

**Minutes**  
**Unified Land Management**  
**Board of Appeals**  
**December 21, 2004**  
**4:30 p.m.**

**Members Present**

Gerald Lawson, Chairman  
Ray Morris  
Roy Pinckney  
Ronnie Culbreth  
Jackie Moss  
Gerry Noe  
Craig Sims  
Kerry O'Brien  
Kyle Atkins

**Staff Present:**

Albert Lee  
Savannah Sabo  
Edwin Haskell  
(Transcriptionist from Freelance)

**1. Call To Order**

Gerald Lawson, Chairman, called the meeting to order.

**2. Approval of Minutes of October 26, 2004**

Ray Morris made a motion to approve the October 26, 2004 minutes. Ronnie Culbreth seconded the motion. The vote carried unanimously.

**3. Old Business**

None

**4. New Business**

**Phillip Barr** – Albert Lee, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Mr. Phillip D. Barr 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 89 Faith Drive, Campobello. This paved, but narrow road is not county maintained.

There is a mobile home as well as a residence on this parcel. The mobile home was permitted to be placed on this parcel under the Mobile Home Ordinance #477 as a temporary accessory residential use for hardship. The newer Planning Enabling legislation does not allow for medical hardship and, therefore, the ULMO does not allow for medical hardship. No one has occupied the mobile home or the house fulltime for several years. Mr. Barr's sister, Cindy Wilson, has kept the power on in the mobile home and reportedly stays there on weekends at times.

A statement was signed by the landowner Mr. Albert Barr and the resident Cindy Wilson, his daughter, on May 15, 1996. The statement was in regards to Article 6-20.10 of the Mobile Home Ordinance for temporary hardship, which states that the Ordinance requires certification and renewal on an annual basis prior to April 15<sup>th</sup> of each year. According to the Building Codes Department, this has never been done. In the meantime, the applicable County ordinances have changed.

The Unified Land Management Ordinance, Section 2.02-6 Number of Principal Building on a Lot states that "Table 3 shall be met for both dwellings as if they are established on separate lots." Mr. Barr will not be able to meet the requirements for frontage on an all-weather or paved public or privately maintained road built to county standards.

Albert Lee presented several photos to the Board, of the structures on this piece of property.

Edwin Haskell, County Attorney, stated that Faith Drive needed to be a primary road for health and safety issues. Emergency vehicles needed to have access to this piece of property.

Phillip Barr, son of property owner, was sworn in and stated that he intended to live in the mobile home while making renovations to the house on the property. This property is approximately 5 acres with a wooded lot that buffers the mobile home from the neighboring homes. Mr. Barr stated that he might leave the mobile home on the property after the renovations are completed on the house.

Cindy Wilson Hartley, mobile home owner, was sworn in and stated she was not

aware that she needed to renew her hardship every year. She stated that she would not have put that much money into a septic system or a well if she did not intend to use this property. Her father, Albert Barr now lives out of state and is the one who actually applied for the hardship.

Betty Hannon, adjoining property owner, was sworn in and presented several photos to the board. Her home is located next to the abandoned mobile home. She stated that she had made several complaints to the Building Codes Department on the substandard conditions of the mobile home and property. She also presented to the board several documentation letters she had addressed to Mike Padgett in the Building Codes Department. Betty Hannon stated she wanted the mobile home removed off the property and that the mobile home was visible from her property.

Edwin Haskell, County Attorney, questioned Phillip Barr on his legal documentation authorizing him to represent his father in the variance. Phillip Barr stated he had a notarized statement from his father giving him legal documentation to represent him in the variance and presented the letter to the Board. Edwin Haskell stated that Phillip Barr actually needed a binding contract to purchase the mobile home before he could come before the Board of Appeals. Edwin Haskell stated the person making the variance application had to own the property or have a binding contract to buy the property. Edwin Haskell referred to Table 1 on page 1-3, which describes who is the eligible applicant. Edwin Haskell gave Phillip Barr two options as to how he could legally bring this case before the Board of Appeals. He stated Phillip Barr needed to have Albert Barr and Cindy Wilson, the property owner and mobile home owner, apply for the variance application. The other option would be to obtain a binding contract where he purchased the mobile home and property from his father and sister. The County Attorney stated that Phillip Barr was not a proper applicant in terms of the ordinance.

Kerry O'Brien made a motion to table the meeting to a later date to get procedural issues corrected. Roy Pinckney seconded the motion. The vote carried unanimously.

**Shops at Woodcreek-** Albert Lee, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Mrs. H. Holt Erwin is seeking a variance from the Unified Land Management Ordinance, Section 2.02-1 Dimensional Standards Table 3 side setbacks and separation of buildings. She is also seeking a variance from Table 4, Side and Rear Bufferyard Requirements. The lot is located at 1398 Boiling Springs Road,

Spartanburg.

Mrs. Erwin is proposing to construct an office/commercial building on a parcel that has an existing building. She is proposing to subdivide the property into two lots at a later date. Mrs. Erwin is requesting that the Board grant 1) a variance to reduce the side setback by 15' to a zero lot line, as well as 2) a variance on the separation between the existing building and the proposed addition—a reduction of 15 feet. Mrs. Erwin is also requesting 3) that the existing Class 4 buffer that was installed with the first building serve as her buffer—a reduction of one bufferyard class.

The Unified Land Management Ordinance Section 2.02-1 Dimensional Standards Table 3 states that there shall be a 15-foot side lot setback and that the spacing between buildings on same lot be 20 feet. The ULMO calls for a Class 5 rear bufferyard.

Albert Lee presented several photos to the Board.

