

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
COUNTY COUNCIL CHAMBERS, ST. GEORGE, SC

January 22, 2020

6:00 PM

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the December 18, 2019 Board of Zoning Appeals Meeting

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

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

Applicant:	Welby's Construction Materials LLC
Property Owner:	Bob Welborn
Address:	Hatteras Bluff Dorchester, SC 29437 TMS# 103-00-00-049

The Dorchester County Zoning and Land Development Standards Ordinance #04- 13, Article IX, Section 9.1, Subsection 9.1.2.3 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

B. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant & Property Owner:	Tuggle LLC
Address:	Tuggle Lane Ridgeville, SC 29472

5. **OLD BUSINESS**

- A. Variance from Section 12.4.4(d)(4) to allow the removal of one Grand tree.

Applicant:	Drayton Parker Companies, LLC
Property Owner:	Joseph L. Tamsberg, Jr.
Address:	Ashley Phosphate Road North Charleston, SC 29420 TMS# 172-00-00-030

6. **NEW BUSINESS**

- A. Nomination and Election of Chairman

- B. Nomination and Election of Vice-Chairman

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
COUNTY COUNCIL CHAMBERS, ST. GEORGE, SC

January 22, 2020

~~6:00~~ PM (6:05)

1. **DETERMINE QUORUM**

Present: Chairman Dehay
Mr. Wayne Reeves – *arrived at 6:25pm*
Mr. Dixon
Ms. Harper
Mr. Segelken
Mr. Sammie Reeves

Absent: Mr. Dwight

Staff: Ms. Reinertsen
Ms. Cook

2. **INVOCATION & PLEDGE**

Chairman Dehay gave the invocation.

3. **MINUTES**

Adoption of Minutes from the December 18, 2019 Board of Zoning Appeals Meeting

Mr. Sammie Reeves made a motion to approve the minutes as written. Ms. Harper seconded the motion and the vote was unanimous (5-0) to approve.

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

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

Applicant: Welby's Construction Materials LLC
Property Owner: Bob Welborn
Address: Hatteras Bluff
Dorchester, SC 29437
TMS# 103-00-00-049

The Dorchester County Zoning and Land Development Standards Ordinance #04- 13, Article IX, Section 9.1, Subsection 9.1.2.3 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

Ms. Reinertsen presented the staff report with these finding of facts:

1. Mining requires a Special Exception in the Absence of Controls zoning district.
2. 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.
3. DHEC oversees environmental review and compliance.
4. The applicant does not have DHEC approval yet.
5. Wire Road is a state-maintained road and is classified as a Major Collector. Hatteras Bluff is an unclassified, unpaved, State-maintained road.
6. Proposed hours of operation are 6am to 5pm, Monday thru Friday with limited Saturdays, 9am to noon.
7. This portion of Wire Road is predominantly characterized by large tracts of timberland with limited residential development. The closest residence appears to be more approximately ½ mile from the proposed mine site.

Based on these facts, staff recommends conditional approval of the request with the conditions being no timbering within the required buffers, adequate traffic calming/safety measures along Hatteras Bluff, and adequately addressing any SC DOT concerns through an encroachment permit.

The applicant, George Grice with Sabine and Waters, stepped to the podium and stated that a better count of trucks would be 50 to 100 trucks per day. Mr. Grice also stated that the property had been logged for timber for many years. Mr. Grice explained that everything during this process has been done by the books.

Mr. Jim Phillips, a property owner at Deep River Road, stepped to the podium and stated he was against the sand mine. Mr. Phillips explained that when it rains Hatteras Bluff is not passable because of the mud.

Mr. Ernest Jackson, his sister owns property 100 yards away, wanted to express his concern with the road conditions. The road is not wide enough for two cars to pass, let alone dump trucks.

Chairman Dehay asked about Deadwood Road. Mr. Jackson explained it was private and they maintained it.

Chairman Dehay asked who would maintain Hatteras Bluff, the applicant stated the owner would do whatever it takes to make it work.

Mr. Clark Green, owner of 178 acres right before this property, stepped to the podium and stated his property is 450 yards to the south of this parcel. Mr. Green explained his plan for retiring was to build on this property. Mr. Green stated he did not want this in his backyard.

The water issues on this road with a wooden bridge that will not hold a dump truck at all. Mr. Green stated there is only one way in and one way out.

Mr. Wayne Reeves stated he was very concerned about the road and the volume of trucks. Mr. Wayne Reeves asked if there was a routing plan and who would be responsible for the maintenance of the road.

Mr. Sammie Reeves stated by law we have to approve it.

Mr. Wayne Reeves made a motion to defer this request until the applicant has an approved encroachment permit from the Department of Transportation. Mr. Dixon seconded the motion to defer and the vote was unanimous (6-0) to defer.

B. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant &
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

Ms. Reinertsen stated the applicant asked to defer his appeal until next month.

Ms. Harper made a motion to defer the applicant's appeal until next month. Mr. Wayne Reeves seconded the motion and the vote was unanimous (6-0) to defer the appeal.

5. **OLD BUSINESS**

A. Variance from Section 12.4.4(d)(4) to allow the removal of one Grand tree.

Applicant: Drayton Parker Companies, LLC
Property Owner: Joseph L. Tamsberg, Jr.
Address: Ashley Phosphate Road
North Charleston, SC 29420
TMS# 172-00-00-030

Ms. Reinertsen presented the staff report with these finding of facts:

1. The lot in question is a typical commercial lot. Access is limited however, to just the driveway location shown on the site plan labeled Exhibit A.

2. Other properties generally have options regarding driveway location.
3. The limitation of the Encroachment Permit combined with the criteria for tree removal make developing the property for a commercial use difficult if the 24” Pine were to remain and stay healthy.
4. The removal of the 24” Pine would not be detrimental to the site which will be required to install a buffer and other landscape trees.

Based on these facts, staff finds that the application does meet the requirements for a variance to remove the 24” Pine. Therefore, staff recommends approval of the request to remove the 24” Pine.

Mr. Daniel Ben-Yisrael, with Parker’s Kitchen, stepped to the podium to answer any questions the Board may have.

Mr. Wayne Reeves asked about accessing off Ashley Phosphate and Mr. Ben-Yisrael stated SCDOT would not grant the permit.

Mr. Wayne Reeves made a motion to approve the variance based on staff’s finding of facts. Mr. Sammie Reeves seconded the motion and the vote was unanimous (6-0) to approve.

6. **NEW BUSINESS**

A. Nomination and Election of Chairman

Mr. Dehay nominated Mr. Wayne Reeves for Chairman and Mr. Sammie Reeves seconded the motion. The vote was unanimous to elect Mr. Wayne Reeves as the Board of Zoning Appeals Chairman.

B. Nomination and Election of Vice-Chairman

Ms. Harper nominated Mr. Dehay for Vice Chairman and Mr. Sammie Reeves seconded the motion. The vote was unanimous (6-0) to elect Mr. Dehay as Vice Chairman.

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Chairman Wayne Reeves adjourned the meeting at 7:05 pm.

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC

February 26, 2020

6:00 PM

1. **DETERMINE QUORUM**
2. **INVOCATION & PLEDGE**
3. **MINUTES**

Adoption of Minutes from the January 23, 2020 Board of Zoning Appeals Meeting

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

- A. Variance from Section 10.4.2(1)(f) to allow an accessory structure in the front yard.

Applicant and
Property Owner: Lisa Priester
Address: 320 Canterring Hills Lane
Summerville, SC 29483
TMS# 136-00-00-180

- B. Special Exception for an Events Venue (Use Group 13(a)) in an Absence of Controls District.

