

**Unified Land Management  
Board of Appeals  
January 27, 2009  
4:30 p.m.**

**Members  
Present:**

Gerald Lawson  
Marion Gramling  
Ronald Stokes  
Craig Sims  
Kyle Atkins  
Jackie Moss

**Members  
Absent:**

David Long  
Gerald Noe  
Michael Henthorn

**Staff  
Present:**

Laurie Horton  
Allison Ezell  
Edwin Haskell  
Savannah Sabo  
Freelance Reporting Services, Transcriptions

**1. Call to Order**

Gerald Lawson called the meeting to order.

**2. Approval of Minutes of November 25, 2008**

Ronald Stokes made a motion to approve the November 25, 2008 minutes as amended. Jackie Moss seconded the motion. The vote carried unanimously.

**3. Old Business**

None

**4. New Business**

**Robert Shealy** – 1324 Hobbysville Road, Roebuck, SC 29376 (6-53-00-002.00). Laurie Horton, Land Use Inspector, was sworn in and presented the background information to the Board:

Mr. Robert Shealy, applicant, is requesting a variance from the Unified Land Management Section 2.02-6 Number of Principal Buildings on a lot.

The ordinance requires a lot, with two residential dwellings, to have adequate dimensions (*ex. Road frontage, setbacks, etc*) so it could be subdivided in the event that the ownership of the property is sold or transferred.

The applicant wants to place a second residential dwelling on a 289-acre lot that has no road frontage on a state or county maintained road. The ordinance requires one hundred (100) feet of road frontage along a maintained road for these uses.

The variance request is to reduce the minimum road frontage requirement of one hundred (100) feet to zero.

The property cannot be subdivided with both dwellings unless the following criteria were met; the two (2) new parcels would need to be flag lots. Section 2.05-4(3) would require the new parcels to have fifty (50) feet of road frontage each, due to the length of the flagpole sections and acreage.

Gerald Lawson opened the public hearing.

Robert Shealy, property owner, was sworn in. He presented several slides to the Board of the property. The slides included photos of the adjoining property which belonged to Roger Milliken, the gravel drive, which is approximately 6 inches, that leads up to the property which has been used and in the family since 1800's and an aerial view of the property. Mr. Shealy stated that he would like to place a second residential structure on the property for his son to live in.

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

Gerald Lawson closed the public hearing.

The Board agreed that Mr. Shealy had good access into the property off of Hobbysville Road and 300 acres to place the second structure on.

Ronald Stokes made a motion to approve the variance as requested.

Jackie Moss asked the County Attorney if there would be an issue with easement if the property was ever sold outside of the family.

Marion Gramling seconded the motion. The vote carried unanimously.

**Johnny Duncan Commercial Building** – 381 Old Furnace Road, Boiling Springs, SC 29316 (2-50-00-002.01). Laurie Horton, Land Use Inspector, already sworn in, presented the background information to the Board:

Mr. Johnny Duncan, applicant, is requesting a variance from Unified Land Management Ordinance to convert a personal storage building into a speculative commercial building.

There are two issues that are preventing the applicant from meeting the requirements of ULMO:

1. The building is 5.9 feet from the right property line. Section 2.02-1 Dimensional Standards, Table 3 requires a structure to have a 15-foot side setback.

2. ULMO Section 2.02-2 Bufferyards, Table 4 requires a Class 5 buffer between a High Intensity use and all other residential. A shared driveway is located within the required buffer yard area.

1. The variance requests are as follows:

1. A reduction of the required side yard setback from fifteen (15) feet to five point nine (5.9) feet. (Section 2.02-1 Dimensional Standards Table 3)
2. A waiver to not install a Class 5 buffer along the left side property line. (ULMO Section 2.02-2 Buffer yards Table 4).

Laurie Horton stated that the Board needs to vote on two variance requests which included side sets backs and to waive the class 5 buffer along the left side property line. She stated that Mr. Duncan owns the rental house to the left side of his property.

Gerald Lawson opened the public hearing.

Mr. Johnny Duncan, property owner, was sworn in. He stated that he purchased the property on August 28, 2008 and was not aware of the setbacks required by Spartanburg County. He presented two surveys to the Board which was entered into the record as Exhibit #1 and Exhibit #2. Mr. Duncan stated that he would like to rent out the existing building on the property for a small office. The building is approximately 1400 square feet.

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

**5. Other Business**

None

**6. Adjourn**

Kyle Atkins made a motion to adjourn. Ronald Stokes seconded the motion. The meeting adjourned at 4:56 p.m.

