

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
500 N. Main Street  
County Council Chambers  
Summerville, SC 29483

**Minutes**  
January 24, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Couto  
Mr. Johnson  
Mr. Timmons  
Mr. Reeves

**Staff:** Mr. Potts  
Ms. Sharpe  
Ms. Cook  
Ms. Reinertsen

**II. INVOCATION**

Mr. Johnson gave the invocation.

**III. MINUTES**

**A. Minutes from December 20, 2016**

A motion was made by Mr. Couto to approve the minutes as written. Mr. Reeves seconded the motion and the vote was unanimous to approve.

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

Mr. Reeves made a motion to move agenda item "D" to agenda item "A". Mr. Timmons seconded the motion and the vote was unanimous to item D to item A.

**D. Special Exception requesting a Commercial Use (Mining) in an Absence of Controls (AC) District.**

Applicant: J.R. Wilson Construction Company, Inc.  
Property Owner: Pringle Tract, LLC  
Location: Zion Road  
Dorchester, SC 29437  
TMS# 106-00-00-097

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

Ms. Sharpe presented the staff report and information to the public in attendance. Ms. Sharpe stated the staff does not oppose the mine but DHEC still had it under review.

The applicant Mr. Wilson stated their intent was to supply dirt to help with the developments around the County. Mr. Wilson also informed the Board that he only applied for 5 acres and that was all.

Chairman Dwight opened the public hearing.

Mr. Shannon Stevens an adjacent property owner where his mother lives now, stated his mother signed the petition that was passed around under false pretenses. Mr. Stevens stated there was false information on the petition and he spoke to a Hydrologist in reference to the mining affecting the well water. The Hydrologist said it would have no effect.

Mr. Dennis Rhode, residing on Zion Road, stated his only concern was the traffic. Mr. Rhodes stated they have 720 acres that adjoin the mine currently on Powder Horn so he does not oppose this new mine.

County Councilman George Bailey stepped to the podium and stated that most mines start out with 5 acres but they all seem to increase in size so there is no merit to the size requested. Councilman Bailey asked the Board would you want this in your backyard. Councilman Bailey stated he had met with the Planning Commission Chairman Mr. Carter to look at the west end of the County and rezoning. Councilman Bailey stated he is hoping that in a few months the zoning can be changed in some of these areas to residential. Councilman Bailey also stated that he wished the Board would visit this site prior to any decision and to please not that he bitterly opposes this special exception.

Ms. Jan Turner a resident of the area stepped to the podium. Ms. Turner stated she will be looking at the mine from her front door. Ms. Turner expressed her concerns for the traffic and made knowledge to the Zion Bridge that had washed out from the flooding. Ms. Turner also stated the possibility of property values being lowered, the noise it will promote and the silica dust which is bad for your health.

Mr. James Fletcher, who currently wants to buy property in this area, stated that if the Board approved this business they would not be purchasing in the area. He also stated he was concerned for the septic damage and well water being contaminated.

A resident from Country Lane stepped to the podium and stated that she had been poor all her life. The home she has in the country was for peace and quiet but she can still hear the mines located a mile and a half away. She asked who really check the noise level anyway.

This resident then stated that her neighbor in one hour time counted 64 sand trucks came by her house.

Mr. Tom Sams resident of Breezeway Road, stepped to the podium and stated the petition was signed by residents in the area of the proposed mine. Mr. Sams also stated the traffic is not incorrect, the trucks travel in packs. They never obey the vehicle laws when on the roads.

Mr. Bruce Appell stepped to the podium and explained he is 60% hearing impaired and can still hear the current mines now. Mr. Appell also stated he is concerned about his current orchard because of possible well water issues.

Ms. Shannon Ruddock stepped to the podium and stated when do they(the mines) get a chance to have to stop for a minute. Roads are torn up now and since the flooding haven't been repaired yet.

Mr. Tim Kennedy, 142 Country Lane, stepped to the podium with a concern to wildlife. He enjoys seeing the wildlife , hunting etc... how will this affect the animals. Mr. Kennedy stated he loves his property please to do not allow this to happen.

Ms. Cheryl Bohart stepped to the podium and stated she had moved from the west coast to St. George and water issues were her biggest concerns. Ms. Bohart stated no one knows what will happen with flooding in the future. The truck traffic is horrible and the law does not do anything. Ms. Bohart stated that Zion Road was the only connecting road.

Mr. David Chastain, resident of 265 Breezeway Road, stated 10 years ago he installed a well and septic with a cost of \$7000.00, when you dig sandpit s water will come from the wells. Mr. Chastain stated to redo any equipment would cost him upwards of \$15000.00.

Mr. Charlie Parrot stated he moved from North Charleston due to crime and drugs. He had been a diesel mechanic all of his life. He purchased his land; he cleared his land all with his own hands. Mr. Parrot stated the noise would be a huge issue and the roads already have huge pot holes due to traffic from Showadenka. Mr. Parrot asked to please see that this exception is not approved.

Mr. Wade Hall, resident of Breezeway Road, stated he had concerns if the mine is allowed because his property backs up to the property in question.

Mr. Connor, 1276 Zion Road, has resided in St. George since 1958 and is concerned for the roads and traffic. Mr. Connor would appreciate if the Board would come out and have a look around. Mr. Connor asked that zoning be put back out there.

The public hearing was closed. Chairman Dwight had each member read and initial all outside correspondence received.

Chairman Dwight asked the Board to please consider the letters presented, they do tug at your heartstrings but remember they are for information only. Chairman Dwight stated

some are political and some are fact. Some can believe and some cannot, but if all are agreeable we could revisit the request and go out to the site.

Mr. Couto stated there are an unusually large amount of homes near this mine and feels like it could be a disaster and a problem at this location.

Mr. Timmons stated he saw no reason to go out to the site.

Mr. Johnson made a motion to deny the special exception under criteria (D,E, N, O, DD):

- D. Expected traffic generated by use and adequacy of access roads**
  - **Traffic is not anticipated to impact the public's interest in pedestrian and vehicular safety and efficient traffic movement..**
- E. Noise impact**
  - **The level of impact of noise is anticipated to be consistent with other agricultural practices in the area.**
- N. Impact on environmentally sensitive land, natural features, wildlife habitat, water quality or air quality.**
  - **The existing land is not known to be considered "environmentally sensitive". Existing land usage is primarily silviculture. The proposed use is not anticipated to have significant effect on said features..**
- O. Will proposed project provide employment and enlarge the tax base?**
  - **The proposed use is a result of economic development activities. The proposed use would benefit economic development activities by providing competitively priced fill dirt and thereby lowering the cost of new development and ultimately lowering the cost to start a new business in the Dorchester region.**
- DD. Impact of construction traffic on existing neighborhoods and school areas**
  - **The proposed use is not anticipated to have any negative impact in regards to traffic on existing neighborhoods or schools.**

Mr. Couto seconded the motion and the vote was 5 to 0 unanimous (Dwight, Reeves, Johnson, Couto, Timmons) to deny the Special Exception.

- B. Variance for an accessory structure (privacy fence) 13.2.7(c)(a) 4 feet in additional height.**

Applicant and  
Property Owner: Gerhard Jung  
1246 Bacons Bridge Road  
Summerville, SC 29483  
TMS# 145-09-06-011

Ms. Sharpe presented the staff report and explained that when the road widening project finished Mr. Jung's property had suffered a 3 to 4 ft height change. Ms. Sharpe stated that the staff feels that it would be an improvement for the roadway to grant the fence height variance.

A neighbor of Mr. Jung's stepped to the podium and begged the Board to approve the Variance because it would improve the neighborhood and will hide Mr. Jung's mess.

Mr. Timmons made a motion to approve the variance to the fence height and Mr. Reeves

seconded the motion. The vote was 5 to 0 (Dwight, Johnson, Couto, Reeves, Timmons) unanimous to approve the Variance for the fence height.

**C. Special Exception requesting a Commercial Use (Business, Personal Services) Use Group 14(a) Beauty Salon in an Absence of Controls (AC) District**

Property Owner and

Applicant: Louis Lamont Boyd  
Location: 115 St James Road  
St George, SC 29477  
TMS# 045-00-00-177

Ms. Sharpe presented the staff report to the Board with a staff recommendation to approve the Special Exception with the below criteria.

1. *Hours of operation shall be 9:00 am until 6:00, Tuesday thru Saturday. Office will be closed on Sunday and Monday.*
2. *All lighting and their direct glare shall be shielded from adjacent residential use and public right of way.*
3. *Dorchester County Zoning and Land Development Ordinance 04-13 Section 13.2.2 Buffer requirement of twenty five (25) feet from between commercial and residential use along the east portion of property adjacent to residential use that can be reduced to a fifteen (15) foot buffer with the installation of an opaque privacy fence.*
4. *Applicant shall provide primary access and through vehicular traffic circulation plan that demonstrates proper ingress/egress.*
5. *Prior to commencing operations the operator will meet all applicable building codes as required by the Dorchester County Building Official.*

Mr. Boyd, the applicant, stepped to the podium to answer any questions the Board may have.

