



**AGENDA**  
**Greer Board of Zoning Appeals**

**January 12, 2026**  
**Meeting Location: Greer City Hall - 2nd Floor**  
**301 East Poinsett Street**  
**Greer, SC 29651**

**5:30 PM**  
**Regular Meeting**

**Call to Order & Establishment of Quorum**

**Approval of Minutes**

1. December 2025 Board of Zoning Appeals Minutes

**Election of Officers**

**Swearing-in of Witnesses**

**Case Hearing**

1. BZAA 25-01 - 205 Galena Lane

**Staff Updates**

1. Board of Zoning Appeals Rules of Procedure Training

**Adjournment**

**Notice under Language Access**

Persons requiring language assistance to effectively participate in this event may contact the Planning and Development Department at 864.801.2009, or by email at [planning@cityofgreersc.gov](mailto:planning@cityofgreersc.gov), to request interpretation and/or translation services as soon as possible, but no later than three business days before the event or deadline date. Additional information on language access and meaningful access to government services may be found under Title VI of the Civil Rights Act.

**Aviso sobre Acceso al Idioma**

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acceso al idioma y acceso significativo a los servicios gubernamentales en el Título VI de la Ley de Derechos Civiles.

**Notice Under the Americans with Disabilities Act**

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**Aviso según la Ley de Estadounidenses con Discapacidades**

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**AGENDA**  
**Greer Board of Zoning Appeals**

**December 1, 2025**  
**Meeting Location: Greer City Hall - 2nd Floor**  
**301 East Poinsett Street**  
**Greer, SC 29651**

**5:30 PM**  
**Regular Meeting**

**Members Present:** Mike Norris, Chair  
Monica Ragin Hughey, Vice-Chair  
Steve Griffin  
Emily Tsesmeloglou  
William Crosby

**Member(s) Absent:** Nick Uva

**Staff Present:** Ashley Kaade, Planning Manager  
Andy Boyles, Planner  
Alexander Cahill, Planning & Development Department Director  
Christian Capraun, Code Enforcement Officer

**Call to Order & Establishment of Quorum**

*Mr. Norris called the meeting to order at 5:30pm and read the opening remarks to begin the meeting.*

**Approval of Minutes**

1. September 2025 BZA Meeting Minutes

**ACTION** – Mr. Griffin made a motion to approve the minutes from the September 2025 BZA meeting. Ms. Tsesmeloglou seconded the motion. The motion passed with a vote of 5-0.

### **Swearing-in of Witnesses**

Mr. Norris asked everyone who intended to speak on a case to please stand up and raise their right hand. He then administered the following oath:

*“Do you solemnly swear or affirm that the testimony you are about to give before this Board of Zoning Appeals is the truth, the whole truth, and nothing but the truth, under penalty of law?”*

Those who intended to speak on any case on the evening’s agenda affirmed this oath by responding, “I do.” They then took their seats.

### **Case Hearing**

Mr. Norris read a brief statement introducing the night’s cases and the standard procedure for hearing each case.

#### 1. BZAA 25-01

Mr. Norris introduced the first case on the meeting’s agenda, BZAA 25-01. He described the nature of the case as an appeal of an administrative decision to issue a violation letter for the appellant’s 2019 Home Occupation permit. He opened the hearing for this case and asked Staff to present their report.

The appellant’s attorney, Jessica Carroll, came forward to formally request a continuance, explaining that the city attorney (Mr. Daniel Hughes) had said they could ask the BZA to hold their case for a later date.

Ms. Kaade explained that the request for a continuance would require the BZA to make a motion and vote on whether or not to table/approve a continuance for the appeal.

Mr. Griffin asked why they were requesting a continuance. Ms. Carroll responded by saying that they had only received the materials relevant to this case from the city attorney this morning, and that they needed more time to gather additional information.

**ACTION** – Mr. Griffin made a motion to approve the continuance request. Mr. Crosby seconded the motion. The motion passed with a vote of 5-0.

#### 2. BZASE 25-04

Mr. Norris introduced BZASE 25-04, stating that it was a request for a special exception to allow for a neighborhood retail use on a parcel that is currently

zoned Medium Density Residential (MD). He opened the hearing for the case and asked staff to present their report.

Mr. Boyles gave a presentation on BZASE 25-04, outlining the nature of the request, surrounding zonings and land uses, the property's future land use map designation, and the requirements for the granting of a special exception. He gave staff's recommendation of approval.

Mr. Griffin asked if there were any other businesses in the vicinity. Mr. Boyles referred him to the zoning map included in his presentation (which showed the zoning classifications of the surrounding parcels and included commercially zoned properties) and noted that the parcel across Sunnyside Drive from the subject parcel was set to be the home of the new dance convention/competition center/studio. He also noted that he believed there was a church catty-cornered to the subject property.

Mr. Norris asked about the parking at this site and if there was enough room to satisfy the parking requirements. Mr. Boyles responded by saying that they would be required to meet the City's parking standards.

Mr. Norris called the applicant forward to give the BZA more information on the request and to stand for questions. Juan Giraldo came forward explained that the property would specifically be used as an insurance office and that they were already planning on installing the required parking in the building's rear, since the existing house had quite a large backyard.

Mr. Norris asked Mr. Giraldo what type of insurance the office would be involved in. Mr. Giraldo said that the company dealt with both personal and commercial insurance.

Mr. Griffin asked Mr. Giraldo if the insurance company that will be using the office is an existing company or a new one. Mr. Giraldo said that it was an existing company that had some existing offices in the area and that was interested in expanding to Greer.

Mr. Norris returned to the parking question and asked what the parking may look like for this use. Mr. Giraldo said that he was pretty sure the City would require at least 4 spaces but that they would likely have more than that – perhaps as many as 8 – and that they would likely be located in the backyard, off of Sunnyside Drive, because that road was not as busy and was therefore a bit more safe.

The BZA having no further questions for Mr. Giraldo, Mr. Norris directed him to return to his seat. Mr. Norris then asked if there were any members of the public present who wished to speak for or against this request. None came forward.

**ACTION** – Mr. Crosby made a motion to approve BZASE 25-04. Dr. Hughey seconded the motion. The motion passed with a vote of 5-0.

### 3. BZAV 25-02

*Mr. Norris introduced BZAV 25-02, outlining that the request was for a variance from the City's typical buffer wall positioning standards. He opened the hearing for BZAV 25-02 and asked staff to present their report.*

*Mr. Boyles presented staff's report and outlined the particulars of the request, the existing site conditions, the City's typical buffer wall positioning standards, the legal requirements for the approval of a variance, and staff's recommendation of approval. He noted that the existing drainage swale that the variance was meant to preserve served both the subject property and surrounding properties and that a variance from the City's typical buffer wall placement standards would allow for the preservation of the swale and the drainage benefits it brought with it.*

*Mr. Norris called the applicant forward. Bradley Smith (applicant's representative and an engineer with Davis & Floyd, which is helping design the site) came forward. Mr. Smith reiterated what Mr. Boyles had said and emphasized that the intent was not to completely get out of the typical buffer requirements (by getting rid of the required wall outright) but simply to modify them to better suit the site (by moving the wall within the buffer area). By being allowed to move the buffer wall closer to the property line than the City of Greer would typically allow, the existing drainage swale would be preserved, and it would continue to serve as a stormwater/drainage resource for the surrounding area. If they were required to put the wall where the City would normally require, it would intersect the swale perpendicularly and would interrupt the drainage. By being granted a variance to move the buffer wall closer to the property line, they could make it run parallel to the swale rather than through it, thereby preserving its utility as a drainage resource.*

*Mr. Norris asked what sort of wall would be required in this location. Mr. Boyles said that it would be a 6' brick wall, and Mr. Smith agreed.*

*Mr. Norris then asked about the landscaping that would be installed in tandem with this wall. Mr. Smith said he couldn't speak to specifics because he wasn't the project's landscape architect. Mr. Boyles then said that the buffer would be required to meet the Type 3 buffer planting standards, with 4 trees, 2 understory trees, and 60 shrubs per 100 linear feet of buffer.*

*Mr. Griffin asked how this variance might impact the adjacent residences. Mr. Boyles said that he believed the adjacent residences already had some sort of buffering of their own along their own property line, which would hopefully serve to screen the buffer wall of the subject property if it were to be placed on the property line. He said granting the variance could potentially have some negative impacts the adjacent residences, but that at the same time, not granting the variance would also have negative impacts. A strict application of the City's standards in this case would negatively impact the existing swale and the drainage it provided, and this could negatively impact the surrounding properties, which the swale also serves. Mr Griffin said that the variance request sounded reasonable since strict compliance with the existing regulations may have this negative impact.*

**ACTION** – Mr. Griffin made a motion to approve BZAV 25-02. Mr. Crosby seconded the motion. The motion passed with a vote of 5-0.

### **Staff Updates**

Mr. Norris asked if Staff had any updates for the BZA. Mr. Boyles said that they had three main updates.

First, he told the board that Staff had drafted a calendar for 2026 BZA meetings, which were available for each BZA member at the dais. He called attention to the fact that the January 2026 meeting had been moved from January 5<sup>th</sup> (which is the first Monday of the month, the typical meeting date the BZA) to January 12<sup>th</sup> in an attempt to accommodate everyone's busy holiday schedule.

Mr. Boyles then notified the BZA that Mr. Jeremiah McKie had decided to step down from his post on the BZA, effective immediately, citing availability issues.

Lastly, Mr. Boyles reminded the BZA that their required 3 hours of annual training was coming due soon, and that staff was available as a resource if they needed help finding or accessing training materials.

### **Adjournment**

**ACTION** – Mr. Crosby made a motion to adjourn the meeting. Dr. Hughey seconded the motion. The motion passed with a vote of 5-0.

### **Notice under Language Access**

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# Board of Zoning Appeals

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January 12, 2026

# Appeal of Administrative Decision

Case Number: BZAA 25-01

Applicant: Sandtario Horsey

Address: 205 Galena Ln

Parcel ID Numbers: 5-18-00-080.00

Existing Zoning: Medium Density Residential (MD)

Request: Appeal of Administrative Decision – Home Occupation (HOC) violation



# BZAA 25-01

Aerial Map



# BZAA 25-01

Zoning Map



# BZASE 25-02

Future Land Use Map



# BZAA 25-01

Existing Conditions



# BZAA 25-01

Picture 1



# BZAA 25-01

Picture 2



# BZAA 25-01

Picture 3



# BZAA 25-01

Picture 4



# BZAA 25-01

## Home Occupation Application



### Zoning Compliance Application

Permit Process

Received: NOV 07 2019 Date Nov 10, 2019  
 Sent: NOV 07 2019

*The applicant certifies information in this application is true and correct. If any information is false or misleading, the zoning permit shall be considered void.*

Tax Map Number 5-18-00-090.00 Please mark X on one of the following  
 Property Address 205 Paloma Lane Greer SC 29615 Rent  Own  Lease

Type of Permit Requested:  Commercial Zoning  Residential Zoning  Home Occupation

(For information on Home Occupations see Section 6:12 of the Greer City Ordinance or the Zoning Brochure)

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described? YES  NO

Square Footage of House/Business/Space 1,200 sq ft

Name of Business (Commercial) Sandham Horsey DBA Sand Automotive

Type of Business (Commercial) Retail

Applicant Information	
Name	<u>Sandham Horsey</u>
Address	<u>205 Paloma Lane Greer SC 29615</u>
Contact Number	<u>(814) 451-3565</u>
Email	<u>Horsey1990@gmail.com</u>

Property Owner Information	
Name	<u>Sandham Horsey / Jessica Lowery</u>
Address	<u>205 Paloma Lane Greer SC 29615</u>
Contact Number	<u>(704) 941-1003</u>
Email	<u>Jessica.Lowery101@gmail.com</u>

Proposed Work (Check the scope of work that best describes the activities):

- New Business (In existing building)  New Construction  Addition  
 Renovations  Owner Change  Accessory Structure  
 Change of Address (Business is moving to a new location)  
 Mobile Home  Other 19-038230

(SEE REVERSE)

PZ FORM 100 - REVISION DATE 1/30/18 BB

PLEASE NOTE:

This Certificate of Zoning Compliance is issued in accordance with Sec 9:2.1 of the City of Greer Zoning Code. If a request is denied, the property owner has the right to appeal within 15 days of this determination. Appeal forms are available in the Building and Development Standards Department of the City of Greer.

