

MINUTES

Unified Land Management

Board of Appeals

June 27, 2006

4:30 p.m.

Members

Gerald Lawson, Chairman

Present:

Craig Sims

Kerry O'Brien

Kyle Atkins

Ray Morris

Jackie Moss

Members

Ronnie Culbreth

Absent:

Gerald Noe

Roy Pinckney

Staff

Present:

Joan Holliday

Edwin Haskell

Laurie Horton

Albert Lee

Savannah Sabo

Freelance Reporting Services, Transcriptions

1. Call to Order

Gerald Lawson, Chairman, called the meeting to order.

Gerald Lawson announced to the public that the case for Michaels Evans would be moved to last on the agenda.

2. Approval of Minutes of April 25, 2006

Craig Sims made a motion to approve the April 25, 2006 minutes. Kerry O'Brien

seconded the motion. The vote carried unanimously.

3. Old Business

None

4. New Business

Noah's Ark – Was withdrawn from the public hearing.

C B Mart #32 - Laurie Horton, Land Use Inspector, was sworn in and presented the findings of fact to the Board:

Patrick O'Dell, with C.B. Mart, Inc., is proposing to replace an existing building and canopy at 2770 Reidville Road. Reidville Road is classified as an arterial street requiring a 50-foot front setback. The new canopy will encroach into the front setback by 4 feet 6 inches.

Mr. O'Dell is requesting a variance to reduce the required fifty-foot (50') Minimum front setback on an arterial street, as required By the Unified Land Management Ordinance, Section 2.02 (Table 3), to forty-five and a half feet (45'6") from the edge of the street right-of-way in order to allow the replacement canopy on the subject property. The uses on the adjacent lots are commercial. All other requirements of the ULMO shall be met.

Staff Recommendation

The Planning and Development Staff recommends that the request for a setback variance be approved. The extended setback requirement on an arterial street is to protect the road corridor from encroachments that would obstruct future expansions of the specific street. In our opinion, the request is for less than ten percent reduction of the required setback, which would not substantially hinder any improvements to Reidville Road. In addition, the property has an irregular shape and is a corner lot, which would encumber any type of development on this particular parcel.

Mrs. Horton briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Patrick O'Dell with C B Mart was sworn in. Mr. O'Dell was in agreement with the staff's finding of facts of the variance request. Mr. O'Dell indicted on the power point presentation the existing building.

There was no one present to speak for or against the variance request.

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance as requested. He stated that this was staff recommended and meets the four criteria. Jackie Noe seconded the motion. The vote carried unanimously.

Nikola Project- Albert Lee, Land Use Inspector, was sworn in and presented the findings of fact to the Board:

Mrs. Maria Jordanoff owns the property located at 1544 E. Blackstock Road. There is an existing duplex on this property. Mrs. Jordanoff is proposing to change the use of the property from residential to commercial by converting the duplex into two offices.

The Unified Land Management Ordinance classifies the proposed use as office intensity use and when developed adjacent to existing residential uses; the property with an office use is required to have a Class 2 buffer (10 feet) on the side yards and a Class 4 buffer (25 feet) on the rear yard.

Mrs. Jordanoff is requesting two variances from the ULMO Section 2.02-2: **1)** reduce a Class 2 to a Class 1a (6-foot wooden privacy fence) on the side yards and **2)** reduce a Class 4 buffer to a Class 3b on the rear yard. The distance between the duplex and side property lines are approximately 15 feet. The applicant is planning for the driveway to go around the duplex and place the parking at the rear. The uses on the adjacent lots are residential. Mrs. Jordanoff will be able to meet all the other ULMO requirements.

Staff Recommendation

The Planning and Development Staff recommends that the request for a variance to reduce the required bufferyards be denied. The property does not meet the first three of the four findings (ULMO Section 5.02-2(2)(a-c)) to grant a variance. First of all, there are no extraordinary or exceptional conditions pertaining to the particular piece of property. It is rectangular in shape and the dimensions of the lot is 100 feet in width by 193 feet in length, and there are no topographical or soil issues. Secondly, the property has no special or unique conditions that would

distinguish it from the other properties in the vicinity. The lot is one of 85 almost identical lots within the Salem Estates subdivision. And lastly, the application of the ULMO would not prohibit or unreasonably restrict the utilization of this lot. It has already been developed and has been utilized for over 20 years as a residential use.

Mr. Lee briefed the Board with a power point presentation of the property and surrounding properties. Mr. Lee gave measurements of the front and side property lines, as well as the buffers to the rear of the property.

Gerald Lawson opened the public hearing.

Marlon Jordanoff, daughter of the property owner, was sworn in. She stated that her property was off a busy road and would be great for a small quiet business. She would also like to have the parking to the rear of the property. In addition, she would like to place a nice vinyl fence to the side of the property and bushes to the back. She stated that most of the adjoining property owners parked to the rear of the property. She stated that if the water meter were at the front of the property, it would cause problems with parking to the front of the property.

The Board discussed several buffer options.

Ms. Jordanoff stated that she could place a driveway to one side of the property instead of a driveway on both sides.

The Board discussed the legal turn around for a vehicle at the front of the property. Ms. Jordanoff stated that there was one section on the right side that a car could be backed into and turned around.

There was no one present to speak for or against the variance request.

Gerald Lawson closed the public hearing.

The Board agreed that the area was not transitional and mostly residential.

Craig Sims stated that the owner could place the required buffer yard to the front of the property and still have room to park. The owner would have to move the water meter if parking was at the front of the property. If the owner moved the parking to the front with the required buffer yard, a variance would not be needed.

Ray Morris made a motion to deny the variance request. Kerry O'Brien seconded the motion. The vote carried unanimously.

Kyle Atkins left the meeting at 5:01.

Michael Evans - Laurie Horton, Land Use Inspector, still under oath. She presented the findings of fact to the Board:

Mr. Michael Evans, potential property buyer, is proposing to build Mini-Warehouses, at 6900 S.C. Highway 9. The property is deficient by 8.79 feet of meeting the minimum road frontage requirement for a commercial use.

Mr. Evans is requesting a variance to reduce the required 60-foot minimum road frontage for “all other commercial uses”, as required by the ULMO Section 2.02 (Table 3), to 51.21 feet in order to allow the development of Mini-Warehouses on the subject property. The uses on the adjacent properties are commercial. All other requirements of the ULMO shall be met.

Staff Recommendation

The Planning and Development Staff recommends that the request for a variance to reduce the required minimum lot frontage be denied. The property does not meet the third finding (ULMO Section 5.02-2(2)(c)) for an unnecessary hardship, because it could be developed for residential use.

The staff has recommended to Mr. Evans that he should contact the owners of the adjacent lots to acquire the additional road frontage needed by either purchasing it or by a land swap.

Gerald Lawson opened the public hearing.

Ms. Horton briefed the Board with a power point presentation of the property. She included an aerial view of the property as well as all adjoining properties.

Michael Evans, applicant, was sworn in. He stated that he had contacted several adjoining property owners and they did not have a problem with warehouses going to the back of the property.

There was no one present to speak for or against the variance request.

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance as requested. Kerry O’Brien seconded the motion. The vote was four to one in favor of granting the variance. The Board

member against the variance was Ray Morris. The Board members in favor of the variance request was Craig Sims, Kerry O'Brien, Jackie Moss and Gerald Lawson.

Adjourn

Craig Sims made a motion to adjourn. Kerry O'Brien seconded the motion. The vote carried unanimously. The meeting adjourned at 5:17 pm.