

**MINUTES**  
**Unified Land Management**  
**Board of Appeals**  
**January 24, 2006**  
**4:30 p.m.**

**Members Present:** Gerald Lawson, Chairman  
Ray Morris  
Craig Sims  
Jackie Moss  
Kerry O'Brien  
Gerald Noe  
Roy Pinckney  
Kyle Atkins

**Absent:** Ronnie Culbreth

**Staff Present:** Joan Holliday  
Edwin Haskell  
Laurie Horton  
Savannah Sabo  
Freelance Reporting Services, Transcriptionist

**1. Call to Order**

Gerald Lawson, Chairman, called the meeting to order.

**2. Approval of Minutes of December 20, 2005**

Ray Morris made a motion to approve the December 20, 2005 minutes. Craig Sims seconded the motion. The vote carried unanimously.

**3. Old Business**

**Kenneth Huff** - Laurie Horton, Land Use Inspector, was sworn in. She presented the findings of fact to the Board:

Mr. Kenneth Huff is proposing to place a mobile home for his mother on the property where his home is located at 469 Hawthorne Road, Spartanburg. His property has road frontage on two county maintained roads. The property is approximately .28 acres – 12,197 square feet and is on sewer. According to the Unified Land Management Ordinance, the minimum lot area for one residence is 8,000 square feet with sewer.

According to the ordinance, Section 2.02-6 Number of Principal Buildings on a Lot, two residential dwelling units may be established on the same parcel “provided the dimensional requirements on Table 3 are met for both dwellings as if they were established on separate lots . . .”

A variance in lot square footage of 4,197 square feet is needed and the distance required between two residential structures, which is 40 feet, “as if were established on separate lots...” will be required in order to meet Table 3. Mr. Huff is proposing to place the mobile home 20’ from his residence; he will need a 20-foot variance.

Mr. Huff has already purchased and moved the mobile home onto his property.

Mrs. Horton explained to the Board that this was brought back before the Board due to some information left out in the last meeting.

Kenneth Huff, property owner, was sworn in. He stated that the mobile home had already been moved onto the property and was not set up. His mother was staying in a motor home on the property until the mobile home was set up, and at that point, the motor home would be removed off the property.

Gerald Lawson closed the public hearing.

Kyle explained to some of the Board members, who were absent in the December meeting, that there were no objections to the mobile home being moved onto the property and it was not a detriment to other adjoining properties. The motion to approve the variance as requested, died due to a lack of a two-thirds vote from the Board. Mr. Atkins stated that this mobile home was actually an upgrade to the existing motor home on the property.

The County Attorney stated that the Board should not base a decision on the fact that the mobile home had been moved onto the property before the meeting. He stated that this was insignificant to the hearing.

Kyle Atkins made a motion to grant the two variances as requested. Roy Pinckney seconded the motion. The Board agreed that this did meet the four criteria.

There was some discussion after the vote. Mr. Noe was concerned with the existing motor home on the property and when would this be removed off the property.

Kyle Atkins amended the motion to approve under the stipulation that the motor home would be removed off the property in 30 days as soon as power and sewer was hooked up to the new mobile home. Roy Pinckney seconded the motion. The vote carried unanimously with Ray Morris abstaining from the vote.

4. **Landrum Fitness Center** – Laurie Horton, Land Use Inspector, still under oath. She presented the findings of fact to the Board:

Christopher L. Cochran, owner of property, is requesting a variance from the Unified Land Management Ordinance, Section 2.02-2 Buffer Yards.

Mr. Cochran is proposing to build a fitness center at 275 Highway 14 W, Landrum. According to the Ordinance, a fitness center is classified as a medium intensity use. Table 4 (Buffer Yard Requirements) requires medium intensity uses that will adjoin residential uses to install a class 5 buffer.

Residential property adjoins the proposed Fitness Center on all three sides. The building permit was issued with Mr. Cochran signing that, if a variance is not granted, the buffer will be installed according to the ordinance.

On the right and left side, single-family homes adjoin. The property owners have signed letters that are notarized in agreement with Mr. Cochran's request. Mr. Cochran lives in the house to the rear of the proposed fitness center. Mr. Cochran would like to install a row of cedar trees along the right and left property lines.

Mr. Cochran's request, therefore, is for variances to install a row of cedar trees as a buffer at the right and left sides of the property, a reduction of the required class 5 to a class 1a and no buffer to the rear of the property, reducing a class 5 to no buffer.

Staff had no recommendations.

Gerald Lawson opened the public hearing.

Mrs. Horton presented to the Board several photos of the property entered into the record as Exhibit #1, Exhibit #2, and Exhibit #3.

