



Spartanburg County

Planning and Development Department

Board of Zoning Appeals MINUTES

March 30, 2021

Members

Present:

Jack Gowan, Jr., Chairman
Michael Padgett, Vice Chairman
Kae Fleming
Thomas Davies
Angela Geter
Glenda Brady

Members

Absent:

Marion Gramling
Louise Rakes
Jason Patrick

Staff Present:

Joan Holliday, Interim Director
Rick Carpenter, Planner IV
Rachel Dill, Development Coordinator I

NOTICE: Pursuant to Section 30-4-80 of the S.C. Code of Laws, the annual notice of meetings for this Board was provided on or before January 1, 2015 via the County website. In addition, the Agenda for this Meeting was posted on the bulletin board at the entrance to the Administration Building as well as on the County's website and was emailed to all persons, organizations, and news media requesting notice.

1. Call to Order

Chairman Jack Gowan, Jr. called the meeting to order.

2. Approval of Minutes February 23, 2021 Meeting

Mike Padgett made a motion to approve the minutes as submitted. Tom Davies seconded the motion. The motion carried with a vote of 6 to 0.

3. Unfinished Business – None

4. New Business –

A. Variance Request:

Laney Lash Co.- 2351 Boiling Springs Rd.

Tax Map Number: 2-44-15-024.00

Variance On Side Setback- Primary Structure
 Variance On Side Setback- Accessory Structure
 Variance On Bufferyard

Rick Carpenter was sworn in and presented the following staff report(s):

Variance Request 1
Staff Report

Laney Lash Co.			
Meeting Date: March 30, 2021			
Reference Name	2531 Boiling Springs Rd.	Applicable Zoning Ordinance	ULMO
Zoning District		Partial Restrictive	
Factual Dates	Variance Application Received	3/1/2021	
	Deadline for Variance	3/2/2021	
	Public Notice	3/14/2021	
	Adjoining Property Owner Notification	3/15/2021	
	Variance Signs Posted on Property	3/15/2021	
	Pre-Submittal Meeting(s)	2/25,3/1	
Applicant	Jonathon & Amanda Walker		
Applicant Status	Owner		
Map Number	2-44-15-024.00		
Variance Case Number	VAR-03-21		

Request:

The applicant is requesting to reduce the total side setback required in Table 3b – Commercial & All Other Uses – Setbacks and Other Requirements of the Unified Land Management Ordinance.

Setback	Requirement	Request
Side	15 Feet	12.8 Feet

Background Information:

The subject site is currently occupied by a 1,560 square foot single-family residential dwelling and the lot is approximately .55ac. The applicant has proposed using the site for Laney Lash Co., which is classified as low intensity commercial in the ULMO. The structure, constructed in 1965, met the zoning requirements for residential setbacks. However, the applicant is proposing a conversion from residential to a commercial use. According to Section 4.04 of the ULMO - “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.” The conversion from residential to commercial triggered the change in side setback from five (5) feet to fifteen (15) feet.

Total Acreage:

2-44-15-024.00 – Approximate parcel acreage is 0.55 ac.

Applicable Ordinance and Zoning:

Section 2.02-1 Dimensional Standards, Table 3b – Commercial & All Other Uses – Setbacks and Other Requirements

Section 4.04 Conversion of Residential Property

Section 4.05 Transitioning Land Uses on Arterial Streets

Staff Planner(s):

Richard Carpenter – Planner IV

Staff Position:

Staff has determined that the commercial structure is non-conforming due to an encroachment into the side setback. This encroachment constitutes fifteen (15) percent, or approximately 2.2 feet, of the required setback. The applicant is proposing to convert one single family detached home to a commercial use. The use, Laney Lashes Co., is classified as low intensity commercial in the ULMO. The existing structure was designed to meet minimum residential setback standards, but the conversion to commercial has triggered the larger setback requirement. The following setbacks apply to this parcel and are required for commercial use on an arterial street:

Ordinance	Front Lot Line	Rear Lot Line	Side Lot Line
Residential Setbacks and Other Requirements	50 Feet	20 Feet	15 Feet

Commercial structures on arterial streets have a side setback of fifteen (15) feet, and the applicant has requested to reduce the setback to 12.8 feet. This reduction would allow the applicant the ability to convert the dwelling unit to a commercial use. This corridor along Boiling Springs Rd. is considered a transitional area where single-family residential properties are converting to commercial. This particular site would still not comply with the ULMO if this variance were to be approved. The subject site will need two additional variances from the Board of Zoning Appeals concerning another side setback encroachment and bufferyard requirements.

