



Business and Development Services  
(864) 234-3484

## **BUILDING AND ZONING BOARD OF APPEALS AGENDA**

Wednesday, November 16 – 5:00pm  
City Hall, Court Room

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- |  |                     |
|--|---------------------|
| 1. Call to order                                     | Chairman Sentelle   |
| 2. Invocation & Opening Remarks                      | Chairman Sentelle   |
| 3. Action: Variance<br>150 Tanner ROAD<br>M-16-13-BA | Kim Hamel, Director |
| 4. Old/ New Business                                 | Chairman Sentelle   |
| 5. Approval of the October 26th meeting minutes      | Chairman Sentelle   |
| 6. Adjourn   | Chairman Sentelle   |



**Business and Development Services**

**Board of Appeals Staff Report**

**Staff Contact:**

**Kim Hamel, Director**

[khamel@mauldincitysc.com](mailto:khamel@mauldincitysc.com)

**Docket #M-2016-13-BA, (TZ-16-181)**

**Parking Variance Request**

**MEETING DATE:** November 16, 2016  
**PETITIONER:** Shelmore Property Company, LLC  
**PROPERTY OWNER:** Clifford Theisen  
**STREET ADDRESS:** 150 Tanner Road  
**TAX PARCEL ID:** 0539010100223  
**ZONING:** C-2, Commercial

**NATURE OF REQUEST:**

The applicant is requesting a variance from Section 6.1.1.6, Minimum Parking Requirements in order to reduce the number of parking spaces required for the development from 68 to 61 spaces.

**Summary Review and Ordinance Requirements:**

The property site is located at 150 Tanner Road, consists of 1.39 acres and is zoned C-2, Commercial. The development was constructed in 2006 and contains a 13,000 square foot multi-tenant building with 61 parking spaces based on a retail center occupancy use.

Over time, the tenant mix of the center has changed from what was originally intended as retail space to having more service related uses and a restaurant. Since the project was not approved under the standards of a Planned Shopping Center (that allows a set number of spaces for the development regardless of use), parking for the development is required to be calculated for each "type" of use present in the building and verified for compliance each time a new use is proposed.

In August, the Business and Development Services office received a tenant occupancy permit and plans to renovate one of the vacant spaces in the center for a physical therapy use. During the zoning approval process and verification that parking was sufficient to support the use, staff discovered that based on the current tenant mix and the proposed use, a total of 68 spaces was needed to support the development.

Since discovering the parking shortage, staff has been working with the owner of the development to ascertain if a "true need" for additional parking is necessary due to the types of uses and differing in hours of operation. The owner states that he has never received any complaints from his tenants or customers regarding a shortage of parking.

**Contact from surrounding property owners:**  YES  NO

**FINDINGS:**

**Conclusion 1 - There are extraordinary and exceptional conditions pertaining to the particular piece of property. (Extraordinary conditions could exist due to size, shape, topography, drainage, street widening or other conditions that make it difficult or impossible to make an economically feasible use of the property.)**

1. A hardship is created by the extraordinary condition(s) of the use of the property and prevents compliance with the requirements of the Zoning Ordinance.

The property houses an existing multi-tenant development with 61 parking spaces that was constructed in 2006 as a retail center. Over time, occupancy of the site has shifted to service related uses and now includes a restaurant that has created the need to provide additional parking to meet the City's ordinance requirements. As illustrated on Exhibit B, the hardship for the variance is a result of the site being completely developed with no remaining area on the parcel to expand the parking facilities for the development.

2. The hardship is not a result of the applicant's own action.

The hardship is not a result of the applicant's own action. Not only was the site developed prior to the current ownership, but the property is fully developed and is lacking in available area to expand the parking.

**Conclusion 2- The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.**

1. The hardship of which the applicant complains results from unique circumstances related to the applicant's land and visibility.

When the Shelmore Property Co. purchased the property, the site was completely developed in accordance with the required landscaping, parking and detention area required at the time. Staff has reviewed the site and finds that there is no room to add additional parking spaces. In addition, staff feels that there is adequate parking to support the development based on the tenant mix, hours of operation and listed "busy" times.

