

**Meeting Minutes of the Board of Zoning Appeals
Tuesday, June 13th, 2023, at 5:15 PM
City Hall Council Chambers**

The Board of Zoning Appeals met in City Hall Council Chambers on Tuesday, June 13th, 2023, at 5:15PM with the following members in attendance: **Brian Murdoch, McKay Moore, Brian Cohen, Dr Devron Dennis, Darren Matz, and Don Bramblett.** Representing for the Planning Department is **Martin Livingston, Community Director, Nan Zhou, Planner I, Tia Keitt, Planner II, and Oksana Holbrooks, Administrative Assistant.**

Mr. Bramblett: Okay. I'd like to welcome you all for coming. This is a Board of Zoning Appeals meeting and my name's Don Bramblett. I'm Chairman and we have six of our lead to record note. We have six of our seven board members here present tonight. Excuse me, I got a little bit of allergy problem. This is June 13th, 2023. I'm going to read a Freedom of Information Act Compliance public notification. 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. The first act we have is approval of the agenda.

Roll Call:

Ms. Moore: McKay Moore.

Mr. Matz: Darren Matz.

Mr. Murdoch: Brian Murdoch.

Mr. Bramblett: Don Bramblett.

Dr. Dennis: Devron Dennis.

Mr. Cohen: Brian Cohen.

Mr. Bramblett: Okay. All right. Now we'll entertain a motion to accept the agenda for the evening.

Approval of Agenda:

A motion was made by Ms. Moore, seconded Dr. Devron to approve the agenda. The motion was approved with a vote of 6-0

Ms. Moore: Move the approved, the evening's agenda.

Mr. Bramblett: Okay.

Mr. Murdoch: Second.

Mr. Bramblett: Second? All right. All in favor?

Attendees: Aye.

Mr. Bramblett: All right. If you had a minute to go over the minutes from last meeting, I entertain a motion to accept that, or listen to the changes that need to be noted.

Approval of Meeting Minutes from May 9th, 2023.

A motion was made by Ms. Moore seconded Mr. Matz to approve the meeting minutes. The motion was approved with a vote of 6-0

Ms. Moore: And we accept the minutes with changes that Oksana has made.

Mr. Bramblett: Okay. All right. Do we hear second?

Mr. Matz: Seconding.
Mr. Bramblett: All approved?
Attendees: Aye.

Old Business: None.

Mr. Bramblett: Okay. I don't think we have any old business. Looks like we have three new items tonight for our consideration. First business is VAR-23-020-0005, the City of Spartanburg Zoning Appeals has received a request for variance to the minimum lot size requirement for development on Caulder Avenue. Okay.

New Business:

VAR-23-00200005 The City of Spartanburg's Board of Zoning Appeals has received a Variance request to the minimum lot size requirement for a development Caulder Avenue Duplexes located at Caulder Ave. (TMS # 7-16-08-078.00; 7-16-08-079.00; 7-16-08-080.00; 7-16-08-081.00; 7-16-08-082.00; 7-16-12-002.00; 7-16-12-003.00; 7-16-12-004.00; 7-16-12-005.00; 7-16-12-006.00; 7-16-12-007.00); with a zoning designation of R-12 (General Residential District). Owner / Applicant: Spartanburg Housing / Agent: Paul Mills, Site Design Inc.

Project Description and History

The project sites are approximately 150,218 square foot lots located in the R-12 (General Residential District) zone. The project site abuts Caulder Avenue to the southeast boundary. The project site is surrounded by R-12, General Residential District, across from Caulder Ave., R-6, General Residential District to the west side of the project site, and R-15, Single Family Residential District to the north side of the project side.

The applicant/agent is proposing to build 24 affordable duplex housing units on the lots. However, due to the requirement of Group Housing Project Minimum Project Area – 4 Acres or more (R-12), the current lots' total square footage is 3.95 Acre, and the owner does not own the adjacent surrounding lots. Therefore, a request of reducing the minimum project area down from 4 acres to 3.95 acres is needed in order for the applicant/agent to accomplish the affordable housing project.

Analysis

Zoning Ordinance Consistency

The project site has a zone designation of R-12, General Residential District. **Section 302.2 R-12 General Residential District Uses Permitted by Right** of the City of Spartanburg Zoning Ordinance, R-12, General Residential District, does allow for two family and multi-family dwellings.

However, given the available size of the land for the development of the proposed project, the applicant is seeking a minimum project size reduction variance for group housing projects. A Variance may be granted by the Board of Zoning Appeals to the minimum size standards required in the ordinance. 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, two are applicable to this project;

Section 603.4 (1): To permit any yard less than the requirements of this Ordinance.

Section 603.4 (3): To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width.

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.
- 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.

Findings

1. ***There are extraordinary and exceptional conditions pertaining to the particular piece of property –***
Currently, the total combined square footage of the parcels is 3.95 acres which falls short of the required 4 acres for minimum group housing projects by 0.05 acres. The owner of these parcels does not own any of the adjacent surrounding lands, prohibiting them from recombining additional lands from the surroundings to make up the shortage of 0.05 acres.
2. ***These conditions do not generally apply to other properties in the vicinity –***
Properties located to the west side of the proposed project site are zoned R-6, General Residential District, and properties located to the northeast of the proposed project site are zoned for R-15, Single Family Residential District. If the proposed project parcels are zoned as R-6, General Residential District, then it would meet the minimum project areas required by the Zoning Ordinance.
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; and –***
By granting the reduction of minimum project area for group housing projects, it will allow the landowner to accomplish building 24 affordable duplex housing units on these parcels. Otherwise, the proposed project cannot be developed with the desired number of affordable housing units.
4. ***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–***

No substantial detriment or harm will be caused to the general public good. The character of the district will not be harmed by the granting of the Variance since the neighborhood will still remain as residential uses. Furthermore, the total area of the proposed project area is 3.95 acres which is equal to 98.75% of the required area, 4 acres.

5. 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—

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. The Board may choose to approve or amend them based on the outcome of this proposal.

Ms. Zhou: Good evening, member. My name is Nan Zhou and I work with the Planning Department. So, tonight it's my pleasure to present this case. So, tonight we're looking at Board of Zoning Appeals Variance requests coming from Caulder Avenue. So the Variance request is about, there is a development called Caulder Avenue Duplexes Development. And then, so what they are requesting is they are requesting to permit any yard less than the requirements of this ordinance. And on top of this, they also qualify for to permit the use of the lot or lots for use, otherwise prohibited solely because of the insufficient area or width of the lot or lots. But in no event shall the respective area and the width of the lot or lots be less than 80% of the required area width. So these are two out of nine variances that the Board of Zoning Appeals can possibly consider. So tonight we're looking at five criteria where within which you can make a decision out of this.

The first one is there are extraordinary and exceptional conditions pertaining to the particular pieces, the property. As you read through my analysis, right now, the total combined square footage of the parcel is 3.95 acres, which falls short of the required four acres for minimum group housing projects by 0.05 acres. And then right now because right now based on the current zoning ordinance for our R-12, Group Housing Development, the minimum lot requirement is four acres, right? And right now this lot is 3.95 acres. So, and because of this, the owner of these parcels does not own any of the adjacent surrounding lands prohibiting them from recombining additional lands from the surrounding to make up a shortage of the 0.05 acres. And then the second criteria we're looking at is these conditions do not generally apply to other properties in the vicinity.

So, as you can see, this zoning map properties located to the west side of the project site are zoned R-6, General Residential District. And the properties located to the northeast of the proposed project site are zone R-15, Single Family Residential District. So if these pieces of properties are zone R-6, then they would meet the requirement. Right now, they are zoned for R-12. So that is the condition that do not generally apply to the other properties in the vicinity. And then the third criteria is because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit, or reasonably restrict, the utilization of the property. So based on staff analysis, by granting the reduction of minimum project area for group housing projects, it will allow the landowner to accomplish building 24 affordable duplex housing units on these parcels. Otherwise, the this project cannot be developed with the desired number of affordable housing units.

And then, the next one is the authorization of the 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

granting of the variance. So just by looking at the adjacent properties, staff don't believe that there will be extremely harm or detriment to the adjacent property. And then the character of the district will not be harmed by the renting of the variance. I'm sorry. So this is the area photo of the property site, since the neighborhood will still remain as residential uses. Furthermore, the total area of the proposed project area is 3.95 acres, which is equal to 98.75% of the required area, which was four acres. So the last item, not the item, the last criteria we're looking at is in granting of area, 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.

So in the event that the board finds that the variance finding can be met and that the project approved conditions of approval are attached to this report, the board may choose to approve or amend them based on the outcome of this proposal. So next I will just go over some side pictures. As I mentioned, this is the zoning map and then this particular land, these are all zoned for R-12. This is the area photo of the pieces of land. So this is the front look of the project site and here actually is the road lead to here, but it's because it's wooded so you can't quite clearly see that. And this is from the side view of this project area.

And this is the property to the left and this is the immediate surrounding of the project site. And this actually is the rear, or it's the pieces of land, right across from the project site. And this is also the house that standing right around this area. And this is another look across from the street. Okay. And this is their preliminary housing development site plan just before you to take a look, and then the layout of the duplexes will be like this, line up with the cul-de-sac. So based on the findings that concludes and recommends approval of the Variance request of reducing the minimum lot size requirement for R-12 of the housing project for this project to be affordable housing duplexes on the lots. So that's it. Do you have any other questions?

Mr. Bramblett: Thank you. Do we have questions from the board? I have a couple questions. The first one is on page 44, we got a picture of like a cul-de-sac.

Ms. Zhou: Yes.

Mr. Bramblett: Turnaround area.

Ms. Zhou: This one?

Mr. Bramblett: It's just a straight street, but then on page 55, it's a T-shaped street.

Ms. Zhou: This one?

Mr. Bramblett: Yeah. See the street coming off Caulder has a little piece that juts out to the left, so which one would it be?

Ms. Zhou: Well, these may created based on the design of the 24 units. This may due to the layout of the house. I mean the engineer, they are here, and then you may ask questions to them about this question.

Mr. Bramblett: Okay. Yeah, because we need to know whether the street proposed on page 44 is the one they're asking for the variance on, or is it street proposed on page 55?

Ms. Zhou: No, I believe that this is the cul-de-sac and this is just the hammerhead is created maybe for the firetruck access or ingress or at egress.

Mr. Bramblett: Okay. Okay. Thank you.

Ms. Zhou: Yeah.

Mr. Matz: I actually have one questions. These properties are working the road back here. I guess they're closed off right, or isolated, what I'm looking at. Is there access rights?

Ms. Zhou: I don't think so.

Audience: I'm sorry. They're landlocked. I own one of the ones that's actually adjacent to the layer of that.

Ms. Moore: You'll have a chance to talk.

Mr. Matz: Yeah. I can hold. I can re-ask the question, comes up in problems.

Ms. Zhou: No, they don't have access.

Mr. Matz: They have requirements to affect any of that angle?

Ms. Zhou: No. They're based on staff experience. We think that, as long as they have access from the cul-de-sac and then from here, that should be enough.

Mr. Murdoch: I have one question. I noticed there was a couple of locations in the review that the project was described as an affordable housing project. Is that a legal definition of affordable housing or is that just a general description?

Ms. Zhou: That question, unfortunately, I don't know.

Mr. Livingston: It's a general description.

Ms. Zhou: It's a general description

Mr. Murdoch: Okay.

Ms. Zhou: That's what the developer in the property owner told us.

Mr. Bramblett: On page 55, it also shows at the back of the cul-de-sac, the turnaround area of the cul-de-sac, wetlands. This is a Spartanburg housing authority?

Ms. Zhou: Yeah.

Mr. Bramblett: Okay. Do you know if they have sought approve? You got to have certain tests done in an area that's of wetlands. You have to have some approvals.

Ms. Zhou: Yes.

Mr. Bramblett: Okay.

Mr. Bramblett: All right, sir. Yeah. Okay. I'm asking it ahead. I shouldn't be asking you those questions. I'm sorry.

Ms. Zhou: That's all okay.

Ms. Moore: I think, in South Carolina, you have to have access to landlocked properties, and so I would love to know if somebody can check on that, if there needs to be a flagpole 'cause in North Carolina, I know that's not the case and I thought in South Carolina, these would become landlocked, and I don't think that's... So, I want somebody to confirm this.

Ms. Zhou: I don't, don't believe this is a landlocked.

Ms. Moore: Do they have a flagpole? It that right? I don't know.

Mr. Murdoch: Just for general discussion, there are lots of landlocked properties in this state and I don't think this is making anything landlocked. I think the properties, there's no change of ownership, I think, and we may find out later. I don't think this is a change of ownership. It's not public property. I'm not the attorney, though.

Ms. Moore: I'm going to look it up.

Ms. Zhou: We don't believe that this is a landlocked.

Mr. Bramblett: Are you, on page 44, you talking about the four rectangular properties in the brown that are in the middle? Is that what you're talking about?

Ms. Moore: That's what I was talking about.

Ms. Zhou: Oh, these parties, we don't believe has nothing to do with this because the property owner of this doesn't own this.

Ms. Moore: Right.

Ms. Bramblett: But what she's saying is are we creating landlocked properties that cannot be used? She's talking about a flagpole. She's talking about a flagpole lot, you can purchase like a 30-foot wide long driveway to access your property.

Ms. Zhou: Okay.

Mr. Bramblett: That's called a flagpole, flag lot.

Ms. Zhou: The staff believe that this has already landlocked like this before it was developed just to look like this.

Mr. Bramblett: So none of these properties have actually changed hands?

Ms. Zhou: No.

Mr. Bramblett: They were already owned by the housing authority? Okay. All right, thank you.

Ms. Zhou: No questions.

Mr. Bramblett: Anymore?

Mr. Matz: No. I'm good.

Mr. Bramblett: Okay. Thank you, Ms. Zhou. So the next speaker will be the applicant or agent. All right, state your name and who you represent.

Mr. Heydenburg: My name Zed Heydenburg. For the site design. We're the engineer representative for the Spartanburg Housing.

Mr. Bramblett: Can you pull that microphone up? Try to get a little...

Mr. Heydenburg: Yes, sir. Is that better?

Mr. Bramblett: Yeah. I think so.

Mr. Heydenburg: So I'm with the engineering firm site design. We're representing Spartanburg Housing. As Nan said, the site is currently owned by them. The configuration as seen is already divided. The parcels in question would actually be recombined into one singular parcel. So to answer the question of that adjacent or that road being stubbed out, that would not be a dedicated road, private road or dedicated right of way. That would be privately owned drive for the development, of this development.

Mr. Bramblett: Where you talking?

Mr. Heydenburg: The T that were talking to the hammerhead turnaround.

Mr. Bramblett: Yes.

Mr. Heydenburg: It's for firetruck turnaround. So that is just a private drive as part of the development itself.

Mr. Bramblett: But what I was asking is it's actually different. The drawing you have on C200 on page 55 of my packet says site design incorporated. It shows a T-shaped road.

Mr. Heydenburg: Yes sir.

Mr. Bramblett: But that shows a single road.

Mr. Heydenburg: There's no road there currently right now.

Mr. Bramblett: I understand. Which one are you going to try to do?

Mr. Heydenburg: C200 over here.

Mr. Bramblett: So this on page 45 is not what you're asking for. You're asking for this one?

Mr. Heydenburg: C45 is broken up into eight or nine different parcels. They will all be combined into one singular parcel. So the exterior, they're all owned and the exterior boundary is, the circled property boundary will be the subject parcel.