The staff position for this case is that granting the variance would meet the intent of the Ordinance. The increased setback requirement within a transitional zone, moving from residential to commercial, may become burdensome for landowners seeking to meet all aspects of the Ordinance on small lots. Along this corridor, residential lots were subdivided without consideration for future commercial use, and therefore, transitions may be unduly hard for property owners attempting to convert residential dwellings.

Staff Analysis:

The board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property

Staff Analysis. The hardship for this site is the location of the structure and the regulations triggered by the conversion from residential use to commercial. The original dwelling unit was designed to meet, and exceed, the residential setback requirements. However, the site is not compliant with commercial setback requirements. In order for the proposed project to proceed in any capacity, this setback variance would need to be granted, or the structure would need to be modified or demolished to meet the setback requirement.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

2. These conditions do not generally apply to other property in the vicinity

Staff Analysis. The conditions subjected to the site do not generally apply to adjacent properties. Parcels in the general vicinity do not share this burden, and relief through a variance could be exercised in this exceptional instance to preserve the intent of the ordinance.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Staff Analysis. The Strict application of the ordinance would likely eliminate the applicant's ability to utilize this parcel based on the parameters of their existing structure. The existing structure would not be able to convert to commercial without a variance for the side setback encroachment. The property would still be functional for residential purposes or for a newly designed commercial building, which meets setback requirements.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

Staff Analysis. The authorization of a variance, as it relates to the side setback encroachment for the main structure, may not have a negative impact on overall community character. The corridor where this parcel is located is primarily dominated by commercial use. In addition, the two properties abutting the site on the southern side are under contract for commercial development.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Staff Analysis. The primary argument for this variance is the location of the existing structure in relation to the side setback requirement. This commercial project could not proceed in any capacity at this location while utilizing the existing structure without the variance. This restriction is the basis for the applicant’s argument for unreasonable hardship due to the strict application of the ordinance.

Exhibits:

1. Context map
2. Application
3. Site design
4. Frontal view of project site

Variance Request 2
Staff Report

Laney Lash Co.			
Meeting Date: March 30, 2021			
Reference Name	2531 Boiling Springs Rd.	Applicable Zoning Ordinance	ULMO
Zoning District		Partial Restrictive	
Factual Dates	Variance Application Received	3/1/2021	
	Deadline for Variance	3/2/2021	
	Public Notice	3/14/2021	
	Adjoining Property Owner Notification	3/15/2021	
	Variance Signs Posted on Property	3/15/2021	
	Pre-Submittal Meeting(s)	2/25,3/1	
Applicant	Jonathon & Amanda Walker		
Applicant Status	Owner		
Map Number	2-44-15-024.00		
Variance Case Number	VAR-04-21		

Request:

The applicant is requesting to reduce the total side setback required in Table 3b – Commercial & All Other Uses – Setbacks and Other Requirements of the Unified Land Management Ordinance.

Setback	Requirement	Request
Side	15 Feet	5 Feet

Background Information:

The subject site is currently occupied by a 1,560 square foot residential dwelling and is approximately .55ac. The parcel has a 480 square foot garage that the applicant would like to retain for commercial purposes. The applicant has proposed using the site for Laney Lash Co., which is classified as low intensity commercial in the ULMO. The accessory structure met the zoning requirements for residential setbacks. However, the applicant is proposing a conversion from residential to a commercial use. According to Section 4.04 of the ULMO - “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.” The conversion from residential to commercial triggered the change in side setback from five (5) feet to fifteen (15) feet. The garage met the residential setback at five (5) feet but would be considered non-conforming based on fifteen (15) foot side setbacks.

Total Acreage:

2-44-15-024.00 – Approximate parcel acreage is 0.55 ac.

