

**MINUTES**  
**Unified Land Management**  
**Board of Appeals**  
**August 24, 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 sent to the newspaper and to those who have requested it.*

**Members Present:** Gerald Lawson, Chairman  
Ray Morris  
Roy Pinckney  
Ronnie Culbreth  
Jackie Moss  
Gerald Noe  
Craig Sims  
Kerry O'Brien

**Members Absent:** Kyle Atkins

**Staff Present:** Emory Price  
Edwin Haskell  
Joan Holliday  
Laurie Horton  
Albert Lee  
Savannah Sabo  
(Transcriptionist from Freelance)

**1. Call To Order**

Gerald Lawson, Chairman, called the meeting to order.

**2. Approval of Minutes of July 27, 2004**

Gerald Noe made a motion to approve the July 27, 2004 minutes. Craig Sims seconded the motion. The motion was approved unanimously.

**3. Old Business**

**Steven Kopp** – Laurie Horton presented the facts once again for this variance request carried over from the July 27, 2004 meeting. She also

presented to the Board the survey showing the revised plan as they had requested last month. Steven Kopp, the property owner, was seeking a variance from the Unified Land Management Ordinance, Table 3, to place a 14' x 50' mobile home five feet from the rear property line and twenty feet from the road right of way. The property has been vacant since 2000. The only change in the site is that the cinder block porch has been removed. Ms. Horton also read the staff recommendation that the variance be granted since enforcing the ordinance would render the property virtually useless.

Mr. Steven Kopp stated he would not be able to use the property if the variance were not granted. He presented photos of the area to the Board. He stated that there was an existing septic tank on the property along with city water.

Thad Strickland, a concerned neighbor, was sworn in and stated that he was against the granting of this variance. He said that he had to meet the setbacks when he built his business just down the street.

Robert Redman, the homeowner across the street, was sworn in. He said that the mobile homes placed on this site over the years have had a very high rental turn over rate and that he would rather not deal with that situation again.

Emory Price reiterated the staff recommendation that enforcing the requirements of the Ordinance on this particular piece of property would render it virtually useless.

Gerald Lawson closed the public portion of this variance hearing.

Jackie Moss made a motion go to executive session in order to seek legal advice. Craig Sims seconded the motion. The motion was approved unanimously. The Board members, Mr. Price, and Edwin Haskell left the room.

Upon returning to the meeting room, Gerald Noe made a motion to come out of executive session. Kerry O'Brien seconded the motion. The motion was approved unanimously.

Craig Sims made a motion to grant the variance limiting the size of the mobile home to a 14' x 50' unit. The Board instructed Mr. Kopp to contact Ms. Horton once the existing septic tank had been located and the corners of the mobile home site had been staked so that the County would be sure that placing the mobile home would not interfere with the septic tank. Jackie Moss seconded the motion. The motion was approved unanimously.

4. **Sandra Parris** – Albert Lee presented the case to the Board, along with six photos of this particular piece of land. Ms. Sandra Parris is seeking a variance from the Unified Land Management Ordinance, Section 2.02-1 Dimensional Standards Table 3 front lot line. The lot is located at 50 Burriss Road on Lyman Lake. Ms. Parris is proposing to place a mobile home on the same lot with her daughter and son-in-law. They already have a mobile home and garage on the property. The lot as originally platted in 1964 shows adequate road frontage, but the subsequent tax maps show that the lot no longer has any frontage. The only two plausible explanations would be that the road moved or that the survey(s) is inaccurate. The attached information seems to support the theory that the road moved. The old road was dirt and as people rounded the sharp corner at this particular property, they continued to cut off that corner over a number of years. At the point that the County finally paved the road, it appears to have moved over onto the lot across the road so that the lot in question no longer had frontage. The Unified Land Management Ordinance, Section 2.02-6 Number of Principal Buildings on a Lot, states, “Table 3 shall be met for both dwellings as if they are established on separate lots.” Ms. Parris will be able to meet all requirements of Table 3 except the road frontage.

Sandra Parris, the applicant, was sworn in and stated she wanted to move her mobile home on her daughter’s property. She said that she did not understand why she could not place her home there.

Billy Bishop, the property owner, was sworn in and stated that he does not have a problem with placing Ms. Parris’s mobile home on the property. Mr. Lawson stated that the Board could not rule on this request because the property is landlocked. He said that they could not legally give a variance to place another structure on property that had no legal access. Ray Morris agreed that at least a recorded easement to cross the neighbor’s property would be needed in order to grant Ms. Parris permission to place the second structure on the landlocked property.

