

Minutes
Unified Land Management
Board of Appeals
August 23, 2005
4:30 p.m.

Members Present

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

Members Absent

Kyle Atkins

Staff Present

Joan Holliday
Laurie Horton
Edwin Haskell
Savannah Sabo
(Transcriptionist from Freelance)

1. Call To Order

Gerald Lawson, Chairman, called the meeting to order.

2. Approval of Minutes of July 26, 2005

Ray Morris made a motion to approve the July 26, 2005 minutes. Craig Sims seconded the motion. The vote carried unanimously.

3. Old Business

None

C A A Investors – Laurie Horton, Land Use Inspector, was sworn in. She presented the findings of fact to the Board:

Chris Ivey of C A A Investors, owner of the property located at 3905 Parris

Bridge Road, has been approved for a speculative commercial building to house CAA Investors and another tenant at this location. He is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Buffer yards.

The Unified Land Management Ordinance requires a Class 5Bb buffer along the right property line between proposed site, medium intensity and a residential subdivision. Mr. Ivey is requesting to reduce this buffer based on the request made from the subdivision to a Class not in the ordinance. Hearthstone Meadows Homeowners Association has entered into an agreement with Mr. Ivey to maintain the existing Bradford pear trees at the entrance in lieu of installing a berm or a privacy fence. The HOA wishes for both sides of their entrance to remain the same—lined with Bradford pear trees.

Staff did not have a recommendation.

Ms. Horton restated that the HOA did not want the trees cut down or a berm placed as a buffer. They wish to keep the Bradford Pear Trees as the buffer as is. She stated that the president of the Hearthstone Meadows HOA was present to answer any questions.

Chris Ivey of CAA Investors was sworn in. He stated that he wanted to work with the HOA on their request to keep the Bradford Pear trees as a buffer.

Gretchin McGuinn, president of the Hearthstone Meadows, was sworn in. She stated that Mr. Ivey had contacted her about the buffer yard that was required for his business. Ms. McGuinn sent a letter to everyone in Hearthstone Meadows subdivision advising them of the Planning Department's request for a buffer yard to be placed between their subdivision and C A A Investors. She stated that the Bradford Pears had been up for 12 to 15 years. The HOA and Mr. Ivey were in agreement that Mr. Ivey would replace the older trees as they came down.

The Board asked Ms. McGuinn what type of trees would Mr. Ivey be replacing with. Ms. McGuinn stated that Bradford Pears would replace the older trees.

Mr. Lawson closed the Public Hearing.

Gerald Noe asked Mr. Ivey if he had future plans to expand the rest of the property. Mr. Ivey stated that he did not have any plans at the moment to expand his property. Mr. Noe stated that his site plan did not indicate any future parking or where the dumpsters would be located. Mr. Ivey stated that parking would be to the front of

the building. Mr. Noe also asked if the rear property line was adjacent to a residential lot. Mr. Ivey stated that this was off Stone Avenue and that a berm would be placed to the rear of the property. The rear property owner was in agreement that the berm should be placed to the rear of the property.

Mr. Noe suggested to Mr. Ivey to replace the older trees with a stronger tree than the Bradford Pear. Mr. Ivey stated that the replacement trees would be a different type of pear tree that would not be as brittle as the Bradford Pear Tree.

Craig Sims made a motion to grant the variance as requested the buffer yard on the right side, will be maintained as part of the subdivision. Ronnie Culbreth seconded the motion.

The Board voted to grant the variance as requested, to waive the buffer yard along the right property line along Meadowview Drive. Hearthstone Meadows Homeowners Association has entered into an agreement with Mr. Ivey to maintain, add and replace the Bradford pear trees at the entrance of the subdivision. The Board concluded that the request met the criteria for granting a variance established in the SC Code of Laws, Section 6-29-820. The Board established that the granting of the variance would cause no negative impacts on surrounding properties. The vote carried unanimously.

