

**Unified Land Management**  
**Board of Appeals**  
**April 24, 2007**  
**4:30 p.m.**

**Members Present:** Gerald Lawson, Chairman  
Ray Morris  
David Long  
Kyle Atkins  
Les Green  
Roy Pinckney  
Gerald Noe

**Members Absent:** Craig Sims  
Jackie Moss

**Staff Present:** Edwin Haskell  
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 March 27, 2007**

Ray Morris made a motion to approve the March 27, 2007 minutes as submitted. Les Green seconded the motion. The vote carried unanimously.

**3. Old Business**

None

**4. New Business**

**Sto & Go** – Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Foster, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 (Table 4 Buffer yards).

The applicant operates a Storage Facility business at this location. This commercial use is classified as Medium Intensity and was required to have a class 4d buffer yard.

But on May 24, 2006, the Board granted a previous variance to reduce the buffer yard from a class 4d to a class 1d.

The applicant is currently leasing Penske moving trucks, which increases the use classification to commercial high intensity and the ordinance requires a class 5 buffer yards to be provided for this circumstance.

The applicant is requesting to reduce the required Class 5 buffer yard to a Class one (1) D, which is currently in place at this time.

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

Gerald Lawson opened the public hearing.

William Michael Foster, of 2605 Boiling Springs Road, was sworn in. He stated that he was not aware of the land use change from medium to high intensity when he leased the property. If the variance were not approved, they would build Building E. Mr. Foster stated that he had a verbal agreement with Mr. Powell, property owner to the west of the buffer, to offer the property to Mr. Foster before anyone else.

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

Gerald Lawson closed the public hearing.

Ray Morris asked Mr. Foster if this was intended to be a storage business. Mr. Foster replied that they had increased the volume of the mini warehouse rental as well as insurance.

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

**Waldron Property** – Laurie Horton, Land Use Inspector, still under oath. She presented the Background information to the Board:

Mr. Waldron, applicant, is proposing to place a second residential dwelling on the parcel addressed as 240 A Church Road.

The parcel has fifty (50) feet of road frontage and is approximately two and a half (2.5) 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 fifty (50) foot 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.

Gerald Lawson opened the public hearing.

Leroy Seay, property owner, and Keith Waldron, son-in-law, were sworn in. They stated that they would like to place a second structure on the property and had plenty of acreage.

The Board asked Mr. Seay why they could not use the private drive going to the Edmonds property as access to the second mobile home. Laurie Horton explained to the Board that the issue was not access to the property but road frontage.

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

Gerald Lawson closed the public hearing.

Gerald Noe made a motion to approve the variance as requested. David Long seconded the motion. The vote carried unanimously.

**Pruitt Property** – Laurie Horton, Land Use Inspector, still under oath. She presented the Background information to the Board:

Mr. Pruitt, applicant, is proposing to place a second residential dwelling on the parcel addressed as 248 Jonestown Road.

The parcel has ten (10) 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 ninety (90) foot 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.

Gerald Lawson opened the public hearing.

Jennifer Pruitt, property owner, was sworn in. She stated that she would like to place a second structure on the property for a family member. The second structure would be placed to the rear of the existing home. There are currently three homes that use the drive way and share in the maintenance of the drive.

Gerald Lawson closed the public hearing.

Ray Morris was concerned with approving the variance and what would happen if the family members had a dispute in the future. The Board agreed that if the variance were passed, that any future family disputes would not concern the Board.

Roy Pinckney made a motion to approve the variance as requested. Kyle Atkins seconded the motion. The motion was five to one in favor of the motion. The Board members in favor of the variance requests were Gerald Noe, Roy Pinckney, Les Green, David Long and Kyle Atkins. The Board member against the variance request was Ray Morris.

**Degraffinreid** - Laurie Horton, Land Use Inspector, still under oath. She presented the Background information to the Board:

Mr. Degraffenreid, applicant, is proposing to place a second residential dwelling on the parcel addressed as 189 Ferguson Court.

The parcel has no road frontage and is approximately five and a half (5.5) 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 reduction of one hundred (100) feet to 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. They would like to place a mobile home on the property for a family member. She informed the Board that there used to be an old county road in front of the property. The county came back and repaved the road and went the other direction. The corner of his property was approximately five feet from the street.

Gerald Lawson opened the public hearing.

Fredrick Degraffenreid, property owner, was sworn in. He stated that when the county paved the road years ago, they paved the neighbors private drive way.

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

Gerald Lawson closed the public hearing.

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

**Blue Ridge Stone Products** - Albert Lee, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Pavel and Aleksey Yurchenko, applicants, are requesting a variance from the Unified Land Management Ordinance 2.02-2 Table 4 (Bufferyards).

The applicants are planning to start a new business in an existing commercial structure. The applicants' property abuts lots with single family dwellings on one (1) side and the rear.

The request is to reduce the required class five (5) buffer yards to class three (3) buffer yards down the affected side property line and the rear property line.

The class three (3) buffer yard option, requested by the applicants, would be two (2) six (6) foot tall wooden privacy fences with fifteen (15) foot wide vegetated strips all along the outside of the fences.

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

Gerald Lawson opened the public hearing.

Aleksey P. Yurehenko, property owner, was sworn in. He stated that this was previously a business and he would like to create more space to store and stack the stone products.

Edwin Cox, Jr., adjoining property owner, was sworn in. His duplex is next door to the property. Mr. Cox expressed concern with the noise and appearance of the property after the stone was stacked and stored on the property. Mr. Cox stated that he was against the variance request.

