

**Unified Land Management
Board of Appeal
February 26, 2008
4:30 p.m.**

Members Present: Gerald Lawson
Craig Sims
Kyle Atkins
Roy Pinckney
Marion Gramling
David Long
Michael Henthorn

Members Absent: Jackie Moss
Gerald Noe

Staff Present: Joan Holliday
Laurie Horton
Albert Lee
Savannah Sabo
Edwin Haskell
Freelance Reporting Services, Transcriptions

1. Call to Order

Gerald Lawson, Chairman, called the meeting to order.

2. Approval of Minutes of January 22, 2008

Craig Sims made a motion to approve the January 22, 2008 minutes as submitted. David Long 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.

4. **New Business**

Carolina Drive Auto Sales – Albert Lee, Land Use Inspector, still under oath, presented the background information to the Board:

Mr. Bobby Joe Crisp, Jr., the applicant, is requesting two variances from the Unified Land Management Ordinance: the first from Section 2.02-2 Buffer yards and the second from Section 2.02-1 Dimensional Standards Table 3 Commercial side lot line set-backs.

The parcel is located at 689 Carolina Drive Ext. in Roebuck, SC and has an existing building (Church) on it.

The applicant is proposing to change the use of the property from a Church to an Auto Sales Lot.

Mr. Crisp's lot abuts Mae Street, which is classified as a minor street, along a side property line. Directly across Mae Street is a residential use lot.

The ordinance calls for a class five (5) buffer, which has four (4) options, when an Auto Sale Lot is proposed adjacent to residential use lots or is located directly across a minor street from a residential use lot.

The road right of way for Mae Street is ditch to ditch.

Table 3 of ULMO Section 2.02-1 indicates that the side set-back for a commercial use must be fifteen (15) feet and if it is a corner lot the side setback along a street shall be increased to thirty (30) feet measured from the road right-of-way.

The applicant is requesting the following variances:

1. A reduction of the required Class five (5) buffer yard along a minor street (Mae) to a Class two (2) D buffer, which is a six (6) foot wooden privacy fence within ten (10) feet.
2. A reduction of the required side setback of a corner lot from thirty (30) feet down to nine (9) feet.

Albert Lee presented several photos to the Board which was entered into the record as Exhibit #1.

Gerald Lawson opened the public hearing.

Bobby Joe Crisp, applicant, was sworn in. He stated that there were several other commercial properties along Carolina Drive Extension. He was asking for a reduction of the bufferyard along Mae Street south because he needed the extra space to store cars for his new car lot. Mr. Crisp stated that there would be approximately 30 to 40 cars parked on the asphalt to the left of the property. In addition, he stated that he owned the two adjoining properties to the left and the rear of the property.

Jimmy Yarborough, of 134 Mae Street, was sworn in. He was concerned with increased traffic off Mae Street with the new proposed car lot.

Debra Abernathy, 640 Carolina Drive Extension, was sworn in. She stated that Bobby Joe Crisp had an existing car lot in his front yard and junk to the rear of the property. She stated that another car lot in the area would hurt the resale value of the existing properties in the area.

Craig Sims informed the public that the only issue in the public hearing was the buffer yard, not the business.

Jeffrey Burkett, of 680 Carolina Drive Extension, was sworn in. Mr. Burkett stated that he was against the variance request and had repaired the existing fence against his property on many occasions.

Gerald Lawson closed the public hearing.

After discussion among the Board member, they agreed that they were dealing with a nonconforming existing building that would require a variance with any type of use due to the location of the building to the property line. The building had been there for many years and Mae Street was cut after the building was built. In addition, the property was already elevated above grading level.

Marion Gramling made a motion to grant the as requested to reduce the Class (5) buffer yard along a minor street to a Class two (2) which is a six foot wooden privacy fence with ten (10) feet under the stipulation that Albert Lee approves the position of the fence and to reduce the required setback of a corner lot from (30) feet down to nine (9) feet. Craig Sims seconded the motion. The vote was unanimous.