Applicable Ordinance and Zoning:

Section 2.02-1 Dimensional Standards, Table 3b – Commercial & All Other Uses – Setbacks and Other Requirements

Section 4.04 Conversion of Residential Property

Section 4.05 Transitioning Land Uses on Arterial Streets

Staff Planner(s):

Richard Carpenter – Planner IV

Staff Position:

Staff has determined that the accessory building for the commercial project is non-conforming due to an encroachment into the side setback. The garage is twenty (20) by twenty-four (24) feet and is situated on a permanent foundation. The encroachment constitutes sixty-seven (67) percent, or approximately 10 feet, of the required setback. The applicant is proposing to convert one single family detached home to a commercial use. The use, Laney Lashes Co., is classified as low intensity commercial in the ULMO. The existing accessory structure was designed to meet minimum residential setback standards, but the conversion to commercial has triggered the larger setback requirement. The following setbacks apply to this parcel and are required for commercial use on an arterial street:

Ordinance	Front Lot Line	Rear Lot Line	Side Lot Line
Residential Setbacks and Other Requirements	50 Feet	20 Feet	15 Feet

Commercial structures have a side setback of fifteen (15) feet and the applicant has requested to reduce the setback to five (5) feet. This setback reduction would allow the applicant the ability to use the accessory structure for storage. The garage would also serve as additional screening for the proposed parking area adjacent to the single family home that is located north of the site. This particular site would still not comply with the ULMO if this variance were to be approved. The subject site will need two additional variances from the Board of Zoning Appeals concerning another side setback encroachment and bufferyard requirements.

The staff position for this case is that granting the variance would meet the intent of the Ordinance. The increased setback requirement within a transitional zone, moving from residential to commercial, may

become burdensome for landowners seeking to meet all aspects of the Ordinance on small lots. Along this corridor, residential lots were subdivided without consideration for future commercial use, and therefore, transitions may be unduly hard for property owners attempting to convert residential dwellings.

Staff Analysis:

The board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

5. There are extraordinary and exceptional conditions pertaining to the particular piece of property

Staff Analysis. The hardship for this site is the location of the accessory structure and the regulations triggered by the conversion from residential use to commercial. The garage was designed to meet the residential setback requirements. However, the site is not compliant with commercial setback requirements. Due to the permanent foundation, this structure would need to be demolished if the variance were to be denied.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

6. These conditions do not generally apply to other property in the vicinity

Staff Analysis. The conditions subjected to the site do not generally apply to adjacent properties. Commercial parcels in the general vicinity do not appear to be residential to commercial conversions, and therefore, do not share those limiting factors. However, the applicant only needs to move or remove the structure to meet the Ordinance, as there is ample room on the property for storage.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

7. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Staff Analysis. The Strict application of the ordinance would not prohibit the applicant from operating their business. However, removal or movement of the accessory structure may be considered an unreasonable restriction. The structure is located on a permanent foundation, which could make relocation difficult.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

8. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

Staff Analysis. The authorization of a variance, as it relates to the side setback encroachment for the accessory structure, would allow the site to retain some of the residential character and provide a partial buffer for the proposed use. The corridor where this parcel is located is a mixture of residential and commercial use. Although, two of the adjacent residential parcels are under contract to convert to commercial use.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Staff Analysis. The primary argument for this variance is the location of the existing accessory structure in relation to the side setback requirement. This commercial project would be able proceed at this location without the variance. However, demolishing or relocating the permanent garage may constitute an unreasonable restriction.

Exhibits:

- 5. Context map
- 6. Application
- 7. Site design
- 8. Frontal view of project site

Variance Request 3

Staff Report

Laney Lash Co.			
Meeting Date: March 30, 2021			
Reference Name	2531 Boiling Springs Rd.	Applicable Zoning Ordinance	ULMO
Zoning District		Partial Restrictive	
Factual Dates	Variance Application Received	3/1/2021	
	Deadline for Variance	3/2/2021	
	Public Notice	3/14/2021	
	Adjoining Property Owner Notification	3/15/2021	
	Variance Signs Posted on Property	3/15/2021	
	Pre-Submittal Meeting(s)	2/25,3/1	
Applicant	Jonathon & Amanda Walker		
Applicant Status	Owner		
Map Number	2-44-15-024.00		
Variance Case Number	VAR-05-21		

Request:

The applicant is requesting to reduce the total side bufferyard required in Section 2.02-2 Bufferyards

Bufferyard	Requirement	Request
Side	Bufferyard 3 (reduced to 2) 10 feet	No bufferyard

Background Information:

The subject site is currently occupied by a 1,560 square foot residential dwelling and is approximately .55ac. The applicant has proposed using the site for Laney Lash Co., which is classified as low intensity commercial in the ULMO. Based on available site information, the parcel was compliant with the ULMO residential standards. However, the applicant is proposing a conversion from residential to commercial use while utilizing existing structures. According to Section 4.04 of the ULMO - “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.” The conversion from residential to commercial triggered the change in the bufferyard requirement.