For all commercial businesses - Any signs will have to be permitted and inspected by the City of Greer and will need a separate application and fee. Visit [www.cityofgreer.org](http://www.cityofgreer.org) for applicable forms and fees.

Applicant Signature [Signature]

#### BUSINESS OFFICE USE ONLY

Received Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
 Sent Date \_\_\_\_\_ Fee Accepted \_\_\_\_\_

#### REVIEW OFFICE USE ONLY

Zoning District \_\_\_\_\_ Required Parking Spaces \_\_\_\_\_  
 Airport Environs  Yes  No Landscaping Required  Yes  No  
 Proposed Use is  Permitted  Special Exception  Prohibited  Same Use  Change of Use  
 Zoning Permit  Approved  Denied  Temporary  
 Setbacks-Closest distance from the wall of the structure to each of the following property lines  
 Front \_\_\_\_\_ Side (left) \_\_\_\_\_ Side (right) \_\_\_\_\_ Rear \_\_\_\_\_  
 Flood Hazard Area  Yes  No Map Panel Number \_\_\_\_\_  
 Conditions/Reasons \_\_\_\_\_  
 Date \_\_\_\_\_ Staff \_\_\_\_\_

PZ FORM 100 - REVISION DATE 1/30/18 BB

# BZAA 25-01

## Active Business License Information

**3 - Business Detail**

Account number  Status  Inactivate date

Name  Alpha sort

**Demographics** **Business Information** **Contact Information** **Notes** **License History** **Fees** **Additional Fees/Taxes** **Documents**

Alternate name

Mailing Address 1  Phone

Mailing Address 2

City/State/Zip     Foreign zip Fax

Web address

Cash Only  Bankruptcy  Bad check  Exempt From Penalty

# BZAA 25-01

## Home Occupation (HOC) Violation Letter



8/7/2025

HORSEY SANDTARIO D & LOWERY JESSICA A  
205 GALENA LN  
GREER SC 29651

### VIOLATION LETTER

RE: 205 GALENA LN  
Case: CE25-00779  
Violation: ZONING VIOLATIONS

Dear Owner and/or Occupant,

Please be advised that the conditions described below have been found to constitute a violation as defined by the Unified Development Ordinance adopted and amended by the City of Greer. You have Ten (10) days from the date of this letter to correct the following.

Home occupations are permitted for all residential uses only as an accessory use to a residential principal use and shall comply with the following regulations:

1. No person other than a resident of the dwelling shall be engaged in such occupation.
2. No more than twenty-five (25) percent of the total actual floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation.
3. No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation.
4. The exterior appearance and overall use of the dwelling shall not be altered to cause the premises to differ from its residential character.
5. The home occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.
6. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
7. Appointments must be staggered so that there is no more appointment than one at a time.
8. No customers, clients, or patrons other than the residents of the household may be on the premises in connection with the home occupation before 7:00 AM or after 9:00 PM.
9. Permitted home occupations include businesses conducted exclusively by phone or computer, internet-based sales, personal services such as instruction, home-based food productions that does not require commercial equipment.
10. Additionally, home occupations that meet the standards of this section but are not listed within this section may be approved by the Director or designee.
11. Prohibited Uses include landscaping, automotive repair, and contractors business or cleaning services, other than office uses.
12. Violation of this subsection may result in the revocation of the home occupation as determined by the Director or designee.

All vehicles associated with the home occupation (dealership) must be removed from the property or re-licensed to a private individual not connected to the business. Vehicles cannot be stored, displayed, or used in connection with any commercial activity at this residential location.

### FAILURE TO COMPLY

Failure to comply with these requirements shall result in the City of Greer taking lawful measures to compel your compliance, including, but not limited to criminal prosecution. Each day of a continuing violation shall be deemed a separate offense, each punishable upon conviction by a fine of up to one hundred dollars (\$100.00) and/or imprisonment of up to thirty (30) days.

### RIGHT TO APPEAL

You may appeal this decision with the City of Greer Board of Adjustments and Appeals within Twenty (20) days of the date of this letter. Please submit the following in writing to 301 E. Poinsett Street, Greer, SC 29651.

1. The identity of the building and/or property by street address or legal description.
2. Your legal interest.
3. The specific order or section being appealed.
4. The issues on which you wish to be heard.
5. Your signature, mailing address, and a separate submission of a one hundred dollar (\$100.00) filing fee with the appeal.

### **YOUR FAILURE TO APPEAL IN THE TIME SPECIFIED WILL CONSTITUTE A WAIVER OF ALL RIGHTS TO AN ADMINISTRATIVE HEARING.**

Should you have any questions please contact the Planning Department at (864)-801-2009.

Christian Capraun  
PLANNING & DEVELOPMENT SERVICES  
301 E POINSETT ST  
GREER, SC 29651

**APPEAL TO CITY OF GREER BOARD OF  
ADJUSTMENTS AND APPEALS**

**Subject Property:** 205 GALENA LN, GREER, SC  
29651

**Appellant's Legal Interest:** Property Owner

**The Order Being Appealed**

Mr. Horsey (Appellant) is appealing an order/violation letter issued by the City of Greer alleging that he is in violation of section 4.7 of the Greer Unified Development Ordinance, which regulates Home Occupations. The letter is dated 8/7/2025 and is signed by Christian Capraun. The order instructs that, "All vehicles associated with the home occupation (dealership) must be removed from the property or re-licensed to a private individual not connected to the business. Vehicles cannot be stored, displayed, or used in connection with any commercial activity at this residential location."

**The Issues on Which Appellant Wishes to be Heard**

Appellant wishes to specifically be heard on the issue of whether the Subject Property is in violation subsection (A)(3) of section 4.7 of the Greer Unified Development Ordinance, as it is understanding that this is the specific subsection which he/the Subject Property is alleged to be in violation of. Moreover, Appellant wishes to be heard on the issue of whether he must comply with the command in the order to remove or relicense vehicles currently located on the Subject Property.

Subsection (A)(3) of 4.7 states that, "No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation." This is the provision of the Greer Unified Development Ordinance that Appellant understands the Subject Property is believed to be in violation of. However, any perception that the Subject Property is in violation of this provision is based on a misunderstanding of the facts.

Appellant does not operate a home occupation, and as such, the vehicles located on the Subject Property are not associated with any home occupation. The order at issue refers to "the home occupation" and then places in parenthesis "dealership". While it is true that Appellant has a dealership license that lists his home address on it, he does not operate his dealership at the Subject Property. Appellant stores all vehicles owned and sold

SOME CONFUSION MAY HAVE BEEN CREATED BY THE FACT THAT Appellant parks vehicles with dealership tags on them at the Subject Property. However, these vehicles are not dealership inventory and will not be sold at any point by the dealership. All cars located at the Subject Property, regardless of what tag they have, are used by Appellant solely for personal everyday use. Therefore, the vehicles located at the Subject Property are not "associated" with the dealership for purposes of operating the business. Further, even if the vehicles were associated with Appellant's dealership as inventory, (which they are not), the point would be moot, as Appellant does not operate a home occupation. As such, no vehicles located on the Subject Property are associated with any home occupation.

In sum, while Appellant operates a dealership, and maintains a dealership license listing the Subject Property on it, those facts are non-issues for the purposes of subsection (A)(3). This is because Appellant does not operate the dealership at the Subject Property, and no vehicles located at the Subject Property are associated with dealership as inventory. As such, Appellant does not operate a home occupation and the vehicles located on the Subject Property are not associated with any home occupation.

Consequently, it is Appellant's position that he is not in violation of subsection (A)(3), or any portion of section 4.7. Appellant further asserts that the order at issue was errantly issued against him, and that he is not required, nor can he, comply with the commands contained therein.

Appellant wishes and requests to be heard more fully regarding this issue at an administrative hearing.

Respectfully submitted,

Signature:



Mailing Address:

# **BZAA 25-01 – Staff Analysis**

**UDO Section 4.7.A.3 (page 155):**

**“3. No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation.”**

**UDO Section 4.7.A.5 (page 155):**

**“5. The home occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.”**

**UDO Section 4.7.A.9 (page 156):**

**“9. Permitted home occupations include businesses conducted exclusively by phone or computer, internet-based sales, personal services such as instruction, home-based food productions that does not require commercial equipment.”**

**Staff Recommendation: Affirm Administrative Decision**

# Board of Zoning Appeals

January 12, 2026



**ZONING REPORT**  
**STAFF REPORT TO THE BOARD OF ZONING APPEALS**  
**Monday, January 12, 2026\***

*This case originally appeared on the 12/01/2025 BZA meeting agenda, but the applicant requested to continue it to the 01/12/2026 meeting.*

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**DOCKET:** BZAA 25-01

**APPLICANT:** Sandtario Horsey

**PROPERTY LOCATION:** 205 Galena Ln.

**TAX MAP NUMBER:** 5-18-00-080.00

**REQUEST:** Appeal of Administrative Decision – related to home occupancy zoning violations

**ANALYSIS:** **BZAA 25-01**

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**BZAA 25-01** is a request to appeal an administrative decision to issue a violation letter (CE25-00779) for the applicant’s 2019 Home Occupation (P19-038230).

Staff issued a zoning violation letter for Home Occupation violations after receiving complaints about a number of cars parked in the driveway of the home. These vehicles were found to be licensed to a car dealer associated with the Home Occupation permit. In staff’s analysis, these vehicles therefore constituted outdoor storage and/or the storage of commercial vehicles, neither of which is permitted with Home Occupations. The zoning violation letter was issued for noncompliance with UDO Sections 4.7.A.3, 5, & 9 (pages 155-156):

“3. No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation.”

...

“5. The home occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.”

...

“9. Permitted home occupations include businesses conducted exclusively by phone or computer, internet-based sales, personal services such as instruction, home-based food productions that does not require commercial equipment.”

**STAFF RECOMMENDATION: Affirmation of Administrative Decision**

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ADJUSTMENTS AND APPEALS**

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29651

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**The Order Being Appealed**

Mr. Horsey (Appellant) is appealing an order/violation letter issued by the City of Greer alleging that he is in violation of section 4.7 of the Greer Unified Development Ordinance, which regulates Home Occupations. The letter is dated 8/7/2025 and is signed by Christian Capraun. The order instructs that, "All vehicles associated with the home occupation (dealership) must be removed from the property or re-licensed to a private individual not connected to the business. Vehicles cannot be stored, displayed, or used in connection with any commercial activity at this residential location."

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Appellant wishes to specifically be heard on the issue of whether the Subject Property is in violation subsection (A)(3) of section 4.7 of the Greer Unified Development Ordinance, as it is understanding that this is the specific subsection which he/the Subject Property is alleged to be in violation of. Moreover, Appellant wishes to be heard on the issue of whether he must comply with the command in the order to remove or relicense vehicles currently located on the Subject Property.

Subsection (A)(3) of 4.7 states that, "No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation." This is the provision of the Greer Unified Development Ordinance that Appellant understands the Subject Property is believed to be in violation of. However, any perception that the Subject Property is in violation of this provision is based on a misunderstanding of the facts.

Appellant does not operate a home occupation, and as such, the vehicles located on the Subject Property are not associated with any home occupation. The order at issue refers to "the home occupation" and then places in parenthesis "dealership". While it is true that Appellant has a dealership license that lists his home address on it, he does not operate his dealership at the Subject Property. Appellant stores all vehicles owned and sold

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Mailing Address:



8/7/2025

HORSEY SANDTARIO D & LOWERY JESSICA A  
205 GALENA LN  
GREER SC 29651

**VIOLATION LETTER**

**RE: 205 GALENA LN**  
**Case: CE25-00779**  
**Violation: ZONING VIOLATIONS**

Dear Owner and/or Occupant,

Please be advised that the conditions described below have been found to constitute a violation as defined by the Unified Development Ordinance adopted and amended by the City of Greer. You have **Ten (10) days** from the date of this letter to correct the following.

