

**Meeting Minutes of the Board of Zoning Appeals
Tuesday, March 14th, 2023, at 5:15 PM
City Hall Council Chambers**

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, March 14th, 2023, at 5:15PM with the following members in attendance: **Brian Murdoch, McKay Moore, Dominique Dawkins, Brian Cohen and Darren Matz.** Representing for the Planning Department is **Nan Zhou, Planner I, Tia Keitt, Planner II, Martin Livingston, Neighborhood Services Director and Oksana Holbrooks, Administrative Assistant.**

Brian Murdoch: It's 5:15 now, and we'll begin our City of Spartanburg Board of Zoning and Appeals March 14, 2023 meeting, so we will call to order. Let's go around first and if each member of the board, starting with Brian, would state your name and that you're here.

Roll Call:

Mr. Cohen: Brian Cohen. Forensic.

Mr. Murdoch: Brian Murdoch.

Mr. Matts: Darren Matts.

Ms. Dawkins: Dominique Dawkins.

Ms. Moore: McKay Moore.

Mr. Murdoch: Thanks, everyone. In accordance with the Freedom of Information Act compliance, public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the requirements of the City of Spartanburg Zoning Ordinance. Hopefully everyone had a chance to already take a look at the agenda, is there anything that looks like it needs to be changed or amended?

Mr. Matz: I had sent some comments earlier to Martin on the notes from the last meeting.

Mr. Murdoch: Okay, wonderful.

Mr. Cohen: I need to enunciate better, because some of what I said is interpreted a different way, but I did.

Mr. Murdoch: All right, but the agenda that we're going to look at tonight, any changes or anything? If not, can I get a motion to approve the agenda?

Approval of Agenda:

A motion was made by Mr. Matz, seconded Ms. Dawkins to approve the agenda. The motion was approved with a vote of 5-0

Mr. Cohen: Motion to approve tonight's agenda?

Ms. Moore: Second.

Mr. Murdoch: Second, all in favor?

Attendees: Aye.

Mr. Murdoch: Thank you. Next, the approval of the minutes, I think we had some comments on that, hopefully all that's been taken care of. Could we get a motion to approve the minutes from last meeting?

Approval of Meeting Minutes from December 13th, 2022.

A motion was made by Ms. Moore seconded Mr. Matz to approve the meeting minutes. The motion was approved with a vote of 5-0.

Mr. Livingston: Hold on for a second Brian you said you had some comments.

Mr. Cohen: Yes.

Mr. Livingston: Do you have those.

Mr. Cohen: I do.

Mr. Livingston: You do? Can you state what they were?

Mr. Cohen: Yes. It's the same for page. On page 18. For when I said "So my concern is and then the next comment that I made.

Mr. Livingston: That's all on the same page?

Mr. Cohen: Yes. On page 18.

Mr. Livingston: Okay.

Mr. Murdoch: Wonderful. Can I get a motion to, would those, slight changes approve the minutes?

Ms. Moore: I move we approve the minutes for changes?

Mr. Murdoch: With changes, thank you. Can I get a second?

Mr. Murdoch: All in favor say aye.

Attendees: Aye.

Old Business: None.

New Business:

Mr. Murdoch: We'll move on. Old business doesn't appear there's any old business to be considered. New business City of Spartanburg Board of Zoning and Appeals received a request for a variance to the front yard. Setbacks for sign located at 468 East Main Street Zone DT-5 in downtown Design District, owner Southern Bank. And so, we have I think. Representation from the bank and assigned company said "Thank you." We'll, first, speak to our city Planner.

VAR 23-002-00001 The City of Spartanburg Board of Zoning Appeals has received a request for a variance to reduce the monument sign setback requirement from 10 ft to 5 ft due to the limited land available to set the sign perpendicular to E. Main St. The subject parcel is located at 468 E. Main St. (TMS # 7-12-11-048.00) and is currently zoned as DT-5 (Downtown Urban District). Landowner: Southern Bank; Applicant: Nichole Blackmon Lee, Tyson Sigh Company

Ms. Zhou: My name is Nan Zhou, and I'm working with the City Planning Department. Good evening everyone.

Mr. Murdock: Good evening.

Mr. Murdoch: Could you, could you raise your hand?

Ms. Zhou: Yes, I swear or will tell the truth.

Ms. Murdoch: Thank you.

Ms. Zhou: Shall I start?

Mr. Murdoch: Please.