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

Mr. David McBride, applicant, is requesting a variance from ULMO Section 4.04 Conversion of Residential Property. The property is located at 763 California Avenue in Spartanburg, SC.

The Unified Land Management Ordinance Section 4.04 Conversion of Residential Property states, “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 applicant is proposing to change the use of the property from residential to an office use. There are three issues that are preventing the applicant from meeting the requirements of ULMO Section 4.04:

1. The property next to the applicant’s lot to the east is a residential use lot. ULMO Section 3.21 requires all accessory structures located contiguous to residential uses to observe the same setbacks as the principal structure. There are two nonconforming accessory structures on the applicant’s property that are located within the required fifteen (15) foot side setback for an office use (ULMO Table 3).
2. ULMO Section 2.02-2 Table 4 requires a Class 3 buffer between an office use and an existing single family residential use. But the previously mentioned nonconforming accessory structures are located within the buffer yard area.
3. The existing house fronts on a collector road (California Ave,) with a front setback of thirty-two point seven (32.7) feet from the road right-of-way. ULMO Section 2.02-1 Table 3 requires a structure with an office use to have a front setback of forty (40) feet from the right of way of a collector street.

The variance request is for relief from Section 4.04 Conversion of Residential Property. The ULMO does not allow the conversion of a residential unit to commercial that cannot meet the standards for commercial uses set forth in the ordinance. The request includes the following:

1. A reduction of the required side yard setback from fifteen (15) feet to four point four (4.4) feet to accommodate the two nonconforming accessory

structures along the east side lot line. (Section 2.02-1 Dimensional Standards Table 3)

2. A waiver to not install a Class 3 buffer along the east side property line. (ULMO Section 2.02-2 Buffer yards Table 4)
3. A reduction of the required front yard setback from forty (40) feet to thirty-two point seven (32.7) feet measured from the right-of-way of a collector street. (ULMO Section 2.02-1 Dimensional Standards Table 3)

Laurie Horton presented a slide show presentation of the property. She stated that the applicants did not wish to tear down the existing two structures on the property.

Gerald Lawson opened the public hearing.

David McBride, applicant, was sworn in. He stated that this home was built in 1960 by his parents and the area was transitioning into commercial. The property next door has been abandoned and vacant for many years. He planned to convert the home into commercial use as an insurance office.

Gerald Lawson closed the public hearing.

David Long made a motion to grant the variance as requested to reduce the side yard setback from 15 feet to 4.4 feet and to waive the Class 3 buffer along the left side of the property and to reduce the front yard setback from 40 feet to 32.7 feet. Michael Henthorne seconded the motion. The vote carried unanimously.

Home Source Mortgage - Laurie Horton, Land Use Inspector, still under oath, presented the background information to the Board:

Mr. Jerome Hall, Contractor for the property owners, is requesting two variances from the Unified Land Management Ordinance: both from Section 2.02-1 Dimensional Standards Table 3 Commercial side and rear lot line set-backs.

The parcel is located at 156 South Blackstock Road near Spartanburg, SC.

The owners wish to build a new accessory structure in the back west corner of the lot. The structure was planned to be located five (5) feet from the north side lot line and five (5) feet from the rear lot line.

ULMO Section 3.21 requires accessory buildings to observe the same setback requirements as the principal structure when located contiguous to residential use lots.

Table 3 of ULMO Section 2.02-1 requires that the side set-back for a commercial use must be fifteen (15) feet and the rear setback shall be twenty (20) feet.

The owners are requesting the following variances:

1. A decrease in the required commercial side setback from fifteen (15) feet down to five (5) feet.
2. Reduce the required commercial rear setback from twenty (20) feet to five (5) feet.

Gerald Lawson opened the public hearing.

