

**CHAPIN BOARD ZONING OF APPEALS
REGULAR MEETING
COUCIL CHAMBERS, CHAPIN TOWN HALL
157 NW COLUMBIA AVENUE
January 25, 2024
4:00 PM**

AGENDA

Call to Order and Determine Quorum

South Carolina Freedom of Information Act Compliance

Approval of Minutes

1. February 23, 2023 meeting minutes

Action Items

2. Elections
 - a. Chair
 - b. Vice Chair
3. BZA By-Laws and Procedures review
4. 2024 Calendar

OPEN TIME FOR BZA AND STAFF

ADJOURN

CHAPIN BZA MEETING
PUBLIC COMMENT POLICY

PROCEDURE:

Persons wishing to make public comments concerning items related to the current meeting agenda, 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 three (3) 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, February 23, 2023
4:00 P.M.**

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

Members Present: Chair Walt Shealy, Margo Seddon, Pat Lewandowski, John Cybart, and Vice Chair Rosie Husbands

Staff Present: Town Administrator Nicholle Burroughs, Town Clerk Shannon Bowers

Guests: Gabriel Penfield, Representative Jay Kilmartin

Call to Order: Chair Shealy called the meeting to order at 4:01 p.m., determined a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member Seddon moved to accept the Board of Zoning Appeals (BZA) meeting minutes of January 26, 2023 as submitted. Member Lewandowski seconded the motion. Motion passed unanimously.

Chair Walt Shealy:	Yes
Vice Chair Rosie Husbands:	Yes
Member Pat Lewandowski:	Yes
Member Margo Seddon:	Yes
Member John Cybart:	Yes

New Business

Request for special exception review for appeal for property located at 103 Clark Street:

The BZA reviewed a special exception use request for 103 Clark Street for use of a cigar store per the district regulations in section 518 of the Zoning Ordinance.

Administrator Burroughs explained that staff has been working with Gabriel Penfield to address a desire for a cigar store in the community. Because of the requirements of the zoning ordinances for cigar stores, this is a special exception use and the BZA must deliberate and decide if the use is compatible with the zoning district.

Mr. Penfield explained his desire to bring a cigar store to Chapin, and the obstacles he has faced in finding a suitable location. He stated that property located across from the high school was going to require an extended lease option to locate there, therefore it was not a feasible option. He explained that the Clark Street location is ideal for General Commercial uses and would not require much upfitting, beyond the requirements for maintaining an historical building. He also explained that any renovations done to the building would be minimal and would enhance the character of the building without taking anything away from it. He also stated they would make sure to have plenty of fire extinguishers on hand and install air scrubbers to control smoke output.

Representative Jay Kilmartin was invited to speak on behalf of the business. He stated that he owns a cigar store and could speak to the culture of the cigar business as social activity and is a service oriented and friendly business. Representative Kilmartin also explained that most air is pumped out of the building with additional filters as necessary and the humidifier is climate controlled with a regular air conditioning unit and humidifier. He also explained that his business has protocols for checking identification of patrons and emphasized that the products they, and other cigar stores of the like, are not vape shops.

Administrator Burroughs presented staff's review and recommendation of the application. The building is one of the oldest buildings in Chapin, with adjacent public parking. She noted that the building itself does not have designated parking, but the traffic flow to that area should be no more than normal for that area. In reviewing for compliance, staff did note that the building is within the 300 ft threshold of a church and single-family residential property. She noted that the church signed an agreement to waive any rights to prevent these types of businesses when they located there. It is staff's recommendation to approve the special exception to be issued on condition; that all property owners of preexisting lots where single-family residences are within 300 ft. of the building have provided, in writing, to the applicant, to be turned into the Planning and Zoning Manager, consent for a cigar store to locate at 103 Clark St.

The BZA deliberated on staff's recommended condition, air quality control, and future of the district as a commercial area. Member Cybart moved to accepted staff's recommendation as presented. Member Seddon seconded the motion. Discussion followed.

BZA asked questions about staff's condition. Administrator Burroughs explained that because 300ft is a condition that must be met as a part of the special exception use, staff offered the applicant get approval from property owners as a possible solution to satisfy that condition. After further discussion about the stated condition, Member Cybart moved to amend the motion to include the statement "if attempts have been made to contact all six homeowners. Any homeowner's refusal to or lack of response to these attempts will be taken as approval. Member Seddon seconded the motion to amend. No further discussion, motion to amend passed unanimously.

Chair Walt Shealy:	Yes
Vice Chair Rosie Husbands:	Yes
Member Pat Lewandowski:	Yes
Member Margo Seddon:	Yes
Member John Cybart:	Yes

No further discussion was had on the topic. Motion to approve staff's recommendation as amended passed unanimously.

Chair Walt Shealy:	Yes
Vice Chair Rosie Husbands:	Yes
Member Pat Lewandowski:	Yes
Member Margo Seddon:	Yes
Member John Cybart:	Yes

Open Time for Staff and BZA: Administrator Burroughs thanked the board for their discussion and hard work.

Adjournment: Member Seddon moved to adjourn the meeting. Vice Chair Husbands seconded the motion. Meeting adjourned at 4:59 p.m.

BZA APPROVED: _____

Walt Shealy, BZA Chairman

ATTEST:

Shannon Bowers, Town Clerk

DRAFT

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 meeting schedule for that calendar year. 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:

_____ .

Attest: _____
Secretary

Chair

DRAFT



157 NW Columbia Avenue • P.O. Box 183 • Chapin, SC 29036

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.

***2024 SCHEDULE AS FOLLOWS:**

January 25, 2024	July 25, 2024
February 22, 2024	August 22, 2024
March 28, 2024	September 26, 2024
April 25, 2024	October 24, 2024
May 26, 2024	November 21, 2024**
June 27, 2024	December 19, 2024**

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

**** November meeting rescheduled due to the Thanksgiving Holiday**

****December meeting rescheduled due to the Christmas Holiday**