

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC
January 27, 2021
6:00 PM

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **ELECTION OF OFFICERS**

A. Nomination and Election of Chairman

B. Nomination and Election of Vice-Chairman

4. **MINUTES**

Adoption of Minutes from the November 18, 2020 Board of Zoning Appeals Meeting

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

A. Special Exception for a Car Dealership in an Absence of Controls District (AC).**

Applicant &
Property Owner: Barbara Bryant
Address: Dorange Road
Reevesville, SC 29471
TMS# 031-10-00-030

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 9(b) Business, Secondary Retail as a Special Exception Use.

**** THIS ITEM WILL BE HEARD AT THE FEBRUARY 3, 2021 SPECIAL CALLED BOARD OF ZONING APPEALS MEETING****

B. Special Exception for a Music Recording Studio in an Absence of Controls District (AC).

Applicant: Kenyonnie Gilliard
Property Owner: Crystal Pringle
Address: 120 Bettie Lane
Ridgeville, SC 29472
TMS# 087-00-00-077

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 11(a) Business, Communication and Information as a Special Exception Use.

C. Special Exception for an Airbnb and Events Venue in an Absence of Controls District (AC).

Applicant: Melissa Maschek
Property Owner: Melissa and Paul Maschek
Address: 2269 Highway 61
Ridgeville, SC 29472
TMS# 132-00-00-143

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 13(a) Business, Recreation as a Special Exception Use.

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

Applicant &
Property Owner: Todd & Cynthia Vollertsen
Address: Campbell Thickett Road
Ridgeville, SC 29472
TMS# 109-00-00-145

E. Special Exception for a Childcare Facility in an Absence of Controls District (AC).

Applicant &
Property Owner: Ronda Simmons
Address: 1284 Ridge Road
Ridgeville, SC 29472
TMS# 118-00-00-216

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 14(a) Business, Personal Services as a Special Exception Use.

F. Variance request from Section 13.5.7(j) to allow a façade sign to exceed 100sf.

Applicant: Site Enhancement Services c/o Mavis Discount Tire
Property Owner: KEEM, LLC
Address: 8511 Dorchester Road
North Charleston, SC 29420
TMS# 181-00-00-107

G. Variance request from Section 13.2 to reduce the required side yard buffer.

Applicant: Craig Schneider
Property Owner: O'Reilly Automotive Stores, Inc.
Address: 1622 Central Avenue
Summerville, SC 29483
TMS# 135-12-00-070

H. Special Exception for a Mulch business in an Absence of Controls District (AC).

Applicant &
Property Owner: Wendy Kizer
Address: 2055 Highway 15 N
St. George, SC 29477
TMS# 014-00-00-172

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 17(a) Business, General Services as a Special Exception Use.

I. Variance request from Section 13.5.7(c) to allow an expressway interchange sign outside the maximum 1,000-foot radius for such signs.

Applicant: Skyline Sign LLC
Property Owner: Crossroads Convenience
Address: 6131 W Jim Bilton Blvd
St. George, SC 29477
TMS# 044-00-00-122

J. Special Exception for an Auto Shop/Car Dealership in an Absence of Controls District (AC).

Applicant &
Property Owner: Samuel Pennington
Address: Highway 78

Ridgeville, SC 29472
TMS# 099-13-00-019

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 9(c) Automobile Repair Services, Minor as a Special Exception Use.

K. Variance request from Section 13.2 to reduce the buffer requirements for a water tower.

Applicant &
Property Owner: Dorchester County
Address: 1045 Carter Road
Ridgeville, SC 29472
TMS# 119-00-00-120

**** THIS ITEM WILL BE HEARD AT THE FEBRUARY 3, 2021 SPECIAL CALLED BOARD OF ZONING APPEALS MEETING****

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

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

January 27, 2021

6:00 PM

1. **DETERMINE QUORUM**

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

Absent: Mr. Dixon

Staff: Ms. Reinertsen
Ms. Williams

2. **INVOCATION & PLEDGE**

Chairman W.H. Reeves gave the invocation.

3. **ELECTION OF OFFICERS**

A. Nomination and Election of Chairman

Mr. W.H. Reeves opened the floor for any nominations for 2021 Chairman.

Mr. DeHay made a motion to retain Mr. Wayne H. Reeves as Chairman. The vote was unanimous (4-0) to approve (Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken) in favor. Absent (Mr. Dixon). Abstained (Mr. W.H. Reeves, Mr. Dwight).

B. Nomination and Election of Vice-Chairman

Mr. W.H. Reeves opened the floor for any nomination for 2021 Vice Chairman

Mr. Segelken made a motion to retain Mr. DeHay as Vice Chairman. The vote was (4-1) to retain Mr. DeHay (Mr. W.H. Reeves, Ms. Harper, Mr. S. Reeves, Mr. Segelken) in favor. Opposed (Mr. Dwight). Absent (Mr. Dixon). Abstained due to nomination (Mr. W.H. Reeves).

4. **MINUTES**

Adoption of Minutes from the November 18, 2020 Board of Zoning Appeals Meeting

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

Mr. W.H. Reeves made an announcement as the newly elected Chairman requesting the board be patient with staff as they work through the process of meetings being held virtually. Also, he requested that the Board be more vocal, to speak their mind, and be more involved for their district.

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

A. Special Exception for a Car Dealership in an Absence of Controls District (AC).*

Applicant &
Property Owner: Barbara Bryant
Address: Dorange Road
Reevesville, SC 29471
TMS# 031-10-00-030

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 9(b) Business, Secondary Retail as a Special Exception Use.

**** THIS ITEM WILL BE HEARD AT THE FEBRUARY 3, 2021 SPECIAL CALLED BOARD OF ZONING APPEALS MEETING****

Staff announced that this item would be heard at the February 3rd meeting. No action was taken.

B. Special Exception for a Music Recording Studio in an Absence of Controls District (AC).

Applicant: Kenyonnie Gilliard
Property Owner: Crystal Pringle
Address: 120 Bettie Lane
Ridgeville, SC 29472
TMS# 087-00-00-077

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 11(a) Business, Communication and Information as a Special Exception Use.

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

1. Communication Business uses require a Special Exception in the Absence of Controls zoning district.
2. Little to no external impacts are anticipated as a result of this business.
3. Type B buffers would be required but can be reduced to a Type A buffer with a 6' Solid fence.
4. Sampson Road is adequate to handle any anticipated traffic generated by the business. Bettie Lane, although an easement, is maintained by the County.
5. Proposed hours of operation are generally daylight.
6. The Comprehensive Plan Future Land Use designation supports this business at this location.

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

Mr. W.H. Reeves asked Ms. Reinertsen for clarification as to where this property is located in the County, Ms. Reinertsen responded that it was very close to the Berkeley County line between State Route 78 and HWY 26.

Ms. Wanetta Ellis, who resides on Sampson road, spoke for the majority of her community and feels like this would have a positive impact. Ms. Ellis stated that the applicant was not present due to an ill family member.

Mr. Segelken asked about the visual drawing of the studio that was omitted, was this due to the approval only being for the permitted use of the property; Ms. Reinertsen responded it is only for the approval of use that portion will be utilized for the building permit submission.

Mr. Dwight made a motion to approve.

Ms. Harper seconded the motion.

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

- C. Special Exception for an Airbnb and Events Venue in an Absence of Controls District (AC).

Applicant:	Melissa Maschek
Property Owner:	Melissa and Paul Maschek
Address:	2269 Highway 61 Ridgeville, SC 29472 TMS# 132-00-00-143

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 13(a) Business, Recreation as a Special Exception Use.

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

1. Events venues require a Special Exception in the Absence of Controls zoning district.
2. Site Plan review and approval will be required for approval of the site plan prior to installation/operation.
3. A Type-B buffer would be required where adjacent to residential uses.
4. Proposed hours of operation would end at 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 final Site Plan review and approval by staff is still required.

Paul & Melissa Maschek, the applicants, introduced themselves. Mr. W.H. Reeves asked if they lived in the house adjacent to or if they lived close to the property. Mr. Maschek said they owned that house, 2269 is their property. The Applicants explained that they wanted to open a value-oriented wedding venue.

Mr. W.H. Reeves asked the applicants if they were going to leave the existing buildings and if a privacy fence would be built between their property and the convenience store.; the Applicant's responded yes, the house would be an Airbnb, the barn and surrounding yard would be the wedding or event venue space. They do not have any plans to build a privacy fence, there is currently a chain link fence. If it would be required for the exception, they would build it.

Discussion regarding the fence between the property and the convenience store among the board and applicants to clarify the location and type of fence currently present.

Mr. Segelken ask the applicants if the large tool shed on the property would be utilized as part of the venue. The applicants responded, the tool shed itself would not, the overhang porch on the outside would be accessible.

Mr. W.H. Reeves asked Ms. Reinertsen if the County would review the buffer requirements; Ms. Reinertsen responded yes it would be reviewed in the site plan evaluation for the Building Permit.

** Mr. W.H. Reeves passed the gavel to Mr. DeHay

Mr. W.H. Reeves made a motion to approve with the condition that a 6 ft. or taller privacy fence is built between the property and convenience store.

Mr. S. Reeves seconded the motion.

Discussion had between the board members regarding a planted buffer in lieu of a hard fence buffer.

The vote was (5-1) to approve with the condition (Mr. W.H. Reeves, Mr. DeHay, Mr. S. Reeves, Mr. Segelken, Mr. Dwight) in favor. Opposed (Ms. Harper) Absent (Mr. Dixon)

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

Applicant &
Property Owner: Todd & Cynthia Vollertsen
Address: Campbell Thickett Road
Ridgeville, SC 29472
TMS# 109-00-00-145

Ms. Reinertsen presented these finding of facts:

1. The lot in question is over 18 acres and is set back from the street by more than 600'. The property is zoned Absence of Controls and is not located within a subdivision.
2. Other developed properties in the area are much smaller than the subject property.
3. The existing site constraints combined with the ordinance do not render the property unusable but they are unreasonably restrictive given the size, location, and layout of the lot.
4. The authorization of the variance to allow the placement of a detached garage in front of the main residence would not be a detriment 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.