Total Acreage:

2-44-15-024.00 – Approximate parcel acreage is 0.55 ac.

Applicable Ordinance and Zoning:

Section 2.02-2 Bufferyards

Section 4.04 Conversion of Residential Property

Section 4.05 Transitioning Land Uses on Arterial Streets

Staff Planner(s):

Richard Carpenter – Planner IV

Staff Position:

Staff has determined that the proposed commercial project, Laney Lash Co., is classified as low-intensity commercial. This type of use, located adjacent to single-family residential, has a bufferyard three (3) classification. According to Section 4.05 of the ULMO, in cases where it is determined by the Planning Department staff that residential land uses along arterial streets are in the process of transitioning to commercial, industrial, and office development, Planning Department staff, upon review and approval of the Planning Director, has the option of reducing the required bufferyard between an existing residential use and a proposed commercial or office use by one bufferyard class increment. This drop in bufferyard classification will reduce the requirement to a bufferyard two (2) classification. A bufferyard two (2) classification is ten (10) feet wide and may include varying configurations of vegetation and/or a six (6) foot fence. The property line along the southern aspect of the site does not contain a required bufferyard due to anticipated commercial use. Although the adjacent parcel still possesses a residential appearance, the site is under contract for proposed commercial use.

Parking for the site is constrained due to other buffer requirements on the site and a septic tank. The applicant has proposed parking in the rear of the structure adjacent to the handicap access ramp. In order for the site to meet the parking requirements in the ULMO, there must be a minimum of twelve (12) spaces available. Additionally, in order for the site to meet parking lot design standards in the ULMO, the parking in the rear must be at a thirty (30) degree angle. The angled parking would allow for one (1) directional travel and a driving isle of eleven (11) feet instead of twenty-four (24). The area along the street frontage can accommodate approximately seven (7) parking spaces, leaving five (5) that must be located behind the structure. There is room for access on either side of the structure and the applicant has proposed utilizing the northern side for ingress and the southern side for egress. However, the northern aspect of the site contains the ten (10) foot bufferyard requirement.

The applicant wishes to seek relief from the strict application of the zoning ordinance in relation to the bufferyard 2 requirement. This bufferyard reduction would allow the applicant the ability to meet the parking requirement while utilizing the access along the northern property line. The applicant has

proposed adding a six (6) foot tall wooden fence to screen the parking in the rear. In addition, the garage would serve as additional screening against the adjacent single-family home. This corridor along Boiling Springs Rd. is considered a transitional area where single-family residential properties are converting to commercial. This particular site would still not comply with the ULMO if this variance were to be approved. The subject site will need two additional variances from the Board of Zoning Appeals concerning side setback encroachments.

The staff position for this case is that granting the variance could meet the intent of the Ordinance provided that there is approved alternative compliance. The commercial bufferyard requirement within a transitional zone, moving from residential to commercial, may become a moot point as properties transition to commercial. While researching this case, it became known that the two parcels south of this site are under contract for commercial development, thus negating what would have been a bufferyard 2 requirement. The applicant has proposed a 6' wooden fence as a means of alternative compliance. Along this corridor, residential lots were subdivided without consideration for future commercial use, and therefore, transitions may be unduly hard for property owners attempting to convert residential dwellings.

In addition, staff recommends that the applicant's proposed alternative compliance measure, the six (6) foot wooden fence, be required as a condition of approval if the variance is granted. This fence should be extended along the property line from the garage to the street frontage without interfering with the sight triangle.

