

Unified Land Management

Board of Appeals

August 28, 2007

4:30 p.m.

Members

Gerald Lawson, Chairman

Present:

Craig Sims
Roy Pinckney
Jackie Moss
Les Green

Members

David Long

Absent:

Ray Morris
Kyle Atkins
Gerald Noe

Staff

Edwin Haskell

Present:

Joan Holliday
Laurie Horton
Albert Lee
Savannah Sabo
Freelance Reporting Services, Transcriptions

1. Call to Order

Gerald Lawson, Chairman, called the meeting to order. He informed the public that L & L Tire Repair had been carried over until the September meeting. He also informed the public that Crown Castle Cell Tower had been withdrawn from the agenda.

2. Approval of Minutes of July 24, 2007

Craig Sims made a motion to approve the July 24, 2007 minutes as submitted. Les Green seconded the motion. The vote carried unanimously.

3. Old Business

None

4. **New Business**

Converse 4 – Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Stephens, applicant, is proposing to build a multi-tenant building at the corner of East Main Street Ext and Oakland Street.

The *Unified Land Management Ordinance, Section 2.02-2 Table 4 Bufferyard Requirements*, requires a class 5 buffer-yard when high intensity commercial use lots adjoin residential use lots.

The applicant is requesting a reduction of the required buffer-yard from a class 5 down to a class 2d. The commercial property is at a lower elevation than the residential property.

Mr. Stephens proposed to install a six (6) foot tall wooden fence at the top of the slope in lieu of a block wall.

Laurie Horton presented the slide show presentation to the Board.

Gerald Lawson opened the public hearing.

Harley Stephens, applicant, was sworn in. He stated that he would like to build a warehouse on the property and if he placed a buffer at the top of the hill it would not improve the property. He also stated that a block wall would not be stable enough to stand on the top of the hill.

Gordon F. Oran, adjoining property owner, was sworn in. He stated that he did not have a problem with the variance request.

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

Gerald Lawson closed the public hearing.

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

Stacey Mini Warehouses - Albert Lee, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Curtis Stacy & Mr. Michael Stacy, applicants, are requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Table 4 (Buffer yards).

The applicants are proposing to construct a mini warehouse on the parcel addressed as 276 Gossett Road. The parcel is adjoined on the one side and rear property lines by single family dwellings.

The ordinance requires a Class four (4) buffer yard along any side or rear lot line when a mini warehouse is developed next to existing single family dwellings.

The request is to reduce the Class four (4) buffer yard to Class three (3) buffer yard on right side and rear property lines.

Albert Lee presented a slide show presentation to the Board.

Gerald Lawson opened the public hearing.

Curtis Stacey, property owner, was sworn in. He stated that he planned to leave timber to the rear of the property to buffer against adjoining property owners. He also stated that the adjoining property owners were in favor of a fence instead of a block wall.

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. Roy Pinckney seconded the motion. The vote carried unanimously.

L & L Tire Repair – This was carried over until the September meeting

Ellis Machining - Albert Lee, Land Use Inspector, still under oath. He presented the background information to the Board:

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

The applicant proposes to construct a building for a machine shop. The parcel is adjoined on both side property lines by single family dwellings. The property that adjoins the rear property line is vacant.

The ordinance requires a Class five (5) buffer yards along any side or rear lot line dwellings.

The request is to reduce the Class five (5) buffer yard to a Class three (3) buffer yard along the both side property lines.

Albert Lee presented the slide show presentation to the Board.

Gerald Lawson opened the public hearing.

Mark Ellis, applicant, was sworn in. He stated that he planned to construct a wood frame vinyl siding building for his machine shop which would be a single employee business and only operate 8 hours a day. Mr. Ellis plans to plant trees along the surrounding properties.

Les Hutchins, 3920 Parris Bridge Road, was sworn in. He was there to represent his family who owned an adjacent piece of property. He was concerned with the fact that Mark Ellis was not required to buffer against the vacant property.

Mr. Ellis informed Mr. Hutchins that he would plant trees all around the property which included against the vacant property.

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

Gerald Lawson closed the public hearing.

The Board agreed that Mr. Ellis was trying to be a good neighbor by agreeing to plant trees all around the property including the vacant property.

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

Gomes Project - Albert Lee, Land Use Inspector, still under oath. He presented the background information to the Board:

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

The applicant has recently purchased the property addressed as 778 California Ave. near the city limits of Spartanburg.

The previous use of this property was classified as an office use. The applicant is proposing to change the use to Medium intensity (beauty shop), which requires a higher buffer-yard class.

The applicant is requesting that she be able to use the existing six (6) foot wooden privacy fences along the side and rear property lines as the buffer-yard.

Gerald Lawson opened the public hearing.

Son Gomez, property owner, was sworn in. She presented to the Board several photos which were entered into the record as Exhibit #1. She stated that she would like to change the use of the building to a beauty shop instead of a café/billiard.