Applicant: Joe Teders
Property Owner: John A. Kincaid, Jr
Address: 725 Hwy 78
Ridgeville, SC 29472
TMS# 098-00-00-232

- C. Special Exception for a General Contracting Business (Use Group 21(a)) in an Absence of Controls District.

Applicant and
Property Owner: Simmons Investments II, LLC
Address: 139 Pioneer Gym Road
Harleyville, SC 29448
TMS# 037-00-00-107

- D. Special Exception for Campsites (Use Group 7(b)) and a Parking Lot in an Absence of Controls District.

Applicant: Charles A. Tidwell
Property Owner: Mary Siegrist & Michael Grooms
Address: Old Beech Hill Rd
Ridgeville, SC 29472
TMS# 132-00-00-273

- E. Special Exception for an Events Venue (Use Group 13(a)) in a General Commercial District.

Applicant: Ashli Polite
Property Owner: Lane Commercial, LLC
Address: 3620 Ashley Phosphate Rd
N. Charleston, SC 29420
TMS# 172-12-01-027

- F. Variance from Section 8.1.5 to reduce the minimum lot standards for Phillips Crossing Subdivision.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472
TMS# 150-00-00-007 & 150-00-00-009

5. **OLD BUSINESS**

- A. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant &
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

6. **NEW BUSINESS**
7. **REPORT OF CHAIRMAN**
8. **REPORT OF ZONING ADMINISTRATOR**
9. **PUBLIC COMMENT**
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Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC

February 26, 2020

6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Wayne Reeves
Mr. Dehay
Mr. Dixon
Mr. Dwight
Mr. Sammie Reeves
Ms. Harper

Absent: Mr. Segelken

Staff Ms. Reinertsen
Ms. Cook

2. **INVOCATION & PLEDGE**

Mr. Dixon gave the invocation.

3. **MINUTES**

Adoption of Minutes from the January 23, 2020 Board of Zoning Appeals Meeting

Mr. Dehay made a motion to approve the minutes as written. Mr. Sammie Reeves seconded the motion and the vote was unanimous (6-0) to approve.

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

A. Variance from Section 10.4.2(1)(f) to allow an accessory structure in the front yard.

Applicant and
Property Owner: Lisa Priester
Address: 320 Canterring Hills Lane
Summerville, SC 29483
TMS# 136-00-00-180

Ms. Reinertsen presented the staff report with these finding of facts:

1. The lot in question is a large residential lot that previously had a home and garage.

There are no limiting factors on the lot that would create extraordinary conditions.

3. Other lots in the area are also large with residential homes and accessory structures.
4. The applicant of the ordinance does not prevent or restrict the use of the property.
5. The authorization of the variance would not be detrimental to other lots in the vicinity.

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

Ms. Priester, the applicant, stepped to the podium and explained why she applied for the Variance. Ms. Priester also showed the board the site plan of the future build.

The Board had no questions from the applicant and public comment was closed.

Mr. Dehay made a motion to grant the variance. Mr. Sammie Reeves seconded the motion and the vote was 5 in favor and 1 opposed (Ms. Harper) to grant the variance.

B. Special Exception for an Events Venue (Use Group 13(a)) in an Absence of Controls District.

Applicant:	Joe Teders
Property Owner:	John A. Kincaid, Jr
Address:	725 Hwy 78 Ridgeville, SC 29472 TMS# 098-00-00-232

Ms. Reinertsen presented the staff report with the following finding of facts:

1. Events venues require a Special Exception in the Absence of Controls zoning district.
2. Technical Review Committee review and approval will be required for approval of the site plan prior to installation/operation.
3. A Type-A buffer will be required where adjacent to residential uses.
4. Highway 78 is a state-maintained road and is classified as a Principal Arterial and is adequate to support this use.
5. Proposed hours of operation are 8am to 11pm, with activities ending by 10:30.
6. The Comprehensive Plan Future Land Use designation supports this business at this location.

Based on these facts, staff recommends approval of the request with the understanding that TRC review and approval is still required.

Mr. Joe Teders, the applicant, stepped to the podium and explained that the property owner wanted to do something good with the property. Mr. Teders commented that as an event venue it would bring something nice to the County and the property is beautiful on the back side.

Ms. Laura Polutta, adjacent property owner, stepped to the podium and wanted to know about the buffer. Ms. Polutta asked what would keep her animals safe and pointed out there would be drainage issues. Ms. Polutta stated that when she opened her feed and seed store, as part of the approval by the Board of Zoning Appeals, she was instructed to put up a privacy fence all the way around the business to separate it from the other property owners. She asked if they will need to put one up themselves.

Mr. Gregory Bird, 403 School Street, stepped to the podium and stated that he can see the complete backside of the property they are planning on having the events venue on. Mr. Bird asked who would be controlling the crowds and noise. Mr. Bird was opposed to this type of business next to his property.

Mr. Dehay asked about options for buffers, the A thru D buffers.

Mr. Dwight asked if staff would bring the details of Ms. Polutta's Feed and Seed store's case to next month's meeting to share with the Board.

Mr. Dehay made a motion to table the Special Exception until next month, so staff can bring information on buffers and the feed and seed store's case. Mr. Dixon seconded the motion and the vote was unanimous (6-0) to table the request.

C. Special Exception for a General Contracting Business (Use Group 21(a)) in an Absence of Controls District.

Applicant and	
Property Owner:	Simmons Investments II, LLC
Address:	139 Pioneer Gym Road
	Harleyville, SC 29448
	TMS# 037-00-00-107

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

1. Commercial businesses require a Special Exception in the Absence of Controls zoning district.
2. The site had been previously used for a commercial/industrial business but the change in use requires a Special Exception.
3. The applicant is not proposing any exterior alterations to the building or site.
4. Traffic generated by the business is expected to be minimal and supported by the existing roadway.
5. Proposed hours of operation are Monday – Friday, 8am to 5pm.
6. The Comprehensive Plan Future Land Use designation supports this business at this location.

Based on these facts, staff recommends approval of the request.

The applicant, Robert Simmons, stepped to the podium and explained he was going to use the location for his general contractor's office and equipment.

Mr Dehay made a motion to approve the Special Exception based on the staff's recommendation. Mr. Sammie Reeves seconded the motion and the vote was unanimous (6-0) to approve the Special Exception.

D. Special Exception for Campsites (Use Group 7(b)) and a Parking Lot in an Absence of Controls District.

Applicant:	Charles A. Tidwell
Property Owner:	Mary Siegrist & Michael Grooms
Address:	Old Beech Hill Rd Ridgeville, SC 29472 TMS# 132-00-00-273

Ms. Reinertsen presented the staff report with these finding of facts:

1. Commercial businesses require a Special Exception in the Absence of Controls zoning district.
2. Technical Review Committee review and approval would be required before any site development activities could begin.
3. The total number of RV sites and primitive campsites is not provided but the site is limited to 4.5 acres.

4. Traffic generated by the campground is expected to be low and supported by the existing roadway.
5. Proposed hours of operation are 8am to 5pm, seven days a week. Access would be limited after hours.
6. The Comprehensive Plan Future Land Use designation supports this business at this location.
7. Beech Hill Road and Shoofly Road do not have the pedestrian facilities necessary to support the use of the site for overflow parking for Edisto River Adventures or Givhans Ferry State Park.

Based on these facts, staff recommends conditional approval of the request for the campsite with the conditions being approval of DHEC for wastewater facilities, and approval of the site plan by the Technical Review Committee. Staff recommends denial of the request to use the site for off-site parking.

The applicant, Mr. Tidwell, stepped to the podium and explained what he was planning to do by providing a primitive type campsite with portable bathrooms and tent sites. Mr. Tidwell also explained he would like to provide paid parking to those who need parking for the Edisto River attractions.

