

MINUTES
Unified Land Management
Board of Appeals
October 28, 2008
4:30 p.m.

Members Present: Gerald Lawson
Marion Gramling
Michael Henthorn
Ronald Stokes
Gerald Noe
Craig Sims

Members Absent: David Long
Jackie Moss
Kyle Atkins

Staff Present: Joan Holliday
Laurie Horton
Savannah Sabo
Billy Smith
Freelance Reporting Services, Transcriptions

1. Call to Order

Gerald Lawson called the meeting to order.

2. Approval of Minutes of September 23, 2008

Kyle Atkins made a motion to approve the September 23, 2008 minutes as submitted. Jackie Moss seconded the motion. The vote carried unanimously.

3. Old Business

None

4. New Business

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

Mr. Greg High, applicant, is requesting a variance from ULMO Section 4.04 Conversion of Residential Property. The property is located at 1714 Boiling Springs Road in Boiling Springs, 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 two issues that are preventing the applicant from meeting the requirements of ULMO Section 4.04:

1. The property to the rear of the applicant’s lot is a residential use lot in a subdivision. ULMO Section 2.02-2 Table 4 requires a Class 4 buffer between the proposed Office use and the existing single-family residential lot in a subdivision.
2. The lot is a double frontage lot and the existing house on a minor street (Shoally Street) with a setback of thirteen and a half (13.5) feet from the road right-of-way. ULMO Section 2.02-1 Table 3 requires a front setback of thirty (30) feet from the right of way of a minor street.
 - 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 Class 4 buffers down to a buffer not in the ordinance along the rear property line. (ULMO Section 2.02-2 Buffer yards Table 4)
2. A reduction of the required front yard setback along Shoally Street from thirty (30) feet to thirteen and a half (13.5) feet measured from the right-of-way. (ULMO Section 2.02-1 Dimensional Standards Table 3)

Gerald Lawson opened the public hearing.

Gregg High, representing Regions Property, was sworn in. He stated that they wanted to convert from residential use to commercial use, possibly as a real-estate office. There is an existing chain link fence to the rear of the property and they would like to use as much of the existing vegetation to the rear of the property without adding any more. They are asking for the minimum buffer yard requirements.

Louie Branton, adjoining property owner, was sworn in. He stated that he was concerned with privacy. He stated that Burger King also adjoined his property and he was good with the buffer yard that they used several years ago against his property. He would like more than a chain link fence, such as a 6' wooden privacy fence against his property.

Laurie Horton clarified to the Board that if the use was to change, then they would have to come back before the Land Use Board of Appeals. The project was for light office use only.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to grant the first variance request for a reduction in the rear bufferyard from a class 4 to a class 3d. Gerald Noe seconded the motion. The vote carried unanimously.

Craig Sims made a motion to grant the second variance request to reduce the required front yard setback from 30 feet to 13.5 feet. Marion Gramling seconded the motion. The vote carried unanimously.

5. Other Business

6. Adjourn

Craig Sims made a motion to adjourn. Ronald Stokes seconded the motion. The meeting

adjourned at 4:51 p.m.

