

# **Unified Land Management Board of Appeals**

February 27, 2007

4:30 p.m.

## **Members**

### **Present:**

Gerald Lawson, Chairman

Craig Sims

Ray Morris

David Long

Gerald Noe

Les Green

## **Members**

### **Absent:**

Roy Pinckney

Jackie Moss

Kyle Atkins

## **Staff**

### **Present:**

David Rutherford, Planning Director

Edwin Haskell

Joan Holliday

Albert Lee

Laurie Horton

Savannah Sabo

Freelance Reporting Services, Transcriptions

## **1. Call to Order**

Gerald Lawson, Chairman, called the meeting to order.

Gerald Lawson informed the Board that Item f on the agenda for the Spa had been withdrawn from the agenda.

## **2. Approval of Minutes of January 23, 2007**

Craig Sims made a motion to approve the January 23, 2007 minutes as submitted. Gerald

Noe seconded the motion. The vote carried unanimously.

### 3. **Old Business**

None

### 4. **New Business**

**Palmetto Cycle** – Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

- Mr. Deuson, applicant, is proposing to place a second residential dwelling on the property where his home is located.
- The parcel has twenty (25) feet of road frontage and is approximately six (6) acres in size.
- The *Unified Land Management Ordinance, Section 2.02-6 Number of Principal Buildings on a Lot*, requires that 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....”
- Table 3 of the ordinance requires fifty (50) linear feet of road frontage per a residential lot.
- The applicant is requesting a seventy-five (75) feet reduction of the required road frontage for two residential lots so he may place a second residential structure on his property.

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

There were no staff recommendations for the project.

Gerald Lawson opened the public hearing.

Ruthledge Workman, acting agent for Abe Inkidar owner of Palmetto Cycle, was sworn in. He stated that the addition of the storage area would improve the property. The merchandise for Palmetto Cycle is stored in large crates outside of the building. The owner of the property would like to build a building to store the crates in for security and also to improve the looks of the property. The new building would be adjacent to a 40’ wide detention pond and parking lot for the neighboring business. The irregular shape of the property with long road frontage on Simuel Road would decrease the buildable area

of the site. The total lot is 1.65 acres with three quarters of the lot unbuildable. If the variance were granted, the percentage of the unbuildable area would go down to only 38%. If the variance was not granted, then 48% of the property would be unbuildable.

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

Gerald Lawson closed the public hearing.

David Long made a motion to grant the variance as requested. Craig Sims seconded the motion. The vote carried unanimously with Gerald Noe and Ray Morris abstaining from the vote.

**Blackstock Common** – Albert Lee, Land Use Inspector, was sworn in and presented the background information to the Board:

- Mr. Dang, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Table 4 (Buffer yards).
- The request is to reduce a required class five (5) buffer yard to a class one (1) D, which is a 6-foot wooden privacy fence, along the rear lot line.
- The applicant is preparing to erect a multi tenant shopping center and a restaurant.
- The lot, to be developed, is currently vacant and the Linville sub-division adjoins this parcel along the rear property line.

The current owner of the property is Cobden Properties and the applicant is a perspective buyer.

Albert Lee briefed the Board with a power point presentation of the property and a revised site plan of the property, which was entered into the record as Exhibit #1. He also presented to the Board several photos.

Mr. Lee stated that Lonnie Mack Charles was there to speak for Mr. Dang. He is the owner of the property.

Gerald Lawson opened the public hearing.

Lonnie Mack Charles, owner of the property, was sworn in. He stated that he was there to ask for a wooden fence in place of a masonry wall.

The Board asked if the parking would go outside of the property. Albert stated that the parking was within the boundaries of the property and calculations allowed for a small restaurant as well as retail.

Gerald Lawson closed the public hearing.

The Board discussed the buffer yard class options. They were also concerned with the fact that the residential subdivision to the rear of the property would always remain as residential. In addition, the Board was concerned with the light and noise that would not be buffered against with a wooden fence.