Mr. Bramblett: Okay.

Mr. Murdoch: Do you mind if I?

Mr. Bramblett: Go ahead.

Mr. Murdoch: One question. So as it is right now, is what we see on C45 proposed as C55 on the page?

Mr. Heydenburg: Yes sir.

Mr. Murdoch: Okay.

Mr. Matz: Which one's C45?

Mr. Bramblett: Yeah. No. Actually there's no road there at all. I didn't see one anyway. It's just woods.

Mr. Heydenburg: Correct. Yes, that is it.

Mr. Bramblett: So that's why I was asking what are you proposing to build? That road or the road off C200?

Mr. Heydenburg: That road.

Mr. Bramblett: Okay. Okay. And I had a question about the wetlands.

Mr. Heydenburg: Yes sir. So we are not proposing any disturbance to the wetlands. The latest configuration grading and everything, we have avoided all impacts to the wetlands meeting DHEC buffering requirements.

Mr. Bramblett: Yes, sir. Thank you.

Mr. Heydenburg: And we do have delineated wetlands testing, wetlands certified scientists on site to flag the wetlands. And our surveyors went on site and picked up flagging and actually delineated based on the certified wetlands scientists identification of the wetlands. No impact to the wetlands.

Mr. Bramblett: Is there a creek there or is it just a drain?

Mr. Heydenburg: Yes, sir. Along the top of the boundary there is a creek.

Mr. Bramblett: There is a creek.

Mr. Heydenburg: Yeah.

Mr. Bramblett: Okay. I noticed when they built these subdivisions, now they're putting one mailbox for the whole street.

Mr. Heydenburg: Yes, sir.

Mr. Bramblett: Is that what you plan to do there?

Mr. Heydenburg: Yes, sir. That's driven by the US Domestic Postal Service.

Mr. Bramblett: And so there'll be plenty of room for people to pull in and get their mail when they come home from work?

Mr. Heydenburg: Yes, sir. Yeah. So every unit we provided with two parking spaces in accordance with South Carolina Housing Authority law as for affordable housing units. We're providing the minimum number of ADA appropriate units and then also providing dedicated parking for each amenity space with the traffic types of accessibility, the mailbox kiosk and the office space.

Mr. Murdoch: One question, too. So we're looking at, I guess, density of 24 units in a 3.95 acre parcel. Each one of these units, what's the configurations as far as bedrooms and baths and number of occupants? Do you know? Have you got that far yet?

Mr. Heydenburg: I'm just the site engineering, not the architect.

Mr. Jackson: I'm the owner.

Mr. Jackson: The owner of the site might be able to.

Mr. Murdoch: Okay. I'll ask again.

Mr. Bramblett: You'll have to come up separately. Yeah. Come on up. That's all right.

Mr. Jackson: So it was actually Spartanburg Housing.

Mr. Bramblett: I'll tell you. I need to swear both of you again, too. I didn't do that. So go ahead and both of you raise your right hand. Do you swear to tell the truth, the whole truth?

Mr. Jackson: Yes.

Mr. Heydenburg: Yes, sir.

Mr. Bramblett: Okay, thank you. I'm sorry I didn't do that. So you were asking about?

Mr. Murdoch: If he wants to present first and then I'll ask him.

Mr. Bramblett: Okay.

Mr. Jackson: So there'll be 24 units, six one bedroom units, 18 two bedroom units. The one bedroom units will be a combination between 850 and 900 square feet. And the two bedroom units, there'll be two-story units and there'll be one story, I'm sorry, there'll be one, one story two bedroom unit for ADA requirements, which would be around 1200 square feet. And the remainder 17 would be two bedroom units with a square footage of around 1451 square feet.

Mr. Murdoch: Okay. So, basically we're looking at 42 bedrooms based on the number of units? Based on the two bedrooms.

Mr. Jackson: No, you're going to have 18, two bedroom units.

Mr. Murdoch: That's 36, and then six one bedroom?

Mr. Jackson: No, no, no, no. So when you look at this, each unit and each building has two units. So that means you're going to only have a total of 24 units on the site.

Mr. Murdoch: Right. I'm doing the math. I'm doing the math on the bedrooms. So if you've got 18 that are two bedrooms, so that's 36 bedrooms total. And then another six one bedrooms. So I'm just saying it's 42 bedrooms. I'm trying to get an idea of how many people may be living there.

Mr. Jackson: So in each unit you're going to have two units. Okay? So you got 12 buildings out there total. So in the 12 buildings, you have two people living in one building. So when you count the 12 buildings, that'd be 24 units.

Mr. Murdoch: Okay. I got that far. But you said 18 of those are going to be two bedrooms.

Mr. Jackson: Right.

Mr. Murdoch: Okay. And then six will be one bedroom.

Mr. Jackson: Correct.

Mr. Murdoch: Okay. I'm just looking at total bedrooms.

Mr. Jackson: That is the total bedrooms.

Mr. Murdoch: Okay. So if 18 of them have two bedrooms, then 18 times two is 36 bedrooms. No?

Mr. Jackson: No. So the 18 would be one bedroom.

Mr. Murdoch: 18 are one bedroom?

Mr. Jackson: No. So if you look at this, so you see an A and a B. So in that A, that's a...

Mr. Cohen: That's considered a one bedroom or a two bedroom?

Mr. Jackson: That's considered a two bedroom.

Mr. Cohen: Two bedroom.

Mr. Jackson: So inside that 600 building, you're going to have two units.

Mr. Murdoch: Okay.

Mr. Jackson: So inside that unit, on one side, you'll have a two bedroom unit that's a two story. On the other side, you have a two bedroom units in two stories. So that's considered one unit but four bedrooms. Well, yeah. Okay. I'm sorry. Four bedrooms. You looking at bedrooms?

Mr. Murdoch: I'm looking at bedrooms. I'm trying to think of the density of number of people in this 3.95 acres.

Mr. Jackson: You looking at the bedroom. I'm looking at the unit.

Mr. Murdoch: I get you. We're on the same page now.

Mr. Jackson: Yeah, We're good.

Mr. Murdoch: So looking at 42 bedrooms. Okay. So I guess we'd have to figure out about how many people that would be. Okay. And again, the question as far as affordable housing, that's just a general, that's not anything that's attached. You don't have to mark the rents to income or anything like that?

Mr. Jackson: So it will be. We have a waiting list over 2,500 people.

Mr. Murdoch: Okay.

Mr. Jackson: So we're creating this housing for potential people on our wait list, so the rents will be restricted.

Mr. Murdoch: Restricted on rent. Okay.

Mr. Jackson: To meet the full return.

Mr. Murdoch: Good. Okay.

Mr. Bramblett: Okay. Any more questions?

Ms. Moore: It looks like you kind of want to be in R-6 zoning. Why did you choose to apply for variance and not a rezone?

Mr. Jackson: So we wanted to model this after another one of our properties that we own, which is McDonald Farms. Not sure if you're familiar with that. But we applied for funding through state housing. It's called Small Unit Development Program. And we wanted to, pretty much, is try to get as much as we could with the site. And it was downsized because of the wetlands. And this was the, I guess, where I call happy medium amount of units that could fit on the site.

Mr. Heydenburg: Tim, the question was why not the variance request versus R-12. It would've been a similar process with rezoning being a little bit more lengthy. But ultimately, we felt that we were within the realm. Both zonings allow for the proposed development. It's more of because we're just under the line for the R-12 zoning, and per the zoning ordinance for itself, it allows for a reduction down to 80% of the area. We just felt that this was the more direct path.

Mr. Cohen: Why that specific site? Was there any other areas that this could have been a potential project? Why that one specifically? That specific area.

Mr. Jackson: This is part of our portfolio of this land that we own that we've had for maybe 10, 15 years. And that's one of our objectives to try to create more affordable housing. And with this particular funding, it falls into the realm of the site that would meet this type of funding versus say, if you had six, seven acres, you could do more lots, but you would have to go into a different type of funding pool to help build out something like this.

Mr. Cohen: Thank you.

Mr. Jackson: You're welcome.

Mr. Bramblett: Any more questions from the board? Thank you, sir. Thank you, sirs.

Mr. Heydenburg: Thank you.

Mr. Bramblett: Okay. All right. Next phase of the meeting would be a time for public comment either for or against the request. And do I hear a motion to open the meeting to public comment?

Mr. Murdoch: I make that motion.

Mr. Cohen: Second.

Mr. Bramblett: Second? Okay. All in favor?

Attendees: Aye.

Mr. Bramblett: Okay. So the meeting is now open for public comment. If anybody has a comment about this proposal on Caulder Avenue, please get in line here. We'll be glad to listen to it. And you got to sign the paper that tell us who you are.

Mr. Rosenberg: First thing.

Mr. Bramblett: Please state your name.

Mr. Rosenberg: Oh, I'm Robert Rosenberg.

Mr. Bramblett: Where do you live?

Mr. Rosenberg: 103 Olive Court.

Mr. Bramblett: Okay.

Mr. Rosenberg: A block away from this scene. First, I read on him questions I need to ask because a letter we received says this meetings a first.

Mr. Bramblett: Oh, it does? Well...

Mr. Rosenberg: Yes, it does, and-

Mr. Bramblett: It does. Yeah.

Mr. Rosenberg: Yes, it does.

Ms. Zhou: I'm sorry. That is my mistake. I'm sorry.

Mr. Rosenberg: I've contacted the Whitner Bishop attorney, he's the real estate attorney, to see if, to combat this Variance. But I have not had a chance to talk to him. So, I really don't have any questions. I mean, I don't know how to ask what I need to ask. I am against it. I think it's going to lower all the property values around the neighborhood. There's a lot of wildlife in that area that's going to be destroyed. But, I am concerned about this, putting it in a negative position within Duncan Park.

Mr. Bramblett: Thank you very much, sir.

Mr. Rosenberg: Okay.

Mr. Bramblett: Thank you for your comments.

Mr. Castro: My name is Steve Castro. If somebody can change the-

Mr. Bramblett: Let us know where you live, please.

Mr. Castro: Pardon me?

Mr. Bramblett: Do you mind letting us know where you live?

Mr. Castro: Well, that's what I was about to say. So, I live at 526 Caulder Avenue.

Mr. Bramblett: Okay.

Mr. Castro: Somebody can, I can show you where I live on one of those photographs, if you would like to change the PowerPoint?

Mr. Bramblett: Okay.

Mr. Castro: Stop. Go back one. Go back one. One more. See the first house next to the woods? That's me.

Mr. Bramblett: Okay.

Mr. Castro: Which means my east-facing property line, which is the sideline, which is the west side of this development, we're neighbors. So, we're neighbors from the street, all the way to the creek. And I'm against, I'm against the density. I get the affordable housing part of it. I don't know about why we need this high of density for affordable housing this far out. But I'm not against the development of the property, of 3.95 acres. That many units with that many bodies, with that many cars. As a matter of fact, I back into my garage off of High Point. To get to my garage, I back into it, because of how the road curves. There's a total blind spot. So, if I back out of my house, I can't see coming out. So, I back in, which is a safety concern of itself. But at least my pulling out of my house, I can see cars coming from both sides. But again, I'm totally against it. I don't know why we need to put that many units on 3.95 acres.

From a city standpoint, I would be severely concerned with the water runoff impact at the bottom of that street. So, if you just keep going where bins, where you see the bins, the bottom of the street is a culvert. So, that creek runs under that street, basically where that picture, where the road ends in the picture. So, at some point, with all that impervious ground that they're going to pave? That water's going right underneath that road. At some point you might have another issue. I don't know, I'm not an engineer. All I'm saying is, I'm against it. I closed on that property 13 months ago. I live there. This is my primary and only residence. And I'm totally against it. If you want to consider a different type of density? That's a different story. I would just ask if this was being considered next to any of your properties, how would you vote?

Mr. Bramblett: Thank you, sir.

Mr. Nesbitt: My name is Jerry Nesbitt. I reside at 556 Caulder Avenue. And it's right on that lower corner right there. No, to your right. And the poles that they propose? In that small spot? That spot too small to put what they've got. And like the people said before, there's a creek right there. And there's a lot of wetness there, because if you go back to South Carolina Avenue, and Collins, and Collins, that creek run right between it, behind all the houses. And if they could damage that? It's going to change everything. But this don't have enough space for what they asking for. I know he's saying how many apartments you need. But there's not enough space. Because if we mess that land up? That creek going be out. You going to take that creek out. It's a creek right there. Did y'all go and check it? Then you're probably not telling the truth.

Mr. Bramblett: Thank you, sir.

Mr. Nesbitt: Thank y'all.

Ms. Kerns: Hello, how y'all doing?

Mr. Bramblett: How are you? Please sign in.

Ms. Kerns: Yes sir. My name is Annie Kerns. I live at 293 South Caulder Street. But the property that's over there, I lived over there, but it's probably about 30 years with my family. And we lived on 100 Caulder Court. But right now, that's my daughter's primary residence. I don't live there with her anymore. But I feel like that space is too small for that many units. Right now, it's zoned as R-6, right? If they come in and put that many apartments there, and Variance, but would it affect the neighborhood in any kind of way? And I feel like the space is too small. I'm against it. Thank, y'all.

Mr. Bramblett: Thank you. Thank you very much.

Mr. Fryer: My name is Jerry Fryer. Address, 416 Brown Arrow Circle, Inman. First of all, before I indicate where that property is being proposed is adjacent to the property I own, I'd like to just let this be known for the record. In my FOIA request, I requested the documents that I would be able to do some review prior to this meeting. All documents have been presented, and I did not receive those, based on the presentation tonight. So, I just want to state that for the record. So, that puts me at a disadvantage, I think, for being able to make an appropriate response to what's being proposed. But what I will like to mention, is that the property that I own, if we go back to the property...

Mr. Bramblett: She can draw up the map. Can you draw up South Carolina Avenue for him? It's to the east.

Mr. Fryer: Well, if you keep the other one where I could see it clearer? It was the one with the ...

Mr. Bramblett: How about that?

Mr. Cohen: Is that one ...

Mr. Fryer: Yes.

Ms. Zhou: By the way, for the record, I did send you that. If you're the one requesting a FOIA, I sent you back. I replied back to the email, where I sent you all. I'm sorry.

Mr. Fryer: Let me mention this. In reference to your response there, if you look at my FOIA request, I only received part of the information, based on what was presented this evening. The property I own is, it abuts to where the turnaround is, the large section at the bottom? My property is on the other side of the creek, which would be the second one from the left. Right? That would be your parcel 7-16-07.35-345. And the one on the corner there, is the same parcels that's there? Or are you going to be making changes? That's one of the questions. Is it going to stay the same? It's being proposed to 24 duplexes?

Mr. Heydenburg: We're not making those changes.

Dr. Devron: No.

Mr. Fryer: This is what I'm saying. I'm at a disadvantage, of course, the forms that have been submitted, that show where the duplex is going to be placed? Yes. I did not see that till tonight. They would have helped me a lot to be able to make a informed response to why.. I'm not really opposed to having the housing, but I'm opposed to not being able to respond as to why. That makes it difficult. So, I'm telling you with the FOIA request, I received a partial, part of that, to my request. So, I have a, it's half of request, which I think the city should have been more responsive to my request.

Mr. Bramblett: Okay, thank you sir. Okay, any more comments? Left or right? Up or down? Back and forth? Okay. Do I hear a motion to close the public comment portion of the meeting?

Mr. Cohen: I make a motion to close the public comment.

Mr. Bramblett: Okay, second?

Ms. Moore: Second.