Todd & Cynthia Vollertsen, the applicants, introduced themselves and explained that they are developing the property and have subdivided the property and sold other parcels. They are requesting a professional built hobby shop to be built in location identified on the site plan to avoid removal of trees, disturbing the approved septic field, and ponds. They also stated that the shop will not be visible apart from the neighbor.

Mr. DeHay made a motion to approve.

Mr. Dixon seconded the motion.

Mr. W.H. Reeves asked the applicant why the lane was not created in a straight line; the applicant responded that it was for aesthetics.

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

E. Special Exception for a Childcare Facility in an Absence of Controls District (AC).

Applicant &
Property Owner: Ronda Simmons
Address: 1284 Ridge Road
Ridgeville, SC 29472
TMS# 118-00-00-216

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 14(a) Business, Personal Services as a Special Exception Use.

Ms. Reinertsen presented these finding of facts:

1. Childcare facilities require a Special Exception in the Absence of controls zoning district.
2. Site Plan review and approval would be required for approval of the site plan prior to installation/operation.
3. A Type-A buffer would be required where adjacent to residential uses.
4. Proposed hours of operation would be Monday – Friday during work hours.
5. The site is in an established residential community.
6. The proposed use, while it supports residential areas, is not generally allowed within a Residential neighborhood.
7. The Comprehensive Plan Future Land Use designation supports this business at this location.

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

Two Public Comments were submitted and read by Ms. Reinertsen; Robert Townsend, 1283 Ridge Road, he is objecting to the Day Care Center because it is an agricultural and residential area. Judy Reed, 1301 Ridge Road, she strongly contests this, it will be a deterrent to the rural residential and agricultural lifestyle of the area.

Mr. W.H. Reeves requested for a better description of the location, Ms. Reinertsen responded between Eagle Drive and Wire Road, near the Indian reservation.

Mr. Dwight asked if this property had been presented to the Board in prior years, Ms. Reinertsen responded not within her tenure.

Mr. Segelken asked where the closest business was to this property; Ms. Reinertsen responded that she was not entirely sure, the closest business near Ridgeville would be Showa Denko.

Mr. Dwight stated that the Comprehensive Plan supports a business in this area.

Ronda and James Simmons, the applicants, and Edward Gwinn, the Engineer, introduced themselves to the Board. Ms. Simmons explained that she owns and runs The Little Fish Pre-School in Summerville. This location would be the second location and she believes that the community needs something closer, there is nothing between St. George and Summerville. Mr. Gwinn is the Engineer that provided the land plan and was there to answer questions.

Ms. Harper asked the applicant if they were planning on removing the existing structure and building a new facility; the applicant responded yes that was correct.

Mr. W.H. Reeves asked how many students the applicant planned on having; the applicant responded she will not have over eighty-nine students.

Mr. DeHay asked if a business model has been created, he wanted to know why the applicant believes this will fit; The applicant responded the property they stayed on and recently moved off, her children are from that area of Dorchester County and the applicant believes the area desperately needs childcare. Also, that the opportunity and funding is available through Head Start and other programs.

Mr. W.H. Reeves asked if the Preschool would cause a hardship to any of the neighbors, the applicant responded not that they are aware of.

Mr. Segelken asked if any alternative sites were considered prior to this one, the applicant responded that Ridgeville was her first choice prior to Summerville, but the opportunity in Summerville presented itself sooner. Also, this is the area she is passionate about.

Mr. Gwinn, the Engineer, commented on the site plan. He worked with County staff to create buffers that will cause minimal impact on the surrounding area. Also, the parking will be behind the building and all wetlands will be maintained.

Mr. DeHay asked if this property was directly adjacent to Powerhouse Road, Mr. Gwinn responded no, there is one property between.

Mr. Robert Townsend approached the podium and introduced himself as the neighbor who lived directly across the street from the property. He believes the facility is not appropriate for the area. It is a 5,700sf facility. It will dwarf everything around it and will not compliment the other homes. This is inappropriate. Does not feel the time is right to transition the area with commercial buildings.

Mr. Dwight stated that the Dorchester County Comprehensive plan supports this change and as a retired educator he is aware of the need for educational facilities in that area.

Mr. W.H. Reeves made a statement to the Board to be thoughtful of the decision. If the Board rules against Staff, it may create a loop that they cannot get out of due to bending the rules for one person and not another.

Ms. Harper made a motion to approve due to the fact that the need is in that area, Summerville is full, and growth is now occurring in Ridgeville, the children there deserve the same as the children in Summerville.

Mr. DeHay seconded the motion.

Mr. Segelken made a comment that he understands the need, but not in that well-established residential area. The building will set a precedence in that area.

Mr. DeHay asked the Engineer for clarification on the square footage of the building. The Engineering responded 8,100sf. Mr. DeHay stated that it is cutting edge but that most business strive to do just that, and he is supporting it.

Mr. S. Reeves stated that there may be a need for the school but not in a residential area, he was in total disagreement with the idea.

Mr. W.H. Reeves, the Board is in a tight spot, there is plenty of open land in that area. There is a need for more education. But they must remember the neighbors who are adjacent to an 8,100sf building.

The vote was (3-3) to approve (Mr. DeHay, Ms. Harper, Mr. Dwight) in favor. Opposed (Mr. W.H. Reeves, Mr. S. Reeves, Mr. Segelken). Absent (Mr. Dixon) Motion failed for a lack of majority.

Mr. Segelken made a motion to deny the request based on the facts and that it will set the precedence in the area.

Mr. S. Reeves seconded the motion.

Mr. Segelken asked Ms. Reinertsen if this is the same as approving a sand mine, is it vertical instead of in the ground; Ms. Reinertsen responded special exceptions are all the same criteria and requirements. The biggest difference is that a sand mine is for a certain amount of time, there is a lifecycle associated then it is reclaimed. In this instance a commercial build will stay it has a much longer lasting impact.

Discussion as to what the best option would be for the applicant to not have to go thru the process again. Mr. W.H. Reeves suggested another piece or property or a smaller facility may serve the community and area better.

Mr. Segelken withdrew his motion and Mr. S. Reeves withdrew his seconded motion.

Mr. Segelken made a motion to table the request.

Mr. Dwight seconded the motion.

The vote was (5-1) to approve tabling the request (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. Segelken, Mr. Dwight) in favor. Opposed (Mr. S. Reeves). Absent (Mr. Dixon)

*****A Five-Minute Recess Occurred**

F. Variance request from Section 13.5.7(j) to allow a façade sign to exceed 100sf.

Applicant: Site Enhancement Services c/o Mavis Discount Tire
Property Owner: KEEM, LLC
Address: 8511 Dorchester Road
North Charleston, SC 29420
TMS# 181-00-00-107

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a site under development with a proposed plan for a Mavis Tire.
2. All commercial properties within the unincorporated limits of the County are expected to adhere to the regulations. Adjacent properties may also be within the City of North Charleston which has its own set of signage regulations.
3. The sign regulations do not restrict the use of the property and have been in place prior to constructing within the County.
4. The authorization of the variance to allow the increased sign size would likely not be a detriment to adjacent properties.

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. Segelken asked Ms. Reinertsen if the request was for the 133sf sign on the front of the building and what constitutes the sign; Ms. Reinertsen confirmed yes it is just the sign above the bays and area that is just the wording/lettering.

Mr. DeHay asked for clarification on how much over the size limit the sign request is and for clarification regarding the percentage of size of sign to the building; Ms. Reinertsen responded it is 20sq. ft. over the size limit and the request is under the 15% cap for building to sign ratio.

Mr. Seglken ask if there was a historical precedent for signs like this; the Walmart at Bacons Bridge was the last request as part of Ms. Reinertsen's tenure. Mr. Dwight responded and said they have done several other sign variances and there have been no complaints. Ms. Harper asked for clarification, that the sign at the Walmart at Bacons Bridge was approved and that was confirmed by Mr. Dwight.

Shawn Smith, the applicant, with Site Enhancement Services c/o Mavis Discount Tire was invited to speak via telephone Mr. Smith thanked the Board for allowing the phone call accommodation. He explained they are only utilizing 3.85% of the facade area, they are focusing on that portion of the ordinance. Secondly, due to the setbacks of the building and location with a split road it enables much better visibility. Due to these factors, they feel this is a minor concession.

Mr. DeHay asked if they still had a free-standing sign at the roadway; Mr. Smith replied yes sir.

Mr. Segelken made a motion to approve the request.

Motion failed for a lack of second.

Mr. DeHay made a motion to deny the request.

Mr. Dwight seconded the motion.

The vote was (5-1) to deny the request (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. Dwight, Mr. S. Reeves) in favor. Opposed (Mr. Segelken). Absent (Mr. Dixon).

G. Variance request from Section 13.2 to reduce the required side yard buffer.

Applicant:	Craig Schneider
Property Owner:	O'Reilly Automotive Stores, Inc.
Address:	1622 Central Avenue Summerville, SC 29483 TMS# 135-12-00-070

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a rectangular lot that meets the minimum size requirements, but which is hindered on three sides by easements.
2. Other properties developed without the restrictions of any easements. And the sewer easement has been recently imposed after the property had been purchased and design work substantially completed.
3. These easements, combined with the buffer requirements for a commercial use against a residential property makes it difficult to use the property as zoned.
4. The authorization of the variance to allow the reduction of the buffer depth while Maintaining the buffer plantings would not be a detriment 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.

Mr. DeHay asked if the County had the information for the agreement between the property in question and the mobile home park adjacent; the adjacent property owner allowed them to place a new fence directly on the property line.

Mr. DeHay made a motion to approve the request.

Ms. Harper seconded the motion.

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

H. Special Exception for a Mulch business in an Absence of Controls District (AC).

Applicant &
Property Owner: Wendy Kizer
Address: 2055 Highway 15 N
St. George, SC 29477
TMS# 014-00-00-172

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 17(a) Business, General Services as a Special Exception Use.

Ms. Reinertsen presented these finding of facts:

1. General Business uses require a Special Exception in the Absence of Controls zoning district.
2. Site Plan review and approval will be required for approval of the site plan prior to installation/operation.
3. A Type-B buffer would be required where adjacent to residential uses.
4. Proposed hours of operation are 8am to 5pm, Monday thru Friday.
5. Highway 15 N is a Minor Arterial and is able to support this use.
6. The Comprehensive Plan Future Land Use designation supports this business at this location.

