



Board of Zoning Appeals Minutes May 23, 2023

Members Present: John Wells, Chair
Erik Dabrowski, Vice Chair
Andrew Karas

Member Not Present: Tony Axsom
Jack Bellaire

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

John Wells called the meeting to order at 6:05 PM and read the opening remarks.

II. FOIA and Roll Call by Planning & Zoning Administrator, Establishment of a Quorum

Mr. Berry read the FOIA statement, conducted roll call, and established a quorum for the record.

III. Minutes of the Board of Zoning Appeals

Mr. Wells asked for a motion to approve minutes from April 25, 2023. Mr. Karas made a motion to approve the minutes as submitted. Mr. Dabrowski seconded the motion. All in Favor. Motion carries.

IV. New Business

Mr. Wells opened the Business Meeting for the following item:

A. VA-2023-07

Mr. William Wilson presented the applicant's packet, and stated he requests to build three townhomes on 198 Spartanburg Hwy.

Mr. Karas asked the applicant to clarify if it was three sets of townhomes or just three townhomes. The applicant, Mr. Wilson, clarified that he intended to build three sets of townhomes.

Mr. Wells stated that the applicant had been before the board in a previous meeting but that the item had been tabled due to a lack of any diagrams/drawings of the plat with intended designs.

Mr. Berry clarified that designs were given at the previous meeting but there was a lack additional information on those designs. He further explained that the applicant has submitted additional drawings to explain the intent of the project for the property. Mr. Berry provided a brief summary of the previous discussion held by the board regarding this request.

Mr. Wilson stated that he updated the designs of the project to account for some of the public concerns regarding traffic. He stated that he has moved some of the parking for the project and is planning to consult with an engineer to ensure that the project meets the requirements.

Mr. Berry gave a brief summary of the request as well as the ordinance the applicant is requesting a variance from.

Mr. Wells asked if the applicant had reduced the requested number of townhomes down from 17-18 to 15. The applicant, Mr. Wilson, stated that he would have five townhomes per building and one building on each lot.

Mr. Wells opened the public hearing.

Ed Humphreys, 402 Spartanburg Rd, stated that he was concerned that the project did not have enough parking. He was also concerned that there were not any drainage plans provided.

Mr. Wells clarified that he intends to have an engineer create the drainage plans and look into the parking concerns.

Ed Humphreys, 402 Spartanburg Rd, stated that he believed that these plans would be available at the Town Hall for him to get a copy. However, he stated that when he went to Town Hall to ask for a copy, none were available.

Mr. Berry clarified that only the agenda for the meetings is posted in the lobby of the building and that the planning and zoning department has a copy and that they were available for public inspection. Mr. Berry stated that he would make them available for Mr. Humphreys directly since he was unable to receive them when he came to Town Hall.

Mr. Wells asked if the applicant would like to return to the podium to address any public comments.

Mr. Karas asked Mr. Berry to explain if these properties would still need to have a commercial component as required by the ordinance if they were subdivided and if so, would it be required to have its own tax map ID number?

Mr. Berry stated that he did not think it would given that the subdivision would not necessarily be required for this type of development. Granting of a Variance would indicate that the board would not require the applicant to come back to the board for approval after the subdivision.

Mr. Karas asked the applicant what the intent was behind having the property planned with tract A, B, C.

Mr. Wilson stated that he intended to keep the property as rentals.

Mr. Karas and Mr. Berry stated again what the concern is with the ordinance. Mr. Berry clarified that the request is to waive the requirement for commercial use in combination of residential.

Mr. Karas asked Mr. Wilson why he was not considering building a commercial component to the property as the initial ordinance requires.

Mr. Wilson explained that he did not want to build a commercial component. He does not have a commercial builders license or have a commercial partner.

Mr. Karas asked Mr. Wilson if he had spoken to Mr. Berry or anyone at Town hall regarding the town ordinances relating to this property prior to purchasing the property.

Mr. Wilson stated that he did speak with someone regarding the requirements and asked if it was possible to have the commercial portion of the ordinance waived. Mr. Wilson stated that he felt the surrounding area was suitable for residential only. He stated that he was waiting until he was approved for a variance before pursuing any engineering drawings or stormwater approvals from Spartanburg County.

Mr. Berry concludes the staff report.

ACTION:

Mr. Wells made a motion to approve the variance for relief from the zoning district requirement for a commercial component in conjunction with a residential development. This would allow for the proposed townhome development to proceed without the requirement of commercial end caps. Mr. Bellaire seconded the motion. Mr. Karas voted against it. Motion carries 2-1.

B. VA-2023-10

Cynthia Burket, presented applicant's packet, and stated that she is requesting a variance for relief from the required 25ft setback so that she can construct an attached deck to her primary residence. A 12 feet setback is requested.

Mr. Wells asked for clarification regarding the location of the proposed deck and its relative location to what is currently in the yard.

Mrs. Burket clarified that there is currently an attached porch and that they are planning to screen in and attach to the proposed deck.

Mr. Dabrowski requested information from the applicant regarding the topography of the property and asked if allowed them to build elsewhere or if the proposed location was the most logical due to the nature of the property.

Mrs. Burket clarified that it is the most logical location and that even if they would have put it elsewhere on the property it would not have met the 25 ft requirement due to the nature of the property.

Mr. Dabrowski asked the applicant if she had spoken to any of her neighbors regarding the proposed deck.

Mrs. Bucket stated that she had spoken to several neighbors and none of them raised any concerns about the project.

Mr. Karas asked if the applicant received a permit prior to installation of the project. Mrs. Bucket stated that they did not and had not realized that they needed one.

Mr. Berry clarified that upon notice to the property owner and commercial contractor of the work without a permit, all work ceased, and the proper filing of variance paperwork began.

Mr. Berry presented the staff report and explained the relevant information to the board.

Mr. Karas asked if the code enforcement officer was the one who found this deck. Mr. Berry confirmed that it was discovered by the code enforcement officer during his daily route. Mr. Berry explained that following this discovery, he spoke with the property owner and the builder regarding how to move forward.

Mr. Wells asked if staff had received any comments from the neighbors or the public. Mr. Berry confirmed that he had not received any comments.

Mr. Wells opened the public hearing, no comments provided.

ACTION:

Mr. Dabrowski made a motion to approve the variance of relief from the required 25 ft setback to requested 12 ft setback. Mr. Karas seconded the motion. All in Favor. Motion carries.

VI. Adjourn

There being no other business to discuss, Mr. Dabrowski made a motion to adjourn. Mr. Karas seconded the motion. All in Favor. The meeting adjourned at 7:00 p.m.