



Spartanburg County

Planning and Development Department

Board of Zoning Appeals MINUTES

September 28, 2021

**Members
Present:**

Jack Gowan, Jr., Chairman
Michael Padgett, Vice Chairman
Glenda Brady
Thomas Davies
Kae Fleming
Angela Geter
Jason Patrick

**Members
Absent:**

Marion Gramling
Louise Rakes

Staff Present:

Laurie Oakman, Senior Planner
Jeff DeWitt, Senior Planner
John Harris, 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 Jack Gowan, Jr. called the meeting to order at 4:30 PM.

2. Approval of Minutes August 31, 2021 Meeting

Angela Geter moved to approve the minutes. Michael Padgett seconded the motion. The motion carried with a vote of 7 to 0.

3. Unfinished Business – There was no unfinished business.

4. New Business –

A. Variance Request:

Parr 3 Automotive – 1930 Boiling Springs Rd, Boiling Springs

Tax Map Number: 2-51-00-065.95

1.Variance on Buffer Yard requirements

Laurie Oakman was sworn in and presented the following staff reports:

Variance Requests 1

Staff Report

Parr 3 Automotive			
Meeting Date: September 28, 2021			
Address	1930 Boiling Springs Road, Boiling	Ordinance	ULMO
Factual Dates	Variance Application Received	08/25/2021	
	Deadline for Variance	08/31/2021	
	Public Notice	09/12/2021	
	Adjoining Property Owner Notification	09/13/2021	
	Variance Signs Posted on Property	09/14/2021	
Applicant	Michael Evans		
Applicant Status	Agent/Contractor		
Map Number	2-51-00-065.95		
Acreage	0.55 acres		
Staff	Laurie Oakman		

Request:

The applicant is requesting to reduce the buffer yard from a Class 5 to a Class 2, as per Unified Land Management Ordinance Section 2.02-2 “Bufferyards”

Type	Required Buffer yard	Proposed Buffer yard	Variance
Left Adjoining Buffer Yard	Class 5	Class 2	Buffer yard reduction

Background Information:

Staff has determined that the proposed storage building will be classified as a high intensity

commercial use. Although it is proposed for personal use, the construction drawings submitted in support of this application indicate that it would meet commercial building standards and would be able to be converted to commercial use in the future. The subject site is located directly behind (east of) Parr 3 Automotive, which sells and installs tires and offers various automotive repair and maintenance services. As part of the project, the applicant also proposes to demolish concrete curbing that currently separates the subject site from the adjacent Parr 3 Automotive facility, thus allowing traffic flow between the two properties.

The property fronts on Bellport Drive, with commercial land uses to the north, south, and west. A multi-family housing development is located along the eastern property boundary which requires buffering.

Staff Position:

If granted the buffer reduction 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 applicant states that it is necessary to maintain a 20 ft. buffer/setback along the eastern boundary so there is adequate room to turn into the bays of the proposed building when entering from Bellport Drive. However, the applicant also proposes to demolish existing concrete curbing to allow vehicle access from the Parr 3 Automotive facility to the west of the subject site. Access from the Parr 3 facility would not require any extra room on the subject site to turn into the bays

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

Staff Analysis:

The applicant states that other local businesses have not been required to buffer against residential development. However, the ULMO does require buffering unless the business is already present when the residential development takes place.

- 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:

The subject site is approximately 100 feet wide. A Class 5a buffer is 50 feet wide with vegetative screening. A Class 5b buffer is 25 feet wide with vegetative screening plus either a berm or a six-foot wall. A Class 5c buffer is only 5 feet wide and requires an eight-foot wall. All of the Class 2 buffer yards are ten feet wide, with either vegetative screening or a six-foot fence.

- 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:

The approximately 200 feet of screening required for this site will be the only buffering required on the perimeter of the 9.67 acre residential tract, if the variance request is approved.

Attachments:

- 1. Aerial Map from GIS**
- 2. Variance Application**
- 3. Site plan**
- 4. Frontal view of project site**

Laurie Oakman presented the Board with aerial images, street views, images of the site structure, and a copy of the plans for the proposed development on the subject site. She explained that the site is located in the area of the County governed by the Unified Land Management Ordinance (ULMO). She then summarized the Staff Report for this site. She pointed out that the concrete curbing that separates the current Parr 3 Automotive facility from the subject site would be demolished so that the proposed storage building could be accessed directly from the Parr 3 facility.