Mr. Bramblett: Second. All in favor?

Attendees: Aye.

Mr. Bramblett: Okay. Does anyone on the board have any more questions for the planner, Ms. Zhou, concerning this project?

Mr. Cohen: Just for clarification, I know that those residents around were sent a letter. But was any direct contact made to talk to the people that reside around this property, outside of the letter?

Audience: No, they hadn't.

Mr. Livingston: No. The ordinance requires that we send a notice to property owners surrounding the property, to post the property, and to advertise it in this forum right here. So those are the three things that were required.

Mr. Cohen: We need to reach out.

Mr. Bramblett: Some of you received letters that said the meeting was Thursday?

Audiences: Yes.

Mr. Bramblett: And so, how did you find out it was today?

Audience: It did say the 13th. Mine said the 13th, calendar.

Mr. Bramblett: So, it had the right date, it just had the wrong day.

Speaker 14: Then I called. [inaudible].

Mr. Bramblett: So you caught that, and called us?

Audience: I have a letter, and it has the day, Thursday. June 13th.

Mr. Bramblett: Right.

Mr. Bramblett: June 13th. Thursday.

Ms. Zhou: I apologize. I, I, I -I'm using the HARB.

Audience: But it's still misleading.

Audience: That was the real thing.

Audience: A day and a date is misleading. Excuse me. Because it's still misleading.

Mr. Bramblett: Well, I can't answer that. There's clerical errors made. I make them all the time. You know. I'm sorry. As a board member, I'm sorry that you were given the wrong day. But it wasn't totally wrong, because it caught some attention, and that's why you're here. And I'm glad you were paying attention, and reading, when you read that, and caught that error. I'm sorry that it happened. But there's a good crowd here. We've heard a lot of comments. And I just don't know if they had sent out another letter once they caught it, if that would've made a lot of difference in the attention. No, I said I'm not sure if they had sent out another letter, that that would've made a whole lot of difference in the attendance.

Audience: Yes, it would have.

Mr. Bramblett: You think it would have?

Audience: Talking.....

Mr. Murdoch: Just a point of order. I think we've got to go through the questions, ask the developer, and those type of things.

Mr. Bramblett: So, well, moving on here. Does the applicant have any more to say, to address any concerns that were brought up during the public discussion?

Mr. Heydenburg: I know there's a lot of not being in favor of the development itself. It's unfortunate. As being the property already owned, if this was not owned, it could be a different conversation. As from an impervious standpoint, something will be built there eventually. We'll be working closely with the city, with stormwater impacts to ensure that there is a retention pond built that meets city stormwater ordinances, and is in accordance with DEHEC and stormwater ordinance. Like I said, we have had a certified wetland scientist on-site, flag the wetlands. There are wetlands on-site. We do show them. We're not hiding them. There's a stream. No impacts will be proposed. The grading, the site has already been completed, but not finalized. Nothing gets submitted for the site development package, until we can get the Variance request approved. Ultimately, that's the only reason we're here today, is just for the variance request.

Mr. Bramblett: Okay.

Dr. Devron: I've got a couple questions. So, we see the mathematics. We understand portions of development, what have you. But with the concerns of the people, do you see the concern? Do you understand the concerns?

Mr. Heydenburg: Yes.

Dr. Devron: But not just understanding it, because they're saying it. Do you really understand the concerns when it comes to the water?

Mr. Heydenburg: Yes.

Dr. Devron: When it comes to the creek?

Mr. Heydenburg: Yes.

Dr. Devron: When it comes to the even, I mean, if you think about it, because it's not meeting the true standard of four acres, that means it's a little bit more condensed. Just a little bit more condensed. So, with the parking, with everything else, with the main roads like Caulder, and what have you, the concerns about traffic, about blind spots and what have you, have you all considered, really considered, those things?

Mr. Heydenburg: Yes, sir.

Dr. Devron: And is this something that you have not only taken into consideration, but really truly looked at? Because you have people that's been there 30, 40, 50 years. You understand? And so, generations. And so, when you're talking about adding, I have no problem at all with affordable housing. We need it. Okay? We do need it. And I think it's a very good project. But at the end of the day, when you're dealing with individuals like you have here, who do have those concerns, I think that, aside from the development portion, we really need to look at what challenges that they truly may cause, and to see what can be done about those things.

Mr. Heydenburg: Can I address some of those concerns?

Dr. Devron: Sure. Sure.

Mr. Heydenburg: So, from a safety perspective, especially, that's always the number one concern. We reached out to SC DOT very early on, and Caulder Avenue is an SCDOT road. We work closely with them. We have done site distance studies. I'm very well aware of the blind spot that he's talking about, at that curve. Our site actually, fortunately, is just far enough east, that the entrance does meet that, like looking right, looking left, site distance requirements. He said when he moved there 13 months ago, it's a little concerning that he got a driveway permit without the DOT verifying site distance on his side. Because that, even residential parcels are required to get driveway imposing permits.

From a water quality standpoint, I understand that. That's why we've already been in touch with Spartanburg Water. We will add a hydrant at our new entrance for fire safety, which would, from a safety perspective, it's actually good for all the residents in the area, because there's not a lot of hydrants on that street.

You talk about density. The density is a little bit different than the minimum space. So, we're not asking for a variance for density, per se, because we're good on density requirements. It's just that for the group development and R-12 zoning, it does require four acres minimum lot size. So, that's the pure, unfortunate, cut-off from the development.

Dr. Devron: And that's why I asked those questions. I think that it's only fair that with the questions that the community has, that they be answered like you did, so they have a better

understanding. I think sometimes it's just, we're not clear, because certain things are lost in translation. And so, what you just did, I appreciate.

Mr. Heydenburg: I appreciate that.

Dr. Devron: And I'm quite sure they do, too.

Mr. Heydenburg: Those are the questions that need to be answered.

Dr. Devron: Thank you. Thank you, sir.

Mr. Bramblett: The lighting, better lighting on that street could help, as far as the blind curve.

Mr. Heydenburg: Yes, sir.

Mr. Bramblett: People going in and out of the ... Have you requested more lighting from the city?

Mr. Heydenburg: So, as part of our site development package, we will be required to complete a photometric plan, for the internal and up to the road. So, we will not necessarily be going down the road with lighting, but lighting to the road, wherever is-

Mr. Bramblett: Not just the road you build, but Caulder Avenue, because of that curve?

Mr. Heydenburg: At the road itself. But as part of the relevant, we won't be going down Caulder Avenue. Just up to the road.

Mr. Cohen: From the property?

Mr. Heydenburg: From the property.

Mr. Bramblett: But if you feel like that it's important, would you send a letter to the city, requesting better lighting, because you're adding those houses?

Mr. Jackson: So, first of all, as the owner of the property, I want to thank everyone for your comments. We will take into consideration all of the comments. I made notes. To make a point of clarity, the property has been environmentally tested by Terracon. They've addressed the wetlands that we've identified. Phase 1 environmental has been done. The HUD environmental has been done, has passed.

So, I want to bring clarity to that, because I think one gentleman stated that we were hiding that. No, we're not hiding that. All of this has been approved, not by just us, it has been submitted to SC Housing. They've reviewed it, provided comments. So, the wetlands will not be disturbed, as you can see, from the site design plan.

And as far as the lighting goes, we have to submit, like you said, a photometric design. So, we'll be working with Duke Power. So, if there is a request, we could ask them about maybe adding more lighting along the road to help with some blind spots. So, all of that is still in the development stage.

Mr. Murdoch: One question I think you just mentioned, you said, so Phase 1 has been completed. Any issues with any adjoining or any properties because of this being kind of a lower area?

Mr. Jackson: No issues.

Ms. Bramblett: Okay. Great. Thank you.

Ms. Bramblett: Okay. All right. I guess we are ready for board deliberation. Anybody have any thoughts you want to share with the rest of the board, concerning granting this Variance to allow the project to proceed?

Ms. Bramblett: That's for the board. It's our time now.

Audience: But could we say something? Can we say something?

Mr. Bramblett: You had your chance.

Audience: I mean, again.

Mr. Bramblett: I'm sorry.

Audience: Okay. I was just asking.

Mr. Bramblett: I'm sorry.

Audience: Because he said he didn't care if we, you know, what we say. He's going to build it anyway.

Mr. Bramblett: I didn't take that.

Audience: Well, that's what he said.

Ms. Moore: I'm looking at the five reasons that it would be accepted. There's extraordinary exceptional conditions, pertaining to the particular Variance.

Audience: You're going to have to speak a little louder, so we can hear you.

Ms. Moore: Oh, I'm sorry.

Ms. Moore: Yeah, thank you.

Ms. Moore: So, but letter C, because of these conditions, the application ordinance for the particular piece of property, would effectively prohibit or unreasonably restrict the utilization of the property. That, I don't agree with. I think it does not unreasonably restrict, they can still build housing on it, and it can still be affordable.

It sounded like possibly the funds would come from a different place if it was this. So, that's where ... You could build something that was less dense, that didn't change the neighborhood quite so much. And the letter D, I think, it's a detriment to the adjacent properties and the public good. That neighborhood doesn't have that field of high density.

Some places I think you can fit an area like that in there. In this neighborhood ... And so, I actually made note of how many of those adjacent properties are owner-occupied. I'm happy to see all this effort. And so, a few of the people that I had written down, that was like, "Oh, this person lives there." Y'all came out, and stated what your preference was. So, that sways me. So, I would be a no.

Mr. Bramblett: Okay, thank you.

Ms. Moore: I would be a no.

Audience: No.

Mr. Bramblett: This is just the deliberation. This isn't a vote.

Ms. Moore: I understand. You can try to persuade me otherwise. But those are my reasons for why I would go that way.

Mr. Bramblett: Darren?

Mr. Matz: I think, in general, I am concerned about the density. The stormwater, I think, is another issue. And I feel like because of the clerical error, we're probably not hearing all the voices that we want to be heard.

I would just be inclined to move this off to another meeting. Not vote on it tonight, just to give a fair chance. Seeing how there's multiple people who obviously got ... and I mean, it's a clerical error. People make mistakes. I think we need to table this. I mean, move it to another meeting. Give everybody a chance.

Mr. Bramblett: Okay, thank you. Brian?

Mr. Murdoch: So, the issue of the 3.95 of four acres is why we're here. And so, I think I was watching you do math on your calculator and I was doing my math. It's 2,178 square feet, which is probably about double the size of this room. However, it's not four acres. And so, it is not a question of density, probably it could be more dense than this. It probably could have went with townhouses, probably could have went with three-bedroom units. It could be more dense than this.

And so, I don't know if the city could buy five one-hundredths of an acre from someone behind, on the other side of the creek. And probably we would have no say.

That being said, I do not believe we should vote on a yes or no, based on ... I understand it's clerical error happens. I make mistakes every day, all day long. So, that's fine. But I think it's difficult to, because there are a lot of people here, but we don't know, if you're not here, how do we know you're not ... So, that's my thoughts.

Mr. Bramblett: Thank you. Brian?

Mr. Cohen: Oh, you already spoke?

Mr. Bramblett: Just coming back.

Mr. Cohen: We're skipping. What's that about?

Mr. Bramblett: It's all right. Okay. It doesn't matter. I just thought I was going to come back ...

Mr. Cohen: I thought we was going in line.

Mr. Bramblett: I was starting on that end, and I was just starting on this end. Come back to me.

Mr. Cohen: Oh, you coming back in? Okay. Okay. That's all. All right. So, in regards to the Variance, like this is personal to me, because I'm from that side of town. So this is very personal about anything that goes into the community, because that's where I'm from. And then especially, with the whole wetland situation, I just, I'm not really, I don't see the vision. I can't really see it. I understand the affordable housing, yes we need it. But just in that particular area, I don't see it fitting into that area. I just don't see it. I don't.

Mr. Bramblett: So

Dr. Devron: So, this is the first time since I've been on the board that we've seen such an outpouring on things like this. Whether it's a variance, or whether it's a new business coming into town, or what have you. So that's very much appreciated. I think that I agree with my constituents, when it comes to tabling this, until we have an opportunity to hear some other individuals who are not here before we make a decision. I am very big on community. And so, I believe that the community's voice does need to be heard. Not just a few people that were able to sift through the clerical error. And it does happen, so that's not a mark against anyone.

But there are those of you that are here, you were able to sift through, make phone calls, and what have you, to make sure. But there are others who may not have been able to do what you were going to do. So, I do believe that before we make a decision tonight, that we should table it

until a later date, where we can give the opportunity for others who were swayed by the Thursday piece, give them an opportunity to come out.

But thank you all for definitely for coming and speaking. But there are definitely some other individuals that need to be heard. But understand this, when it comes to development, and when it comes to ordinance, that's what we have to go by. Not personal opinions, not emotions. We have to go by what the ordinance states and what's allowed.

So, even when we hear it next week, we hear the other individual's concerns and what have you, if it's not something that's going to have something to do with ordinance, and it's something that we would have to go to housing authority to speak about, or to the developers, then we are going to make a decision based off of the ordinance, not just public opinion.

Mr. Bramblett: Thank you, sir. Well, I love that area of town. My aunt and uncle lived on Arlo Court when I was a child and I played over there. I've been down to that creek. And I like that. When I first read this, knowing how many people in our community need affordable housing, to have this project, to me, is the godsend to that area. Because I'm sure there's... How many people did you say? 2,400 people seeking affordable housing, is that correct? They have a waiting list. And this fulfills part of that need. I listened to your concerns. I agree that a curve is always a problem with line of sight. And I think lighting would help and just people getting used to more neighbors there would help. But I don't see this being a negative for the neighborhood. There's all this talk of development on the south side, doesn't this qualify as south side? It's a little far from Commerce Street, but it's still south side. And want more businesses there, retail. You need people, purchasing power for somebody to invest in a neighborhood store or something. So this would bring more people to the neighborhood.

So I think that your concerns could be worked out. I don't know about tabling it because it wouldn't be next week. When would we be able to even have another meeting?

Dr. Devron: July.

Mr. Livingston: July.

Mr. Bramblett: July? And most people want to go on vacation in July. I'm sorry, that wasn't fair. But anyway, go ahead.

Mr. Livingston: You have a couple of options. If the concern is about the notification, which I certainly understand, we can table it, and table it based on the board requiring us to send new notices out with the exact date in July to meet. And we can do that, schedule it for July to meet, if that's an option for the board. The other option is to approve it, approve with conditions, or to deny the application. Those are the four options available.

Mr. Bramblett: Say the last two again please.

Mr. Livingston: So you have four options. You can table it, so that we can send out the correct notifications. We can do that this week for the July meeting. The board can make a motion to approve it. We can approve it with conditions. Or you can deny the conditions.

Mr. Bramblett: Okay, that's what I thought you did. So does anybody want to make a motion?

Mr. Cohen: I make a motion that we table it until July.

Mr. Bramblett: Let's have discussion on that. What do you see occurring in July? More people?

Mr. Cohen: More people. And then coming up with a resolution, because I think that that's a lot of what happens typically on the south side, that the opportunity is just not there or just decisions for our community are being made and then we find out after the fact. And based a lot going on the south side, yes, I agree, the development is a great thing. Yes, more people, all of that. But it needs to be... And we need to work on updating these ordinances and ensuring that the community is aware of this process and how this works, instead of, oh now we just now finding out about these type of things. I know that they've given me books to be able, but this book is super thick, and so if somebody have a question about something that at least gives them the fair chance to be able to educate themselves as much as possible.

Mr. Bramblett: Right.