Home occupations are permitted for all residential uses only as an accessory use to a residential principal use and shall comply with the following regulations:

1. No person other than a resident of the dwelling shall be engaged in such occupation.
2. No more than twenty-five (25) percent of the total actual floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation.
3. No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation.
4. The exterior appearance and overall use of the dwelling shall not be altered to cause the premises to differ from its residential character.
5. The home occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.
6. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
7. Appointments must be staggered so that there is no more appointment than one at a time.
8. No customers, clients, or patrons other than the residents of the household may be on the premises in connection with the home occupation before 7:00 AM or after 9:00 PM.
9. Permitted home occupations include businesses conducted exclusively by phone or computer, internet-based sales, personal services such as instruction, home-based food productions that does not require commercial equipment.
10. Additionally, home occupations that meet the standards of this section but are not listed within this section may be approved by the Director or designee.
11. Prohibited Uses include landscaping, automotive repair, and contractors business or cleaning services, other than office uses.
12. Violation of this subsection may result in the revocation of the home occupation as determined by the Director or designee.

All vehicles associated with the home occupation (dealership) must be removed from the property or re-licensed to a private individual not connected to the business. Vehicles cannot be stored, displayed, or used in connection with any commercial activity at this residential location.

**FAILURE TO COMPLY**

Failure to comply with these requirements shall result in the City of Greer taking lawful measures to compel your compliance, including, but not limited to criminal prosecution. Each day of a continuing violation shall be deemed a separate offense, each punishable upon conviction by a fine of up to **one hundred dollars (\$100.00) and/or imprisonment of up to thirty (30) days.**

**RIGHT TO APPEAL**

You may appeal this decision with the City of Greer Board of Adjustments and Appeals within Twenty (20) days of the date of this letter. Please submit the following in writing to 301 E. Poinsett Street, Greer, SC 29651.

1. The identity of the building and/or property by street address or legal description.
2. Your legal interest.
3. The specific order or section being appealed.
4. The issues on which you wish to be heard.
5. Your signature, mailing address, and a separate submission of a **one hundred dollar (\$100.00)** filing fee with the appeal.

**YOUR FAILURE TO APPEAL IN THE TIME SPECIFIED WILL CONSTITUTE A WAIVER OF ALL RIGHTS TO AN ADMINISTRATIVE HEARING.**

Should you have any questions please contact the Planning Department at (864)-801-2009.

Christian Capraun  
PLANNING & DEVELOPMENT SERVICES  
301 E POINSETT ST  
GREER, SC 29651



# Zoning Compliance Application

## Permit Process

Received: NOV 07 2019  
Sent: NOV 07 2019

Date Nov 10, 2019

*The applicant certifies information in this application is true and correct. If any information is false or misleading, the zoning permit shall be considered void.*

Tax Map Number 5-18-00-090.00

Please mark X on one of the following

Property Address 205 Palena Lane Greer SC 29651

Rent \_\_\_\_\_ Own  Lease \_\_\_\_\_

Type of Permit Requested:  Commercial Zoning  Residential Zoning  Home Occupation

*(For information on Home Occupations see Section 6:12 of the Greer City Ordinance or the Zoning Brochure)*

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described? YES \_\_\_\_\_ NO

Square Footage of House/Business/Space 1,200 sq ft.

Name of Business (Commercial) Sandfario Horsey DBA Sand Automotive

Type of Business (Commercial) Retail

Applicant Information	
Name	<u>Sandfario Horsey</u>
Address	<u>205 Palena Lane</u> <u>Greer, SC 29651</u>
Contact Number	<u>(804) 451-3565</u>
Email	<u>Horsey1990@gmail.com</u>

Property Owner Information	
Name	<u>Sandfario Horsey / Jessica Lowery</u>
Address	<u>205 Palena Lane</u> <u>Greer, SC 29651</u>
Contact Number	<u>(704) 941-1663</u>
Email	<u>Jessicalowery101@gmail.com</u>

### Proposed Work (Check the scope of work that best describes the activities):

- New Business (In existing building)
- Renovations
- Change of Address (Business is moving to a new location)
- Mobile Home
- New Construction
- Owner Change
- Other \_\_\_\_\_
- Addition
- Accessory Structure

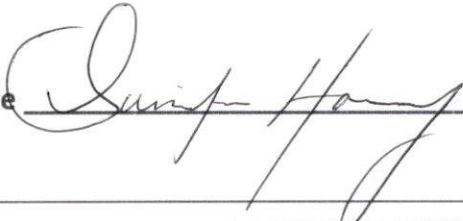
P19-038230

(SEE REVERSE)

PLEASE NOTE:

This Certificate of Zoning Compliance is issued in accordance with Sec 9:2.1 of the City of Greer Zoning Code. If a request is denied, the property owner has the right to appeal within 15 days of this determination. Appeal forms are available in the Building and Development Standards Department of the City of Greer.

For all commercial businesses - Any signs will have to be permitted and inspected by the City of Greer and will need a separate application and fee. Visit [www.cityofgreer.org](http://www.cityofgreer.org) for applicable forms and fees.

Applicant Signature 

**BUSINESS OFFICE USE ONLY**

Received Date \_\_\_\_\_

Permit Number \_\_\_\_\_

Sent Date \_\_\_\_\_

Fee Accepted \_\_\_\_\_

**REVIEW OFFICE USE ONLY**

Zoning District \_\_\_\_\_

Required Parking Spaces \_\_\_\_\_

Airport Environs  Yes  No

Landscaping Required  Yes  No

Proposed Use is  Permitted  Special Exception  Prohibited  Same Use  Change of Use

Zoning Permit  Approved  Denied  Temporary

Setbacks-Closest distance from the wall of the structure to each of the following property lines

Front \_\_\_\_\_ Side (left) \_\_\_\_\_ Side (right) \_\_\_\_\_ Rear \_\_\_\_\_

Flood Hazard Area  Yes  No

Map Panel Number \_\_\_\_\_

Conditions/Reasons \_\_\_\_\_

Date \_\_\_\_\_ Staff \_\_\_\_\_



# Case Details - No Attachments

City of Greer

Case Number  
**CE24-01524**

Description:		Status: NO VIOLATION CLOSED	
Type: PROPERTY VIOLATIONS	Subtype: DERELICT VEHICLE		
Opened: 12/12/2024	Closed: 12/23/2024	Last Action:	Flw Up:
Site Address: 205 GALENA LN GREER, SC 29651			
Site APN: 5-18-00-080.00		Officer: Christian Capraun	
Details:			



ADDITIONAL SITES

LINKED CASES

CHRONOLOGY

CONTACTS					
NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
OWNER	HORSEY SANDTARIO D &	205 GALENA LN GREER, SC 29651			

FINANCIAL INFORMATION

INSPECTIONS						
INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES



# Case Details - No Attachments

City of Greer

**Case Number**  
**CE24-01524**

INITIAL INSPECTION	CC01	12/11/2024	12/11/2024	NOT IN COMPLIANCE		DURING ROUNDS I NOTICED A SILVER HONDA ACCORD WITHOUT A TAG. SPOKE TO THE RESIDENT OF THE PROPERTY ABOUT IT. HE CLAIMED IT WAS A CAR FOR SALE AS HE IS A WHOLE SALE DEALER. I INFORMED HIM THAT EVEN THOUGH HE HAS A BUSINESS HE IS RUNNING, HE STILL NEEDS TO HAVE THE VEHICLES LICENSED SINCE HE IS IN A RESIDENTIAL ZONE. I VERBALLY TOLD HIM THAT THE VEHICLE WILL BE TOWED ON 12/20 IF NOT IN COMPLIANCE.
REINSPECTION	CC01	12/19/2024	12/19/2024	IN COMPLIANCE		AT THE TIME OF INSPECTION, THE OWNER HAD TEMPORARY PAPER TAGS PLACED ON ALL THE VEHICLES.

VIOLATIONS						
VIOLATION TYPE	USER NAME	OBSERVED DATE	CORRECTED DATE	LOCATION	REMARKS	NOTES
302.8 Motor Vehicles	Christian Capraun	12/12/2024	12/23/2024	EXTERIOR PROPERTY		Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.



# Case Details - No Attachments

City of Greer

Case Number  
**CE24-01525**

Description: Status: NO VIOLATION CLOSED

Type: PROPERTY VIOLATIONS Subtype: DERELICT VEHICLE

Opened: 12/12/2024 Closed: 12/23/2024 Last Action: Filw Up:

Site Address: 205 GALENA LN GREER, SC 29651

Site APN: 5-18-00-080.00 Officer: Christian Capraun

Details:



### ADDITIONAL SITES

### LINKED CASES

### CHRONOLOGY

### CONTACTS

NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
OWNER	HORSEY SANDTARIO D &	205 GALENA LN GREER, SC 29651			

### FINANCIAL INFORMATION

### INSPECTIONS

INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES



# Case Details - No Attachments

City of Greer

**Case Number**  
**CE24-01525**

INITIAL INSPECTION	CC01	12/11/2024	12/11/2024	NOT IN COMPLIANCE	DURING ROUNDS I NOTICED A WHITE SUV WITHOUT A TAG. SPOKE TO THE RESIDENT OF THE PROPERTY ABOUT IT. HE CLAIMED IT WAS A CAR FOR SALE AS HE IS A WHOLE SALE DEALER. I INFORMED HIM THAT EVEN THOUGH HE HAS A BUSINESS HE IS RUNNING, HE STILL NEEDS TO HAVE THE VEHICLES LICENSED SINCE HE IS IN A RESIDENTIAL ZONE. I VERBALLY TOLD HIM THAT THE VEHICLE WILL BE TOWED ON 12/20 IF NOT IN COMPLIANCE.
REINSPECTION	CC01	12/19/2024	12/19/2024	IN COMPLIANCE	AT THE TIME OF INSPECTION THE OWNER HAD TEMPORARY PAPER TAGS PLACED ON ALL OF THE VEHICLES

VIOLATIONS						
VIOLATION TYPE	USER NAME	OBSERVED DATE	CORRECTED DATE	LOCATION	REMARKS	NOTES
302.8 Motor Vehicles	Christian Capraun	12/12/2024	12/23/2024	EXTERIOR PROPERTY		Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

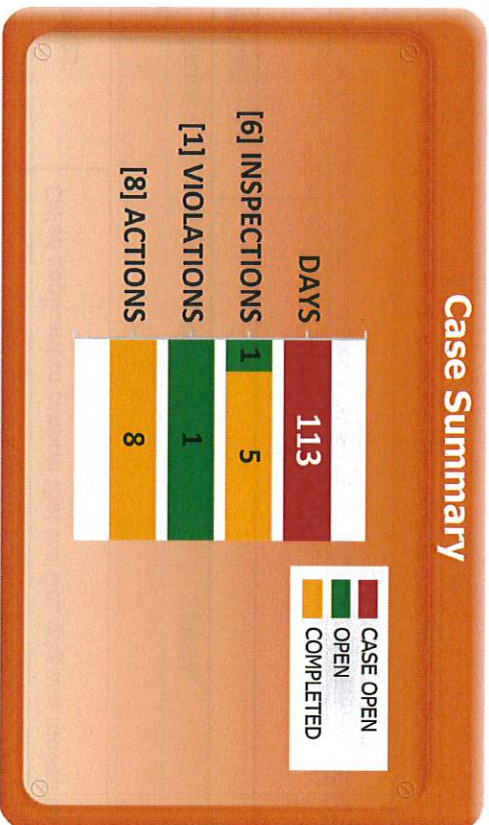


# Case Details - No Attachments

City of Greer

**Case Number**  
**CE25-00779**

Description:		Status: IN PROGRESS	
Type: ZONING VIOLATIONS		Subtype: HOME OCCUPANCY VIOLATION	
Opened: 8/5/2025	Closed:	Last Action: 9/8/2025	Filew Up:
Site Address: 205 GALENA LN GREER, SC 29651			
Site APN: 5-18-00-080.00		Officer: Christian Capraun	
Details:			



## ADDITIONAL SITES LINKED CASES

CHRONOLOGY			
CHRONOLOGY TYPE	STAFF NAME	ACTION DATE	COMPLETION DATE
EMAIL	Andrew Boyles	10/22/2025	10/22/2025
EMAIL	Ashley Kaade	9/25/2025	9/25/2025
PHONE CALL	Christian Capraun	8/5/2025	8/5/2025

**NOTES**

Andrew Boyles  
EMAIL  
Good afternoon,

Due to a scheduling error, we have had to move the public hearing for your home occupation zoning violation appeal (BZAA25-00001) from 11/03 to 12/01.