Staff Analysis:

The board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

9. There are extraordinary and exceptional conditions pertaining to the particular piece of property

Staff Analysis. The hardship for this site is the location of the septic tank, other buffer requirements, drive aisle widths, and the required parking standards. Due to the septic tank, it would likely not be possible for the applicant to dedicate a full twenty-four (24) foot drive aisle for parking on the southern aspect of the property. According to Spartanburg Sanitary Sewer, this location does not have the option to tie into a sewer line and avoid using the septic system. This, combined with the thirteen (13) foot drive isle on the northern side of the lot, restrict the applicant's options for meeting the parking requirement.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

10. These conditions do not generally apply to other property in the vicinity

Staff Analysis. The conditions subjected to the site do not generally apply to adjacent properties. Commercial parcels in the general vicinity do not appear to be residential to commercial conversions, and therefore, do not share those limiting factors.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

11. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Staff Analysis. The Strict application of the ordinance might prohibit the applicant from operating their business without the need for an additional variance. Due to site restrictions, the applicant might have to

perform significant site alterations to make the site viable for commercial use without the issuance of this variance.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

12. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

Staff Analysis. The authorization of this variance, as it relates to the bufferyard requirement, would remove required buffering along the residential use; however, the applicant has proposed installing a six (6) foot wooden fence to screen the parking in the rear. The corridor where this parcel is located is primarily dominated by commercial use. Additionally, the two properties abutting the site on the southern side are under contract for commercial development. It is possible that in the future, the residential property along the northern boundary line will transition to commercial. At this point, the bufferyard requirement may become invalid.

See Exhibit 2 for the applicant's response to the hardship caused by strict application of the Ordinance.

The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Staff Analysis. The primary argument for this variance is the location of the existing primary structure, garage, and septic tank in relation to the bufferyard and parking requirements. This commercial project might not be able to proceed at this location without the variance.

Exhibits:

- 9. Context map**
- 10. Application**
- 11. Site design**
- 12. Frontal view of project site**

Rick Carpenter, Planner IV, presented all three variance requests to the Board. Mr. Carpenter said that the applicant was seeking a reduction in the side setbacks and bufferyard of the property. He stated that the applicants, Jonathan and Amanda Walker, were present for any questions.

Mr. Carpenter started with the first variance request to reduce the required 15' side setback to 12.8'. He said that the second request was to reduce the 15' side setback to 5' for the existing accessory structure and explained it would be used for commercial storage. The property and structures were previously used for residential and the structures did meet the residential setbacks, but not the required setbacks for commercial use. He also said that all structures consisted of a brick and mortar foundation. Mr. Carpenter presented the last variance request which was a reduction in the type 3 required bufferyard adjacent to a residential detached home.

Mr. Carpenter explained that the area along this portion of Boiling Springs Road was transitioning from residential to commercial and that some of the nearby properties would

possibly submit for variance requests at a later date. Mr. Carpenter stated that the Landscape Administrator was able to administratively reduce the bufferyard to a type 2, but could not further reduce the requirement, which was what prompted the variance request from the board. He showed the board images of the property that warranted the request for a total reduction of the bufferyard. The limited amount of space for parking warranted a need for parking in the rear and a turnout.

Mr. Carpenter showed the board images of the most recent site plan of the property. He indicated the area where the septic tank was located. He said that he had spoken with all appropriate departments for encroaching upon a septic tank, and that the septic tank location was instrumental in the overall need for the turnout and parking locations.

Mr. Carpenter indicated to the board where the applicant had agreed to a 6' wooden fence that would extend along the entire area of the property line adjacent to the residential detached home. Chairman Gowan asked for clarification on where the wooden fence would be installed and in what direction. Tom Davies asked who owned the existing chain link fence. Mr. Carpenter said that the neighboring property was the owner of the chain link fence. Chairman Gowan asked how and what would be done to ensure the maintenance of the fence. Mr. Carpenter explained that it would be complaint driven if there were issues with the integrity of the fence.

Mike Padgett expressed concern over the drainage lines of the septic tank. Mr. Carpenter said that he had spoken with SCDHEC and Engineering about the issue.