Ms. Harper made a motion to approve the Special Exception for the campsite pending DHEC approval and the County's Technical Review Board and deny the Special Exception for the off-site parking based on the staff's finding of facts. Mr. Dehay seconded the motion and the vote was unanimous (6-0) to approve the campsite and deny the off-site parking.

E. Special Exception for an Events Venue (Use Group 13(a)) in a General Commercial District.

Applicant:	Ashli Polite
Property Owner:	Lane Commercial, LLC
Address:	3620 Ashley Phosphate Rd N. Charleston, SC 29420 TMS# 172-12-01-027

Ms. Reinertsen presented the staff report with these finding of facts:

1. Events venues require a Special Exception in the General Commercial zoning district.
2. The business will be located within the existing strip-center.
3. Ashley Phosphate Road is a state-maintained road and is classified as a Minor Arterial which is adequate to support this use.

4. Proposed hours of operation are afternoons and evenings, ending by midnight.
5. The Comprehensive Plan Future Land Use designation supports this business at this location.

Based on these facts, staff recommends approval of the request.

Ms. Ashli Polite, the applicant, stepped to the podium and explained what she intends to have is a events location for banquets, parties and family reunions.

A motion to close public hearing was made by Mr. Dehay and seconded by Mr. Dwight. The vote was unanimous to close the public hearing (6-0).

- F. Variance from Section 8.1.5 to reduce the minimum lot standards for Phillips Crossing Subdivision.

Applicant and	
Property Owner:	Tuggle LLC
Address:	Tuggle Lane
	Ridgeville, SC 29472
	TMS# 150-00-00-007 & 150-00-00-009

Ms. Reinertsen presented the staff report with these finding of facts:

1. This development had received Planning Commission Conditional Approval in 2016 and the applicant had been actively working with the County to address outstanding comments. The changing of County regulations while continuously working on final approval with this developer has made it difficult to continue with the development of the tract.
2. This situation does not apply to any other developments in the County.
3. The application of the revised ordinance would not allow the development to continue as approved by Planning Commission.
4. Because of the rezoning potential of this tract, the authorization of the variance would not be detrimental to other lots in the vicinity.

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

Mr. Lesemann, the applicant's attorney, stepped to the podium and explained that in 2016 the lot minimums were 12,000sq ft with an 80' width. Now, in 2019 we are told they must be a minimum one-acre lot. Mr. Lesemann stated that through 2018 and 2019 his client had been

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working with Dorchester County public works to address their comments from the preliminary submittal.

Mr. Dehay asked if at anytime prior to the ordinance change was there something they could have done.

Mr. Dehay stated a loss of money does not qualify as a hardship, lost time or even if allowances made. Mr. Dehay asked about the water and sewer situation, sewer by county and water by wells.

Mr. Cawood South, the project engineer, approached the podium and said there will be 2 well on the property and there is a pump station on Highway 61. Mr. South also stated the permits for the wells are in process with DHEC. Once everything is built, the wells will be handed over to the County.

Chairman Reeves passed the gavel to Mr. Dehay. Chairman Reeves then asked the size of the wells. Chairman Reeves asked if there were any study done of the wells, had anyone considered what might happen to the surrounding water supply. Chairman Reeves asked why they were not looking at alternative means for water to that

Mr. South stated they were working with the County on the water.

Chairman Reeves stated there should be no deep wells in the neighborhood and all of these neighbors here tonight need answers.

The applicant's attorney Mr. Lesemann stepped to the podium and a stated his applicant would like to defer his request, so they may look into the water situation.

Chairman Reeves made a motion to defer Items 4F and 5A until next month based on the applicant's request. Ms. Harper second the motion, and the vote was unanimous (6-0) to defer both items.

5. **OLD BUSINESS**

- A. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant &
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

This item was deferred under agenda item 4F.

6. **NEW BUSINESS**
7. **REPORT OF CHAIRMAN**
8. **REPORT OF ZONING ADMINISTRATOR**
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

Mr. Dehay made a motion to adjourn and Mr. Sammie Reeves seconded the motion. The meeting adjourned at 7:20 pm.

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
May 27, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the February 26, 2020 Board of Zoning Appeals Meeting

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

A. Variance from Section 7.3.5(c) to reduce the minimum rear yard setback from 25' to 10'.

Applicant:	Grace P. Heron
Property Owner:	Robert and Grace Heron
Address:	120 Sunrise Road N. Charleston, SC 29418 TMS# 181-11-10-018

B. Special Exception for a Cell Tower (Use Group 11(b)) in an Absence of Control District.

Applicant:	David Amory, Tillman Infrastructure LLC
Property Owner:	Byrd Farm Properties LLC
Address:	223 Byrd Farm Lane St George, SC 29477 TMS# 072-00-00-002

- C. Variance from section 13.2.2 to eliminate the Type H “Height to Depth” setback buffer requirement.

Applicant: David Amory, Tillman Infrastructure LLC
Property Owner: Byrd Farm Properties LLC
Address: 223 Byrd Farm Lane
St George, SC 29477
TMS# 072-00-00-002

- D. Special Exception for a Commercial Workshop (Use Group 21(b)) in an Absence of Controls District.

Applicant and Property Owner: Matthew Mitman
Edgar E. & Tracey Mitman (JRTOS)
Address: 918 Duncan Chapel Road
Bowman, SC 29018
TMS# 003-00-00-056

5. **OLD BUSINESS**

- A. Special Exception for an Events Venue (Use Group 13(a)) in an Absence of Controls District. ****WITHDRAWN BY APPLICANT****

Applicant: Joe Teders
Property Owner: John A. Kincaid, Jr
Address: 725 Hwy 78
Ridgeville, SC 29472
TMS# 098-00-00-232

- B. Special Exception for an Events Venue (Use Group 13(a)) in a General Commercial District.

Applicant: Ashli Polite
Property Owner: Lane Commercial, LLC
Address: 3620 Ashley Phosphate Rd
N. Charleston, SC 29420
TMS# 172-12-01-027

- C. Variance from Section 8.1.5 to reduce the minimum lot standards for Phillips Crossing Subdivision.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472
TMS# 150-00-00-007 & 150-00-00-009

- D. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

6. **NEW BUSINESS**
7. **REPORT OF CHAIRMAN**
8. **REPORT OF ZONING ADMINISTRATOR**
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
May 27, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

Present: Chairman Reeves
Mr. Dehay
Ms. Harper
Mr. Dwight
Mr. Dixon
Mr. Segelken (arrived at 6:40pm)

Absent: Mr. Sammie Reeves

Staff: Ms. Reinertsen
Ms. Heber

2. **INVOCATION & PLEDGE**

Mr. Dehay gave the invocation.

3. **MINUTES**

Adoption of Minutes from the February 26, 2020 Board of Zoning Appeals Meeting

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

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

Chairman Reeves recognized Mr. Lesemann regarding items 5C and 5D on the agenda.

Mr. Lesemann stepped to the podium and asked the Board to grant a deferral of items 5C and 5D until the June meeting.

Mr. Dehay made a motion to defer the items until next month and Ms. Harper seconded the motion. The vote was unanimous (5-0) to defer the items as requested.

A. Variance from Section 7.3.5(c) to reduce the minimum rear yard setback from 25' to 10'.

Applicant: Grace P. Heron
Property Owner: Robert and Grace Heron
Address: 120 Sunrise Road
N. Charleston, SC 29418

TMS# 181-11-10-018

Ms. Reinertsen presented the staff report with these finding of facts,

1. The lot in question is a residential lot with an existing home. The existence of the Grand tree in the rear yard make it difficult to locate the addition where it could meet rear yard setbacks and the shape of the front yard limits the ability to place an addition without a variance.
2. Other lots in the area have residential homes, however, the shape of the lot combined with a Grand tree in the rear-yard limits this lot more than other lots.
3. The application of the ordinance does not prevent or restrict the use of the property.
4. The authorization of the variance would not be detrimental to other lots in the vicinity.