I apologize for any inconvenience this may have caused.

Ashley Kaade  
EMAIL  
emailed applicant about meeting date change

Called the mother of Mr. Horsey back after she left a voicemail in regards to the violation. Reinspection notes reflect the phone call.



# Case Details - No Attachments

City of Greer

**Case Number**  
**CE25-00779**

PHONE CALL	Joe Holbrooks	8/5/2025	8/5/2025	Mr. Horseys mother wished to speak to the Codes Supervisor. JH called her and spoke to her and attempted to explain the violation. This is also reflected in the notes for the reinspection. -CC
PHONE CALL	William Dobson	8/5/2025	8/5/2025	After JH attempted to talk to her, she requested she speak to his supervisor. She spoke to SD and he informed her that what I and Joe said is correct but increased the time frame from 10 days to 30 days. This is also reflected in the notes of the reinspection. -CC
PHONE CALL	Andrew Boyles	10/27/2025	10/27/2025	Called applicant to confirm that he got my email re: rescheduling the public hearing. I told him that it would no longer be 11/03 and that it would now be 12/01.
PHONE CALL	Andrew Boyles	11/3/2025	11/3/2025	Andrew Boyles PHONE CALL Left a message for the applicant reminding him that we would not have a BZA meeting tonight and that his case had been moved to the 12/01 meeting.
PHONE CALL	Heather Stahl	10/6/2025	10/6/2025	Called applicant to confirm that the Oct. mtg was moved to Nov.

CONTACTS					
NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
BUSINESS OWNER 2	ULUNDRIA		(980)293-7743		
OWNER	HORSEY SANDTARIO D & LOWERY JESSICA A	205 GALENA LN GREER, SC 29651			

### FINANCIAL INFORMATION

INSPECTIONS						
INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES



# Case Details - No Attachments

City of Greer

**Case Number**  
**CE25-00779**

INITIAL INSPECTION	CC01	8/4/2025	8/4/2025	NOT IN COMPLIANCE	After receiving a complaint about car sales and large scale vehicle disassembly, I went out to verify the complaint. Upon inspection, I did notice several unlicensed and inoperable vehicles on the property. I spoke to the owner, Mr. Horsey, and attempted to inform him of the violation, being that the vehicles being registered to a business does not mean they are in compliance for residential building code. I informed him that any vehicle being parked/store outdoors in a residentially zoned area needs to be independently registered to an individual, not a business, and that any merchandise/product/or items used for business purposes must fit in the standards for a Home Occupation based on the City of Greer's Unified Development Ordinance, which they do not, and therefore either need to be removed from the property, or registered to the individual and not the dealership. This was also explained to the mother of Mr. Horsey, over the phone, by myself, JH, and SD. After speaking to SD, who gave her a 30 day time line from Thursday August 7th, to bring the property into compliance. I attempted to take pictures of all the vehicles on the property, but only managed to get pictures of two w/o proper registration before the owner told me to get off his property. Earlier in the conversation, he has eluded to the fact the all vehicles were only registered using a singular dealer tag.
REINSPECTION	CC01	10/6/2025	10/8/2025	IN PROGRESS	BZA Meeting is on 11/3/25
REINSPECTION	CC01	8/7/2025	8/7/2025	NOT IN COMPLIANCE	At the time of inspection, the vehicles had not been removed or brought into compliance. A letter was sent to the address.
REINSPECTION	CC01	11/3/2025	11/3/2025	IN PROGRESS	BZA Meeting got pushed back to the first Monday of December.



# Case Details - No Attachments

City of Greer

**Case Number**  
**CE25-00779**

REINSPECTION	CC01	9/8/2025	9/8/2025	IN PROGRESS	Owner requested a BZA Appellate meeting. It was granted and scheduled for October the 6th.
REINSPECTION	CC01	12/1/2025			

## VIOLATIONS

VIOLATION TYPE	USER NAME	OBSERVED DATE	CORRECTED DATE	LOCATION	REMARKS	NOTES
302.8 Motor Vehicles	Christian Capraun	8/4/2025		EXTERIOR PROPERTY		<p>Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.</p> <p>Any and all motor vehicles being kept at the property for any amount of time must be registered to an individual, not to a dealership or business. Dealer tags are not sufficient to meet this code standard.</p> <p>Home occupations are permitted for all residential uses only as an accessory use to a residential principal use and shall comply with the following regulations:</p> <ol style="list-style-type: none"> <li>1. No person other than a resident of the dwelling shall be engaged in such occupation.</li> <li>2. No more than twenty-five (25) percent of the total actual floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation.</li> <li>3. No outdoor sales or storage nor commercial vehicles shall be permitted in connection with the home occupation.</li> <li>4. The exterior appearance and overall use of the</li> </ol>



# Case Details - No Attachments

City of Greer

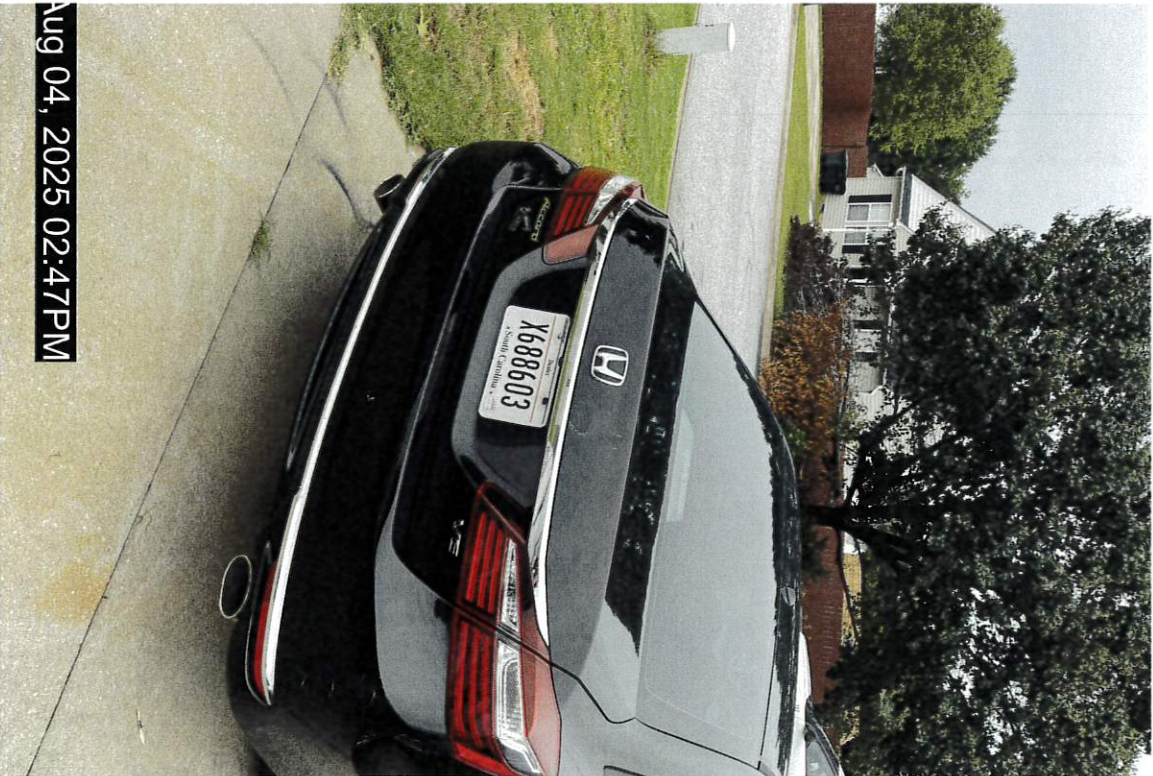
Case Number  
**CE25-00779**

<p>UDO 4.7 HOME OCCUPATIONS</p>	<p>Joe Holbrooks</p>	<p>8/7/2025</p>	<p>EXTERIOR PROPERTY</p>	<p>dwelling shall not be altered to cause the premises to differ from its residential character.</p> <p>5. The home occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.</p> <p>6. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.</p> <p>7. Appointments must be staggered so that there is no more appointment than one at a time.</p> <p>8. No customers, clients, or patrons other than the residents of the household may be on the premises in connection with the home occupation before 7:00 AM or after 9:00 PM.</p> <p>9. Permitted home occupations include businesses conducted exclusively by phone or computer, internet-based sales, personal services such as instruction, home-based food productions that does not require commercial equipment.</p> <p>10. Additionally, home occupations that meet the standards of this section but are not listed within this section may be approved by the Director or designee.</p> <p>11. Prohibited Uses include landscaping, automotive repair, and contractors business or cleaning services, other than office uses.</p> <p>12. Violation of this subsection may result in the revocation of the home occupation as determined by the Director or designee.</p>
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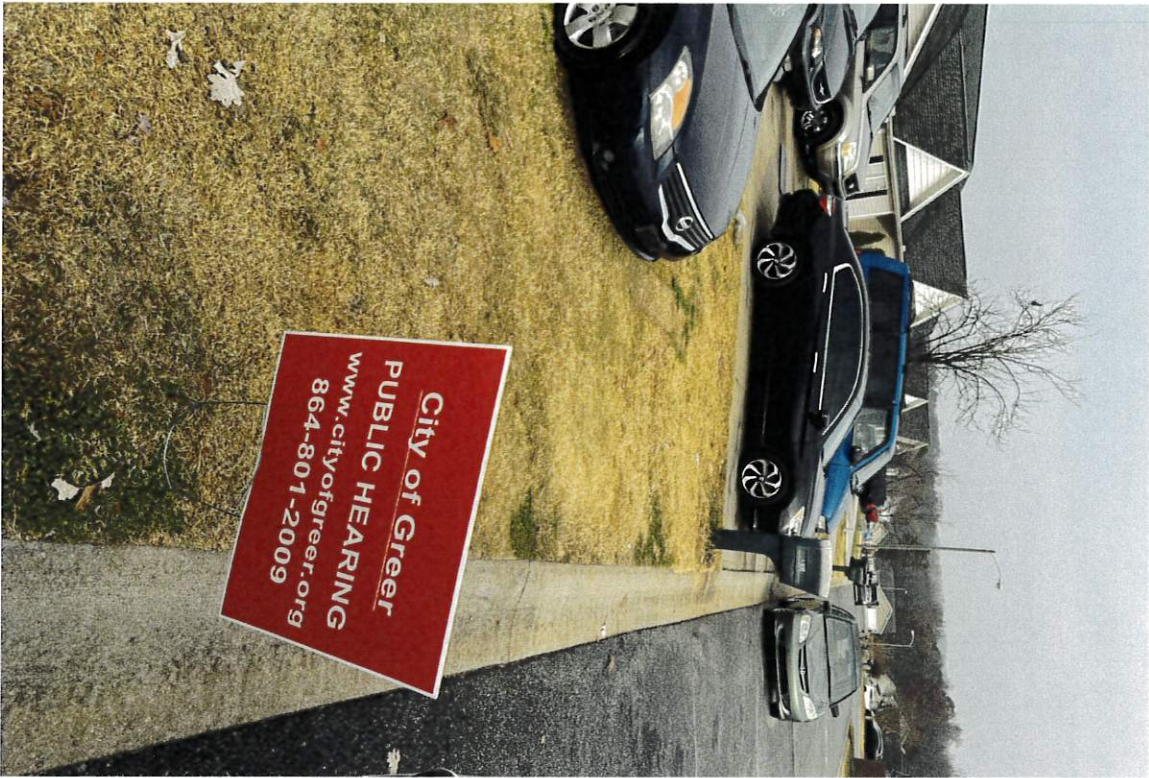


