



# Spartanburg County Planning & Development Department

## Unified Land Management Board of Appeals November 24, 2009 4:30 p.m.

**Members**

**Present:**

Gerald Lawson, Chairman  
Jackie Moss  
Michael Henthorn  
David Long  
Kyle Atkins  
Marion Gramling  
Jim Brannon  
Gerald Noe

**Members**

**Absent:**

Ronald Stokes

**Staff**

**Present:**

Laurie Horton  
Allison Ezell  
Savannah Sabo  
Edwin Haskell  
Transcriptionist

**1. Call to Order**

Gerald Lawson called the meeting to order.

**2. Approval of Minutes of October 27, 2009**

Kyle Atkins made a motion to approve the October 27, 2009 minutes as amended. Jackie Moss seconded the motion. The vote carried unanimously.

3. **Old Business**

None

4. **New Business**

Gerald Lawson informed the Board that Carolina Quality Ice, LLC would be moved to a later date.

**W. R. Grace & Company** – Barnett Road, Woodruff (4-49-00-006.00). Laurie Horton, Enforcement Officer, was sworn in and presented the background information to the Board:

Mr. Ron Mercer, a representative of the W.R. Grace and Company, has made an application for a Mining Operation Permit on behalf of the company. W.R. Grace and Company has acquired an 80-foot easement from an adjoining property owner for ingress/egress to their 211.37-acre property.

This industrial operation will not meet the requirements of the Unified Land Management Ordinance in the following way:

The lot frontage required by the ULMO for a Mining Operation, Section 2.02-1, Table 3, Dimensional Standards is a minimum of sixty **feet on a** state or county maintained road. The ULMO does recognize an easement as lot frontage.

W.R. Grace and Company is requesting the following variance:

A reduction of the required lot frontage from 60 feet to no road frontage (Section 2.02-1, Table 3, Dimensional Standards).

All other requirements of the ULMO will be met.

Gerald Lawson opened the Public Hearing.

Mr. Sherbert was sworn in and stated that this was a mining project that had been in the works for several years. He stated that his company had owned the property since 1951 and that this was a perpetual deeded easement lease that ran with the land as long as W R Grace owned the property.

Larry Seyller, of 979 Two Mile Creek Road, Enoree was sworn in. He stated that he

was against the variance request and was under the impression that only 5 acres of the total 211 acres would be used for mining. He was also concerned with increased traffic on Highway 146 due to trucks entering and exiting the property.

Jay Adams, of 1361 Mount Shoals Road, Enoree was sworn in. He was also concerned with the increased truck traffic on Highway 146 and was against the variance request.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to grant the variance as requested due to the easement agreement with W.R. Grace and Company and the existing amount of business traffic on Highway 146. Kyle Atkins seconded the motion. The vote carried unanimously.

**Shallow Brook Subdivision** - 1551 Emily Drive, Moore (5-38-00-013.00).

Allison Ezell, Enforcement Officer, was sworn in and presented the background information to the Board:

Mr. Steve Angel is the owner of this vacant parcel fronting on Highway 417 and accessing 105 Emily Drive a minor residential subdivision street. He plans to build a single family residential home on the property.

The proposed house will not meet the requirements of the Unified Land Management Ordinance in the following way:

The rear building setback required by the ULMO, Section 2.02-1, Table 3 Dimensional Standards requires a structure to have a 20-foot rear setback from the rear property line.

Due to the location of the septic system already in place and its location suggested and approved, by DHEC Mr. Angel requests the following variance:

A reduction from 20 feet to 10 feet of the required rear yard setback from the property line (Section 2.02-1 Table 3, Dimensional Standards).

All other requirements of the ULMO will be met.

Gerald Lawson opened the public hearing.

Steve Angel, property owner, was sworn in. He stated that he had to install the septic tank prior to DHEC approval, which limited his choice of the location of the house.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to grant the variance request due to the location of the existing septic tank and irregular shape of the property. David Long seconded the motion. The vote carried unanimously.

**Marcus Haynes** - 47 Old School House Road, Mayo (2-33-23-021.00). Laurie Horton, Enforcement Officer, already sworn in, presented the background information to the Board:

Mr. Marcus Haynes, applicant, is requesting a variance from Unified Land Management Ordinance to convert a personal storage building into an Auto Repair Garage.

There are several issues that are preventing the applicant from meeting the requirements of ULMO:

1. ULMO Section 2.02-2 Bufferyards, Table 4 requires a Class 5 buffer between a High Intensity use and all other residential, however section 2.02-9 #4 J - Design Standards for Certain Nonresidential Development – Buffers, requires the buffer yard to go up to a class which now requires a Class 6 which would require a 4' berm with 4' vegetation on top. Mr. Haynes has installed a wooden privacy fence along the right and left property lines. This section prohibits Wooden Privacy fences.

**2. Section 2.02-9 #4 A -**

Façade Wall - Materials - All exterior walls fronting on any public road or immediately facing an individual building used primarily as a residence ("Façade Walls") shall be constructed of brick, stone, wood, stucco, split face or other architecturally detailed block, Hardie board or similar cementitious planking material, architecturally detailed heavy gauge vinyl siding, slate, limestone, tile, pre-stressed or tilt-up concrete wall panels (which panels are painted and have some rustification, banding or other architectural feature), glass, glass curtain wall and glass block features. Decorative metal panel (i.e. concealed fastener) may be used in a Façade Wall.

**3. Section 2.02-9 #4 E:**

Wall and Roof Colors - Color shall be low reflectance, subtle, or neutral colors. However, if a property owner or tenant having multiple locations can show a consistent pattern of using a specific color in multiple locations outside the County so as to be recognized by that color by the general public, such color may be used after an approximate showing of use to the Administration.

Jackie Moss left the meeting at 4:54 p.m.

Gerald Lawson opened the public hearing.

Marcus Haynes, applicant, was sworn in. He stated that the building was constructed a year ago with the intent of personal use storage. He presented several letters to the Board from adjoining home owners which were entered into the record as Exhibit #1. The letters from the renters were entered into the record as Exhibit #2. The letters from the adjoining home owners and renters were in favor of the variance request. Mr. Haynes stated that he had approximately 10 to 14 vehicles on the property.

Jim Brannon stated that he made a site visit to the property and that the property was clean and in good condition.

Gerald Lawson closed the public hearing.

Marion made a motion to grant the second variance request on a blue roof and metal siding that is not “concealed fasteners. Jim Brannon seconded the motion. The vote carried unanimously.

Marion Gramling made a motion grant the first variance request to reduce the buffer from a class 6 to a buffer yard 3D (six foot wooden fence per 100 feet and 15 feet wide) due to existing ditch on the property and the topography of the property. David Long seconded the motion. 3The vote carried unanimously.

**5. Other Business**

None

**6. Adjourn**

There being no further business, Kyle Atkins made a motion to adjourn. Jim Brannon seconded the motion. The vote carried unanimously. The meeting adjourned at 5:11 p.m.