

MINUTES

Unified Land Management Board of Appeals July 25, 2006 4:30 p.m.

**Members
Present:**

Gerald Lawson, Chairman
Kerry O'Brien
Kyle Atkins
Jackie Moss
Ronnie Culbreth

**Members
Absent:**

Craig Sims
Gerald Noe
R Ray Morris
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.

2. Approval of Minutes of June 27, 2006

Kerry O'Brien made a motion to approve the June 27, 2006 minutes. Jackie Moss seconded the motion. The vote carried unanimously.

3. Old Business

None

4. New Business

Shops At Berkley - Laurie Horton, Land Use Inspector, was sworn in and presented the findings of fact to the Board:

Mr. Chism, applicant, is proposing to build a multi tenant building at 300 East Blackstock Road, Spartanburg. There are single-family homes on the lots to the rear and across Berkley Street from the proposed development. According to the Unified Land Management Ordinance (section 2.02-2) a multi tenant building is classified as high intensity commercial use and is required to have a Class 5 buffer yard installed when adjacent to or across a minor street from lots with single-family residential uses.

Mr. Chism is requesting two variances: 1) a reduction in class of the buffer yard along the rear lot line from a Class 5c to a Class 1a and 2) to do away with the required Class 5c buffer yard of along the south side lot line.

Staff Recommendation

The Planning and Development Staff recommends that the request for both variances from ULMO (Section 2.02-2) 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, there are no extraordinary or exceptional conditions pertaining to the particular piece of property. Secondly, the property has no special or unique conditions that would distinguish it from the other properties in the vicinity. Lastly, the application of the ULMO would not prohibit or unreasonably restrict the utilization of this lot. The Developer has demonstrated in two different site plans (one plan shows the required buffer yards installed and the second one shows the plan with the variances) that the proposed development could be accomplished with the required buffer yards.

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

Gerald Lawson opened the public hearing.

Ron Chism, applicant, was sworn in and stated that this was a transitional area surrounded by commercial businesses. Mr. Chism stated that the two adjoining property owners affected by the variance request were present at the meeting. The two property owners affected were in favor of the variance request. Mrs. Edwards, adjoining property owner, does not want a block wall installed as a buffer. The block wall would devalue her property and she would prefer a wooden fence.

Gerald Lawson asked Mr. Chism what type of business did he intend to place there. Mr. Chism stated that he would like to place office type businesses in the building.

Gary Edwards, adjoining property owner, was sworn in. He stated that he was in favor of the variance request. He stated that he would also prefer a wooden fence to the back of the property. In addition, Mr. Edwards stated that he would sell the property as commercial in the future.

Lucille Easley, adjoining property owner, was sworn in. She stated that she was also in favor of the variance request and would sell the property as commercial.

Gerald Lawson closed the public hearing.

Gerald Lawson stated that the area was transitioning into commercial. There were also two property owners present at the meeting in favor of the variance request.

The Board discussed the different buffer yard options other than a block wall. A wooden fence would be classified as a 1d, which was a six-foot wooden fence. Mr. Edwards's property also sits lower than the property in question. The Board agreed that even a small fence would buffer Mr. Edwards's property.

Kerry O'Brien made a motion to approve the variances as requested with the exception of substituting a class 1d buffer in place of the class 1 a buffer yard. The Board agreed that the surrounding properties were commercial and that an eight-foot block wall would be detrimental to adjoining property owners. Ronnie Culbreth seconded the motion. The vote carried unanimously.

5. **Other Business**

a. Appeal – Floree Norton at Underwood Drive, Woodruff

Laurie Horton explained to the Board that Mrs. Norton was appealing how the Unified

Land Management Ordinance was written on Section 2.02-6 number of buildings on a lot and Section 2.05-4 lots. She stated that this was a subdivide able lot. The problem is the mobile home in the front would have to be moved in order to meet “ as if were established on separate lots”. There is no intent to subdivide this property at this time. If the property were to be subdivided, the mobile home would have to be removed. Mrs. Horton stated that the purpose for the second structure is for Mrs. Norton’s son to live in to help care for her and her husband. Mrs. Horton presented a power point presentation of the property to the Board.

Floree Norton, property owner, was sworn in. She was asking the Board for help to let her son remain on the property in a separate mobile home. Her son was currently living in a camper trailer on the property. The camper was due back to the owner by August 1 and Mrs. Norton would like to place a mobile home on her property for her son to live in.

The Board agreed that by passing this appeal could set a precedence for other similar cases that may come before the Unified Land Management Board of Appeals in the future.

Jackie Moss made a motion to accept the staff’s recommendation on the appeal to have a special Board of Appeals meeting as soon as practical. Kyle Atkins seconded the motion. The vote carried unanimously.

b. Discussion Item for Beth West – 398 Gore Rd, Boiling Springs

Albert Lee briefed the Board on the Beth West case from December 2004. He was asking the Board for advice on what to do about the 2nd mobile home on the property that had never been removed. The Original case was to place a 2nd mobile home on the property and to have it removed in 6 months. Ms. West was permitted by the Building Codes Department to place the new mobile home on the property. The old mobile home should have been removed off the property within six months of the permit being issued.

The County Attorney advised the Board to instruct Albert Lee to site Ms. West for failure to remove the first mobile home off the property.

Jackie Moss left the meeting at 5:24 p.m.

The Board agreed that Albert Lee should site Beth West for failure to remove the mobile home off the property.

6. **Adjourn**

Ronnie Culbreth made a motion to adjourn. Kyle Atkins seconded the motion. The vote carried unanimously. The meeting adjourned at 5:27.