Mr. Murdoch: I just think we need to error on the side of caution as far as notification with the community. And that's based on this particular...

Mr. Cohen: Variance?

Mr. Murdoch: Well, or tabling. Because it really could be higher density. And so with this, so we could approve with conditions that it stay this density and not be more. But I lean toward erring on the side of caution as far as notification. And I hate to kick it down the road too.

Mr. Bramblett: If I may ask you folks over here, there is another option for you, correct? That you can request the rezoning of that parcel and proceed with the same density. Correct?

Mr. Heydenburg: Correct, we could. Again, the density is not what we're failing to meet, the minimum lot area is what we're failing to meet. We could rezone to R-6 which would allow for a smaller minimum lot. It's a minimum lot for group development and R-6 is two acres. But that being said, we run into the same hurdle of convincing people that this is good for the community. And it is good for the community. Some people just don't want to be convinced.

Dr. Devron: This is not a question for you, sir. Thank you.

Mr. Heydenburg: Thank you.

Mr. Bramblett: Okay. Thank you for that.

Dr. Devron: I believe that tabling this until July will give everyone the opportunity, and I'm going to say this as careful as I can, to come up with some arguments that will not necessarily sway the board, but that will give us a chance to really deliberate on this. Right now what we've heard is, right now it's just about the communication. So if you have other individuals that are going to come, then make sure that it's not just, "We don't want it. We feel like it's going to bring down property value." Just blind spots and what have you. It has to be something that is going to cause a public nuisance. The burden is on the community to prove that. Then the board will make a decision based off of those things. It's not just that we haven't had anything like that before and we don't want it. So this is an opportunity for the community to actually come with some arguments and come to this podium, say, "This is why we believe," not just the creek itself because all of that, to be honest with you, everyone has been debunked already. So this is an opportunity for you in July to come, as they would say, with guns blazing.

Mr. Bramblett: If we approve the motion.

Dr. Devron: If we approve, this would be an opportunity for you to come with some information that will prove that this should not happen.

Mr. Bramblett: See, I've been up and down Culver Avenue all my life. There's very few cars on that road. Maybe going to work in the morning, come home in the evening, little extra traffic. And I'd be pressed to find much in the city police records about speeding tickets or crashes. How many of you know of wrecks on Culver Avenue.

Mr. Cohen: I do.

Mr. Bramblett: How long ago?

Audience: About three years ago.

Mr. Bramblett: Okay. Was that just one wreck? Was it up-

Audience: I know of a couple. I know of one with two cars, and then I know of another one of a hit and run.

Mr. Bramblett: That's still a very low number of wrecks.

Audience: It is very dark in that area.

Mr. Bramblett: I know, that's why I brought up the issues of more street lights. Not on the new development, but on Caulder Avenue. So anyways. Any more input? Thank you for that, about the information.

Ms. Moore: It rubbed me wrong to begin with, if I didn't ask for a re-zoning. And the zoning exists for this like, "Yeah, it's 0.05, but-"

Mr. Livingston: So that we're clear on the zoning, if they re-zone to R-6, it makes this property more dense. Just want to be clear on that issue.

Mr. Bramblett: There will be more houses.

Mr. Livingston: More units will be allowed.

Mr. Bramblett: More units, more people, more cars.

Mr. Livingston: R-6 is denser. And I'm not sure that anyone wants that. The developer is trying to maintain the existing zoning so that you meet this existing density.

Mr. Bramblett: All of the properties around there are already.

Mr. Livingston: However, they're trying to keep the existing zoning. The zoning process takes two months. The variance process takes one month. I just want to make sure that that's clear for the record. I think there's a lot of discussion about rezoning the property, rezoning it to R-6 makes it more dense. And once it's rezoned, there's no requirement to come back to any board regarding the design of the property. They can design it, whatever they like.

Mr. Bramblett: Thank you.

Mr. Cohen: So what you said about approving it so that it doesn't change but with special conditions.

Mr. Murdoch: So we just heard if it is being zoned, which it takes a little longer, but if that's done, then 24 units, that could go out the door. It can be, I don't know, haven't done the math, but it can be significantly more. And I don't speak too much, but the reason for delaying tabling it, is

the date issue. But because of the date issue, if it goes to the zoning then we might not be talking about 24 units. We'll be talking about multiples that going two stories. And so that's a-

Mr. Bramblett: Larger building. Buildings instead of duplexes. Is that correct?

Mr. Murdoch: So yeah, that-

Mr. Bramblett: Which would allow more people.

Mr. Murdoch: So by us doing that and hearing everyone, it could actually make it more dense.

Mr. Bramblett: Okay. So anymore comments about the motion we have?

Mr. Bramblett: You want to proceed with the motion as you said, to table it?

Mr. Cohen: But I just don't want it to become more of a density issue.

Mr. Bramblett: Yeah, well-

Mr. Cohen: So that's what I'm trying to figure out. If we do the special condition, that with that special condition we-

Mr. Bramblett: I don't think we can make a special condition that they can't seek different zoning. Another fact is if we deny this request, they can-

Mr. Cohen: Still do the same thing.

Mr. Bramblett: They can go in tomorrow and make a application for a different zoning. We can't stop that. We can't put a condition and then deny it.

Mr. Cohen: But I thought we were saying if we approved it so that it would remain the R--12, the special condition would be having the meeting in July. I'm asking.

Mr. Bramblett: Well-

Mr. Murdoch: Mr. Livingston it can give us a point of clarity. Regarding Brian's comment, if this were approved, could one of the conditions be that the density could not be any greater than what has been presented?

Mr. Livingston: So if you approve, just approve it where it is structured, the ordinance limits them to 24 units. They can't build more than that. So whether you approve it or approve it with conditions they're limited to 24 units.

Mr. Bramblett: With the current zoning.

Mr. Livingston: The current zoning.

Mr. Livingston: They're limited to the number of units. So they have already reached the limit of the zoning requirements. It cannot build more than that based on the zoning.

Ms. Moore: Do you all not think it lowers the surrounding property values? That's where I really was like, "It doesn't meet conditions."

Mr. Bramblett: Well, we need to get an appraiser in here, I guess. I don't know. There's a lot of construction going on in the City of Spartanburg and the County of Spartanburg. And I think everybody's worried about the dents of the changes negatively affecting their property base. They're about to come out with the new on all the county properties sometime soon. It's done every five years. But I read this thing is, I forget the dates, I think it's 2018, it was 303,000. Now

it's 340,000 people in Spartanburg County. So I think there's going to be a lot of housing in people's backyards they didn't think of 15 years ago.

Mr. Cohen: So if we tabled this, I think I need that explanation. So if we table it, then they still have the opportunity to change the R-12 to R-6?

Mr. Livingston: No, if you table it, it will come back before this board. We will send out new notices with the exact dates in July.

Mr. Bramblett: Or couldn't they just remove the request for a variance and go straight to rezoning?

Mr. Livingston: It could.

Mr. Cohen: This is all under if we table it.

Mr. Livingston: So if you table it, it can come back before this board for review and consideration in July, at second Tuesday of the month in July. So that's one option. The property owners at any time can request rezoning. However, will be going through the same process, but with the planning commission. Will go before the planning commission will send out notices. Will post the property, will put it in the newspaper, same process again. And then the owners will let us know what zoning they want and it'll go before the planning commission and city council for their review and consideration. This is the simplest process to get to the development process. This is the simplest process that they can follow. So they had two options, and we provided them with both options. You can request a variance before the BZA, which it meets the requirements for a variance. Or you can request the rezoning to the planning commission and go for R-6 zoning, which is the only zoning which would allow them to build 24 units or more.

Mr. Bramblett: Thank you, sir.

Dr. Devron: Mr. Chairman?

Mr. Bramblett: Yes, sir.

Dr. Devron: When all else fails, I think that we have to remember why we are here. We're hearing public comment, which we should and I'm glad that everyone came out, but we still have to remember why we are actually here. And if we don't have anything that's actually going against the ordinance itself, then we have to take that into consideration as well, along with the dates and the times and what have you, or the clerical error. But we still have to take that into consideration as well, that our job really is not to be swayed necessarily by public opinion. To respect it, but at the same time to make decisions based off the ordinance, not off of feelings. So I'm still in agreeance for giving other individuals an opportunity to come, but we have to think about the options. Those options are that they can go and make a different decision and it became more dense with more individuals, and then it will be possibly some serious traffic issues and other issues that we may see. So I think we have a serious decision to make tonight.

Mr. Bramblett: I'd like to offer a suggestion. I'm sorry. You go ahead

Mr. Murdoch: And may we have a vote on the motion on the table?

Mr. Bramblett: The vote can be next. But I want to say this before we vote. I'd like to put out here, Mr. Livingston said we could approve it with conditions. And I know I'm not making a motion. I'm just saying if we allow the current motion not to pass, then I would like to make a motion that we approve the Variance but with conditions. And one of the conditions is that the applicants, which is Spartanburg Housing Authority, have meetings with people in the neighborhood, where people in the neighborhood can voice their concerns. I think we all agree that there needs to be more lighting on Culver Avenue, and they need to make sure that that curve is visible. So if that's a concern, then you could go straight to the Smart Brick Housing Authority Group at a meeting. It could be at a church near nearby or a school, maybe Mary Wright, which it's not far from there. It's kind of a compromise, approve it, but with conditions. And that would take care of us meeting in July, and just rehashing a lot of things we've already talked about.

This way the neighborhood could go straight to the housing authority. We could make that as a condition. That's what I think. I'm going to cut that off. And the next step would be to vote on tabling it. The current motion.

Mr. Bramblett: It's been second.

Mr. Livingston: Who second it?

Mr. Bramblett: I don't know.

Mr. Matz: Darren second it.

Mr. Bramblett: Darren second it. And we were in the discussion portion of the motion. So as to just tabling this current motion, all in favor. The tabling would be allowing an additional meeting on the same subject in the second Tuesday of July for the BZA with new notices sent out. How did we vote on that?

Mr. Cohen: Can we include that in, next meeting? Well-

Mr. Bramblett: No, you can't do that because that made a decision.

Mr. Cohen: Well no, that's what I'm saying.

Mr. Bramblett: When you table it, you just put it on hold.

Mr. Cohen: But that's what I'm saying. Is it still a discussion, and can we put a condition in? Well no, because we're trying not to have the meeting in July. We're just trying to get it to be worked out between the developer and the community.

Ms. Moore: Okay. So if this motion fails, this motion can be made again later. But if this motion fails, then we can talk about another motion next.

Mr. Bramblett: That's correct, yeah. We can talk about-

Mr. Cohen: Okay. Between your approval with conditions and no. Okay.

Mr. Bramblett: Okay. So all in favor of tabling the application until the next BZA meeting, which is in July, say aye.

Attendees: Aye.

Mr. Bramblett: So how many is that? Two?

Mr. Cohen: Three.

Mr. Bramblett: Three. It's three. All against the table. So we're three and three.

Ms. Moore: Well, I wanted to make a different motion.

Mr. Bramblett: Okay. What would you like to say?

Ms. Moore: Well, before I make the motion, I'd like to know is that-

Mr. Livingston: So this motion fails?

Mr. Cohen: Yes.

Mr. Bramblett: Okay. I guess this motion fails because it doesn't have a majority. I wouldn't defer to you normally, but I'd already said I was going to make a motion. So my motion would be, and please understand, we're trying, we've listened to you folks and we're glad you spoke and we're glad that you brought your concerns. I would like to make a motion that we approve the applicant's request for the Variance to allow this project for affordable housing, which Spartanburg needs so desperately, but with conditions. I'm saying conditions. I'm going to put one condition on it. If you board members want to add more, that would be acceptable. The condition I have is that the Smart Brick Housing Authority, before they start construction, have a series of meetings, I don't know, say two meetings, one, one month, one another month with the local neighborhood there. And somebody has to define what we mean by the local neighborhood. And try to address the concerns the neighborhood has for the project. That would be my condition. Did I hear a second on that?

Ms. Moore: Second.

Mr. Bramblett: You Second?

Ms. Moore: Second.

Mr. Bramblett: Okay. Okay, do we have discussion on that?

Dr. Devron: I just have a question. Is that a condition that can be, because that's actually helping out both, is that a condition that can be placed?

Mr. Livingston: I think that's a tough one. I think that's a condition that can be requested. The city attorney's not here, but I can find out if that's a condition that can be required. So that's one of the quick questions I'll ask him as well. But if you ask that other developers, Mr. Jackson just mentioned to me that they had requested a meeting with the south side group to discuss this project. He hadn't heard back yet. But certainly I think the developers might be willing to meet that condition.

Mr. Bramblett: So you've request... Now what's the south side? Define that south side.

Mr. Jackson: They have three associations with the south side and they meet June 20th as one collective group. And we've reached out to them two weeks ago about coming to that meeting. One person on an email responded back, we told him where the project was located. I want to say the president of association hasn't responded back yet. So we're waiting to hear back from them. We're going to present this, have conversations, because I think-

Mr. Bramblett: That's great. Now where is that meeting held? It's on June 20th.

Mr. Jackson: I want to say it's at TK. I'm sorry, not TK Fred.

Mr. Bramblett: CC Wilson.

Mr. Jackson: CC Wilson.

Mr. Bramblett: Can we find that when that meeting is and the same people you sent notices to had the wrong date, can you send all them a new letter? Would that be possible, Mr. Livingston?

Mr. Livingston: The developer would be required to send out those notices if necessary.

Mr. Bramblett: Can y'all do that?

Mr. Livingston: We can provide the addresses.

Mr. Bramblett: You can provide the addresses. Can y'all send out notices that everybody that should have gotten a notice about this meeting?

Mr. Jackson: Yes, sir.

Mr. Bramblett: You can do that. All right. So that'd be one meeting. And then maybe you can vote on at that meeting whether you need a follow-up meeting.

Mr. Cohen: Because you said you haven't received a response from the-

Mr. Bramblett: He said there were three groups and he only received a response from-

Mr. Cohen: Right, but June the 20th you, when you talking about that as far as part?

Mr. Jackson: No, I know there's a south side association. I want to say it's all three-

Mr. Cohen: Oh, so south side Culvert.

Mr. Jackson: I think that's the correct name. They all come together as one.

Mr. Bramblett: And they're meeting at CC Wilson in June 20th.

Mr. Jackson: We sent out correspondence for us to come to the meeting and talk about this project.

Mr. Bramblett: Is that clear?

Ms. Moore: So just the one meeting though?

Mr. Bramblett: Well-

Ms. Moore: I don't know that I'd say vote at the next-

Mr. Bramblett: It is pretty soon. Today's 13th. So we're talking about Tuesday, a week. So maybe there should be a second meeting.

Mr. Jackson: I don't have any meeting agenda, but I'm meeting from our standpoint-

Mr. Bramblett: If they have a July or August meeting, you could meet with them there too. Or we could just skip the June 20th meeting and go to the July meeting. If you find out when it is, it's too-

Mr. Cohen: Yeah, to get there. Gives you time to reach out to everybody.

Mr. Jackson: Yes, but I don't have that meeting agenda. I mean, not agenda, their dates.

Mr. Bramblett: I understand, I understand.

Mr. Jackson: Whatever. If they meet in July or August, no, we don't have a problem.

Mr. Bramblett: Can you help them with that, Mr. Livingston, if this passes? Okay. I know that's not totally satisfactory, but that's pretty strong that the developer's willing to meet. And at that neighborhood association meeting, there should be a pretty good crowd. I think I'm going to go. Anyway, are we ready for a vote on the second motion?

