

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

**September 23, 2021 - 6:00 PM**

**AGENDA**

1. CALL TO ORDER, DETERMINE QUORUM, & SC FOIA COMPLIANCE STATEMENT
2. ELECTION OF CHAIR FOR THE REMAINDER OF THE 2021 MEETING SCHEDULE
3. APPROVAL OF MINUTES
  - a. September 2, 2021 meeting minutes
4. NEW BUSINESS
  - a. Request for variance for appeal # 21-08-20-001 for property located at 104 Glenwood Drive
    - i. Presentation
    - ii. Public Comments
    - iii. Comments by BZA
5. OPEN TIME FOR BZA AND STAFF
6. 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  
RE-SCHEDULED MEETING MINUTES**

**Thursday, September 2, 2021  
6:00 P.M.**

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

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**Members Present:** Chairman Frank Mock, Member Walt Shealy, Member Jesse Bray

**Members Absent:** Vice Chair Steve Wall, Member Brad Grooms

**Staff Present:** Zoning Administrator Kevin Singletary, Town Clerk Shannon Bowers

**Guests:** Michael Traynham and Bruce Williams with Demobags, and Paul David Rennison

**Call to Order:** Member Mock called the meeting to order at 6:02 p.m., determined there was a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

**Approval of Minutes:** Member Shealy moved to accept the Board of Zoning Appeals (BZA) meeting minutes of June 24, 2021 as submitted. Member Bray seconded the motion. All were in favor, motion carried.

**New Business**

**BZA Policies and Procedures:** The BZA reviewed the policies and procedures for the board that were prepared by Zoning Administrator (ZA) Singletary. Chairman Mock noted in section 3(b) and Article 3, section 2, he recommended allowing the secretary to swear in witnesses where necessary instead of the board Chair. Member Shealy made the motion to accept the board policies and procedures, with the amendment from Chairman Mock, as presented. Member Bray seconded the motion. All in favor, motion carried.

Chairman Mock: Yes  
Member Bray: Yes  
Member Shealy: Yes

**Special Exception request for appeal no. 21-08-05-001 for property located at 300 E. Boundary Street:** Michael Traynham presented on behalf of Demobags, a company that specializes in post-consumer plastics making contractor grade tote bags. They currently are importing materials from overseas, but would like to bring their operations to the United States. The facility on the property located at 300 E. Boundary Street is well suited for their needs with ample parking, shipping, and receiving areas as indicated on the Special Exception Application as attachments A, B, and C. He noted that plans for the expansion of the S-48 project would add an additional ingress and egress to the property. ZA Singletary explained that the NAICS code use for this business is the same as it was for the previous tenant. He could not find any instance where a special exception was given to the previous tenant and therefore, this company is presenting to the BZA for this special exception use.

**Public Comments:** Jeff Grover, a member of the public, commented that the business would be good for the area, but is concerned over two elements of the SCDOT plan: 1) traffic impact for the truck routes on E. Boundary Street, and 2) right of way to the building will be exposed and concerned the building would not meet the Gateway overlay district aesthetics as this is a main entrance into town. He recommended the BZA add a condition they submit a detailed site plan that is harmonious to the SCDOT plan.

**Comments by the Board of Zoning Appeals:** Member Bray questioned the applicant in regards to a landscape plan in the site plan for the property and whether or not SCDOT has approached them about right of way access. He commented that SCDOT has been known to frequently reimburse property owners for the cost of landscaping. The applicants stated they do not have a landscape plan nor had SCDOT approached them about right of way access at that time. A comment was made that having a tenant at that location would be better for SCDOT to work with for right of way access.

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

- 1) *The standards in section 520 of the Zoning Ordinance, which are applicable to the proposed special exception have been met.*
- 2) *The proposed special exception will not substantially diminish value of adjacent property or property in the district.*
- 3) *The proposed special exception will be compatible with uses in the district.*

Member Shealy made the motion to grant the special exception use for Demobags at 300 E. Boundary Street. Member Bray seconded the motion. All in favor, motion carried.

Chairman Mock: Yes

Member Bray: Yes

Member Shealy: Yes

**Variance Request for variance for appeal no. 21-08-05-002 for property located at 106 Glenwood Drive:** The ZBA reviewed a Notice of Appeal - Form 1 and Variance Application – Form 3 requesting a variance from the Parking Requirements in Section 803 (c) of the Chapin Zoning Ordinance for property located at 106 Glenwood Drive.