Mr. Timmons asked Mr. Boyd how he intended to dispose of the human hair. Mr. Boyd answered as regular household garbage. Mr. Timmons explained that burning human hair was an awful smell and just wanted to make sure he was not going to dispose of it that way.

Mr. Johnson made a motion to approve the Special Exception with the staff criteria that is listed. Mr. Timmons seconded the motion and the vote was 5 to 0 (Dwight, Couto, Johnson, Timmons, Reeves) approving the Special Exception.

**A. Variance for an accessory structure (swimming pool) in the second front yard, Section 5.4.5 (Yards on corner lots) and Section 10.4.2 (f) accessory structures.**

Applicant: Jack Jarrell, Jr  
Property Owner: Jill & Jack Jarrell

Address: 104 Rookery Court  
Summerville, SC 29483  
TMS# 121-00-00-227

Ms. Sharpe presented the staff report with a recommendation to deny the Variance request. The staff feels the applicant created his own hardship on himself.

The applicant was not present to answer any questions the Board may have had.

Mr. Timmons and Mr. Couto asked why he could not put the swimming pool to the rear and right of his house. The applicant was not present to answer any questions the Board may have had.

Mr. Timmons made a motion to deny the Variance application due to no hardship and room to place the pool in the back. Mr. Johnson seconded the motion and the vote was 4 to 0 (Johnson, Dwight, Couto, Timmons) to deny the variance with Mr. Reeves abstained.

## V. OLD BUSINESS

Special Exception requesting a Commercial Use (Community Convenience Store) in an Absence of Controls (AC) District

Applicant: Tocara Smalls  
Property Owner: Jodia Smalls  
Location: 196 Joe Felder Road  
Ridgeville, SC 29472  
TMS# 126-00-00-215

Ms. Sharpe went over the Special Exception to recap where the County is right now with Mr. Smalls.

Mr. Smalls lawyer, Mr. Robbins stepped to the podium and requested a continuance until the Board of Zoning Appeals meeting in March. Mr. Robbins stated that Mr. Smalls has obtained an architect to help with everything the County is requiring of Mr. Smalls. Mr. Robbins also stated the Mr. Smalls had received a list of road improvements from the Fire Department.

Mr. Couto made a motion to grant the continuance for Mr. Smalls Special Exception request to the March 28, 2017 meeting. Mr. Johnson seconded the motion to table the request and the vote was unanimous 5 to 0 (Dwight, Johnson, Couto, Timmons, Reeves) to table

## VI. NEW BUSINESS

A. Election of Officers

Mr. Johnson made a motion to have Chairman Dwight and Vice Chairman Couto to remain in their positions. The Mr. Reeves seconded the motion and the vote was unanimous 3 to 0 (Reeves, Johnson, Timmons) for the Chairman and Vice Chairman to remain the same.

**VII. REPORT OF CHAIRMAN**

Ms. Reinertsen was introduced by Ms. Sharpe as interim Planning and Zoning Manager. Ms. Reinertsen explained that the department is going to make sure continuing education hours will be able to be obtained early within the year and the topics will be of interest to all.

**VIII. REPORT OF ZONING ADMINISTRATOR**

**IV. PUBLIC COMMENT**

**XI. ADJOURN**

Meeting was adjourned at 8:40 pm.

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
201 Johnston Street  
County Council Chambers  
St. George, SC 29477

**Minutes**  
February 28, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Reeves  
Mr. Timmons  
Mr. Johnson

**Absent:** Mr. Couto

**Staff:** Ms. Reinertsen  
Ms. Cook

**II. INVOCATION**

Mr. Timmons gave the invocation.

**III. MINUTES**

**A. Minutes from January 24, 2017**

Mr. Timmons made a motion to approve the minutes as written. Mr. Reeves seconded the motion and the vote was unanimous (4-0) to approve.

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

**A. Special Exception for a Concession Stand**

Applicant: Aaron Sires  
Property Owner: Aaron Sires & Connie Avant  
Address: 2269 Hwy 61  
Ridgeville, SC 29472  
TMS# 132-00-00-143

Ms. Reinertsen presented the staff report and recommended a conditional approval with the conditions listed below:

1. The old house will need to be brought up to Mercantile Occupancy, per the building code.



2. Compliance with DHEC regulations that could require a commercial well for potable water. DHEC will either require a new on-site disposal system or "punt," meaning an old system will see increased use during peak hours. Failure would result in a serious unsanitary condition arising on the property where food is being consumed.
3. DHEC might require all food to be sold pre-packaged. The Board should seek written information from DHEC as to the acceptability of prepackaged food list. (Already Addressed)
4. SCDOT will require the existing residential driveways to be brought up to commercial standards. The one-way proposal should help mitigate those costs and site impacts.
5. The entire parking area will need to be paved. If the site plan was better developed, staff could give additional direction on the appropriateness of gravel on sub-base. At any rate, the site cannot support parking 15 cars regularly as is.
6. Handicap parking and access to the old house will necessitate hardscaping of at least a portion of the parking area regardless.
7. The site plan needs to be improved to determine if land disturbance will exceed one-half acre. In that event, stormwater management will be required. DHEC would review.
8. If stormwater management is required, wetlands might need to be delineated to assure coastal zone consistency.

The applicant stepped to the podium, Mr. Aaron Sires and Connie Avant. Mr. Sires explained all traffic would be one way in and one way out. Mr. Sires also stated he had DHEC's approval because they are fixing prepackaged food. The applicant also stated that his lighting had been in use already for the past 5 years.

Mr. Timmons asked the applicant about question 2 and what was their plan for sanitation.

Mr. Sires stated he would have trash cans and recycle bins that would be dumped daily.

Mr. Johnson asked the applicants that if there is seating at the stand why not have a rest-room.

Mr. Sires stated they didn't need to have one. If they did have one they would need have to install a new septic. Mr. Sires explained that they are trying a different approach with a smaller venue to avoid the DHEC issues.

Mr. Timmons made a motion to close the public hearing and Mr. Reeves seconded the motion. The Board opened up for discussion.

Mr. Timmons made a motion for a conditional approval and those conditions would be the eight staff has listed, minus number three which has already been addressed. Mr. Johnson seconded the motion and the vote was 3 to 0 for approval with Mr. Reeves abstained.

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**VII. REPORT OF CHAIRMAN**

**VIII. REPORT OF ZONING ADMINISTRATOR**

**IV. PUBLIC COMMENT**

Mr. Andrew Wilson stepped to the podium and stated he was there to see if anything would be discussed in reference to the Pringle tract from last month's meeting. Mr. Wilson also asked if going forward would the Board have any additional input.

**XI. ADJOURN**

Mr. Reeves made a motion to adjourn and Mr. Timmons seconded the motion. The meeting was adjourned at 6:40 pm.

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
500 N. Main Street  
Summerville, SC 29483  
**Minutes**  
March 28, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Couto  
Mr. Reeves  
Mr. Mercer  
Mr. DeHay  
Mr. Johnson  
Ms. Harper

**Staff:** Ms. Sharpe  
Ms. Reinertsen  
Ms. Cook

**II. INVOCATION**

Mr. Mercer gave the invocation.

**III. MINUTES**

**A. Minutes from February 28, 2017**

Mr. Couto made a motion to approve the minutes as written. Mr. Reeves seconded the motion and the vote was unanimous to approve the minutes as written.

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

**A. Variance to reduce the required Minimum Visual Buffer depth from 40' to 20', Section 11.2.6(A).**

Applicant:	Scout Boats, Inc.
Property Owner:	Sttop, LLC
Address:	2531 Highway 78 West Summerville, SC 29483 TMS# 129-00-00-121

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
500 North Main Street  
Summerville, SC 29483

**Minutes**  
April 25, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Vice Chairman Couto  
Mr. Johnson  
Mr. DeHay  
Ms. Harper  
Mr. Mercer

**Absent:** Chairman Dwight  
Mr. Reeves

**Staff:** Ms. Sharpe  
Ms. Cook

**II. INVOCATION**

Mr. Mercer gave the invocation.

**III. MINUTES**

**A. Minutes from March 28, 2017**

Mr. DeHay spoke to amend his comment where it was stated they were to set precedent for every variance that came before the Board. Mr. DeHay was commenting on the Chairman's response at the time. Mr. DeHay explained he was reminding the Board that every time they make a judgment it will always sets a precedent. It is really nothing new; they are there to set precedent every time.