Mr. Livingston: Any other conditions?

Mr. Bramblett: Oh yeah, that's a good question.

Ms. Moore: Did BZA ever make conditions on the design of the buildings?

Mr. Cohen: I guess my concern is just the condition. I think it's a very great condition. I do. I think it's a very great condition.

Mr. Bramblett: And their willingness to-

Mr. Cohen: Yeah, it's the willingness. And I know this is probably out of our hands because all we're doing is trying to do the Variance and decide on that portion. But I just think that it is trust that is a very big concern, in how this situation is handled. So yeah, I'm going to just focus on the Variance part. I don't feel too strongly about this, but that's just me.

Mr. Bramblett: Okay. Okay. Are we ready for the vote? Okay, all in favor of granting?

Attendees: Second.

Mr. Bramblett: I'm just repeating the motion, or tying to. Okay. All in favor of granting the applicant the variance in this project, and with a condition of requiring the applicant, the developer, to meet with the neighborhood meeting through communication with everybody that was mailed a letter for this meeting, in June 20th and up to two subsequent meetings say, "Aye."

Attendees: Aye.

Mr. Bramblett: Got three. All right. All who vote no say, "Nay."

Attendees: Nay.

Mr. Bramblett: So, you got three no. Three yes and three no. Okay. Where's the middle ground? We got to find some way we could. Darren, tell us why you voted no.

Mr. Matz: At the end of the day, we got to get everybody's opinion.

Mr. Bramblett: You mean about the variance allowed?

Mr. Matz: Well, I mean about this whole development and we don't know if that condition can be legally required to be done, he said he had a specific attorney-

Mr. Bramblett: Well, I feel positive that-

Mr. Matz: Well-

Mr. Bramblett: I feel this is a lot of work right here, to approve this.

Mr. Matz: I want everybody who wants to have a say in it feel they can have a say in this. And I feel like the way to do that is to table it and reschedule it for July and make sure we send out the doc in the letter again and get people here to say...

Mr. Cohen: And Darren, I feel the way you feel. The scary part about this is if we do the approval, the approval is we can keep them at the 24 units. But the scary part is to actually walk out of here and not know, I agree with you what the attorney would say and if these actual meetings will actually go through. But the importance of what we-

Mr. Bramblett: What if I reword the motion I first made and say that once Mr. Livingston approaches our city attorney for an opinion about whether or not the applicant can be required to meet with the neighborhood group. If that is approved, then the motion withstand, if the attorney doesn't feel comfortable about that, then we'd automatically go to a table where we have this meeting all over again in July. But yeah, that could be a condition

Mr. Cohen: So, that's the condition-

Mr. Bramblett: We can make that second point of order.

Mr. Murdoch: According to rules, everyone has a chance to speak before you speak the second of time, so.

Mr. Bramblett: Would somebody have a hand up?

Dr. Devron: Yes sir.

Mr. Bramblett: I'm sorry.

Dr. Devron: So we have to remember if we leave out of here and we do table it until July, and it's not that I have an issue with it, but I know there are options now. The options are to go into a R-6. Now you're talking about something that we're striving to avoid. So, where I agree with what you're saying, individuals being able to come here and speak and express and I love it right, is I want to hear what everybody has to say. I also don't want to make it worse on the community. You understand?

But we have to make the best decision because now you have more individuals once again, more cars. That's going to cause an issue. Right now we don't have that. We talk about maybe a couple accidents, some deer and what have you, you know what I mean. But for the most part, the blind spot and maybe dealing with the wetlands, that's the only thing that's really being talked about at this particular point. But if we do that, we have to keep in mind that if we do table it, they have that option, to do that. And that creates more people, more houses and what have you. So, it's a difficult thing.

Mr. Matz: Yeah, and I understand and appreciate it, but when I look at this, I see wetlands are protected and I see a defined area for detention ponds that's got to be there by ordinance. So, when I hear, "It can be done, sir," I don't see a path of that, just given the land. And I know that process, the rezone takes two months. I'm saying next month let's get everybody who wants to say something here. And I felt confident that that motion that you proposed could be something we could do, the city that can be done, I'm all for it.

The problem is, I don't want to vote for something that has a bunch of ifs and buts. I want something that at the end of the day when we leave, people say, "Yes, they listen to us, they're going to hear us again on." Because when we walk out here and we say yes no or whatever, that's a final decision, we can't come back and revisit it. So, if I voted yes and then I come to find out the meeting didn't happen on the 20th for whatever reason and we can't hold him to it, because the city attorney says you can't do it, then I felt like we failed. And so that's why I'm looking at a motion that I feel comfortable more absolute. And I feel like tabling it is the most absolute option I've heard today.

Mr. Murdoch: And that's the reason that I think tabling it for me makes sense, because not everyone's heard and that it is the wrong date. And I'll say this and I, and there's lots of I understand neighbor, I live in a highly dense area of the city as well. So, I understand it and I understand traffic. But based on tonight, had the date and I'll go ahead and say from what we've discussed tonight, that the five one hundredths of an acre is really immaterial or it's such a small measure. But I would be voting to approve if not for the date, just based on something else could be said next month. I don't know. Something could come along, but I would approve this five one hundredth an acre, it could be more dense. I think there could be more properties that we could rezone, all those things, but to me it's a stopping point based on the day because otherwise I would be approving it.

Mr. Bramblett: But like she said, the letter, it said June 13th but it had Thursdays instead of Tuesday and you have reports about the wetlands area, right? Been inspected and approved by-

Mr. Jackson: Yes.

Mr. Bramblett: What agency is that?

Mr. Jackson: Terracon Consultants out of Greenville.

Mr. Bramblett: And they're engineers?

Mr. Jackson: Yeah, they're environmental.

Mr. Bramblett: Environmental-

Speaker 30: And they've been submitted to housing review and approved by SC Housing.

Mr. Bramblett: So this isn't just something you did in your office. I mean this is all these, you've been to these state agencies and had all the

Mr. Jackson: No, this is not something that we just up on, right? No, everything that you see.

Mr. Bramblett: How long have you been working on this project?

Mr. Jackson: I started on this project last May or last April from 2022.

Mr. Bramblett: So it's been a year, three months that it took to go through all these different agencies and have the engineers and architects draw up all the planes?

Mr. Jackson: Yeah, It was a tier process to install a small rental development program.

Mr. Bramblett: Yes sir.

Mr. Jackson: And it had three tiers in the application last year and we made it through the final round and everything that we submitted was reviewed and approved by the state. We got proper being appraised, we got, got market studies done.

Mr. Bramblett: So how did you get a grant to proceed?

Mr. Jackson: No. No, not yet. All of this is part of having the conditions to receive the funding to make sure that it's on-

Mr. Bramblett: I'm just wondering if there was a grant involved or if it's all going to be a mortgage, have to borrow it all?

Mr. Jackson: No, as long as we keep it affordable, the money is forgivable.

Mr. Bramblett: I see. Okay. Well I appreciate that.

Mr. Jackson: Thank you.

Mr. Bramblett: Okay, do I hear any more motions? The simplest one would be the table. Who do I hear to table it?

A motion was made by Dr. Devron, seconded Mr. Murdoch to table the motion to July's meeting with a vote of 6-0.

Dr. Devron: I'll make a motion to the table it. Table it until that time with the public understanding what can be

Mr. Bramblett: Now, well if we table it and have a meeting in July, do we start at this point and go forward or do we have to do the whole thing over?

Mr. Livingston: What do you mean the whole thing over?

Mr. Bramblett: Well, I mean we have to go through all the-

Mr. Livingston: Yes, I would recommend that you do.

Mr. Bramblett: We would have to provide minutes of this meeting to everybody that attends the July meeting so they can read up on it.

Mr. Livingston: We would provide the minutes of the board it be part of the packet is available for public review

Mr. Bramblett: So they could go online and find it if they wanted

Mr. Livingston: It would go online in next month when we approve the minutes.

Mr. Murdoch: I'll second it.

Mr. Bramblett: Okay. So, Brian going to second it. So any more discussion? All in favor of tabling this application until July BZA meeting. Say, "Aye."

Attendees: Aye.

Mr. Bramblett: All opposed? No opposed.

Mr. Jackson: Thank you.

Mr. Bramblett: Thank you. Okay. Thank you all for coming. A very good meeting and I think we need about a 10 minute break. I do, anyway. Meeting's on hold for 10 minutes. Here's your phone. Somebody dropped their phone.

Mr. Bramblett: Just need to go. Just need to go. All back to the agenda. Okay. Meeting resumed. Okay, A second issue on new businesses of VAR-23-020-0006, City of Spartanburg, Zoning Appeals has received request for Variance to the side yard setback for the development. The Fretwell Taproom, located 102 Fretwell Street. And we'll leave Ms. Keitt, please proceed.

VAR-23-002-00006 - The City of Spartanburg's Board of Zoning Appeals has received a request for a Variance to the side yard setback for the development of the Fretwell Taproom located at 102 / 104 Fretwell Street. (TMS: 7-12-16-023.00); with a zoning designation of I-1 (Light Industrial District). Owner/Applicant: Laura Stille, Fretwell Partners

Project Description and History

Definitions:

Brewery – a factory where beer is made; a company that makes beer.

Taproom – a room or establishment where alcoholic drinks are served over a counter.

Fretwell Partners, LLC, owners of 104 Fretwell St.(currently a vacant site used for parking), would like to convert "102 Fretwell St." into a small brewery & taproom, as well as add a commercial oven to bake pizzas. Converting the current structure requires additional square footage to house the cooler / kitchen hardware. This addition ultimately extends the north facing wall by 12 ft., which goes into the required I-1 setback by about 10 ft. The current site plan shows the proposed building addition to be less than 6 ft. from the property line but just under 10 ft from the adjacent structure (100 Fretwell St. Lawson Contracting & Construction). The additional space would not be the full length of the existing structure, however this may adjust during the design process. There is an existing storage container on 100 Fretwell that the owner has agreed to remove the Variance is approved by the BZA.

Analysis

The I-1 Light Industrial Zoning Designation interior side setback is 15'. A Variance is needed to build beyond the minimum setback and can only be granted by the City of Spartanburg's Board of Zoning Appeals. Variances may only be granted in the instances listed in Section 603.4 of the Zoning Code.

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: **§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.
- 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.

Findings

- a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*
102 & 104 Fretwell Street lots were combined to create a larger parcel where more than half of the lot is currently used for parking. The property labeled 102 (via the Spar. County's Tax Assessor's page) has an existing structure that is currently meeting the I-1 zoning requirements.
- b. *These conditions do not generally apply to other properties in the vicinity;*
The Zoning Ordinance applies to every property located within the City of Spartanburg.
- 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*
The application of the Zoning Ordinance will require the owners to rethink the vision they have for this lot.
- 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 authorization of a Variance could potentially be of substantial detriment to the adjacent property as a minimum distance is required by the Building Code. Staff talked with the Building Department who confirmed that the addition would be required to be Fire-Rated per the Building Code.

- 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.*

The Board of Zoning Appeals may act to approve the request to reduce the required setback requirement of 15 ft. In the event the Board finds that the Variance request can be met and the project approved, Conditions of Approval are attached to this report.

Ms. Keitt: Good evening, BZA members. I'm Tia Keitt. So, Fretwell Partners LLC, owners of 104 Fretwell Street, would like to convert 102 Fretwell Street into a small brewery and Taproom, which also includes adding a commercial oven to bake pizzas, and cooler. Converting the current structure requires additional square footage to house the cooler and kitchen hardware. This addition ultimately extends the north facing wall by 12 feet, which goes into the required I-1 set back by about 10 feet. The current site plan shows the proposed building addition to be less than six feet from the property line, which is under 10 feet from the adjacent structure, which 100 Fretwell Street. The additional space would not be the full length of the existing structure, however this may adjust during the design process. And the owners of the property are here for additional questions.

Mr. Bramblett: Okay. I guess this is a point of order. There's been some discussion about whether we're talking about a variance for a cooler or a Variance for a oven and a cooler. And I think that the owners, the applicants are willing to remove the oven from consideration this evening. Is that correct?

Ms. Keitt: That would be new information for me. But regardless, it is beyond the setback.

Mr. Bramblett: It's beyond the setback?

Ms. Keitt: Yes. Unless they completely removed their application, but-

Mr. Bramblett: No, it's just the application for the cooler. What does the application say?

Ms. Stille: Do you want me to speak for her?

Dr. Devron: Not yet.

Mr. Matz: I got to finish her turn.

Mr. Bramblett: Well, okay.

Ms. Keitt: So, this is the property here. And so, I've had pretty good conversation with the owners and they are just a point of explanation about the two addresses on a single parcel. They have communicated with Spartanburg County to make sure this is one address, but also they've been working with this property for quite some time and as we see going forward, you need three parcels. But they're very much aware of the history and will provide any accuracy needed in the places where I am unclear. And this is the current zoning here, so you can see this is the old zoning map. I did cover this up just so one can see that it used to be three parcels. And as you all know, section 603 A1, any request for a variance must meet these. We have to, as staff, address these five questions.

So, are there any extraordinary or exceptional conditions pertaining to this particular piece of property? 102 and 104 Fretwell St lots were combined to create a larger parcel, where more than half the lot is currently used for parking. The property labeled 102 has an existing structure that is currently meeting the I-1 zoning setback. So, this is the property that we're talking about and property line ends probably about here. These conditions do not generally apply to other properties in the vicinity. All parcels must meet the zoning code. That's just required. I-1, it seems like it's a little more lenient or gives a little more opportunity for development. But just wanted to highlight this whole particular area is I-1, which is light industrial. Actually this a snippet from our zoning ordinance and you can see the front setback is 25 feet, what we're talking about here is 15 feet. So, which means a structure cannot go beyond the 15 foot setback. And they're currently requesting, I believe, about 10 feet in. But they're still in the design phase. They might have more updates right now.

Mr. Bramblett: Is that the rear of the building?

Ms. Keitt: This is the front here. On this image here, this is the side

Mr. Bramblett: That's the side or the back?

Ms. Keitt: This right here is the side, the side of the parcel. And this right here is the side of the parcel, the one we're talking about. The application to zoning ordinance will require the owners to, okay, 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. So, currently the design that was submitted at the time of the application, was proposed use. So, if this is not approved, they would have to re-think the whole property, re-think the whole vision for this particular site or the use of this property.

The authorization of a Variance could potentially be of substantial detriment to the potential property, as a minimum distance is required by building code. So, staff, even prior too, well given that this will go beyond the prior setback and the proposed use, staff did already talked with the Building Official. And I actually have an email that he responded to. But even before this, these are seasoned developers so they already need to reach out and talk to the building official, given what they would like to put there.

So I did bring the email and I will just read this. So, the building official states, and he did submit to the owners per table 705.5 of the IBC 2021 edition, because the concern is the firewall, the fire resistance of an exterior wall in relation to a property line, if the building is of type B as in victor, B as in boy, construction, which is wood frame construction or type 2B construction, which is non-combustible construction, the fire rating of the wall shall be zero fire rated if located 10 feet to 30 feet from the property line. If the wall is less than 10 feet to the property line with those types of construction, the wall facing the property line shall be one-hour fire rated. The, the rating shall be tied to the roof deck. Based on the cooler being less than 10 feet to the property line, the exterior wall will be one-hour fire rated. This can be achieved several ways.

So, even if this is approved, it still has to go through the plan review and at that point they will have to meet building codes. So, say yes, but they still will have to meet them. And the owner will confirm, but this will be removed.