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

Ms. Heron stepped to the podium and explained that she tried to find a different house to accommodate for her handicapped husband. Ms. Heron explained that the VA was giving them a grant to convert their home for wheelchair use.

Mr. Dehay made a motion to approve the variance and Mr. Dwight seconded the motion. The vote was unanimous (5-0) to approve the variance.

B. Special Exception for a Cell Tower (Use Group 11(b)) in an Absence of Control District.

Applicant: David Amory, Tillman Infrastructure LLC
Property Owner: Byrd Farm Properties LLC
Address: 223 Byrd Farm Lane
St George, SC 29477
TMS# 072-00-00-002

Ms. Reinertsen presented the staff report with these finding of facts:

1. Commercial businesses require a Special Exception in the Absence of Controls zoning district.
2. Cell towers are regulated by the conditions found in Section 10.4.14 of the Zoning and Land Development Standards and will be reviewed for compliance with those regulations.
3. This is not expected to generate traffic
4. The proposed tower complies with the Airport Overlay District requirements
5. The Comprehensive Plan Future Land Use designation supports this business at this location.

Based on these facts, staff recommends approval of the request.

Mr. Mark Loubier approached the podium for the applicant David Amory. Mr. Loubier explained that AT&T will occupy the tower.

Ms. Harper made a motion to approve the special exception for the cell tower. Mr. Dixon seconded the motion and the vote was unanimous (5-0) to approve.

- C. Variance from section 13.2.2 to eliminate the Type H “Height to Depth” setback buffer requirement.

Applicant:	David Amory, Tillman Infrastructure LLC
Property Owner:	Byrd Farm Properties LLC
Address:	223 Byrd Farm Lane
	St George, SC 29477
	TMS# 072-00-00-002

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

1. Although this lot meets the overall size requirements to locate a tower, the extraordinary size required by one section of the ordinance versus the more standard 50’ buffer required in another section is creating the extraordinary condition.
2. Other cell tower lots are considerable smaller than what is required by the buffer table in section 13.2.2
3. The extreme requirements placed on this property by the ordinance severely limit its ability to support a cell tower.
4. The granting of a variance will not be detrimental to other property in the vicinity.

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

Mr. Loubier stepped to the podium again to answer any questions.

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

D. Special Exception for a Commercial Workshop (Use Group 21(b)) in an Absence of Controls District.

Applicant and	Matthew Mitman
Property Owner:	Edgar E. & Tracey Mitman (JRTOS)
Address:	918 Duncan Chapel Road
	Bowman, SC 29018
	TMS# 003-00-00-056

Ms. Reinertsen presented the staff report with these finding of facts:

1. Commercial businesses require a Special Exception in the Absence of Controls zoning district.
2. The 38-acre site currently contains a residential dwelling.
3. The applicant will still have to obtain Technical Review Committee approval for site and building plans.
4. Traffic generated by the business is expected to be minimal and supported by the existing roadway.
5. There are no proposed hours of operation.
6. The Comprehensive Plan Future Land Use designation supports this business at this location.

Based on these facts, staff recommends approval of the request noting however, that the board may choose to place conditions to minimize the impact on the adjacent church property.

Mr. Dwight asked for a copy of the correspondence.

Chairman Reeves asked if there were any other businesses in that vicinity and does anyone have a current picture of property.

The applicant, Mr. Mitman stepped to the podium. Mr. Mitman explained his hobby is working with big equipment and wood work. Mr. Mitman stated that he can help others who have heavy equipment and need repairs but nowhere to go. The distance is 700 ft and he did not anticipate any noise problems.

Mr. Dixon asked if the applicant planned to expand?

Mr. Dehay asked the applicant to explain more about the activities. Mr. Mitman stated he loves to have the opportunity to make things when he wants. Mr. Mitman explained he could teach people who do not have the ability to help those.

Mr. Dixon asked what the hours of operations would be, five day or seven days a week.

Chairman Reeves asked where the entrance people would be will be using. Also, we have seen in some of the pictures that the property isn't maintained.

Mr. Paul Lawton, pastor at Duncan Chapel Road, stepped to the podium and explained it is a quiet, nonbusiness area, there are multiply businesses on Hwy 78. There are many industrial areas or property for this type of business. The impact of noise and traffic to the area would be horrible. Mr. Lawton stated that 6 months ago he reported to the business license department that there was an illegal business or activity out there.

Mr. Tim Whetsell, lives the closest to Mr. Mitman, stated his problem was about the mess that is around him and concerned that it will just be worse. Everyone takes pride on how they take care of their property and it's just a mess.

Ms. Elizabeth Whetsell, has lived in the community for 58 years, the people who originally had the house had a beautiful Victorian home. We thought he was going to fix up the house but has only brought in heavy equipment, not to mention the mess. Ms. Whetsell is concerned for future safety.

Mr. Dwight, have you notice any cleaning being done on the property.

Mr. Mitman asked to respond to concerns. He spoke about traffic and it not being anything more. The noise as stated earlier is physically impossible.

Mr. Mitman stated he feels that everything stated and addressed can be taken care of just like his neighbors requested. Mr. Mitman stated he hopes to help smaller businesses if they would need it.

Mr. Dwight asked about the County asking him to move a container to block or use with the fence coming off it.

Mr. Mitman stated code enforcement asked that the container be placed there.

Mr. Dwight asked if he would keep his business clean especially when next to a church. Mr. Mitman stated for clarification that it's not trash that is on the property but his equipment.

Mr. Dwight stated he remembers that the place was in foreclosure, but they had come to the board about cleaning the property up. Mr. Mitman stated yes when he purchased the property it was well over grown.

Mr. Dehay stated given the character of the area this business would not be acceptable. Mr. Dehay made a motion to deny the special exception and Mr. Dwight seconded the motion. The vote was unanimous (6-0) to deny.

5. **OLD BUSINESS**

- A. Special Exception for an Events Venue (Use Group 13(a)) in an Absence of Controls District. ****WITHDRAWN BY APPLICANT****

Applicant: Joe Teders
Property Owner: John A. Kincaid, Jr
Address: 725 Hwy 78
Ridgeville, SC 29472
TMS# 098-00-00-232

This application was withdrawn by the applicant prior to the meeting.

- B. Special Exception for an Events Venue (Use Group 13(a)) in a General Commercial District.

Applicant: Ashli Polite
Property Owner: Lane Commercial, LLC
Address: 3620 Ashley Phosphate Rd
N. Charleston, SC 29420
TMS# 172-12-01-027

Chairman Reeves explained that this item had been on their agenda last month but they had failed to take action and needed to do so now.

Mr. Dehay made a motion to approve the request and Ms. Harper seconded the motion. The vote was unanimous (6-0) to approve the special exception.

- C. Variance from Section 8.1.5 to reduce the minimum lot standards for Phillips Crossing Subdivision.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472
TMS# 150-00-00-007 & 150-00-00-009

Items 5C and 5D were deferred at the beginning of the meeting at the request of the applicant.

- D. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

6. **NEW BUSINESS**
7. **REPORT OF CHAIRMAN**
8. **REPORT OF ZONING ADMINISTRATOR**
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

Meeting adjourned at 7:00 pm.