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. Jackie Moss seconded the motion. The vote carried unanimously.

Profile Heating & Air – Albert Lee, Land Use Inspector, still under oath. He presented the background information to the Board:

Mr. Harold Brown & Mr. Alex Pitts, applicants, are requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Table 4 (Buffer yards).

The applicants have constructed a building to be used as an office. The parcel is adjoined on both side lot lines and the rear property line by single family dwellings.

The ordinance requires a Class four (4) buffer yards along any side or rear lot line when an office is developed next to existing single family dwelling.

The request is to reduce the Class four (4) buffer yard to Class two (2) buffer yard on the left side lot line and to waive the buffer yard requirements along the right side lot line and rear lot line.

Mr. Lee presented a slide show presentation to the Board. Mr. Lee also presented to the Board a letter from the Building Codes Department which was entered into the record as Exhibit #3. In addition, he also had two letters from adjoining property owners who were

opposed to the variance request. The County Attorney advised Mr. Lee not to read the letters and that the adjoining property owners needed to be present at the meeting if they wished to testify against the variance request.

Gerald Lawson opened the public hearing.

Alex Lee Pitts, of 711 Judy Ann Court, was sworn in. He stated that he had owned this property for years and had worked out of his home as a heating & air business. The business has grown over the years and they have constructed a new building that would be used for an office. He was advised by the Building Codes Department to put a hold on construction until the Land Use Requirements could be met.

John Rush, of 115 Coal Creek Drive, was sworn in. He was against the variance request and expressed concern with a business located that close to the neighborhood.

Joe Genobles, of 515 Kiowa Drive, was sworn in. He stated that he was against the variance request and expressed concern that the business would bring the property value down in the neighborhood. Mr. Genobles stated that his home was located directly behind the proposed new business.

Bo Settle, adjoining property owner, was sworn in. He was concerned with the fact that no buffer yard would be planted along the left side property line against Canyon Creek.

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

Gerald Lawson closed the public hearing.

The Board asked Mr. Lee what was the reason Profile Heating & Air did not want to buffer against the left side of the property. Mr. Lee responded Mr. Pitt's mother lived along that side of the property and they did not want to buffer against her property.

Jackie Moss made a motion to go into executive session with the County Attorney. Roy Pinckney seconded the motion. The vote carried unanimously.

Craig Sims made a motion to come out of executive session. Les Green seconded the motion. The vote carried unanimously.

Roy Pinckney informed the public that he had a conflict of interest with Profile Heating & Air and he had to abstain from the vote. Gerald Lawson stated that by Roy Pinckney abstaining from the vote, they were only left with four Board members which were less than two thirds of a majority vote. The Board could not take action with only four

members present and the variance would have to be carried over until the September meeting.

Lake Bowen Rentals – Albert Lee, Land Use Inspector, still under oath. He presented the background information to the Board:

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

The applicant has constructed a mini warehouse on the parcel addressed as 6900 Highway 9, Inman. The parcel is adjoined on both side lot lines and the rear lot line by single family dwellings.

The ordinance requires a Class five (5) buffer yard along any side or rear lot line when a mini warehouse is developed next to existing single family dwellings.

The request is to reduce the Class five (5) buffer yard to a Class three (3) buffer yard along the rear property line.

Albert Lee presented a slide show presentation to the Board.

Gerald Lawson opened the public hearing.

John Michael Evans Jr., property owner, was sworn in. He stated that due to the steep hill, a class 5 buffer yard would not be stable on the hill. In addition, they have graded and cleared out the trees to improve the property. Mr. Evans stated that he would like to plant Leland Cypress trees along the property.

Gerald Lawson closed the public hearing.

The Board agreed that placing a Class 5 buffer yard at the bottom of the hill or in the hole would be pointless. The Board discussed the different options of buffer yards.

The County Attorney stated that the ordinance required the area used in the buffer yard must be a portion of the property under development and a portion of the rear, side and front setback requirements.

Gerald Lawson closed the public hearing.

Jackie Moss made a motion to grant the variance from a Class5 to a Class 3 buffer due to extraordinary circumstances and under the stipulation that the buffer would be planted as

close to the top of the hill. Craig Sims seconded the motion. The vote carried unanimously.

Darren Powell & Calvin Smith Project - Albert Lee, Land Use Inspector, still under oath. He presented the background information to the Board:

Mr. Darren Powell & Mr. Calvin Smith, applicants, are requesting several variances from the Unified Land Management Ordinance due to Section 4.04 Conversion of Residential Property.

The applicants are proposing to convert the use of a lot from single family residential to an office use. The parcel is adjoined on both side and rear property lines by single family dwellings.

The ordinance 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.”

The applicants are asking for variances to reduce the following:

The required Class three (3) buffer yards along both side property lines to Class one (1) buffer yards.

The required Class (4) buffer yard required on the rear lot line to a Class one (1) buffer yard.

