

Spartanburg County

Planning and Development Department



MINUTES

Unified Land Management Board of Appeals

October 23, 2018

Members

Present:

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

Members

Absent:

Michael Padgett, Chairman

Staff Present:

John Harris, County Attorney
Bob Harkrader, Planning Director
Joan Holliday, Deputy Director
Joshua Henderson, Senior Planner
Leigh Davis, Senior Planner
Laurie Horton, Senior 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

Vice Chairman Jack Gowan called the meeting to order.

2. Approval of Minutes of September 25, 2018 Meeting

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

3. Unfinished Business

**a. Variance Request – Beverly & James Brookshire
302 Palmetto Dr., Greer (9-02-07-007.01)**

Josh Henderson advised the Board that the applicant had requested the variance request be postponed to the November 20, 2018 meeting.

Thomas Davies made a motion to postpone this request to the November 20, 2018 meeting. Marion Gramling seconded the motion. The motion carried with a vote of 7 to 0.

4. New Business –

**a. Variance Request – Duncan Fairfield Inn
149 Rogers Bridge Rd., Duncan (5-26-00-001.48)**

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

Factual Dates

Variance Application Received	09/05/2018
Deadline for Variance	09/25/2018
Public Notice – Herald Journal	10/07/2018
Adjoining Property owners notified	10/08/2018
Variance Sign Posted on Property	10/08/2018
Board of Appeals Hearing	10/23/2018

Background Information

The Duncan Fairfield Inn has submitted a variance request for the property located at 149 Rogers Bridge Rd., Duncan, SC 29334. A variance application was previously submitted on October 24, 2017 but was withdrawn upon re-designing the site to meet setback requirements and the re-designed site plan was approved by planning staff. The applicant obtained a building permit and began construction. Upon inspection, it was determined that the old site plan had been used that created an encroachment by the porte cochere overhang.

The applicant is requesting the following variance:

To reduce the front setback to 34' from 40' 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.

Staff finds the property capable of housing the proposed use while maintaining the required setbacks. A previous site plan was approved that did not require a variance.

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 proposed porte cochere is in the direction of the road right-of-way and would not encroach into any setbacks along adjacent property lines.

Given the lack of extraordinary conditions of the property, the request to reduce the required front setback to 34' from 40' 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 variances.

Angela Geter arrived to the meeting.

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

Vice Chairman Gowan opened the public hearing.

Evelyn Angeletti, attorney for the owner, was sworn-in. She advised the Board that at the time of the original submittal, the design was under discussion. Since that time, the Marriott released this brand new trademark design to use as a prototype throughout the country. She believes the request meets all four criteria for granting a variance. There is a 10' increase in road right-of-way, it would create a burden to fix the structure in order to meet the setback, and it is not affecting any adjacent properties.

Todd Gingrich of Civil Environmental Consultants was sworn-in. The engineer who originally designed the site has left the company; however, he has been involved in some of the plan review. He believed the canopy design was in flux when the original plans were submitted and thought the canopy could be re-designed to meet the setbacks. At this point, they do not have an option to re-design because they need to conform to the prototype of the hotel to remain consistent with the product and have the same

recognizable visual appearance. The support columns for the canopy are in compliance with the setback requirement.

Angela Geter inquired as to what would happen if the variance were to be denied. Mr. Gingrich replied that the canopy would need to be re-designed and it would considerably delay the project.

Vice Chairman Gowan closed the public hearing.

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).

a. The Board concludes that the Applicant(s) does have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to this particular property based upon the following finds of fact:

There is a change in the road right-of-way which creates a larger setback. The building is not closer to the road.

b. The Board concludes that these conditions do not generally apply to other property in the area based on the following findings of fact:

Other properties in the area have a consistent road right-of-way from which to measure setbacks.

c. The Board concludes that 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 based on the following findings of fact:

The Board finds it unreasonable to tear down the portion of the porte cochere that has already been constructed, which would considerably delay the project and negatively affect the branding of the product as a Marriott hotel.

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 proposed porte cochere is in the direction of the road right-of-way and would not encroach into any setbacks along adjacent property lines. Furthermore, the encroachment is purely aerial and creates no public safety issues.

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

5. Other Business –

Bob Harkrader announced his retirement effective November 09, 2018.

6. Adjournment

There being no other business, Thomas Davies made a motion to adjourn.

Marion Gramling seconded the motion. The motion carried with a vote of 8 to 0.