Glenda Brady asked if the parking area would be asphalt and where the entrance and exit would be located for the rear of the property. Mr. Carpenter showed the board where the ingress and egress would be located on the sides of the structure and stated that the parking area would be gravel. He also remarked that the gravel would be an asset for the drainage lines of the septic tank. Kae Fleming and Angela Geter requested to be shown on the site plan where the parking spaces would be located. Mr. Carpenter indicated the area where a swimming pool was previously located and had been filled in. He also said that the parking spaces would be 30 degrees. Mike Padgett asked why the property could not have one entrance and one exit instead of the layout as proposed. Mr. Carpenter said that the ordinance would have prohibited the layout with one entrance and exit. Tom Davies asked where the handicap spaces were located. Mr. Carpenter said that the requirement was for one handicap spot and that it was located on the northern front side of the structure.

Jack Gowan asked where sewer was located. Mr. Carpenter explained that sewer was too far away to be tapped into.

Kae Fleming asked what the width requirement would be for one entrance and exit to the rear parking area. Mr. Carpenter said it would be 24' without a variance. He said that 30 degree parking spaces would be an 11' requirement.

Glenda Brady asked Mr. Carpenter to explain once more why the requirement for individual entrance and exits were required.

Mr. Carpenter stated that it was to create a safe driving area as required in the ordinance for parking lot aisle drives. Joan Holliday asked Mr. Carpenter to confirm that there is only one entrance and exit on Boiling Springs Road, and that the one-way traffic all happened internally to the site. Mr. Carpenter confirmed that this was the case.

Glenda Brady asked what type of business Laney Lash Co. would be. Mr. Carpenter said that it would be a salon and considered low intensity commercial.

Tom Davies asked what would happen if the property was sold in the future. Mr. Carpenter said that if the type of use changed, then the variance would not continue with the property, but if the use remained the same, then the variance would run with the land.

Chairman Gowan asked if there were any more questions for staff. There being none, he opened the public hearing.

Property owners, Amanda and Jonathan Walker, were sworn in to speak in favor of the variance. Jonathan Walker said that he had originally submitted a one way in and one way out with 90 degree parking in the rear and that planning staff had indicated that the layout had to change. Amanda Walker asked if it would be okay to request the one way in and one way out. Mr. Carpenter said that it would need to be a separate request or an appeal of the decision made by staff.

Tom Davies asked for an explanation of the type of business. Mrs. Walker said that she would be doing lash extensions and that her goal was to hire additional staff to perform other services by an esthetician.

Mrs. Walker wished to address the concern over the handicap parking location and entrance into the facility. She said that the ramp was located in the rear of the property and that the front entrance would open into an office area. Kae Fleming asked about the area along the structure and the safety concerns about the location of the handicap space to the entrance of the building. Mr. Carpenter said that the request today did not include the handicap parking, and that staff would go in depth with any safety issues or concerns during the minor land application review.

Chairman Jack Gowan asked if there were any more questions for Mr. and Mrs. Walker. The being none, Mr. Gowan thanked them for their time.

There being no one else to speak, Chairman Gowan closed the public hearing. The board discussed the issues among themselves.

Mike Padgett made a motion to grant the variance request for a reduction in the side setback of 15' to 12.8' on the determination that the request meets all the criteria for granting a variance as set forth in Section 5.02-2(2) of the ULMO and the SC Local Government Comprehensive Planning Enabling Act (SC Code of Laws, Title 6, Chapter 29) as expressed in the Staff Report. Kae Fleming seconded the motion. The motion carried with a vote of 6 to 0.

Glenda Brady made a motion to grant the variance request for a reduction in the side setback of 15' to 5' on the determination that the request meets all the criteria for granting a variance as set forth in Section 5.02-2(2) of the ULMO and the SC Local Government Comprehensive Planning

Enabling Act (SC Code of Laws, Title 6, Chapter 29) as expressed in the Staff Report. Tom Davies seconded the motion. The motion carried with a vote of 6 to 0.

Tom Davies made a motion to grant the variance request for a total reduction on the bufferyard, contingent upon staff recommendation to install a 6' wooden fence adjacent to the residential detached home, on the determination that the request meets all the criteria for granting a variance as set forth in Section 5.02-2(2) of the ULMO and the SC Local Government Comprehensive Planning Enabling Act (SC Code of Laws, Title 6, Chapter 29) as expressed in the Staff Report. Kae Fleming seconded the motion. The motion carried with a vote of 6 to 0.

4. Other Business - None

5. Adjourn

There being no other business, Tom Davies made a motion to adjourn. Angela Geter seconded the motion. The motion carried with a vote of 6 to 0.