**Conclusion 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.**

1. If made to comply with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.

If made to comply with the ordinance, the existing vacant tenant space would remain unoccupied affecting the reasonable return and use of the building as originally intended for the development.

**Conclusion 4- The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.**

1. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

The variance request will not be of substantial detriment to adjacent properties or the public good. Based on the current uses and the differences in operating hours and busy times, staff feels that there is adequate parking to support the development.

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**STAFF RECOMMENDATION**

Based on the above findings, staff supports the applicants request to vary the required parking standard from 68 to 61 spaces for a variance of 7 parking spaces.

**ATTACHMENTS:**

EXHIBIT A: ZONING MAP

EXHIBIT B: AERIAL AND UTILITIES MAP

EXHIBIT C: SITE PLAN

<b>DATE PETITION FILED: October 10, 2016</b>	<b>ACTION TAKEN BY THE BOARD:</b>
<b>DATE REVIEWED BY BOARD OF APPEALS: November 16, 2016</b>	

# Building and Zoning Board of Appeals

Minutes

October 26, 2016

Meeting called to order. In attendance were Chairman Joe Sentelle, Leo Joyce, Laura McCulloch, Randy Eskridge, Patrick O'Shields, Elizabeth Wiygul and Joel Brockman. Also in attendance were Kim Hamel, Director of Business and Development and Paula Foltz, Secretary to the Board. Chairman Sentelle announced the September meeting minutes would be reviewed and approved at the October 28<sup>th</sup> meeting.

Docket #: M-2016-11-BA  
Applicant: Rooker Properties, LLC  
Location: 503 North Main Street  
Request: Special Exception: Parking in the R-15, Residential District

Kim Hamel presented the staff report. The applicant is requesting a Special Exception approval to allow a section of off-street parking associated with the development of a new Federal Social Security Administration office building to be located in the R-15 zoning designation per: Section 5.2.2, R-15: Uses Permitted by Special Exception: Other public and semi-public uses that are considered to be comparable with the aforementioned (public) uses.

The property site consists of 4.35 acres and is split zoned C-2 and R-15. The parcel will be subdivided into two lots to provide 2.36 acres for development and construction of a new 18,000 square foot professional office building for the Social Security Administration's (SSA) Office of Disability Adjudication and Review (ODAR). The building will be 2 stories in height with a secured parking garage for administrative judges on the first floor and offices on the second floor. Off-street parking for customers is proposed in the front and rear of the structure. Landscaping of the site is also required, including screening along the north, south and west sides of the property where the development abuts adjacent residential uses.

Staff finds that the use meets all the required conditions and is necessary for the public health and/or general welfare. The site is also located on a major road that is covered by city police and fire as well as public utilities. The proposed use, building and site design are expected to have a positive impact on the corridor. Based on the information presented in the application, staff recommends approval of the Special Exception request.

Paul Mills, Site Design, explained that the request consists of four to six parking spaces being located within the R-15 zoning. The applicant is also looking to preserve more vegetation on the site. It is approximately 90' from the edge of the proposed parking to the closest residential property.

Joel Milford, 128 Kingsley Drive, is opposed of the project. He thinks it will negatively impact the neighborhood since there currently is a natural wooded area on the property. It will raise privacy and security issues. The woods are also a noise filter and removing the woods would disturb the eco system. He is requesting that the use be denied and the Board compromise with the neighbors.

Brian Patton, 123 Kingsley Drive, was also opposed to the project. He stated that they currently are calling the police weekly for the noise from Motowne in Main. If a detention pond backs up to the property there will be mosquitos. He is not opposed to the project but would like more of a buffer.

Mr. Mills, stated that Greenville County requires a pond. He could try to elongate it a little to leave a 10-foot strip. He also mentioned adding a fence.