*Mr. DeHay made a motion to approve the minutes as written and Mr. Johnson seconded the motion. The vote was unanimous to approve the minutes as written.*

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

**A. Special Exception requesting a Commercial Use (Outdoor Storage, Towing Services) in an Absence of Controls (AC) zoning district.**

**Owner:** Carters Fast Stop #3 LLC  
**Applicant:** Carlos Smith

Address: 1086 Hwy 78  
Ridgeville, SC 29472  
TMS# 087-00-00-059

Ms. Sharpe presented the staff report and reminded the Board about how many times this property has been in front of the Board. Ms. Sharpe also stated that she has had the land owner in the office to suggest that he possibly just rezone the property but the owner is not ready to do so.

Ms. Sharpe stated the staff recommended a conditional approval with the following recommendations:

1. All lighting and their direct glare shall be shielded from adjacent residential use and public right of way.
2. Buffer requirement of fifty-feet (50ft.) along the east portion of property adjacent to residential use that can be reduced to a twenty-five feet (25ft) buffer with the installation of an opaque privacy fence.
3. Applicant shall provide primary access and vehicular traffic circulation plan that minimizes lack of minimum visual buffer of vehicular parking from Transitional Overlay District (TOD) corridor. This can be achieved by locating parking at the side or rear of a principal structure; as well as installing landscaping to screen from all public right of way.
4. Prior to commencing operations the operator will meet all applicable building codes as required by the Dorchester County Building Official.
5. All open storage areas shall be enclosed by a continuous visual screen provided and maintained along the property line. The screen shall be a solid wall or fence with vegetation at least eight (8) feet in height.
6. Such area shall be screened from view of adjacent residential properties and public rights of way. Provide the type of vegetative buffering to be used to minimize impacts on adjacent properties.

Mr. Couto asked if the applicant was willing to comply with the recommendations.

Mr. DeHay asked how well does what he intends to do fit with what he is doing.

Mr. Johnson made a comment that the applicant's answers were very vague about the landscape plan.

Ms. Sharpe explained she had gone over everything with the applicant in great detail.

Mr. DeHay made a comment explaining that if these are impound vehicles or seized vehicles security may become an issue.

Mr. Carlos Smith stepped to the podium and explained that it is going to be used for short term storage for towed vehicles, nothing else.

Mr. Mercer asked about his hours of operation, office hours would be 8 am to 5 pm but the towing service would be an ongoing 24 hr business. Mr. Smith commented that he could/would be dropping off at all times.

Mr. DeHay asked about how many trucks were in operation, Mr. Smith replied there was only one.

Ms. Harper asked Mr. Smith was he only picking up for the sheriff's department, not storing long-term or junky vehicles. Mr. Smith said yes just picking up for the sheriff's department and insurance companies will not pay for storage after so many days so only short term.

Ms. Herndon who is opposed to the tow shop stepped to the podium. Ms. Herndon stated she is concerned about the lot size and if it will become too crowded. Ms. Herndon also stated that she can hear all conversation from that location when she is sitting on her front porch. She also stated her concerns about vehicles coming in with leaks and contaminating the soil, there is no proper collection for fluids in place at this tow yard.

Ms. Herndon asked about the privacy fence and Mr. Smith commented that it would be six foot.

Ms. Harper asked about the adjacent property owner Mr. Carter who owns the property in question and why would there be any problem since he owns the adjacent land.

Mr. Johnson asked if there will be extra gravel put down. Mr. DeHay asked if DHEC would be inspecting this site.

Mr. Smith explained that they would use a tarp and oil dry when picking up the vehicles and once the vehicles arrive.

Ms. Harper asked about the 8ft trees and their canopies.

*Mr. Johnson made a motion for a conditional approval based on the six conditions listed by staff.*

*Mr. DeHay seconded the motion and amended the motion to change item five, the fence size, from 6ft to 8ft. The vote was unanimous to approve with all conditions.*

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**VII. REPORT OF CHAIRMAN**

**VIII. REPORT OF ZONING ADMINISTRATOR**

Ms. Sharpe asked the Board to mark their calendars for the meeting in May will start at 5pm. Mr. John Frampton will be giving a training lesson and there will be a special speaker DHEC to discuss mining operations.

**IV. PUBLIC COMMENT**

Mr. Fred Warner stepped to the podium and stated that the Dollar General fence in the buffer area is falling down and he would like to be reimbursed for landscaping he did for the store. Mr. Warner also stated that after the first year they will open an hour earlier and stay open one hour later.

**XI. ADJOURN**

*Mr. Mercer made a motion to adjourn and Mr. DeHay seconded the motion. The meeting was adjourned at 6:50 pm.*

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
500 N. Main Street  
Summerville, SC 29483

**Minutes**  
May 23, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Couto  
Mr. Dehay  
Mr. Reeves  
Mr. Johnson  
Mr. Mercer

**Absent:** Ms. Harper

**Staff:** Mrs. Reinertsen  
Mrs. Cook

**II. INVOCATION**

The invocation was given by Mr. Mercer

**III. MINUTES**

A. Minutes from April 25, 2017

Mr. Couto made a motion to approve the minutes as written and Mr. Mercer seconded the motion. The vote was unanimous (6-0) to approve the minutes as written.

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance request from Section 13.3.5(d)(3) to reduce in the required number of landscape parking islands required while maintaining existing parking spaces.

Owner: Church-Life Christian Assembly, Inc.  
Applicant: Faith Summerville  
Address: 3001 Landing Parkway  
N. Charleston, SC 29420  
TMS# 181-00-00-039

Ms. Reinertsen presented the staff report with an explanation about the expansion. Ms. Reinertsen stated per ordinance there should be an island every 13 parking spaces. Ms.



Reinertsen also explained that Faith Assembly did not prove a hardship based on the criteria of the state.

Ms. Reinertsen provided the following findings of fact from the staff report:

- In June of 2016, Faith Assembly received a building permit with site plan approval, showing the proposed installation of parking islands in the existing lot.
- The loss of sixteen parking spaces could be made up for elsewhere on the site.
- Prior to construction, the area now shown as a basketball court had been parking. More than 16 parking spaces were removed to accommodate the court.
- South Carolina Courts have ruled that financial hardship does not automatically constitute unnecessary hardship entitling applicant to variance from terms of zoning regulation. *Restaurant Row Associates v. Horry County* (S.C. 1999)
- In granting the variance, the Board would diminish the intent of the ordinance, as it seeks to incorporate landscape to provide ambient cooling, and improve air quality.

Based on these findings, staff concludes that the applicant is unable to demonstrate that any of the required criteria for a variance are met and therefore staff recommends denial.

Pastor Larry stepped to the podium and spoke about the church always giving back to the community Pastor Larry also gave a quick history of the church from where it began. He explained that his concern is the safety of the congregation not having the extra parking spaces. Pastor Larry told the Board they will plant 188 trees and have 3 retention ponds on the grounds.

Pastor Larry said the Board had already given a Variance to Scout Boats and there should be no issue with receiving one for the Church.

Mr. Dehay explained that the Scout Boat's variance was for a buffer reduction and that was a different case.

Mr. Dehay asked how many members does the Church have as of now? So, the hardship is losing 16 parking spaces. If granted then the Church would gain sixteen more parking spots on the street.

Mr. David Franklin from Eco Engineering and Construction stepped to the podium and explained that since the permitting process and having to pave the lot triggered storm water and OCRM review with the retention ponds. So this reduced the original 190 spaces that were planned. The Church also lost square footage because of wetlands delineation.

Councilman George Bailey stepped to the podium and reminded the Board of what a tough job they have. Councilman Bailey stated they meet the criteria and to please give

them a break, they deserve it.

Mr. Norman Karasch spoke about how giving Faith Assembly is as a whole to the community.

Mr. Jim Niemchak spoke about the safety and welfare of the congregation during the transition between services. Mr. Niemchak also spoke about how much land they had lost due to the wetlands and could not expand anymore.

Mr. Dehay made a motion to close the public hearing and Mr. Couto seconded the motion. The vote was unanimous to close the public hearing.

Mr. Dehay stated that at the beginning they would have to have this parking to get the building permits. This points to why staff does not support the request.

Mr. Mercer stated no matter what happens they run out of land, is sixteen spaces worth the value of the land seeing that these folks is in the spirit of the law.

Mr. Couto stated that they have lost a lot of land from the wetlands expansion and that is a hardship.

Mr. Couto made a motion to grant the Variance to reduce the required number of landscape parking islands required while maintaining existing parking spaces. Mr. Reeves seconded the motion and the vote was 5-1, with Mr. DeHay in opposition, to grant the Variance.