Audience: Be what?

Ms. Keitt: Removed?

Audience: No.

Ms. Keitt: Okay. So, the record state that the owners said they will not be moved. So, my report was wrong. I heard that wrong. So, at this point we're looking at here to this-

Ms. Keitt: The storage?

Ms. Keitt: Yes, thank you.

Mr. Bramblett: Container?

Ms. Keitt: Yes, the container. Okay. So, I was wrong in that. So it's supposed to stay.

Mr. Bramblett: Ms. Deley said it's the dumpster that's going to go.

Ms. Keitt: Okay.

Mr. Bramblett: The dumpster have to be moved forward.

Ms. Keitt: Okay.

Mr. Bramblett: Or to some other location.

Ms. Keitt: Just let it also be stated that containers are not allowed in the City of Spartanburg. So, this is the site plan that was provided at the application here. I can't enlarge it anymore, but you will see how they really try to lay out how it would be laid out, but how they're trying to work with the building code to make sur that they are at least 10 feet from the next structure or the adjacent structure. So, the container is not shown on this design yet. So, that's something to be considered that the Building Official also up for consideration. And that's pretty much the end of this presentation. So, of course the board knows granting experience, the board may to conditions regarding location, character, or other features of proposed building structure or use advising. Are there any questions?

Mr. Matz: So, I guess just for clarification on this picture, this dimension that says five foot six inches, that's the one that we're concerned about. Is that correct? Because that's the one that should be 15 feet setback.

Ms. Keitt: Five feet, six inches? Yes.

Mr. Matz: So, that's the dimension that we're really concerned about on this drawing.

Ms. Keitt: Yes.

Mr. Matz: So that's the dimension that we're really concerned about on this drawing is that's where we're proposing to be at a minimum where it should be 15 by one instead..

Ms. Keitt: It should be 15.

Mr. Matz: Okay.

Ms. Keitt: But it's showing five.

Dr. Devron: I think that it probably should be made clear, you made mention of the...

Mr. Bramblett: Storage, yeah.

Dr. Devron: Right, the storage unit wall. We are going from wall to wall then based off of the City of Spartanburg and what you mentioned when it comes to what's allowed and what's not allowed. So we are going from wall to wall, or at this time are we going from the wall to the storage compartment?

Ms. Keitt: Wall to the property line.

Dr. Devron: Okay. To the property line. Now, so that compartment on over here, that really has, because you were speaking about it, but that really has nothing to do with what we're deciding on today. Okay. All right.

Mr. Bramblett: Well, I have some questions about that. How long has it been a city ordinance that you can't have a storage building, a portable storage building?

Ms. Keitt: They've never been allowed in the city.

Mr. Bramblett: No portable storage buildings allowed in the city?

Ms. Keitt: Containers.

Ms. Keitt: Shipping containers.

Mr. Livingston: Those are shipping containers, and there's a section in the ordinance that states if it's not specifically permitted, then it's not permitted in the city. So those shipping containers are not permitted in the city because there's no reference to them in the ordinance and storage.

Mr. Bramblett: What kind of storage does portable storage...

Mr. Livingston: So there's no reference to portable storage in the city ordinance.

Mr. Bramblett: There's nothing at all? So over there, proxy glass, he's got 20 of them.

Mr. Livingston: I believe he moved over many of them recently.

Mr. Bramblett: Many of them?

Mr. Livingston: Yes, sir. I believe he had to move them.

Mr. Bramblett: They're all over the city.

Ms. Keitt: Any more questions for Tia?

Attendees: No, ma'am.

Mr. Bramblett: Okay, the agent for the owner or the applicant is next.

Ms. Stille: Good evening. I'm Laura Stille. I'm the Managing Partner of Fretwell Partners. Oops, sorry.

Mr. Bramblett: Thank you.

Ms. Stille: And as you may be aware, we just did large development across the street, Fretwell, which currently houses and a large outdoor gathering space. This development is something that we feel is conducive to our master plan for the whole area of food and beverage opportunity.

Mr. Bramblett: Hold on. I'm sorry.

Ms. Stille: You got to swear me in?

Mr. Bramblett: I've got to swear you in.

Ms. Stille: Okay.

Mr. Bramblett: You promise to tell the truth and the whole truth?

Ms. Stille: I do.

Mr. Bramblett: Okay, continue. Sorry.

Ms. Stille: So as the staff mentioned, we discussed this with Buddy Bush, an issue with the distance to the property on it really has to do with the fire code. In our initial meeting, and you may have seen in your notes, we were under the understanding that it needed to be 10 feet from inside of the building to the next building. But when I talked to Buddy Bush, he said it's actually to the property line. And so since we're under 10 feet, we would just need to fire-rate that wall, a one-hour firewall.

We didn't have an issue with that you know, but as you may have seen in our notes, the plan for this building is for a small Taproom, which has a large cooler, 25 by 12, but when we put that inside the building, there would be no room for seating. We put it in the back of the building. What they would like to do is to put up seating and a bar along where the taps are. So it really makes sense to put it on the side. We put it on the other side of the building, there's a big drop-off there that wouldn't work. So it makes sense to put it on this right side.

Mr. Bramblett: Yeah, I didn't see that. I've been over there. It's a concrete pad and a loading dock on the other side.

Ms. Stille: Correct. So we would have to build a whole new loading dock to support up to 12 feet, which take up our parking, which is at a premium. And also these drawings that were submitted were preliminary drawings. We haven't gone down the road of hiring an architect yet, because that depends on your decision tonight, but the future owners have discussed putting in a pizza oven, and that's not a definite thing. The definite thing is that we have 30 feet in the back where the cooler is going to be located. So we need to, when we get to the planning portion, move the pizza oven to the back. That's sort of beside the point. The point tonight is the zoning for the right side of the building to accommodate the cooler.

Mr. Bramblett: Well, actually, what you're requesting is a Variance to the lower the setback for a 25 by 12 foot cooler.

Ms. Stille: Correct.

Mr. Bramblett: If we put the pizza thing in there, then that complicates the matter because you don't even know what size the pizza oven is going to be, and so I don't know about the rest of the board, but I'm uncomfortable trying to approve an additional setback-

Ms. Stille: It wouldn't be an additional setback.

Mr. Bramblett: ...for a building that you don't have any information about.

Ms. Stille: It wouldn't be an additional setback.

Mr. Murdoch: May I ask a question? So from our plans, it appears that the Variance you're requesting is to go within five foot six inches of the property line.

Ms. Stille: Correct.

Mr. Murdoch: Whatever in that structure is going to be-

Ms. Stille: Correct.

Mr. Murdoch: ...that's your structure, five... Can you see it being any closer than five feet six inches to the line?

Ms. Stille: No, and if so, we'd have to come back and request that.

Mr. Murdoch: Right, because I know there was, even though there's no architectural plans, if we said, "Hey, not any closer than five foot six inches," that's going to be the vertical structure with a roof, heated and cooled, and so then it would have to meet whatever it would be, whether it be... Whatever's there, it could be a dance floor or pizza oven or making cheeseburgers or whatever cooler.

Mr. Bramblett But if the specific size of the cooler's 25 by 12, that's...

Mr. Murdoch: But we're approving-

Ms. Stille: Yeah, we're approving the variance.

Mr. Bramblett: We're not approving the whole length of the building. We're approving 25 feet.

Ms. Stille: No, you're approving... I'm sorry.

Mr. Murdoch: We're approving within five foot six... We're approving a Variance on the setback, which we're approving that to five foot six inches, whether the building is three feet wide or 30 feet wide, so that-

Mr. Bramblett: That setback allows you to build 100-foot long, because that building's 100 feet long. It allows you to build 100-foot long.

Mr. Murdoch: And they'd have to, with firewalls and everything, I know there's other residential in the city or within five feet, I think, there's some go within five feet. Do you have to have a firewall and those type of things and sprinklers depending on how many units? But, okay.

Mr. Bramblett: I think this is for the length of the building.

Ms. Stille: Right. Excuse me, but that's my understanding is that I'm requesting a Variance on the setback, not on the plan.

Mr. Bramblett: Well, that's news to me, because I always thought it was for a specific length and width. I must... I apologize to anybody if I was mistaken, but... So, okay. Any questions to the applicant about...

Ms. Stille: I have... Brian Lawson is our contractor who lives next door who will be doing the interior upfit.

Mr. Bramblett: Okay.

Ms. Stille: And then Mark Olencki is one of Fretwell partners here, too, tonight.

Mr. Bramblett: I see.

Ms. Stille: Oh, yes.

Mr. Murdoch: So this is in anticipation of making that whole area sort of together with what you have currently there.

Ms. Stille: Correct. We... Sorry, let me finish writing here. I can't talk and write at the same time. Our development agreement with the city, we've already spent upwards of 2 million dollars on the property across the street. We applied for the South Revitalization Act for up to 7.5 million dollars. I don't think it's been that much, but we do have a development agreement with the city that we will add another building at some point. This is an interim step, which, for us right now in this interest rate environment and construction environment, it makes a lot of sense for us to do this in the interim and then move onto a new construction.

Mr. Bramblett: Isn't it true that this structure is sort of the one side of that lot that you have a lot more space on the other side of the building?

Ms. Stille We have the parking lot on that side, yes.

Mr. Bramblett: But it's a developable space, correct?

Ms. Stille: Well, it would be more expensive, because we'd have to add the support underneath-

Mr. Bramblett: You'd have to?

Ms. Stille: ...and we'd have to give up a row of parking.

Mr. Bramblett: Do you have any water issues on that side of the building?

Ms. Stille: We will have to do some drainage work there, as you can see.

Mr. Bramblett:: Because I was just looking at the slope coming down from the building on the right. It looks like all the water dumps into that-

Ms. Stille: We will have to do some drainage work.

Mr. Bramblett:: ...that locked space there.

Ms. Stille: Right.

Mr. Bramblett:: So you'd have to build that cooler-

Ms. Stille: Yes, we'll have to pour a concrete kind of pad-

Mr. Bramblett:: ...up off the ground on that side, too.

Ms. Stille: ...but not nearly as big and nice as on the other side.

Mr. Bramblett: I see. Any other questions or comments to the act? Thank you.

Ms. Stille: Thank you very much.

Mr. Bramblett:: Any of the other... Mr...

Mr. Lawson: My only question is, I am-

Mr. Bramblett: You come on in. Come up. Sign up.

Mr. Lawson: Okay. My name's Brian Lawson. I'm next door here with them getting the Variance, which work great. These guys, I like having them as my neighbor across the street. If they get the Variance for the, let's just call it 10 foot on their side, with my building to the left, is there anything forbidding me from doing the same as the Variance from my building, getting the 10 feet? Or does that limit us? So there's no repercussions for that, it's doesn't limit what I can do?

Mr. Murdoch: If I can't have this-

Mr. Lawson: No.

Mr. Murdoch: It's my understanding that each case stands on its own.

Mr. Lawson: Sure.

Mr. Murdoch: And so we would be looking at some of the same guidelines in this as we would...

Mr. Lawson: Has to be a fire-rated wall separating us.

Mr. Murdoch: Yes, sir. Yes, sir. We'd be looking at some of the same things, but there may be differences, but... Yeah.

Mr. Lawson Yeah, yeah.

Mr. Bramblett: How long have you had that storage building there?

Mr. Lawson: Let's not talk about that.

Mr. Bramblett: That's all right-

Mr. Lawson: About five years.

Mr. Bramblett: Huh?

Mr. Lawson: About five years.

Mr. Bramblett: Yeah.

Mr. Lawson: Painted it to match my building.

Mr. Bramblett And how long has that ordinance been in effect? It wasn't in the new comprehensive plan.

Mr. Livingston: Yes, I know.

Mr. Bramblett: So if they didn't put the cooler out there, then he could leave his building there with storage building. Yep. It's just now that you found out about it, you going to make it move. Okay. Well, what are you going to do about your extra storage needs, Mr. Lawson?

Mr. Lawson: I don't know. It's news to me.

Mr. Bramblett: So you would be prone or inclined to add it onto your building?

Mr. Lawson: I would. I'd be inclined to ask the marshal to let my building stay, my conex stay there because it's safe and secure. It's not an eyesore.

Ms. Moore: Are there variances heard for that kind of thing?

Mr. Livingston: Yes.

Ms. Moore: Yes?

Mr. Bramblett: Since it's been there so long. I mean, could you dig up the receipt for it-

Mr. Lawson: I'm not sure I could. I-

Mr. Bramblett: ...from your accountant or somebody?

Mr. Lawson: I don't think that will matter.

Mr. Bramblett: Well, I was just thinking there ought to be some kind grandfather.

Mr. Lawson: There might be. I know she said I got to move it before they send it back.

Ms. Moore: You can appeal to the BZA.

Mr. Bramblett Yeah. Well, I mean, I'm all for... I love Fretwell. I think it's great. I think it's fabulous. We went there last Friday. We even had a great time, but I don't want the growth of the

Fretwell causing distress to their neighbors. You know, we got a situation here where the building is... You've got the storage building right there, and there's all kinds of room on the other side of the building, yet they choose to put a cooler on side where his storage building is. You know, why? But anyway, let's proceed. I'm sorry.

Mr. Lawson: Thank you.

Mr. Bramblett: Thank you, Mr. Lawson.

Ms. Stille: If you don't have problems, we can proceed.

Mr. Bramblett: Okay. Any more questions? All right. I don't know if we need a public... Do we need a public... Okay. All right. If there are no other questions, I'll ask the for a motion to open this for public comment.

Mr. Murdoch: I'll make that motion.

Mr. Cohen: Second

Mr. Bramblett: Okay, second, and a motion to say all approve?

Attendees: Aye.

Mr. Bramblett: Okay, and we're in public comment, so if anybody has any positive or negative comments about the request for a Variance in this location, please speak up, sign in, and state your name and where you live.

Mr. Nixon: George Nixon. I live on Rosewood Lane in Spartanburg. I'm a neighbor of Fretwell.

Mr. Bramblett: Yeah, go ahead and sign in. We'll wait.

Mr. Nixon: All right, so I'm a neighbor of the Fretwell property. Labor Printing is on Marion Avenue, right behind me. For 20 years, the renter rented property from me in that building. They've been great neighbors, that new place, they've done a phenomenal job with it. There's always plenty of them. It's well done. Just want you to know I have no issues about this Variance.

Mr. Bramblett: Thank for your comments, sir. Anybody else?

Mr. Olencki: I'm Mark Olencki. I live at 485 Hampton Drive, and I am one of the partners in Fretwell, and, obviously, I would like to see this happen. I think we've been developing that area nicely, and I want to see it grow, and it will be within all respects of ordinances and such.

Mr. Bramblett: Thank you, sir, for your comment. Okay, I guess there's no more comments. I'll entertain a motion to close the public comment section.

Mr. Matz: I'll make a motion to close public comments.

Mr. Cohen: Second.

Mr. Bramblett: All in favor?

Attendees: Aye.

Mr. Bramblett: All right. So do we all... Do you have any further comments, Mr. Livingston or Ms. Keitt? Anything brought up that anybody wants to comment about on the board?

Mr. Cohen: My comment, my concern is the fact that the adjacent property, he don't want to move the storage, so what is going to be the... I mean, well, because the ordinance says he has to move it, but in the event...

Mr. Murdoch: I think one thing Brian... I think the two things don't really have anything to do with each other. With it being within the five feet, he can move his building and those type of things, and I think anything as far as being more of a temporary storage container like you see on the ships and then the-

Mr. Cohen: You mean a smaller one?

