

**Unified Land Management  
Board of Appeals  
January 22, 2008  
4:30 p.m.**

**Members Present:** Gerald Lawson  
Craig Sims  
Kyle Atkins  
Michael Henthorn  
Les green  
Gerald Noe  
David Long

**Members Absent:** Jackie Moss  
Roy Pinckney

**Staff Present:** Joan Holliday  
Albert Lee  
Laurie Horton  
Savannah Sabo  
Edwin Haskell  
Ron Kirby  
Chris Story  
Freelance Reporting Services, Transcriptions

**1. Call to Order**

Gerald Lawson, Chairman, called the meeting to order.

**2. Approval of Minutes of December 18, 2007**

Les Green made a motion to approve the December 18, 2007 minutes as submitted. Gerald Noe seconded the motion. The vote carried unanimously.

**3. Old Business**

**Appeal – Jarvis Allen** - Albert Lee, Land Use Inspector, was sworn in and presented the background information to the Board:

Albert Lee briefed the Board on the progress that Mr. Allen was making to clean up his property. Mr. Lee stated that Mr. Allen had removed more vehicles and was making progress.

Gerald Lawson announced to the public that the Debra Chapman variance had been withdrawn from the meeting.

**Rick Jolley** – Ron Kirby, from the Public Works and Engineering Department, was sworn in. He presented the background information to the Board:

The Unified Land Management Ordinance section 2.03 requires all land development to conform to the Spartanburg County Flood Damage Prevention Ordinance #0-04-01.

The Spartanburg County Flood Damage Prevention Ordinance section 500 establishes that the Land Management Board of Appeals shall hear requests for variance. Section 570 establishes conditions for granting a variance.

The Spartanburg County Flood Damage Prevention Ordinance section 330.63 states” the County Engineer may issue such order to ...remove fill as appears appropriate.”

Rick Jolley, owner, has placed fill within the special flood hazard area at 424 Belcher Road, Boiling Springs, SC without permits. He is requesting to leave The fill in place until the engineer studies are completed.

Ron Kirby with the Spartanburg County Engineering department, brought the Board up to date on the variance request from the December meeting. He stated that this particular area was sensitive to flooding and this project violated several items in the Spartanburg County Flood Damage Prevention Ordinance #0-04-01. Mr. Kirby stated that several adjoining property owners had filed complaints with the Public Works and Engineering Department for grading without a permit. Ron Kirby issued a stop work order on the fill within the flood zone area. Mr. Kirby informed Mr. Jolley that if he wanted to keep the fill in the creek then he would need authorization from various governmental agencies. Mr. Kirby stated that the Jolley’s filed for an appeal at the December meeting and the Land Use Board granted an 30 day extension to obtain a letter from the three governmental agencies granting approval for the extension so that additional studies could be done before the fill had to be removed. Mr. Kirby had not received any correspondence from theses governmental agencies granting approval for the extension. He stated that with the letters from the governmental agencies he did not have an objection with the extension.

Kelly Lowry, attorney representing the Jolley's, stated that he had received the letters from the three agencies granting approval for an extension. The letters were marked into the record as Exhibit #1, Exhibit #2, and Exhibit #3. Mr. Lowry read Exhibit #1 which was an email from SCDNR stating that they did not have a problem with the issuance of a 60 day extension. Mr. Lowry read Exhibit #2 from Les Parker with the United States Army Corp Engineering Department stating that they did not have an issue with a 60 day extension to conduct the engineering analysis. Mr. Parker also stated in the email that this was not an approval of any plan, issuance of any permit or determination of any wetlands. The third letter was Exhibit #3 from Cindy Carter with SCDHEC stating that she did not have objection but to keep potential sediment out of the creek. Mr. Lowry stated that the responses were accurate and reflected the actual responses of the personal that worked for these agencies. He had spoken with Maria Cox with SCDNR who recommended several Engineering firms to conduct the FEMA analysis. They would like to renew the request for the 60 day extension to conduct the engineering analysis.

Ron Kirby stated that construction was done on a steep slope. The silt fence is currently not keeping the sediment from impacting the creek. At the time of the stop work order, they gave permission to continue doing emergency erosion sediment. He stated that with the letters from the governmental agencies he did not have an objection problem with the extension.

Edwin Haskell asked who the Engineering Analysis Report would be submitted to whom.

Ron Kirby stated that he would receive the report. If the study was not approved then the Jolly's would have 30 days from then to remove the fill dirt.

Edwin Haskell stated that the purpose of the approvals was to give the county assurances that these regulating agencies approve the 60 day extension.