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
July 22, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the June 24, 2020 Board of Zoning Appeals Meeting

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

A. Variance from Section 10.4.1(c) to allow an accessory dwelling unit over 900 square feet.

Applicant: Sinclair Brown Jr
Property Owner: Sinclair Jr & Joetta Brown
Address: 1668 Sandridge Road
Dorchester, SC 29437
TMS# 093-00-00-025

B. Special Exception for an Events Venue (Use Group 13(a)) in an Absence of Control District.

Applicant and
Property Owner: Melinda Murray
Address: 131 Boone Dock Lane
Ridgeville, SC 29472
TMS# 149-00-00-014

C. Special Exception for an internet retail/manufacturing business (Use Group 20(d)) in an Absence of Control District.

Applicant: Mark Connelly

Property Owner: Mark & Rebecca Connelly
Address: 3123 Wire Road
St George, SC 29477
TMS# 091-00-00-019

- D. Variance from Section 7.10.6 and 13.2.2 to reduce the minimum lot size requirement from 5 acres to .6 acre and to eliminate the buffer requirement.

Applicant: Dorchester County
Property Owner: Giant Cement
Address: 455 Seven Mile Road
Harleyville, SC 29448
TMS# 025-00-00-038

5. **OLD BUSINESS**

- A. Variance from Section 8.1.5 to reduce the minimum lot standards for Phillips Crossing Subdivision.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472
TMS# 150-00-00-007 & 150-00-00-009

- B. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
July 22, 2020
6:00 PM

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1. **DETERMINE QUORUM**

Present: Chairman Wayne Reeves
Mr. Dehay
Mr. Segelken
Mr. Dixon
Mr. Dwight
Mr. Sammie Reeves

Absent: Ms. Harper

Staff: Ms. Reinertsen
Ms. Cook

2. **INVOCATION & PLEDGE**

Mr. Dixon gave the invocation.

3. **MINUTES**

Adoption of Minutes from the May 27, 2020 Board of Zoning Appeals Meeting

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

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

A. Variance from Section 10.4.1(c) to allow an accessory dwelling unit over 900 square feet.

Applicant:	Sinclair Brown Jr
Property Owner:	Sinclair Jr & Joetta Brown
Address:	1668 Sandridge Road Dorchester, SC 29437

TMS# 093-00-00-025

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a residential lot with an existing home that was intended as a temporary dwelling until the principal residence could be built.
2. Other lots in the area have larger homes, many of which must meet a minimum size requirement of 1,600sf imposed by Covenants & Restrictions.
3. The application of the ordinance would prevent the owners from constructing a dwelling of similar size to the others in this community.
4. The authorization of the variance would not be detrimental to other lots in the vicinity.

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

Mr. Sinclair, the applicant, stepped to the podium to answer any questions from the Board.

Mr. Segelken made a motion to grant the variance based on staff's recommendation. Mr. Sammie Reeves seconded the motion and the vote was unanimous (6-0) to grant the variance.

B. Special Exception for an Events Venue (Use Group 13(a)) in an Absence of Control District.

Applicant and
Property Owner: Melinda Murray
Address: 131 Boone Dock Lane
Ridgeville, SC 29472
TMS# 149-00-00-014

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

1. Events venues require a Special Exception in the Absence of Controls zoning district.
2. Technical Review Committee review and approval will be required for approval of the site plan prior to installation/operation.

3. A Type-A buffer may be required where adjacent to residential uses.
4. Proposed hours of operation are limited to 8:00am to 10:00pm.
5. The Comprehensive Plan Future Land Use designation supports this business at this location.

Based on these facts, staff recommends approval of the request with the understanding that TRC Review and approval is still required.

Ms. Murray, the applicant, stepped to the podium to explain her plans and to answer any questions.

Mr. Segelken asked if Ms. Murray would need to go through the TRC process.

Mr. Dehay asked about her business hours which would be Monday-Saturday, 8 am to 10 pm.

Mr. Segelken made a motion to approve the special exception based on staff's recommendation. Mr. Dixon seconded the motion and the vote was unanimous (6-0) to approve the special exception.

- C. Special Exception for an internet retail/manufacturing business (Use Group 20(d)) in an Absence of Control District.

Applicant: Mark Connelly
Property Owner: Mark & Rebecca Connelly
Address: 3123 Wire Road
St George, SC 29477
TMS# 091-00-00-019

Ms. Reinertsen stated the applicant pulled his request and no action was to be taken.

- D. Variance from Section 7.10.6 and 13.2.2 to reduce the minimum lot size requirement from 5 acres to .6 acre and to eliminate the buffer requirement.

Applicant: Dorchester County
Property Owner: Giant Cement
Address: 455 Seven Mile Road
Harleyville, SC 29448
TMS# 025-00-00-038

Ms. Reinertsen presented the staff report with these finding of facts:

1. The lot in question contains an existing use in an industrial area, surrounded on three sides by woods. The existing lease area is all that is being considered at this time for subdivision.
2. Other lots in the area which must meet the industrial lot requirements are larger heavy industrial uses. Residential lots are only required to be one acre and public institutional lots have no minimum lot size requirement.
3. The application of the ordinance would prevent the county from continuing operations for the convenience site at this location.
4. The authorization of the variance would not be detrimental to other lots in the vicinity.

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

Mr. Segelken asked if this would be setting a precedence approving this variance.

Mr. Dehay made a motion to approve the variance based on staff's recommendation. Mr. Sammie Reeves seconded the motion and the vote was 5 in favor and 1 opposed (Mr. Segelken).

OLD BUSINESS

- A. Variance from Section 8.1.5 to reduce the minimum lot standards for Phillips Crossing Subdivision.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472
TMS# 150-00-00-007 & 150-00-00-009

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

1. This development had received Planning Commission Conditional Approval in 2016 and the applicant had been actively working with the County to address outstanding comments. The changing of County regulations while continuously working on final approval with this developer has made it difficult to continue with the development of the tract.
2. This situation does not apply to any other developments in the County.

3. The application of the revised ordinance would not allow the development to continue as approved by Planning Commission.
4. Because of the rezoning potential of this tract, the authorization of the variance would not be detrimental to other lots in the vicinity.

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

Ellis Lesemann, the applicant's attorney, stepped to the podium and explained that his client was working with the County to have a County water line to the development. Mr. Lesemann stated that if any of the Board was concerned about having wells to please put a condition on the approval. The condition would be that the variance is approved if each site has Dorchester County water.

Mr. Skip Elliott, adjacent property owner, stepped to the podium and stated he's a property rights guy. He also explained that he appreciates the Board for requiring that the development receive public water and no wells.

Mr. George Franks, adjacent property owner, stated he was opposed to the change in lot size. Mr. Franks explained they were changed for a reason. He also stated didn't the applicant admit to having problems with the development to begin with. Mr. Franks all stated that the construction entrance cannot be off Tuggle Lane, it will tear up the road. They need to come in off Highway 61.

Mr. Robert Picard, Tuggle LLC, stated that they have walked through the process with all departments. Mr. Picard added this will be a quality addition for the County.

Mr. Dehay asked for clarification- this is not going to be a public county well, it is strictly public water and sewer.

Mr. Dwight asked did you follow proper protocol. Mr. Dwight stated he remembers back in 2015 there was the same issue about public water, so they are going to use County water and sewer.

Mr. Dehay made a motion to conditionally approve the variance, the condition being that the developer can only use County water and Sewer. Mr. Dwight seconded the motion and the vote was unanimous (6-0) to approve the conditional variance.

- B. Appeal decision of Zoning Administrator regarding interpretation of Section 27.2.3, Establishment of Vested Rights.

Applicant and
Property Owner: Tuggle LLC
Address: Tuggle Lane
Ridgeville, SC 29472

Mr. Ellis Lesemann stated the applicant wanted to withdrawal this item after the vote for the previous item. This item was withdrawn, no action taken

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

Mr. Wayne Reeves thanked everyone for attending.