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**VII. REPORT OF CHAIRMAN**

**VIII. REPORT OF ZONING ADMINISTRATOR**

**IV. PUBLIC COMMENT**

**XI. ADJOURN**

Mr. Dehay made a motion to adjourn the meeting at 7:20 and Mr. Reeves seconded the motion. The vote was unanimous (6-0) and the meeting was adjourned.

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
500 N. Main Street  
Summerville, SC 29483

**Minutes**  
June 27, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Mercer  
Mr. Johnson  
Ms. Harper

**Staff:** Ms. Reinertsen  
Ms. Cook

**II. INVOCATION**

Mr. Mercer gave the invocation.

**III. MINUTES**

A. Minutes from May 23, 2017

*Mr. Mercer made a motion to approve the minutes and Mr. Johnson seconded the motion. The vote was unanimous (4-0) to approve the minutes.*

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Section 10.4.1(c) to allow an accessory dwelling unit to exceed 40% of the floor area of the principal dwelling unit and 900 square feet, and from Section 10.4.1(d) to allow an accessory dwelling unit within a front or side yard, and from Section 10.4.1(f) to allow a manufactured housing unit as an accessory dwelling unit.

Applicant and Owner: Travis Pfeuffer  
Address: 137 Caddin Woods Road  
Ravenel, SC 29470  
TMS# 200-00-00-044

Ms. Reinertsen presented the staff report and explained the history of the development. Ms. Reinertsen stated the staff recommends approval.

Travis and Joanne Pfeuffer stepped to the podium and explained that her son needed to be close to her due to her health issues.

Ms. Reinertsen shared feedback from the developer and their preference that the approval not be granted for the front yard.

Ms. Pfeuffer explained that it would be tens of thousands of dollars to develop roadway to the rear of the property.

*Mr. Johnson made a motion to grant the variance and Chairman Dwight took a vote and it was unanimous to grant the variance.*

B. Variance from Section 8.3.6(c) to reduce the minimum rear yard setback from fifty feet (50') to twenty-five feet (25') and the minimum side setback from fifty feet (50') to thirty-six feet (36') to allow for the retention of existing trees on the lot and the construction of a new dwelling.

Applicant: Marlo Sutphin  
Owner: Marlo T. & Whitney Sutphin (JTROS)  
Address: 4954 Ashley River Road  
Summerville, SC 29485-9400

Ms. Reinertsen presented the staff report with a recommendation to approve the variance request.

Mr. and Mrs. Sutphin stepped to the podium and explained to the board that their request is to save the existing trees.

Ms. Reinertsen stated that there are a couple of unique ordinances here that are conflicting. The tree ordinance and the Ashley River Overlay District make it really difficult.

*A motion was made by Mr. Johnson based upon the information from the applicant to approve the variance. Mr. Mercer seconded the motion and the vote was unanimous (4-0) to approve the variance.*

C. Variance from Section 13.2.2 to reduce the use buffer from one hundred feet (100') to thirty-two feet (32') to accommodate required parking.

Applicant: Steve Potts  
Owner: STTOP, LLC  
Address: Spaniel Lane  
TMS# 129-00-00-157

Ms. Reinertsen presented the staff report and showed where Scout Boats intends to expand their operation. Ms. Reinertsen pointed out that the applicant is required to have a 100' buffer since the County has built their facility. Ms. Reinertsen told the Board that the staff recommends approval.

Mr. Potts the owner of Scout Boats stepped to the podium and explained that the company's intention when he purchased this land was to expand over time.

Ms. Reinertsen explained that since the County built prior to his expansion, it put the 100' buffer requirement in place. If Scout Boats would have expanded first there would be no requirement for a buffer.

Ms. Reinertsen stated there has been no negative input and the County supports their request for the variance.

*Mr. Johnson explained after hearing and reviewing all the information, he made a motion to approve their variance request. Mr. Mercer seconded the motion and the vote was unanimous (4-0) to approve the variance for the reduced buffer.*

D. Special Exception request for a bank in an Absence of Controls (AC) District.

Applicant:	Travis Olinger
Property Owner:	C.S. Carter
Location:	Ridgeville Road (Hwy 27) TMS# 098-00-00-033

Ms. Reinertsen presented the staff report to the Board and explained that Enterprise Bank is already established in Ridgeville and wants to relocate closer to Highway 78 on Highway 27, Ridgeville Road. Ms. Reinertsen explained that there would be a 50' buffer to adhere to near residential and 25' setbacks in the front and rear with a 15' side setback. Ms. Reinertsen stated the staff recommended approval of the Special Exception.

Mr. Travis Olinger stepped to the podium and explained they started with the trailer in Ridgeville and are ready to build. Mr. Olinger stated they may have difficulty meeting the setbacks but would make it work.

*Mr. Johnson made a motion to approve the Special Exception request and Mr. Mercer seconded the motion. The vote was unanimous (4-0) to approve the Special Exception.*

- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
- VII. **REPORT OF CHAIRMAN**
- VIII. **REPORT OF ZONING ADMINISTRATOR**
- IX. **PUBLIC COMMENT**
- X. **EXECUTIVE SESSION**
- XI. **ADJOURN**

*Ms. Harper made a motion to adjourn and Mr. Mercer seconded the motion. The meeting was adjourned at 7:00 pm.*

# **DORCHESTER COUNTY**

## **Board of Zoning Appeals**

500 N. Main Street

Summerville, SC 29483

### **Minutes**

July 25, 2017

6:00 PM

#### **I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Couto  
Mr. Mercer  
Mr. Johnson  
Ms. Harper  
Mr. Dehay

**Absent:** Mr. Reeves

**Staff:** Ms. Reinertsen  
Ms. Cook

#### **II. INVOCATION**

Mr. Mercer gave the invocation.

#### **III. MINUTES**

A. Minutes from June 27, 2017

*Mr. Mercer made a motion to approve the minutes as written. Mr. Johnson seconded the motion and the minutes were approved as written (5-0). Mr. Dehay abstained from the vote.*

#### **IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Special Exception Request for a Sand Mine in an Absence of Controls District (AC).

Owner: Thompson-Cainhoy Properties, LLC  
Applicant: Dan Thompson  
Address: Wire Road  
Dorchester, SC  
TMS# 117-00-00-029

Ms. Reinertsen presented the staff report and explained the applicant has all necessary permits from DHEC in place. Ms Reinertsen also stated after reviewing the request, staff provides the following facts:

1. The proposed sand mine has obtained all required state & federal permits necessary to operate. If approved, the applicant will need to obtain a County Business License.
2. The general area contains a number of active and closed mines with limited residential dwellings.
3. Due to the separation from existing residences, external noise, light, and vibrations shall have minimal, if any, impact.
4. The proposed mine application complies with all zoning requirements and regulations. recommends approval.

Ms Reinertsen stated based on these facts, staff finds that the request meets the requirements for a Special Exception and recommends approval.

Mr. Dehay recused himself due to his occupation and professional association.

Mr. Thompson, the applicant, stepped to the podium.

Mr. Couto asked if this was a location change.

Mr. Thompson replied yes they had completed the first request with no negative effects and they are finished. Mr. Thompson stated they now want to mine the adjacent property.

Ms. Harper asked if they planned on operating Monday thru Saturday 7 am to 5 pm, would it be every Saturday.

Mr. Thompson replied it would be limited Saturdays but would like to adjust the hours of operation to 6:30 am to 5 pm if possible. There are other competitors in the area that start at 6 am.

Mr. Mercer asked if staff had received any negative feedback. Ms. Reinertsen stated staff did not.

*Mr. Johnson made a motion to accept and move forward and grant the Special Exception.*

Chairman Dwight asked the Board if they need to put in any conditions or not. Chairman Dwight stated the applicant has operated before with no problems.

Ms. Harper asked should we put in the motion the operating hours of 6:30 am to 5:00 pm if that is what the Board agrees on.

Chairman Dwight responded that according to what staff has indicated it stands for itself. Chairman Dwight asked Ms Reinertsen to repeat the noise ordinance. Ms. Reinertsen read the ordinance to the Board.

Chairman Dwight asked if everyone was clear on the noise issue now and could he get a second to Mr. Johnson's motion.

*Mr. Mercer seconded the motion and the vote was unanimous. (5-0) Mr. Dehay had recused himself.*

- B. Variance Request from section 7.2.5(c) to reduce the minimum front yard setback from twenty-five feet (25') to sixteen feet (16').

Owners: Robert L. Jr & Jewell Renee Bruce  
Applicant: Robert L. Bruce Jr  
Address: Avenue of Oaks  
Ladson, SC 29456  
TMS# 154-00-00-079

Ms. Reinertsen presented the staff report with a staff recommend to approve with an additional 4 foot setback to meet the County tree ordinance.