Darren Stroud, representing Home Source Funding Group, was sworn in. He presented several photos of the previous building on the site to the Board, which was entered into the record as Exhibit #1 & #2.

Barbara Knighton, 160 South Blackstock Road, was sworn in. She requested that a setback not be granted for the side of the property that adjoined the Knighton property. The Board informed Ms. Knighton that the reduction in the rear setback did not affect the Knighton side of property. She also voiced concern with water runoff in the ditch drainage area.

Mr. Stroud explained to Mrs. Knighton that they planned to landscape the property which would correct any water runoff issues.

Gerald Lawson closed the public hearing.

Craig Sims made a motion to grant the variance as requested to reduce the side setback from 15 feet to 5 feet and to reduce the rear setback from 20 feet to 5 feet. Roy Pinckney seconded the motion. The vote carried unanimously.

Quality Car Repair - Albert Lee, Land Use Inspector, still under oath, presented the background information to the Board:

Mr. Paul Sakalosl, applicant, is requesting a variance from ULMO Section 2.02-2 buffers Table 4.

The applicant wants to construct a commercial building to operate an auto body repair business out of. The lot to be developed is vacant and is located on Cannons Campground Road near Spartanburg, SC.

There is a single family residential use on the adjacent lot to the south of the applicant's lot. The Unified Land Management Ordinance (section 2.02-2) classifies an auto body repair shop as a high intensity commercial use and is required to have a Class 5 bufferyard installed when contiguous to lots with single family residential uses.

The applicant is requesting a variance to reduce the class of the bufferyard along the south side lot line from a Class 5 down to a Class 3.

Albert Lee presented a slide show of the property.

Gerald Lawson opened the public hearing.

Paul Sakalosl, applicant, was sworn in. He agreed with Mr. Lee's staff report of the project.

Robert Chapman, of 515 Bennett dairy Road, was sworn in. Mr. Chapman stated that He owned property to the rear and the north side of the new proposed body shop. He was concerned with any runoff from the auto chemicals coming onto his property from the body shop.

Albert Lee informed Mr. Chapman that a retention pond was not required on the property.

Edwin Haskell, County Attorney, explained to Mr. Chapman that all environmental issues are enforced by DHEC. Mr. Chapman needed to contact DHEC and file a formal complaint on the runoff issues in the area. In addition, the County Attorney explained that they had a storm water ordinance that would deal with storm water issues. He stated that the storm water ordinance would only deal with clean water runoff with no contaminants.

Gerald Lawson closed the public hearing.

The Board agreed that the proposed building could be moved over on the site plan to meet the required buffer yard and a variance was not needed.

David Long made a motion to deny the variance to reduce the required bufferyard along the south side lot line from a Class 5 down to a Class 3. Michael Henthorne seconded the

motion. The vote was five to one to deny the variance. The members in favor to deny the variance were David Long, Mike Henthorne, Craig Sims, Roy Pinckney and Marion Gramling. The member against the motion to deny the variance was Kyle Atkins.

T & G Investors - Laurie Horton, Land Use Inspector, still under oath, presented the background information to the Board:

T & G Investors, applicant, is requesting a variance from ULMO Section 4.04 Conversion of Residential Property. The property is located at 118 South Blackstock Road in Spartanburg, SC.

The Unified Land Management Ordinance Section 4.04 Conversion of Residential Property states, “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 applicant is proposing to change the use of the property from residential to a commercial use. There are two issues that are preventing the applicant from meeting the requirements of ULMO Section 4.04:

1. The properties on both sides of the applicant’s lot are residential use lots. ULMO Section 2.02-2 Table 4 requires a Class 3 buffer between a low intensity commercial use and existing single family residential uses.
2. The existing house sets approximately nine (9) feet from each side lot line. ULMO Section 2.02-1 Table 3 requires a structure with a commercial use to have side setbacks of fifteen (15) feet measured from the side lot lines.