Mr. Dwight made a motion to approve the request.

Mr. S. Reeves seconded the motion.

Mr. DeHay questioned if there would be Saturday traffic for retail and if there would be noise from equipment or production; Ms. Reinertsen responded this will not be a retail location, the product will be delivered, and the owners will install it at other residences.

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

- I. Variance request from Section 13.5.7(c) to allow an expressway interchange sign outside the maximum 1,000-foot radius for such signs.

Applicant:	Skyline Sign LLC
Property Owner:	Crossroads Convenience
Address:	6131 W Jim Bilton Blvd St. George, SC 29477 TMS# 044-00-00-122

Ms. Reinertsen presented these finding of facts:

1. The lot in question is a four-acre commercial site that has been used in its current capacity for years.
2. Other properties nearby are within the town limits of St. George and are regulated by a different set of ordinances.
3. The sign regulations do not restrict the use of the property which has operated in its current capacity for years.
4. The authorization of the variance to allow the increased sign height would likely not be a detriment to adjacent properties.

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. Segelken asked how far out of the 1000-ft. radius is the request and if the Town of St. George would allow the sign; Ms. Reinertsen responded it is very close, approximately 50ft and she was not sure about the Town of St. George's sign regulations. Mr. Dwight believes that the Town of St. George is utilizing the County's sign ordinance. Ms. Reinertsen gave clarification on the exact location of the sign placement.

The applicant, Justin Wells from Skyline Sign LLC approached the podium. Stating the 1000-ft radius comes up the edge of the property, they are requesting a variance to step outside of that about 20-ft to gain visibility for the gas station. Also adding the max height of the sign will be 65-foot total.

The applicant stated that there are two businesses on the property, the Taco Bell and Shell gas station, the Taco Bell has the higher sign. Mr. DeHay asked if the sign would be co-joined for the two businesses; the applicant responded that it could be.

Mr. DeHay asked if there was a water tower just across the street, that was confirmed within

The applicant handed out documents that depicted the layout showing sign height relevant to existing signs around and on the property.

Mr. Segelken asked for clarification as what the variance would allow, Mr. DeHay directed his question to the applicant as to exactly where the sign would be placed.

Ms. Harper clarified that the variance application request was for an additional 50-foot of the 1000-foot radius.

Mr. DeHay made a motion to approve the request.

Ms. Harper seconded the motion.

Mr. Segelken wants to specify the exact placement of the sign. Mr. DeHay asked Ms. Reinertsen if staff could convey where the approved location was. Ms. Reinertsen said they could.

Mr. DeHay amended the motion to include the approval from County staff as to the location of the sign.

Ms. Harper seconded the amendment.

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

J. Special Exception for an Auto Shop/Car Dealership in an Absence of Controls District (AC).

Applicant &
Property Owner: Samuel Pennington
Address: Highway 78
Ridgeville, SC 29472
TMS# 099-13-00-019

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 9(c) Automobile Repair Services, Minor as a Special Exception Use.

Ms. Reinertsen reported the applicant has withdrawn the application and no action is required.

K. Variance request from Section 13.2 to reduce the buffer requirements for a water tower.

Applicant &
Property Owner: Dorchester County
Address: 1045 Carter Road
Ridgeville, SC 29472
TMS# 119-00-00-120

**** THIS ITEM WILL BE HEARD AT THE FEBRUARY 3, 2021 SPECIAL CALLED BOARD OF ZONING APPEALS MEETING****

Staff announced that this item would be heard at the February 3rd meeting. No action was taken.

6. **OLD BUSINESS**

None

7. **NEW BUSINESS**

None

8. **REPORT OF CHAIRMAN**

Mr. W.H. Reeves thanked Ms. Williams for her service.

9. **REPORT OF ZONING ADMINISTRATOR**

None

10. **PUBLIC COMMENT**

None

11. **ADJOURNMENT**

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

Meeting Adjourned at 8:16 PM

AGENDA
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING (VIRTUAL)
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC
February 3, 2021
6:00 PM

NOTICE: Dorchester County has seen a continued, County, increase in reported COVID-19 cases. To help stop the spread, the Board of Zoning Appeals will begin meeting virtually on Wednesday, February 3, 2021 until further notice. All meetings will be streamed live on the Dorchester County Public Meetings YouTube page. Interested members of the public, including owners of adjacent properties, who would like to address the Board by public comments regarding an agenda item during the meeting should complete the online request to address form before 12:00 PM on Wednesday, February 3, 2021. Instruction can be found at the following webpage: DorchesterCountySC.gov/planningmeeting. Comments can be submitted ahead of the meeting by mailing the Director of Planning and Zoning, Ms. Kiera Reinertsen at 500 North Main Street, Box 3, Summerville, SC 29483 or e-mail at kreinertsen@dorchestercountysc.gov

1. DETERMINE QUORUM
2. INVOCATION & PLEDGE
3. MINUTES
4. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS
 - A. Special Exception for a Car Dealership in an Absence of Controls District (AC)

Applicant &
Property Owner: Barbara Bryant
Address: Dorange Road
Reevesville, SC 29471
TMS# 031-10-00-030

The Dorchester County Zoning and Land Development Standards Ordinance #04-13 lists Use Group 9(b) Business, Secondary Retail as a Special Exception Use.

- B. Variance request from Section 13.2 to reduce the buffer requirement for a Water Tower

Applicant &

Dorchester County Board of Zoning Appeals
Meeting Agenda

February 3, 2021

Property Owner: Dorchester County
1045 Carter Road
Ridgeville, SC 29472
TMS# 119-00-00-120

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

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
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COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC
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1. DETERMINE QUORUM

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

Staff: Ms. Reinertsen
Ms. Carlton

2. INVOCATION & PLEDGE

Mr. DeHay gave the invocation

3. MINUTES

No presented for review

4. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS

A. Special Exception for a Car Dealership in an Absence of Controls District (AC)

Applicant &
Property Owner: Barbara Bryant

Address: Dorange Road
Reevesville, SC 29471
TMS# 031-10-00-030

The Dorchester County Zoning and Land Development Standards Ordinance #04-13 lists Use Group 9(b) Business, Secondary Retail as a Special Exception Use.

Ms. Reinertsen presented these finding of facts:

1. Secondary Retail uses require a Special Exception in the Absence of Controls zoning district.
2. Low external impacts are anticipated as a result of this business.
3. Type B buffers are required and are provided on the proposed site plan.
4. Dorange Road is adequate to handle any anticipated traffic generated by the business but it is primarily residential in nature.
5. Proposed hours of operation are generally daylight.
6. The Comprehensive Plan Future Land Use designation does not support this business at this location as it is intended to support agriculture and low density developments.

Based on these facts, staff recommends approval of the request with the condition that the size be limited, and the board consider additional mitigation options.

Mr. Segelken question asked if the side setback was 175ft due to the pond; Mrs. Reinertsen responded yes that is correct.

Mr. DeHay asked what mitigation the County would like to see for this property; Ms. Reinertsen responded similar plantings to that of the TOD buffer requirements, which would be plantings from the right of way line, 15ft to 40ft back from there. Mr. DeHay asked for details on the plantings, if there was a height or density requirements; Ms. Reinertsen responded that it was a mix of trees and shrubs.

Mr. W.H. Reeves asked how close other homes were to the property in question, Ms. Reinertsen responded by showing the exhibit from he packet, and explained the lots are two to three acres.

Ms. Harper suggested that Mr. S. Reeves and Mr. Dwight should be heard because they are more aware of that portion of the County.

Mr. S. Reeves stated he knew exactly where this location and did not believe there would be any impact on the neighborhood. He was and was fine with it if that's what they wanted to do.

Mr. S. Reeves made a motion to approve.

Ms. Harper seconded the motion.

Mr. S. Reeves asked for clarification on where the Town of St. George Town limits ended; Ms. Reinertsen responded right after you cross over I-95.

The vote was unanimous (5-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken) in favor. Abstained due to technical difficulties (Mr. Dwight) Absent (Mr. Dixon)

B. Variance request from Section 13.2 to reduce the buffer requirement for a Water Tower

Applicant &
Property Owner: Dorchester County
 1045 Carter Road
 Ridgeville, SC 29472
 TMS# 119-00-00-120

Ms. Reinertsen presented these finding of facts:

1. The lot in question is 2.8 acres and currently has an existing well and storage tank.
2. The intent of this water tower is to provide water service to the area.
3. In order to comply with the requirements of the buffer ordinance, the lot would have to be at least 23 acres in size just for a water tower.
4. Locating a water tower on the parcel does not create a detriment to adjacent property or harm the character of the area.
5. The lot size and regulations does not apply to other lots/uses in the vicinity and are unique to this lot/use.

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

Mr. W.H. Reeves as for the orientation of the property on Trotters Ridge; Ms. Reinertsen responded by reviewing packet exhibit.

Mr. Segelken asked about the surrounding area and development; Ms. Reinertsen explained that the developer of Bridal wood farms donated the property to the County for a future park or school use. The original developer is no longer involved with this property and being transitioned to another developer.

Ms. Harper made a motion to approve.

Mr. Segelken seconded the motion.

The vote was unanimous (6-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dixon) in favor. Abstained due to technical difficulties (Mr. Dwight)

5. OLD BUSINESS

None

6. NEW BUSINESS

None

7. REPORT OF THE CHAIRMAN

None

8. REPORT OF THE ZONING ADMINISTRATOR

None

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Mr. DeHay made a motion to adjourn.

The vote was unanimous (6-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dixon) in favor. Abstained due to technical difficulties (Mr. Dwight)

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

February 24, 2021

6:00 PM

NOTICE: Dorchester County has seen a continued, Countywide, increase in reported COVID-19 cases. To help stop the spread, the Board of Zoning Appeals is meeting virtually on February 3, 2021 until further notice. All meetings will be streamed live on the Dorchester County Public Meetings YouTube page. Applicants and interested members of the public, including owners of adjacent properties, who would like to address the Commission with public comments regarding an agenda item in lieu of attending the meeting in person must complete the online request to address form before 12:00 PM on February 24, 2021 in order to be officially recognized by the Chair and to be heard. Instructions can be found at the following webpage:

DorchesterCountySC.gov/planningmeeting. Comments can also be submitted for the public record ahead of the meeting by mailing the Board of Zoning Appeals, at 500 North Main Street, Box 3, Summerville, SC 29483 or e-mail at planning@dorchestercountysc.gov.