Aug 04, 2025 02:47PM



Aug 04, 2025 02:47PM







# Greer Board of Zoning Appeals

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Rules of Procedure Training  
January 12, 2026

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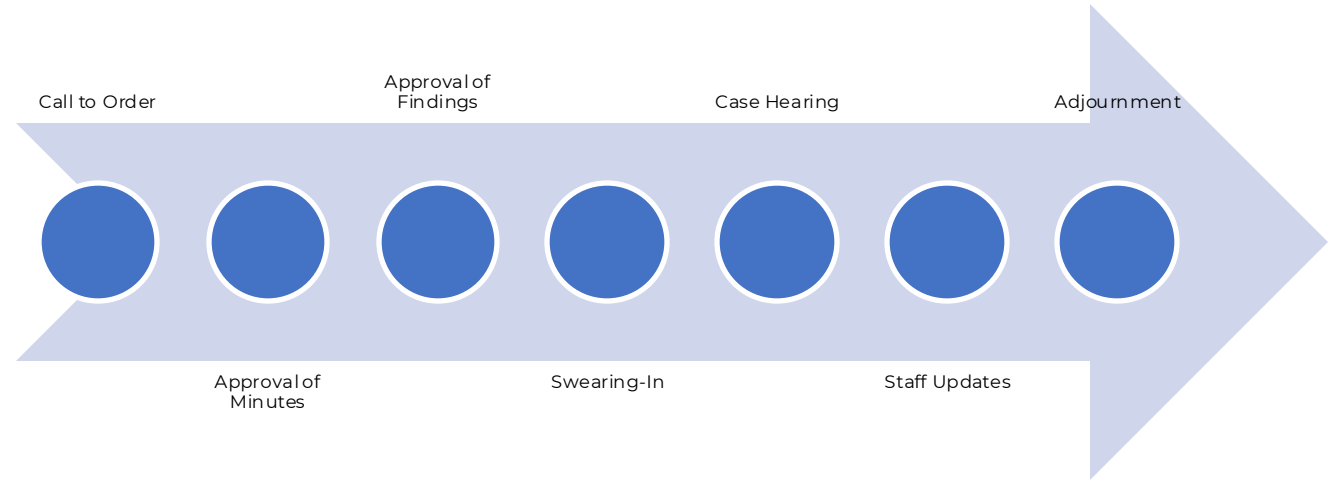
# QUASI- JUDICIAL

The Board of Zoning Appeals is enabled as a quasi-judicial Board. "Quasi-judicial" refers to decisions that are similar to a court ruling but are made by a local board, not a judge. These decisions apply existing ordinances or policies to the specific facts of an individual case, involving land use or property rights, and require a hearing where evidence is presented.

Unlike legislative decisions, which create new laws, quasi-judicial decisions interpret and apply existing laws to specific situations only and must be based on evidence presented during the hearing.

# ORDER OF BUSINESS

1. Call to Order & Determination of Quorum
2. Approval of Minutes
3. Approval of Findings/Written Orders
4. Swearing-In
5. Case Hearing(s)
6. Staff Updates
7. Adjournment

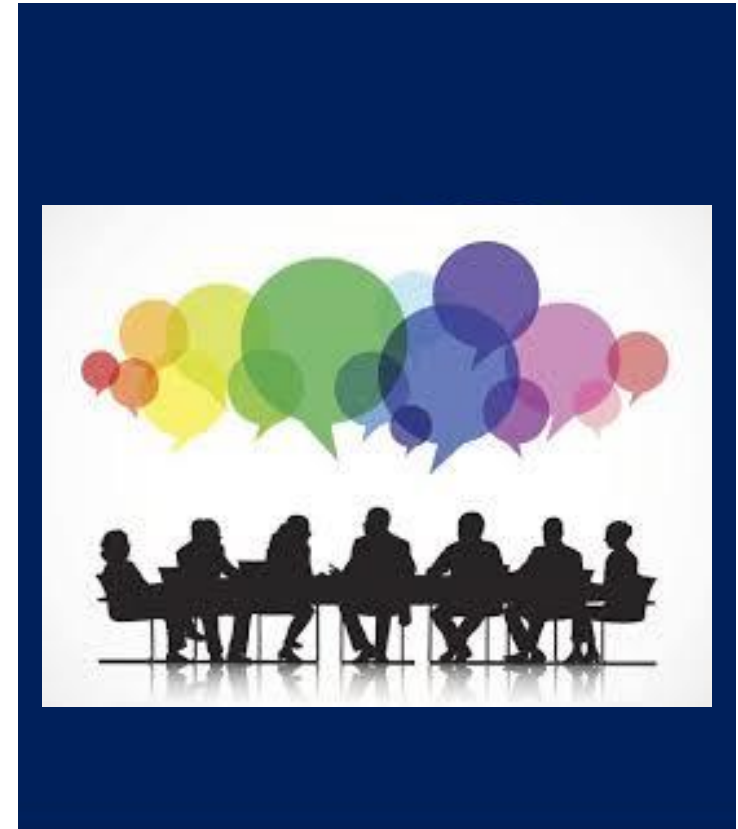


# CALL TO ORDER/QUORUM

**Quorum is 4 members present**

**If no quorum at start of meeting, Chair to suspend the meeting and wait 15 minutes for quorum**

**If no quorum after 15 minutes, make motion to adjourn**



# APPROVAL OF MINUTES

## **Standard Motion to Approve Minutes As Presented**

“I move to approve the minutes of the [date] meeting as presented.”

or

## **Standard Motion to Amend & Approve the Minutes**

“I move to amend and approve the minutes of the [date] meeting with the following corrections [clearly stating the specific correction].”



---

# APPROVAL OF FINDINGS

For the Board of Zoning Appeals (BZA), "approving findings of fact" means the board has reviewed all evidence and testimony (like witness statements, photo, plans) in a quasi-judicial hearing, determined what actually happened (the *facts*), and formally written down those facts as the basis for granting or denying a case. It signifies the BZA has established the factual groundwork, proving the case meets legal criteria (e.g., "practical difficulties," no harm to neighbors), allowing them to then apply zoning laws and issue a final, appealable decision.

## What the BZA does when approving findings of fact:

- **Establishes the "What Happened":** They decide on disputed facts, like property lines, existing conditions, or testimony details, acting like a judge or jury.
- **Applies the Law:** Once facts are established, the BZA applies zoning ordinances to them (e.g., is this a unique hardship, or just inconvenience?).
- **Creates a Record:** These written findings (along with "conclusions of law") form the official record for any potential court appeal, showing *why* they decided as they did.
- **Meets Legal Standards:** For variances, they must find specific facts, such as: the strict rule causes hardship, the variance won't hurt neighbors, and it serves the public welfare.

## In essence:

Approving findings of fact is the critical step where the BZA says, "Based on the evidence presented, *this* is what we've determined to be true about the situation," which then justifies their final ruling (approve, deny, or approve with conditions). In addition to the vote that determines the outcome of a case, the Board shall vote on a written decision including factual findings for all cases that are ***potentially contested or likely to incur an appeal, or which the Board deems such approval of findings necessary.***

---

# APPROVAL OF FINDINGS

## **Standard Motion to Findings of Fact As Presented**

"I move to approve the findings of fact of the [date] meeting, as presented in the written record."

**or**

## **Standard Motion to Amend & Approve the Findings of Fact**

"I move to amend and approve the findings of fact of the [date] meeting with the following corrections [clearly stating the specific correction]."

---

# SWEARING-IN

People are sworn in at the Board of Zoning Appeals (BZA) meeting to ensure that any testimony or evidence they present is given under oath and is truthful. The BZA acts as a quasi-judicial body, meaning its decisions are based on evidence and testimony presented during a formal hearing process. Swearing in participants helps to:

- **Establish credibility:** It underscores the seriousness and legal weight of the proceedings.
- **Ensure truthfulness:** It obligates individuals to provide honest and factual information.
- **Create a legal record:** The sworn testimony becomes part of the official legal record of the hearing, which can be reviewed if the decision is appealed to a higher court.

The following language is suggested to be used to swear in witnesses: “Do you solemnly swear or affirm that the testimony you are about to give before this Board of Zoning Appeals is the truth, the whole truth, and nothing but the truth, under penalty of law?”

# CASE HEARING

## **Chair Opens the Hearing**

Staff Presentation

Applicant Presentation

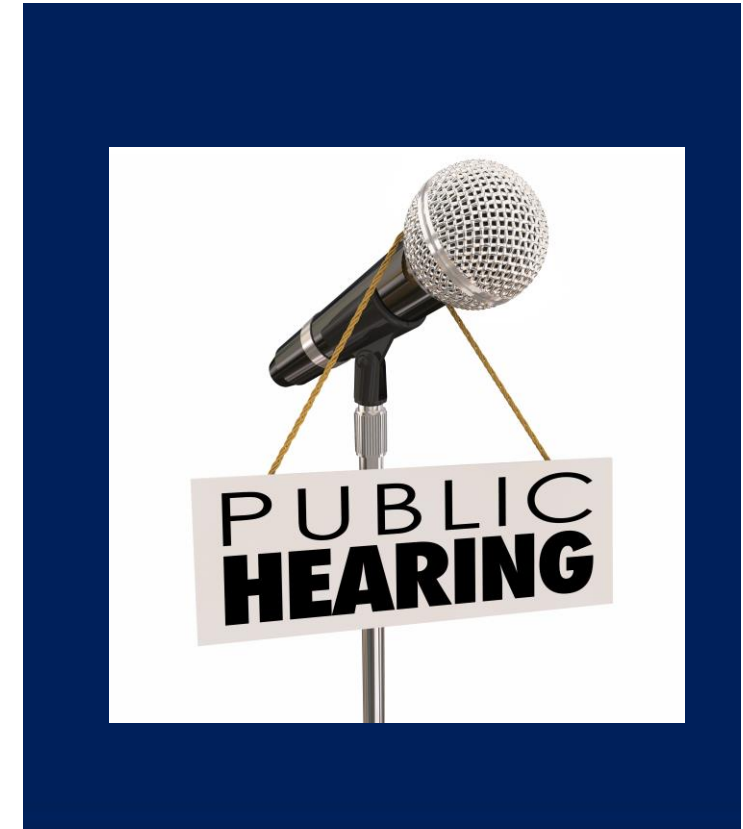
Public Comments – Evidentiary Testimony

Board Questions

Chair Closes Hearing

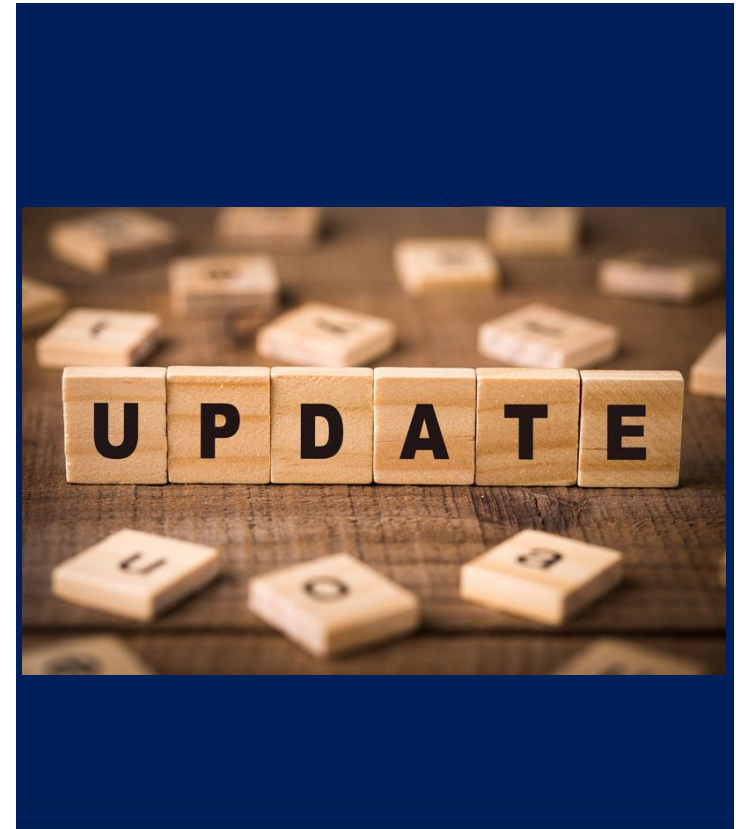
Board Comments & Deliberates

Board Disposition (Motion & Vote)