Chris Cochran, property owner, was sworn in. He was requesting not to place a buffer yard on the backside of his property in order for him to see his building from his home. The new proposed building adjoins his property. He is willing to place a buffer yard to the front of the property.

Mr. Noe asked Mr. Cochran if he would be willing to plant trees at the right and left corners of the rear of the property, to block the line of sight view for the neighbors. This would be a 45-degree angle on both back corners of the property. Mr. Cochran stated he would be willing to work with the neighbors on a buffer yard solution. Mrs. Horton presented to the Board a topo of the property, which was entered into the record as Exhibit #4.

Dorothy E Vaughn, of 311 Highway 14 N, was sworn in. She was concerned with the noise that may come from the loud music and cars from the fitness center. The Board explained to Mrs. Vaughn that if Mr. Cochran ever decided to change the use of the business he would have to come back before the Board for approval. The County Attorney stated that the Board would not get involved with any noise issues.

John Goodman, of 311 Highway 14 N, was sworn in and stated that he did not see a problem with the noise. He stated that Mr. Cochran would be placing an extra row of trees between the adjoining property owners.

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance as requested under the stipulation that cedar trees would be planted along the left property line at the top of the bank and along the right side property line, for line of sight distance. This would also be under the stipulation that Laurie Horton approves the buffer yard layout of the project. Gerald Noe seconded the motion. The vote carried unanimously.

**Fast Stop #2** – Laurie Horton, Land Use Inspector, still under oath. She presented the findings of fact to the Board:

Tom Murdock with Lincoln Oil Company, representing the property owner, is proposing to add on to an existing canopy, which is an existing non-conformity. The existing canopy encroaches into the 50-foot setback by 22.41 feet. The new canopy, therefore, will also encroach into the required 50-foot setback.

Mr. Murdock is requesting a variance from the Unified Land Management Ordinance, Section 2.02 Dimensional Standards, Table 3 Minimum Setback-Front Lot line on an arterial street. Asheville Highway is classified as an arterial street requiring a 50-foot setback. The front setback variance requested on Asheville Highway is 27.59

feet.

Staff had no recommendation.

Tom Murdock, representing the property owner and Lincoln Oil Company, was sworn in. He stated that the existing structure was built before the requirements of the Unified Land Management Ordinance and it was well enough off the road. He stated that they would be no closer to Highway 176 than the existing canopy was. In addition, the canopy addition would be an improvement to the existing store.

Gerald Lawson closed the public hearing.

Gerald Noe made a motion to approve the variance as requested to allow the existing non-conforming canopy to expand 22.41feet into the 50-foot setback. Craig Sims seconded the motion. The vote carried unanimously.

**J D R Auto** - Laurie Horton, Land Use Inspector, still under oath. She presented the findings of fact to the Board:

Mr. Vadim Shpakovskiy, owner of property, is proposing to build a business, J D R Auto, at 167 Old John Dodd Road, which has 50-foot of road frontage. The property does not have enough road frontage to meet the requirements of the Unified Land Management Ordinance for a business.

According to the ULMO, Table 3 “all other uses” requires a minimum of 60 feet of road frontage for a business “all other uses”.

A 10-foot variance in road frontage will be required in order to meet Table 3. All other requirements of Table 3 can be met.

Staff had no recommendation.

Mrs. Horton stated that Mr. Shpakovskiy had not turned in a site plan to staff. He did, however, have enough room to meet the requirements. She stated that this would be a body shop.

Gerald Lawson opened the public hearing.

Vadim Shpakovskiy, property owner, was sworn in. He had someone present at the meeting to speak for him.

Curtis Smoak, representing Mr. Shpakovskiy, was sworn in. He stated that when Mr.

Shpakovskiy purchased the property, he was under the impression that he had adequate road frontage with 50-feet. If he were to purchase the additional 10', this would create a hardship for him. He stated that Mr. Shpakovskiy did have a notarized statement from the neighbors who were in favor of the variance request.

Gerald Lawson closed the public hearing.

Mr. Morris asked the Board if Mr. Shpakovskiy would have to come back before the Board for buffer yard requirements. Mrs. Horton stated that the adjoining properties were all commercial.

Craig Sims made a motion to grant the variance as requested to allow a business to be located on a lot with only 50-feet of road frontage. In addition, the area was transitioning into commercial. Kerry O'Brien seconded the motion. The vote carried unanimously.

## **5. Other Business**

None

## **6. Adjourn**

Craig Sims made a motion to adjourn. Kerry O'Brien seconded the motion. The meeting adjourned at 5:10 p.m.