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

A. Adoption of Minutes from the January 27, 2021 Board of Zoning Appeals Meeting

B. Adoption of Minutes from the February 3, 2021 Special Board of Zoning Appeals Meeting

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

A. Special Exception for a Car Dealership in an Absence of Controls District (AC).

Applicant:	Alfred Singletary
Property Owner:	Alfred & Claireen Singletary
Address:	150 Alfred Avenue Harleyville, SC 29448 TMS# 037-00-00-008

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 9(b) Business, Secondary Retail as a Special Exception Use.

B. Special Exception for a Self-Storage Business in an Absence of Controls District (AC).

Applicant: Blaine Fender
Property Owner: LeGrande Fender, Inc.
Address: 840 Highway 15 N
St. George, SC 29477
TMS# 045-00-00-026

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 17(c) Business, General Services as a Special Exception Use.

C. Variance request from Section 12.4.4(d) to allow the removal of several Grand trees.

Applicant: ADC Engineering
Property Owner: Dorchester County School District
Address: 1001 Beech Hill Road
Summerville, SC 29483
TMS# 160-00-00-055

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

February 24, 2021

6:00 PM

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1. **DETERMINE QUORUM**

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

Staff: Ms. Reinertsen
Ms. Carlton

2. **INVOCATION & PLEDGE**

Chairman W.H. Reeves gave the invocation

3. **MINUTES**

A. Adoption of Minutes from the January 27, 2021 Board of Zoning Appeals Meeting

B. Adoption of Minutes from the February 3, 2021 Special Board of Zoning Appeals Meeting

The vote was unanimous to approve the minutes from January 27, 2021 & February 3, 2021 meetings (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon)

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

A. Special Exception for a Car Dealership in an Absence of Controls District (AC).

Applicant: Alfred Singletary
Property Owner: Alfred & Claireen Singletary
Address: 150 Alfred Avenue
Harleyville, SC 29448
TMS# 037-00-00-008

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 9(b) Business, Secondary Retail as a Special Exception Use.

Ms. Reinertsen presented the staff report and gave these findings of facts:

1. Secondary Retail uses require a Special Exception in the Absence of Controls zoning district.
2. Low external impacts are anticipated as a result of this business.
3. Type B buffers are required and will need to be accommodated.
4. Honeysuckle Road is adequate to handle any anticipated traffic generated by the business but Alfred Road is a private easement intended to serve two residences.
5. Proposed hours of operation are unknown.
6. The Comprehensive Plan Future Land Use designation supports this use at this location as it is intended but would encourage low-impact design techniques.

Based on these facts, staff recommends deferral of the request to allow the applicant to provide additional details about the proposal and to ensure the site can accommodate the requirements regarding parking, setbacks, and buffers. Alternatively, if the board is comfortable moving forward, restrictions regarding hours and number of vehicles should be considered.

Mr. Segelken asked Ms. Reinertsen for more information on the access easement. Ms. Reinertsen responded that the easement was not intended for commercial, only for a few residents.

Mr. W.H. Reeves asked for clarification as to the exact location of the property and if there is an existing building, Mr. DeHay responded that it was the frontage road that runs parallel with I-26.

Mr. Alfred Singletary, the applicant, introduced himself and stated he would like to try to sell only choice used cars to see how it works out.

Mr. Segelken asked for clarification that the applicant would only sell five cars at a time and if there would be signage. The applicant responded that he would only have five cars on property at one time and would put up a sign if it was required.

Mr. Dixon inquired if a gas pump would need to be installed, if maintenance would be performed or the vehicles would be washed on site. The applicant explained maintenance will be completed offsite by a mechanic, no gas pump will be installed, and vehicles would be washed on site.

Mr. W.H. Reeves ask for clarification from Ms. Reinertsen about Staff's recommendation.

Mr. Segelken made a motion to approve the request with the stipulation of no more than five cars on the property,

Ms. Harper seconded the motion.

Mr. Segelken, raised the question if the hours of operation should be stipulated, Ms. Reinertsen responded she did not believe this would be an issue due to the low amount of vehicles that it would probably be appointment only.

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon) in favor.

B. Special Exception for a Self-Storage Business in an Absence of Controls District (AC).

Applicant:	Blaine Fender
Property Owner:	LeGrande Fender, Inc.
Address:	840 Highway 15 N St. George, SC 29477 TMS# 045-00-00-026

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 17(c) Business, General Services as a Special Exception Use.

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

1. General Service Business uses require a Special Exception in the Absence of Controls zoning district.
2. Low external impacts are anticipated as a result of this business.
3. The area contains a number of commercial business such as auto sales and services. The existing site also contains an auto service use.
4. Type B buffers are required and will need to be accommodated.
5. Highway 15 N is a state maintained Minor Arterial and is adequate to handle any anticipated traffic generated by the business.
6. Access to the site will be 24/7 for those with units.
7. The Comprehensive Plan Future Land Use designation supports this use at this site but would encourage low-impact design techniques.

Based on these facts, staff recommends approval of the request to allow the applicant to provide additional details about the proposal and to ensure the site can accommodate the requirements regarding parking, setbacks, and buffers.

Mr. Fender, the applicant, he owns the property where formerly there was an automotive repair business. He would like to set up twenty storage units, start small and build larger. It will be dependent on the setbacks. It will be a low impact business with little traffic impact.

Mr. Dwight made a motion to approve the request.

Mr. S. Reeves seconded the motion

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon) in favor.

- C. Variance request from Section 12.4.4(d) to allow the removal of several Grand trees.

Applicant:	ADC Engineering
Property Owner:	Dorchester County School District
Address:	1001 Beech Hill Road Summerville, SC 29483 TMS# 160-00-00-055

Ms. Reinertsen presented the staff report and gave these findings of facts:

1. The lot in question is an existing school lot that due to the presence of trees throughout the site makes it difficult/impossible to design a middle school without impacting protected trees.
2. Other lots nearby contain single-family residences that do not have the same construction

standards or needs as a school.

3. The tree protection requirements along with the associated tree protection zones will unreasonably restrict the use of the lot for the proposed extension of the existing school campus.
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 request but would ask the applicant to review the few trees noted in staff comments. The recommendation is not conditional however, upon retaining those trees.

Mr. Segelken requested clarification that 137 trees will remain, and Ms. Reinertsen confirmed.

Mr. W.H. Reeves asked specifically about tree numbers: 15, 22, & 29 due to the fact that they are large oaks. Discussion within the Board and Ms. Reinertsen in regard to the tree locations.

Mr. Jeff Webb, Engineer and Don Baus, Architect, were introduced to the Board. Mr. Webb reported the site is very unique with heavily wooded and a lot of topography including 25' of fall. They made an effort to retain trees around the site. Also, stated that they can review the trees.

Mr. Dixon asked if there are any wetland encroachments that the Core of Engineers will need to be involved for delineation, the applicant responded yes, it is another unique feature of this site, they have created a bridge over the narrowest part to allow for the required bus and car rider lanes.

Mr. Segelken asked if the Engineer knew off hand if the four trees that staff noted could be retained. The Engineer said they can re-evaluate trees #17 & 20 through the TRC process.

Mr. W.H. Reeves asked how many new trees would be planted for mitigation purposes of the trees removed, the Applicant stated street trees along the corridor and in parking lot medians.

Mr. Dixon what level of review are the plans at, the applicant stated that when this plan was submitted approximately 80%-90%, now they are at 100% and have submitted for the final package.

Attached Public Comment read aloud by the Recorder.

****Mr. W.H. Reeves passed the gavel to Mr. DeHay**

Mr. W.H. Reeves made a motion to approve the request with the stipulation that tree #15, 22, & 29 will be re-evaluated by the Engineer and shall not be removed until approved by Administrator to attempt to retain.

Mr. Segelken seconded the motion

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon) in favor.

****Mr. Mr. DeHay passed the gavel back to W.H. Reeves**

5. **OLD BUSINESS**

None

6. **NEW BUSINESS**

None

7. **REPORT OF CHAIRMAN**

None

8. **REPORT OF ZONING ADMINISTRATOR**

Ms. Reinertsen reported that the Special Exception request for 1284 Ridge Road from the January meeting that has been removed from the agenda due to the fact that the applicant already received approval from the Board in July 2016. That approval is still valid thru July of 2021. Also, this will be the last virtual meeting, that all meeting will be in person starting in March.

A discussion within the Board in regard to the legal and parliamentary actions that need to be taken. During this time, it was requested that the previous and current applications and minutes be presented to the Board for review for next meeting.

Mr. DeHay made a motion to request the County Administrator to seek outside legal counsel for the Board of Zoning Appeals for next meeting.

Ms. Harper seconded the motion.

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon) in favor.

9. **PUBLIC COMMENT**

None

10. **ADJOURNMENT**

Mr. Dwight made a motion to adjourn.

Mr. Segelken seconded the motion.

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. Segelken, Mr. Dwight, Mr. S. Reeves, Mr. Dixon)

Meeting Adjourned at 7:18 PM

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

April 28, 2021

6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at Dorchester County Planning Commission meetings will be limited. All meetings will be streamed live on the Dorchester County Public Meetings YouTube page.

Applicants and interested members of the public, including owners of adjacent properties, who would like to address the Commission with public comments regarding an agenda item in lieu of attending the meeting in person must complete the online Dorchester County Planning Comment Form before 12:00 PM on, April 27, 2021 in order to be officially recognized by the Chair and to be heard. Instructions can be found at the following webpage:

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1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

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

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

A. Special Exception for an Earth Hauling Business in an Absence of Controls District (AC).

Applicant	Keven Manning
Property Owner:	Manning & Sons Properties, LLC
Address:	Zion Road
	Dorchester, SC 29437
	TMS# 106-00-00-142

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 21(a) Manufacturing Services - Construction as a Special Exception Use.

