have a chain link fence for protection. Further, the fire chief wanted to keep the perimeter open for visibility. Jack Gowan seconded the motion. The motion carried with a vote of 6 to 0, with Angela Geter abstaining from the vote.

To allow sales items to remain out overnight as required in Section 3.27(8) Flea Markets, Swap Meets, and Open Air Markets.

Jack Gowan 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) and they have a protected fenced in area. Thomas Davies seconded the motion. The motion carried with a vote of 6 to 0, with Angela Geter abstaining from the vote.

5. Other Business – None

6. Adjournment

There being no other business, Thomas Davies made a motion to adjourn. Angela Geter seconded the motion. The motion carried with a vote of 7 to 0.