The variance request is for relief from Section 4.04 Conversion of Residential Property. The ULMO does not allow the conversion of a residential unit to a commercial use that can not meet the standards for commercial uses set forth in the ordinance. The request includes the following:

1. A waiver to not install a Class 3 buffer along the north and south side property lines. (ULMO Section 2.02-2 Buffer yards Table 4)
2. A reduction of the required side yard setbacks from fifteen (15) feet to nine point three (9.3) feet along the south side lot line and eight point nine (8.9) feet along the north side lot line. (Section 2.02-1 Dimensional Standards Table 3).

Gerald Lawson opened the public hearing.

Todd Parris, applicant, was sworn in. He stated that all the properties in the area are transitioning into commercial.

Lisa Richardson, 114 S. Blackstock Road, was sworn in. She stated that she had lived in the area for 23 years on lot #7, and wanted more clarification on what the variance request was for. She was concerned with parking to the rear of the property.

Gerald Lawson closed the public hearing.

The Board asked Mr. Parris if they would be willing to place a wooden fence along the rear right side of the property against Lot #7 to block the view of traffic entering and exiting the property from the adjoining properties.

Mr. Paris agreed to place a fence along the rear right side property line.

David Long made a motion to grant the variance to reduce the required setbacks from 15 feet to 9.3 feet along the south side lot line and 8.9 feet along the north side lot line and to reduce the required bufferyard from Class 3 to a Class 1d under the stipulation that a wooden fence be placed at the rear of the house along the right property line. In addition the Board made a motion to waive the 30 day waiting period for the Development Permit to be issued. Roy Pinckney seconded the motion. The vote was unanimous.

Dollar General - Laurie Horton, Land Use Inspector, still under oath, presented the background information to the Board:

Mr. Tab Patton, applicant, is requesting a variance from ULMO Section 2.02-2 buffers Table 4.

The applicant wants to construct a commercial building to house a Dollar General Store. The lot to be developed is vacant and is located on New Woodruff Road (SC Hwy 101) right outside of Greer, SC.

There are single family residential uses on the adjacent lots to the north of the proposed new development. The Unified Land Management Ordinance (section 2.02-2) classifies a retail store as a medium intensity commercial use and is required to have a Class 5 bufferyard installed when contiguous to lots with existing single family residential uses.

The applicant is requesting a variance to reduce the class of the bufferyard along the north side lot line from a Class 5 down to a Class 1D.

Laurie Horton presented an ariel view of the property. She stated that the owner and engineer were present to speak on the elevation view of the property.

Gerald Lawson opened the public hearing.

Kelly Sellars, engineer, and Tab Patton, owner, were sworn in. They presented a map of the property showing elevation levels to the Board, which was entered into the record as Exhibit #1. The contour of the slope of the property will not allow for a block wall to be placed as a buffer yard. They would like to place a wooden fence along the north side lot line.

Elaine Headrick, of 417 New Woodruff Road, was sworn in. She was concerned with the lights coming into her home at night. She had requested a taller wooden fence with Leland Cypress to block the view of the light and sound as well.

Mr. Patton informed Mrs. Headrick that there would not be any wall lights on her side of the property.

Gerald Lawson closed the public hearing.

The Board agreed to approve under the stipulation that Leland Cypress would be planted outside the wooden fence on the north side of the property to block out sound and noise from the adjoining property owners.

Craig Sims made a motion to grant the variance as requested to reduce the required bufferyard from a Class 5 to a Class 2A under the stipulation that a six foot wooden fence be placed at the top of the slope on the north side of the property. Michael Henthorne seconded the motion. The vote was five to one in favor of granting the variance. The members in favor of the motion were Craig Sims, Michael Henthorne, Marion Gramling, Kyle Atkins and Roy Pinckney. The member against the motion was David Long.

5. Other Business

None

6. Adjourn

Craig Sims made a motion to adjourn. Michael Henthorn seconded the motion. The meeting adjourned at 6:05 p.m.

