



# Spartanburg County

## Planning and Development Department

### Board of Zoning Appeals

### MINUTES

April 26, 2022

**Members**

**Present:**

Jack Gowan, Chairman  
Michael Padgett, Vice Chairman  
Thomas Davies  
Kae Fleming  
Angela Geter  
Jason Patrick  
Stephen Wunder

**Members**

**Absent:**

Marion Gramling  
Glenda Brady

**Staff Present:**

Joan Holliday, Director  
Leigh MacDonald, Manager  
Jeff DeWitt, Senior Planner  
Bonnie Gibbs, Development Coordinator I  
Ryan Gaylord, County Attorney

*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**

Chairman Jack Gowan called the meeting to order at 4:30 PM.

**2. Approval of Minutes March 29, 2022 Meeting**

Angela Geter moved to approve the minutes of the March 29, 2022 BZA meeting with the correction of Mr. Davies' name. Stephen Wunder and Kae Fleming both seconded the motion. The motion carried with a vote of 7 to 0.

**3. Unfinished Business**

**4. New Business**

**A. Variance Request:**

Grant & Kishimjan Ketner– My Clinic, LLC – 696 Arlington Road, Greer, SC  
 Tax Map Number: 9-03-03-009.00  
 Variance to reduce the Front Setback Requirement from the required 50’ to 5.8’

Jeff DeWitt was sworn in and presented the following staff report:

**Variance Request**

**Staff Report**

Meeting Date: April 29, 2022			
Address	696 Arlington Rd, Greer, SC 29651	Ordinance	ULMO
Factual Dates	Variance Application Received	03/22/2022	
	Deadline for Variance	03/29/2022	
	Public Notice	04/10/2022	
	Adjoining Property Owner Notification	04/12/2022	
	Variance Signs Posted on Property	04/13/2022	
Applicant	Kishimjan Ketner (My Clinic LLC)		
Applicant Status	Authorized Agent for the Owner; under contract to purchase the site.		
Map Number	9-03-03-009.00		
Acreage	1.17 acres		
Staff	Jeff DeWitt		

**Request:**

The applicant is requesting to reduce the Front Setback, as per Unified Land Management Ordinance (ULMO) Section 2.02-1 Table 3b “Commercial & all Other Uses – Setbacks and Other Requirements”

Type	Required Front Setback	Proposed Front Setback	Variance
Front Setback	50 Ft.	5.8 ft.	44.2

**Background Information:**

The subject site was originally developed as a residential lot within the Apalache Mill village. Spartanburg County Tax Assessor data indicates that the current residential structure was constructed circa 1920. A plat for the Apalache Mill village recorded in 1950 shows a

structure on the site but does not show apparent additions that currently exist on the original house. The 1950 plat also shows a 66 ft. right-of-way (ROW) for Arlington Road in front of the subject site; the current survey also indicates a 66 ft ROW for Arlington Road. The Tyger River is located immediately to the east of the Site, and the eastern end of the Subject Site parcel is located within the flood plain thereof. Frohawk Creek serves as the northern parcel boundary.

The applicant is an Authorized Agent for the owner of the subject site and is under contract to purchase the site. Applicant plans to convert the subject site structure from a private residence to commercial use as a small medical clinic, and to combine the subject site parcel with the adjacent parcel to the south (PIN#9-03-03-008.00, 0.11 acres). The Feb. 21, 2022 plat (attached) shows the planned recombination of parcels.

Staff Position:

If granted the Front setback variance, the applicant will be able to meet all other requirements of the Ordinance.

**Four Criteria for granting a variance:**

The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

**Staff Analysis:**

The age of the site structure pre-dates modern zoning and development standards. Moving the structure to meet the setback may require that the structure be located in the flood plain of the Tyger River, which is located along the eastern site boundary. The Site parcel is also traversed by sanitary sewer easements controlled by the Startex-Jackson-Wellford-Duncan Water District. The presence of these easements and associated sewer lines present challenges to re-locating the structure on the subject site.

2. These conditions do not generally apply to other property in the vicinity.

**Staff Analysis:**

The only way the setback could be met would be to move the current structure to the east, which could potentially place it in the flood plain of the Tyger River. Any relocation on the subject site parcel would also be constrained by the presence of the sanitary sewer easements. The presence of the flood plain and sanitary sewer easements do not generally affect other properties in the vicinity to the degree that the subject site is affected.

3. 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.

**Staff Analysis:**

Any change of use for the subject site will require fulfilling all current development standards, including the 50 ft setback from Arlington Rd. This requirement, along with the physical site constraints discussed in Item #2 above, effectively prohibits any commercial development involving the current site structure and site configuration.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

**Staff Analysis:**

Arlington Road is an Arterial Street and other commercial uses are present in the immediate vicinity of the subject site. The proposed change of use is not anticipated to cause any significant increase in traffic in the site vicinity. No significant architectural changes are proposed for the exterior of the building. According to the applicant, the exterior of the structure will not be changed and will retain its residential character.

**Attachments:**

1. Aerial Maps from GIS
2. Variance Application
3. Site plans
4. Street views of Subject Site

Jeff DeWitt presented the Board with aerial images, street views, images of the site structures, and a copy of the plans for the proposed development on the subject site. He explained that the site is located in the area of the County governed by the Unified Land Management Ordinance (ULMO). He summarized the Staff Report for this site.

A brief discussion was had regarding commercial properties in the area, parking spaces, flood plain areas and surrounding properties located in the City of Greer.

Chairman Jack Gowan opened the public hearing and asked if anyone was present to speak in favor of the variance. Mr. Gowan recognized Mr. Grant Ketner and Ms. Kishimjan Ketner, applicants, to speak in support of the variance. Both were sworn in. Mr. Ketner explained the structure would be in the floodplain if it were to be moved. He advised that the clinic would be a great benefit for the area with plenty of parking. Ms. Kishimjan showed a picture of the businesses opposite the subject site, across Arlington Road. A brief discussion was had regarding the type of clinic, how many staff and hours of operation. Mr. Gowan recognized Tina Bollinger, realtor, and she was sworn in. Ms. Bollinger advised that the demographic of the area fit their business.

Chairman Gowan asked if anyone was present that wished to speak in opposition of the variance. Hearing none, he closed the public hearing.

After brief discussion, Thomas Davies motioned to approve the variance request to reduce the Front Setback Requirement from the required 50' to 5.8' based on the 4 criteria. Jason Patrick seconded the motion. The motion carried unanimously (7-0) in favor of the variance.

**4. Other Business**

**5. Adjourn**

There being no other business, Thomas Davies moved to adjourn and Kae Fleming seconded the motion. Motion carried with a vote of 7 to 0. Meeting adjourned at 5:07 PM.