

**CHAPIN ZONING BOARD OF APPEALS
REGULAR MEETING
CHAPIN TOWN HALL
157 NW COLUMBIA AVENUE**

January 20, 2022 - 4:00 PM

AGENDA

1. CALL TO ORDER, DETERMINE QUORUM, & SC FOIA COMPLIANCE STATEMENT
2. APPROVAL OF MINUTES
 - a. September 23, 2021 meeting minutes
3. NEW BUSINESS
 - a. Election of Chair and Vice Chair
 - b. Approval of 2022 Meeting Schedule
 - c. Update to BZA policies and procedures
4. OPEN TIME FOR BZA AND STAFF
5. ADJOURN

PLEASE NOTE: COVID-19 protocols will be in place. Social distancing will be observed and those in attendance of the meeting are encouraged to wear a face mask/covering.

CHAPIN TOWN COUNCIL MEETING

PUBLIC COMMENT POLICY

PROCEDURE:

Persons wishing to make public comments concerning any municipal matter, with the exception of personnel and contractual matters, shall first sign in with the Municipal Clerk before the meeting and provide the following information:

1. Name, Address, and Contact Information;
2. Topic of Public Comment; and
3. Indicate whether a Chapin Resident, Chapin Water/Sewer Customer, or Reside in the Chapin Water/Sewer District.

Comments are limited to two minutes per person and no personal or verbal attacks will be entertained. The Council is interested in hearing your concerns, but speakers should not expect action or deliberation on subject matter brought up during any Public Comments on the agenda. Topics requiring further investigation may be referred to Town Staff and may be scheduled for a future agenda.

DEFINITIONS:

Chapin Resident: Reside in Town limits.

Chapin Water/Sewer Customer: Customer of the designated Chapin Water/Sewer District - Including an owner or operator of a local business.

Reside in Chapin Water/Sewer District: Reside in the designated Chapin Water/Sewer District – Area of Lexington County north of Lake Murray.

APPEARANCE OF CITIZENS

Town Code 2.212 – Any citizen of the Town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters. Persons desiring to be placed on the agenda shall notify the Municipal Clerk not less than a week prior to the meeting. The request shall be in writing stating the reason therefor.

**BOARD OF ZONING APPEALS
MEETING MINUTES**

**Thursday, September 23, 2021
6:00 P.M.**

**Town Hall
157 NW Columbia Ave, Chapin**

Members Present: Member Walt Shealy, Member Jesse Bray, Member Brad Grooms

Members Absent:

Staff Present: Zoning Administrator (ZA) Kevin Singletary, Town Clerk Shannon Bowers

Guests: Mr. Robert Barber

Call to Order: Town Clerk Bowers called the meeting to order at 6:02 p.m., determined there was a quorum.

With the resignation of Chair Frank Mock and Vice Chair Steve Wall, nominations were held to elect a Chair for the remainder of the 2021 meeting calendar. Member Grooms nominated Jesse Bray. Town Clerk Bowers called for a vote electing Member Bray as the Chair. All in favor motion carried.

Chair Bray acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member Grooms moved to accept the Board of Zoning Appeals (BZA) meeting minutes of September 2, 2021 as submitted. Member Shealy seconded the motion. All were in favor, motion carried.

New Business

Variance Request for variance for appeal no. 21-08-20-001 for property located at 104 Glenwood Drive: The ZBA reviewed a Notice of Appeal - Form 1 and Variance Application – Form 3 from Mr. Robert Barber requesting a variance from the Parking Requirements in Section 803 (a) of the Chapin Zoning Ordinance for property located at 104 Glenwood Drive.

ZA Singletary explained, in the absence of the applicant, this variance request to keep an RV in the driveway, located off the side yard at 104 Glenwood Drive. Section 803 (a) states no mobile recreational equipment or vehicle shall be parked or stored on any lot in a residential district for more than twenty-four (24) hours, other than in a carport, enclosed building, or rear yard. Mr. Barber's application cited being a wounded combat veteran, topography of the rear yard, and that the property is designed to be handicap accessible as reasons for the unnecessary hardship case. Staff's recommendation is to deny the variance request as staff does not believe this to be a hardship case as not all criteria for a hardship have been met.

Public Comments: Mr. Michael Cameron, a resident at 103 Glenwood Dr., spoke for zoning ordinance enforcement. He stated he was in violation of the same ordinance and once he was made aware, he remedied the situation. His suggestion to the BZA was for everyone living in town limits to feel like these types of requests be given a chance to comply. He only wanted everyone to be treated fairly.

Comments by the Zoning Board of Appeals: The Board requested a clarification of the zoning ordinance from the ZA.

Mr. Robert Barber joined the meeting at 6:19 p.m. Chair Bray allowed Mr. Barber to speak to his application request. He reiterated the point that the house was built to be handicap accessible and there was not much room to park RV in the rear yard due to topography.

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

The Board concludes that:

- 1) Applicant does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property.
- 2) These conditions do generally apply to other property in the vicinity.
- 3) Because of these conditions, the application of the ordinance to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property
- 4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will be harmed by the granting of the variance.
- 5) The effect of the variance would not be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section 803 (a) of the ordinance; would extend physically a nonconforming use of the land; and would not change the zoning district boundaries shown on the official zoning map.

Member Shealy made the motion to deny the variance request. Member Grooms seconded the motion. All in favor, motion carried. Variance request was denied.