Mr. Bruce stepped up to the podium and explained he would have to remove one grand tree but would like to save this one to build the house. Mr. Bruce also stated he has an additional tree that has been damaged by recent storms that will have to come but will do so when he submits his building permit. Mr. Bruce also stated the house itself will not be in the setback it will be the front porch.

Mr. Couto asked if the porch was 6'. Mr. Bruce replied no it is 8'.

Mr. Dehay made a motion to close discussion and Mr. Johnson seconded the motion.

*Mr. Dehay made a motion to approve as requested with the additional 4' noted by staff and allow the setback of 16'. Mr. Mercer seconded the motion and the vote was unanimous (6-0) to approve the Variance.*

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**VII. REPORT OF CHAIRMAN**

Chairman Dwight asked if the staff was still working on staff development.

**VIII. REPORT OF ZONING ADMINISTRATOR**

**IV. PUBLIC COMMENT**

Mr. Johnson comment about AC zoning and it needs to be reconsidered because it is the worst thing to happen to them. We have now have more people and less space, County Council needs to look at this.

Ms Reinertsen commented that there has been some discussion but the County is entering into a new Comprehensive Plan and once the process is finished next year, they will look at the zoning again.



Mr. Dehay made a comment that land to an extent is not renewable but yet some of what we need from the land has to be renewable. To continue the economy and to grow or build, even survive we are going to have to reap from the ground. In some cases it maybe the soil, to build roads, bridges and cement, to build the infrastructure. As a Board we owe it to the people that come to us to hear and understand their plight but also stand up for the citizens.

**X. ADJOURN**

*Mr. Dehay made a motion to adjourn and Mr. Johnson seconded the motion.*

# **DORCHESTER COUNTY**

## **Board of Zoning Appeals**

201 Johnston Street  
St. George, SC 29477

### **Minutes**

September 26, 2017

6:00 PM

#### **I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Mercer  
Mr. Johnson  
Mr. DeHay  
Ms. Harper

**Absent:** Mr. Reeves  
Mr. Cuto

**Staff:** Ms. Reinertsen  
Ms. Cook

#### **II. INVOCATION**

The invocation was given by Mr. Mercer.

#### **III. MINUTES**

A. Minutes from July 25, 2017

Mr. DeHay made a motion to approve the minutes as written. Mr. Johnson seconded the motion and the vote was unanimous (5-0) to approve.

#### **IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Special Exception Request for an Accident Reconstruction Business in an Absence of Controls District (AC)

Applicant: David Hill  
Owners: David and Jennifer Hill  
Location: 532 Salem Road  
Dorchester, SC 29437  
TMS# 084-00-00-073

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 15, Business, Professional Services, and use Group 22(b), Accessory Outdoor Storage, as Special Exception Uses.

Ms Reinertsen presented the staff report and after reviewing the request, staff provides the following facts:

1. The proposed business is already established on the lot. Approval of the Special Exception will allow it to expand.
2. No zoning or code enforcement complaints have been received regarding this business.
3. The general area contains a mix of vacant/wooded parcels, single-family residences, and agricultural uses.
4. Hours of operation are 9am – 5pm, Monday thru Friday, and the business generates minimal traffic.
5. The adjacent property owner to the north (the only contiguous residential lot) has provided a letter of support for the applicant.
6. The existing business complies with required setbacks and buffers.

Ms. Reinertsen stated, “Based on these facts, staff finds that the request complies with the provisions of the Zoning and Land Development Standards, adheres to the Comprehensive Plan, and meets the requirements for a special exception, therefore, staff recommends approval.”

Mr. David Hill, the applicant, stepped to the podium and explained his business. Mr. Hill stated he may have to store vehicles due to needing a court order. Mr. Hill stated his neighbors support his business.

Mr. Dehay asked if there would ever be anything after hours, Mr. Hill responded no, unless they are bringing in an automobile over the weekend. They just drop them off, we do not work until the next business day.

Mr. Ilagesias, Mr. Hill’s neighbor, stepped to the podium and explained he lives next door and has no problem at all with Mr. Hill’s business. He stated there is a buffer between them so you don’t even know it is there.

Mr. Carper, Mr. Hill’s other neighbor, stated Mr. Hill is a good neighbor. There is no noise from the business and he’s a pleasure to live around.

Mr. Johnson made a motion to approve based on the facts provided by staff. Mr. Mercer seconded the motion and it was unanimous (5-0) to approve.

**B. Special Exception Request for a Sand Mine in an Absence of Controls District (AC).**

Applicant:	J.R. Wilson Construction Company, Inc.
Property Owner:	S. Nathan Wilson
Location:	Zion Road/Old Dam Road Dorchester, SC 29437 TMS# 106-00-00-097

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

Ms. Reinertsen addressed the board and explained that due to staff's poor posting of the property, staff recommends deferring this special exception until next month's meeting.

Mr. Mercer made a motion to defer to next month's agenda per the staff's recommendation. The vote was unanimous (5-0) to defer to next month's agenda.

C. Special Exception Request for a Sand Mine in an Absence of Controls District (AC).

Applicant: Welby's Construction Materials, LLC  
Property Owner: RLTW! LLC  
Location: Smoak Road  
Dorchester, SC 29437  
TMS# 093-00-00-012

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

Mr. Dehay recused himself due to a conflict of interest with his profession.

Ms. Reinertsen presented the staff report with these findings of fact.

1. Mining requires a Special Exception in the Absence of Controls zoning district.
2. The applicant has not provided responses to the thirty supplemental questions required for a Special Exception.
3. The applicant must demonstrate compliance with four mining conditions as provided in the Zoning and Land Development standards prior to the issuance of a Zoning Permit.
4. DHEC oversees environmental compliance.
5. The applicant has submitted their request to DHEC.
6. The Zoning and Land Development standards require a 100' buffer for mining operations adjacent to residential properties. The applicant is showing that they meet this requirement.
7. Smoak Road is considered a Local Road. No traffic counts or level of service data is available for Smoak Road.
8. Proposed hours of operation are Monday – Friday, 8am to 5pm and occasional Saturdays, 9am – 12pm.

9. Smoak Road is predominantly characterized by large tracts of Forested land with limited residential development.

Ms. Reinertsen explained there was one neighbor that was opposed to the mine who sent in a letter. Also, the mine was already approved by DHEC and according to the applicant there will be approximately 150-200 trucks per day. Ms. Reinertsen also stated there would be fencing and planting in place for buffer purposes. Ms. Reinertsen explained based on these findings of fact, the staff supports a recommendation to approve this Special Exception.

Robert Strange, the applicant, stepped to the podium and explained the operation. Mr. Strange explained they would only use Smoak Road to enter and exit the property not Skip Lane. Mr. Strange also stated that there would be at a max 150 trucks. He also stated that any damage to the road while mining would be covered by the Company.

Councilman Bailey stepped to the podium and stated his support for this mining operation.

Mr. Johnson made a motion to approve based on the facts presented by staff. Mr. Mercer seconded the motion and the vote was unanimous (5-0) to approve.

D. Variance from Section 10.4.2(1)(f) to allow an accessory structure (swimming pool) in the second front yard.

Applicant:	Jack Jarrell, Jr
Property Owner:	Jill & Jack Jarrell
Address:	104 Rookery Lane Summerville, SC 29483 TMS# 121-00-00-298

Ms. Reinertsen presented the staff report with history of this variance. Ms. Reinertsen stated after reviewing the request, staff provides the following facts:

1. In considering the unique drainage issues affecting this lot, the approved location of the pool labeled "C" on Exhibit "1" attached hereto, is not in the landowner's or adjacent property owners' best interest and that the proposed location labeled "G" on Exhibit "1" will enable the landowners to better deal with the drainage issues.
2. The visual impact of the pool in the proposed location versus the approved location will not be of substantial detriment to adjacent property and the character of the district will not be harmed by the granting of the variance.
3. The placement of the house and additions to the property were approved by the County.
4. That but for the location and presence of Rookery Road which makes this a corner lot with two front yards per the ordinance, the placement of the pool in the proposed location would not be an issue.
5. It is also acknowledged that the landowner could extend his house and or structure

rendering the proposed location permissible and not requiring a variance; therefore the County sees no reason not to recommend approval of the variance request and the County does not object to the variance.

Based on these facts, the County sees no reason not to recommend approval of the variance request and the County does not object to the variance.

Mr. Whitsitt, Jack Jarrell's attorney, stepped to the podium and explained why the variance was requested and that the County and Mr. Jarrell had reached an agreement for the location.

Mr. Dehay made a motion to approve based on staff's facts and placement of pool. Mr. Mercer seconded the motion and the vote was unanimous (5-0) to approve the variance.