Mr. Yurehenko informed Mr. Cox that the stone products would be made inside the building. The finished stone products would be stored and stacked neatly outside of the building. He stated that a forklift would be used on the property to the lift and stack the stone products.

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

Gerald Lawson closed the public hearing.

Les Green made a motion to approve the variance as requested. David Long seconded the motion. The vote carried unanimously.

**United Cheerleading** – moved to last on the agenda. There was no one present to represent the case.

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

Mr. and Mrs. Steading, applicants, are proposing to set a second residential dwelling on the parcel addressed as 839 Canaan Road in Roebuck.

The parcel has sixty-four point seventy-five (64.75) linear feet of road frontage and is approximately fourteen point eighty-eight (14.88) 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 applicants are requesting a reduction of thirty-five point twenty-five (35.25) feet of the required road frontage for two residential lots so they may place a second residential structure on their property.

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

Gerald Lawson opened the public hearing.

Jamie and Joshua Steading, property owners, were sworn in. They stated that they intended to use the second structure for a family member.

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

Gerald Lawson closed the public hearing.

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

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

Mr. Dyshko, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Bufferyards.

The applicant is proposing to build a commercial building (garage) to sell cars on the Internet.

The applicant's parcel is bound along all property lines by lots with single family dwellings.

The ordinance requires class 5 buffer yards along any lot line of a lot with a high intensity commercial use when adjoined by single family use lots.

The variance request is to reduce the required buffer yard from a Class 5 down to a Class 3d (wooden privacy fence six (6) tall with trees or shrubs planted outside of the fence and all with-in a strip fifteen (15) feet wide).

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

Gerald Lawson opened the public hearing.

Stanislav Dyshko, property owner, was sworn in. He stated that he planned to build a building approximately 4000 square feet. They plan to clean and level property to place a computer cars sells business. They will have 20 to 25 vehicles on the property.

Linda Rogers, of 205 Lamp Post Road, Inman was sworn in. She is concerned with noise and increased traffic through the area.

Willie Rogers, of 205 Lamp Post Road, Inman was sworn in. He was against the variance request.

Styles Thompson, Jr. 551 Park Street, Inman was sworn in. He stated that his mother owned property in the area and he was also concerned with the increased traffic through the area.

Brenda Jackson, 620 Park Street, Inman was sworn in. She stated that she did not want to see junk vehicles in the area.

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

Ray Morris asked Albert Lee if there were other businesses in the area. Mr. Lee stated that the area was primarily a residential area.

Gerald Lawson closed the public hearing.

Kyle Atkins explained to the neighboring property owners that Mr. Dyshko could still have a business in the area and the only issue was the buffer yard. They were only there to vote on whether a wall or a fence would be placed around the property.

The Board stated that there was natural vegetation on the property and the property owner had agreed to leave some of the natural vegetation on the property.

The Board also asked how many cars could be stored on the property. Mr. Lee explained to the Board that there was not a limit on the number of cars that could be stored on the property. This was a proposed car lot and not a junk yard.

Roy Pinckney made a motion to approve the variance as requested. David Long seconded the motion. The vote carried unanimously.

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

Mr. Beau Gunn, representative of the Aston Properties, Inc., is requesting a variance from the Unified Land Management Ordinance 2.02-2 Table 4 (Bufferyards).

The applicants intend to develop their parcel by building a commercial structure. The property to be developed is joined on one side by a lot with a single family dwelling. A lot that borders along the rear lot is the same intensity and will not need a buffer.

The ordinance requires Class five (5) buffer yards along the affected side lot line.

The applicants are asking to reduce the class five (5) buffer yards to class two (2) c along the side property line. A class two (2) c buffer yard is a strip ten (10) feet wide that contains evergreen shrubs.

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

Gerald Noe asked Mr. Lee about the retention area that was going to be on the property for Target. Mr. Lee stated that the proposed retention site would be under ground.

Gerald Lawson opened the public hearing.

Mr. Beau Gunn, representing the property owner and Kevin Flynn was sworn in. They are here to ask for a variance from a buffer yard 5 to a buffer yard 2C. They would now prefer to put in a buffer yard 2B (trees and shrubs). The adjoining property owner to the rear would also prefer to have a buffer yard 2B as another option. They are asking for a 10' buffer with intense landscaping which would be a softer buffer than a brick masonry wall.

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

Gerald Lawson closed the public hearing.

The County Attorney advised the Board to vote the variance request up or down and not to change from a 2C to a 2B.

Mr. Gunn stated that the buffer yard 2C would be fine and they would add trees to the buffer.

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

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

Mr. Petras, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-5 Off-street Parking.

The request is to accommodate a use change of an existing commercial building.

The existing building was constructed to be a warehouse and the Off Street Parking regulations required the owner to provide three (3) parking spaces and one (1) handicap space.

The applicant has changed the use from warehouse to assembly, which requires more parking spaces.

The request is to lower the number of required parking spaces from thirty-three (33) spaces to nineteen (19) spaces.

The applicant's parcel is adjacent to a church along one side property line and there is an industrial use lot bordering the other side property line.

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

Mr. Lee stated that the representatives of the case did not show up for the meeting.

The Board discussed the parking spaces required for this business and the surrounding properties.

Mr. Lee stated that they determined the parking spaces by the number of people that would be in the building. He stated that the Board has had a case in the past similar to this.

The Board decided to table the case to the May meeting.

Ray Morris made a motion to table to the May meeting. David Long seconded the motion. The vote carried unanimously.

**5. Other Business**

None

**6. Adjourn**

Ray Morris made a motion to adjourn. David Long seconded the motion. The meeting adjourned at 6: 00 p.m.

