

**BOARD OF ZONING APPEALS
RE-SCHEDULED MEETING MINUTES**

**Thursday, September 2, 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 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: September 28, 2021