Mr. Paul David Rennison is requesting a variance from restrictions in Article 8 of the Town of Chapin Zoning Ordinances for the temporary residence in travel trailer, kept under RV carport, back left corner of property, to better facilitate management of subcontractors, security of premises and tools, materials and tools on site, and personal work on construction of a new home at this location. He anticipates a timeline of 9 to 10 months for completion of construction. He also noted that the Town zoning ordinances do allow for a construction trailer, which he would consider this RV to be. ZA Singletary noted the main object of 803 (c) is to restrict occupation of non-permanent residence, and his primary concern is that not all the aspects of the hardship case are met in accordance with state law. A concern from the board was this would set a precedence for future cases similar in nature and any conditions established as a part of this case. ZA Singletary stated future requests of this type could be reasonable or allowed based on the outcome of this request, if granted.

**Public Comments:** Mr. Michael Cameron, a resident at 103 Glenwood Dr., spoke in favor of the variance request. Mr. Cameron stated he the applicant have been friends for years and that Mr. Rennison is the type to help out as needed, he and Mr. Rennison work together on another business and having him nearby would help that business, and having them on the property would increase security for the area simply by having the property occupied.

Mr. and Mrs. Patrick and Irma Shealy, residents of 101 Glenwood Dr., spoke in opposition to the variance request. Their main concern regards the amount of construction traffic in the neighborhood particularly on her property, the early morning start times with no regard to neighbors and the timeline the applicant stated that construction would take.

Mr. Rennison made final remarks to the board regarding those issues. He stated that construction traffic has not impeded on neighbors' yards at all. The concrete pad was poured earlier in the week for slab. This would allow for construction to begin and move more quickly.

**Comments by the Zoning Board of Appeals:** The board questioned Mr. Rennison on his efforts to address the concerns regarding security and power. The board asked ZA Singletary if a request of this nature had been presented in the past. ZA Singletary reported that he could not find any record of a variance requested for a case like this.

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 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 be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section 803 (c) 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 Bray seconded the motion. All in favor, motion carried. Variance request was denied.

Chairman Mock: Yes

Member Bray: Yes

Member Shealy: Yes

**Open Time for Staff and BZA:** ZA Singletary informed the BZA that he is currently in the process of discussing the board policies and procedures with the Municipal Association of South Carolina and the Town attorney to bring all the policies and procedures to be standard. He is also working on the possibility of adding more members to the boards in order to better facilitate the meeting of a quorum.

**Adjournment:** Member Shealy made the motion to adjourn the meeting. Member Bray seconded the motion. Meeting adjourned at 6:49 p.m.

BZA APPROVED: \_\_\_\_\_

\_\_\_\_\_  
J.F. Mock, BZA Chairman

ATTEST:

\_\_\_\_\_  
Shannon Bowers, Town Clerk

## MEMORANDUM

**To:** Board of Zoning Appeals  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 23, 2021  
**Re:** 104 Glenwood Dr. Variance Application

**Variance Application:** Robert Barber is seeking a variance from ordinance 803. A, to store his RV at 104 Glenwood Dr. in a location and manner that is not permitted by said ordinance.

**Need for Variance:** Per ordinance 803 A, no mobile recreational equipment or vehicle shall be parked or stored on any lot in a residential district for more than a day, other than in a carport, enclosed building, or rear yard.

### **Ordinance:**

#### **803. Parking of Recreation, Commercial, and Unlicensed Vehicles**

A. 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. The Board of Zoning Appeals may grant a variance in case of unnecessary hardship.

### **Applicant Unnecessary Hardship Case:**

*(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: "Homeowner is a combat wounded vet who live on fixed income while supporting a family. The topography of the land does not allow for the camper to go behind the property."*

*(b) These conditions do not generally apply to other property in the vicinity as shown by: "The other properties have a backyard that is larger."*

*(c) 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 as follows: "I would argue the property is large enough in acreage to accommodate an RV, and it would be unreasonable to put forth such a restriction based that the property is designed to be handicapped accessible".*

*(d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: "The location of the RV has no affect on other properties in the area."*

*(e) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map: "Nothing would be changed."*

### **Staff Review:**

In review staff does not believe this to be a hardship case, and not all criteria required to be met in order to grant a variance is present as detailed below. Staff recommend that variance not be granted.