E. Special Exception Request for a Tire Baling Business in an Absence of Controls District (AC).

Applicant: Donald Chip Greene  
Property Owner: Old South Investments, Inc.  
Location: 368 Winningham Road  
St. George, SC 29477  
TMS# 032-00-00-229

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 21(b) Manufacturing Services and 22(a) Outdoor Storage as Special Exception Uses.

Ms. Reinertsen presented the staff report with staff's finding of facts.

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.
2. The applicant still has several pending approvals that need to be obtained. Prior to obtaining DHEC approval, the County may need to revise their Solid Waste Management Plan.
3. The general area contains a mix of commercial businesses, single-family residences, and agricultural uses.
4. Hours of operation are 9am – 5pm. Bailing will take place inside the existing building, minimizing noise impact on adjacent properties.
5. The existing building complies with required setbacks but the proposed site plan will need to be submitted to the Dorchester County Technical Review Committee for review and approval.

6. In granting a variance the board is only approving the use. Outstanding permits, reviews, and approvals must still be obtained prior to beginning operations.

Ms. Reinertsen stated the staff recommends approval, noting however, that all licenses and other required approvals will be obtained as part of the Technical Review Process.

Mr. Chip Greene, the applicant, stepped to the podium and explained that DHEC is a required approval. Mr. Greene stated there is no scrap rubber recycling business in our state and the southeast has a high demand for recycling. Mr. Greene explained that the state will require a bond for the business and his insurance company will only allow so many tires at a time. Mr. Greene stated he would be doing business with Vietnam and India. He also stated that South Carolina is the largest tire producing state.

Mr. Dehay asked if there is going to be 48,000 tires in and out, what would be the quantity of containers?

Mr. Greene replied 100 for 53 sq ft and Mr. Dehay asked how, Mr. Greene replied 100 tires per bale which would be 26 bales per container. Mr. Greene stated maybe 3 or 4 loads per week. All tires are used and the whole tire goes into the machine there will be no stripping.

Councilman Bailey came to the podium and wanted to tell everyone that Mr. Greene had come by his office and wanted to know how he could make this work. Councilman Bailey said he only sees a win-win situation. He thanked Mr. Greene and stated he supports this request.

Mr. Johnson stated he was excited about tire recycling because so many people discard them illegally.

Mr. Timmons the property owner stepped to the podium to state he supported Mr. Greene's request.

Mr. Dehay made a motion to approve based on staff's findings, and pending other licenses and approvals. Ms. Harper seconded the motion and the vote was unanimous (5-0) for the approval with the County's conditions.

F. Variance from Section 13.2.3 to provide relief from the 2:1 height-to-depth setback ratio for utility structures adjacent to agricultural uses.

Applicant:	Ross Oakley, Thomas & Hutton Engineering
Property Owner:	Dorchester County Water & Sewer
Location:	109 Casting Way Ridgeville, SC 29472 TMS# 086-00-00-022

Ms. Reinertsen presented the staff report with the following facts.

1. The lot in question is 1.77 acres and measures roughly 236' in width by 346' in depth.

2. The intent of this lot is to provide necessary utilities for the Ridgeville Commerce Park.
3. The water tower cannot just be relocated on the site to comply with the ordinance; it is effectively prohibited based on existing lot dimensions.
4. Locating a water tower on the parcel does not create a detriment to adjacent property or ham the character of the area. The water tower is in keeping with the character of the area.
5. The lot size and regulations do not apply to other lots/uses in the vicinity and are unique to this lot.

Based on these facts, staff finds that the request meets the requirements for a hardship and therefore recommends approval.

Mr. Ross Oakley, the applicant, stepped to the podium to answer any questions.

Mr. Dehay asked about a 2 to 1 ratio and was it used for just utilities? Mr. Oakley replied all structures, on the south side there will be the power station and in the footprint it will have a grand water well.

Councilman Bailey stepped to the podium and thanked the members for the job they do for the County. Councilman Bailey stated the water tower is important for more economic development for the County. Mr. Bailey commented on the Bid Group who has brought 157 jobs to the County instead of the 50 the first thought. This company asked for nothing from the County so please approve this variance for the increased development.

Councilman Bailed stated he was only speaking for himself not Council.

Mr. Mercer made a motion to approve the variance request based on the analysis and finding of facts as presented in the staff summary sheet. The motion was seconded by Mr. Johnson and the vote was unanimous (5-0) to approve the variance request.

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**VII. REPORT OF CHAIRMAN**

**VIII. REPORT OF ZONING ADMINISTRATOR**

**IV. PUBLIC COMMENT**



Councilman Bailey stepped to the podium and explained that he represents the County and will never not help someone when they asked.

X. **ADJOURN**

Mr. Dehay made a motion to adjourn and Mr. Mercer seconded the motion. The meeting was adjourned at 7:10pm.

**Board of Zoning Appeals**

500 N. Main Street

Summerville, SC 29483

**Minutes**

October 24, 2017

6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Mercer  
Mr. Dehay  
Mr. Reeves  
Ms. Harper  
Mr. Johnson

**Absent:** Mr. Couto

**Staff:** Ms. Reinertsen  
Ms. Cook

**II. INVOCATION**

Mr. Mercer gave the invocation

**III. MINUTES**

September 26, 2017

*Mr. DeHay made a motion to approve the minutes as written. Mr. Mercer seconded the motion and the minutes were approved unanimously (6-0) as written.*

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Special Exception Request for a Sand Mine in an Absence of Controls District (AC).

Applicant: J.R. Wilson Construction Company, Inc.  
Property Owner: Wilson S. Nathan  
Location: Zion Road/Old Dam Road  
Dorchester, SC 29437  
TMS# 106-00-00-097

#04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

Ms. Reinertsen presented the staff report and explained JR Wilson Construction Company has applied for a Special Exception in an Absence of Controls District to sand mine 150 acres out of 390 acres that were purchased. Ms. Reinertsen stated they have applied to DHEC for their mining permits but have not been approved. DHEC approval is not required prior to applying for the special exception but will be required to operate. The southern end of the property abuts residential and the northern end is mostly timber and agricultural. Ms. Reinertsen stated there has been no additional correspondence except for the letter you have received from Councilman Bailey. The majority of correspondence has been in opposition of the sand mine except there is a property to the east that did voice its support for the mine. Ms. Reinertsen explained that Mr. Wilson has listed the mining operation hours as Monday-Friday 7 am - 5 pm and occasional Saturdays 7 am - 5 pm. The applicant's request shows ponds which will cover approximately 150 acres with a max depth of 20'.

DHEC requires 50' buffers and the applicant meets these requirements and is also proposing to keep a 104 acre buffer along the south western portion of the site and to the east a 50' buffer and earthen berms. However, the County Zoning and Land Development Standards does require a 100' buffer for mineral extraction where it abuts residential property so they will need to comply prior to operation. DHEC will review the environmental requirements including water quality and quantity. They may take public comment and hold their own public meeting. After reviewing the request the staff provided the following findings of facts.

1- Applicant must submit an application for a special exception and answer all 30 criteria questions. The applicant has and the questions with answers are included in your packets.

2-DHEC oversees mining extraction and the applicant has submitted all necessary applications to DHEC.

3-Dorchester County Zoning and Land Development Standards requires a 100' buffer for all mining operations adjacent to residential property. The applicant is showing 50' buffers on the northeastern section of the property.

4-Zion Road is a major collector road and functions at a level of service A, anticipated number of truck traffic will not impact its service rating.

5-Operational hours are Monday-Friday 7 am to 5 pm with an occasional Saturday 7 am to 5 pm.

Based on these facts staff finds the applicant complies with all but one of the provisions in the zoning and land development standards and meets the requirement of the special exception. Therefore staff recommends a conditional approval that the applicant has to comply with the buffer requirements of the ordinance.

Mr. Dehay recused himself due to professional conflict.

The applicant Mr. Andrew Wilson prior to stepping to the podium gave each member a pamphlet for their review. Mr. Wilson then spoke about their intentions for the sand mine and stated they were a small family owned company out of Barnwell. Mr. Wilson stated they had experts that can answer any questions the community may have and he would be glad to answer questions himself.

Mr. Baugh stepped to the podium and introduced himself as the Wilson's attorney and explained that for the Wilson's to stay a competitive company they need to have their own sand pit for construction. Mr. Baugh also stated that Wilson Construction has been in front of the Board on 3 other different occasions and has gone through mediation which put them again back to the Board of Zoning Appeals. The company has done everything that has been required and then some, they have done a road study, and they have met with DHEC on numerous occasions and with the County agree to the permitted activity. Mr. Baugh stated that this sand pit for Wilson Construction will help the County itself to flourish. Mr. Baugh then stated he would be glad to answer any questions.