Project Description and History

The project sites are approximately 16,047 square foot (0.359 acres) lot located in the DT-5, Downtown Urban District. The project site abuts E. Main St. to the south and Galbraith St. to the east. The Applicant is seeking a variance to reduce the freestanding monument sign setback requirement from 10 ft to 5 ft due to limited land available to set up the sign perpendicular to E. Main St.

Analysis

Zoning Ordinance Consistency

The project site has a zone designation of DT-5, Downtown Urban District. **Table 3.1.4 Use Standards by Zone** of the City of Spartanburg Downtown Zoning Code outlines the permitted uses in the Downtown zoning areas. Banks, Credit Unions, and Financial Services uses are principally permitted. However, since the applicant is seeking a reduction for the setback requirement prescribed in:

9.5.2 General Standards:

A. All Monument/Post & Arm signs shall be located a minimum of 10 feet behind the street right-of-way.

A Variance is needed and may be granted by the Board of Zoning Appeals. Variances may only be granted in the instances listed in Section 603.4. Section 603.4 lists nine particular instances in which the Board may grant a Variance. Of these nine, only one is applicable to this project;

Section 603.4(2): *To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official.*

The Board must utilize **Section 603.3(A)(2)** and determine if the proposal meets all the criterion for approval. To hear and decide appeals for Variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A Variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other properties in the vicinity;

- c. 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; and
- d. The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.

In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Findings

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

The structure was built in 1969 as a retail store. The original placement of the structure is very close to E. Main St. The building was later remodeled by Southern Bank. Bank. Because of the original placement of the building that was so close to the front property line, it limits the area to install a monument sign perpendicular on E. Main St. Per the applicant's statement, "the sign that was originally installed in front of this building was even much closer to the sidewalk like many of the other signs along the street currently. The old foundations are still visible, proving that the setback was less than 10 ft during the original development."

b. These conditions do not generally apply to other properties in the vicinity;

In the vicinity, the structure to the left of the project site was also built very close to the front property line and has a freestanding pole sign that is closer to the road. The applicant stated that "the bank is asking to align their new monument sign in keeping with others along this street where buildings are built closer to the road and room is limited for freestanding signs. The difference is that this parcel is being redeveloped and needs a new monument sign while others along this street are existing and more than likely have non-conforming signs." It is typical for commercial buildings and offices to have freestanding signs closer to the road along this portion of E. Main St.

c. 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; and

Southern Bank would not be identified and difficult to find from E. Main St. without a monument sign perpendicular to E. Main St. for vehicular traffic to see easily and slow down to turn into the bank safely.

d. The authorization of a Variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the Variance.

The character and appearance of this property is going to be greatly enhanced by remodeling of this old building and by installing a new monument sign that meets the square footage and height per the current City code. Currently, the building setback is only 13 ft from the sidewalk. If this is a new development, then there should not be any problems with meeting the City Zoning Ordinance. Being able to have a monument sign sitting in front of the building is crucial to the bank's success and to its customers' safety. Given the fact that all surrounding businesses are having freestanding signs built closer to the road, allowing Southern Bank to have a monument sign aligning with other existing freestanding signs will not post any substantial detriment to the

adjacent properties or to the public good, and the character of the district will not be harmed by the granting of the Variance.

e. In granting a Variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

On March 14th, 2023, the Board of Zoning Appeals may act to approve the request of reducing the freestanding sign setback requirement from 10 ft to 5 ft for Southern Banks, or to approve with conditions, or to table the matter to the next meeting in need of more information, or to deny this request. In the event the Board finds that the Variance finding can be met and the project approved, conditions of approval are attached to this report.

Summary and Recommendation

The proposed project meets all the required Findings for approval of the Variance. Staff recommends approval based on the Findings listed above

Ms. Zhou: So tonight we are looking at a veterans request. Coming from Southern Bank, located at 468 East Main Street. As you all read my staff report. So tonight the variance request actually is about the reduction minus sign setback requirement, a front 10 feet to five feet and due to limited land and availability to set up a sign, perpendicular to East Main Street, as you all, noticed that this Southern Bank located in the Downtown Urban District. So looking at the downtown code, it says that on sign, our monument posts and arm sign shall be located a minimum of 10 feet, behind the street, right of way. And then this is the, downtown code. So this one actually comes from, one out of nine, the instances where people can apply for a variance. So for tonight, only the second one is, fit for this scenario, which is to permit the reduction of any required setback, being in compliance with all applicable, building and a fire codes and a subject to review by the building of official.

