

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

Members Present

Gerald Lawson, Chairman
Ray Morris
Gerry Noe
Craig Sims
Kyle Atkins
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 February 22, 2005

Craig Sims made a motion to approve the February 22, 2005 minutes. Ronnie Culbreth seconded the motion. The vote carried unanimously.

3. Old Business

None

4. New Business

Highway 292 Shop– Albert Lee, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Mr. Wayne Evans lives at 10868 Greenville Highway (US 29). He is

proposing to place a metal building at 1455 Highway 292, Inman, to be used for an auto repair shop. The 0.68-acre parcel is triangular. The required setback from the center line of Highway 292 is 83 feet which would leave 14 feet to the edge of an approximately 15-foot deep, 30-foot wide natural ditch at the rear of the property (behind this proposed building).

Mr. Evans is requesting a variance from the Unified Land Management Ordinance Section 2.02-2, Bufferyards which calls for a Class 5 bufferyard for this use against a residential use. Mr. Evans is requesting that the Class 5 bufferyard be reduced to a ten-foot strip with a six-foot wooden fence and plantings on the outbound side (which falls somewhere between a Class 2 and Class 3). He is making this request because the ditch and the shape of the property limit the placement of the building and the required buffer.

Mr. Evans will be able to meet all other requirements of the Unified Land Management Ordinance.

Albert Lee handed the Board the revised finding of fact sheets.

Ray Morris asked about the future plans of this road. Mr. Lee stated that there is some roadwork going on at the intersection of Highway 292 and Little Mountain Road. Emory Price stated that this road is not in the 10 or 20-year road plan.

Gerald Lawson opened the Public Hearing.

Wayne Evans, property owner, was sworn in and stated that this was a small triangular shaped lot approximately 860-feet long with a gully at the back. His intention was to place a 28-foot wide building on the property with the purpose of changing oil. He may later change the use and change to an auto repair shop. The nearest home is 600-feet away from the property, which is approximately twice the length of a football field away.

He has cleaned up the kudzu and does not intend to put anything junky on this piece of property. Mr. Evans stated that he has owned this property for approximately six months.

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

Kyle Atkins stated that Mr. Evans was making a reasonable request. Mr. Atkins stated that Mr. Evans did not appear to have anyone opposing his variance request and he appeared to be making an effort to be a good neighbor. Mr. Morris said that

the variance should pose no problem since there were no plans to widen the road.

Kyle Atkins made a motion to grant the variance for a class 5 bufferyard to be reduced to a ten-foot strip with a six-foot wooden fence and plantings on the outbound side which falls somewhere between a class 2 and class 3. He stated that the request meets the four criteria because of the shape of the property and the ditch in the rear. Based on the testimony granting it will not be detriment to surrounding properties. Jackie Moss seconded the motion.

Edwin Haskell, the County Attorney, stated that staff needed to specify the plantings that needed to go with the fence. Albert Lee stated that the fence and planting strips should be about 10 feet wide and about 100 feet along the line of sight buffer.

Gerald Lawson stated that the motion would stay as first stated. The vote was unanimous.

Boiling Springs Auto Spa- Albert Lee, Land Use Inspector, was sworn in and read the findings of fact to the Board:

Mr. Douglas Cheatwood, who is the owner of the property located on the corner of Highway 9 and Old Furnace Road in Boiling Springs, S.C., is proposing to place a car wash at this location. The property is a 0.7-acre, triangular parcel. The property will require some variances in order to orient the carwash effectively on the property.

Mr. Cheatwood purchased the property in 1983 (as D&M Enterprises, Inc.). The widening of SC Highway 9 and Old Furnace Road has reduced the lot from one acre to 0.7 acre.

Mr. Cheatwood is requesting a variance from the Unified Land Management Ordinance Section 2.02-1 Dimensional Standards Table 3 front and side setbacks and also Section 2.02-2 Bufferyards.

Mr. Cheatwood is requesting to reduce the setback on Highway 9 from 50 feet to 45 feet. Highway 9 is an arterial which requires a fifty-foot setback. He is also requesting to reduce the setback on Old Furnace Road from 40 feet to 35 feet. Old Furnace Road is a collector which requires a forty-foot setback. The five-foot variance of each of these setbacks would allow an adequate turning radius to enter the carwash tunnel.

The Unified Land Management Ordinance calls for a Class 2 buffer, which is

a 10-foot wide strip, on the right side property line between proposed site and Boiling Springs First Baptist Church. Mr. Cheatwood is requesting to reduce this buffer to a Class 1 buffer, which will be a five-foot wide strip with twelve shrubs 8-foot on center every 100 feet. This will also allow for an adequate turning radius to enter the carwash.

Gerald Lawson opened the Public Hearing.

Mr. Douglas Cheatwood, property owner, was sworn in. He stated that he purchased the property in 1983, and in 1984/85 the state and county had taken a portion of his property on two occasions. He stated that this set back requirement would amount to a third taking. He requested that the Land Management Board of Appeals grant his variance so that he would not have to lose any more of his property.

