

Unified Land Management
Board of Appeals
July 28, 2009
4:30 p.m.

Members Present: Gerald Lawson, Chairman
Gerald Noe
Ronald Stokes
Michael Henthorn
David Long
Jim Brannon
Marion Gramling
Jackie Moss

Members Absent: Kyle Atkins

Staff Present: Laurie Horton
Allison R. Ezell
Sherry Dull
Albert Lee
Edwin Haskell
Don Arnold

1. Call to Order

Gerald Lawson called the meeting to order.

2. Approval of Minutes of June 23, 2009

Gerald Noe made a motion to approve the June 23, 2009 minutes as submitted.
Ronald Stokes seconded the motion. The vote carried unanimously.

3. Old Business

None

4. New Business

Meridian @ River Run – 121 Old River Road, Spartanburg (6-24-00-031.00). Allison Ezell, Enforcement Officer, was sworn in and presented the background information to the Board:

Meridian LLC is the owner of the Meridian at River Run Apartments (6-24-00-031.00 p/o). This parcel is located at Reidville Road and Old River Road. Two of the buildings encroach into a rear yard setback. The project has not yet been granted final approval and, thus, has not received Certificate of Occupancy.

The buildings (#s 200 & 400 as shown on the plat) do not meet the requirements of the ULMO in the following manner:

The two buildings encroach 0.41 feet into the 20-foot rear yard setback required by the ULMO, Section 2.02-1, Table 3, Dimensional Standards.

The owners, represented by partner Walter McGill, Jr., and the purchasers request the following variance:

A reduction of the required rear yard setback for the two apartment buildings from 20 feet to 19.59 feet. (Section 2.02-1 Dimensional Standards Table 3).

Ronald Stokes recused himself from the variance case.

Gerald Lawson opened the Public Hearing.

Frances Waddell, 250 Old River Road, was sworn in. Mrs. Waddell wanted clarification as to what the variance was and would it directly affect her property.

Gerald Lawson told her the variance would not affect her property and without the approval, the apartments would remain vacant and an eye sore.

Gerald Lawson closed public hearing.

Marion Gramling made a motion to approve the variance as requested. David Long seconded the motion with Ronald Stokes abstaining from the vote.

Ray Burrell- 341 Lyman Lake Road, Inman (1-50-04-001.01). Allison Ezell, already sworn in, presented the background information to the Board:

Ray Burrell, agent for the homeowner at 341 Lyman Lake Road, proposes to build a single-family home on this vacant, lakefront parcel which is a lot of

record. The owners wish to reduce the front setback in order to place the septic system between the house and the lake.

There are other houses in the area with reduced front yard setbacks.

The lot measures roughly 50'x100' and slopes toward the lake.

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

- The front building setback required by the ULMO, Section 2.02-1, Table 3, Dimensional Standards requires a structure to have a 20-foot front setback from road right-of-way on a minor street.

Mr. Burrell requests the following variance:

- A reduction of the required front yard setback from road right-of-way, from 20 feet to 5 feet. (Section 2.02- 1 Dimensional Standards Table 3)

Gerald Lawson opened the public hearing.

Joe Mitchell, surveyor, was sworn in. He stated that a road was built and a survey was done in 1956.

Gerald Noe asked if other homes were going to be in line with the proposed home.

David Long asked who made the hand written estimates on the GIS drawing and was it made by Joe Mitchell, who was the surveyor.

Marion Gramling questioned the topography on the lot and would there be a basement with the house plans.

Joe Mitchell stated that there was a 24 foot drop in elevation in a 60 foot to 70 foot distance.

Ronald Stokes asked who owned the property passed the pavement and road right of way area. Joe Mitchell referred the Board to Exhibit E, which showed the road right of way.

Gerald Lawson closed the public hearing.

Jackie Moss made a motion to grant the variance as requested. Ronald Stokes seconded the motion. The vote was unanimous.

Daniel Conner – 0 SC Highway 9, Campobello (1-11-00-055.10). Allison Ezell, already sworn in, presented the background information to the Board:

Mr. Daniel Connor, applicant, is proposing to place a second residential dwelling (a guest house) on a 25.76-acre lot 1-11-00-055.10 p/o) that has 25 feet of road frontage on a state-maintained road.