And then, so in order to consider the approval or disapproval. This variance, we are looking at five different criteria. So the first one is there are extraordinary and exceptional conditions pertaining to the particular piece of the property. So in my staff report, I did write as the structure was built 1969 as a retail store, the original placement of the structure is very close to the East Main Street as the picture can show it right now. This is a zoning map, so as you can see from the aerial photo, this building was filled very close to the property line and this is the East Main Street. And then, the building was later remodeled by Southern Bank because of the original placement of the building that was so close to the front property line, it limits the area to install a modern sign perpendicular on East Main Street per the applicant's statement.

The sign that was originally installed in front of this building was even much closer to the sidewalk. Like many of the other signs along the street. Currently, the old foundations are still visible providing that the setback was less than 10 feet during the original development. And then, so let's look at the second criteria is these conditions do not generally apply to the other properties in the vicinity. So in the vicinity, as I walked around the property, the structure to the left to the structure to the left side of this project was also built very close to the front property line, and it has a first and pole sign. That is right here actually. Yes, it's right here. So this is the priority that is to the left side of our project side.

And then, the applicant has stated that the bank is asking to align their new sign in keeping with others along this street where viewings are viewed closer to the road, and a room is limited for free spinning signs. The difference that this person is being redeveloped and needs a new modern sign while others along the street are existing and more than likely have nonconforming signs. And it is very typical for commercial buildings and offices to have freestanding signs closer to the road along this portion of the East Main Street. I'll show you more pictures as I go through the PowerPoint. And then the third criteria is, because of these conditions the application of the ordinance to the particular piece of this property would effectively prohibit unreasonably restrict the utilization of the property.

So the southern vendor will not be identified and difficult to find from East Main Street without a minor sign perpendicular to East Main Street for traffic to see easily and slow down to turn into the pen safely. And then the fourth criteria is the authorization of a variance will not be of substantial detriment to adjacent property or to the public good. And the character of the district will not be harmed by the renting of the variance. So the character in appearance of this property is going to be greatly enhanced by remodeling of this old building and by installing a new monument sign that meets the square footage and a height per the current city code.

Currently, the building setback is only 13 feet from the sidewalk. If this is a new development then there should not be any problems with meeting a city zoning ordinance, being able to have a modern sign sitting in front of the building is crucial to the bank's success and to its customer safety. Given the fact that all surrounding business, as we can see from the picture, this is the right side from the property to the right side, from our product side. And that as we can see it also has a freestanding sign that is built much closer to a road. And then, so this is the property side right across from the project side, which is College Inn, and their pole sign is also built closer to the road. And then as you go further down to I believe this is the Wofford College.

And then their freestanding sign is also closer to the road. So given the fact that all surrounding businesses are having freestanding signs built closer to the road, allowing Southern Bank to have a modern sign aligning with other existing freestanding signs will not post any substantial detriment to the adjacent or to the public good. And the character of the district will not be harmed by the of the barriers. I also found. So this is actually this sign is actually located at the rear. If you go down from that street, what is the street name? It is.

Ms. Zhou: It's on Galbraith Street. So this freestanding monument sign that's actually also to close to the road. And then, so, the last item that the board is to look at is in granting of variance the board may attach to as such conditions regarding the location, character, or other features of the proposed building structure or use as the board may consider, advisable to protect, establish the property values in a surrounding area or to promote the public health, safety, or general welfare. So on March 14th 2023, which is today, a Board of Zoning Appeals may act to approve the request of reducing the freestanding sign setback requirement from 10 feet to five feet to for Southern Bank or to approve with conditions or to table the matter to the next meeting in need of more information or to deny this request.

So in the event that the board finds that the variance finding can be met and the project approved, the conditions of approval are attached to this property. So based on staff observation and by looking at all the adjacent properties, so this is attached to the package is also their proposed look of the design, which is nice. And then this is their proposed location of the sign is right here. Based on the finding staff concludes the and recommends approval of the variance request of

reducing amount of signs that have requirement from the original 10 feet requirement to five feet due to a limited lens availability. Thank you.

Mr. Murdoch: Wonderful. Thank you. Does anyone on the board have any questions?

Mr. Matz: Okay, just one clarification question. The rule that we're talking about, is it measured from the street?

Ms. Zhou: No, it's measured from the lot line from the property line.

Mr. Matz: Okay. Because it says here 10 feet behind the street right away.