Craig Sims made a motion to grant the 60 day extension condition upon the Engineering Department to inspect and carry out any other means of sediment protection or erosion control. David Long seconded the motion. The vote was five to one in favor of the motion to grant the 60 day extension. The members in favor of the motion were Craig Sims, David Long, Michael Henthorne, Les Green and Kyle Atkins. The member against the motion was Gerald Noe.

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

Gerald Lawson informed the public that The Debra Chapman Variance had been withdrawn from the public hearing.

**Stones Imports** – Albert Lee, Land Use Inspector, still under oath, presented the

background information to the Board:

Mr. Steve Bui, applicant, is requesting a variance from the Unified Land Management Ordinance Section 2.02-2 Bufferyards and Section 4.04 Conversion of Residential Property.

The parcel is located at 2129 Boiling Springs Road, Boiling Springs, SC.

The applicant is proposing to convert an existing residential home to commercial office use.

The ordinance requires that ***“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 ordinance calls for a class 4C, which is an area of twenty-five (25) wide and consists of an eight (8) foot privacy fence and ten (10) trees or shrubs on the rear property line and a class 2d, which is an area ten (10) feet wide and consists of an six (6) foot wooden privacy fence on the right side property line.

The ordinance also states that the set-backs for commercial use must have a side set-back of fifteen (15) feet.

The applicant is requesting the following variances:

1. The reduction of the required Class 4C to a Class 3D, which is an area fifteen (15) feet wide consisting of a six (6) foot privacy wooden fence and twenty (20) shrubs or trees.
2. The reduction of the required fifteen (15) foot side set-back to twelve (12) feet--a variance of three (3) feet.

Albert Lee presented a slide show presentation to the Board.

Gerald Lawson opened the public hearing.

Steve Bui, representing Stones Import LLC, was sworn in. He stated that Mr. Lee covered the variance request in his staff report. He stated that the building would be used as a showroom. He stated that there would be parking available in the front of the building.

Benjamin J. Brown, 129 Farm Lake Road, was sworn in. He stated that he was not opposed to the variance request and did not want a buffer planted between his property and the proposed business.

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 as requested. Les Green seconded the motion. The motion carried unanimously.

**Country Inn Suites**– Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Sunil (Sunny) K. Handa, owner, is proposing to build Country Inn Suites at 30 Freeman Farm Road.

According to the Unified Land Management Ordinance, Section 2-02-1 Dimensional Standards, Table 3 footnote (z) *All setbacks on roads are front setbacks as required by the road classification...* the interstate is classified as an arterial and requires a 50' setback.

Section 2-02-1 Dimensional Standards, Table 3 Maximum Height footnote (y) *Each additional foot above 35' add 1' to each side and rear yard setback.* Mr. Handa is proposing to construct a four-story hotel. The over all building height will be 59'. The required left yard setback is 29'.

Section 2.02-5 Off-Street Parking and Loading, Table 6, Hotels, Rooming Houses, Lodging, Motels, *1.1 per room or suite plus 1.0 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.)* Mr. Handa is proposing a 76 Guestroom hotel, and a meeting room, to accommodate 24 patrons. A total of 92 parking spaces are required.

Mr. Handa is requesting following variances:

1. 35' variance on the front yard
2. 24' variance on the left side yard
3. 20 space parking reduction

Laurie Horton presented a slide show presentation to the Board. She showed the proposed location of the hotel building on the site plan and the parking spaces which would be

located underneath the hotel.

Gerald Lawson opened the public hearing.

Sunil Handa, owner, was sworn in. He presented a site plan to the Board. He stated that there were a lot of industrial businesses in the area and that the addition of the new hotel would be an asset to the area. He stated that the county and state took some of his property for road widening and that was why he was here today. He has offsite parking available across the street. He gave a quote of the occupancy rates for surrounding areas including Atlanta. The location of the hotel near the Greenville/Spartanburg Airport should give him an occupancy of approximately 50 percent of the reservations. He has made an attempt to purchase more adjoining properties which would be used for additional parking. He stated that he plan to hire approximately 12 employees to work full and part time.

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

Gerard Lawson closed the public hearing.

The Board discussed the parking spaces available for the proposed hotel. They also discussed the setbacks and that other businesses coming into the area would want reduced setbacks as well.

Gerald Noe asked about the fire department access to the hotel. Mrs. Horton stated that the Fire Marshall would address if a fire hydrant would be installed.

Kyle Atkins made a motion to grant the variance as requested under the stipulation that additional parking be available across the road for 20 parking spaces. He stated that the variance met the four criteria and extraordinary conditions did exist. Craig Sims seconded the motion. The vote was five to one in favor of granting the variance request. The members in favor of the motion were Kyle Atkins, Craig Sims, David Long, Michael Henthorne and Les Green. The member against the variance request was Gerald Noe.