Board Member Angela Geter asked Ms. Oakman for clarification regarding the construction of a commercial grade building for personal storage use. Ms. Oakman explained that the original variance and Minor Land Development applications referred to this project as “Parr 3 Automotive Expansion”, and that the structural plans submitted in support of the application were for a commercial grade building. Only after the application was submitted did the applicant communicate to Ms. Oakman that the building was actually intended for personal use. In response to questions from Board members, Ms. Oakman also explained the differences between Class 5 and Class 2 buffer yards. Thomas Davies asked if the demolition of the concrete curbing would effectively join the subject site to the Parr 3 facility, Ms. Oakman explained that this question would be better addressed to the applicant and property owner.

Chairman Jack Gowan opened the public hearing and asked if anyone was present to speak in

favor of the variance.

Mr. Michael Evans was sworn in to speak in favor of the variance. Mr. Evans is the general contractor for this development and is the agent of record for the owner. He stated that the architect that designed the proposed storage building was not specifically instructed to design it to commercial standards – the architect simply assumed it would be a commercial building and designed it as such. He explained that the building is planned for use to store an RV, boat, race cars, and other personal possessions of the business owner. He stated that the owner currently stores these large items in two of the service bays at the Parr 3 Automotive facility located adjacent to the subject site. The business needs the space that is being used for personal storage. Mr. Evans stated that although the structure could be converted to commercial use in the future, Parr 3 Automotive is a family-owned business and that commercial conversion is unlikely. Family members of the owner currently operate and manage this facility, and the business is not likely to be sold in the foreseeable future. Mr. Evans explained that the curbing between the existing Parr 3 Automotive facility to facilitate backing a 34-foot RV into the new building. He also asserted that numerous other commercial establishments are in operation on the perimeter of the residential development and do not have buffer yards. He explained that since no business operations will be carried out on the rear of the proposed storage building and there are no openings on the rear of the building, the structure itself will serve as a visual buffer against the adjacent residential development. The structure will be approximately 20 feet tall, which provides more buffering than the eight-foot tall wall that could be installed as a Class 5 buffer.

Board Vice-Chair Michael Padgett noted the presence of a large number of parked vehicles on the subject site that were visible in the site photographs shown in the staff report. He asked what will happen to those vehicles when the new structure is built, and expressed his concern that the subject site could turn into a junkyard. At this time, the subject site owner, Mr. Norman Parr, was sworn in so that he could address this question. *(NOTE: Mr. Parr did not sign the Public Hearing Sign-In Sheet, but was recognized by the Chair to speak in support of the variance request.)* Mr. Parr stated that the vehicles shown in the photographs were from customers that had abandoned the vehicles due to the cost of repair. Mr. Parr stated that these vehicles will be removed and that the subject site would not be used for vehicle storage in the future. Mr. Parr emphasized that the height of the building were provide a more effective visual screen for the adjacent residential development than the buffers required by the ordinance.

Chairman Jack Gowan asked if anyone else wished to speak in favor of the variance. Hearing none, he asked if anyone was present to speak in opposition of the variance.

Hearing none, he closed the public hearing.

The Board discussed the request among themselves.

Jason Patrick moved to approve the variance request for a reduction in the Buffer Yard requirements from a Class 5 to a Class 2, based on the determination that the combination of the proposed building, the existing buffer provided by the residential development, and requested Class 2 buffer yard will fulfill the requirements of buffer yards as expressed in Section 2.02-2 of the ULMO and fulfills 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) as expressed in the Staff Report. Thomas Davies seconded the motion. The motion carried with six (6) votes in favor (Glenda Brady, Thomas Davies, Kae Fleming, Jack Gowan, Michael Padgett and Jason Patrick) and one (1) vote against (Angela Geter).

4. Other Business - None

5. Adjourn

There being no other business, Thomas Davies moved to adjourn and Angela Geter seconded the motion. Motion carried with a vote of 7 to 0. Meeting adjourned at 4:57 PM.