H. Holt Erwin was sworn in and stated that this is a large lot with an irregular shape, and that the existing building was setback unusually far from the street. They are requesting sideline variances to utilize the road frontage while landscaping as one project with attractive green spaces. They are also requesting a zero side setback line for both the new and the existing building in order to landscape effectively with attractive green spaces and to visually connect the buildings. H. Holt Erwin also stated that they are requesting a reduction of buffer at the back of the proposed new building since the existing buffer rises to 10' of earth plus 20' trees.

Tracy Watson, president of North River Hills Neighborhood Association, was sworn in and stated that she was in support of H. Holt Erwin placing the Shops at Woodcreek on that property. Her only concern was the verbiage in the adjoining property letters sent out by certified mail. The letter stated, "The applicant is requesting to vary the side setback to zero for both the new and the existing buildings". The neighbors thought the setback was the perimeter setback, and that The Shops at Woodcreek wanted to build right up to the road interfering with traffic pulling in and out of North River Hills. Tracy Watson stated they wanted to make sure the side setback of the perimeter of the property was to be what the county mandates and only the setback within the property would be set to zero.

Thomas Hogue, representing the Woodcreek Home Owners Association, was sworn

in and stated that they are in favor of the Shops at Woodcreek. His only concern was that they did not want any buildings built close to the road to interfere with the landscaped area off Woodcreek Drive.

Pat Clark, Woodcreek Homeowner, was sworn in and questioned the Board on where on the parking facility of the new proposed shopping center would a drive be cut through to Woodcreek Drive. She stated that there were no traffic lights and that there was already an increased traffic flow on Woodcreek Drive.

The Board was in discussion about the entrances the Shops at Woodcreek would have off Highway 9 coming on to Woodcreek Drive. They did not foresee a problem with traffic flow on this road. The Shops at Woodcreek could access two entrances off Highway 9 onto Woodcreek Drive.

Craig Sims suggested that the Holts shift the zero lot line at least five feet in the case that the property was sold in the future. He stated by shifting the new building five feet and leaving the proposed property line would give them five feet between the new property and the new building. H. Holt Erwin stated her only problem was where the corners were close to each other.

Edwin Haskel stated the board needed to look at the development for what is proposed for now. The new owners may or may not be able to subdivide in the future. If Erwin Holt wants to sell one of the buildings they would have to comply with the Unified Land Management Ordinance.

Gerald Lawson suggested eliminating the first variance and deal with the second variance on separation between the buildings.

Craig Sims made a motion to grant the buffer yard variance using the existing buffer yard, the other two variances were not necessary. They would not technically need the other two variances until the property was subdivided. Ronnie Culbreth seconded the motion. The vote was six to one. All in favor of the vote were Craig Sims, Ray Morris, Roy Pinckney, Ronnie Culbreth, Jackie Moss, Gerry Noe, and Kerry O'Brien. Kyle Atkins opposed granting the variance.

**Beth West**- Albert Lee, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Mrs. Beth West is seeking a variance from the Unified Land Management Ordinance, Section 2.02-6 Number of Principle Buildings on a Lot, Table 3 road

frontage. The lot is located at 398 Gore Road, Boiling Springs. Gore Road is a county-maintained road to the dead end (the asphalt portion). The lot at 398 Gore Road is on the gravel portion of the road (beyond the county-maintained sign).

Mrs. West already has mobile home on the parcel. She is proposing to place a second mobile home on the same parcel. This parcel is 2.31 acres, but has only 20 feet of frontage on a road that is not publicly maintained.

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. Mrs. West will be able to meet neither the amount of frontage required (50 feet for a regular lot, 25 feet for an approved flat 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 presented several photos to the Board.

Beth West was sworn in and stated that she had recently bought the property with the mobile home already on it. They own a doublewide mobile home and would like to move it to the property. Mrs. West stated that she would like to leave the existing mobile home on the property while the double wide is set up and remodeled. She stated that they intended to use the existing mobile home as a guest home.

Angela Bramley, neighboring property owner, was sworn in and stated that she had maintained the gravel portion of Gore Road that was private and not county maintained. She also stated that she would like stated for the record that if he property was ever sold and subdivided, that the mobile home would have to be removed. She also explained to the Board that she was not opposed to Beth West living on the property, but that she did not want rental property next door to her.

Sherry Cody was sworn in and wanted to know what would happen to the property if Beth West decided to sale the property.

Edwin Haskell stated that the decision was conditional that the property will not ever be subdivided or if it is, it must be in compliance with whatever ordinance is in effect at the time.

The Board discussed where on Gore Road the county maintenance ends. They referred to the plat for 398 Gore Road.

Edwin Haskell asked Angela Bramley to draw on the exhibit for the record where she lived and where the county maintained road ends. She stated the gravel portion is only 3/10<sup>th</sup> of a mile long and that this is where the mobile home will be placed.

Ray Morris made a motion for Beth West to live in the existing mobile home for 30 days until the replacement mobile home was set up. Craig Sims seconded the motion.

Gerald Lawson asked that the motion be amended to reflect 60 days instead of 30 days to set up the replacement mobile home and remove the existing mobile home from the property.

The vote was six to two in favor of the motion for granting 60 days to setup and remove existing mobile home from the property. The members in favor of the motion were Ray Morris, Craig Sims, Jerry Noe, Ronnie Culbreth, Jackie Moss and Kerry O'Brien. The members against the motion were Kyle Atkins and Roy Pinckney.

There was discussion among the Board members after the vote. The Board made a motion to reconsider the previous motion. The vote carried unanimously.

Ray Morris made a motion to amend the previous motion to give Beth West 9 months to set up the replacement mobile home and to remove the old mobile home off the property. The vote carried unanimously

## **5. Other Business**

## **6. Adjourn**

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