# STAFF UPDATES

Updates from staff on cases or information important to the BZA



# ADJOURNMENT

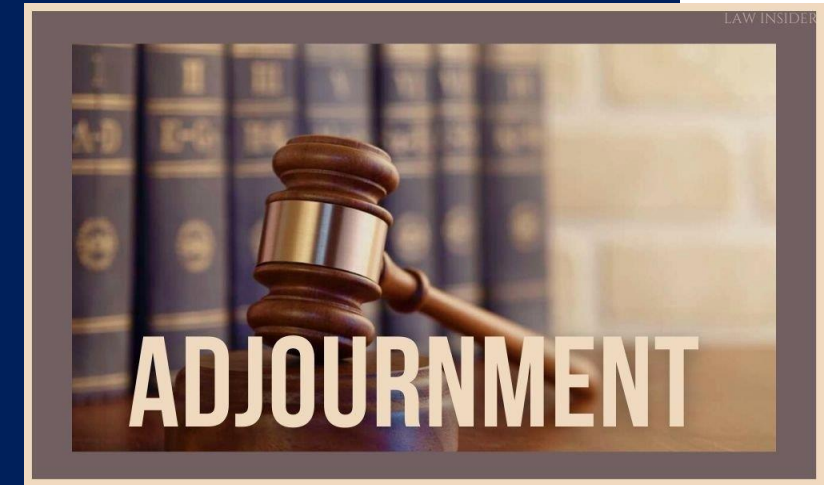
## When a Motion is Not Necessary

A motion is not needed in the following circumstances, and the chair can simply announce the adjournment through "general consent" or "unanimous consent":

- **Completion of business:** The meeting has covered all items on the agenda, and no member responds when the chair asks if there is "any further business".
- **Previously scheduled time:** The group agreed beforehand (e.g., in the agenda or bylaws) to adjourn at a specific time, and that time has arrived.
- **Emergency:** There is an emergency, such as a fire, natural disaster, or other immediate safety concern.

## When A Motion is Necessary

A motion is necessary when none of the three elements listed above can be met. In that case, a Motion to Adjourn, Second and then vote is required (this motion is not debatable)



# The Chair's Role

The Chair is responsible for presiding over meetings and ensuring that the Board conducts its business in an orderly, fair, and efficient manner.

The Chair calls meetings to order, follows the adopted agenda, and ensures that BZA procedures and applicable laws are followed.

During meetings, the Chair recognizes speakers, facilitates discussion among Board members, and helps keep deliberations focused on relevant issues.

The Chair also ensures that case hearings are conducted properly, that all viewpoints are heard respectfully, and that decisions are made based on regulations, testimony, and evidence in the record.

In addition, the Chair rules on points of privilege and procedural questions to maintain decorum and ensure the orderly conduct of meetings.



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# MAKING MOTIONS

Business is brought before the BZA by motions, a formal procedure for taking actions. **All motions shall be stated in the affirmative\*.**

To adopt a motion, a majority of members present and apprised of the content of the case shall vote in the affirmative.

---

# NO SECOND ON MOTION

## If no one seconds a motion...

...it simply doesn't come before the group for discussion or a vote; the Chair confirms there's no second and then moves to the next item, as the motion "dies for lack of a second," but it isn't lost and can be brought up again later.

The purpose of a second is to show at least one other person wants to discuss it, ensuring it's not just one person monopolizing the meeting.

## Key Points

- **Not Lost:** The motion isn't defeated; it just isn't considered.
- **Can Be Reintroduced:** The motion can be made again at a later time.
- **Purpose of Second:** Ensures the group agrees it's worth debating, not necessarily that they support the idea.

---

# TYPES OF MOTIONS : MAIN

*Robert's Rules of Order provides for five general types of motions: main motions, subsidiary motions, incidental motions, privilege motions, and renewal motions.*

## **Main Motions**

The most important motion, which introduces items to the membership for their consideration. They cannot be made when any other motion is on the floor, and must yield to privileged, subsidiary, and incidental motions.

After the member has made a motion (and after the motion is seconded), the Chair must then restate the motion or rule it out of order and then calls for discussion. Seeing no discussion, or after discussion is complete, the chair will call for a vote on the motion.

Exact wording of motions and amendments is important for clarity and recording in the minutes.

*Main motions are always debatable!*

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# TYPES OF MOTIONS : SUBSIDIARY

## Subsidiary Motions

Subsidiary motions are motions which direct or change how a main motion is handled and are voted on before a main motion.

These motions include:

- **Previous question or close debate.** Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the Chair. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, *is not debatable*, and requires a two-thirds majority (5 members if all 7 are present).
- **Limit/extend debate.** May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic. *This motion is debatable.*
- **Continue to a date certain.** The motion directs that the matter will be taken up again at some specific date and time. *This motion is debatable.*
- **Amendment.** Used to "fine tune" a motion to make it more acceptable to the group. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. *This motion is debatable.*

# TYPES OF MOTIONS : INCIDENTAL

## Incidental Motions

Incidental motions provide a means of questioning the procedure of other motions and have priority.

These motions include:

- **Point of order.** To bring to the group's attention that the rules are being violated. You don't need to be recognized prior to making a point of order. This is not really a motion but requires the chair to make a ruling as to whether or not immediate consideration is proper. *This is not debatable, but instead is a Chair ruling.*
- **Appeal from the decision of the Chair.** The group can overrule the chair on any parliamentary decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the chair immediately states the question, "Shall the decision of the chair stand as the judgment of the group?" If there is a tie vote, the Chair's decision is upheld. *The motion is not debatable* when it applies to a matter of improper use of authority or when there is a pending motion to close debate.
- **Parliamentary inquiry.** Not a motion, but a question as to whether an action would be in order. *This is not debatable, but instead a clarification from staff.*
- **Request to withdraw a motion.** Contrary to popular misconception, a motion cannot be withdrawn by its mover. This request requires majority approval through a motion & vote. *This motion is not debatable.*
- **Suspension of the rules.** When matters are to be taken out of order or a particular task can be better handled without formal rules in place, this motion can be approved by a majority vote. However, until the rules are restored, only discussion can occur, no decisions can be made. This motion requires a second but *is not debatable* or amendable.
- **Object to consideration of a question.** A motion can be objected to and ruled out of order without debate if it is so outrageous or intended to distract the group from resolving legitimate business. However, if the chair does not rule the motion out of order, a majority vote can block further consideration. *This motion is not debatable.*

*Most incidental motions are not debatable!*

# TYPES OF MOTIONS: POINTS OF PRIVILEGE

## Questions of Privilege

Finally, there are a few questions of privilege that are in order at any time and must be disposed of prior to resuming discussion on the matter at hand:

- **Fix the time for next meeting.** This is in order at any time to change the time of the next meeting, including when a motion to adjourn is pending. Second required, *not debatable*, and amendable.
- **Adjourn.** To bring the meeting to a halt. Second required, *not debatable*, and not amendable. Alternatively, instead of a motion, the chair can ask if there is any further business. If there is no response, the Chair can say, "Since there is no further business, the meeting is adjourned by general consent."
- **Recess.** A temporary break in the meeting; should state a time at which the meeting will resume. Second required, *not debatable*, and not amendable.
- **Point of privilege.** A matter that concerns the safety and welfare of the group or an individual member. Can be raised even when another person is speaking. No second, *not debatable*, and no vote required. *Chair makes ruling.*
- **Call for the orders of the day.** A demand that the group return to the agenda. Can be taken when another person is speaking, no second required, *not debatable*, and no vote required. A majority vote is required to reject the motion.
- **Evidentiary ruling.** The Chair will rule on all evidence submitted or contested. *Not debatable but can be added to the record with a noted objection.*

*Points of privilege are not debatable!*

# Taking Action

## Grant a Variance

- Approve
- Approve with Conditions
- Deny
- Continue to a Date Certain
- Remand back to staff: a matter to an administrative official, if the Board determines the record is insufficient for review.

### Example Motion(s):

“I move to approve the variance as presented.”

“I move to approve the variance with conditions.”



# Taking Action

## Permit Uses by Special Exception

- Approve
- Approve with Conditions
- Deny
- Continue to a Date Certain
- Remand back to staff: a matter to an administrative official, if the Board determines the record is insufficient for review.

### Example Motion(s):

- “I move to approve the special exception as presented.”
- “I move to approve the special exception with conditions.”



# Taking Action

## Appeals of Administrative Decision

- Affirm
- Reverse
- Modify
- Continue to a Date Certain
- Remand back to staff: a matter to an administrative official, if the Board determines the record is insufficient for review.

### Example Motion(s):

"I move to affirm the administrative decision."

"I move to modify the administrative decision with the following conditions {INSERT CONDITIONS}."

"I move to reverse the administrative decision."\*\*\*



# DECISIONS

The vote of a majority of those members present shall be sufficient to decide any matter before the BZA, provided a quorum is present. No member shall be excused from voting except as required in sections 6.2 and 6.3. of the Bylaws.

1. All voting shall be by roll call or a show of hands.
2. A tie vote shall result in a defeat of the motion.

# Votes

- **Yes/Aye:** Indicates approval and support of a motion.
- **No/Nay:** Indicates disapproval and opposition to a motion.

*\*Approve or deny is not a proper vote*

# QUALIFICATIONS

No Board member shall vote on any matter before the Board unless that member shall have attended the Board's previous deliberations on such matter, shall have reviewed the recording of the hearing and all evidence submitted, or shall otherwise have the approval of the Chairperson to vote on such matter.

The Chairperson's approval shall be solely contingent on whether or not the member provides assurance that the member has read all materials distributed to the Board members related to the matter and has reviewed the minutes and/or recordings of all meetings at which the matter was discussed.



# EX PARTE

The Board should make all efforts to avoid communications with any party or party's representative, either directly or indirectly, in connection with any matter pending before the Board that Board Members are aware. No party or person with a direct or indirect interest in the outcome of a pending matter before the Board shall communicate, directly or indirectly, with any Board Member regarding any issue in a pending case or with any employee or agent of the city assigned to assist the Members in such case without notice and opportunity for all parties to participate in the communication.

In the event that any ex parte communication is subsequently discovered to have occurred regarding a pending matter, the material points of the communication should be disclosed to the full Board at the next regularly scheduled meeting prior to any further discussion or vote on the pending matter that was the subject of the ex parte communication.

Board members should not engage with Council members, applicants, staff, or community members on cases and vice versa. *Procedural and process related questions are ok to direct to staff.*



# WITNESSES

Parties in interest may present testimony under oath.

Witnesses may be compelled to attend by subpoena requested at least 10 days prior to a hearing and signed by the Chair.

The Board may call its own witnesses when deemed appropriate.



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# EVIDENCE

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies.

Relevant testimony which is not cumulative, or hearsay will be received. The Chair will rule on all evidentiary matters.

Evidence may be placed in the record with an objection noted.



# FORM OF ORDER

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision.

Findings of fact and conclusions of law shall be separately stated in an order.

