

Unified Land Management

Board of Appeals

July 22, 2008

4:30 p.m.

Members

Present:

Gerald Lawson
Craig Sims
Gerald Noe
Marion Gramling
David Long
Kyle Atkins
Michael Henthorn

Members

Absent:

Roy Pinckney
Jackie Moss

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 May 27, 2008

Kyle Atkins made a motion to approve the May 27, 2008 minutes as submitted. Craig Sims 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 and presented several photos to the Board.

Albert Lee asked the Board to give Jarvis Allen a deadline to close out his junk yard.

Craig Sims made a motion to give 60 days for Mr. Allen to clean up his junk yard. Marion Gramling seconded the motion. The vote was five to one in favor of the motion to grant 60 days. The members in favor of the motion were Kyle Atkins, Michael Henthorne, Craig Sims, Marion Gramling and David Long. The member against the motion was Gerald Noe.

4. **New Business**

Sigsbee Motor Co., LLC – Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

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

The applicant wants to open a used car business at 1300 New Cut Road, Spartanburg.

There are single-family residential uses on the adjacent lots to the north and west of the proposed business. The Unified Land Management Ordinance (section 2.02-2 table 4) requires a high intensity commercial use to have a Class 5 bufferyard installed when contiguous to lots with existing all other residential uses.

The applicant is requesting a variance to reduce the bufferyard from a Class 5 down to a Class 2.

All other requirements of the Ordinance will be met.

Gerald Lawson opened the public hearing.

Sidney Brown, tenant, was sworn in. Mr. Brown presented several photos to the Board which was entered into the record as Exhibit #1. He briefed the Board on the previous uses of the property and stated that the lot had remained empty from 1999 to present. Mr. Brown asked the Board to reduce the buffer yard from a cinder block wall to a wooden fence. He explained to the Board that if they purchased the vacant building next door then a cinder block wall could not be easily removed off of the property.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to reduce the buffer yard from a class 5 down to a class

2 d (a six foot wooden fence). David Long seconded the motion. The vote carried unanimously.

Highway 9 Auto Sales – Laurie Horton, Land Use Inspector, already sworn in, presented the background information to the Board:

Mr. Darren Powell, owner, is requesting a variance from ULMO Section 2.02-2 buffers Table 4.

The owner has leased the property at 1434 Boiling Springs Road to Joey Harrison to operate a used car business in the front of the property and Mr. Powell will use the rear of the property to park trucks and equipment for his business, Thompson Brothers Exterminating. This property was previously used as a beauty shop, which was classified as low intensity.

There is a single-family residential subdivision on the adjacent lot to the east of the proposed warehouse. The Unified Land Management Ordinance (section 2.02-2 table 4) requires a high intensity commercial use 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 bufferyard from a Class 5 down to a Class 3.

All other requirements of the ordinance can be met.

Laurie Horton presented a slide show presentation to the Board. She stated that Mr. Powell also owned the property for Powell Warehouse which adjoined the property with Highway 9 Auto Sales. She stated that he was asking to place Leyland Cypress as a buffer along the rear property line of both Highway 9 Auto Sales and Powell Warehouses.

She stated that Mr. Powell was present to ask for a variance for both properties but since they were two separate properties, they would have to be treated as two separate variance requests.

The Board agreed to hear both the cases together and vote as on as one variance request.

Powell Warehouse - Laurie Horton, Land Use Inspector, already sworn in, presented the background information to the Board:

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

The applicant wants to construct a 2800 square foot warehouse at 1436 Boiling Springs Road, Spartanburg.

There is a single-family residential subdivision on the adjacent lot to the east of the proposed warehouse. The Unified Land Management Ordinance (section 2.02-2 table 4) requires a high intensity commercial use 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 bufferyard from a Class 5 down to a Class 3.

All other requirements of the ordinance can be met.

All other requirements of the Ordinance met.

Gerald Lawson opened the public hearing.

Darren Powell, property owner of Highway 9 Auto Sales and Powell Warehouse, was sworn in. He stated that they cleared out trees in the rear of both properties and would like to use it as a parking area for company vehicles. Mr. Powell spoken with the rear adjoining property owner and they did not have a problem with Leyland Cypress trees to be planted as a buffer. The adjoining property owner did not want a block wall. Mr. Powell stated that he had owned both of the properties for several years which were used to store business materials.

Gerald Lawson closed the public hearing.

Laurie Horton stated that the Spartanburg County Engineering Department is requiring with the property owner to design proper water runoff. The Board agreed the area was transitioning into commercial.

David Long made a motion to grant the variance to reduce the class 5 buffer to a Class 3 A for 1434 Boiling Springs Road and 1436 Boiling Springs Road. Craig Sims seconded the motion. The vote carried unanimously.

5. Other Business

None

6. Adjourn

Craig Sims made a motion to adjourn. Kyle Atkins seconded the motion. The meeting adjourned at 5:00 p.m.