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Unanimous to adjourn at 7:10 pm

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
September 23, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the July 22, 2020 Board of Zoning Appeals Meeting

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

A. Variance from Section 12.4.4(d)(4) to allow the removal of two grand trees located at the proposed entrance drive and from Section 7.8.6(c) to allow a drive-thru overhang to encroach into the 50' side yard setback.

Applicant:	ESD Partners
Property Owner:	Enterprise Bank of South Carolina
Address:	577 Ridgeville Road Ridgeville, SC 29472 TMS# 098-00-00-298

5. **OLD BUSINESS**

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

Applicant:	Welby's Construction Materials LLC
Property Owner:	Bob Welborn
Address:	Hatteras Bluff Dorchester, SC 29437 TMS# 103-00-00-049

The Dorchester County Zoning and Land Development Standards Ordinance #04- 13, Article IX, Section 9.1, Subsection 9.1.2.3 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

6. **NEW BUSINESS**
7. **REPORT OF CHAIRMAN**
8. **REPORT OF ZONING ADMINISTRATOR**
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
September 23, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

Present: Chairman Wayne H. Reeves
Mr. DeHay
Mr. Segelken
Mr. Dixon
Mr. Dwight
Ms. Harper
Mr. Sammie Reeves

Staff: Ms. Reinertsen
Ms. Carlton

2. **INVOCATION & PLEDGE**

Mr. DeHay gave the invocation

3. **MINUTES**

Adoption of Minutes from the July 22, 2020 Board of Zoning Appeals Meeting

Mr. DeHay made a motion to approve the minutes as written and Mr. S. Reeves seconded the motion. The vote was unanimous (7-0) to approve

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

A. Variance from Section 12.4.4(d)(4) to allow the removal of two grand trees located at the proposed entrance drive and from Section 7.8.6(c) to allow a drive-thru overhang to encroach into the 50' side yard setback.

Applicant: ESD Partners
Property Owner: Enterprise Bank of South Carolina
Address: 577 Ridgeville Road

Ridgeville, SC 29472
TMS# 098-00-00-298

Ms. Reinertsen presented these finding of facts:

1. The lot in question was approved for commercial use in 2017. At the time the lot was subdivided, no wetlands were surveyed. Now that the developer is planning to build, wetlands have impacted the southern portion of the site.
2. The zoning on the property is Absence of Controls and the anticipated use on the abutting parcel is commercial but without the use in place, the adjacent parcel is considered to have residential zoning which requires greater setbacks.
3. The wetlands on the southern portion of the property and the undeveloped parcel to the north pinch the available developable area of the parcel for the intended commercial development.
4. The authorization of the variance would not be detrimental to other lots in the vicinity.

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

Mr. Dixon asked Ms. Reinertsen if a sealed engineering plans should be utilized for the approval. Ms. Reinertsen responded that these plans have been reviewed by the technical review committee and are close to a final version.

Mr. Elder and Mr. Gorniak both from ESV Architecture, representatives for applicant, stepped to the podium and expressed the following;

1. They have completed the process with Army Corp of Engineers. and confirmed the delineation.
2. The plan is a result of maintaining the proper distance from the wetlands.
3. The Plan provides the applicant with the optimal traffic flow pattern while promoting parking safety.

Mr. Segelken made a motion to grant the variance based on staff's recommendation. Ms. Harper seconded the motion and the vote was unanimous (7-0) to grant the variance.

5. **OLD BUSINESS**

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

Applicant: Welby's Construction Materials LLC
Property Owner: Bob Welborn
Address: Hatteras Bluff
Dorchester, SC 29437
TMS# 103-00-00-049

The Dorchester County Zoning and Land Development Standards Ordinance #04- 13, Article IX, Section 9.1, Subsection 9.1.2.3 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.

Ms. Reinertsen presented the staff report with these finding of facts:

1. Mining requires a Special Exception in the Absence of Controls zoning district.
2. 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.
3. DHEC oversees environmental review and compliance.
4. The applicant does not have DHEC approval yet.
5. Wire Road is a state-maintained road and is classified as a Major Collector. Hatteras Bluff is an unclassified, unpaved, State-maintained road.
6. Proposed hours of operation are 6am to 5pm, Monday thru Friday with limited Saturdays, 9am to noon.
7. This portion of Wire Road is predominantly characterized by large tracts of timberland with limited residential development. The closest residence appears to be more approximately ½ mile from the proposed mine site.
8. The applicant has obtained an encroachment permit from SCDOT as required by the board.

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

Mr. Dixon questioned what would prohibit load bearing traffic from utilizing the bridge and what is the weight limit of the bridge. Ms. Reinertsen responded the SCDOT permit does not specify the weight limit in the permit, but any vehicle that has hauling capabilities would not utilize that bridge. That the only way a vehicle would go to that bridge is if someone missed the entrance to the mine site. That some signage would be beneficial to indicate the vehicle was approaching the prohibited bridge. Mr. Dixon asked that if any damage should occur that the applicant would be responsible. Mr. Reinertsen responded yes, she believed so but did not want to state something she did not know for sure.

Mr. W.H. Reeves questioned no loaded vehicles can go north on this road. Ms. Reinertsen responded that was correct.

Mr. Dwight wanted to confirm that there was a SCDOT agreement that the State agency would be responsible for enforcing the stipulations. Mr. DeHay added that the applicant has put up earnest money.

Mr. Dwight and Mr. W. H. Reeves discussed the that the fact that with the SCDOT signed agreement and earnest money put in place it gave the County the authority and capability to enforce the stipulations of the Special Exception.

Mr. Segelken questioned when road repairs are needed who determines what will be completed? SCDOT? Mr. Reinertsen responded that a phone call would need to be made to SCDOT.

Mr. Robert Strange, the applicants Environmental Consultant, stepped to the podium expressed the following points:

1. Size of land that is 61 acres have permit in hand from DHEC to mind 35 Acres with forested buffers and berms.
2. Truck count maximum will be 250 per day. But will average approx. 100 per day.
3. The applicant has an encroachment permit and Bond from SCDOT
4. The applicant will improve road and maintain the road themselves and create pull offs within subject property and existing encroachments.
5. The trucks are owned and operated by the applicant creating control and oversight.

pg. 5

6. Confirmed that the only way a truck would travel north past the mine entrance towards the bridge would be if they were empty and missed the turn. That there are plenty of spots to turn around.
7. Confirmed if any issues call the Dorchester County DOT office and they will call the applicant.
8. The applicant wants to be a good neighbor and plans to live at the mine location.

Mr. Segleken questioned if the pull offs mentioned were DOT sanctioned? Mr. Strange responded no, they were going to utilize existing dirt pull offs associated with the Timberland that is owned by Plum Creek and on the sand mine property.

Mr. Jackson, neighbor of the site, he owns a construction company and lives in the area. He feels that the applicant has the right idea and believes the sand mine will be a significant improvement to the area roads.

Ms. Tripp, neighbor of the site at the end Hatteras Bluff Road, stated that the residents could not get SCDOT to maintain the road and could not get any help. She feels that the applicant would be helpful in maintaining the road. Ms. Tripp did question if there would be noise pollution with the trucks and equipment. Also, she voiced concerns about going to SCDOT to repair the roads due to her past experience. Mr. Segelken asked how far Ms. Tripp lived from the operation and if the distance is wooded. Ms. Tripp responded south $\frac{3}{4}$ of a mile and yes, it is wooded.

Mr. Strange returned to the podium and answered the question of the noise pollution. The only noise of the operation is the backup alarms of the equipment. The property is buffered with timber and noise should be minimal. Operation is till 5 PM and rarely on Saturdays.

Mr. DeHay made a motion to grant the variance based on staff's recommendation.