B. Special Exception for a Special Event Venue in an Absence of Controls District (AC).

Applicant: JN Clark Lane Farm, LLC
Property Owner: Jesus Navarro Hernandez
Address: 225 Clark Lane
Dorchester, SC 29437
TMS# 064-00-00-034

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 13(f) Business, Recreation as a Special Exception Use.

C. Special Exception for a Communication Tower in an Absence of Controls District (AC).

Applicant: Pamela F. Cook on behalf of Tillman Infrastructure, LLC
Property Owner: Roy Michael Limehouse
Address: 166 Clayton lane
Ridgeville, SC 29472
TMS# 133-00-00-170

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 11(b) Business, Communication and Information as a Special Exception Use.

D. Variance request from Section 12.4.4(d) to allow the removal of Grand trees.

Applicant: TRB Mellichamp, LLC
Property Owner: Reid Banks
Address: Mellichamp Road
Summerville, SC 29483
TMS# 129-00-00-043

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

Applicant: Henri Gamache
Property Owner: Oliver & Susan Rahn
Address: 310 Chaussee Blvd.
Summerville, SC 29483
TMS# 135-12-00-004

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

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

April 28, 2021

6:00 PM

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1. **DETERMINE QUORUM**

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

Staff: Ms. Reinertsen
 Ms. Carlton

2. **INVOCATION & PLEDGE**

Chairman W.H. Reeves and Mr. DeHay led the invocation & pledge

3. **MINUTES**

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

The vote was unanimous to approve the minutes from February 24, 2021 meetings (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon)

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

A. Special Exception for an Earth Hauling Business in an Absence of Controls District (AC).

Applicant	Keven Manning
Property Owner:	Manning & Sons Properties, LLC
Address:	Zion Road Dorchester, SC 29437 TMS# 106-00-00-142

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 21(a) Manufacturing Services - Construction as a Special Exception Use.

Ms. Reinertsen presented the staff report and gave these findings of facts:

1. Manufacturing Service Business uses require a Special Exception in the Absence of Controls zoning district.
2. Low external impacts are anticipated as a result of this business, but efforts should be made to minimize those impacts.
3. The area is predominately residential and agricultural in nature. Several sand mines also operate in the vicinity.
4. Buffers are required and will need to be accommodated where existing vegetation is insufficient.
5. Zion Road is a state maintained Major Collector and is adequate to handle any anticipated traffic generated by the business.
6. The Comprehensive Plan Future Land Use designation supports this use at this site but would encourage low-impact design techniques.

Based on these facts, staff recommends approval of the request but would suggest the board look at placing conditions on the approval to mitigate the impact.

Mr. Dixon questioned if the road is paved, if Zion Road is the only access to the site and if wetlands are present. Ms. Reinertsen responded that the roads are paved, Zion Road was the requested access and the wetlands would not be allowed to be impacted.

Mr. W.H. Reeves requested how many pieces of property are adjoining this property. Approximately six was the answer.

The applicant, Keven Manning, this request has been proposed due to the large amount of sand mines in the area. This company is traveling to that area everyday and it would be more convenient to store them at this location due the close proximity of the mines.

Clarification and confirmation with applicant as to what that the business is, hours of operations, size of the trucks and where maintenance occurs. The applicant stated it was only to store 10-15 vehicles not to maintain the tri-axel dump trucks. Maintenance will occur offsite at Triple T-Trucks Service and purchase vehicles with warranties. Actual hours of operation are 6am – 6pm and there will be no need to operate earlier.

Discussion regarding the neighbors and if they would be disturbed. Site plan was described to the Board. Access will be off of Zion Road, the building and trucks will be park by the tree line that is creating a buffer. Access from the back of the property is not an option due to the wetlands.

Toni T. Janis introduced herself, she lives on Powder Horn Road directly across from the back side of the property. She has met with Mr. Manning and surrounding neighbors. Mr. Manning has assured everyone in the neighborhood he will not be running a business out of that location and she wants the documented in the paperwork. Also, that Mr. Manning wants to eventually build his own home on this property. Ms. Janis believes Mr. Manning and that he is a man of his word that Mr. Manning will do as he says but would like it in writing.

Richard Coes, neighbor that lives on Zion Road, is concerned about noise pollution and what type of buffers would be required. What can be done to lessen the impacts of the business. Also, concerned about the wetland and their location in regard to the pollution from the trucks as well.

Richard Rhode, adjoining land owner, clarified that there is no ditch there is an open stream that ends on his property. Would like more information on what the trucks will be parked on, will it be non-pervious surface the trucks are parked on, will there be retention built for contaminants, noise pollution with Jake brakes and road conditions. Would like to see more information on the site plan.

Mr. W.H. Reeves questioned Mr. R. Rhode if he was concerned if this would changed the community, Mr. R. Rhode responded yes.

Dennis Rhode, Zion Road, lives directly across from the subject property. Mr. D. Rhode has mixed emotions that the trucks will spoil the rural community quiet. Has concerns as to what base the trucks will be parked on to prevent run off to the wetlands. Mr. Rhode understands why Mr. Manning would like to move his trucking company to that location because he has owned his own trucking company. Noted that there are 15 minutes required DOT pre and post truck inspections, feels there will be noise from 5:30am – 6:30pm. Feels that Mr. Manning will make repairs to his vehicles to keep them running

for the next day if necessary. Feels that this is a residential community that will be impacted by noise. The Board needs to apply strict regulations.

Mr. S. Reeves questioned Mr. D. Rhode as to how many years he was in the trucking business in that same area, how many trucks he had and if he had complaints. Mr. D. Rhode responded he was in the business for 30 years, had at one time 40 trucks and did have a few complaints over the years.

Matthew Welbourne, resides in the area, is new to the area, is against the trucking company because he feels that is a rural community and it will interrupt the peace and quiet. Also believes this will open the floodgates with no control and it will run forever.

George Aytes resides on Zion Road, is a retired firefighter and moved to the area to enjoy the serenity from the City of Charleston. The road has been terrible with the truck traffic due to the sand mines. Believes that the sand mines will close eventually but this business will be forever.

**Mr. W.H. Reeves passed the gavel to Mr. DeHay

W.H. Reeves made a motion to deny the request.

Mr. Segelken seconded the motion.

Discussion regarding the lack of information and a full site plan. Clarification from the Ms. Reinertsen that the TRC process will accommodate the County regulations and any restrictions placed by the Board. Review of the residents that spoke that no one was totally against the business, that they wanted more information.

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

B. Special Exception for a Special Event Venue in an Absence of Controls District (AC).

Applicant:	JN Clark Lane Farm, LLC
Property Owner:	Jesus Navarro Hernandez
Address:	225 Clark Lane Dorchester, SC 29437 TMS# 064-00-00-034

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 13(f) Business, Recreation as a Special Exception Use.

Ms. Reinertsen presented the staff report and gave these findings of facts:

1. Recreation Business uses require a Special Exception in the Absence of Controls zoning district
2. Impacts will depend on the popularity of the events.
3. The area is primarily residential and agricultural with conserved properties along Four Hole Swamp nearby.
4. A site plan depicting landscaping and traffic flow/parking will be required prior to the issuance of a business license.
5. Clark Road is a county/privately maintained Rural road. Access to the site is via a private easement
6. The Comprehensive Plan Future Land Use designation supports this use at this site but would encourage low-impact design techniques.

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

Board requested information in regard to a business license and follow up review limiting the number of attendees at events and if the access road is blacktop. Ms. Reinertsen responded that the business license and follow up review does not limit attendance at events and yes, the road is blacktopped.

Bernard Lovato, the applicant's representative, stated they have animals and interest from other parties in creating a petting zoo and Birthday party venue. The applicant and Mr. Lovato saw this an opportunity to create and eco-tourism opportunity.

Board requested clarification as to what country the applicant is from and if he has a history of caring for animals. Also, what type of animals does the applicant currently have now and is there a plan to add additional animals. The representative replied Mexico and yes, he has experience in raising animals. The plan is to have farm animals and livestock; cows, sheep, goats, and horses. No exotic animals.

Discussion about the hours of operation and alcohol consumption. The applicant requested till 2am for Birthday Parties and was not aware of the ordinance that limits the noise to 11pm.

Mr. DeHay made a motion to approve the request

Mr. S. Reeves seconded the motion

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon) in favor.

C. Special Exception for a Communication Tower in an Absence of Controls District (AC).

Applicant: Pamela F. Cook on behalf of Tillman Infrastructure, LLC
Property Owner: Roy Michael Limehouse
Address: 166 Clayton lane
Ridgeville, SC 29472
TMS# 133-00-00-170

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 11(b) Business, Communication and Information as a Special Exception Use.

Ms. Reinertsen presented the staff report and gave these findings 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 and is not within the area that would require a Special Area Permit.
5. The Comprehensive Plan Future Land Use designation supports this business at this location.

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

Mark Loubier, the applicant's representative, stated that the tower will be marketed to multiples carriers increasing coverage and bandwidth.

Ms. Harper made a motion to approve the request.

Mr. Dwight seconded the motion.

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight & Mr. Dixon) in favor.

D. Variance request from Section 12.4.4(d) to allow the removal of Grand trees.

Applicant: TRB Mellichamp, LLC
Property Owner: Reid Banks
Address: Mellichamp Road
Summerville, SC 29483
TMS# 129-00-00-043

** This item has been removed from agenda due to the fact the variance was not necessary as per section 12.4.4(d)(5) of the Zoning and Land Development Standards.

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

Applicant: Henri Gamache
Property Owner: Oliver & Susan Rahn
Address: 310 Chaussee Blvd.
Summerville, SC 29483
TMS# 135-12-00-004

Ms. Reinertsen presented the staff report and gave these findings of facts:

1. The lot in question is on a cul-de-sac and slopes away from the street towards the rear lake.
2. Other properties in the vicinity have developed with the same topographic conditions.
3. The topography of the lot makes it more difficult to construct another building to the rear but it does not make it prohibitive.
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 not meet the requirements for a variance and therefore recommends denial of the request.