Gerald Lawson introduced the new Board member Les Green to the Board.

Edwin Haskell, the county attorney, advised the Board to vote the case up or down. He advised the Board not to ask for other buffer yard options in place of the one they were asking for.

David Long made a motion to deny the variance request. Gerald Noe seconded the motion. The vote carried unanimously.

**K C Mart** – Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

- Mr. Patel, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-1 (Table 3 Building Setbacks).
- The applicant is making the request to accommodate an existing addition of a convenience store building. The addition was constructed without a development permit and a site plan.
- The addition was built in the side lot-line set back area. The front corner of the new addition is thirteen point ten (13.10) feet from the side lot-line and the back corner is seven point three (7.3) feet from the side lot-line.
- The minimum side lot-line setback, as required by the ULMO, is fifteen (15) feet. Mr. Clarence T. Bordner, applicant, is the owner of the property located at 4190 Parris Bridge Road, Boiling Springs. Mr. Bordner already has a registered junkyard at this address and proposes to add an Auto sales lot at the road front.

Albert Lee briefed the Board with a power point presentation of the property. He informed the Board that Mark Patterson had sold the property to Mr. Patel.

The Board was curious as to how he built the building without a permit. Mr. Lee stated that when Mr. Patel came in to get a power release to the building, staff told him that he would need a Development Permit.

Gerald Lawson opened the public hearing.

Mr. Patel, property owner, was sworn in. He stated that he bought the property from Mark Patterson. Originally, the area was an open pic nic area and they enclosed the building for security reasons. They were not aware that they would need a permit until the building had been enclosed.

There was no one else 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. David Long seconded the motion. The vote carried unanimously.

**Jones Property** - Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

- Mr. and Mrs. Jones, applicants, are requesting a variance from the Unified Land Management Ordinance Section 2.02-1 Dimensional Standards Table 3 Building Setbacks.
- The request is for a residential accessory structure (garage) that was built in the side lot-line setback. The garage was constructed without a building permit.
- The accessory structure, measured from its right rear corner, is located approximately twenty (20) inches from the side lot-line.
- In this case, the Unified Land Management Ordinance requires a minimum building setback of five (5) feet. The request is to reduce the required setback by three (3) feet and four (4) inches.

Albert Lee briefed the Board with a power point presentation of the property. He stated that all the adjoining property owners were notified. The gutter on the garage addition hands over onto the side property.

Gerald Lawson opened the public hearing.

Martin Jones, property owner, was sworn in. He stated that they had major renovations done to their home including the addition of the two-car garage. Mr. and Mrs. Jones were

not aware at the time of the 5-foot property line setback. They were under the impression that the permit for the renovations to the home included the two-car garage. Mr. and Mrs. Jones were not aware that this would be a problem until the adjoining neighbor approached the Jones about how close the garage was built to their property line. They have tried on several occasions to resolve this issue with the neighbors and were unable to reach an agreement. They have been told that the over flow from the gutters on the two car garage were going onto the neighbors yard. Mr. Jones has even placed down spouts on the gutter to resolve this issue. The other neighbors did not have a problem with the addition being less than five feet from the property line.

Faren Guildly, neighboring property owner, was sworn in. He stated he was against the variance request. Mr. Guildly is a member of the Home Owners Association and most additions in the neighborhood were done to the rear of the property.

Boris Blahut, adjoining property owner, was sworn in. He was also against the variance request. He stated that the addition was leaning against his property and the over flow from the gutter was coming onto his property. Mr. Blahut stated that Mr. Jones was violating subdivision covenant restrictions. Mr. Blahut owns both lots against the Jones property.

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

Gerald Lawson closed the public hearing.

Edwin Haskell advised the Board not to grant a variance that would go against the covenant restrictions. He stated that the Jones did not meet any of the four criteria for granting a variance. The covenant restrictions stated no more that 10 feet from the side property line.

