

**Minutes**  
**Unified Land Management**  
**Board of Appeals**  
**February 22, 2005**  
**4:30 p.m.**

**Members Present**

Gerald Lawson, Chairman  
Ray Morris  
Gerry Noe  
Craig Sims  
Kyle Atkins

**Members Absent**

Roy Pinckney  
Ronnie Culbreth  
Jackie Moss  
Kerry O'Brien

**Staff Present:**

Emory Price  
Joan Holliday  
Edwin Haskell  
Albert Lee  
Savannah Sabo  
(Transcriptionist from Freelance)

**1. Call To Order**

Gerald Lawson, Chairman, called the meeting to order.

**2. Approval of Minutes of December 21, 2004**

Craig Sims made a motion to approve the December 21, 2004 minutes. Ray Morris seconded the motion. The vote carried unanimously.

**5. Old Business**

None

**4. New Business**

**Reds Wrecker Service**– Albert Lee, Land Use Inspector, was sworn in and read

the findings of fact to the Board:

Mr. Clarence Bordner, who owns Red's Wrecker Service, is proposing to place an impound lot on an existing lot with a car repair garage. The site is located at 780 Nazareth Church Road in Moore and is owned by T. O. and Ada Black. The garage currently located on the property was not permitted under the ordinance in force at the time it began operation. It has been run for the past six years by Mr. Karon Dodson. Mr. Black was permitted to build a personal use building. He first used the building for a plant nursery and then the garage, neither of which was permitted under the ULMO.

Mr. Bordner is requesting a variance from the Unified Land Management Ordinance Section 3.19-5, paragraphs 5 and 10. Paragraph 5 states that an impound lot cannot be established closer than 1000 feet to a church, school, daycare center, nursing home, health care facility, hospital, public building, public recreation facility, a concentration of ten or more contiguous residences, or closer than 500 feet from any single residence. Paragraph 10, states that the proposed must be located in areas characterized by light, medium or heavy "industrial uses". Mr. Bordner is requesting that the requirements of these paragraphs be waived since this lot is also occupied a car repair garage.

Nazareth Presbyterian Church is within 1000 feet of the proposed lot. There is a single-family residence on property which is closer than 500 feet. Cedar Bluff Subdivision is located is closer than 1,000 feet. There are no industrial uses of any intensity in the area.

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

Gerald Lawson asked staff if they had any recommendations. Mr. Lee stated no, there were no recommendations for Reds Wrecker Service.

Emory Price stated that Nazareth Presbyterian Church was on the National Historical Register.

The Attorney for Red's Wrecker Service, Lex Hray, presented several photos to the Board.

Red Bordner, owner of Red's Wrecker Service, was sworn in. He proceeded to the front to confront with the attorney, and the Board on the photos. Mr. Hray showed

the Board the pictures as well as on the plat, that the neighboring home was 300 feet from the road to the fence. This is a rental home owned by Mr. Black. The rental home is located off Reidville Road.

Mr. Hray stated that the surrounding properties had nothing to do with Red's Wrecker Service and that this property was not a detriment to the adjoining properties. He stated you could only see the top of one surrounding property roof from the impound lot.

Albert Lee stated that Red's Wrecker Service & Garage was not permitted to have the impound lot there.

Vera Smith, who resides at 539 Ridge Court, was sworn in and stated she was concerned with the noise that she already puts up with and the rat problem the junkyard would create. Mr. Hray said that the noise comes from the garage and that this is not a junkyard. The cars will be moved continuously.

Joanne, with Henson Management, was sworn in and stated she was trying to sell 20 lots in the Cedar Bluff Community at a price range of \$250,000. She stated that this property did not qualify as high intensity industrial and would be a detriment to the Cedar Bluff Community. This junkyard would also interfere with the selling of these 20 lots.

Scott Thompson, who resides behind the Cedar Bluff Community, was sworn in and asked the Board if this would be considered an impound lot or a junkyard. He was against a junkyard being placed in this area, but had no problem with an impound lot that will stay small.

Red Bordner stated that this lot only holds 15 cars and would be considered an impound lot. He already has a junkyard in the Boiling Springs area and would use this particular piece of property strictly as an impound lot.

T L Black, owner of property, was sworn in and stated that the neighbors already knew this property may eventually become an impound lot or junkyard.

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

Emory Price stated he was concerned with the deterioration of the surrounding properties and placing a high intensity business in a residential area.

Ray Morris made a motion to deny the variance. Gerald Noe seconded the motion.

Kyle Atkins stated that the Board could not grant or deny the variance until they determined what could be done with the garage.