Mr. O'Shields asked if a subsurface retention was possible. Mr. Mills responded that since it was a government building it was no tin budget. Mr. O'Shields then asked if the pond would hold water. Mr. Mills explained that a detention pond has to dry within 48-72 hours.

Mr. Patton asked what the elevation was from the properties. Mr. Mills stated that the building would block some of the noise. The elevation from the property to the pond is 4-foot then 3-foot from the pond to the building.

Chairman Sentelle asked if the residents could email questions to staff before the continuing meeting on October 28. Mrs. Hamel stated that staff would try to answer them.

Mr. Eskridge made motion to table the request until October 28 due to an advertising error so the Board could make sure all the public could provide input. Leo Joyce seconded. Vote was unanimous.

Pat O'Shields motioned to adjourn. Mr. Joyce seconded. Meeting adjourned.

## Building and Zoning Board of Appeals

Minutes

October 28, 2016

Meeting called to order. In attendance were Chairman Joe Sentelle, Leo Joyce, Laura McCulloch, Randy Eskridge, Patrick O'Shields, Elizabeth Wiygul and Joel Brockman. Also in attendance were Kim Hamel, Director of Business and Development and Paula Foltz, Secretary to the Board.

Docket #: M-2016-11-BA (continued from October 26)  
Applicant: Rooker Properties, LLC  
Location: 503 North Main Street  
Request: Special Exception: Parking in the R-15, Residential District

Chairman Sentelle announced that the 6 to 8 parking spaces that were located within the R-15, Residential District was the only thing being considered.

Mrs. Hamel explained that the public use was permitted in the district with oversight of the Board. She gave an overview of the Special Exception. The request meets all the special conditions as required. The applicant will be allowed to remove vegetation but will have to replant per our Code. The Code does require screening between commercial and residential.

Laura McCulloch asked what the requirement was for backing up to residential. Mrs. Hamel replied that most of the screening required will be around the parking area. The applicant did speak of a fence. Either way, the requirement will be met. Mr. Mills was present to address the concerns.