Mr. W. H. Reeves made a motion to amend the first motion that at the last entrance heading north into the mine a large sign, no less than 4'x4', be erected stating "No Loaded Truck Past this Point"

Mr. Segelken seconded the amendment to the first motion

Ms. Harper seconded the main motion

Vote on the amendment to the main motion and vote was unanimous (7-0) amendment passes.

Vote on the main motion and the vote was unanimous (7-0) to grant the special exception.

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

Mr. W.H. Reeves welcomed Frann Carlton as the new clerk.

8. **REPORT OF ZONING ADMINISTRATOR**

Ms. Reinertsen updated the Board on the progress of the new Sand Mine Ordinance, that will be enacted soon to take some of the burden from this board in the next month.

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Unanimous to adjourn at 6:50 pm

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
October 28, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the September 23, 2020 Board of Zoning Appeals Meeting

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

A. Variance from Section 10.4.2(1)(f) to reduce the rear and side yard setbacks from 15' to 5.5' for a detached garage over 800sf.

Applicant & Property Owner:	Christopher & Paula Cooper
Address:	108 Charpia Avenue Summerville, SC 29483 TMS# 136-02-00-014

5. **OLD BUSINESS**

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING

October 28, 2020

6:00 PM

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1. **DETERMINE QUORUM**

Present: Chairman Wayne H. Reeves
Mr. DeHay
Mr. Segelken
Mr. Dixon
Mr. Dwight
Ms. Harper
Mr. Sammie Reeves

Staff: Ms. Reinertsen
Ms. Carlton

2. **INVOCATION & PLEDGE**

Mr. DeHay gave the invocation

3. **MINUTES**

Adoption of Minutes from the September 23, 2020 Board of Zoning Appeals Meeting

Mr. DeHay made a motion to approve the minutes as written and Ms. Harper seconded the motion. The vote was unanimous (7-0) to approve

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

A. Variance from Section 10.4.2(1)(f) to reduce the rear and side yard setbacks from 15' to 5.5' for a detached garage over 800sf.

Applicant &
Property Owner: Christopher & Paula Cooper
Address: 108 Charpia Avenue
Summerville, SC 29483
TMS# 136-02-00-014

Ms. Reinertsen presented these finding of facts:

After reviewing the request, staff provides the following facts:

1. The lot in question is part of the Orchard Hills subdivision and is consistent with other lots in the subdivision with regards to size, layout, and site conditions.
2. The neighborhood contains a mix of homes with attached garages, with detached garages, and most lots have trees.
3. The setback requirements are not preventing the use of the property or the construction of an accessory structure. It is the preferred location and preferred size that are creating a hardship.
4. The authorization of the variance to allow the placement of the garage would not be a detriment to adjacent property.

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

Mr. Chris Cooper, the applicant, stepped to the podium and expressed the following;

1. Proposal that it appears to be a 1500 sq. ft. building and in actuality it is a 900 sq. ft. garage and a 600 sq. ft. carport in the front.
2. Requesting the variance because the driveway will be straight back to the garage and save by placing it here 4 cluster of trees in the back of the property can be saved.

Mr. Dixon ask the applicant if the building was going to be simply a garage to store vehicles and things. Also, what utilities were going to be needed in the garage.

The Applicant, Mr. Cooper responded that it was going to be used to store vehicles, work on vehicles and that he would have electric and water. The water was to wash hands and confirmed that the building is not being built to inhabit.

Mr. DeHay asked if the applicant had blueprints or drawings of what the building would like.

The applicant supplied paper copies of a picture to the Board.

Mr. Dixon asked if the building was a pre-engineered building.

The Applicant responded yes, a pre-engineered steel building.

Mr. DeHay asked if the applicant knew how big the neighboring structure was.

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The Applicant responded that the building was 20' x 30' and reiterated that the enclosed portion of their building was 900 sq. ft.

Mr. Segelken made a motion to grant the variance based on the two neighboring properties setbacks, letters from the neighbors and the trees not being removed.

Mr. DeHay seconded the motion

The vote was 4 in favor (Mr. Segelken, Mr. DeHay, Ms. Harper, Mr. S. Reeves) 3 Opposed (Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon)

5. **OLD BUSINESS**

None

6. **NEW BUSINESS**

None

7. **REPORT OF CHAIRMAN**

None

8. **REPORT OF ZONING ADMINISTRATOR**

1. Reminder that Ms. Reinertsen will be sending out an e-mail in the next several days regarding continuing education requirements

2. Next year's schedule will be presented at next month's meeting to for approval.

9. **PUBLIC COMMENT**

None

10. **ADJOURNMENT**

Unanimous to adjourn at 6:19 pm

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
November 18, 2020
6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at the Dorchester County Board of Zoning Appeals will be limited. The public is encouraged to view the meeting on the County's YouTube Channel and to submit comments online prior to the meeting. Instructions can be found at: DorchesterCountySC.gov/planningmeeting

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the October 28, 2020 Board of Zoning Appeals Meeting

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

A. Variance from Sections 10.4.1(c) and (d) to allow an accessory dwelling unit in front of the primary dwelling and larger than 40% of the floor area of the principal dwelling/900 sf.

Applicant &
Property Owner: Sean Hanley & Marie McKillop
Address: 113 Cool Blow Road
Summerville, SC 29485
TMS# 169-00-00-031

B. Variance from Section 10.4.2(1)(f) to allow an accessory structure in the front yard.

Applicant &
Property Owner: Joseph & Megan Abel
Address: 80 Parlor Drive
Ladson, SC 29456
TMS# 162-02-01-023

C. Variance from Section 12.4.3(b) to allow the removal of Protected trees.

Applicant &
Property Owner: Taylor & Bailey Huffstetler

Address: Lot 22, Old Fort Drive
Summerville, SC 29485
TMS# 162-08-03-009

5. **OLD BUSINESS**
6. **NEW BUSINESS**
 - A. Discussion of 2021 Board of Zoning Appeals Meeting Schedule
7. **REPORT OF CHAIRMAN**
8. **REPORT OF ZONING ADMINISTRATOR**
9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING

November 18, 2020

6:00 PM

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1. **DETERMINE QUORUM**

Present: Chairman Wayne H. Reeves
Mr. DeHay
Mr. Dixon
Mr. Dwight
Ms. Harper
Mr. Sammie Reeves

Absent: Mr. Segelken

Staff: Ms. Reinertsen
Ms. Carlton

2. **INVOCATION & PLEDGE**

Mr. DeHay gave the invocation

3. **MINUTES**

Adoption of Minutes from the October 28, 2020 Board of Zoning Appeals Meeting

Mr. DeHay made a motion to approve the minutes as written and Mr. Dixon seconded the motion. The vote was unanimous (6-0) to approve (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon). Absent (Mr. Segelken)

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

A. Variance from Sections 10.4.1(c) and (d) to allow an accessory dwelling unit in front of the primary dwelling and larger than 40% of the floor area of the principal dwelling/900 sf.

Applicant &
Property Owner: Sean Hanley & Marie McKillop
Address: 113 Cool Blow Road
Summerville, SC 29485
TMS# 169-00-00-031

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a unique remnant of an older plantation lot that was developed into a subdivision. The development of the subdivision has affected the drainage on this lot.
2. These conditions do not generally apply to other lots in the vicinity as the majority have been developed into smaller single-family subdivision lots.
3. The ordinance requirement pertaining to accessory dwelling units was intended for smaller single-family residential lots, not larger tracts and unreasonable restrict the ability to construct an adequate accessory dwelling unit on this lot.
4. The authorization of the variance to allow the placement of a larger accessory dwelling unit in front of the existing house on this lot would not be detrimental to adjacent properties. Based on these facts, staff finds that the application meets the requirements for a variance and therefore, recommends approval of the request.

