

**Minutes**  
**Unified Land Management**  
**Board of Appeals**  
**September 28, 2004**  
**4:30 p.m.**

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

**Members Absent:** Jackie Moss

**Staff Present:** Emory Price  
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 August 24, 2004**

Gerald Noe made a motion to approve the August 24, 2004 minutes.  
Ray Morris seconded the motion. The motion was approved unanimously.

**3. Old Business**

**Sandra Parris** - Albert Lee informed the Board that Sandra Parris is in the process of getting a recorded easement. Once this recorded easement is obtained, Mrs. Parris will not need to come before the Board of Appeals.

**4. New Business**

**Mr. Andres Vergara Ortega** - Albert Lee, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Mr. Andres Vergara Ortega 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 57 Buford Oliver Drive, Campobello. Buford Oliver Drive is not a county maintained road.

Mr. Ortega already has a mobile home on this parcel. He is proposing to place a second mobile home on the same parcel. There used to be a second mobile home on this parcel, but it has been removed. The hook-ups are still there (septic, power and telephone cable). This parcel is 1.19 acres, but has only 27.34 feet of road frontage. Again, this is not a county-maintained road.

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." Mr. Ortega will be able to meet neither the amount of frontage required nor the requirement that the frontage be on a publicly maintained road.

Mr. Lee showed the Board several photos of the layout and the existing mobile home.

Mr. Samuel Sherbert was sworn in representing Mr. Ortega, due to the fact that Mr. Ortega had been hospitalized. Mr. Sherbert stated that this particular piece of property already had an existing septic tank and utilities.

Mr. Lawson stated that Mr. Sherbert needed documentation from Mr. Ortega in order to represent him in this case. He asked if Mr. Sherbert had such a document. Mr. Sherbert answered that he did not. Mr. Lawson told him that the Board could not hear this case without legal documentation. Mr. Lawson discussed with the Board tabling the matter until Mr. Ortega could appear or until Mr. Sherbert obtained Mr. Ortega's written permission to appear on his behalf.

Roy Pinckney made a motion to table this variance until Mr. Ortega has signed over power of attorney to Mr. Sherbert or until he is able to appear before the Board himself. Ronnie Culbreth seconded the motion. The vote carried unanimously.

Mr. Lawson instructed staff to make sure that if Mr. Sherbert is to appear for Mr. Ortega at the next meeting, that proper authority to do so is obtained.

**Douglas O. Thrift** - Laurie Horton, Land Use Inspector, was sworn in and read the findings of fact to the board:

Mr. & Mrs. Thrift would like to place a mobile home on the property with their home at 164 Mayo Road, Cowpens, as a residence for their daughter. They do not have enough road frontage to meet the requirements of the Unified Land Management Ordinance.

According to the ULMO, Section 2.02-6 Number of Principal Buildings on a Lot, two residential dwelling units may be established on the same parcel “provided the dimensional requirements on Table 3 are met for both dwellings as if they were established on separate lots . . .”

The Thrifts have 70.36 feet of road frontage and a single-family residence located on the property. A 4.64-foot variance in road frontage will be required in order to meet Table 3. This would allow a “separate lot to be established” with a 20.36-foot flag. All other requirements of Table 3 can be met.

Douglas O. Thrift was sworn in and stated that this property had city water and will need approval from DHEC to place an additional septic tank on the property. Mr. Thrift said that he is hoping to use an existing well to supply water for the mobile home. He stated that he had purchased this property not knowing of the County’s requirements for road frontage on second structures. This mobile home will be the residence of his daughter who will care for him.

Mr. and Mrs. Ledbetter, the property owners, were present at the meeting and stated that they did not have a problem with the Thrifts placing a second structure on their property.

Craig Sims made a motion to grant the variance to reduce the required road frontage for a second structure pending the septic tank approval from DHEC. This would allow a separate lot to be established with a 20.36-foot flag. Roy Pinckney seconded the motion. The vote carried unanimously.

**Meyers Cable Company** - Mrs. Horton, Land Use Inspector, still under oath, read the findings of fact to the Board:

Gus Meyers with Meyers Cable Contractors made an application to change the use of his property from residential to commercial and to build a new shop on the property. According to the Unified Land Management Ordinance, when residential property is converted to

commercial “all parking, landscaping, buffering, and other requirements of this ordinance shall be met.”

The Planning Staff determined Meyers Cable Contractors to be a high intensity use. Section 2.02 –2 Bufferyard, Table 4 requires a Class 5 buffer when residential property adjoins high intensity commercial use. The staff required a class 5Bb (berm). Meyers Cable Contractors is requesting a reduction in the bufferyard. They are proposing to construct a 6’ wooden fence. This would be a class 2d bufferyard.

Ray Meyers, the partner and brother of Gus Meyers, with Meyers Cable Company was sworn in. He stated that his business faces Stan Avenue and that buffering all sides of this property with a 5Bb would detract from his property. Mr. Meyers submitted a letter he wrote to the adjoining residential neighbors stating his alternate plan for buffering. He had a response back from a neighbor supporting the variance. No neighbors attended the meeting, but Mr. Meyers stated that they have voiced concern that a berm would cause neighborhood safety issues—that clear sight of the homes would no longer exist. Mr. Meyers stated a 5Bb (berm) buffer could also cause safety issues with traffic going in and out of the Meyers Cable Company. He wants the property to look like a part of the neighborhood and just blend in as it always has. He proposed to continue his neighbor’s six-foot wooden fence and have a six-foot chain link fence off Old Furnace Road with an entrance gate for trucks, which would alleviate safety issues for traffic entering and exiting the property. Mr. Meyers also said that the office is set back from the road 150 feet and that this office backs up to all commercial property except for a small area that is residential.

Gerald Lawson closed the public hearing and opened the meeting for discussion among the Board members.

Gerald Noe was concerned with the building area in relation with the fence. He stated that a six-foot fence would not screen a fourteen-foot building.

Gus Meyers, with Meyers Cable Company was sworn in and stated that a 5Bb (berm) would not blend with the neighbor’s fence.

Craig Sims made a motion to grant the variance to reduce the bufferyard requirements from a class 5Bb to a class 2d along the left and rear property lines. Ronnie Culbreth seconded the motion. Those voting in favor of the variance were Craig Sims, Ronnie Culbreth, Kyle Atkins, Kerry O’Brien and Roy Pinckney. Those voting in opposition to the variance were Ray Morris and Gerald Noe. The vote carried five to two in favor of the variance.

## **5. Other Business**

None

## **6. Adjourn**

There being no other business, Craig Sims made a motion to adjourn and Roy Pinckney seconded the motion. The vote carried unanimously, and the meeting was adjourned.