



Spartanburg County

Planning and Development Department

Board of Zoning Appeals MINUTES

February 25, 2020

Members

Present:

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

Members

Absent:

None

Staff Present:

Joan Holliday, Interim Planning Director
Laurie Oakman, Senior Planner
Rachel Dill, Development Coordinator
Ginny DuPont, County Attorney

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 January 28, 2020 Meeting

Marion Gramling made a motion to approve the minutes. Jack Gowan seconded the motion, which carried with a vote of 7 to 0. Angela Geter was absent for the vote and arrived before New Business was addressed.

3. Unfinished Business –None

4. New Business –

A. Variance Request:

Mill Creek Developers, LLC- 543 Winsland Way, Moore
Tax Map Number: 6-28-00-037.80

Variance on setback

Laurie Oakman presented the following staff report:

Factual Dates

| | |
|------------------------------------|------------|
| Variance Application Received | 01/28/2020 |
| Deadline for Variance | 01/28/2020 |
| Stop Work Order | 01/30/2020 |
| Public Notice – Herald Journal | 02/09/2020 |
| Adjoining Property owners notified | 02/10/2020 |
| Variance Sign Posted on Property | 02/09/2020 |
| Board of Zoning Appeals Hearing | 02/25/2020 |

Background Information

Todd Sill, Agent on behalf of Mill Creek Developers, LLC, property owner, has submitted a variance request for a house under construction at 543 Winsland Way (Lot 76) in Phase 3 of the Mill Brook Subdivision. The property was granted a variance by the Board May 23, 2017 to reduce the front setback from 20’ to 15’. This phase of the subdivision was approved on August 6, 2008. There were additional lots in this phase that were granted a variance by the Spartanburg County Planning and Development Commission on November 14, 2006.

The applicant is requesting to further reduce the required front setback to 14.3’ feet from the 20’ foot requirement, a further reduction from the already granted 15’ variance, along the front lot line as required in Section 2.02-1 Dimensional Standards, Table 3a Residential Setbacks & All Other Requirements.

Staff Position

The Staff chooses to let this request stand on its own merits.

Laurie Oakman read the staff report and was available for any questions.

Tom Davies asked the meaning of the staff position. Ms. Oakman said that it meant the staff did not have a position on the variance.

Chairman Padgett requested a copy of the stop work order and asked if anyone was present in the audience from Building Codes. There was no one.

Jack Gowan asked why the “no permit” box was checked on the stop work order. Ms. Oakman stated that she did not have an answer to that question. Ms. Oakman stated that there was a date stamped photo from the stop work order. She also said a copy of the building permit and stop work order were in the file.

Chairman Padgett asked who issued the non-compliance. Ms. Oakman said that the information was on the stop work order.

Ms. Oakman stated that the developer brought the setback discrepancy to the staff's attention by way of the survey. A stop work order was placed on the property until the Board made a decision on the variance.

Chairman Padgett opened the public hearing, asking if anyone would like to speak in favor of the variance.

Mr. Todd Sill was sworn in. Mr. Sill, the developer of the property, stated he was seeking a variance on this property due to an error on the original survey. He said that the latest survey showed that the home and garage were not in compliance with the setback requirements. Mr. Sill stated that his intention, when he developed the subdivision, was to stay away from the 100-year flood zone and that the contractor had encroached into the setback to avoid the flood zone.

Tom Davies addressed Mr. Sill and said that he had previously stood before the Board and said that he had a plan in place to keep from requesting future variances on these lots. It was stated that the Board had said that future development on the parcels should be made to fit and that homes too large for the lots should be downsized to conform.

Jack Gowan asked how the error occurred with the lot line. Mr. Sill stated that it was human error.

Chairman Padgett asked if there was an issue of sewer encroachment. Ms. Oakman stated she had received approval of the encroachment from Chad Willford with Spartanburg Water.

Chairman Padgett asked if any there were any further questions for Mr. Sill and if there was anyone else in attendance to speak in favor of the variance.

Chairman Padgett asked if anyone was there to speak in opposition of the variance. There being none, Chairman Padgett closed the public hearing. The board discussed the matter among themselves.

Marion Gramling said that when the error was made, the developer did the right thing by bringing it to the County's attention and stopping work. Mr. Gramling also stated that the home was located in a cul-de-sac and that the variance would be for inches and not feet.

Chairman Padgett said that Todd Sill had agreed in 2017 to make sure the homes built on the lots in this subdivision would meet all setback requirements in the future.

Marion Gramling made a motion to grant the variance based on the determination that the request meets all the 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). Jason Patrick seconded the motion. The motion carried with a vote of 6 to 2 with Chairman Mike Padgett and Tom Davies in opposition.

B. Variance Request:

Mill Creek Developers, LLC- 539 Winsland Way, Moore

Tax Map Number: 6-28-00-037.81

Variance on setback

Laurie Oakman presented the following staff report:

Factual Dates

| | |
|------------------------------------|------------|
| Variance Application Received | 01/28/2020 |
| Deadline for Variance | 01/28/2020 |
| Stop Work Order | 01/30/2020 |
| Public Notice – Herald Journal | 02/09/2020 |
| Adjoining Property owners notified | 02/10/2020 |
| Variance Sign Posted on Property | 02/10/2020 |
| Board of Zoning Appeals Hearing | 02/25/2020 |

Background Information

Todd Sill, Agent on behalf of Mill Creek Developers, LLC, property owner, has submitted a variance request for a house under construction at 539 Winsland Way (Lot 77) in Phase 3 of the Mill Brook Subdivision. The property was granted a variance by the Board May 23, 2017 to reduce the front setback from 20’ to 15’. This phase of the subdivision was approved on August 6, 2008. There were additional lots in this phase that were granted a variance by the Spartanburg County Planning and Development Commission on November 14, 2006.

Having already been granted a front setback reduction, the applicant is now requesting to reduce the required rear setback to 19.5 feet from the 20 foot requirement along the rear lot line as required in Section 2.02-1 Dimensional Standards, Table 3a Residential Setbacks & All Other Requirements.

Staff Position

The Staff chooses to let this request stand on its own merits.

Ms. Oakman read the staff report and said she was available for any questions.

Chairman Mike Padgett opened the Public Hearing.

Todd Sill, having already been sworn in, spoke in favor of the variance. Mr. Sill stated that the variance was requested to stay within the lines of previous setback variance requests and due to the flood plain line.

Chairman Padgett asked if there was anyone there to speak in opposition. There being none, Chairman Padgett closed the Public Hearing.

Jason Patrick made a motion to grant the variance based on the determination that the request meets all the 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). Marion Gramling seconded the motion. The motion carried with a vote of 8 to 0.

5. Other Business –

The request was made to have the election of new officers added to next month's agenda. The nominations were Jack Gowan as Chairman, Mike Padgett as Vice Chairman, and Thomas Davies as Secretary.

6. Adjournment

There being no other business, Marion Gramling made a motion to adjourn. Angela Geter seconded the motion. The motion carried with a vote of 8 to 0.