Staff shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the Chair.



## Board of Zoning Appeals Written Decision Order

<b>Docket Number:</b>	BZASE 25-04
<b>Case Type:</b>	Special Exception
<b>Property Address:</b>	316 Arlington Road
<b>Tax Map Numbers:</b>	9-03-14-009.00
<b>County:</b>	Greenville
<b>Applicant Name:</b>	Juan Giraldo
<b>Applicant Address:</b>	7 Orient Drive, Greenville, SC 29607
<b>Request:</b>	A request for a Special Exception to allow for a neighborhood retail use on a parcel which is zoned Medium Density Residential (MD). The Unified Development Ordinance Article (UDO) 4.2 allows for this use by Special Exception.
<b>Date of Board Action:</b>	December 1, 2025
<b>Action:</b>	The Board voted 5-0 to approve the Special Exception without conditions.

### Staff Recommendation

Staff recommends approving the Special Exception. The property is appropriately zoned and there are a variety of commercial, institutional, and residential uses in the area. The future land use for the parcel is Traditional Neighborhood, and the property is in an area recently designated as a Neighborhood Corridor and a Neighborhood Center by the 2025 Comprehensive Plan update. The UDO provides a definition of a neighborhood retail use in Sec. 4.3.5.U (page 127): "General retail sales and services establishments involved in the sale, lease or rent of new or used products and services intended to provide for residents of the immediate area. Neighborhood retail shall be a maximum 15,000 square feet for a single use." The request is compatible with the Future Land Use Plan and Map and will be required to meet all city development regulations. Therefore, staff supports the request.

### Findings of Fact

The Board of Zoning Appeals, having reviewed the application, staff report, public testimony, and all submitted materials, finds that the Applicant has demonstrated compliance with the standards required for a special exception under UDO section 4.2. The subject property at 316 Arlington Road, zoned Medium Density Residential (MD), is eligible for the requested use, and the evidence shows that the proposed insurance office use will be compatible with surrounding properties and consistent with the Comprehensive Plan and land-use policies. Testimony and documentation indicate that traffic, noise, lighting, and operational impacts can be adequately managed, public facilities are sufficient to support the use, and the proposal will not adversely affect public health, safety, or welfare.

The Board further finds that all procedural requirements—including public notice and hearing—were properly satisfied. Concerns raised by the public were considered and are addressed through the

# ETHICS POLICY

Commission members shall follow state statutory mandates found in the SC Ethics Act 8-13-700 and City of Greer Ethics Policies. Members shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild.



# DISCUSSION



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## **SECTION 1: INTRODUCTION AND ORGANIZATION**

### **1.1. Purpose**

To establish procedures for organizing and executing the duties and responsibilities of the Greer Board of Zoning Appeals, herein referred to as the 'Board' or the 'BZA', pursuant to SC Code of Law § 6-29-780 and the Greer City Council.

### **1.2. Authority**

The Greer City Council formed the Greer Board of Zoning Appeals in 1994.

### **1.3. Functions of the Board of Zoning Appeals**

The Greer Board of Zoning Appeals (BZA), will help guide the city's work on the following activities, as authorized under the South Carolina Planning Enabling Act of 1994, SC Code of Law 6-29:

(1) to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Unified Development Ordinance (herein known as the UDO);

(2) to hear and decide appeals for variance from the requirements of the UDO when strict application of the provisions of the ordinance would result in unnecessary hardship;

(3) to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the UDO; and

(4) to remand a matter to an administrative official, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review.

### **1.4. Power of the Board**

The Board of Zoning Appeals has the following powers under SC Code of Law 6-29-800, as amended:

(1) to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;

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(2) 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 property 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 adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance:

(i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance. The local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance; and

(ii) 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.

(3) to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance; and

(4) to remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing and notice of the rehearing must be mailed to these persons prior to the rehearing.

(5) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the board. If no time limit is provided, the appeal must be taken within thirty days from the date the appealing party has received actual notice of the action from which the appeal is taken.

(A) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(B) The board must fix a reasonable time for the hearing of the appeal or other matter referred to the board, and give at least fifteen days' public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

(C) In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

(6) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail. Additional notification methods are encouraged, in addition to, but not in place of, certified mail.

## **SECTION 2: MEMBERSHIP AND OFFICERS**

### **2.1. Membership**

Appointments by the Greer City Council, are as follows:

- a. The Board shall consist of seven (7) appointed members.
- b. Members shall notify the Chair and/or the appropriate city staff member (typically, the Planning Manager or designee) in writing to resign from the Board.
- c. All Members will be appointed according to the Greer City Council's Rules of Procedure, found in Ordinance 1-1991.
- d. Members will serve three (3) year terms beginning on the first month of their appointment.

### **2.3. Vacancies**

Vacancies are appointed by the Greer City Council. Should a vacancy occur in the middle of a members' term, a new member will be appointed to the Board according to the City Council's Rules of Procedure and Ordinance 1-1991 and complete the remainder of the Board member's unexpired term.

### **2.4. Removal**

Members may be removed from the Board by the City Council for cause, which includes violation of these Bylaws. It is requested that, prior to taking action, the City Council notify a member being considered for removal of the reasons for removal and give such a member an opportunity to respond.

### **2.5. Officers**

The officers of the Commission will be the Chair and the Vice Chair. The officers shall be elected for a one-year term.

### **2.6. Chair**

The Chair shall preside at all meetings of the Board and decide all points of order and procedures subject to these rules.

The Chair shall be a voting member of the Board and shall:

- a. Call meetings of the Board;

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- b. Preside at meetings and hearings; and swear in witnesses;
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Have orders of the Board served on parties; and
- f. Perform other duties approved by the Board.

The Chair shall have the right to vote in the order of their choosing.

## **2.7. Vice Chair**

The Vice Chair shall serve as the acting Chair in the absence of the Chair, and at such time, have all the powers, duties, and voting rights as the Chair. The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman.

## **2.8. Temporary Chair**

In the absence of both the Chair and the Vice Chair, the Board may appoint any of its members present in session to serve as Temporary Chair until such time that either the Chair or Vice Chair is present, and at such time, have all the powers, duties, and voting rights as the Chair.

## **2.9. Clerk**

City staff, provided by the Planning & Development Department, and subject to the direction of the Chair and Board acting as the clerk, shall keep all records, conduct all correspondence of the Board, and generally supervise the clerical work of the Board. The Planning Manager, or their designee, will serve in the clerk role, and assist in scheduling meetings, coordinating speakers, drafting agendas, and producing other review materials necessary for the Board's work. The clerk shall:

- a. Provide and publish notice of appeals and meetings;
- b. Assist the chairman in preparation of agenda;
- c. Properly post property, when appropriate and/or per legal requirements.
- d. Keep recordings and minutes of meetings and hearings;
- e. Maintain Board records as public records;

- f. Serve Board decisions on parties;
- g. Attend to Board correspondence; and
- h. Perform other duties normally carried out by a clerk.

## **2.10. Election of Officers**

Officers shall be elected at the first regular meeting of the calendar year.

## **2.11. Officer Vacancy**

A vacancy in the office of the Chair shall be filled by the Vice Chair succeeding to the office for the balance of the unexpired term.

## **SECTION 3: MEETINGS**

The Board conducts meetings in accordance with local and state requirements.

### **3.1. Open Meetings**

All meetings, public hearings, records, and minutes of the Board and its committees shall be made open and available to the public and in conformance with South Carolina Open Meetings & Record Law, SC. § 30-4-60.

### **3.2. Regular Meetings**

Regular meetings of the Board shall be held at City Hall on the first Monday of each month, beginning at 5:30pm.

All scheduled meetings of the Greer Board of Zoning Appeals shall be published on the city's public meeting and agenda site, at least 5 days in advance for regular meetings. Materials may be modified up to 24 hours prior to the start of the scheduled meeting.

### **3.3. Cancellation of Meeting**

Whenever there is no business to come before the Board, the Chair, after consultation with the Planning Manager, or their designee, may dispense a regular meeting by giving notice to all Commission members not less than twenty-four (24) hours prior to the start time of the meeting.

### **3.4. Quorum**

A quorum is half of the current appointed Board membership plus one.

- a. If quorum has not been met by the noticed start time, the Chair will open the meeting, make an announcement that quorum has not been met, and recess for fifteen (15) minutes;
- b. At which time the Chair will determine if quorum has been met. If it has not been met, the items, in consultation with the Planning Manager, or designee, will be continued to a date certain and the meeting will be adjourned.

### **3.5. Meeting Notice**

Public notice of a hearing of the Board shall be published in a local newspaper at least 15 days prior the hearing and posted on or adjacent to the property affected least 10 days prior the hearing. One form of the notice shall contain a description of each matter to be heard and identify the tax map number of the property affected.

### 3.6. Virtual or Electronic Meetings

Virtual or electronic meetings shall comply with the South Carolina Freedom of Information Act (S.C. Code §30-4-10 et seq.) and any applicable City of Greer Council policies governing electronic participation, as amended.

### 3.7. Order of Business

The order of business at regular meetings of the Board is recommended to be as follows:

1. Call to order (& establishment of quorum)
2. Approval of minutes
3. Approval of findings of fact/written orders from previous cases (as needed)
4. Swearing-in of witnesses
5. *Case Hearing* (and consideration of each case)
6. Staff updates
7. Adjournment

### 3.8. Case Hearing Procedures

Conduct of Hearing In matters brought before the Board, the following process will be followed for each case:

- A. Chair or designee opens the *hearing* (reads agenda item)
- B. Staff presentation
- C. Applicant presentation
- D. Public comments – Evidentiary Testimony
- E. Board/Commission Questions
- F. Chair or designee closes *hearing*
- G. Board comments and deliberation
- H. Board Disposition (motion and vote)

### 3.9. Public Comment

Public comment shall be allowed in accordance with the provision of any City of Greer ordinances. Public comment is not a question-and-answer period or dialogue between the Board or public at any point during the meeting. The Chair or designee will recognize and accept testimony and public comment from all who wish to be heard that is relevant to the case. No person speaking on an agenda item shall be subject to cross-examination. All inquiries or questions from the public during the meeting shall be posed to the Board and not the applicant or other member of the public. Board members shall refrain from making comments and/or asking questions during the public comment and

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applicant presentation. Irrelevant testimony or public comments will not be accepted, nor will the reading of repetitious letters or petitions be permitted by the public.

These documents may be filed with the staff liaison so that the record will show the names of the persons supporting or opposing an application. Upon the conclusion of the presentations and public comment, each Board member will have an opportunity to ask questions. Upon the close of the case hearing, no further testimony or comments will be heard from the public. The Board will then make final comments and deliberation of the request prior to a motion being made. Errors of fact may be corrected at any time after the close of the public comments.

### **3.10. Correspondence**

Written correspondence related to agenda items for the Board shall be submitted to the Planning & Development Department five business days prior to the meeting day in order to be published with the agenda for the public. Correspondence received after that date, may not be forwarded to the Board.

### **3.11. Cross Examination**

No party shall have the right to cross-examine witnesses; however, the Board may cross examine or question speakers with opposing viewpoints when conducted in an orderly manner. Intimidation of speakers will not be allowed.

### **3.12. Testimony**

The following language is suggested to be used to swear in witnesses: “Do you solemnly swear or affirm that the testimony you are about to give before this Board of Zoning Appeals is the truth, the whole truth, and nothing but the truth, under penalty of law?”

## **SECTION 4: AGENDA & ATTENDANCE**

The Board conducts meetings in accordance with local and state requirements. Agendas follow these requirements:

### **4.1. Agenda**

The agenda for each regular or special meetings of the BZA shall be prepared by the Planning Manager, or designee, under the following requirements:

- a. The agenda shall be posted according to the procedures outlined in these bylaws, and state law, as amended.
- b. The BZA may consider no business unless such an item properly appears on the agenda and is properly noticed.
- c. Public hearing notices must follow state law, as referenced in SC Code of Laws 6-29-790.

