

**Unified Land Management  
Board of Appeals  
June 23, 2009  
4:30 p.m.**

**Members Present:** Jackie Moss  
Gerald Noe  
Ronald Stokes  
Kyle Atkins  
Michael Henthorn

**Members Absent:** David Long  
Gerald Lawson, Chairman  
Marion Gramling

**Staff Present:** Joan Holliday  
Laurie Horton  
Allison R. Ezell  
Edwin Haskell  
Savannah Sabo  
Transcriptionist - Freelance

**1. Call to Order**

Jackie Moss called the meeting to order.

**2. Approval of Minutes of May 26, 2009**

Ronald Stokes made a motion to approve the May 26, 2009 minutes as submitted. Jackie Moss seconded the motion. The vote carried unanimously.

**3. Old Business**

None

**4. New Business**

**Van Delden (Sterling Estates)** – 335 Verdana Court, Boiling Springs (2-44-00-596.00). Allison Ezell, Enforcement Officer, was sworn in and presented the background information to the Board:

Mr. Van Delden, the homeowner at 335 Verdana Court, proposes to construct a screened in porch area on an existing concrete pad. Mr. Van Delden has indicated that this addition is allowed by his Home Owners Association.

The proposed addition will not meet the requirements of the ULMO in the following way:

The rear building setback required by the ULMO, Section 2.02-1, Table 3, Dimensional Standards requires a structure to have a 20-foot rear setback.

Mr. Van Delden requests the following variance:

A reduction of the required rear yard setback from 20 feet to 13.2 feet. (Section 2.02- 1 Dimensional Standards Table 3)

Allison Ezell stated that due to the pie shape of the property, this added to the set back issue and staff recommended approval.

Jackie Moss opened the Public Hearing.

Sebastian Van Delden, property owner, was sworn in. He stated that he was not aware that he needed a variance until after the slab was poured for the patio addition. Mr. Delden stated that the back yard was lined with 15 feet of Leland Cypress trees to buffer against the homes to the rear. In addition, the rear adjoining property owners homes are built a good distance away from the rear property line. He stated that he had spoken with all the adjoining property owners and they did not have a problem with the reduced rear setback.

Jackie Moss closed public hearing.

Ronald Stokes made a motion to approve the variance request due to the irregular shape of the property and the fact that the rear adjoining property owners homes were not close to the rear property lines. Kyle Atkins seconded the motion. The vote was unanimous.

**Casey Creek Baptist Church- 1199 Casey Creek Road, Chesnee (2-32-00-020.01)**

Laurie Horton Enforcement Officer was sworn in and presented the background information to the Board:

Mr. Norman Norton, applicant on behalf of Casey Creek Baptist Church, is requesting a variance from Unified Land Management Ordinance to construct a Family Life Center at 119 Casey Creek Road, Chesnee.

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

- (1). The proposed building will be 5.4 feet from the road right of way on Tennyson Meadows Lane. Section 2.02-1 Dimensional Standards, Table 3 requires a structure to have a 30-foot front setback on a Minor Street.
- (2). ULMO Section 2.02-2 Bufferyards, Table 4 requires a Class 4 buffer between an Institutional and single family residential on a Minor Street.

Casey Creek Baptist Church's variance requests are as follows:

- (1). A reduction of the required front yard setback from thirty (30) feet to feet to 5.4 feet. (Section 2.02-1 Dimensional Standards Table 3)
- (2). A waiver of the Class 4 buffer along Tennyson Meadows Court and the rear property line. (ULMO Section 2.02-2 Buffer yards Table 4)

Laurie Horton stated that staff recommended approval for the project due to fact that this used to be one piece of property.

Jackie Moss opened the public hearing.

Max Randolph, developer, was sworn in. He explained to the Board that in order for the church to get the property, they had to build the road in the original agreement, not knowing of setback issues for future development. He stated that Mr. Tennyson lives in the mobile home at the end of the cul-de-sac and was hoping he would speak on the church's behalf at the meeting. The subdivision has agreed to give the church some dirt at the end of the cul-de-sac to fill in for the new building.

Michael Henthorne asked about the design of the new building and was it designed for this particular parcel.

Mr. Randolph stated this was designed for this location. He also stated that the church owned the mobile home that was between Casey Creek and the proposed

building site. Ronald Stokes asked if the building could be moved closer to the mobile home without getting into setbacks. Mr. Randolph stated that would affect the number of parking spaces that the church would need.

Jackie Moss asked if the church would consider asking for a reduction of the buffer instead of waiving the buffer yard. Mr. Randolph stated that they would be willing to reduce the buffer yard requirements.

The board discussed the different options for a Class 3 buffer yard.

Gerald Noe did not agree with the variance request to waive the buffer yard, and stated that there appeared to be plenty of room. He was in favor of reducing the buffer yard.

Laurie Horton stated that the subdivision gave the property to the church and the church was therefore, not going to buffer against the homes at the rear property line, In addition, this is a minor road with no room for a buffer.

Jackie Moss closed the public hearing.

Kyle recommended for the subdivision and the church to come up with an agreement on a buffer yard.

Edwin Haskell explained to the Board they would need to vote the variance request up or down. They should not substitute the variance request without the adjoining property owners being present. He also suggested for the applicant to come back to the July meeting with the changes so that the adjoining property owners could be present. Mr. Haskell did state that the Board could vote separately on each variance request.

Kyle Atkins made a motion to grant the variance as requested and would like the church and adjoining property owners to draw up a private agreement. Ronald Stokes seconded the motion. The motion was three to one in favor of the variance request. The Board members in favor of the motion were Ronald Stokes, Michael Henthorne and Kyle Atkins. The Board member against the variance request was Gerald Noe.

## **5. Other Business**

None

## **6. Adjourn**

There being no further business, Ronald Stokes made a motion to adjourn. Kyle Atkins seconded the motion. The vote was unanimous. The meeting adjourned at 5:16p.m.