Ms. Zhou: Yeah. So the right of way means the sidewalk.

Mr. Matz: Means the sidewalk. Okay. That's what I was just making sure I understood. Okay, thank you.

Mr. Murdoch: Any other questions? No, sir. Thank you.

Ms. Zhou: Thank you.

Mr. Murdoch: Well, next ask of our applicant who would like to, anyone like to speak you.

Jay: Be happy to answer any questions.

Mr. Murdoch: For the record. Let me get your name, address, and your affiliation.

Mr. Hujik: Jay Hujik. I'm the CEO of Southern Bank reside at 399 Connecticut Avenue Spartanburg, South Carolina 29301.

Mr. Murdoch: Wonderful. Please raise your right hand. Promise to tell the truth?

Mr. Hujik: Yes. Thank you. I be happy to answer any questions anybody has. Tried to design a sign with the building city's is trying to build in that growing area in an improvement. Just identification.

Mr. Murdoch: Done a good job. How much longer do you think on the building construction?

Mr. Hujik: We're hoping to be open in April.

Mr. Murdoch: Fantastic.

Ms. Moore: Can I see the, the schematic with the sign?

Mr. Hujik: Sure.

Ms. Moore: Do you know how big it is? Like the dimension, like how wide and tall?

Mr. Murdoch: Please come on up and tell us your, name, address, affiliation.

Ms. Jenkins: Hi, Debbie Jenkins, Tyson Sign Company Myrtle Beach, South Carolina.

Mr. Murdoch: Okay.

Ms. Jenkins: And I swear to tell the truth.

Mr. Murdoch: Thank you.

Ms. Jenkins: Okay.

Ms. Moore: I just couldn't read for sure and I just wanted to get a mental picture.

Ms. Jenkins: So we were advised that we have a 20 square foot sign. So the face of the sign is four high, five wide overall, and then on a one foot brick pedestal for overall height of five feet.

Ms. Moore: Okay.

Mr. Murdoch: Any other questions?

Mr. Cohen: Just for educational purposes. You just explained Debbie right?

Ms. Jenkins: Yes.

Mr. Cohen: Ms. Debbie, you just explained why did you do five feet?

Ms. Jenkins: Well, we were allowed 20 square feet and this is the style sign we've used at other branches of bank. I do believe five feet max might be the code allowance for monument sign. So, this is enough height to be effective and so I do believe it's all driven by code.

Mr. Cohen: And it's in uniform with other locations. Okay.

Ms. Jenkins: There's a new branch in downtown Greenville that has this very sign, and what's nice about this sign even though it's internally illuminated it's dark blue background is opaque at night and only the letters and logo light up. So it's a real elegant, soft look at night.

Mr. Cohen: I was asking for educational purposes. And I like the fact that you all are trying to stay in line with what's in that area. So, thank you.

Mr. Murdoch: Any other questions?

Ms. Moore: Okay. I might, on page 337, where it talks about the, in the DT-5 zoning, I want to make sure I'm right because I'm probably wrong. It says, monument signs are 16 foot total?

Ms. Zhou: This one right here

Ms. Moore: Or 16 square feet total of 32 square feet? And it's a five foot maximum height, but I would hate for it not to.

Ms. Jenkins: So the face of the sign is not 5 wide, that's my bad for saying that. The trim at the top it spills over is the 5 foot wide.

Ms. Moore: Okay.

Ms. Jenkins: We proposed this and put this together so long ago. My eyes aren't good enough to see my dimensions on screen, but the face, I do know means code.

Mr. Murdoch: Okay.

Ms. Jenkins: The blue face. Now the trim is where you're getting that extra bit.

Ms. Moore: That's why I'm asking.

Mr. Matz: Yeah, it looks like it's four by two seven.

Mr. Murdoch: I believe from the...

Mr. Matz: It's 4 foot 4 by 2 foot 7.

Ms. Moore: And that's what's in the code?

Mr. Matz: That's what the sign is.

Ms. Moore: Okay.

Mr. Matz: Yeah.

Mr. Hujik: So the, he's saying it's 12.

Mr. Matz: Yeah. Yeah, you do the math. It's under about 16.

Mr. Hujik: 16.

Ms. Moore: Okay. Good job, Darren. I couldn't read those numbers. What did they say? You're getting old.

Mr. Murdoch: Good.

Ms. Jenkins: Thank you. And I apologize, I was looking at the overall dimensions, not the face.

Ms. Moore: Okay. Okay.