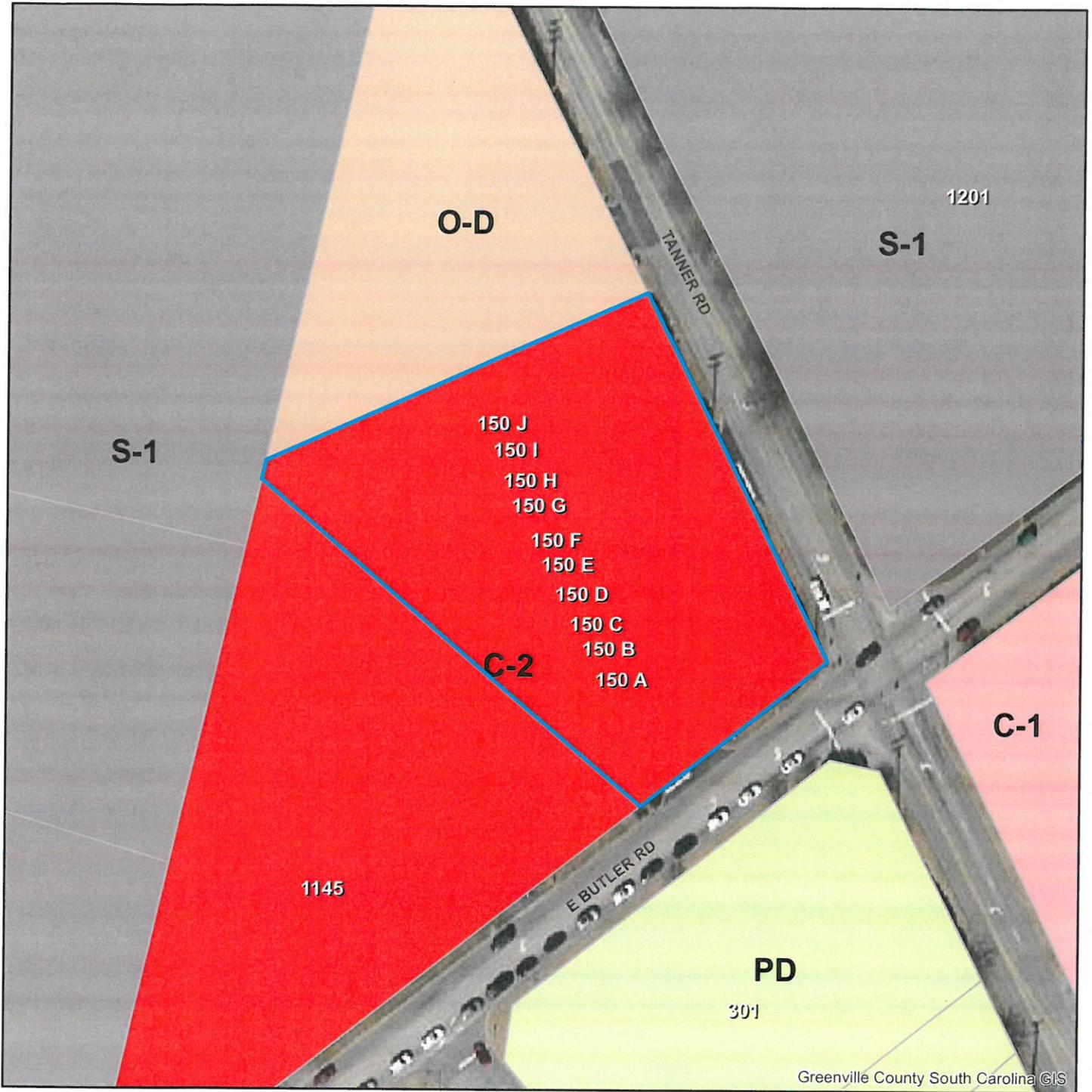
Mr. and Mrs. Milford spoke in opposition. They explained that removing the trees would adversely affect their way of life. They requested to keep the R-15 wooded. Mrs. Wiygul asked the Milford's if they had any trees in their backyard? They replied yes, but not a buffer area. Mr. Mills, Site Design, said it may be possible to elongate the pond and add a few more trees and shrubs. Mrs. Wiygul asked if he made it longer would it require the removal of more trees. Under the current plan only 6 are being removed. Mr. Mills stated more trees would have to be removed. Mr. Eskridge wanted to know if the neighbors would be able to see the pond. Mrs. Wiygul wanted to be clear that the Board was not voting on the ponds. Mr. Eskridge agreed with Mrs. Wiygul. He understands the residents concerns but does not see a problem with the request.

Mr. Eskridge made motion to approve the request. Mr. Brockman seconded. Vote was 6 to 1 with Laura McCulloch opposing.

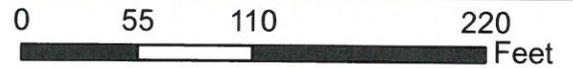
Mr. Eskridge motioned to approve the September 28 meeting minutes. Mr. Joyce seconded. Vote was 6-1 with Mrs. Wiygul abstaining since she was not present.

Elizabeth Wiygul motioned to adjourn. Pat O'Shields seconded. Meeting adjourned.

# EXHIBIT A: ZONING MAP



Notes: 150 Tanner Road  
Board of Appeals: 11/16/16  
Parking Variance Request

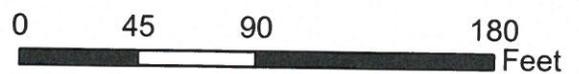


MAP LEGEND

# EXHIBIT B: AERIAL AND UTILITIES MAP



Notes: 150 Tanner Road  
Board of Appeals: 11/16/16  
Parking Variance Request



## MAP LEGEND

- Manholes\_Mauldin
- Manholes\_ReWa
- Manhole\_MSSD
- SewerLines\_Mauldin
- TrunkSewer\_ReWa
- Streams



