

Unified Land Management Board of Appeals

May 27, 2008

4:30 p.m.

Members Present: Gerald Lawson
Craig Sims
Roy Pinckney
Gerald Noe
Marion Gramling
Kyle Atkins

Members Absent: David Long
Jackie Moss
Michael Henthorn

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 March 25, 2008

Roy Pinckney made a motion to approve the April 22, 2008 minutes as submitted. Gerald Noe seconded the motion. The vote carried unanimously.

3. Old Business

Appeal – Jarvis Allen - Albert Lee, Code Enforcement Officer, 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**

JD 's Storage – Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. J.D. George, owner, is proposing to build a 4440-square-foot storage building for his business.

The property, triangular in shape, fronts onto two streets—Highway 221 and Stella Drive. Stella Drive is not a publicly-maintained road.

According to the Unified Land Management Ordinance, Section 2-02-1, Table 3, Dimensional Standards, footnote (z) *All setbacks on roads are front setbacks as required by the road classification...* Highway 221 is an arterial street with a 50-foot setback and Stella Drive is a minor street with a 30-foot setback.

Mr. George is proposing to construct his building 20 feet from the right-of-way of Stella Drive, which requires a 10-foot variance.

All other requirements of the Ordinance will be met.

Gerald Lawson opened the public hearing.

Mr. J. D. George, owner, was sworn in. He stated that he needed extra storage space to store material and equipment.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to grant the variance as requested. Gerald Noe seconded the motion. The vote carried unanimous.

Eastcoast Granite & Tile – Laurie Horton, Land Use Inspector, already sworn in, presented the background information to the Board:

Mr. Ivan Karastawov, applicant, is requesting a variance from ULMO Section 4.04 Conversion of Residential Property. The property is located at 2536 Boiling Springs Road in Boiling Springs, SC.

The applicant was denied variances in the March 25, 2008 meeting of the Board of Appeals that would have allowed him to operate an industrial use on this site. He now intends to use the property as a show room for granite countertops, a medium intensity commercial use. This use classification does not allow for warehousing of the unfinished product, for outside storage of the unfinished product, nor the activity of finishing the product on this site.

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 48-inch plastic pipe (piping the creek under the drive) between the two buildings was installed for residential use and is a concern. This issue must be addressed by the Engineering Department before a development permit can be issued to convert this property. (Engineering is currently reviewing the situation and will have an answer by the date of the meeting.)

The applicant is proposing to change the use of the property from residential to a Medium Intensity Commercial Use. There are three issues that are preventing the applicant from meeting the requirements of ULMO Section 4.04:

1. The existing house fronts on an arterial road (Boiling Springs Road) with a front setback of forty-two point six (42.6) feet from the road right-of-way. ULMO Section 2.02-1, Table 3 requires a commercial use to have a front setback of fifty (50) feet from the right-of-way of an arterial street.
2. The lot is a double frontage lot and the existing building fronts on a collector street (Rocky Branch Road) with a setback of twenty-nine point three (29.3) feet from the road right-of-way. ULMO Section 2.02-1, Table 3 requires a front setback of forty (40) feet from the right-of-way of a collector street.
3. ULMO Section 2.02-1 Table 3 requires all commercial structures to observe a required setback of fifteen (15) feet from the side lot line. The building at the rear of the property sits 11.9 feet from the side property line at the end closest to the side property line.

- a. 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 can not meet the standards for commercial uses set forth in the ordinance. The request includes the following:
 1. A reduction of the required front yard setback for the existing house along Boiling Springs Road from fifty (50) feet to 42.6 feet measured from the right-of-way, a variance of 7.4 feet. (ULMO Section 2.02-1, Table 3, Dimensional Standards).
 2. A reduction of the required front yard setback for the garage along Rocky Branch Road from forty (40) feet to 29.3 feet measured from the right-of-way, a reduction of 10.7 feet. (ULMO Section 2.02-1, Table 3, Dimensional Standards).
 3. A reduction of the required side yard setback from fifteen (15) feet to 11.9 feet (Section 2.02-1, Table 3, Dimensional Standards).

Gerald Lawson opened the public hearing.

Mr. Ivan Karastawov, applicant, was sworn in. He stated that they were still cutting tile and were in the process of looking for another location. He stated that this building would be used for a show room. In addition, he informed the Board that the large cutting machine had not been removed off the property due to the size of the machine.

Laurie Horton stated that East Coast Granite and Tile had an extra building on the property which would store large slabs and samples of tile.

Gerald Noe and Kyle Atkins agreed that the applicants did not need to come back before the Board due to the fact that the use of the building had changed to a lower intensity, there had not been any complaints filed against the property and the trucks would be entering off of Rocky Branch Road.

Gerald Lawson closed the public hearing.

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

Spartanburg Water System Ice House - Laurie Horton, Land Use Inspector, already sworn in, presented the background information to the Board:

Spartanburg Water installed an ice machine at 8039 Asheville Highway. They received the development permit on February 21, 2008. Upon installation, the machine was placed too close to Asheville Highway and the right side property line. At final inspection, it was determined the machine did not meet the requirements of the Unified Land Management Ordinance Section 2.02-2, Table 3, Setbacks.

The ice machine is located on property with another commercial use—a laundromat.

Section 2-02-1, Table 3, Dimensional Standards, requires a 50-foot setback from the road right of way of an arterial street and a 15-foot setback from the right side property line for this use.

Mike Clardy, with Spartanburg Water, estimates the variance from Asheville Highway to be nine (9) feet and the variance from the right side property line to be five (5) feet.

All other requirements of the Ordinance met.

Laurie Horton presented a plat of the property to the Board which was entered into the record as Exhibit #1.

Gerald Lawson opened the public hearing.

Kevin Owens, Attorney for Spartanburg Water System, was sworn in. He stated that the ice house had been moved off the property to another location. He stated that he had spoken with the tenants and property owners, and there was nowhere else on the property to relocate the ice house.

Gerald Lawson closed the public hearing.

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

Little Man's Junk Yard #2 – Albert Lee, Codes Enforcement Officer, was sworn in and presented the background information to the Board:

Albert Lee presented to the Board a receipt from the fence company showing the work that had been done on the property as requested by the Board of Appeals in the May meeting.

Craig Sims stated that based on the information provided to the Board of Appeals as requested in the May meeting; he made a motion to grant Mr. Ivey his appeal so that he could pay his 2008 Junk Yard fees in order to be in compliance. Kyle Atkins seconded the motion. The vote carried unanimously.

5. Other Business

None

6. Adjourn

Kyle Atkins made a motion to adjourn. Gerald Noe seconded the motion. The meeting adjourned at 5:09 p.m.