Ray Morris asked id the lobby area could be adjusted. Mr. Cheatwood replied that it could be, but that the that the setback off Old Furnace Road did not allow for proper turning radius to enter the tunnel.

Mr. Atkins asked if the drawing reflected the way he wanted the site to look. Mr. Cheatwood stated that the scale drawings that each Board member had were the plans of the property if the variance was granted.

Jerry Horton, representative of Boiling Springs First Baptist Church, was sworn in. Mr. Horton stated that they were in favor of the Boiling Springs Auto Spa being placed on the property, as long as a masonry wall was placed between the church and the business. The masonry wall would be for the purpose of reducing noise and blocking the sight of the property. Mr. Horton stated that they would like something similar to Brewsters Ice Cream on Highway 9. Brewsters Ice Cream has a prefab concrete wall behind the business that shields the adjoining neighborhood from noise and sight. Mr. Horton stated that Boiling Springs First Baptist Church requested the same variance as the Auto Spa, except they were requesting a masonry wall to be the buffer instead of the shrubs.

Gerald Lawson stated that this request from Boiling Springs First Baptist Church was actually stricter than the original variance request.

Bruce Kennon, Engineer, was sworn in and stated that the drawings reflected what the new building would look like if the variance were granted. If the variance were not granted, then the building would have to be stick built at great expense. The pre-engineered building had been selected to fit this property.

Mr. Noe asked if Mr. Cheatwood had looked at other ways to situate the building on the property. Mr. Kennon stated that the manufacturer of the equipment had a particular layout of the building that would suit this type of site. He stated that the big issue was at the rear of the property towards the church. They would have to have a certain amount of turning radius for vehicles to enter the car wash. It is a tight site. Mr. Kennon stated again that the equipment and design are purchased in a package. The equipment manufacturing company would then place the building on the prepared site.

Mr. Lawson said that it was apparent that they could not redesign the building so we need to get back to the discussion of the buffer. Mr. Cheatwood stated his concern with Boiling Springs First Baptist Church request that a masonry wall be placed as a buffer. The ditch was approximately 14 to 15 foot wide in spots, forcing water from the west side of Highway 9 to a catch basin down under Old Furnace Road. He stated that the church had an original setback of 10 feet with curbing and no landscaping. If the church had met the responsibility of taking care of their own landscaping, there would have been a buffer placed there now. Mr. Cheatwood stated that an 8-foot masonry wall would be an eyesore and asked the Board to take this into consideration in their decision in granting the variance.

Mr. Cheatwood had spoken in the past with Boiling Springs First Baptist Church about piping the water somewhere else other than the ditch between the two properties. They never received a reply from the church on this. The Board agreed that before they could pipe the water somewhere else, they would have to have permission from the Department of Transportation.

Mr. Lawson asked if the site was paved. Mr. Cheatwood said that it would be.

Craig Sims stated that if the ditch were filled it would then create a water problem.

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

The Board discussed how the buffer yard would affect the 5-foot wide ditch and water flow. Mr. Sims suggested an option that Boiling Springs Auto Spa increase the planting on the narrow strip next to the church parking lot.

The Board recommended that a wall of plantings be used as the buffer between the church and car wash versus a masonry wall. This "wall" should be opaque.

Kyle Atkins made a motion to grant the variance as requested with the addition that

the plantings between the carwash and the church be increased to produce an opaque wall verses the Leyland Cypress or Holly. The variance request meets the four criteria for granting a variance because of the triangular shape of the property and the ditch at the property line. Based on testimony it will not be a detriment to surrounding properties. Roy Pinckney seconded the motion. The vote was seven to one in favor of granting the variance. Those in favor of granting the variance were Kyle Atkins, Roy Pinckney, Ray Morris, Craig Sims, Ronnie Culbreth, Jackie Moss, and Kerry O'Brien. Jerry Noe was against granting the variance.

5. Other Business

Pruitts Body Shop – 119 Monks Grove Church Road, Spartanburg

Emory Price briefed the Board on Pruitts Body Shop, which came before the Board of Appeals in the February meeting. The Board voted that Pruitts Body Shop was grandfathered and said variances were not needed. Mr. Price explained to the Board that an issue with Pruitts Body Shop needed to be discussed. The County Attorney then explained that if a junkyard were grandfathered, it would still have to comply with section 3.19-3 and 3.19-4 in the Unified Land Management Ordinance. This particular section of the Unified Land Management Ordinance pertains to fencing, screening, and general requirements. The Board was in agreement that Pruitts Junk Yard must comply with this section of the Ordinance.

Beth West – 398 Gore Road, Boiling Springs

Albert Lee asked for clarification from the Board about the Beth West case who came before the Board of Appeals in the December 2004 meeting. The Board voted to grant Ms. West nine months to set up her new mobile home and remove the existing mobile home from the property. Mr. Lee explained that Beth West did not ask for an extension for the second structure on her property, but asked for permission to place the second mobile home on her property permanently as a second structure. The Board stated that in the December meeting that Beth West had stated that she might use the second mobile home for storage. The Board stood by their vote. Mrs. West still has nine months from December of 2004 to have the second mobile home removed from her property.

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.