

**Unified Land Management
Board of Appeals
November 25, 2008
4:30 p.m.**

Members Present: Gerald Lawson
Marion Gramling
Michael Henthorn
Ronald Stokes
Gerald Noe
Craig Sims
Kyle Atkins
David Long

Members Absent: Jackie Moss

Staff Present: Joan Holliday
Laurie Horton
Allison Ezell
Edwin Haskell
Cannon Court Reporting, Transcriptions

1. Call to Order

Gerald Lawson called the meeting to order.

2. Approval of Minutes of October 28, 2008

Marion Gramling made a motion to approve the October 28, 2008 minutes as submitted. Ronald Stokes seconded the motion. The vote carried unanimously.

3. Old Business

None

4. New Business

East Coast Granite & Tile – Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Karastowov “Ivan” 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 was granted a variance to change the use to Medium Intensity on May 27, 2008.

He is using 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 applicant is proposing to change the use of the property from a Medium Intensity Commercial Use to a High Intensity Use, to allow for out door storage of granite materials.

Mr. Karastowov “Ivan” requests a variance from the Unified Land Management Ordinance Section 2.02-2 Bufferyards Table 4. A reduction in bufferyards from a class 4 to a class 2 along the left property line.

Gerald Lawson opened the public hearing.

Mr. Karastowov, applicant, was sworn in. He stated that he is using the property as a showroom for granite counter tops was asking for a buffer yard 2 instead of a buffer 4. They will not be cutting the granite slabs on the property.

Gerald Lawson closed the public hearing.

Ronald Stokes made a motion to approve the variance as requested. Craig Sims seconded the motion. The vote carried unanimously.

Gerald Noe entered the meeting.

Charles E. Huitt – Laurie Horton, Land Use Inspector, already sworn in, presented the background information to the Board:

Mr. & Mrs. Huitt live at 212 North Street Spartanburg. For many years the Huitts used an area of what they thought was their property for a driveway and a building. Mr. Frank Howell bought the adjoining property and had it surveyed. At that time Mr. Howell brought to their attention that their fence and building was on his property. The Huitt’s moved their building and fence and had a new driveway pipe installed.

They hired Carolina Carport to install a carport on their property. They “assumed” the company followed the proper procedures as far as permitting, etc. The carport was installed on the property line. No building permit was issued. I turned it over to the Building Codes office at that time. Mr. Padgett contacted the company and informed them that all structures required a permit no matter the size. He stated the importance of these permits and that the setbacks for these structures are given at the time of permitting. He advised the company to move the carport and to get a permit.

Matt Henderson, the attorney representing Mr. & Mrs. Huitt, is requesting a variance from the Unified Land Management Ordinance Section 2.02-1 Dimensional Standards Table 3a. The Huitt’s are requesting to leave the carport where it is, which would require a 5’ variance.

Gerald Lawson opened the public hearing.

Matt Henderson, Attorney representing the Howell’s, presented several photos to the Board, which was entered into the record as Exhibit #1. Mr. Henderson reiterated what Ms. Horton had already stated. He indicated that he would rather try this remedy than go to court for “squatter’s rights”.

Mr. Howell, adjoining property owner, was sworn in. He stated that when it rained the water coming off the roof of the garage caused his property to wash.

Gerald Noe asked if the photos were taken before or after Mr. Howell installed the landscaping. No photos had been made.

Ronald Stokes made a motion to grant the variance, as requested, with the stipulation that gutters be installed. Gerald Noe seconded the motion. The vote was unanimous.

5. Other Business

Craig Sims made a motion to accept the 2009 calendar with a change to October’s date. Kyle Atkins seconded the motion. The vote carried unanimously.

6. Adjourn

Marion Gramling made a motion to adjourn. Ronald Stokes seconded the motion. The meeting adjourned at 4:51 p.m.