Mr. Gamache, the applicant's representative, brought up a neighboring property that has the same issue and has the garage in the requested location. Stated there is 15' slope in the back and would like to place the garage where the property is flat on the front section of the property. The house is essentially flipped on the property because the front of the house faces the lake, a garage in the back would block the view of the lake. Also, it would be more accessible for the property owner.

Clarification in reference to the front or the back of the home from the Zoning Administrator.

Mr. DeHay made a motion to approve the request due to the fact the home is reversed on the parcel.

Mr. Segelken seconded the motion

The vote was unanimous (6-1) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. S. Reeves, Mr. Segelken, Mr. Dwight) in favor (Mr. Dixon) opposed.

5. **OLD BUSINESS**

None

6. **NEW BUSINESS**

None

7. **REPORT OF CHAIRMAN**

None

8. **REPORT OF ZONING ADMINISTRATOR**

Ms. Reinertsen explained Staff is working on an Amendment to the (AC) Absence of Controls District with the Planning Commission. Public hearings will be held to discuss the changes with both Planning Commission and County Council.

9. **PUBLIC COMMENT**

None

10. **ADJOURNMENT**

Mr. Dwight made a motion to adjourn.

Mr. DeHay seconded the motion.

The vote was unanimous (7-0) to approve (Mr. W.H. Reeves, Mr. DeHay, Ms. Harper, Mr. Segelken, Mr. Dwight, Mr. S. Reeves, Mr. Dixon)

Meeting Adjourned at 7:48 PM

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

May 26, 2021

6:00 PM

NOTICE: Out of an abundance of caution related to COVID-19, public attendance at Dorchester County Planning Commission meetings will be limited. All meetings will be streamed live on the Dorchester County Public Meetings YouTube page.

Applicants and interested members of the public, including owners of adjacent properties, who would like to address the Commission with public comments regarding an agenda item in lieu of attending the meeting in person must complete the online Dorchester County Planning Comment Form before 12:00 PM on, May 25, 2021 in order to be officially recognized by the Chair and to be heard. Instructions can be found at the following webpage:

DorchesterCountySC.gov/planningmeeting.

Comments can also be submitted for the public record ahead of the meeting by mailing the Board of Zoning Appeals, at 500 North Main Street, Box 3, Summerville, SC 29483 or e-mail at DCGPlanning@dorchestercountysc.gov.

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the April 28, 2021 Board of Zoning Appeals Meeting

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

A. Special Exception for a Childcare Facility in an Absence of Controls District (AC).

Applicant &

Property Owner: Rosemary Crum Simmons

Address: 341 Coburn Town Road

Ridgeville, SC 29472

TMS# 109-00-00-096

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 14(a) Business, Personal Services as a Special Exception Use.

B. Variance from Section 7.2.5 (b) to reduce the minimum lot width requirement

Applicant: Courtney James
Property Owner: Marcie & Marcel N. Toulouse (JTROS)
Address: 139 Cinnamon Road
Summerville, SC 29483
TMS# 121-16-04-020

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
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC

May 26, 2021

6:00 PM

1. **DETERMINE QUORUM**

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

Absent: Ms. Harper
Mr. Sammie Reeves

Staff: Ms. Reinertsen
Ms. Carlton

2. **INVOCATION & PLEDGE**

Chairman Reeves and Mr. Dwight led the invocation and pledge.

3. **MINUTES**

Adoption of Minutes from the April 28, 2021 Board of Zoning Appeals Meeting

Mr. Dwight made a motion to discuss the minutes before approving, seconded by Mr. Segelken.

Mr. Dwight stated that he looked at the minutes and compared to the online recording and expressed his confusion with the minutes from this meeting and a few previous meetings. Mr. Dwight expressed his concern over the vote regarding the item for Keven Manning. Chairman Reeves provided an explanation of how the vote was recorded in the minutes. Chairman Reeves stated that going forward, he would announce who voted for and against each item on every motion. Mr. Dwight agreed with this process.

Mr. Segelken stated that his recollection was that he seconded the motion for item 4.A.

Chairman Reeves called for the vote to approve. The vote was unanimous (5-0) to approve the minutes from April 28, 2021 meetings with Mr. W.H. Reeves, Mr. DeHay, Mr. Segelken, Mr. Dwight & Mr. Dixon in favor.

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

A. Special Exception for a Childcare Facility in an Absence of Controls District (AC).

Applicant &
Property Owner: Rosemary Crum Simmons
Address: 341 Coburn Town Road
Ridgeville, SC 29472
TMS# 109-00-00-096

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 14(a) Business, Personal Services as a Special Exception Use.

Staff presented the report and gave these findings of fact:

1. Personal Service Business uses require a Special Exception in the Absence of Controls zoning district.
2. Impacts are expected to be minimal and during daytime hours.
3. The area is primarily residential and undeveloped.
4. Group in-home daycares allow for 7-12 children.
5. Coburn Town Road is a state maintained Rural road.
6. The Comprehensive Plan Future Land Use designation supports this use at this site.

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

Chairman Reeves opened the public hearing and invited the applicant to the podium.

Dr. Rosemary Simmons-Brown, the applicant, presented her application. She has been looking for locations in Ridgeville to open a childcare facility because there aren't any in the Ridgeville area. She consulted DHEC regarding using her property for a daycare and was advised that her first step was to get approval from the County.

Mr. Dwight asked Ms. Simmons-Brown if this property has been before the Board of Zoning Appeals before. Ms. Simmons-Brown answered no.

Mr. Dixon asked if DHEC had approved her business model. Ms. Simmons-Brown answered no – the first step is to get a letter from the County.

Mr. DeHay clarified that if the Board approves the Special Exception, it does not mean she will get DHEC approval. Ms. Simmons-Brown concurred.

Chairman Reeves asked about the condition of the house and whether it would pass a DHEC inspection. Ms. Simmons-Brown was hopeful and prepared to correct any issues they saw.

Mr. Andrew Sheppard, an attorney for Ms. Maddie Crum-Middlebrooks who is an heir to property surrounding this tract, stepped to the podium. He discussed concerns that family members have regarding title to the property and a survey of the property. The subject property may be, in part or in whole, heirs property. There is also a discrepancy regarding property lines and structures on the subject property that may result in the garage or septic being located on a separate parcel.

Mr. Sheppard also expressed that the adjacent property owners are concerned about the impact with regard to noise and traffic.

Mr. Sheppard stated that his client would like to see the request denied or at least tabled pending investigation into heirs property and potential co-ownership, and location of property lines, and requested deferral.

Chairman Reeves stated that it looks like this has been in the works for a while, and questioned why these issues were only being brought forward at this time?

Mr. DeHay clarified that the plat in question dates back to 1988 and that it is only being addressed now.

Mr. Segelken asked about the 2020 survey and why no action was taken.

Mr. Dwight remembered that a while back something was proposed for that property but the applicant came to a subsequent meeting and withdrew their request.

Mr. Segelken asked if there were any other documents, other than the survey, that showed a dispute within the past year and a half.

Mr. Fred Crum, lives in Alabama, stepped to the podium. He asked the board if they could approve a rezoning that didn't have clear title? Chairman Reeves answered that another board handles those requests. Mr. Crum asked for clarification about the actions being considered tonight and if the board could consider the request if there wasn't clear title. Chairman Reeves answered that as far as the board's understanding was, there was clear title.

Mr. Crum indicated that the property had previously been owned by the three bothers and that he had not signed the deed. He also indicated that there was a petition that indicated the family was not in support of the request and how could the board approve the request if the family was not in support.

Ms. Elizabeth Crum Huffman, 109 Crum Lane, she is against the request because of the increase in traffic and noise. She walks and will no longer be able to walk with the increase in traffic. She stated that there are no kids in the area and that it is a family area and needs to remain family. The property was left by their parents for them to build a house for family enjoyment, not for any type of business.

Ms. Virginia Bobbie Crum is opposed because the playground will be in her background and when it rains it floods. She never received information about the request and only found out when the sign was put up. She's opposed to it because the property was left by her parents for houses.

Chairman Reeves closed the public hearing.

Mr. Dwight made a motion to discuss the item before voting. Mr. Dixon seconded. Chairman Reeves called for the vote – all in favor (5-0) to discuss the item.

Mr. Dwight asked staff if they tabled the item, would there be another application fee. Staff answered there would not.

Chairman Reeves suggested that if they tabled for 30 days it would give the family time to work with their attorney to look into the concerns further.

Mr. Dwight made a motion to defer the item until the June meeting. Mr. DeHay seconded. The vote was unanimous (5-0) to defer to the next meeting.

B. Variance from Section 7.2.5 (b) to reduce the minimum lot width requirement

Applicant: Courtney James
Property Owner: Marcie & Marcel N. Toulouse (JTROS)
Address: 139 Cinnamon Road
Summerville, SC 29483
TMS# 121-16-04-020

Staff presented the report and gave the following facts:

1. The lot in question is an existing residential lot that has been used residentially for a number of years and has no extraordinary conditions that prevent its use.
2. Other properties in the vicinity are residential and meet the minimum lot width requirement.
3. The existing lot with and current regulations prevent it from being subdivided but do not prevent its use.
4. The authorization of the variance to allow the subdivision of the lot would change the character of the street.

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. Segelken asked if the size of the lot allowed subdivision but the width did not? Ms. Reinertsen answered that is correct.

Chairman Reeves asked how many feet were in question? Ms. Reinertsen answered that it was about ten feet, or about five feet per lot.

Mr. Dixon asked if the lot was divided would they be able to site two homes on the lots. Ms. Reinertsen answered that they would.

Mr. DeHay asked if duplex units would be allowed. Ms. Reinertsen answered no.

Ms. Courtney James, realtor for the seller, stated that the lot they are intending to subdivide meets all the requirements of the zoning district except for the width. They want to be able to provide housing for two families to enjoy.

Chairman Reeves asked if the lots perk. Ms. James answered that they are on water and sewer.

Chairman Reeves closed the public hearing.

No motion was made. Chairman Reeves declared that the item failed for a lack of a motion.

5. **OLD BUSINESS**

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

Ms. Reinertsen announced a continuing education opportunity on June 9th for BZA members.

9. **PUBLIC COMMENT**

Mr. Dwight informed the board he wanted to discuss the last meeting regarding item 4.A for Keven Manning. He expressed concern with how the motion was made. Chairman Reeves stated that the board will not allow any criticism of the board or individual members during a public meeting.