Mr. Dennis Rhode, 1058 Zion Road, lives adjacent to the Pringle tract on the Northeast side. Mr. Rhode stated he has a 53 acre sand mine working right now on his property of 720 acres. Mr. Rhode explained that if there are ever any complaints to DHEC they are addressed immediately. Mr. Rhode informed the Wilson Company that their new property would be taxed at 6% due to commercial use, which is something the County needs for economic development. Mr. Rhode stated that he was for this sand mine to be approved.

Mr. Wayne Phillip, 489 Zion Road, spoke about the truck traffic and the danger.

Mr. James Fletcher stepped to the podium and explained he attended the last meeting in January to see if the sand mine was going to be approved then because his family was going to be closing on land soon. The sand mine did not pass but yet here everyone is back in front of the Board again. Mr. Fletcher stated that his property value would drop 30%, a big financial impact. Ms. Fletcher who was also at the podium stated that one day she witnessed personally no respect from the trucks on Wire Road traveling at least 70 mph and over the yellow line. Ms. Fletcher stated the roads are utterly trashed and no work to restore is being done.

Shannon and Kyle Ruddick, 1526 Zion Road, stepped to the podium and explained to the Board about the sand deposits on the road. Ms. Ruddick stated if you didn't know better you would think you were on a dirt road. Ms. Ruddick explained that she thought it was illegal to haul uncovered loads and on a daily basis she is ran off the road by dump trucks

from sand mines. Mr. Ruddick stated the roads are horrible and will only get worse because the trucks are paid by the load. Ms. Ruddick state the bridge has been washed out and repaired several times but she didn't know the bridge rating.

Mr. Bruce Appelh, 306 Breezeway, stepped to the podium and stated that there were already 33 active mines in the County and the Wilson's would be the 7<sup>th</sup> on Zion Road. Mr. Appelh then spoke about the danger of Silica dust with mining and read information that he had pulled from the internet to the Board.

Ms. Bowerbank stepped to the podium and stated she wanted residential and has been trying to get Councilman Bailey to take care of the zoning. Ms. Bowerbank then stated her fact findings to the Board 1. County has forgotten there is a human side and it should not be in a residential area. 2. Under the 10.5 Criteria (e) level of impact of noise, (f) glare of light, (i) nature or extent screening, buffering in area, (m) proposed site. We see noisy trucks, roads worsening with South Carolina not having the money to repair the roads and (n) all wildlife gone.

Shannon Hodges, 294 Breezeway Drive, stepped to the podium and wanted to state for the record she was against the mine and has lived in the area for 10 years.

Ms. Janet Turner stepped to the podium and stated she was asked by the residents if she could speak on their behalf also. Ms. Turner shared a traffic study done by Clemson extension that showed South Carolina has the highest death rate on rural roads. Ms. Turner also stated that Zion Road is beginning to fail. Ms. Turner showed the Board pictures of sinkholes on the map. She also stated that the residents have hit most of the high points. Ms. Turner also stressed that Wire Road has been torn up and only patched, never really repaired.

Mr. Terry Gerling, 162 Country Lane, stepped to the podium and stated the unanimous opinion in January to deny was relied on opinions not facts and thank you. Mr. Gerling stated it has failed to comply with the Comprehensive Plan and states documentation is required. Ordinances say they are required to produce certain paperwork. He also commented on the wetlands and that nothing is cited about the wetlands, they are non-responsive to the questions. Mr. Gerling stated that having nonresponsive answers shows how they will be running their business. Trucks for example 40 a day equals 80 a day roundtrip if they don't own trucks how can they say what will be the count. So Mr. Gerling stated they have not supplied what needs to be done and deny the Special Exception.

Mr. Tom Sands, Breezeway Drive, stated that back in January emotions were a part of this. The noise starts at 6 am not seven already. The dump trucks are 8'5" wide and the road is only 8'5" wide. Mr. Sands stated he strongly believes with school buses and increased traffic there will be a problem on this road. Mr. Sands asked the Board do you honestly believe economy will fail without this mine.

Tim Sanford, 1811 Zion Road, a 12 year resident stated there is no advantages just all disadvantages. Mr. Sanford stated in the last two weeks the large trucks have increased in number on Zion Road. Mr. Sanford can hear tailgates banging, backup alarms, he sees trucks drifting over the center line all the time, his wife has almost had two wrecks in the past week. He stated as a resident of Zion Road he see no reason it should be allowed, reject appeal made by JR Wilson.

Mr. Michael Mixson, Zion Road, resident for 12.5 years stepped to the podium to have on record he agreed with his neighbors and he opposed the sand mine.

Ms. Cheryl Bohart, Zion Road, resident for 5 years stepped to the podium and asked where is the environmental impact report.

Chairman Dwight responded that all residents need to be at the next County Council meeting. There are a lot of unknowns, DHEC is a different permit and they will have a meeting. A lot of impacts are unknown like the environmental report.

Ms. Teresa Kennedy stepped to the podium and stated she has lived at 142 Country Lane for 4 years and she stated that if you have money you get what you want. It is all about the money.

Vera Pendarvis, Zion Road, born and raised in the area explained in 1985 her 14 year old daughter was driving and was killed when hit by a Sanders Brothers Truck.

David Chastain, 265 Breezeway Road, stepped to the podium and stated that in 12 years there have been 3 accidents with dump trucks and they are at the mine entrances.

Theresa Stephens, 30yrs Zion Road, stated her husband was on oxygen and any dust will cause him to die sooner, for the health of her husband please deny the special exception.

Chairman Dwight called for a motion to close the public hearing. Mr Mercer made a motion to close and Mr. Reeves seconded the motion.

Mr. Mercer asked to share with his fellow Board Members information about specific standards the Board of Zoning Appeals must comply with, Chairman Dwight granted him permission and Mr. Mercer read his article.

Mr. Johnson commented on not being on the Board in January but present for the meeting and observed them then. Mr. Johnson stated based upon the facts he saw at that meeting you can't make a decision on emotion. There was also a lesson he had taken from that meeting for the County that you need to have zoning to protect your property.

*Mr. Johnson stated based on what they have heard and the facts of the case he makes a motion for a conditional approval with a strict compliance of the berm or buffer, not to dig deeper than 20', adhere to the time of operation in the application. This means you do not go and crank up trucks before 7 am. If you said you are going to run 40 vehicles be mindful to these people and not run 100, also DHEC compliance. Please be mindful of the*

*community. Mr. Mercer seconded the motion and the vote was 5 to 0 for the conditional approval with Mr. DeHay recused and Mr. Couto absent.*

B. Variance Request from section 11.2.6(A) to eliminate the 15' Minimum Visual Buffer required for properties within the Transitional Overlay District in order to accommodate parking.

Applicant: Bridget Jones (Above & Beyond Child Development Center)

Property Owner: Blackwater Real Estate, LLC

Address: 7951 Dorchester Road  
Charleston, SC 29418  
TMS# 181-07-03-002

Ms. Reinertsen presented the staff report and stated after reviewing the request, staff provides the following facts:

1. The intent of the Minimum Visual Buffer is to protect the visual character of these corridors to the maximum practical extent, while accommodating commercial development. And to encourage and better articulate positive visual experiences where development is proposed along the County's major existing and proposed traffic arteries.
2. The adjacent parcel currently used as a dialysis clinic exhibits a substantial buffer along its entire perimeter.
3. Adjacent undeveloped property will be required to incorporate a buffer at the time of development.
4. This additional parking is not needed to meet the minimum requirement.
5. The grass strip between the daycare and Dorchester Road is within the road right-of-way; not located on the subject parcel and not eligible to be used to accommodate the buffer.
6. The use of the property as a daycare is not impacted by the loss of the parking to install the buffer.
7. The applicant has an approved set of site development plans showing the removal of the parking and the installation of the buffer.

Based on these facts, staff finds that the request does not meet the requirements for a hardship and therefore recommends denial.

Ms. Bridget Jones owner of the property and business stepped to the podium and explained why she was requesting the variance. Ms. Jones stated it would have a negative effect on her clients due to weather and busy times for pickups and drop offs. Ms. Jones also explained it would leave the business no room to grow in the future and the safety of the children would be affected with the entrance around the building. Ms. Jones stated the day

care would not be able to do their job effectively or with the best customer service available. Ms. Jones explained that she would be willing to compromise with planting and landscaping with a smaller buffer.

*Mr. Johnson made a motion based on Ms. Jones presentation and consideration of the facts that it can bring jobs, that a daycare is needed in this area, and that the asphalt is already installed and will help with safety issues. Mr. Reeves seconded the motion and the vote was 5 - 1, with Mr. Dwight opposed, to approve the variance request.*

- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
- VII. **REPORT OF CHAIRMAN**
- VIII. **REPORT OF ZONING ADMINISTRATOR**
- IX. **PUBLIC COMMENT**
- X. **ADJOURN**

Meeting adjourned at 10:00 pm.