### **4.2. Attendance**

A Board member who is unable to attend a regular meeting of the BZA should contact the Planning Manager, or designee, and Chair at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent (earlier notification is encouraged).

Members are expected to maintain regular attendance and are expected to attend at least 50% of Board meetings within a rolling calendar year. Members that miss four meetings within a rolling calendar year will be reminded by the Chair of the attendance policy. After five absences within a rolling calendar year, the Chair will coach the Commission member on the attendance policy. Six or more absences in a rolling calendar year shall constitute grounds for review by City Council for possible removal for cause.

## SECTION 5: CONDUCTING BUSINESS

The Board of Zoning Appeals is enabled as a quasi-judicial Board. "Quasi-judicial" refers to decisions that are similar to a court ruling but are made by a local board or council, not a judge. These decisions apply existing ordinances or policies to the specific facts of an individual case, involving land use or property rights, and require a hearing where evidence is presented. Unlike legislative decisions, which create new laws, quasi-judicial decisions interpret and apply existing laws to specific situations only and must be based on evidence presented during the hearing.

### 5.1. Hearing Procedure

**Section 1. Appearances.** The applicant or any party in interest may appear in person or by agent or attorney. The Board may (but is not required to) postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

**Section 2. Ex Parte Communications.** The Board should make all efforts to avoid communications with any party or party's representative, either directly or indirectly, in connection with any matter pending before the Board that Board Members are aware. No party or person with a direct or indirect interest in the outcome of a pending matter before the Board shall communicate, directly or indirectly, with any Board Member regarding any issue in a pending case or with any employee or agent of the city assigned to assist the Members in such case without notice and opportunity for all parties to participate in the communication. In the event that any ex parte communication is subsequently discovered to have occurred regarding a pending matter, the material points of the communication should be disclosed to the full Board at the next regularly scheduled meeting prior to any further discussion or vote on the pending matter that was the subject of the ex parte communication.

**Section 3. Witnesses.** Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least 10 days prior to a hearing and signed by the chairman. The Board may call its own witnesses when deemed appropriate.

**Section 4. Cross-examination.** Cross-examination may be permitted under the discretion of the Chair to ensure a fair and orderly hearing. Intimidation of witnesses will not be allowed.

Case law (e.g., *Kiawah Development Partners, II v. Town of Kiawah Island BZA*, 400 S.C. 77, 733 S.E.2d 864 (2012)) affirms that affected parties must be allowed a meaningful opportunity to present and challenge evidence.

**Section 5. Evidence.** Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative, or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

**Section 6. Conduct of Hearing.** The normal order of hearing, subject to modification by the chairman, shall be as found in 3.8. The Board may question participants at any point in the hearing. Matters in which additional time is granted may be moved to end of the agenda.

**Section 7. Disposition.** The Board may deliberate and make final disposition of a matter by majority vote of members present and qualified to vote; provided not less than a quorum is qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which he or she has not heard. Deliberating and voting shall be done in public.

**Section 8. Form of Order.** An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction, standing, or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

**Section 9. Service of Order.** The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

**Section 10. Rehearing.** The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within 15 days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

## 5.2. Actions

The Board of Zoning Appeals can take the following actions on cases:

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- a. Grant a Variance
  - i. Approve
  - ii. Approve with Conditions
  - iii. Deny
  - iv. Continue to a Date Certain
  - v. Dismiss: A matter may be dismissed for lack of jurisdiction, standing, or prosecution.
  - vi. Remand back to staff: a matter to an administrative official, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review.
- b. Permit Uses by Special Exception
  - i. Approve
  - ii. Approve with Conditions
  - iii. Deny
  - iv. Continue to a Date Certain
  - v. Dismiss: A matter may be dismissed for lack of jurisdiction, standing, or prosecution.
  - vi. Remand back to staff: a matter to an administrative official, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review.
- c. Appeals of Administrative Decision
  - i. Affirm
  - ii. Reverse
  - iii. Modify
  - iv. Continue to a Date Certain
  - v. Dismiss: A matter may be dismissed for lack of jurisdiction, standing, or prosecution.
  - vi. Remand back to staff: a matter to an administrative official, upon motion by a party or the Board's own motion, if the Board determines the record is insufficient for review.

The Board must set a rehearing on any remanded matter without further public notice for a time certain within 60-days unless otherwise agreed to by the parties.

### **5.3. Parliamentary Procedures**

Consideration of cases and other business shall be in accordance with the Board's Rules of Procedure (ROP). If these ROPs are silent on an issue of parliamentary procedure, the current edition of Robert's Rules of Order shall govern. The most current version of Robert's Rules of Procedure are adopted by reference upon approval of this ROP.

### **5.4. Written Decisions**

**5.4.1.** A written decision shall be issued for every case. Such a decision shall include: the pertinent ordinance sections that were met or were not met and findings of fact. In the case of denials and contested approvals, subsidiary factual findings relating to the evidence heard by the Board shall also be included. Approvals shall include any conditions that the Board placed upon the project. The Chairman and the staff liaison shall sign each decision. Additionally, if conditions are imposed on the approval, the Applicant shall also sign a statement noting consent to such conditions, either at the meeting or within three days of the decision, in-person, at City Hall.

**5.4.2.** In addition to the vote that determines the outcome of a case, the Board shall vote on a written decision including factual findings for all cases that are potentially contested or likely to incur an appeal, or which the Board deems such approval of findings necessary.

**5.4.3.** Written factual findings may be approved at a later meeting, which shall generally be the next scheduled meeting. Under unique circumstances, the Board may choose to vote on the findings of fact at the same meeting the item is voted on. A party may submit proposed findings to the staff and/or Board for incorporation into the written decision. Proposed findings may also be the subject of emails shared amongst Board members prior to the final vote on the wording of the decision.

**5.4.4.** The written decision for each case shall be delivered in compliance with the Greer UDO to the applicant and to any person who has filed a written request with the staff liaison or with the Chair of the Board. The staff liaison shall maintain a file of all decisions. A decision shall be considered "filed" on the date that the final necessary signature on such decision is obtained and the decision is ready for distribution.

### **5.5. Reconsideration/Reopening**

Except as may be specifically provided by ordinance, substantive decisions on the merits of a request cannot be reconsidered and decided cases cannot be reopened following

the approval of a written decision. If criteria for a change in circumstances are met, the case may be submitted as a new case under the UDO.

## **5.6. Appeals Procedure**

**5.6.1. Form of Appeal.** Appeals from administrative decisions, applications for variances, and applications for special exceptions shall be filed on forms approved by the Board and provided to applicants by city staff. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

**5.6.2. Time for Appeal.** An appeal from an administrative decision must be filed within 30 days after the written decision is signed by the Chair and staff. An appeal shall be filed by delivery of the approved appeal form to the office of the Planning Director, or staff liaison of the Board, who shall notify the official appealed from.

**5.6.3. Calendar.** Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

**5.6.4. Withdrawal of Appeal.** Any appeal or application may be withdrawn by written notice delivered to city staff prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be refiled after the 15-day time for appeal has expired.

**5.6.5. Continuances.** The Board may continue an appeal or application hearing one time for good cause shown, provided it is to a date certain.

**5.6.6. Circuit Court Appeals.** South Carolina case law regarding Boards of Zoning Appeals (BZAs) establishes that judicial review of BZA decisions, typically by the circuit court, applies the same standard of review to factual findings as it would to a jury. Factual findings by the BZA are affirmed if supported by evidence in the record and will not be overturned unless no evidence reasonably supports them. Appeals to the circuit court, which is the proper venue, must be filed within 30 days of the BZA's written decision and detail why the decision is contrary to the law.

## **5.7. Votes & Voting Methods**

1) Board members may make the following types of votes when voting:

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- a. **Yes/Aye:** Indicates approval and support of a motion.
- b. **No/Nay:** Indicates disapproval and opposition to a motion.
- c. **Abstain:** Indicates a member was not present for the testimony provided and is therefore ineligible to vote on the matter.

\*Abstaining does not affect quorum, as quorum is based on the number of members present, not the number who vote.

Once a member is physically present at a BZA meeting, according to [Robert's Rules of Order](#), a failure to vote is an abstention and is not automatically recorded as an affirmative vote. Instead, it is noted as an abstention, and its effect is to not count toward either the "yes" or "no" votes, potentially leading to a tie and the failure of the motion.

- 2) A roll call voice vote is the preferred voting method, with the Chair having the option of which order they vote in. Other acceptable voting methods include:

**Show of hands/Rising vote:** BZA members raise their hands to indicate their vote, after being asked "all those in favor?"

**Electronic vote:** GPC members place their vote via the CivicClerk system, simultaneously.

## 5.8. Procedural Motions

Robert's Rules of Order provides for five general types of motions: main motions, subsidiary motions, incidental motions, privilege motions, and renewal motions.

### 5.8.1 Main Motions

A motion suggests taking action and is always presented in the affirmative. For example, "I move to recommend approval of the Variance as written." All main motions require a second.

### 5.8.2 Subsidiary Motions

Subsidiary motions are motions which direct or change how a main motion is handled and are voted on before a main motion. For example, "I move to close debate."

### 5.8.3 Incidental Motions

Incidental motions provide a means of questioning the procedure of other motions and have priority.

#### **5.8.4 Renewal Motions**

Once the group has taken action, renewal motions require the group to further discuss or dispose of a motion. These types of motions are rare for BZA, and under state law, almost never allowed.

#### **5.8.5 Privilege Motions**

There are a few questions of privilege that are in order at any time and must be disposed of prior to resuming discussion on the matter at hand.

### **5.9. Variances**

Variances approved must be conducted under SC Code of Laws 6-29-800(A)(2), as amended.

### **5.10. Decorum Reminder**

The Rules of Decorum for resident and Board member participation are available upon request from the Planning & Development Department. These rules are held by city staff, and any updates to these rules do not require a vote by the Board.

### **5.11. Adopted Ethics Policy**

Board members shall follow state statutory mandates found in the SC Ethics Act 8-13-700 and City of Greer Ethics Policies.

### **5.12. Impartiality Required**

No Board member shall, in any manner, participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Board members shall not discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the Chairperson; however, members may seek and/or receive information pertaining to the application from any other member of the Board or its staff prior to the hearing.

### **5.13. Qualifications to Vote**

No Board member shall vote on any matter before the Board unless that member shall have attended the Board's previous deliberations on such matter, shall have reviewed the taped recording of the hearing and all evidence submitted, or shall otherwise have the approval of the Chairperson to vote on such matter. The Chairperson's approval shall be solely contingent on whether or not the member provides assurance that the

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member has read all materials distributed to the Board members related to the matter and has reviewed the minutes and/or recordings of all meetings at which the matter was discussed.

#### **5.14. Evidence**

The Board shall consider only the evidence presented in the record during the meeting at which the application is heard, including staff reports, application materials, sworn testimony, documents, photographs, drawings, plans, and any other materials the Board deems relevant. All individuals offering testimony or statements intended to influence the Board's decision shall be sworn in prior to speaking, and the Chairperson may exclude evidence or testimony that is irrelevant, immaterial, redundant, speculative, or otherwise lacking in probative value. Supplemental evidence offered at the hearing may be accepted or rejected at the discretion of the Chair to ensure fairness and adequate opportunity for review. Public comments are part of the record but shall not be considered expert testimony unless the speaker is qualified as such, and the Board may establish reasonable time limits for such comments. All properly received evidence shall be included in the official record, and the Board's decision shall be based solely on the evidence presented and the applicable standards within the Unified Development Ordinance.

## SECTION 6: AMENDMENTS & REVISIONS

### 6.1. Rules of Procedure Updates

These rules may, within the limits allowed by law, have amendments proposed to these Rules of Procedure (ROP) of the BZA by being presented at a regular BZA meeting. Amendments to the ROPs of the BZA must be approved by a simple majority of sitting members of the BZA before their implementation.

The Board's Rules of Procedure were originally adopted in **January of 2026.**

### 6.2. Revisions

None

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