# EXHIBIT D: OCCUPANCY AND PARKING REQUIREMENTS

<b>BUTLER CROSSING TENANT OCCUPANCY</b>		
<b>Tenant</b>	<b>Hours of Operation</b>	<b>Busy Times/Notes</b>
Jelly Beans	Closed Sunday and Monday Tues – Fri 9am-7pm, Sat 8:30am-6pm	3 salon chairs
Coldwell Banker Caine	Closed Saturday and Sunday Mon – Fri 8:30am-5:30pm	This is an office use that serves as touch down space for real estate agents. One full time employee. The tenant usually has 3 - 4 agents in the office for a couple of hours each day.
Sylvan Learning Center	Closed Friday Mon-Thurs 9am-8pm Saturday 9am-1pm Sunday 2pm-5pm	Customer traffic after 3pm M-F
Musical Innovations	Closed Sunday Mon – Fri 11:30am-6pm, Sat 11:30am-4pm	1,200sf of the space is storage only. Customer traffic after 3pm M-F
Sushi Asa	Closed Sunday Mon – Sat 11am-3pm, 5pm-10pm	Dinner is heaviest Thurs, Fri, Sat after 5pm. 60 Seats
<b>Benchmark</b>	<b>Mon – Friday 8am-5pm</b>	<b>2 employees and 3-4 clients at any given time</b>

Service Uses (minus storage areas not open to public): 8,400 sq feet: 42 spaces  
 Restaurant: 60 seats: 20 Spaces = 20 spaces  
 Dedicated Employee spaces: 6 spaces (1 per unit)  
 Total Required: 68 spaces.



# CITY OF MAULDIN

5 East Butler Road PO Box 249 Mauldin SC 29662  
Tel. (864) 234-3475

## RECEIPT FOR: ZONING PERMIT

Permit No #: TZ-16-181 DATE: 10/12/2016

PERMIT FOR: Variance Commercial ZONING:

PROJECT NAME: TANNER CROSSING

PROPERTY ADDRESS: 150 TANNER RD PARCEL #: 0539010100223

APPLICANT NAME: SHELMORE PROPERTY CO LLC

OWNER NAME: SHELMORE PROPERTY CO LLC

ADDRESS: PO BOX 27121 GREENVILLE SC

<u>PERMIT TOTAL FEE:</u>	<u>100.00</u>
<u>TOTAL AMOUNT PAID:</u>	<u>100.00</u>
<u>PAYMENT TYPE:</u>	<u>Check</u>
<u>CHECK NUMBER:</u>	<u>1378</u>

THIS IS NOT A PERMIT

The Mauldin Building and Zoning Board will conduct a Public Hearing on Wednesday, November 16 at 5:00 pm in the courtroom at Mauldin City Hall to hear the following:

Docket #: M-16-13-BA  
Applicant: Shelmore Property Co.  
Location: 150 Tanner Road  
Request: Variance

Please advertise October 31, 2016

Billing Information:

City of Mauldin  
Accounts Payable  
PO Box 249  
Mauldin, SC 29662



# Building and Zoning Board of Appeals Variance Application Packet

CITY OF MAULDIN BUSINESS AND DEVELOPMENT SERVICES DEPARTMENT 5 East Butler Road, Mauldin, SC 29662 (864) 234-3475

The following information is required to be submitted prior to review by City Staff for placement on the Board of Appeals agenda:

- 1. Completed Property Information Form.
- 2. A notarized letter from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance, if the Petitioner is not
- 3. Completed Application form.
- 4. Application, Site Plan, and HOA approval (if applicable).
- 5. Nine (9), 11x17 and (1) 24 x36 sets of the site plan and other information as needed to illustrate the request
- 6. **Filing Fee: \$100.00**

**To The Applicant:** By placing a check mark by each of the following paragraphs, you are certifying that you have performed that task. A check mark must be placed by each numbered paragraph before placement on the Board's agenda.

- 7. Pre-application conference with the Business and Development:  
With whom: Kim Hamel
- 8. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, and other requirements that might have a bearing on the application.
- 9. Any available information to be presented as an exhibit at the variance hearing should be submitted with the application (if applicable).