

Minutes
Unified Land Management
Board of Appeals
October 26, 2004
4:30 p.m.

Members Present: Gerald Lawson, Chairman
Ray Morris
Kerry O'Brien
Jackie Moss
Gerald Noe

Members Absent: Kyle Atkins
Ronnie Culbreth
Roy Pinckney
Craig Sims

Staff Present: Emory Price
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 September 26, 2004

Kerry O'Brien made a motion to approve the September 26, 2004 minutes as amended for the addition of Kyle Atkins to the members present. Jackie Moss seconded the motion. The motion was approved unanimously.

3. Old Business

Andres Vergara Ortega – (carried over from 09/28/04) Gerald Lawson stated that Since no one was there to represent the Ortega's, the hearing was carried over to the

November meeting.

4. New Business

The Spinx Company – Laurie Horton, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Progressive Builders obtained a building permit to construct Spinx Convenience Store/Restaurant in 1995. This widening of the section of S.C. Highway 290 between Interstate 85 and S.C. Highway 296 was completed prior to that time (1993), according to the South Carolina Department of Transportation. The existing canopy encroaches 25 feet into the 50-foot setback from Highway 290.

Spinx is now proposing to add two new gasoline pumps, thereby extending the existing canopy. The new canopy, therefore, will also encroach 25 feet into the required 50-foot setback. The new canopy will also be extended into the direction of Rogers Bridge Road, thereby encroaching 12.5 feet into the 40-foot setback required there.

Spinx is requesting two variances from the Unified Land Management Ordinance, Section 2.02 Dimensional Standards, Table 3 Minimum Setback-Front Lot line on an arterial street and on a collector street. S.C. Highway 290 is classified as an arterial street requiring a 50-foot setback. Rogers Bridge Road is classified as a collector street requiring a 40-foot setback. The front setback variance requested on S.C. Highway 290 (E. Main Street) is 25 feet. The front setback variance requested on Rogers Bridge Road is 12.5 feet.

Gerald Lawson questioned if the pumps would be placed any closer to Highway 290. He also stated that everything is up in the air and nothing will be touching the ground. The Board looked over the plat to see if the pumps were encroaching on Highway 290 and if the pumps were a part of the variance request.

Ray Morris questioned whether the canopy or the pumps were approved in the variance request years ago.

Richard Phipps, Vice President of Spinx, was sworn in and stated that the pumps were included in the variance years ago. Mr. Phipps stated for safety reasons they were not going to place the pumps in a straight line but would place them in the middle of the property. Laurie Horton informed the Board that the pumps were not an issue in this variance; the variance request was for the canopy.

Laurie Horton stated she was unable to locate where a variance was requested or granted in the past.

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

Jackie Moss made a motion to grant the variance as requested. The front setback on S.C. Highway 290 (E. Main Street) to 25 feet and the front setback on Rogers Bridge Road to 12.5 feet. Gerald Noe seconded the motion. The vote was unanimous.

5. Other Business -

Laurie Horton presented to the Board the 2005 meeting calendar for approval. Gerald Lawson was okay with the dates for the 2005 calendar year. Ray Morris made a motion to approve the 2005 calendar dates. Gerald Noe seconded the motion. The vote was unanimous.

Gerald Lawson called the meeting back to order. Mr. Andres Vergara Ortega was present to represent his case.

Andres Vergara Ortega – (carried over from 09/28/04) 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 Minimum Lot Frontage. 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 (50 feet for a

regular lot, 25 feet for an approvable flag lot), nor the requirement that this frontage be on an all weather or paved public or privately maintained road built to county standards.

Albert Lee showed the Board several photos of the property and the existing mobile home.

Gerald Lawson questioned how long has the mobile home been gone from the property. Albert Lee responded more than 6 months.

Mr. Andres Vergara Ortega, owner of the property, was sworn in and stated he intended to use the new mobile home for family members. Jackie Moss questioned when was the last mobile home placed on the property. Mr. Ortega replied three years.

Samuel Sherbert, neighbor, was sworn in and stated that he did not have any objections to the Ortega's placing the second mobile home on the property.

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

Ray Morris made a motion to grant the variance for the second mobile home to be placed on the property. Kerry O'Brien seconded the motion. The vote was unanimous.

6. Adjourn

There being no other business, Kerry O'Brien made a motion to adjourn and Ray Morris seconded the motion. The vote carried unanimously, and the meeting was adjourned.