The minimum front and side building set backs. The ULMO requires that the front building set-back must be fifty (50) feet from the road right-of-way; the existing structure only sets forty (40) feet from center line of Boiling Springs Road. The applicants will need both side set-backs reduced: The north side building setback will need to be reduced by ten (10) feet and the south side setback will need a decrease of fourteen (14) feet.

Albert Lee presented a slide show presentation to the Board. He stated that the area was transitioning into commercial.

Gerald Lawson opened the public hearing.

Darren Powell, applicant, was sworn in. They are currently selling the property and would like to convert the home into a small office due to the limited parking space.

Nan Pricer, whose mother resides next to property, was sworn in. She was concerned that the proposed buffer yard off Highway 9 would encroach onto her mother’s property.

She also asked if the new bufferyard would affect the driveway on her mother's property.

The Board explained to her that if the applicant was required to plant the required buffer yard, it would have to remain on their property.

Ms. Pricer also asked if the new buffer would affect the drive way. The Board stated that the new buffer would not affect her drive.

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance as requested. The area is transitioning into commercial. Les Green seconded the motion. The vote carried unanimously.

Comfort Suites - Laurie Horton, Land Use Inspector, still under oath. She presented the background information to the Board:

Mr. Bo Garland representing the property owner Harrishyam Singin, is proposing to build a Comfort Suites on West Blackstock Road.

Section 2.02 – 2 Dimensional Standards, Table 3, requires a (30) thirty-foot setback on a Minor Street. The proposed pool and pool equipment building will be located in the entire setback. The variance request is for (30) thirty-feet.

The Unified Land Management Ordinance, Section 2.02-2 Table 4 Bufferyard Requirements, requires a class 5 buffer-yard when single-family residential adjoins medium intensity commercial, buffer along a minor street as if the property were adjacent. Comfort Suites request the required bufferyard along Britt Street to be changed to landscaping, based on a landscape plan submitted for Comfort Suites by the Ellis group.

Section 2.02-2 #12 Use of Bufferyards – A bufferyard may be used for passive recreation and may be interrupted by access driveways not exceeding 16 feet in width (exceptions for uses requiring wide curb cuts may be approved by Planning Department staff). All other uses are prohibited, including off-street parking and accessory uses. The variance request is to allow the swimming pool and pool equipment house in the required front yard buffer.

Section 2.02-2 #9 Front Yard Plant Strip Required – All commercial, industrial, office, and institutional developments must have at least a five (5) foot wide plant strip between the road right-of-way and any property development. The plant strip shall be grassed or mulched and may have plantings that do not interfere with sight distance for egress and ingress. On expansion projects, the requirement for a five

(5) foot plant strip may be waived if it can be shown that existing or new dimensions of the lot to buildings make it impossible to comply. The variance request is to reduce the required (5) five foot plant strip along the front portion of the property in the area where it would affect parking spaces.

Section 2.02-5 Off-Street Parking and Loading, Table 6 requires Hotels, Rooming Houses, Lodging and Motels 1.1 parking space per room or suite plus 1.0 parking space per every 3 patrons of maximum capacity of each meeting/banquet room plus 50% of spaces otherwise required for accessory uses (i.e. restaurants, lounges, etc.). The required parking is 100 spaces, Comfort Suites will have 87 rooms providing 96 parking spaces. The variance request is to reduce the required 100 spaces by 4 spaces. The meeting room occupancy will be 12 patrons, which requires 4 parking spaces. Comfort Suites representatives state that this meeting room is not for hire, but that it will be used by hotel patrons only

Laurie Horton presented a slide show presentation to the Board. She stated that they were proposing to landscape each section and use a staircase design for the landscape on the berm.

Gerald Lawson opened the public hearing.

Bo Garland, applicant, was sworn in. He stated that the properties across from Westgate Mall was transitioning into commercial. They are asking for a variance on the setback. If they reduced the size of the building to meet the setbacks, then they would have to reduce the number of rooms by 6 or more. Mr. Garland stated that the entrance had been approved by SCDOT. Due to the approved SCDOT entrance and an existing creek on the property, they are unable to move the building to another location on the property. In addition, because of the steep bank and contour of the landscape, they are shielding the motel from the surrounding residential properties.

Gerald Lawson closed the public hearing.

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

5. Other Business

Appeal – Jarvis Allen –170 Hilltop Lane, Spartanburg

Albert Lee briefed the Board on the progress that Mr. Allen was making to clean up his property. He presented to the Board landfill receipts to show that he was making progress.

The Board agreed that Mr. Allen was making progress on removing the debris from his junk yard. The Board asked Mr. Lee to keep checking on the progress of the cleanup process and report to them in the September meeting.

6. Adjourn

Craig Sims made a motion to adjourn. Jackie Moss seconded the motion. The meeting adjourned at 6: 23 p.m.