Chairman Reeves closed public comment.

10. **ADJOURNMENT**

Mr. DeHay moved to adjourn, seconded by Mr. Dixon. The vote was unanimous to adjourn (5-0). Meeting adjourned at 7:10pm.

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

June 23, 2021

6:00 PM

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MEETING DECORUM**

4. **MINUTES**

Adoption of Minutes from the May 26, 2021 Board of Zoning Appeals Meeting

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

- A. Special Exception for a Farmer's Market and Events Venue in an Absence of Controls District (AC).

Applicant & Property Owner:	Clarence Johnson, Jr.
Address:	1379 E. Main Street Dorchester, SC 29437 TMS# 063-00-00-049

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3 lists Use Group 8 Business, Primary Retail and Use Group 13(a) as Special Exception Uses.

- B. Special Exception for an Earth Hauling Business in an Absence of Controls District (AC).

Applicant	Keven Manning
Property Owner:	Manning & Sons Properties, LLC
Address:	Zion Road Dorchester, SC 29437 TMS# 106-00-00-142, 106-00-00-141

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 21(a) Manufacturing Services - Construction as a Special Exception Use.

- C. Variance from Section 10.4.2(1)(a) to eliminate the requirement that the proposed accessory structure meet primary structure setbacks.

Applicant: Kimberly Newman
Property Owner: Kimberly Nicole Newman
Address: Park Lane
Summerville, SC 29485
TMS# 161-12-01-007

- D. Variance request from Section 12.4.4(d) to allow the removal of a Grand tree.

Applicant: Ryland Group Inc./Lennar Carolinas, LLC
Property Owner: Ryland Group, Inc.
Address: 1163 Mossy Rock Drive
Summerville, SC 29485
TMS# 160-05-05-139

- E. Variance from Section 7.11.9 to reduce the minimum front setback requirement of the Myers Mill Planned Development.

Applicant: Andy Barber
Property Owner: Generation Homes, Inc
Address: 1074 Whitlow Blvd.
Summerville, SC 29483
TMS# 143-03-01-100

- F. Variance request from Section 11.2.6, 12.4.4(d), and 13.3.5(d) to eliminate the Minimum Visual Buffer, allow for the removal of Grand Trees, and eliminate the requirement for shrubs bordering parking areas.

Applicant: Suna Darkanat
Property Owner: Fair Springs Development Co. Inc.
Address: 10578 Dorchester Road
Summerville, SC 29485
TMS# 153-09-07-012

6. **OLD BUSINESS**

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

Applicant &
Property Owner: Rosemary Crum Simmons
Address: 341 Coburn Town Road

Ridgeville, SC 29472
TMS# 109-00-00-096

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 14(a) Business, Personal Services as a Special Exception Use.

7. **NEW BUSINESS**

A. 1284 Ridge Road – Extension of Special Exception Approval for a Childcare Facility in an Absence of Controls District (AC).

8. **REPORT OF CHAIRMAN**

9. **REPORT OF ZONING ADMINISTRATOR**

10. **PUBLIC COMMENT**

11. **ADJOURNMENT**

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

June 23, 2021

6:00 PM

1. **DETERMINE QUORUM**

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

Staff: Ms. Reinertsen

2. **INVOCATION & PLEDGE**

Chairman Reeves and Mr. DeHay led the invocation and pledge.

3. **MEETING DECORUM**

Chairman Reeves gave an overview of meeting procedures.

4. **MINUTES**

Adoption of Minutes from the May 26, 2021 Board of Zoning Appeals Meeting

Mr. DeHay made a motion to approve the minutes as submitted. Mr. Dixon seconded. The vote was (6-1) to approve the minutes from the May 26, 2021 meeting with Mr. Dwight opposed.

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

A. Special Exception for a Farmer's Market and Events Venue in an Absence of Controls District (AC).

Applicant &
Property Owner: Clarence Johnson, Jr.
Address: 1379 E. Main Street
Dorchester, SC 29437
TMS# 063-00-00-049

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3 lists Use Group 8 Business, Primary Retail and Use Group 13(a) as Special Exception Uses.

Staff presented the report and gave the following findings of fact:

1. Primary Retail and Special Event Venue uses require a Special Exception in the Absence of Controls zoning district.
2. Development as a Special Events Venue is not possible under the current regulations but primary retail is allowed.
3. Impacts are expected to be minimal, limited to three days a week, and during daytime hours.
4. The area is primarily residential and undeveloped.
5. Highway 178 is a state maintained minor arterial and able to support this business.
6. The recommendations of the Comprehensive Plan and the Future Land Use designation support this use at this site.

Based on these facts, staff recommends approval of the request for a farmers market but not the request for a Special Events Venue.

Chairman Reeves asked for clarification regarding the location of the property.

Mr. Segelken made a motion to approve the request for the farmers market but not the special events venue based on the findings provided by staff. Seconded by Ms. Harper. The vote was unanimous (7-0) to approve the request.

B. Special Exception for an Earth Hauling Business in an Absence of Controls District (AC).

Applicant	Keven Manning
Property Owner:	Manning & Sons Properties, LLC
Address:	Zion Road Dorchester, SC 29437 TMS# 106-00-00-142, 106-00-00-141

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1.3.2 lists Use Group 21(a) Manufacturing Services - Construction as a Special Exception Use.

Staff presented the report and gave the following findings of fact:

1. Manufacturing Service Business uses require a Special Exception in the Absence of Controls zoning district.
2. Low external impacts are anticipated as a result of this business, but efforts should be made to minimize those impacts.
3. The area is predominately residential and agricultural in nature. Several sand mines also operate in the vicinity.
4. Buffers are required and will need to be accommodated where existing vegetation is insufficient.

5. Zion Road is a state maintained Major Collector and is adequate to handle any anticipated traffic generated by the business.
6. The Comprehensive Plan Future Land Use designation supports this use at this site but would encourage low-impact design techniques.

Based on these facts, staff recommends approval of the request but would suggest the board look at placing conditions on the approval to mitigate the impact.

Ms. Harper asked for clarification on the Future Land Use Map designation. Ms. Reinertsen answered it was designated as a Environmental Conservation area and provided a description of that designation.

Mr. Dixon asked if there are wetlands on the property. Ms. Reinertsen answered in the affirmative and said they would be addressed during the Technical Review process.

Ms. Harper asked about the buffers.

Mr. Gil Gatch, representative for the applicant, spoke about the request. He indicated that the property has been switched and this site allows a greater setback from Zion Road, the client is open to buffering on the property. They consider this for a place for parking and will not generate traffic to the site, trucks will start up in the morning and leave the site for the day before returning at the end of the day around 6pm. Other uses in the area include sand mines, agriculture, and concrete business so this use is not out of line for the area. There will be no maintenance of the vehicles on the site. The building will be for storage only.

Mr. Segelken asked if there will be fuel stored on site. Mr. Gatch answered – yes. Mr. Segelken follow up by asking what size tank will be used? Mr. Gatch answered about 1000.

Ms. Harper asked about the DHEC truck checklist and if it was something that could be done within the 5 minutes after start-up. Mr. Gatch answered it was the responsibility of each truck owner.

Ms. Harper asked what time the trucks would be stated – before 6:00 or after? Mr. Gatch answered not before 6:00.

Chairman Reeves asked what materials would be hauled. Mr. Gatch answered sand, ROC.

Chairman Reeves asked about the impact to adjacent property values. Mr. Gatch answered that he was unsure but he felt that with all the mitigation measures they wouldn't know the business was there.

Mr. Segelken asked if they had proposed any buffers. Mr. Gatch stated that they did not because they knew they would be addressed during the next process.

Mr. DeHay asked about the proposal and SCDOT projects. He expressed that SCDOT projects carry the potential for night work. Mr. Gatch answered that this request is limited to the hours expressed in the application.

Mr. DeHay asked if he had another location? Mr. Gatch answered in the affirmative.

Robert Cadillac, Triple T Service, addressed the concerns related to maintenance on site. Mr. Manning's current fleet is under a maintenance/warranty agreement with Triple T and the oldest vehicle is from 2017. Triple T handles all maintenance and warranty repairs. Any preventative maintenance and repairs are coming through their facility.

Ms. Toni Janice, 800 Powderhorn Road, does not have a problem with the business at this location. There are a number of other similar companies located in the vicinity that use these same roads. The impact from this business will be no different than those. Ms. Janice expressed that this business will impact her but she is in support of it. Mr. Segelken asked for clarification on the location of her house.

Mr. Cezar McKnight, state representative and attorney for the applicant. He gave a background of the applicant. He expressed that Mr. Manning's trucking company is high quality and all of his trucks are newer.

Chairman Reeves expressed concern with the impact on adjacent property values. Mr. McKnight stated that Chairman Reeves might want to recuse himself.

Allyson All, 1046 Zion Road, directly across the street. She expressed support for growing business but expressed her concern with property values and the safety of roads. Mr. Segelken asked if her main concern was trucks pulling out from the property. Ms. Aul confirmed as she lives directly across the street.

Shannon Rudduck, lives on Zion Road, and deals with sand trucks in the area. She expressed that Mr. Manning's business is more than just earth hauling. She provided documents from SCDOT noting a 4,100% in the cost of maintenance along Zion Road resulting from the opening of one sand mine in 2018. She requests that the board deny the request.

Mr. Ricky Rhode, 1079 Zion Road, he and his neighbors live in a quiet area known as the Zion Community. This community has enjoyed the country way of life and this trucking company will disrupt this way of life. He expressed concern for safety with trucks on the road and the quality of the road. Asked why the site plan does not show buffers or retention areas. He is not in favor of the board granting this request.

Ms. Harper asked for clarification regarding buffers. Ms. Reinertsen answered that regardless of what is shown on the plan submitted for the board, it would still have to meet ordinance requirements. The buffer for this use would be 100'.

Mr. Dennis Rhode, 1058 Zion Road, lives directly across the street from this property. Mr. Rhode read a letter to the board provided by Lyn and Ramona Rhode (attached as exhibit to the minutes) opposed to the request and asking the board to deny the request. Mr. Rhode, speaking on his own behalf, expressed that this business would impact the quality of the neighborhood and decrease property value. He stated that there have been three major collisions on this road in the past year. He expressed that the special exception does not need to be granted.