Based on these facts, staff finds that the application does meet the requirements for a variance and therefore, recommends approval of the request.

Dr. Hanley the applicant, stepped to the podium and expressed the following;

1. The current home is a small hunting cabin, he would like to build as structure to live in while the current home is being renovated.

Mr. Dixon ask the applicant if there would be any construction on the wetlands on his property.

Dr. Hanley the applicant, responded no there would not.

Mr. Reeves asked if the property backed up to the Blue House Swamp.

Dr. Hanley the applicant, responded no.

Mr. DeHay made a motion to grant the variance as presented.

Mr. Dixon seconded the motion

The vote was unanimous (6-0) to approve (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon). Absent (Mr. Segelken)

B. Variance from Section 10.4.2(1)(f) to allow an accessory structure in the front yard.

Applicant &
Property Owner: Joseph & Megan Abel
Address: 80 Parlor Drive
Ladson, SC 29456
TMS# 162-02-01-023

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a corner lot with a unique pie shape.
2. Other properties developed adjacent to it all follow a similar rectangular design and are over 1 acre in size.
3. The shape of the lot, location of the home, existence of wetlands in the rear, and its status as a corner lot limit the location of any accessory structures on the lot.
4. The authorization of the variance to allow the placement of the garage would not be a detriment to adjacent properties.

Based on these facts, staff finds that the application does meet the requirements for a variance and therefore, recommends approval of the request.

Mr. Abel, the applicant, stepped to the podium and expressed the following;

1. The property is cone shaped and the back of the property is wetlands and wooded. Due to these factors, there is no other location available to build a garage.
2. The applicant supplied photos to the Commission to review.

Mr. W.H. Reeves asked how long the applicant owned the property.

Mr. Abel responded 5 years.

Mr. DeHay asked if the structure would look like the home. Would it appear to match and be consistent with the home architecture and be cohesive.

Mr. Able responded yes, it will have hard plank to match the home.

Mr. Dixon asked if the structure would be stick built by the applicant and will it have utilities.

Mr. Abel responded there would be no utilities, it is only for additional storage space, a RV, and a boat.

Mr. S. Reeves made a motion to grant the variance as presented.

Mr. Dixon seconded the motion

The vote was unanimous (6-0) to approve (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon). Absent (Mr. Segelken)

C. Variance from Section 12.4.3(b) to allow the removal of Protected trees.

Applicant & Property Owner:	Taylor & Bailey Huffstetler
Address:	Lot 22, Old Fort Drive Summerville, SC 29485 TMS# 162-08-03-009

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a subdivision lot that has been allowed to grow undisturbed and has a large number of protected trees on it, including Grand pine trees.
2. Many homes nearby predate the existing tree protection requirements or are able to work around the existing trees on the lot.
2. The tree protection requirements along with the associated tree protection zones (not shown on the plans) will have an impact on the design and set-up of the lot but will not render it unusable.
4. The authorization of the variance to allow the removal of some protected trees will not be detrimental to adjacent properties.

Based on these facts, staff supports the removal of some, but not all of the requested trees due to a hardship.

Mr. Dixon asked how big the lot was and if there was an HOA on this property

Ms. Reinertsen responded it was 1.75 acres and she did not believe there is a HOA.

Mr. DeHay asked for clarification from staff as what trees they supported to be removed.

Ms. Reinertsen responded that staff supports removal of trees by the water and sewer lines and the two pines adjacent to the footprint of the structure.

Mr. W.H. Reeves questioned Mr. Reeves and Mr. Dwight in regard to the tree ordinance when it was written and what precedent was set for Oak Trees.

Mr. Dwight said a precedent was set in order to clearly define what trees could be cut in the Ordinance when it originated. This property needs clarification as to what can be cut. Mr. Dwight stated trees in water or sewer easements could be cut. As for the board they have to be careful, it needs to be very clear as to exactly what trees can be removed.

Mr. Huffstetler the applicant, stepped to the podium and expressed the following;

1. Currently lives in Wescott Woodlands and wants to move out of that neighborhood due to the HOA restrictions.
2. He is a general contractor and purchased this property 6 months prior, the ultimate goal is to have a shop in the back. He is willing to forgo the mobile home on the front and build a shop style apartment building on the back to live in while he builds his home.
3. Heavily wooded lot that has large pine trees, the applicant feels the pines are the first to fall down in hurricanes and get hit by lightning. It's an insurance liability. Pine trees are a dime dozen. Also, he wanted green grass and the pine trees would inhibit a yard.
4. Needs to have the ability to store and back his trailer and General Contracting Equipment.

Mr. W.H. Reeves questioned why the driveway needed to be 26' wide.

The applicant responded that he was confused by the process. Also, that he has multiple vehicles that he wanted to back in and park.

Mr. DeHay asked the applicant what was going to be used on the driveway - crush and rock, also is it possible to shape the driveway around the trees. Can we work together to make this amicable and circumvent some of the trees. Also forgoing the mobile home will save extra trees. Discussion as to exactly what trees could be removed between the applicant and Mr. DeHay.

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Mr. Dwight questioned how long the applicant had owned the lot and who he purchased it from and from the Administrator if there were any old records. Also requested clarification on what lots are around the property in general.

Applicant responded six months and Mr. Bates. The adjacent and area lots have varying trees and structures. The Administrator responded that we do not have any old records.

Discussion in regard to the applicant's responsibility and the ordinance vs a property owner's rights.

Ms. Harper asked for clarification on if the applicant would be willing to shift the driveway in order to save the Oak trees.

Applicant responded yes.

Mr. W.H. Reeves handed the gavel to the Vice Chair Mr. DeHay and made a motion to grant the following variance, the Applicant can cut any tree except for Oak trees. Any Oak tree that is 12" or larger may not be cut, if an Oak tree 12" or larger is cut the permit will be revoked until restitution has been made. Mr. S. Reeves seconded the motion made by Mr. W.H. Reeves

The vote was 5 in favor (Mr. DeHay, Ms. Harper, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon) and 1 opposed (Mr. S. Reeves). Absent (Mr. Segelken)

Ms. Harper made a motion to amend the first motion, that any tree in a water or sewer line may be removed Mr. W.H. Reeves seconded the motion.

The vote was unanimous (6-0) (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon) Absent (Mr. Segelken)

5. **OLD BUSINESS**

None

6. **NEW BUSINESS**

A. Discussion of 2021 Board of Zoning Appeals Meeting Schedule

Mr. DeHay questioned if the pandemic would cause any changes to the meeting schedule or location.

Ms. Reinertsen responded that we would start by limiting compacity in the council chambers then virtual if necessary

Mr. S. Reeves made a motion to approve the 2021 schedule as presented.

Mr. Dixon seconded the motion

The vote was unanimous (6-0) (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon) Absent (Mr. Segelken)

Mr. S. Reeves made a motion to cancel the December 2020 meeting.

Mr. DeHay seconded the motion

The vote was unanimous (6-0) (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon) Absent (Mr. Segelken)

7. **REPORT OF CHAIRMAN**

Mr. W.H. Reeves wished everyone to be safe and healthy.

Mr. S. Reeves stated he would no longer be attending meeting until the COVID 19 pandemic was under control

8. **REPORT OF ZONING ADMINISTRATOR**

None

9. **PUBLIC COMMENT**

None

10. **ADJOURNMENT**

Mr. DeHay made a motion to Adjourn

Mr. DeHay seconded the motion

The vote was unanimous (6-0) (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. W.H. Reeves, Mr. Dwight, Mr. Dixon) Absent (Mr. Segelken)

Meeting Adjourned at 6:58 PM