The ordinance requires 100 feet of road frontage along a maintained road, in this case, in order to allow for a second residential structure. It further requires that a lot with two residential dwellings must 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 subject property cannot be subdivided with 2 dwellings unless the following criteria were met; the two parcels would each be flag lots having 50' of road frontage to the State road. Section 2.05-4(3) would require the parcel to have one hundred feet of frontage. The property needs an additional 75 feet of road frontage due to the length of the flagpole sections and acreage.

The applicant is requesting a variance from the Unified Land Management Ordinance Section 2.02-6 Number of Principal Buildings on a lot.

The variance request would include a reduction in the minimum road frontage requirement of 100 feet to 25 feet.

Gerald Lawson opened the public hearing.

Daniel Conner, applicant, was sworn in. He stated that the property was approximately 26 total acres with the main dwelling being approximately 2000 to 2200 square feet with a guest house. They had no intention on subdividing in the future.

Gerald Lawson asked about the square footage of the guest house.

Daniel Conner stated that the guest home would be approximately 900 to 1000 square foot.

Jim Brannon asked if this was heated square footage.

Daniel Conner pointed out the location of the homes to the Board Members.

David Long asked how close the main home would be to the guest home.

Daniel Conner stated that the homes would be approximately 100 to 200 feet away from the guest home.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to grant the variance as requested due to it being a lot of record. David Long seconded the motion. The vote carried unanimously.

U Save/Auto Rental Sales – 35 Venture Blvd, Spartanburg (6-25-00-165.01).
Albert Lee, Code Enforcement Officer, was sworn in and presented the background information to the Board:

Mr. Johnny Betsill, applicant, is requesting a variance from ULMO Section 3.19.5 paragraph 5.

The applicant is the owner of an auto rental, body shop and impoundment lot located at 35 Venture BLVD, Spartanburg, SC. All are located on the same parcel.

The applicant purchased the property December 26, 2001, from Mr. Allan Howard. Mr. Howard at that time was running a wrecker service.

The applicant applied for an impound lot permit on December 26, 2001.

The Unified Land Management Ordinance (section 3.19.5 paragraph) requires that no junkyard shall be established closer than 1,000 feet from a church, school, daycare center, nursing home, health care facility, hospital, public building, public recreation facility, a concentration of ten or more contiguous residences, or closer than 500 feet from any single residence. An on-site residence at the junkyard by the owner or its agent is permitted. No junkyard shall be established closer than 1,000 feet to the following scenic corridors: S.C. Highway 9, 11, 56, 110 (Battleground Road), and U.S. Highway 26 and 85. After researching the matter of a complaint it was determined that the applicants impound lot did not meet ULMO Section 3.19.5 paragraph 5.

The applicants is requesting a variance to reduce the required the set-back from a daycare center from 1,000 feet to 960 feet. A variance of 40- feet.

Albert Lee presented a power point presentation to the Board.

Gerald Lawson opened the public hearing.

Johnny Betsill, property owner, was sworn in. He stated that he had approximately 30 to 35 rental vehicles on the property.

The complainant stated to the Board that there were too many vehicles on the property.

Mr. Betsill stated that he purchased the property in 2000 and had been in business for 23 years as a wrecker impound lot.

Warren Clayton, Attorney representing the complainant, presented several photos to the Board which was entered into the record as Exhibit #1. He pointed out various violations to the Board and presented a violation letter to the Board, which was entered into the record as Exhibit # 2.

Johnny Betsill restated that this was not a Junk Yard, but an Impound Lot.

Gerald Lawson stated that the Board was not here to determine if this was a junk yard or not.

Jackie Moss made a motion to go into Executive Session to get advice from the County Attorney. Gerald Noe seconded the motion.

Roanld Stokes made a motion to come out of executive session. Marion Gramling seconded the motion.

Marion Gramling stated that the variance request does not meet extraordinary and exceptional conditions to this particular piece of property.

Gerald Lawson closed the public hearing.

Marion Gramling made a motion to deny the variance request. Gerald Noe seconded the motion. The vote was unanimous.

5. Other Business

- a. Amendment to the ULMO-Design Standards

Chris Story gave a presentation of the Amendments to the ULMO-Design Standards.

The Board agreed that the Amendments to the ULMO was restrictive as far as the exterior of the commercial building requirements.

- b. Hand out other information regarding Board of Appeals

6. **Adjourn**

There being no further business, Ronald Stokes made a motion to adjourn. Marion Gramling seconded the motion. The vote was unanimous. The meeting adjourned at 6:45p.m.