Edwin Haskell, the County Attorney, advised the Board that they could still go into executive session to seek legal council. The public was informed that no action could be taken while in executive session.

Craig Sims made a motion to go into executive session with the County Attorney. Kyle Atkins seconded the motion. The vote was unanimous.

The Board members left the room for an executive session with the County Attorney.

Upon returning, Craig Sims made a motion to come out of executive session. Kyle Atkins seconded the motion. The vote was unanimous.

Ray Morris said that he made the motion to deny the variance because the variance to allow the impound lot did not meet any of the four criteria for granting a variance. Gerald Noe seconded the motion.

The Chairman reinstated the motion and asked for the vote.

The Board voted unanimously to deny the variance allowing an impound lot at 780 Nazareth Church Road. The Board concluded that the request did not meet the criteria set forth in the S.C. Local Government Comprehensive Planning Enabling Act of 1994 for the granting of a variance.

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

Mr. Lloyd Pruitt, who is the owner of Pruitt's Body Shop, has expanded his junkyard, located at 119 Monks Grove Church Road, beyond its grand fathered footprint without going through the approval process required by Spartanburg County's Unified Land Management Ordinance.

The junkyard is registered, and the matter came to County staff's attention during the annual junkyard inspection. The parcel is 2.4 acres. The junkyard has been in business since 1973, according to Mr. Pruitt. Mr. Pruitt has maintained

his annual permit.

Article 3, Section 3.19-6, paragraph 6 states that “Any addition, enlargement or expansion of a junkyard shall require a permit and shall be in accordance with this division as a **new junkyard.**” Also, Section 3.19-6, paragraph 5 states that “no person shall establish, possess, open, re-open, own, enlarge, or operate a junkyard after the effective date of this division without complying with the provisions set forth herein.” Paragraph 8 outlines the requirements for submitting new/expanded junkyard plans which has not been done.

The junkyard expansion cannot be approved without several variances. Mr. Pruitt is requesting variances from the Unified Land Management Ordinance Section 3.19 Junk and Salvage Yards, Section 3.19-5 paragraphs 1, 3, 4, 5 and 10.

Section 3.19-6, paragraph 1 states that “New junkyards shall be situated on a continuous parcel of at least five acres excluding rights-of-way that are undivided by road right-of-way or dedication.” Since expansions must meet the requirements for a new junkyard, this 2.4-acre parcel needs a variance on the size requirement.

Section 3.19-6, paragraph 3 states that “All driveway entrances shall be from the side property lines. The centerline of the driveway shall not be closer than 30 feet from the side property line. An opaque gate shall be utilized. The view toward the gate from the adjacent property shall be screened by a continuous hedge row less than 30 feet wider than the gate.” This junkyard expansion does not meet this paragraph. Mr. Pruitt’s new entrance is straight from the road and not thirty feet from the side property line.

Section 3.19-5, paragraph 4 states that the junkyard must “have a minimum setback to the fence from front, side and rear property lines excluding road right-of-ways of at least 50 feet.” This junkyard expansion does not meet this paragraph. It encroaches into the 50-foot setback.

Section 3.19-5, paragraph 5 states that a junkyard cannot be “established closer than a 1000 feet to a church, school, daycare center, nursing home, health care facility, hospital, public building, public recreation facility, a concentration of 10 or more contiguous residences or closer than 500 feet from any single residence.” There is a subdivision at the rear and right side of property. There are individual residences across the road from the property. The expansion does not meet this section of the ordinance.

Section 3.19-6, paragraph 10 states that “In addition to the spacing requirements of paragraph five (5) and nine (9) herein, all junkyards established after December 31, 1999 shall be restricted to property located in areas characterized by light, medium or heavy “Industrial Uses” as defined by this Ordinance and shown on the Future Land Use Map in the approved “*Spartanburg County Comprehensive Plan*.” Since the ULMO considers an expansion as a new junkyard, this expansion does not meet the Ordinance requirement.

Albert Lee presented several photos to the Board.

Lloyd and Maggy Pruitt, owner of Pruitt’s Body Shop, were sworn in.

The Pruitts requested to look at the pictures that Albert Lee had presented to the Board. Mrs. Pruitt stated that they had moved the fence so that they would be in compliance for the annual junkyard inspections. They hurried up and worked in the ice and cold weather to be finished by 01/01. She said that the cars were for Mr. Pruitt’s personal use and that he does not sell junk parts.

Michael Fleming, acquaintance of the Pruitt’s, was sworn in and stated that he was in favor of the Pruitts expanding their junkyard.