Edwin Haskell advised the Board to carry over this item until the September meeting in order to give the Bishops time to obtain either an easement or fee simple title to access their property. Mr. Lawson asked Mr. Haskell to

explain to Ms. Parris why the Board could not approve the variance request without this recorded easement or fee simple title to access their property. He also stated that it would have been helpful to have the neighboring property owner present at this meeting. Mr. Bishop explained that he thought the neighbor was coming to the meeting.

Gerald Lawson closed the public portion of this variance hearing.

Craig Sims made a motion to table the Sandra Parris variance request until an easement from the neighboring landowner can be obtained and recorded. Jacqueline Moss seconded the motion. The motion was approved unanimously.

**Northbrook Baptist Church** – Laurie Horton, still under oath, presented the findings of fact to the Board as well as the staff comments and recommendations. Without the drive along the left property line of the site, the Northbrook Baptist Church could meet the bufferyard required by the Ordinance. A natural vegetative buffer currently exists along much of the property line. To comply totally with ordinance requirements, the church would have to either take out existing vegetation and then reestablish the buffer or move a portion of the existing drive. The church has completed infrastructure and building improvements on this site over a number of years working toward completing their plan which included the main building at this location. The church has been vested in the property for a number of years. The staff cannot lower the bufferyard class more than allowed in the ordinance. The Board of Appeals has this authority.

David Harrelson, with Roebuck Buildings, was sworn in. Mr. Harrelson, representing the church, requested a variance to further reduce the bufferyard to a Class 2c, to run the entire sight distance along the left property line.

Gerald Lawson closed the public portion of this variance hearing.

Ronnie Culbreth made a motion to grant the variance allowing reduction in the buffer yard to a Class 2c. Craig Sims seconded the motion. All those members present voted in favor of the motion, with the exception of Gerald Noe who was opposed.

**Tab's Flea Market** – Laurie Horton Presented the finding of facts and staff recommendations to the Board. She explained that Tab Patton, owner of Tab's Flea Market, was requesting a variance from the Unified Land Management Ordinance, Table 3, Setbacks and Other requirements. Mr.

Patton was requesting 44-foot variance. He was proposing to rebuild a building due to fire damage. Ms. Horton said that he planned to remove the entire building and replace it with a smaller building. She read the staff recommendation/comments, which stated that Tab's Flea Market, has operated on this site for 30–40 years and has become a local institution and landmark. The building to be replaced does not constitute more than 50% of the value of the total structures and buildings on the property. Also, since the Flea Market was built, SCDOT widened Wade Hampton, thereby encroaching on the Flea Market's grandfathered setback. Mr. Price had measured the application against the criteria required to grant a variance and, in his opinion, the application met those criteria.

Tab Patton was sworn in. He stated if he rebuilds the new building at the fifty-foot setback, it would put the proposed building in the middle of a wall separating the upper level. He is also restricted in his use of the property because of the large flood plain.

Joe Mitchell, Jr. was sworn in. Mr. Mitchell pointed out to the Board the existing location of the old building on the site plan and the new proposed location of the new building.

Gerald Lawson closed the public portion of this variance hearing.

Ray Morris made a motion to grant the variance. Kerry O'Brien seconded the motion. The motion was approved, with Gerald Noe abstaining.

**PPG Paints** – Laurie Horton presented the case to the Board. John Scott, with Real Estate Partners of Greenville, LLC was requesting a variance from Table 3, Setbacks and other Requirements. Mr. Scott was proposing to build a building to house P P G Paints and three other tenants, 9.22' from the left property line. According to Table 3, the required minimum side setback requirement is 15'. Mr. Scott was requesting a 5.78' variance.

Emory Price stated that economic reasons cannot be the sole reason for a granting a variance. He stated they may be overbuilding this site, and there should be other factors involved before this variance should be granted.

John Scott was sworn in. He stated there should not be a problem with this new development since there is an Arby's on the right and Spartan Homes on the left. He also stated the project could work without a variance.

Gary Winterburn, General Manager of Spartan Homes, was sworn in. He stated that he was against granting this variance and was concerned with the drainage issue. He states the close distance of PPG Paints to Spartan Homes

would create a water runoff problem. Also PPG Paints would hurt the visibility of Spartan Homes. Mr. Scott disagreed with this statement and stated that PPG Paints could access a storm sewer to prevent the runoff onto the Spartan Homes property.

Gerald Noe stated that the Board would run into some issues if this variance were granted given that Mr. Scott said that the site could be redesigned to work without the variance. Gerald Lawson agreed.

Gerald Noe made a motion to deny the variance based on the fact that it met none of the criteria set forth in the S.C. Local Government Comprehensive Planning Enabling Act of 1994 for granting a variance. Roy Pinckney seconded the motion. The motion was approved unanimously.

5. **Other Business**

None

6. **Adjourn**

Gerald Noe made a motion to adjourn. Roy Pinckney seconded the motion. The motion was approved unanimously.