Chairman Bray: Yes

Member Grooms: Yes

Member Shealy: Yes

Open Time for Staff and BZA: ZA Singletary informed the BZA that with the resignation of Frank Mock and Steve Wall, openings for the two BZA positions will be advertised and recommended to Council as soon as possible.

Adjournment: Chair Bray made the motion to adjourn the meeting. Member Shealy seconded the motion. Meeting adjourned at 6:45 p.m.

BZA APPROVED: _____

Jesse Bray, BZA Chairman

ATTEST:

Shannon Bowers, Town Clerk



BOARD OF ZONING APPEALS MEETING SCHEDULE

THE BOARD OF ZONING APPEALS MEETS AS NEEDED, BASED ON APPLICATIONS RECEIVED. WHEN POSSIBLE, THE BOARD WILL MEET ON THE FOURTH THURSDAY OF EACH MONTH AT 4:00 P.M. AT TOWN HALL LOCATED AT 157 NW COLUMBIA AVE.

***The 4th Thursday of the month dates are as follows:**

January 27, 2022
February 24, 2022
March 25, 2022
April 28, 2022
May 26, 2022
June 23, 2022
July 28, 2022
August 25, 2022
September 22, 2022
October 27, 2022
November 17, 2022**
December 15, 2022**

***Scheduled meetings will be cancelled if there are not items to be reviewed.**

****Rescheduled to the 3rd Thursday due to Thanksgiving and Christmas Holidays.**

Town of Chapin Board of Zoning Appeals By-Laws & Procedures

Article I Organization

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the Town of Chapin Board of Zoning Appeals which consists of 5 members appointed by Town Council.

Section 2. Officers

The officers of the Board shall be a chair and vice-chair elected for one year terms at the January meeting of the Board each calendar year. The town clerk, or other member of staff when designated by town council, shall serve as secretary of the Board.

Section 3. Chair

The chair shall be a voting member of the Board and shall:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings; and swear in witnesses;
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Have orders of the Board served on parties; and
- f. Perform other duties approved by the Board.

Section 4. Vice-Chair

The vice-chair shall exercise the duties of the chair in the absence, disability, or disqualification of the chair. In the absence of the chair and vice-chair, an acting chair shall be elected by the members present.

Section 5. Secretary

The secretary shall:

- a. Provide and publish notice of appeals and meetings;
- b. Prepare meeting agenda;
- c. Properly post property involved in appeals for variances or special exceptions.
- d. Keep recordings and minutes of meetings and hearings;
- e. Maintain Board records as public records;
- f. Prepare, execute, and serve Board decisions on parties;
- g. Attend to Board correspondence; and
- h. Perform other duties normally carried out by a secretary.

Article II Meetings

Section 1. Time and Place

At the January meeting of the Board each calendar year, the Board shall adopt a regular meetings schedule for that calendar year. ~~of the Board shall be held on the fourth Thursday of each month.~~ The Board may reschedule a meeting one month in advance by a majority vote. Special meetings may be called by the chair upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Agenda

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least 24 hours prior to each meeting, and at least 24 hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

Section 3. Quorum

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. Rules of Order

Robert's Rules of Order Newly Revised, 12th Edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5. Voting

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chair in writing, have it placed in the minutes, and refrain from deliberating and voting on the question.

Section 6. Conduct

Except for public hearing, no person shall speak at a Board meeting unless invited to do so by the Chair. If a person continues to speak without permission, the Planning Board may recess the meeting until the person ceases, or may have the person removed from the meeting.

Article III Hearing Procedure

Section 1. Appearances

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it, in the absence of an appearance on behalf of an applicant.

Section 2. Witnesses.

Parties in interest may present testimony under oath, but are not obligated or required to do so. Each witness shall be sworn or affirmed by the secretary and are subject to examination.

Section 3. Cross-examination.

No person shall be subject to cross examination; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

Section 4. Evidence

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The Chair will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 5. Conduct of Hearing

The normal order of hearing, subject to modification by the Chair, shall be:

- a. The Secretary shall give a brief opening statement describing the nature of the proceeding and of the matter to be heard.
- b. The Chair shall establish any time restrictions imposed for presentations. If not specified restrictions are assumed to be (5) minutes for the applicant and staff, and (2) minutes for public hearing comment.
- c. Presentation by the applicant.
- d. Presentation by staff.
- e. Public hearing comment when on the agenda.
- f. Applicant last right to reply or rebuttal.
- g. The Board may question participants at any point in the hearing;
- h. Additional time may be granted to speakers by the Chair for the purposes of questioning, or accounting for time spent listening to and answering questioning.

Section 6. Disposition

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and votes taken in public.

Section 7. Order

An order shall be issued disposing of a matter by granting or denying, with such conditions as may be deemed necessary. The secretary shall deliver a copy of an order to the applicant digitally or physically/certified mail, per the applicant's request upon execution of the order by the Chair. Other parties in interest may be delivered a copy of an order digitally by the secretary in a timely manner upon request.

Article IV Records

Section 1. Minutes

The secretary shall record all meetings and hearings of the Board digitally. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public record.

Section 2. Reports

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Board in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Section 3. Attendance

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Board shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

Article V
Adoption and Amendment

Section 1. Amendment

These rules may be amended at any regular meeting of the Board by a majority vote of the members of the Board at 7 days after the written amendment is delivered to all members.

Section 2. Adoption.

These rules were adopted by a vote of a majority of the Board at a regular public meeting on:
January 13, 2022 _____ .

Attest: _____
Secretary **Chair**

DRAFT