Mr. Murdoch: Yeah, I think it's a different issue.

Mr. Cohen: Well, I was speaking to the fact of it was going to the spacing of what they're trying to add onto that building. If that's still there, then that causes the issue, is if that's what I'm reading, the...

Mr. Murdoch: It's Sam Roth, and maybe it's not deeded. There's no foundation there. So it'd be a temporary, sort of like if... Could be a vehicle, could be a truck or something like that. Of course, it's not moving, but I think it doesn't appear that his container was within five feet anyway, so he could build out to that, too. I think you just got to have that-

Mr. Cohen: Just to about where the grass starts at?

Mr. Murdoch: Yeah, probably, so I don't know-

Mr. Bramblett: That's not... Because see that building is on the property line. That's how close that other building is. The portable storage building is on the property.

Mr. Murdoch: But we're not talking about the next property, Mr. Bramblett, we're talking about this one, whether we approve it from-

Mr. Bramblett: We have-

Mr. Murdoch: ...you know, to five foot six inches.

Mr. Bramblett: We can't have less than 10 feet between two buildings, right?

Mr. Cohen: See, and that's what I'm saying, so if they get it added on...

Mr. Livingston: Within the property line.

Mr. Cohen: That's it. The property line.

Mr. Livingston: Yes, the property line.

Dr. Devron: We're dealing with the property line only.

Mr. Cohen: Okay.

Mr. Matz: It's not the building, it's the property line.

Mr. Cohen: Which stops where for the property building?

Mr. Bramblett: The property line is at the edge to the green grass.

Mr. Bramblett: The property line is just to the left of the edge of the...

Mr. Cohen: To where the green... Okay.

Mr. Bramblett: Just to the left of the edge, and the...

Mr. Murdoch: And it's not a foundational structure. We're talking about property structure.

Mr. Cohen: Oh, so something could still fit for him.

Mr. Bramblett: And it's still his wellbeing, how we address his wellbeing. He's had that building there for years.

Mr. Murdoch: He wasn't against it, Mr. Brown.

Mr. Bramblett: Yeah, he is for it.

Mr. Murdoch: They're going with the five-foot six inches.

Mr. Cohen: Mm-hmm.

Dr. Devron: Right.

Mr. Murdoch: I mean, you're making an argument that he's not making.

Mr. Bramblett: Well, I'm trying to take up for him. Okay, so-

Mr. Murdoch: Well, I only brought that question up, not anything... It was just an event that... We talking about the property line. I understood that. But just the fact that it was there and that was still, I know we talked about fire safety and all that, would that make it too close?

Mr. Murdoch: Yeah, well, I will say this. I am a very close neighbor. I walked down to look at these. I actually live in... There's three-story condominiums that back up to, basically, to the rail trail, and I'll say this, I never knew that Mr. Lawson was here, and that's a good thing with construction. There are some others that are in other properties that are allowed banging stuff going on and stuff, and they've always taken good care. I mean, I walk my route around there. And same with Fretwell. I mean, that is a excellent addition, and so I think...

Mr. Lawson: Preaching to the choir here.

Mr. Murdoch: We're still, we're not going over that five feet with the firewall from the property line.

Dr. Devron: I have a question. Ms. Keitt, can you pull up the five portions of the ordinance that we're supposed to be going by please? Okay. So that right there is what they're trying to bring it down from the 15 feet down to five feet. And so we need to determine whether it goes against any of these five things right here as far as... Because we know it's going to be the length of the building, but the main thing is the property line. The other gentleman's property has absolutely nothing to do with it at all. So we need to go by this here and make our decision based off of if what they're striving to do goes against any of these five.

Mr. Cohen: And that's why I asked the question.

Mr. Bramblett: I disagree. Wait a minute. Because at the last case we had, the neighbor's property had everything to do with it. That's why we tabled, because the concerns over how it's going to affect the neighbors.

Dr. Devron: But we can't discuss that.

Mr. Bramblett: So don't we have to...

Mr. Murdoch: That's not why we tabled it last round.

Dr. Devron: That's not why we tabled this.

Mr. Murdoch: That's not why we tabled it.

Dr. Devron: No.

Mr. Bramblett: Why'd we table?

Mr. Murdoch: Because the day was wrong.

Mr. Bramblett: But we didn't get to hear from everybody, but so you're-

Mr. Murdoch: That's right.

Mr. Bramblett: ...saying that we don't need to take the neighbor's-

Mr. Murdoch: I'm not saying that.

Mr. Bramblett: ...wellbeing in his own business into consideration. You just said he's a long time businessman, been in that location. He owns that whole corner over there, keeps neat.

Mr. Murdoch: I just think that we need to let each person decide for themselves if they think this property, if we can go with five, six inches with the fire rating, the one-hour fire rating with that

wall that ties to the ceiling, if we think that that's appropriate for that piece of property, considering the neighbors, the other types of property, no residential, it's the same type. I think that's what we need to base it on.

Dr. Devron: If they're striving to cross the property line, we have a problem, but if they're coming up to the property line and we have the option to give a Variance or not, then that's really what we're discussing there. If they're saying we need... That's when they would discuss it with him and then he would come in and say whether he... It's no problem with me, or, no, I have a problem with him because I plan on building, and I don't want... So, but they're not going across that property line, and it's not impending upon his building, and he's not arguing, so-

Mr. Lawson: To your point, if you don't mind.

Dr. Devron: Yes.

Mr. Lawson: Like what I was asking Mark. So if my container does have to go and then I mean that basically the Variance would look the same way. You would both have a one-hour firewall. There'd be 10 feet in between our two buildings.

Dr. Devron: So the other building, you would do the same thing that they're doing right now.

Mr. Lawson: Uh-huh.

Dr. Devron: Which would be, because eventually that's going to be removed, but if you still want to build on your side for storage, then you would come in here and do the same thing, the exact same thing.

Mr. Lawson: And then-

Dr. Devron: As long as you're not the same crossing-

Mr. Lawson: We would do it the same way.

Dr. Devron: Right. As long as you're not impeding upon that building or crossing the property line like they're doing, they're coming up to it, closer to it, but they're not crossing it, then everything will be fine.

Mr. Lawson: And Mark, that seems good in your view?

Mr. Bramblett: So that would... If he had a 10-foot Variance, just like she's asking for, then there'd be 10 feet between the two buildings.

Mr. Livingston: So we're talking about a lot of hypotheticals-

Mr. Bramblett: And that's all that we need.

Mr. Livingston: Right.

Mr. Livingston: As Mr. Murdoch mentioned, everything would have to come back before the BZA. Today, we're concerned with the property, the property to the left. We should focus on that. If the hypothetical, that if property owner comes back before you, they would have to meet the same requirements. They would've to have a one-hour fire rating wall according to building official, and they would have to meet all of the building requirements if the applicant submitted an application for BZA, as well. So yes, they would have to meet the same requirements again in the hypothetical.

Mr. Bramblett: Mm-hmm. Okay. Thank you. Thank you, sir. Well, I'd like to make sure it's on the record that Mr. Lawson's wellbeing with his well-maintained and managed business has to be taken into account before we provide the Variance for the after that it had. I just feel like it's very, just as it did with the last meeting, we can't-

Mr. Murdoch: Yes, you're right.

Mr. Bramblett: ...treat one meeting one way and another-

Mr. Murdoch: Point of order. You made your point. Point of order. You made your point.

Mr. Bramblett: All right. Okay. So I guess the applicant is also offered, if you want to say anymore, Ms. Stille. Do you have any more statements to make?

Mr. Stille: No, I do not.

Mr. Bramblett: Okay. All right. So we move into the board deliberation phase. How do you feel, Mr. Cohen?

Mr. Cohen: Based off of the findings in there, because my only concern was the deed, but since there is no issue with that, I don't have any disagreements with the Variance.

Mr. Bramblett: Yes, sir.

Dr. Devron: Well, as I stated before, it's not... They're just asking to come closer to the property line. They're not striving to go over the property line. There's been no pushback from, really, from the neighbor himself. He just had some questions and what have you and then about the storage, but I don't see where there's a problem. We've addressed all five things and we're not doing... Approving the Variance wouldn't do anything to go against those five sentences, so I mean I really don't have an issue with it.

Mr. Bramblett: Okay. Ms. Moore?

Ms. Moore: I think it meet the requirements for it.

Mr. Bramblett: Okay.

Mr. Matz: Yeah, I agree. To me, the building code's going to take care of any safety issues around the whole construction. I think it's pretty clear that it should be approved.

Mr. Bramblett: Mr. Murdoch?

Mr. Murdoch: I agree with everything that's been said.

Mr. Bramblett: Okay. I take a motion. Anybody want to make a motion?

A motion was made by Mr. Matz, seconded Dr. Devron to approve the Variance from 15 feet to 5 feet with a vote of 6-0.

Mr. Matz: I make a motion to approve the Variance for producing the setback from 15 feet to 5 feet.

Mr. Bramblett: Okay.

Dr. Devron: Second

Mr. Bramblett: Second. Any discussion? All in favor?

Attendees: Aye.

Mr. Bramblett: Any opposed? Okay. You got it. Thanks for your patience.

Ms. Stille: Thank you.

Mr. Bramblett: All right. Do we need another break or are we ready to move onto third case?

Mr. Cohen: Let's keep it moving.

Mr. Bramblett: Let's move. Keep moving. Thank you all for coming. Thank you all for being here.

VAR-23-00200007 The City of Spartanburg's Board of Zoning Appeals has received a Variance request to the minimum lot size requirement for a development duplex located at 30 Varner St. (TMS # 7-16-14-093.05); with a zoning designation of R-6 (General Residential District). Owner: House Rescue LLC / Applicant: Terrence Wilson / Agent: Chrystal Wilson

Project Description and History

The project site is approximately 14,216 square foot lot located in the R-6 (General Residential District) zone. The project site abuts Oak St. to the north boundary and Varner St. to the south boundary. The surrounding properties are all zoned for R-6, General Residential District.

The applicant/agent is proposing to subdivide the property into two lots and build one duplex on each of the new subdivided lots. However, the current survey of this property shows that the property line extends to half of Varner St. Since Varner St. is a public right-of-way, it cannot be included as valid buildable area to meet the minimum lot per dwelling unit size requirement for a duplex development. Therefore, a variance of reducing the yard less than required for duplex development is requested in order to accomplish this duplex development.

Analysis

Zoning Ordinance Consistency

The project site has a zone designation of R-6, General Residential District. **Section 302.5 R-6 General Residential District Uses Permitted by Right** of the City of Spartanburg Zoning Ordinance, R-6, General Residential District, does allow for two family and multi-family dwellings.

However, given the available size of the land for the development of the proposed project, the applicant is seeking minimum lot size for each dwelling unit requirement reduction variance for this duplexes housing project. A Variance may be granted by the Board of Zoning Appeals to the minimum size standards required in the ordinance. 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, two are applicable to this project;

Section 603.4 (1): To permit any yard less than the requirements of this Ordinance.

Section 603.4 (3): To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width.

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:

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

- f. 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.
- g. 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

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

Currently, half of the Varner St. has been included as part of the total square footage for the entire lot based on the survey/plat provided by the applicant/agent. However, Varner St. is a public right-of-way, it shall not be included to the total square footage of the lot to achieve the minimum lot size for each dwelling unit requirement for this proposed housing development since it is not buildable.

2. ***These conditions do not generally apply to other properties in the vicinity –***

Properties surrounding the project site are all zoned for R-6, General Residential District, and the majority of the lots have already been developed with a single family. A forestry land is across from the project site on the other side of Varner St. Given the proposed development plan, the lot will be subdivided into two in the middle to build duplexes, because of the insufficient square footage required from the current Zoning Ordinance, a variance is needed.

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; and –***

By granting the reduction of minimum project area for this duplexes housing project, it will allow the applicant to build duplex on each of the lots. Otherwise, the proposed project cannot be developed with the desired housing units.

4. ***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–***

No substantial detriment or harm will be caused to the general public good. The character of the district will not be harmed by the granting of the Variance since the neighborhood will still remain as residential uses. The duplexes housing development will add value to the land on Varner St. The applicant/agent needs to provide enough off street parking space based on the Off Street Parking Requirements for residential development – two parking spaces per unit.

5. ***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–***

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. The Board may choose to approve or amend them based on the outcome of this proposal.

Ms. Zhou: And hopefully, welcome to the last one. So the last one is a variance request for 30 Varner Street. So the request that basically is the same request that the first one to permit any law ordinance or requirements of this ordinance... Here, I would like to introduce a little bit this project description and history. So, basically the applicant or the agent is proposing to [inaudible] the property into two lots. Here is a lot. And so the applicant is trying to propose to separate lot like this, and they're trying to build one duplex here, one duplex on the other side. However, the current survey of this property shows that the priority line extends to half of Varner Street. And it's like this, so if you look really close there is a dash line here. That is we verified with the city attorney and he said that, well unfortunately this is where the records are.

Saints Varner Street is a public right-of-way and it cannot be included as valid beautiful area to meet the minimum lot per dwelling unit size requirement for a duplex development. Therefore a Variance of reducing the yard less than required for duplex development is requested in order to accomplish this duplex development. And because this is zone for R-6, in order for R-6 to have a duplex on them, they have to have per dwelling unit, it has to have 4,000 square foot. Basically each of the lot after sub dividing it should have 8,000 square foot per lot in order to have a duplex being built.

Apparently this doesn't meet the requirements, so again, we are looking at five different criteria. The first one is there are extraordinary or exceptional conditions pertaining to this particular piece of property. Currently as I state earlier, half of Varner Street has included as part of the total square footage for the entire lot based on a survey or plan provided by the applicant or agent. However, Varner Street is public right-of-way and it shall not be included to the total square footage of the lot to achieve the minimum lot size for each one unit requirement for this proposed housing development since it is not buildable.

And then the second criteria is these conditions do not generally apply to other properties in the vicinity. If you look at this aerial photo, as you notice the left and the right side of this proposed project area is being developed as single family housing. And they're all zoned for R-6, which means it is General Residential District. And the forest land is across from this project site. So this is the picture of the right property and then the left. So this is directly across from the project site. So given the proposed development plan, the lot will not be subdivided into two in the middle to be duplexes because of the insufficient square footage required from the current zoning ordinance, so a Variance is needed.

And then the third criteria we are looking at is, 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. So based on this case, by granting the reduction of minimum project area for this duplexes housing project, it will allow the applicant to build duplex on each of the lots, otherwise the proposed project cannot be developed with the desired housing units. And the authorization of a Variance will not be of substantial detriment to adjacent property or to the public goods, and the character of the district will not be harmed by the granting of the Variance.

So based on staff analysis, no substantial detriment or harm will be caused to the general public good. The character of the district will not be harmed by the granting, by the granting of the Variance since the neighborhood will still remain as a residential uses. The duplexes housing development will add value to the land on Varner Street. Um The applicant needs to provide um enough off-street parking spaces based on the off-street parking requirements for residential development, which is two parking spaces per unit. And I talked to the applicant earlier before they submitted this project. I said that Varner Street is a very narrow street, and that you need to

provide four parking spaces on each of the lots and that the applicant says that they can meet that.

Um and then lastly is 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. Um so the same in the event that the board finds that the Variance of findings can be met and then the project approved, conditions of approval are attached to this report. Um the board may choose to approve or amend them based on the outcome of this proposal.