Ms. Zhou: It was on her version. It has the 16 square foot and that 32 was in the highest so that's why.

Ms. Moore: I just wanted to make sure. Okay.

Mr. Murdoch: Any other questions? Well, thank you for presenting that. Okay. There's no other questions. We need to make a motion to open up a meeting for public comments.

Mr. Cohen: I'll make a motion to open up for public comments.

Mr. Matz: Second

Ms. Moore: Second.

Mr. Murdoch: All in favor.

Attendees: Aye.

Mr. Murdoch: Okay. So I do not believe that we have anyone for public comments. So we're going to close this public hearing comment period. I need a motion to do that.

Ms. Dawkins: Make.

Ms. Moore: Go ahead.

Ms. Dawkins: Make a motion to close public comment, period.

Ms. Moore: Second.

Mr. Murdoch: Second. All in favor?

Attendees: Aye.

Mr. Murdoch: Okay. So all the speakers have been allowed to speak. We've allowed for any time for public comment. At this time, we can request a motion. Well make sure.

Mr. Livingston: To board deliberate

Mr. Murdoch: That's right, so we can deliberate any questions that we have, any matters to discuss.

Ms. Dawkins: I appreciated your question. I have a quick question are we going to discuss the conditions of approval? It's page, just my page. There's no page numbers right after Nan's staff report.

Ms. Zhou: It's very general

Ms. Dawkins: Very general. Okay.

Ms. Zhou: Very general conditions.

Mr. Murdoch: So that will attach anyway?

Ms. Zhou: Yeah.

Mr. Murdoch: General Conditions.

Ms. Zhou: That one that attach to whatever approved is approved, we attach that.

Ms. Dawkins: Okay. Thank you. Okay. I have no questions.

Mr. Murdoch: No questions? Deliberations. Okay. So, if anyone would like to make a motion to approve, deny or table for the next meeting. The request.

On a motion by Mr. Matz, seconded by Ms. Moore for a variance of sign placement was approved by a vote of 6 to 0.

Mr. Matz: I'd like to make a motion to approve the variance, the reduction setback, to 5 feet.

Ms. Moore: Second.

Mr. Murdoch: Second. All in favor?

Attendees: Aye.

Mr. Murdoch: All right. All opposed? Okay. Next item on the agenda, Mr. Livingston.

Mr. Livingston: Thank you, Mr. Chairman. Members of the board. We don't have any other, we did want any additional items. We did want to let you know that we're still working on a board continuing education, items. We're working with the Appalachian Council of Government to have classes here as Spartanburg for orientation as well as continuing education. So that way if you don't want to travel outside Spartanburg, you can attend one of these two sessions to get the opportunity to get continuing education from the Appalachian Council Government. We were originally going to do it April 28th, however, that's the date of Spring Fling and so we're moving the day back. We're trying to make sure that it counts towards your coming year certifications and so we'll try to schedule a date where it meets that.

Mr. Murdoch: Okay. Thank you.

Mr. Livingston: Most boards are usually approved in June by council, and so we may end up doing it at the end of June or July sometime around there.

Mr. Murdoch: Thank you.

Mr. Livingston: I'll answer any questions you may have.

Mr. Cohen: Well, I'm making the assumption that because you were sitting on the board then, how certification from last year was approved.

Mr. Livingston: Yes. Certification from last year, if you took classes, you should be approved until June and then sometime after July, I was supposed to get new certifications. But most board members start serving, I think the first time around June or July. We're trying to get classes so that it counts towards the next year. Once we set those classes, Appalachian Council Government, will get you signup sheets so that you can, sign up and then we'll also provide some type of lunch. Typically, the times of classes are at 5:30, so one is three hours and one is an hour and a half.

Mr. Cohen: Did they send out certificates to you all from previous attendance? Because I think I think I went to one of them in December maybe.

Mr. Livingston: Yes, I think they did.

Mr. Cohen: I'm just asking so I can have it for my records to make sure that. Because I'll forget sometimes.

Mr. Livingston: We'll check.

Mr. Murdoch: All right. So we appreciate everyone's participation tonight. We appreciate our, folks from Southern Bank and, if nothing else, if nothing further, could we get a motion vote to end the meeting?

Ms. Moore: Adjourn? I bid we adjourn.

Ms. Dawkins: Second.

Mr. Murdoch: All right. Second, All in favor?

Attendees: Aye.

The meeting was adjourned at 5:40 PM.



Brian Murdoch, Vice Chairman