Mr. Pruitt pointed out the old buildings on the site plan to the Board.

Randy Griffin, acquaintance to the Pruitts, was sworn in and stated that he was also in favor of the Pruitts expanding their junkyard. The vehicles that were to the front of the property were moved to the side of the property. Mr. Griffin stated that the Pruitts had a right to build the fence to protect their property and that the creek limits access to the property.

Sylvia Kay, homeowner across the street, was sworn in and stated she was against the granting of the variance. This is a rental property and she was concerned with the resale value of her home. She said that the junkyard keeps expanding but she found out there was nothing she could do since the county does not have zoning.

Michelle Wyatt, adjoining property owner, was sworn in and stated she was also against the granting of the variance. She purchased the home in 2003 and is currently in the process of selling her home. She stated that the Pruitts had cut down everything up to the back of her property, which was a buffer against the junkyard. She stated that you can now see the junkyard from her home and this would be a

detriment to the value of this home.

Judy Pruitt Roberts, daughter of the Pruitts, was sworn in. She stated the neighbors were all aware of what was placed on this property.

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

Craig Sims made a motion to go into executive session for legal council with the county attorney. Ray Morris seconded the motion. The vote carried unanimously.

The Board members, the County Attorney, and the Planning Director left the room and went into executive session with the county attorney.

Upon returning, Craig Sims made a motion to come out of executive session. Ray Morris seconded the motion. The vote carried unanimously.

Kyle Atkins made a motion that piece of property was grandfathered saying that a variance was not needed. He placed a stipulation that the property be cleaned up and that the proper screening requirements be met. Craig Sims seconded the motion.

The Board wanted the Pruitts to know that their property needed to be totally in compliance and that they needed total vegetation to buffer against the residential property. The Board stated that the Pruitts had always paid their annual junkyard fee and that was one factor in determining the granting of the variance.

Ray Morris called for the question of the vote. The vote carried unanimously.

The County Attorney stated that all junkyards must comply with certain requirements of the ordinance.

There was no more discussion among the Board members.

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

Mr. Tuoi Dang is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Bufferyards. The Unified Land Management Ordinance calls for a Class 5Bb berm at the rear of the property, which is a 25-

foot wide strip. The area at the rear of the building to the property line is 55 feet wide. Mr. Dang wants to place the septic system and some parking in this space and, therefore, is requesting a reduction of the Class 5Bb berm, which is 25 feet wide, to a bufferyard of ten feet with an eight-foot wooden fence with trees or shrubs on the outbound side. This configuration does not conform to any of our standard buffers.

Mr. Dang is also requesting to begin the buffer further back from the right-of-way on the left side of the building than is required by the ULMO. The ordinance states that any buffer must be started twenty feet from the right-of-way. Mr. Dang would like to begin the required buffer (Class 3d), which is a 6-foot wooden fence with trees or shrubs on the outbound side, 45 feet from the right-of-way. He is requesting to be allowed to place low growing shrubs in this 45 feet so that his building can be easily seen from the street.

Mr. Dang will be able to meet all the other requirements of the ULMO.

Albert Lee presented several photos to the Board.

Mt. Tuoi Dang, owner of property, was sworn in and stated that he would like to move the buffer yard further back so you could see his building from the road.

Charles Henderson, whose mother lives behind the Dang property, was sworn in and stated that he was in favor of the granting of the variance. Mr. Henderson also stated that he was requesting that his fence be reduced to 4 feet.

Mr. Lee presented a letter to the Board from Margie Caldwell, an adjoining property owner, who was against the granting of the variance.

Charles Henderson, who was sworn in earlier, stated that he had a problem with the trailers, etc. in Margie Caldwell's yard.

Mr. Dang stated that this would be a rental property except the unit where his wife would have an alteration shop.

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

Gerald Lawson asked Albert Lee to show him on the plat where Maggie Caldwell lived. The Board was in discussion.

Emory Price stated that staff did recommend this variance be granted and that this is a good project.

Craig Sims made a motion to grant the variance based on the fact that it meets the four criteria. Gerald Noe seconded the motion. The Board voted unanimously to grant the variance requested by Mr. Dang concluding that the required wider buffer would interfere with the septic lines. They also concluded that the granting of the variance would not harm the surrounding properties since there were neighbors present who spoke in favor of the variance.

## **5. Other Business**

**None**

## **6. Adjourn**

There being no other business, Craig Sims made a motion to adjourn and Kyle Atkins seconded the motion. The vote was unanimous.

The meeting adjourned at 6:10 p.m.