So I would like to go through some of the site photos. So this is front of the site. It is not being developed right now, and this is the side view of the site. And this is the property to the right and to the left. Um this is down Varner Street. This is across from Varner Street. Um as you can see, I took a very general picture of how narrow Varner Street is. So as a staff member I am a little bit concerned about the parking. And this is actually um because, as you can see from the aerial photo, this lot has double straight frontage. Actually this is a view from Oak Street. This is the property that you just looking at Oak Street here. So these are the back of these two sides. And then um these pictures are taken from Oak Street. Oops. And this is Oak Street, and it's Varner Street. So um that's just in my notes of um I want to bring attention to the applicants that the parking. That's it. Thank you.

Mr. Bramblett: Okay, thank you. Any questions from the board?

Mr. Matz: Yeah, I guess this drawing here in the packet, this is their actual what they want to do to subdivide?

Ms. Zhou: Yes.

Mr. Matz: Because the square footage as they're listed here are both greater than 8,000, so I'm confused.

Ms. Zhou: I think that is including part of Varner Street.

Mr. Matz: Because it also looks like they have an issue on Oak Street too.

Mr. Bramblett: What are they saying? I can add some clarity to that. I used to own a parcel land out in Clifton, and most of my property bordered about six streets. And most of my property pins were in the middle of the street. And that's just the way they did it. That's the first properties that were ever surveyed. But then they used to run the property line out to the middle of the street. I don't know why. I guess something to do with taxes maybe. I don't know. But that's what you have here. And what she's saying is you have to, since that's public right-of-way, you have to subtract those. Since it goes out to the middle of the road, you have to subtract those sections from the total square footage of the lot. Am I correct in saying that?

Ms. Zhou: Yes. It cannot be counted as part of that square footage.

Mr. Bramblett: As part of that. That's why.

Mr. Matz: Yeah, when you do that, I come up with 1,784 square feet take or give, which matches the 14,000. I'm just confused as what the purpose of this drawing is trying to communicate to me.

Ms. Zhou: Well this is a drawing provided by the outcomes.

Mr. Matz: When you look at it at face value, it says we've got more than 8,000 square feet per lot. What we're talking about, this isn't the actual, but it says that this is a minor subdivision so they're still using... It would be a lot clearer if they actually showed that the property line's here now and here and they readjusted these numbers. That's what I was trying to gather, is what...

Mr. Bramblett: What is the final square footage of that lot minus the parks and the paved road?

Ms. Zhou: I don't know. You can ask the applicant. But I do know that it will be less than 8,000. That's why they're requesting a Variance. And we do gather a clarification from the state attorney. He said that either they can request in for a Variance or they can choose to single family on both lots.

Mr. Bramblett: Did he give you information about how large each duplex will be with the square footage?

Ms. Zhou: No, it's just it has to meet the minimum square footage of a duplex being built on R-6. It has to be 8,000.

Mr. Bramblett: Is there anything about the duplexes being at an angle to the street instead of parallel to the street?

Ms. Zhou: No. Basically-

Mr. Bramblett: Like the house on each side, don't face the Street squarely?

Ms. Zhou: Yeah, Street.

Mr. Bramblett: Well shouldn't the duplex face street squarely, just like the houses on each side?

Ms. Zhou: Are you talking about the layout this.

Mr. Bramblett: Well, see the little rectangles they drew, which I assume are the duplexes they want to build, they're at an angle to the street.

Mr. Livingston: What they're providing there is setback information, based on setbacks and the size of the area that's buildable. They can build...

Mr. Bramblett: So that box has nothing to do with what the-

Mr. Livingston: No.

Mr. Bramblett: ... the rectangular size of the structure they want to build?

Mr. Livingston: No, it's within the setbacks.

Mr. Bramblett: All right.

Mr. Livingston: They can build a structure within those setbacks.

Mr. Bramblett: Okay. Is that clear?

Mr. Matz: Yeah, I think they just oriented it so you have to look at..

Ms. Zhou: Yeah, it could also, because of the shape of this lot, it is a little bit weird so they're just trying to accommodate to this, it could be. You can ask the applicant.

Mr. Bramblett: But you don't have any numbers. Is that actually how much the lot is minus the streets?

Ms. Zhou: No.

Mr. Bramblett: In other words, we don't know how many square feet of Variance they're requesting.

Mr. Murdoch: We do, on page 69, Mr. Bramblett. I think this gives the project site, it looks like..
Mr. Matz: 1,784 square feet. That's the Variance they're asking for.
Mr. Murdoch: Yeah, instead of it being 16,000 square feet, it's 14,216 square feet there on the...
Mr. Matz: They're asking us to give them Variance.
Mr. Bramblett: I don't have that.
Mr. Matz: Page-
Mr. Murdoch: 69.
Mr. Bramblett: 69?

Mr. Bramblett: It's alright. All right, right there. Okay, what we're looking at then is a reduction of 1,784 square feet. Is that-
Ms. Zhou: Yeah.
Mr. Bramblett: Is that what you came up with?
Mr. Matz: Yeah.
Mr. Bramblett: Okay.
Mr. Matz: Which matches when you do the math of their dimensions on their, leaving from the center line of the street back to the edge of the property at those two areas.
Mr. Bramblett: Okay, 11 times 80. Is that what you did, 11 times 80? 72 times, must be...
Mr. Matz: No, they're not perfectly aligned.
Mr. Bramblett: Okay.
Mr. Murdoch: It's all good.
Mr. Bramblett: Okay, anything else?
Ms. Zhou: No.
Mr. Bramblett: Okay. All right, is the applicant present?
Ms. Wilson: I'm the agent.
Mr. Bramblett: Okay. Please come up. Can you sign in please?
Ms. Wilson: Yes. All right.
Mr. Bramblett: Raise your right hand, I'll swear you in. Do you promise to tell the truth, the whole truth?
Ms. Wilson: Yes I do.
Mr. Bramblett: Okay, thank you. Okay.
Mr. Murdoch: Proceed please.

Ms. Wilson: I'm not really sure how much more information I can give. Based off what she said, it's pretty clear. When we purchased the lot, we wasn't aware of that overlapping right-of-way that the city had. We're in the planning stages of everything and so we had a surveyor go out because we wanted to split the lots and get two tax map numbers and new addresses. And that's when we were made aware when we presented it to the Planning Department that there was a road going across that setback for the other side of the duplex. That's where that came in. As far as how the drawings are laid out, the duplexes on both sides will have a one car garage, and they'll still be able to have two additional parking spaces in front of the properties.

Mr. Bramblett: So there only getting, one car garage for each duplex, each side of the duplex?
Ms. Wilson: Yes.
Mr. Bramblett: And then you'll have two additional parking spaces out front?
Ms. Wilson: Yes.
Mr. Bramblett: Does that meet the requirements? Okay. Any other questions, anybody?
Mr. Cohen: What was your name?
Ms. Wilson: My name's Chrystal Wilson. Chrystal with an H.
Ms. Moore: So they look like one duplex would have its address on Varner Avenue?
Ms. Wilson: Yes, that's correct. And I have a picture of it on my phone, if you want to see it.

Ms. Moore: I always want to see it.

Mr. Bramblett: Is that what we have in the packet?

Mr. Murdoch: No.

Mr. Bramblett: Oh, that's what you're going to build?

Ms. Wilson: It's not that..

Mr. Bramblett: Oh wow, two story.

Ms. Wilson: Yeah, two story, two bedroom, two and a half bath.

Mr. Bramblett: Okay, any other questions from the board?

Ms. Moore: About how much square footage?

Ms. Wilson: The total of the one duplex is about 2,900, so a little less than 1,500 square feet, of heated square feet, yeah.

Mr. Bramblett: Okay, that's all. Thank you for-

Ms. Wilson: Thank you.

Mr. Bramblett: ... the information. When you look at that... Okay so, the next order of business will be to open the meeting for public comment, if there's any public comment from anybody for or against this project.

Ms. Moore: We open for public comments.

Mr. Bramblett: Okay, all in favor?

Attendees: Aye.

Mr. Bramblett: Okay. All right, anybody have any comments, positive or negative, toward the granting of this Variance application? Please speak now. Okay, none. Seeing there's no comments, do I have a motion to close the public comment section?

Mr. Matz: Make a motion to close public comments.

Mr. Cohen: Second.

Mr. Bramblett: Okay, all in favor?

Attendees: Aye.

Mr. Bramblett: All right, move on. There's any more comments from the planner or from Ms. Zhou? Okay. All right, I guess we'll move on into board deliberation. Any comments, anybody?

Ms. Moore: This one, I think they meet all the requirements. Seems like it would be, I was looking at it to see if any neighbors came out to have a contribution, because there are a couple owner-occupied properties there. That structure would probably do well and increase property value. I think..

Mr. Matz: I don't see any issues with it. I think it's good

Mr. Bramblett: Yeah.

Mr. Murdoch: I have no objection.

Mr. Bramblett: Okay, I'll entertain a motion either way.

A motion was made by Mr. Cohen, seconded Dr. Devron to approve the Variance with a vote of 6-0.

Mr. Cohen: I make a motion to grant the Variance.

Mr. Bramblett: Okay.

Dr. Devron: Second.

Mr. Bramblett: Based on the information given us about 1,700 square feet plus.

Dr. Devron: And with the seven conditions. There are seven conditions attached. Page 72.

Mr. Cohen: In the findings?

Dr. Devron: Yes.

Mr. Bramblett: Oh yeah. Well, I'm not sure if these are conditions.

Dr. Devron: Yes, those are conditions.

Mr. Bramblett These are-

Dr. Devron: What they are is they were already there just in case we approved the Variance.

That's what's going to go along with the approval.

Mr. Bramblett: Oh yeah, this-

Dr. Devron: Yes sir.

Mr. Bramblett: Okay, this is the given language that's already... We don't usually see that, but yeah, of course there's steps. You understand there's steps to take beyond this? All right, any other discussion? Okay, all in favor of granting the Variance for the property that's currently on-

Mr. Cohen: 30 Varner

Mr. Bramblett: Varner Street, to be divided and allow the construction to proceed, say aye.

Attendees: Aye.

Mr. Bramblett: Any opposed? Okay, let the record show that it was approved. All right, let's see. Let's get back to the agenda. Oh, here it is. Okay, you got through with all those cases. All right, what's next? Chair and vice chair selection. We're going to have a new election of officers.

Mr. Livingston: Every June the board is required to select the chair and vice chair.

Mr. Bramblett: Sounds good.

Mr. Livingston: That's by nomination and vote.

Mr. Bramblett: Okay.

Mr. Bramblett: We need a temporary chairman. You want to be the temporary chairman?

Mr. Livingston: Sure. I can act in that capacity, or you can assign it to someone else.

Mr. Bramblett: Be fine.

Mr. Livingston: I'll open the floor for nominations for chair.

Ms. Moore: What are the duties of the chair?

Mr. Livingston: The duties of the chair is to make sure the meeting runs according to the schedule and the agenda, according to the requirements, and to make sure that the process is followed to the completion.

Ms. Moore: I nominate Darren Matz.

Mr. Livingston: And the nomination for Darren Matz. Are there any other nominations?

Mr. Cohen: I nominate Brian.

Mr. Livingston: And I have nomination for Brian Murdoch as well. Are there any other nominations?

Dr. Devron: Brian.

Mr. Livingston: I have nomination for Brian. Any other nominations? Close nominations. Do I hear a motion to close nominations?

Mr. Matz: Make a motion to close nominations.

Mr. Livingston: Second.

Dr. Devron: Second.

Mr. Livingston: Okay, we have both Brian and Darren. Both are listed. Do we have a vote either way?

Mr. Bramblett: Wait a minute, wait a minute. How many nominees do you have?

Mr. Livingston: We have two nominees, Brian Murdoch and Darren Banks.

Mr. Bramblett: Okay. Can we hear something from each of them?

Mr. Livingston: Sure.

Mr. Bramblett: Do you want to be chairman?

Mr. Murdoch: I'll say I'm completely comfortable with Darren. I'll do whatever the board decides. I'm happy to support in whatever way.

Mr. Matz: I'd say I'm totally open the job and feel like I can organize the meeting. Brian has experience, and I think I'm probably one of the newest members of the board, but I'm willing to jump in.

Mr. Livingston: We have a vote for either. Do we have a motion? Okay, let's do it this way. Do we have a motion?

Mr. Cohen: I make a motion for Darren to be the chair.

Mr. Livingston: Do we have a second?

Mr. Bramblett: Wait a minute, wait a minute. I don't understand. Why don't we just have a vote?

Mr. Livingston: We can have a vote.

Mr. Bramblett: Say all in favor of X being chairman, all favor Y being chairman. See who gets most votes.

Mr. Livingston: All in favor of Darren Matz being the chairman.

Attendees: Aye.

Mr. Livingston: I think that wins. Mr. Matz is now the chair, and you will be able to select your vice chair.

Mr. Matz: Oh, it's not a nomination?

Mr. Livingston: It's a nomination of the vote. You're now the chair.

Mr. Matz: Okay.

Mr. Livingston: We need to open the floor for nominations for vice.

Mr. Matz: I open up the floor for nominations for vice chair.

Mr. Cohen: Myself.

Mr. Livingston: You nominate yourself, Cohen. Any other nominations?

Ms. Moore: Now the vice chair runs the meeting when the chair is absent.

Mr. Bramblett: Well I nominate Brian Murdoch for vice chair.

Mr. Livingston: Okay, we have Mr. Cohen and Mr. Murdoch. Are any other nominations? Do we have a motion to close the nominations.

Ms. Moore: I make a motion to close the nominations.

Attendees: Second.

Mr. Livingston: Second. All right, can we have a vote for Mr. Cohen as vice chair?

Mr. Matz: I make a motion to have a vote for Brian for vice chair.

Mr. Cohen: Got to put a last name on it, because both are Brian's.

Mr. Bramblett: Not a motion. We just have a vote.

Mr. Matz: Vote for Brian Cohen for vice chair.

Mr. Bramblett: Which one?

Mr. Matz: Brian Cohen.

Mr. Livingston: Vote? Can we have a vote?

Attendees: All in favor?

Mr. Cohen: Oh, I didn't vote. Can I vote for myself?

Mr. Livingston: Yes.

Mr. Cohen: I nominated myself. I didn't vote for myself.

Dr. Devron: You can raise your hand for you.

Mr. Bramblett: Oh, we're still just voting.

Mr. Matz: Yeah, we're just voting.

Mr. Cohen: Yeah. I vote for myself.

Mr. Livingston: I vote for Mr. Murdoch to be vice chair. Two, three, four. Mr. Murdoch is now vice chair. All right, thank you. Are there any questions?

Mr. Bramblett: No, but I'd like to say I've enjoyed being chairman, and I'm glad we passed it on.

Mr. Livingston: The only staff announcement is we have continuing education on August 24th. If you have not signed up, please do so and let us know if you'll be here continuing education.

Mr. Matz: The last meeting we had, we had had those forms and I think Brian, and I think I filled it out and just...

Mr. Cohen: I got an email.

Mr. Matz: Do we need to do another one?

Mr. Livingston: You do not need to do another one if you completed those forms that Oksana has.

Mr. Cohen: Yeah, and I think she emailed too, from the Appalachian.

Mr. Livingston: Ms. Vissage? Yes. You should have received an email from Ms. Vissage confirming the meeting.

Mr. Matz: Yes, okay.

Mr. Livingston: Thank you.

Mr. Bramblett: Okay, if there's no other business, thank you all for coming, and happy 4th of July. Meeting adjourned.

The meeting was adjourned at 8:10 PM.


Don Bramblett, Chairman