



Board of Zoning Appeals Minutes April 25, 2023

Members Present: John Wells, Chair
Jack Bellaire
Andrew Karas
Tony Axsom

Member Not Present: Erik Dabrowski, Vice Chair

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

Michael Berry called the meeting to order at 6:05 PM, and read the opening remarks.

II. FOIA and Roll Call by Planning & Zoning Administrator, Establishment of a Quorum

Mr. Berry read the FOIA statement, conducted roll call, and established a quorum for the record.

III. Minutes of the Board of Zoning Appeals

Mr. Wells asked for a motion to approve minutes from April 4, 2023. Mr. Bellaire made a motion to approve the minutes as submitted. Mr. Karas seconded the motion. All in Favor. Motion carries.

IV. New Business

Mr. Wells opened the Business Meeting for the following item:

A. VA-2023-06

Mr. Hal Harrison presented applicant's packet, and stated he requests to build a residential storage building to store equipment, trailer, and a boat in the winter. He stated a large gully in the center of the property is difficult to build a principal residential home and he wants to as much natural vegetation as possible, minus the area for a driveway and construction of building. He also stated he plans to install a perimeter fence around the property.

Mr. Wells opened the public hearing.

Mr. Cecil Young, 108 Cardinal, stated he believes the zoning classification is incorrect and request a verification. He also stated he opposes the request, due to the potential to decrease the surrounding property values.

Mr. Roy Atkinson, 400 Locust St, stated he is opposed to the request due to access into the property and the difficult sight lines for this area with the hill at the railroad crossing is difficult, he is also concerned where the structure will be located in proximity to his parcel.

Mrs. Ann Bailey, 400 Locust St, is concerned about the increase in traffic and she believes the trailers turning in and out of the parcel could create safety concerns for the many people traveling along Locust St.

Mr. Karas asked are you planning on building a residence, Mr. Harrison stated he does not, and he only plans to travel in and out of the parcel once or twice a week.

Mr. Karas stated this is zoned for residential and Spartanburg County will determine where the driveway will be located, and the shed will be an accessory use, and an accessory structure is not allowed without a principal structure.

Mr. Wells stated if we allow the storage building, applicant will have to follow regulations for Town of Lyman.

Mr. Berry presented staff analysis, and stated the parcel is zoned RM, and received no comments since last meeting in regards to this case.

Mr. Harrison asked Mr. Berry if the property is zoned RM, can multi family use be constructed?

Mr. Axsom, asked if Mr. Berry is sure the parcel is zoned RM, Mr. Berry stated the property is zoned RM, and has been zoned RM since his employment and the older maps in our office show this parcel as RM.

ACTION:

Mr. Karas made a motion to deny the variance for a permitted use of an accessory structure without a principal structure. Mr. Bellaire seconded the motion. All in Favor. Motion carries.

B. VA-2023-08

Mr. Dean Hinson presented applicant's packet, and stated he requests relief from the side setback of 10 feet to a proposed 2 ft.

Mr. Axsom asked has an application been submitted, Mr. Berry stated yes an application was approved and we informed applicant of the 10 ft setbacks required from rear and side. Mr. Axsom asked if the contractor was aware of the required 10 ft setback, Mr. Hinson stated he sent the information to the contractor, and he was unaware of the required 10 ft requirement prior to Mr. Berry's report.

Mr. Bellaire asked if the shed is built on a foundation or sleds? Mr. Hinson stated the shed is supported on block foundations.

Mr. Bellaire, asked what is the distance from the waterline, shown in your site plan. Mr. Hinson stated the shed is approximately 10 feet from the waterline.

Mr. Karas asked how did staff see this shed? Mr. Berry stated we observed the violation upon final inspection.

Mr. Wells asked if a perimeter fence is installed, Mr. Hinson stated a black vinyl fence, with a green covering, surrounds his property.

Mr. Wells opened the public hearing, no comments provided.

Mr. Berry presented staff report and received no comments for this case.

Mr. Axsom stated the contractor did not review the information provided by Town of Lyman Staff, and the builder should be responsible for compliance with Lyman standards.

ACTION:

Mr. Axsom made a motion to approve the variance of relief from the required 10 ft setback to current 2 ft setback, to prevent future hardships for applicant based on no wrongdoing. Mr. Wells seconded the motion. All in Favor. Motion carries.

C. VA-2023-09

Mrs. Shuwana Eargle presented applicant's packet, and stated HOA approved the shed, and she was not aware the Town of Lyman needed to be involved. Shed was delivered and matches color of home and requests relief from the side setback of 10 feet to a proposed 6 ft based on current propane fuel/gas tank location and size of lot.

Mr. Wells stated majority of subdivisions HOA do not provide adequate information to the residents for requirements with Town of Lyman for fences or sheds.

Mr. Wells opened the public hearing.

Mr. Brad Fincham, 1801 Rosalyn Dew, is in support of applicant, and mentions there is no information in the packet provided by the builder of the required setbacks and HOA documents did not provide any insight.

Mr. Brian Eargle, 1700 Roxanne Sue, stated electrical power is currently installed to the shed and it would be difficult to re-locate this powerline.

Mr. Berry presented staff report and has received no comments on this case.

ACTION:

Mr. Bellaire made a motion to approve the variance of relief from the required 10 ft setback to current 6 ft setback. Mr. Wells seconded the motion. All in Favor. Motion carries.

VI. Adjourn

There being no other business to discuss, Mr. Axsom made a motion to adjourn. Mr. Bellaire seconded the motion. All in Favor. The meeting adjourned at 7:00 p.m.