

**Unified Land Management  
Board of Appeals  
March 27, 2007  
4:30 p.m.**

**Members Present:** Gerald Lawson, Chairman  
Craig Sims  
Ray Morris  
David Long  
Kyle Atkins  
Les Green

**Members Absent:** Gerald Noe  
Roy Pinckney  
Jackie Moss

**Staff Present:** 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.

**2. Approval of Minutes of February 27, 2007**

Craig Sims made a motion to approve the February 27, 2007 minutes as submitted. Gerald Noe seconded the motion. The vote carried unanimously.

**3. Old Business**

None

#### 4. **New Business**

**Van Deuson** – 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. She stated that Mr. Van Deuson was currently using and would be using a paved private drive to get to the property.

Gerald Lawson opened the public hearing.

Kevin Van Deuson, was sworn in. He stated that he would like to place a second structure on the property for his elderly parents to live in. Mr. Van Deuson stated that he would prefer to sell two acres to his parents. The drive was divided in half with the adjoining neighbors when the property was purchased.

Mrs. Horton explained that the Van Deuson’s did not have proper road frontage and the property was not subdividable.

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

Gerald Lawson closed the public hearing.

The Board agreed that this was an unusual piece of property and they had plenty of acreage to place a second structure

They did not see a problem with this variance request.

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

**Carolina Fire Services** – Albert Lee, Land Use Inspector, was sworn in and presented the background information to the Board:

- Mr. Morris, representative for applicant, is requesting multiple variances from the Unified Land Management Ordinance Section 2.02-2 Table 4 (Buffer yards) and also Section 2.02-5 Off-street Parking.
- The applicant's requests are to accommodate a proposed commercial building.
- The first request is to reduce the required class five (5) buffer yard to a class one (1)D along the left side property line (Table 4)
- The second is to decrease the required class four (4) buffer yard down to a class one (1) D next to the rear property line.
- The third request is to lower the number of required parking spaces from fourteen (14) spaces to nine (9) spaces.
- The property to be developed is adjacent to single family homes along the side and rear lot lines.

Albert Lee briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Mike Morris with Carolina Fire Services was sworn in. He stated that one of the adjoining properties was abandoned. The home is currently used for storage. The Business has approximately 3 to 4 people coming in on a daily basis. The nine parking spaces would be enough for their business. They have 14 company cars and only 4 vans would be parked at the business during the evening hours. The other vehicles would be used on the road and not be parked at the business. They are requesting to reduce the buffer yard because the surrounding properties are in bad condition.

Craig Sims stated that they did have enough space to create parallel parking.

Mr. Morris stated that due to the fact that a sewer line has to be put in on the property, the project has become more of an expense than they expected. Mr. Morris stated that they have cleaned up the surrounding properties considerably.

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

Gerald Lawson closed the public hearing.

The Board did agree that nine paved parking spaces would be sufficient. The Board discussed the buffer yard reduction. They did agree that the surrounding properties would probably be commercial one day.

Kyle Atkins made a motion to approve the variance as requested. The nine parking spaces would be sufficient. David Long seconded the motion. The vote carried unanimously.

**Philco's Peanuts** – Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

- Mr. Tolleson, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 (Table 4 Buffer yards).
- The applicant is currently operating a Take-Out (Only) Restaurant, in a mobile commercial unit, as a temporary use. The applicant wants to run this business on a permanent basis.
- A restaurant is classified by the ordinance as a Medium Intensity Commercial Use. There are residential lots adjacent to the property to be utilized which would mandate the applicant to install a Class 5 Buffer Yard.
- The applicant is requesting to reduce the required Class 5 buffer yard to a Class one (1) C, which would be a row of evergreen shrubs, along the rear lot-line and one of the side property lines.
- SCDHEC will require the unit to be removed daily, but it may be set back the next day.