As is identified in the governing ordinance recreational equipment and vehicles may be parked and/or stored in a carport or enclosed building. The conditions sighted by the applicant, that the topography does not permit the storage of the equipment in the rear yard, if present and impactful, do not prevent the utilization of the other permitted means of storage, such as the use of a carport or building, and thus does not result in an inability to comply with this ordinance. The conditions that are present on this property do not differ from properties in the vicinity, that would permit the means of storage identified above. The properties in the vicinity are similar in size, are the same zoning, and subject to the same regulations. Staff does not believe that the application of the rule prohibit or unreasonably restrict the utilization of property as it is able to be utilized as a single-family residence, as it is currently, and the means for storing an RV in compliance with the ordinance are possible. Additionally, there are means of permanently storing recreational vehicles elsewhere from one's residence. There could be "substantial detriment" to adjacent properties as the purpose of the ordinance is to enforce the storage of recreational equipment and vehicles in appropriate areas as identified by the ordinance.

Staff believes that the above identifies several ways in which this variance application does not meet the criteria for hardship. Per State Law all criteria must be met to grant a variance. As stated before, staff recommends that variance not be granted.

**Board of Zoning Appeals Action:**

Per South Carolina State Law Section 6-29-800 (A) (2) the Board has the power to "hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - (b) these conditions do not generally apply to other property in the vicinity;
  - (c) 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; and
  - (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance...
  - (ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare."

**Notice of Appeal - Form 1**  
**Board of Zoning Appeals**  
**Town of Chapin, SC**

Date Filed: 0-20 Permit Application No. N/A Appeal No. 21-08-20-001

**Instructions**

This form must be completed on a hearing on **appeal** from action of a zoning official, application for a **variance**, or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible site plan showing property dimensions and locations of all structures and improvements must be attached to an application for variance or special exception. Please complete form and submit with **\$75 (residential)** or **\$150 (commercial) application fee**, made payable to Town of Chapin, PO Box 183, Chapin SC 29036.

**THE APPLICANT HEREBY APPEALS** [indicate one]:

- from action of a zoning official as stated on attached Form 2.
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print]: Robert Barber

Address: 104 Glenwood dr.

Telephone: 803-528-4477 [work] \_\_\_\_\_ [home]

Interest: \_\_\_\_\_ Owner(s): \_\_\_\_\_ Adjacent Owner(s): \_\_\_\_\_  
Other: \_\_\_\_\_

OWNER(S) [if other than Applicant(s)]: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ [home]

PROPERTY ADDRESS: 11 \_\_\_\_\_ 17 \_\_\_\_\_

Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_

Tax Map No. \_\_\_\_\_ Plat Book \_\_\_\_\_ Page, \_\_\_\_\_

Lot Dimensions: \_\_\_\_\_ Area: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Zoning Map Page: \_\_\_\_\_

**DESIGNATION OF AGENT** [complete only if owner is not applicant]

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Applicant signature(s)

Variance Application - Form 3  
Board of Zoning Appeals  
Town of Chapin, SC

Date Filed: 8-20 Permit Application No.: N/A Appeal No.: 21-08-20-001

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the Zoning Ordinance:

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows:

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Homeowner is a combat wounded vet who lives on fixed income while supporting a family. The topography of the land does not allow for the camper to go behind the property.

b. These conditions do not generally apply to other property in the vicinity as shown by:

the other properties have a backyard that is larger

c. 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 as follows:

I would argue the property is large enough in acreage to accommodate an RV, and it would be unreasonable to put forth such a restriction based that the property is designed to be handicapped accessible.

d. 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 not be harmed by the granting of the variance for the following reasons:

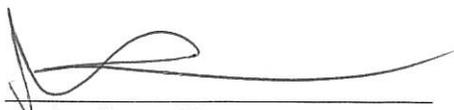
The location of the RV has no effect on other properties in the area

e. The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map:

Nothing would be changed.

3. The following documents are submitted in support of this application: [A site plan must be submitted.]

Date: 8-20

  
Applicant Signature

Robert Bowler  
Applicant Name [print]