Gerald Lawson announced to the public that the case for Debra Chapman had been withdrawn from the public hearing.

**Jesus That Reigns** - Laurie Horton, Land Use Inspector, still under oath, presented the background information to the Board:

Ms. Linda Addis, owner, is proposing to sell her property at 195 Truck Stop Road. The buyers would like to purchase the property to build a church.

According to the Unified Land Management Ordinance, Section 2-02-1 Dimensional Standards, Table 3b footnote (k) *Commercial/Industrial Developments must take access off a paved public or privately maintained road built to at least County standards other than Section 2.05-3 Private Road Developments. Other...* this property requires 60' of road frontage.

The variance request is to allow a church to be constructed at this location with no road frontage.

Ms. Addis has authorized Billy Burnett to act as her agent.

Laurie Horton presented a slide show presentation to the Board. Mrs. Horton stated that the property did not touch a county or state maintained road. She stated that the deed showed an ingress/egress giving the owner's permission to use the right of way to enter and exit the church.

Gerald Lawson opened the public hearing.

Billy Burnett, representing Jesus That Reigns, was sworn in. He stated that the property would be useless without the variance request for the additional easement. The church would be the best alternative due to the fact that there would be decreased traffic during the week.

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. David Long seconded the motion. The vote carried unanimously.

**Bob & Toni Kuykendall** - Albert Lee, Land Use Inspector, still under oath, presented the background information to the Board:

Mr. & Mrs. Kuykendall, applicants, are requesting a variance from the Unified Land Management Ordinance Section 2.02-1 Dimensional Standards Table 3 Front Lot Line and Section 2.05-4 Lots.

The parcel is located at 231 South Hills Drive, Wellford, SC and consists of one point zero one six (1.016) acres and has as road frontage of one hundred twenty point zero seven (120.07) feet.

The applicants are proposing to place another Mobile Home on the existing parcel for their daughter.

The ordinance requires that when a second structure is placed on a parcel, it must be able to be subdivided as if the structures are on separate parcels. If a flag lot is created, it must meet the Unified Land Management Ordinance. It must have at least twenty-five (25) feet plus seven and one half (7.5) feet a total of thirty-two and one half (32.5) feet from the existing unit to the property line.

The existing Mobile Home measures twenty-five (25) feet to the right property line. The applicants are requesting a variance of seven and one half (7.5) feet.

Albert Lee presented a slide show presentation to the Board.

Gerald Lawson opened the public hearing.

Mrs. Kuykendall, applicant, was sworn in. She stated that Mr. Lee covered the variance request in his staff report.

There was no one 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. Les Green seconded the motion. The vote carried unanimously.

**Clement Lumber** - Laurie Horton, Land Use Inspector, still under oath, presented the background information to the Board:

Mr. William H. Hambrick, owner, is proposing to re-build a non-conforming building due to fire damage.

The Unified Land Management Ordinance, Section 4.06-6 Replacement of Nonconforming Use state: *A use that is destroyed beyond 50 percent of the fair market value immediately prior to damage must meet all applicable requirements of this Ordinance in order to rebuild or reconstruct.*

Section 2.02-1 Dimensional Standards, Table 3, requires a 50-foot setback from SC Highway 295, an arterial street.

Mr. Hambrick is requesting a variance of 31.32' from SC Highway 295.

Mr. Hambrick has authorized the following to act as his agent: Jimmy Biggerstaff, TN Construction, Thad Strickland, TN Construction and Tyler Glidden, Neil R. Phillips Co.

Laurie Horton presented a slide show presentation to the Board. The building would be built on the existing pad. She stated that Clement Lumber had a lease agreement with the railroad for the right of way encroachment.

Gerald Lawson opened the public hearing.

Thad Strickland, with TN Construction, was sworn in. The company had a fire in 1997 which destroyed the building and most of the property. In addition, due to the shape of the property and the new road widening on SC 295, the setbacks hinder the property. He asked the Board to consider approving the variance request.

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

Gerald Lawson closed the public hearing.

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

**2007 Junk Yard Inspections** - Joan Holliday, Planning Administrator, was sworn in.

Joan Holliday informed the Board of the Annual Junk Yard Inspections. She stated that the County Planning staff had granted the junk yards an extension to get the junk yards to come into compliance. She let the Board members know that there would be several Junk Yard Owners that did not agree with the codes. These Junk Yard Owners would be coming to the Land Use Board to appeal the decision.

**5. Other Business**

None

**6. Adjourn**

Craig Sims made a motion to adjourn. Les Green seconded the motion. The meeting adjourned at 6:04 p.m.