Albert Lee briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Phil Tolleson with Philco's Peanuts was sworn in. He stated that his mobile unit had been approved by DHEC as long as he took the kitchen out and cleaned it every day. He stated that he would place a privacy fence up between the neighbors to buffer.

Mr. Lee stated that a mobile home used to be on the property. He stated that there was power and septic hookup available. Mr. Lee showed the surrounding properties to the Board members on the slide show presentation.

George Horn, neighboring property owner, was sworn in. He stated that his only problem with the variance request was the available parking. He felt that the parking was limited. He also stated that the current drive was an illegal drive way to the property. He would not have an objection to the variance request if the entrance was off Old Furnace Road. He was also not sure why DHEC approved if they did not have running water.

Mr. Lee stated that he had spoken with the Highway Department and they approved for the current drive to be closed. Mr. Tolleson would enter and exit off of Old Furnace Road.

Mr. Horn still agreed that the corner lot was still too small for this type of business.

Mr. Tolleson stated that he did have hot running water available to his unit.

Gerald Lawson stated the Board was only here to approve the variance request, not what DHEC had approved or not approved.

Gerald Lawson closed the public hearing.

The Board clarified that he would be taking the mobile unit home every night. They also discussed the different buffer options.

David Long made a motion to approve the variance as requested. Craig Sims seconded the motion. The vote carried four to one in favor of the variance request. The Board members in favor of the variance request were James Green, Craig Sims, David Long and Kyle Atkins. The Board member against the variance requests was Ray Morris.

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

Mr. Reyes, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-1 Table 3 (Dimensional Standards Set backs) for the rear setback.

The request is being made to allow the placement of a manufactured home onto an existing space in a mobile home park. The original mobile home was removed over six (6) months ago.

The ordinance calls for the building set back along the rear property line to be twenty (20) feet.

The replacement unit will encroach three (3) feet into the rear set back. The proposed manufactured home would be seventeen (17) feet from the rear lot line.

The lot has an unusual triangular shape, which contributes to this setback issue.

Albert Lee briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Carlos Reyes, mobile home park owner, was sworn in. He explained to the Board that he removed the mobile home six months ago and would like to place another mobile home on the lot. The lot was an irregular shape and any mobile home placed on the property would leave less than twenty feet off the rear property line. Mr. Reyes stated that he was here to ask for a variance on the rear setback of the property.

Mr. Lawson explained to Mr. Reyes that due to the fact that he waited longer than six months to replace the mobile home, he would have to ask for a variance request.

The Board asked Mr. Reyes what size mobile home he planned to place on the property. Mr. Reyes stated that he planned to place a 55 X 14 mobile home on the property.

There was no one else present to speak for or against the variance request. Gerald Lawson closed the public hearing.

James Green made a motion to grant the variance as requested. Ray Morris seconded the motion. The vote carried unanimously.

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

Mr. McAbee, applicant, is requesting five (5) variances from the Unified Land Management Ordinance, Junk and Salvage Yards Subsections 3.19-5(3,4,5) and Subsection 3.19-7(e).

The applicant is making these requests to accommodate a Wrecker, towing and impound service. The previous use of the lot was a truck terminal (Distribution).

The variance requests are the following:

Subsection 3.19-5(3) requires that driveways must enter the parcel from the side yard.

***-The applicant is requesting that the driveway be located in the front yard of the property were it is currently.***

Subsection 3.19-5(4) requires a minimum setback of twenty-five (25) feet from all lot lines to the required fence.

***-The applicant is requesting to use an existing fence to fulfill the fencing requirements of section 3.19-3 but it is situated on the lot lines.***

Subsection 3.19-5(5) requires that no junk yard shall be established closer than of five-hundred (500)-feet from a single family residential structure.

***-The applicant is requesting to reduce the extended setback to four-hundred and sixty-nine (469)-feet. (The total reduction would be thirty-one (31) feet.)***

Subsection 3.19-5(5) stipulates that no junk yard shall be established closer than one thousand (1000)-feet from I-85.

