

MINUTE S
Unified Land Management
Board of Appeals
May 25, 2004
4:30 p.m.

Pursuant to the Freedom of Information Act, notice of this meeting date, time, place, and agenda was posted on the bulletin board at the entrance of the County Administration Building and mailed to the newspapers, radio stations, television stations and concerned citizens who have requested it.

Members Present: Gerald Lawson, Chairman
Ray Morris
Kerry O'Brien
Craig Sims
Roy Pinckney
Kyle Atkins

Members Absent: Jackie Moss
Jerry Noe
Ronnie Culbreth

Staff Present: Emory Price
Joan Holliday
Laurie Horton
Albert Lee
Debbie Braddock (Transcriptionist)

1. Call To Order

Gerald Lawson, Chairman, called the meeting to order.

2. Approval of Minutes of May 25, 2004

The minutes of the May 25, 2004, meeting, were reviewed. Craig Sims made a motion to approve the minutes as prepared. Roy Pinckney seconded the motion and the vote carried unanimously.

3. New Business

Todd Gibbs - Laurie Horton, Land Use Inspector for Spartanburg County, was sworn in. She presented the facts to the board and called their attention

to the plat that showed the proposed siting of the home that Todd Gibbs was requesting to replace on a piece of family property recently deeded to him by his grandmother. The South Carolina Department of Transportation took a large portion of his property as right of way for the roadwork they are doing for the new USC-S entrance. He was proposing to place the home 11.19' from the new right of way and 7' from the rear property line. According to Table 3, the required front setback is 30' from the right of way and 20' from the rear property line.

Mr. Gibbs was sworn in and stated his case that his property had been taken by no choice of his own, but that he still needed to live there.

No one appeared in opposition to Mr. Gibbs' request, so the Chairman closed the public comment portion of the meeting.

There was some discussion about moving the home back further and closer to the left property line. Mr. Gibbs explained that he planned to place a carport on that side of his property and requested that he be able to do so.

Craig Sims pointed out that the right of way is merely a sight triangle, not pavement. The street itself will not be right outside his door. His property was taken by a public agency. Mr. Sims further stated that the request meets the four criteria and, therefore, he made a motion to grant the variance as requested. Kyle Atkins seconded the motion. The vote was unanimous.

PSI - Albert Lee, Land Use Inspector for Spartanburg County, was sworn in. He presented the facts, along with pictures of the site, to the board. He explained that Mr. Bill Painter is partners with Steve Sinclair, and they own the property (Synter Corp.) located at 2117 Boiling Springs Road, Boiling Springs, S.C. Mr. Painter is seeking a variance from the Unified Land Management Ordinance, Section 2.02-02 Bufferyards.

The property is located in Mountainbrook Subdivision along a transitional portion of S.C. Highway 9 where the lots fronting on this arterial road being sold for office/commercial development. The use of this particular property has changed from residential to office, requiring a Class 4 buffer in the rear

and a Class 2 buffer on the left side. Previous development along this same strip has required a Class 2-D buffer, so in an attempt to keep the buffer consistent, staff required that PSI install the same buffer.

Planning staff required PSI to install a Class 2-D buffer yard which is a ten-foot buffer containing a six-foot (6') wooden privacy fence on the left side of the property to buffer against the single family residential use. The staff also required that a Class 2-D buffer yard, which is a ten-foot buffer containing a six-foot (6') wooden privacy fence be located at the rear of the property to buffer against single family residential uses. Mr. Painter's request was that the Board of Appeals waive the buffer yards both on the left and the rear property lines.

Bill Painter was sworn in. He stated that the office was used for real estate development and did not have much traffic. The hours are 8:00 a.m. to 6:00 p.m. There are no outside lights. They use the property to park a boat and camper. He explained that he had hoped to retain the property as residential, but that it is hard to rent in that commercial area on Highway 9. He said that there were existing yellow bells on the right side of the property and asked that he just fill in with some more plantings. He also said that there is a garage and other buildings on the back and asked that he be allowed to fill in with some shrubs there.

Gerald Lawson observed that no one would know they were there if the sign had not gone up.

Brenda Peele was sworn in. She said that she wanted the privacy fence. She already has a privacy fence on one side, and it works very well. She said that she had had problems with Mr. Painter's renters before and that when she called him, he did not do anything about it.

Beth and Ron Pruitt were sworn in. Mr. Pruitt stated that they live behind Mr. Painter's property and they wish to be protected from the non-residential uses going into their neighborhood. Ms. Pruitt also said that Mr. Painter uses the back yards for storage and that they are not very well maintained.

Mr. Lee stated that the chiropractor next door was also Mr. Painter's property and that they are operating a business out of a former residence that was not permitted by the County.

The Pruitts stated that they would like to see the fence put up and their residential neighborhood kept intact. Ms. Pruitt pointed out that buffer requirements were put forth by someone in County government and that they needed to be enforced to protect "people like us" (in residential neighborhoods).

Mr. Painter said that he was willing to do some plantings all the way down the property line, but if the fence was required, he would not put it behind the chiropractor's office. Ms. Horton asked that a buffer class be attached to any decision by the Board so that staff would not be left guessing what to enforce. All parties went to the front for discussion.

Mr. Lawson asked that order be restored, and closed the public comment portion of the meeting.

Ray Morris said that the group needed to put their heads together and come up with a good solution. Roy Pinckney stated that the residents are not comfortable with no buffer, and that a combination of shrubs and trees was needed.

Kerry O'Brien stated that the staff had already reduced the requirement in order to keep some consistency to the buffer between the neighborhood and what is becoming commercial along Highway 9. He made a motion to stay with the staff requirement of a Class 2D buffer.

There was more discussion. Ms. Peele stated that she really preferred the fence. Mr. Sims asked the residents if they would be okay with a row of Leyland Cyprus, a Class 2A buffer. Ms. Pruitt said that she would like to know what the classifications were in order to know what the possibilities were. All residents finally said that they would be okay with a row of Cyprus if they were an effective buffer. Mr. Painter agreed that he would also place this buffer behind the chiropractor's office. Mr. Lee reiterated that the trees would have to be 6' to 7' tall.

Kyle Atkins made a motion to compromise and require a Class 2A buffer planted no later than October 31, 2004. Craig Sims seconded the motion. All present Board members voted for the motion, except for Kerry O'Brien who opposed the motion.

4. Other Business

None

5. Adjourn

There being no other business, Ray Morris made a motion to adjourn and Kyle Atkins seconded the motion. The vote was unanimous, and the meeting was adjourned.