American Recovery – Laurie Horton, Land Use Inspector, still under oath, was sworn in. She presented the findings of fact to the Board:

Mr. John Nodine, who is the owner of American Recovery Services, is moving his business to 273 Frontview Drive from Asheville Highway. American Recovery Services business requires a vehicle impoundment lot.

Article 3, Section 3.19-5 applies to all uses that fall under the Junkyard section of the ULMO that open, re-open, or begin operation or business after December 31, 1999. Paragraph 4 of this section states that they must “Have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 50 feet. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-ways of at least 25 feet.”

Mr. Nodine is requesting to leave his fence in the location in which it was installed. The fence was installed in order to leave plenty of room for his car

haulers to be able to pull in and turn around and move, without having to load in the street. The following variances will be required: (1) the left property line a 20-foot variance (2) the rear property line a 25-foot variance and the trees to be planted on the inside of the fence (3) from Senn Road a 15-foot variance and (4) from Frontview Road a 5-foot variance.

Ms. Horton stated that she had a letter from the trucking company stating that they were in agreement that Mr. Nodine's new fence adjoins the existing trucking company fence. The trees will be planted to the inside of the fence at the rear of Mr. Nodine's property. Ms. Horton also stated that the owner of the property put up the new fence before the Planning Departments approval due to the lack of knowing the regulations. Ms. Horton presented to the Board an aerial of the property entered into the record as Exhibit #1. The adjoining property is also a commercial business, which stores trailers.

John Nodine, owner of property, was sworn in. He stated that it would cause more problems to put up a fence, trees, and then a fence to meet the Unified Land Management Ordinance. This would also make it more difficult to maintain the property. Mr. Nodine stated that as far as the sides and the front of the property, his business was strictly a private business and not opened up to the public. The other part of his business is an auto transportation business that repossesses cars and transports cars to the auction. Mr. Nodine stated that he needed plenty of room for his cars haulers to be able to pull in and turn around and move without having to load in the street. With the guidelines of the Unified Land Management Ordinance he would have to have bought three times the property in order to only use a portion of the property. He was falling under the same guidelines of junkyards and towing services. Regarding the rear setbacks of the property, Mr. Nodine did not see any reason for two fences to be placed to the rear of the property where weeds could grow through. It would make sense to have trees planted to the inside of the fence and have slats at the entrance gates. Mr. Nodine restated that his business was strictly a repossession business that was not opened up to the public. He stated that he had an average of 15 to 20 cars for approximately four to five days.

Dr. David Whitener, representing the church that owns property across Frontview Drive, was sworn in. He stated that Mr. Nodine was appeared to want to be a good neighbor and was in favor of his variance request.

Ed Bird, manager of property for Tyger Oaks across Senn Road, was sworn in. He stated that he was in favor of the variance and wanted the trees and shrubs to be placed to the outside of the fence. Mr. Lawson stated that the only area where the

trees would be planted to the inside would be the rear property line of the trucking company where the fences connect.

Mr. Lawson closed the Public Hearing.

Ray Morris asked Ms. Horton what the right of way off Senn Road was. Ms. Horton stated that as far as she knew, there was no right of way. Mr. Nodine still had to maintain 25 feet from the center of the road, according to the Unified Land Management Ordinance. Mr. Sims restated that this was basically ditch-to-ditch but 25 feet had to be maintained to the centerline.

Mr. Lawson stated that this variance was in an industrial area and the adjoining property owners were in agreement with the variance.

Craig Sims made a motion to grant the variance on the left, rear and front setbacks as requested, including the design layout of how the trees will be planted. He stated that this variance request did meet the four criteria of the Unified Land Management Ordinance. Kerry O'Brien seconded the motion. The vote carried unanimously.

4. Adjourn

There being no other business, Craig Sims made a motion to adjourn Gerald Noe seconded the motion. The vote carried unanimously.

The meeting adjourned at 5:03 p.m.