

Minutes
Unified Land Management
Board of Appeals
June 28, 2005
4:30 p.m.

Members Present

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

Members Absent

Ronnie Culbreth
Kyle Atkins

Staff Present

Joan Holliday
Edwin Haskell
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 May 24, 2005

Roy Pinckney made a motion to approve the May 24, 2005 minutes. Ray Morris seconded the motion. The vote carried unanimously.

3. Old Business

None

James B Thompson – Albert Lee, Land Use Inspector, was sworn in. He presented the findings of fact to the Board.

Mr. James B. Thompson is seeking a variance from the Unified Land Management Ordinance; Section 2.02-1 Dimensional Standards Table 3 Minimum Lot Frontage and Section 2.02-6 Number of Principal Building on a Lot. The lot is located a 120 James Thomson Drive, Chesnee. James Thompson Drive is not a county maintained road.

Mr. Thompson already has 4 single-family residences on this parcel, which are stick built. The parcel is 17.170 acres and is divided by James Thompson Drive. There have been several other mobile homes on this site in the past years. The hook-ups are still there (septic, power and telephone cable). The site has been vacant longer than six months and must meet the standards set forth in the Unified Land Management Ordinance Section 2.02-6 Number of Principle Buildings on a lot. Section 2.02-6 states that “Two single-family, detached residential dwellings may be established on a single lot or parcel; provided the dimensional requirements on Table 3 shall be met for both dwellings as if they were established on separate lots, and so arranged to ensure public street access, building setback and lot conformance with Section 2.05-4 in the event the property upon which the dwellings are located is sub sequently subdivided for sale or transfer.

Mr. Thompson will not be able to meet the requirement that this frontage be on an all weather or paved public or privately maintained road built to county standards.

Mr. Lee presented several photos to the Board, which were entered into the record as Exhibit #1.

Gerald Lawson opened the public hearing.

James B. Thompson of 1091 Highway 11 W was sworn in and stated he had been renting the lot for several years. The property has been vacant for awhile.

No one appeared for or in opposition to the variance.

Mr. Lawson closed the public hearing.

Ray Morris asked if there were any way possible to grant the variance under the stipulation that the mobile home is never sold. Craig Sims asked Mr. Thompson if he rented the mobile home or just the space. Mr. Thompson stated he only rents the space.

Craig Sims made a motion to grant the variance as requested with the stipulation to allow a rental mobile home to be placed on the privately maintained road. He stated that the mobile home had been there before and that there would be no detriment to the surrounding property. The request meets the four criteria for granting a variance. Kerry O'Brien seconded the motion. The vote was four to one in favor of granting the variance. The Board members in favor of granting the variance were Ray Morris, Craig Sims, Kyle Atkins and Roy Pinckney. The Board member opposed to the vote was Gerry Noe.

Rock Hill Baptist Church – Laurie Horton, Land Use Inspector, was sworn in. She presented the findings of fact to the Board:

Yateman Gray, Building Committee Chairman, on behalf of Rock Hill Baptist Church, is requesting a variance from the Unified Land Management Ordinance, Section 2.02-2 Buffer Yards.

Rock Hill Baptist Church is proposing to build a new church at 2740 Bishop Road, Inman. According to the Ordinance, a church is classified as an Institutional Use. Table 4 (Buffer Yard Requirements) requires new institutional uses that will adjoin residential uses to install a class 4 buffer. Residential property adjoins the proposed church on all three sides. The building permit was issued with a letter stating that, if a variance is not granted, the buffer will be installed according to the ordinance.

On the right side is a platted residential subdivision, Meadow Road Estates; houses are not built as of this date. The church's is actually a lot in this subdivision. A residential subdivision also adjoins the property in the rear. Several residential uses adjoin along the left property line. The church would like to install 100 feet of Leyland cypress 4 feet in height and staggered 8 feet on center along the left property line. This is the only section of the property where the church is proposing to plant trees. Their request, therefore, is for variances to install no buffers at the right side and the rear of the property (Class 4 to no buffer) and a reduction of the required class 4 to a class 3A.

Gerry Noe and Ray Morris abstained from the discussion.

Mr. Lawson opened the public hearing.

Yateman Gray, Building Committee Chairman for the church, was sworn. He presented to the Board a petition of neighboring property owners who were in favor

of granting the variance. The petition was marked as Exhibit #2 and entered into the record. They were requesting not to have trees and shrubs block the view of the church. They proposed to plant Leyland Cypress on the left side of the church only.

No one appeared for or in opposition to the variance.

Mr. Lawson closed the public hearing.

Craig Sims made a motion to grant the variance. He stated that the requests met the four criteria for granting a variance established in the SC Code of Laws, Section 6-29-820. He further stated that the petition demonstrated that there would be no detriment to the community. Jackie Moss seconded the motion. The vote carried unanimously with Ray Morris and Gerald Noe abstaining.