***-The request is to reduce the required setback by two hundred and five (205)-feet. The proposed setback would measure seven hundred and ninety-five (795)-feet from I-85.***

Subsection 3.19-7(e) requires that no more than twenty-five (25) motor vehicles may be stored temporarily for ninety (90) days.

***The applicant would like to store more than twenty-five (25) motor vehicles.***

Albert Lee briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Michael McAbee, property owner, was sworn in. He stated that he was not aware that he would need a variance until he started the project. He stated that he purchased the property because it was in the country. He had plenty of road frontage. He also stated that the vehicles on the property are not there more than 10 days. He repos cars and takes them to the auction. He stated that there would not be more than 10 vehicles for longer

than 10 days.

The Board asked what the reason for requesting for storage of more than 25 vehicles for 90 days. Mr. McAbee stated business would increase in the future and he would need to increase to more than 25 vehicles on the property for more than ninety days.

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

Gerald Lawson closed the public hearing.

Mr. Atkins agreed that the property was off the road and secluded from surrounding properties. The Board agreed that they would vote for each variance separately.

Kyle Atkins made a motion to approve variances one through four due to the fact that the property was in the country surrounded by trees. The property was also surrounded by commercial properties. He made a motion to deny the fifth variance request on the number of vehicles stored on the property. David Long seconded the motion. The vote carried unanimously.

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

Mr. and Mrs. Pettit, applicants, are requesting a variance from the Unified Land Management Ordinance Section 2.02-6 Number of Principal Buildings on a lot.

The ordinance requires a lot, with two residential dwellings, to have adequate dimensions (*ex. Road frontage, setbacks, etc*) so it could be subdivided in the event that the ownership of the property is sold or transferred.

The applicants want to place a second residential dwelling on a thirteen (13) acre lot that has only sixty-five (65) feet of road frontage on a county maintained road. The ordinance requires one hundred (100) feet of road frontage along a maintained road for these uses.

The variance request is to reduce the minimum road frontage requirement of one hundred (100) feet to sixty-five (65) feet.

If this parcel was subdivided with both dwellings; the two (2) new parcels would need to be flag lots. Section 2.05-4(3) would require the new parcels to have fifty (50) feet of road frontage each, due to the length of the flag pole sections.

Albert Lee briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Mr. Pettit, property owner, was sworn in. He stated that he had plenty of land to place the second structure on.

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

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.

**Ragan's Short Shop** - Albert Lee, Land Use Inspector, still under oath. He presented the Background information to the Board:

Mr. Thomas Ragan, applicant, is requesting a variance from Section 2.02-1 (Table 3 Building Setbacks) and Section 2.02-2 (Table 4 Buffer yards) of the Unified Land Management Ordinance.

The applicant is making the request to accommodate a new commercial structure to be constructed on a parcel that adjoins residential use properties along the rear lot line.

Previously, there was a structure on the subject parcel but it was destroyed beyond fifty (50%) percent by fire.

The first request is to reduce the rear setback from the required twenty (20) feet (Table 3) to seven (7) feet.

The second request is to waive the entire Class 5 buffer yards (Table 4). Mr. Lee briefed the Board with a power point presentation of the property. He showed the Board the existing subdivision to the rear of the property. The property between the subdivision and the new proposed business was commercial.

Gerald Lawson opened the public hearing.

Brian Evans, representing Ragan's, was sworn in. He stated that they would keep the canopy where it was currently located. The building would be 13 feet off the back property line, which was vacant commercial property.

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

Gerald Lawson closed the public hearing.

The Board agreed that they would be buffering against commercial property. This particular piece of property could not be developed due to the fact that it was not a buildable lot.

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

**5. Other Business**

None

**6. Adjourn**

Ray Morris made a motion to adjourn. Craig Sims seconded the motion. The meeting adjourned at 5: 50 p.m.

