



## June 22<sup>nd</sup>, 2021 Board of Zoning Appeals Meeting Minutes

### **Call to Order**

The meeting of the Board of Zoning Appeals was called to order at 5:35p.m., by Vice-Chairperson Jeremy McKinney.

### **FOIA**

The Zoning Administrator read the Freedom of Information Act. Notice of the meeting with an agenda was publicly posted, published and forwarded to the media no less than 24 hours prior to adjournment.

### **ROLL CALL**

Conducted by Planning & Zoning Administrator and quorum was present

### **Present:**

Jeremy McKinney  
Cecil Hutcherson  
Tony Axsom  
Jerry Allen Taylor

### **Absent:**

John Wells

### **Review and Approval of the May 25<sup>th</sup>, 2021 Minutes**

Vice-Chairperson, McKinney, asked for a motion on the minutes of May 25<sup>th</sup>, 2021, to be approved. Cecil Hutcherson made a motion, and was seconded by Tony Axsom, and the board voted unanimously to approve the previous minutes.

## New Business

### Public Hearing on Variance Application

Variance application 2021-05-20

Henry Kirchner of Mark III Properties, LLC on behalf of the property owner, Mary Elizabeth Fant requested a variance from the side yard setback requirement of 10' to 5' in a RPH Zoning Classification (Single-Family Patio Home Residential District) for the proposed Stanford Village Subdivision. Property located at Holly Springs Road and west of Inman Road. Waverly Wilkes, Engineer with Gray Engineering, provided a presentation to the board. Ms. Wilkes explained to the board the proposed development is a unique project in that it is being split into two separate zonings, townhomes and single family homes. Ms. Wilkes explained to the board that the Council changed the requirement for side yard setbacks in the RPH zone several years ago from 5' to 10' side yard setbacks. She mentioned to the board that the request for the 5' variance for all lots was for the ease of the developer to develop the homes. However, not all lots will have a 5' setback. Ms. Wilkes stated that the builder is requesting a 40' building pad to build the proposed home product. Ms. Wilkes also stated the Spartanburg County allows for a 3' side yard setback. She mentioned that other properties had been accepted with 5' side yard setbacks within the town as well as in other cities in the past. Mr. Axsom asked Ms. Wilkes how many lots would be reduced if the 10' setback would be provided. Ms. Wilkes stated that approximately 15 lots would be reduced. By reducing the building pad size the house product would be smaller and the price of the home would be less. Henry Kirchner, representative for Mark III Properties came up and spoke to the board regarding the variance request and the effects of having a 10' side yard setback vs a 5' side yard setback. The home product the builder would use is a 40' building pad with a 5' side yard setback and a 30' pad for a 10' setback. With a 10' side yard setback there would be an approximately \$30,000 reduction in the selling price.

Mr. Purchase presented the staff report to the board. He stated that staff is recommending denial of the variance based on insufficient evidence of a hardship unrelated to financial gain or loss. Mr. Purchase read the ordinance to the board regarding the basis for granting a variance and a hardship. Mr. Purchase explained to the board that the developer could reduce the number of lots and increase the size of the lots to provide for larger homes. Mr. Kirchner mentioned to the board that there would be two options. Have a 40' building pad with a 5' side yard setback or reduce the number of lots and provide a 30' pad with a 10' side yard setback. Ms. Wilkes addressed the board and stated that the topography of the development is part of the hardship due to the location of the sewer lines being in front of the lots vs the rear of the lots and the configuration of the wetlands.

Vice- Chairperson, McKinney opened the meeting to the general public. Resident Andrew Karas spoke in disfavor of granting the variance. Stated he believes there is

no hardship and the only reason the developer wanted a variance was to make more money and to have more homes. Resident Donnie Solesbee spoke and also was not in favor of the board granting the variance. He questioned if the variance was to allow a 5' setback from his property. Mr. Purchase said the setbacks were from the individual homes and not the property line of the subdivision. Vice-Chairperson McKinney closed the public hearing and asked the board if they had any questions. Tony Axsom questioned as to when did the ordinance change, regarding the Patio Homes. Mr. Purchase said the ordinance changed in 2019 or 2020. Jerry Taylor told the board that we have a 10' setback in our ordinance for a reason. He stated that he is not in favor of setting a precedent in granting a variance for all the lots. He would be in favor if it was for one or two lots. Mr. Taylor made a motion to deny the variance request and was seconded by Cecil Huthcherson and all were in favor.

### **III Adjourn**

Vice-Chairperson, McKinney made a motion and was seconded by Cecil Hutcherson and all were in favor to adjourn the meeting at 6:21PM.