Donald Collins – Laurie Horton, Land Use Inspector, still under oath, presented the findings of fact to the Board:

Mr. Donald Collins is proposing to build a 30' x 55' building for a car lot. Mr. Collins is requesting a variance from the Unified Land Management Ordinance, Section 2.02 Dimensional Standards, Table 3 Setbacks.

The property is located at the corner of Asheville Highway and Ballenger Road at Inman. Ballenger Road is classified as a collector road, which requires a 40-foot set back. The side setback requirement on the right side is 15 feet. Mr. Collins would like to build the building 8 feet from the right of way to keep the new building in line with the existing one, which is a 32-foot variance on the street, set back and 5 feet from the side property line, which is a 10-foot variance.

Ray Morris asked why the two buildings couldn't be joined. Ms. Horton stated the two buildings were on separate lots. If they were joined he would not be able to sale the new building in the future if he wanted to.

Mr. Lawson opened the public hearing.

Brian Evans, representing Donald Collins, was sworn in. He stated the reason Mr. Collins did not want to join the two buildings were indeed the potential to sell and the fact there was an existing septic tank beside the existing building. He stated that by granting the variance this would make the commercial building fall in line with the other buildings on Asheville Highway.

Gerry Noe asked what the 60 x 60 building was. Mr. Evans replied that was the existing building next door. Mr. Noe asked Ms. Horton about the distance between the two buildings. Ms. Horton explained the 30-foot distance between two buildings on separate lots was a Building Code matter. Mr. Evans replied there would be a 30-foot distance between the buildings.

Craig Sims made the statement the property was an odd shape.

Roy Pinckney questioned again about moving the building closer to Asheville Highway. Mr. Evans stated that would block the site distance for his existing business. Mr. Noe asked if there was a pylon sign at the existing business. Mr. Evans stated there was a sign on the property.

No one appeared for or in opposition to the variance.

Mr. Lawson closed the public hearing.

Mr. Noe stated he had a problem with the variance in that all they were required to do was to move the building closer to Asheville Highway in order to meet the ordinance.

Ray Morris questioned if a septic for the new building would be required. Mr. Evans stated if DHEC would allow, the two buildings would be connected to the existing system by an agreement.

The Board was in discussion on the two-variance requests.

Mr. Noe asked what the balance of the property would be used for. Mr. Evans stated that it would model the Lyman Auto Sales business with a glass showroom and a concrete display area in front.

Mr. Lawson questioned the use of the existing building. Mr. Evans stated the use was an auto accessory business.

Jackie Moss made a motion to grant the variance as requested because of the unusual shape of the property and that granting the variance would enhance the character of the building. The Board concluded that the request met the criteria for granting a variance established in the SC Code of Laws, Section 6-29-820. Kerry O'Brien seconded the motion. The vote carried unanimously.

Paul's Transmission- Laurie Horton, Land Use Inspector, still under oath, presented the findings of fact to the Board:

Mr. Paul Mosely is the owner of the property located at 610 Cannon Ford Road, Inman. He is requesting a variance from the Unified Land Management Ordinance Section 2-02.2 Bufferyards.

On this corner lot, Mr. Mosley has an existing residence and a garage on this property that he is proposing to use as transmission shop. The shop is addressed on Cannon Ford Road and his residence on Birchwood Estates Road.

Auto repair is classified as High Intensity. There is a mobile home located next door to the left and one at the rear of the property, as well. Mr. Mosley, stating that his neighbors do not want walls, is requesting a reduction from a class 5 buffer to a class 2 with the fence being 8 feet in height instead of 6 feet.

Ray Morris asked if there were a garage on the property. Ms. Horton replied yes the garage was built for personal use only. After the garage was complete Mr. Mosley's father sold the building where they were operating a business together.

Mr. Lawson opened the public hearing.

Paul Mosley of 610 Cannon Ford Road was sworn in and stated that he and his father operated a business together. He also stated that the neighbors were requesting a 6-foot fence instead of the requested 8-foot fence to be placed on the property line.

William Richard Morgan II, 620 Cannon Ford Road, Inman, was sworn in. He stated that he would rather have a 6-foot fence than an 8-foot fence. He stated that if the fence were 6-foot then he could join his fence onto this fence and would be less expensive.

Robert E. Lee, across from 610 Cannon Ford Road, was sworn in and stated that he did not have a problem with the variance request.

There being no one else to speak on this issue, Mr. Lawson closed the public hearing

Roy Pinckney made a motion to grant the variance to reduce the bufferyard from a class 5 to a class 2d. He noted that the adjoining neighbors were in favor of the variance. The Board concluded that the request met the criteria for granting a variance established in the SC Code of Laws, Section 6-29-820. Gerald Noe seconded the motion. The vote carried unanimously.

4. Adjourn

There being no other business, Gerry Noe made a motion to adjourn and Ray Morris seconded the motion. The vote carried unanimously.

The meeting adjourned at 5:11 p.m.