# **DORCHESTER COUNTY**

## **Board of Zoning Appeals**

500 N. Main Street

Summerville, SC 29483

### **Minutes**

November 29, 2017

6:00 PM

#### **I. DETERMINE QUORUM**

**Present:** Vice-Chairman Couto

Ms. Harper

Mr. DeHay

Mr. Mercer

**Absent:** Chairman Dwight

Mr. Johnson

Mr. Reeves

**Staff:** Ms. Blatchford

Ms. Cook

#### **II. INVOCATION**

Mr. Mercer gave the invocation.

#### **III. MINUTES**

October 24, 2017

*Mr. DeHay made a motion to approve the minutes as written and Mr. Mercer seconded the motion. The vote was unanimous (4-0) to approve the minutes as written.*

#### **IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

- A. Variance from Section 7.5.7(b) to reduce the minimum rear yard setback from twenty feet (20') to fourteen feet (14') on lot 179 and to reduce the minimum rear yard setback from twenty feet (20') to seventeen feet (17') on lot 180.

Applicant: Jason Fabrizio

Property Owner: Rolina Homes, LLC

Location: 9054 & 9056 Parlor Drive

Ladson, SC 29456

TMS# 162-02-01-207 & 162-02-01-208

The applicant Mr. Fabrizio withdrew this request.

B. Variance from Section 7.5.7(b) to reduce the minimum side yard setback from ten feet (10') to eight and one-half feet (8.5') on lot 71.

Applicant: Jason Fabrizio  
Property Owner: Rolina Homes, LLC  
Location: 9149 Parlor Drive  
Ladson, SC 29456  
TMS# 162-02-01-097

Ms Blatchford presented the staff report and after reviewing the request, staff provides the following facts:

1. The setbacks for the properties are: Front – 20', Rear – 20', and Sides – 10'.
2. The adjacent parcel is an HOA tract.
3. The recorded final plat anticipated a different size product than what is being constructed now.
4. Lot lines have been adjusted throughout this portion of Tranquil Hill Plantation to accommodate the difference in product size.

Based on these facts, staff finds that the request does not meet the requirements for a hardship and therefore recommends denial.

Mr. Fabrizio stepped to the podium and explained these were the last two sets to be built. Mr. Fabrizio had a letter from the HOA that gave him permission to move the setbacks. They had no issues at all with reducing the setbacks.

Mr. Couto stated that they had moved lines so much that now they have pinched themselves in and needed to ask for a variance.

Mr. Couto asked that with that being said the next item shows a request being asked to zero setback and could they continue with the discussion prior to making their motions.

*Mr. Mercer made a motion to approve the variance based on discussions, staff presentation and Mr Fabrizio's presentation. Mr. DeHay seconded the motion and the vote was unanimous (4-0) to approve the variance.*

C. Variance from Section 7.5.7(b) to reduce the minimum side yard setback from ten feet (10') to zero feet (0') on lot 62.

Applicant: Jason Fabrizio  
Property Owner: Rolina Homes, LLC  
Location: 9127 Parlor Drive  
Ladson, SC 29456  
TMS# 162-02-01-086

Mr. Fabrizio explained that this lot was right next to HOA space so reducing to setback to zero feet would not even be noticeable. The HOA does not have a problem with it their companies takes

care of all landscaping, maintenance of ponds and have created extra parking. They even cut the grass in all the common areas.

Mr. DeHay feels like it's the best use of the lots, no opposition, and letter of permission from HOA. Mr. Mercer commented that it was only 2.5'.

*Mr. DeHay made a motion to approve the variance and stated that it will not be of detriment to any of the adjoining property or the public good. Ms. Harper seconded the motion and the vote was unanimous (4-0) to approve the variance.*

V. **OLD BUSINESS**

VI. **NEW BUSINESS**

VII. **REPORT OF CHAIRMAN**

VIII. **REPORT OF ZONING ADMINISTRATOR**

IX. **PUBLIC COMMENT**

X. **ADJOURN**

*Motion: Mercer Seconded DeHay Adjourned: 6:40 pm*

**DORCHESTER COUNTY**  
**Board of Zoning Appeals**  
500 N. Main Street  
Summerville, SC 29483

**Minutes**  
December 19, 2017  
6:00 PM

**I. DETERMINE QUORUM**

**Present:** Chairman Dwight  
Mr. Couto  
Ms. Harper  
Mr. DeHay  
Mr. Reeves

**Absent:** Mr. Johnson  
Mr. Mercer

**II. INVOCATION**

Mr. Couto gave the invocation.

**III. MINUTES**

Approval of the November 29, 2017 Board of Zoning Appeals Meeting Minutes

*Mr. DeHay made a motion to approve the minutes as written and Mr. Couto seconded the motion. The vote was unanimous (5-0) to approve as written.*

**IV. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Section 13.2.2 to eliminate the required Type 'A' buffer along the southern property line.

Applicant: John A Fogle, III  
Property Owner: Carolina Fresh Farms  
Location: 2203 Bacons Bridge Road  
Summerville, SC 29485  
TMS# 153-09-07-017

Ms. Reinertsen presented the staff report and reminded the board of the state law to

approving a variance due to a hardship with these finding of facts:

1. The setbacks for the properties are: Front – 20', Rear – 30', and Sides – 5' adjacent to commercial, and 15' adjacent to residential.
2. The proposed site development plans comply with all setback requirements.
3. The applicant is working to retain 12 Grand trees on the site.
4. The proliferation of Grand Trees on the site, when combined with buffers and setbacks, makes the development of the site prohibitively difficult unless Grand Trees are removed.
5. The intent of the Tree and Canopy Protection Standards is to protect and enhance property values; to maintain the pastoral integrity of the landscape of the county; to preserve and enhance wildlife habitat; to control storm water erosion; to reduce flooding; to provide ambient cooling; to improve air quality; to mitigate negative effects of externalities such as noise, odor, dust, and light glare; and to beautify the county.
6. Other properties in the vicinity have developed and no longer have grand trees in the buildable area of their lots.
7. Grand trees are deemed to be of special value due to their age and stature and are considered to have irreplaceable value to Dorchester County.
8. The authorization of a variance will allow a retail building adjacent to an office building, and a fenced outdoor storage area adjacent to a carwash. Neither of these is considered detrimental to the existing businesses.
9. The denial of a variance would result in the removal of Grand Trees which is against the intent of the Zoning and Land Development Standards and could negatively affect the public good and character of the area.

Ms. Reinertsen stated that based on these facts, staff finds that the request does meet the requirements for a hardship and therefore recommends approval.

Mr. Andy Fogle owner of Carolina Fresh Farms and Mr. John Dangerfield from Dangerfield Engineering stepped to the podium to answer any questions. Mr. Dangerfield handed out pamphlets to the Board to better understand the area and location. Mr. Dangerfield pointed out that the tree line was a good visual buffer and explained that if they needed to remove the trees they could adjust the building.

Mr. DeHay asked about the tree line and if the back of the building was fenced.

Chairman Dwight asked if anyone was present from the public, Mr. Hollman stepped to the podium. Mr. Hollman explained that his mother lived next door and wanted an explanation of where the building would be relative to his mother's residence. The applicant explained that there would be a buffer and fence between her home and the business.

*Mr. Couto made a motion to approve the variance as presented. Mr. Reeves seconded the motion and the vote was 4 to 1 to approve, with Mr. DeHay opposed.*

B. Variance from Section 12.4.4 to remove six (6) protected trees.

Applicant:	HLA, Inc.
Property Owner:	Eastport Commerce Center, LLC
Location:	Highway 78 between Deming Way and Pinnacle Way Summerville, SC 29483 TMS# 129-00-00-091

*Ms. Reinertsen stated that this variance request was officially withdrawn.*

**V. OLD BUSINESS**

Chairman Dwight brought to the Board's attention about infractions that accord during a previous meeting. Chairman Dwight stated that Members are not to give out information during a time of recess during a meeting. He also explained the preferred procedures for a recusal.

**VI. NEW BUSINESS**

Adoption of 2018 Board of Zoning Appeals Schedule

*Mr. DeHay made the motion to adopt the calendar and Mr. Reeves seconded the motion. The vote was unanimous (5-0) to approve the 2018 calendar.*

**VII. REPORT OF CHAIRMAN**

**VIII. REPORT OF ZONING ADMINISTRATOR**

**IX. PUBLIC COMMENT**

**X. ADJOURN**

Meeting was adjourned at 6:40.