Craig Sims made a motion to deny the variance as requested . Gerald Noe seconded the motion. The vote carried unanimously.

**Food Lion** - Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

- Mr. Lane of the J&L Reidville LLC, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Class 5 buffer yard options.
- The applicant is requesting a variance to substitute the required masonry wall with a wooden privacy fence with concrete columns. The fence would also be eight (8) feet in height.
- The subject parcel is adjacent to single family homes along the west side lot line and

the rear lot line. The Ordinance requires a class five (5) buffer yard next to both lot lines.

Albert Lee briefed the Board with a power point presentation of the property. He would like to place a wooden fence that is not classified in the ordinance. The deep elevation of the property would also be helpful against buffering adjoining property owners.

Gerald Lawson opened the public hearing.

Johnson Small, representing food Lion, was sworn in. He stated that they would like to construct a fence of wood and split face block with a lifetime warranty. Mr. Small has met with the adjoining property owner and the property owner has agreed to let Food Lion landscape on their property. The property owner agreed to Leland Cypress and Food Lion has already placed the trees in against their property.

Charles Elder, of 250 Augusta Road, was sworn in. His property adjoins the mobile home park, which also adjoins the Food Lion property. Mr. Lee showed the Board Mr. Elder's property on the slide show. Mr. Elder wanted to make sure Food Lion would buffer all the way down to his property. Mr. Small assured him they would buffer all the way down.

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

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance. Les Green seconded the motion. The vote carried unanimously.

**Spa** – This was withdrawn from the agenda.

**Vaughn Project** - Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

- Mr. Vaughn, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-6 Number of Principal Buildings on a Lot.
- The request is being made to allow a manufactured home to be placed on the lot as a second residential structure.
- The parcel is 2.510 acres and is nonconforming since it lacks the minimum road frontage required by the ULMO Table 3.

- The proposed unit will actually be a replacement; the former manufactured home was removed more than six (6) months prior to this request.

Albert stated that Mr. Satterfield was here to represent Mr. Vaughn. Mr. Lee briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Charles Satterfield, adjoining property owner, was sworn in. He was there to ask for a variance request to replace the mobile home on the property. There is water available on the property.

Karen Harlan, adjoining property owner, was sworn in. She wanted to know what drive access they would use to enter the property and the water supply. Mr. Satterfield stated that they would use the existing gravel road that goes to the existing home on the property and they would get a new water tap for the mobile home.

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

Gerald Lawson closed the public hearing.

The Board agreed that there was enough road access available and water for a fire hydrant.

Craig Sims made a motion to grant the variance as requested. Les Green seconded the motion. The vote carried unanimously.

**Hinson Investment** - Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

- Mr. Hinson, applicant, is requesting a variance from the Unified Land Management Ordinance Section 4.04 Conversion of Residential Property.
- The request is to reduce the south side set-back from fifteen (15) feet to ten (10) feet and three (3) inches.
- The applicant has already converted a single family house into a commercial use (Salon and Spa) without applying for a development permit and submitting a site plan. The structure was built a little over ten (10) feet from one of the side property lines. Table 3 for the ULMO requires a setback of fifteen (15) feet.

- The ULMO requires when the conversion of a house to a commercial use is proposed, the house shall be made to meet all applicable codes for commercial buildings. All parking, landscaping, buffering, and other requirements of this Ordinance for the commercial use of the property shall be met.

Mr. Lee briefed the Board with a power point presentation of the property. He stated that the area is transitioning into commercial.

Gerald Lawson opened the public hearing.

Darrel Hinson, property owner, was sworn in. He was not aware that he would need a permit to convert from residential use to commercial use.

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

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance request. Gerald Noe seconded the motion. The vote carried unanimously.

## **5. Other Business**

None

## **6. Adjourn**

Craig Sims made a motion to adjourn. Gerald Noe seconded the motion. The meeting adjourned at 5: 56 p.m.