Chairman Reeves asked how far in either direction is the nearest business. Mr. Rhode answered that there are two sand mines in the vicinity – one about a half mile to the north, one about one and a half miles to the south. Chairman Reeves asked about other businesses. Mr. Rhode answered that there is a business in the former Murray Sign site and Logan Construction which operates out of the owner's home. Mr. Dixon asked for clarification about the second business and what types of trucks the owner kept on site. Mr. Rhode answered dualie pickups that pull small construction equipment.

Taylor Welborn, 995 Zion, concerns about the safety of children with trucks pulling out of the site right near her driveway. Decrease in property value – she would not have bought this property if there had been a commercial business located directly across the street. Her main question to the board is what is in place to stop this from becoming 20-30 trucks or a full-blown sand mine on the property? Based on its location, she will see it from her back patio and it will affect her peace.

Richard Coes, 828 Zion Road, discussed the proposed AC Text amendment currently in the process and how it reinforces the agricultural and residential nature of the area. Mr. Coes expressed that there are fifty homes within a mile of the site as well as a community church. There will be a traffic and noise impact on fifty households. The speed limit in the area is 50mph and not well adhered to and there are dangerous curves.

Dereck Bates, 840 Horseford Road, concern with safety for his three kids. They are unable to play in the front yard or cross the street to visit family due to the dangerous roads. Concern with property value. Concern with noise.

George Aytes, 838 Zion Road, raised family in the area. This is a residential area and they want to keep it that way for their families.

Thomas Wright, 827 Zion Road, been in the construction business since 1961. A 2,000 gallon tank equates to about 750 gallons per day for trucks. He lives across the woods from the site and safety factor is a main concern.

Jane Martin, 1034 Zion Road, lived there for over 40 years and lives directly across from the site. She has three concerns: noise, safety – traffic is hazardous, property taxes, as well as environmental impact from this business. She joins her neighbors in support of rejecting this application. Mr. Segelken asked for clarification on the location of her house. Ms. Martin stated it is directly across the street, is over one hundred years old and is close to the road.

Chairman Reeves called for a five-minute recess at 7:34pm.

Chairman Reeves called the meeting back to order at 7:40pm.

Chairman Reeves called for a motion. Chairman Reeves passed the gavel to Mr. DeHay.

Chairman Reeves moved to deny the request based on the evidence provided at the hearing that this project would harm property values. Seconded by Mr. Dixon.

Chairman Reeves expressed that this community is concerned about their property values, quality of life, and the environment that they live in. He feels that these three are justification for denying this request.

Mr. Segelken expressed that while you can buffer the property, the trucks pulling in and out of the site is a concern that cannot be remedied.

Mr. DeHay called for a vote.

The vote was (6-1) to deny the request with Mr. Dwight opposed.

C. Variance from Section 10.4.2(1)(a) to eliminate the requirement that the proposed accessory structure meet primary structure setbacks.

Applicant:	Kimberly Newman
Property Owner:	Kimberly Nicole Newman
Address:	Park Lane Summerville, SC 29485 TMS# 161-12-01-007

Staff presented the report and provided the following finding of fact:

1. The lot in question is a conforming residential lot with no unusual features.
2. Other properties in the vicinity have developed with a primary and accessory structures on the same lot.
3. The primary lot has enough space to locate an accessory structure behind the current house, or the two lots could be merged into one lot.
4. The authorization of the variance to allow the placement of the shed would not be a detriment to adjacent properties as the property has been used in that capacity for a number of years.

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

Kimberly Newman, owner and applicant, discussed that they want to put a storage shed on the property that they want to put tools and lawnmower in. The house is next-door but they can't combine because of the mortgage on that property. In the future they will be joined. A portable shed was removed from the property and the building with the grey metal roof is on the adjacent property and belongs to the neighbor.

Chairman Reeves asked if they are aware that they will be changing the character of the street. Ms. Newman explained that if they built the structure to primary structure setbacks, when they abandon the property line in the future, it will not be compliant because it will project in front of the house. Mr. Segelken asked for clarification of the size, Ms. Newman answered it would be 20' x 25'.

Eric Fabel, 104 Park Lane, expressed that they would not be breaking the established pattern as it was originally one property that was divided into several lots. They purchased the adjacent property with the intent of joining the two properties in the future.

Mr. Segelken made a motion to approve the request based on the fact that they own both pieces of property and have an unusual circumstance that they have a mortgage on one and are unable to merge the parcels. Mr. Sammie Reeves seconded the motion. The vote was (5-2) to approve the request with Chairman Reeves and Mr. Dixon opposed.

D. Variance request from Section 12.4.4(d) to allow the removal of a Grand tree.

Applicant:	Ryland Group Inc./Lennar Carolinas, LLC
Property Owner:	Ryland Group, Inc.
Address:	1163 Mossy Rock Drive Summerville, SC 29485 TMS# 160-05-05-139

Staff presented the report and provided the following findings of fact:

1. The lot in question (and the adjacent lot) are standard sized lots for the development and the tree is located near the property line leaving adequate space to construct a home on the lot.
2. Other properties in the vicinity have developed with the same conditions.
3. These lots are considered buildable and the requirement to protect the tree does not affect the ability to use these lots as intended.
4. The authorization of the variance to allow the removal of the Grand tree would be a detriment to adjacent properties due to the loss of aesthetic and environmental value.

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. Robbie Young, representative for the developer, indicated that the tree poses a unique situation. The owner of the property with the tree is concerned about the tree and the owner of the adjacent property is nervous about the tree.

Mr. Dixon asked if this was a problem before they started building the houses. Could the houses be re-sited so this wouldn't be a problem? Mr. Young answered that the lot sizes are not large enough to re-locate the home on the lot. They did trim the tree initially.

Mr. Dixon asked if both lots have been sold. Mr. Young answered that both homes are still under contract and have not closed.

Mr. Segelken asked if this was considered initially when they were doing the development. Mr. Young answered that the lean of the tree did not reflected on the tree protection plan. Mr. Segelken asked for clarification about whether the homes had been constructed. Mr. Young answered that homes have been constructed on both lots.

Chairman Reeves asked if they had considered trimming the tree. Mr. Young answered that they had an arborist examine the tree and some trimming had been done.

Mr. Segelken made a motion to deny the request due to the tree being known about during initial subdivision design and it does not meet the requirements for a variance. Seconded by Mr. DeHay. The vote was (6-1) to deny the request with Mr. S. Reeves opposed.

E. Variance from Section 7.11.9 to reduce the minimum front setback requirement of the Myers Mill Planned Development.

Applicant:	Andy Barber
Property Owner:	Generation Homes, Inc
Address:	1074 Whitlow Blvd. Summerville, SC 29483 TMS# 143-03-01-100

Staff presented the report and provided the following findings of fact:

1. The lot in question is a residential lot encumbered by a 30' wetlands buffer and an awkward shape.
2. Other properties in the vicinity have the same 30' buffer but are deeper to allow more space for a residential dwelling.
3. The lot shape and wetland buffer do make it more difficult to build on this lot than other lots, but not unreasonable, as a compliant site plan was submitted and approved.
4. The authorization of the variance to allow the placement of the house within the front yard setback would not be a detriment to adjacent properties.

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

Andy Barber, applicant and builder, indicated that the setback would be 17'8". He indicated that he has spoken with the building official regarding the error, and it is just outside of the allowance for staff approval. He's not sure how it happened, the house was designed specifically for the lot, something happened during construction that caused a mistake.

Mr. Segelken clarified that the size of the home didn't change. Mr. Barber answered in the affirmative.

Mr. Dixon made a motion to deny the request based on the findings of fact provided by staff. Mr. Dwight seconded the motion.

Mr. DeHay expressed concern that the deviation was only inches.

Ms. Harper expressed that she is not in support of the denial. This board has approved deviations greater than this.

Mr. Segelken stated that this lot is an awkward lot and there has been no change in the house plan. Nothing nefarious has occurred, it was just a mistake. He is opposed to the denial.

Chariman Reeves called for the vote

The vote was (1-6) to deny the request. Motion failed.

Ms. Harper made a motion to approve the request based on the fact that the site plan has not changed, it was a mistake during construction, and the mistake was not intentional. Mr. Dwight seconded the motion. The vote was unanimous (7-0) to approve the request.

- F. Variance request from Section 11.2.6, 12.4.4(d), and 13.3.5(d) to eliminate the Minimum Visual Buffer, allow for the removal of Grand Trees, and eliminate the requirement for shrubs bordering parking areas.

Applicant:	Suna Darkanat
Property Owner:	Fair Springs Development Co. Inc.
Address:	10578 Dorchester Road Summerville, SC 29485 TMS# 153-09-07-012

Ms. Harper recused herself.

Staff presented the report and provided the following findings of fact:

1. The lot in question was platted and developed for residential use but was rezoned to commercial to allow commercial uses. The property was also reduced in size due to the widening of Dorchester Road.
2. Other properties in the vicinity that have developed commercially did not install a TOD Buffer or parking buffer.
3. The existing conditions on the lot make it unable to utilize the existing structure for a commercial use without obtaining a variance from the site development requirements.
4. The authorization of the variance to allow the elimination of the buffer along Dorchester Road while maintaining the buffer along the rear property line is not detrimental to adjacent properties and the commercial character of the area has been established without the buffer.

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 staff reviewed several layouts and if this has the least impact. Staff confirmed that several layouts had been considered and this provided the least impact to adjacent residents.

Mr. Limehouse, property owner, discussed the layout on the sites.

Mr. DeHay made a motion to approve the request as recommended by staff. Seconded by Chairman Reeves. The vote was unanimous (6-0) to recommend approval of the request with Ms. Harper abstained.

6. **OLD BUSINESS**

A. Special Exception for a Childcare Facility in an Absence of Controls District (AC).

Applicant &
Property Owner: Rosemary Crum Simmons
Address: 341 Coburn Town Road
Ridgeville, SC 29472
TMS# 109-00-00-096

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3.3 lists Use Group 14(a) Business, Personal Services as a Special Exception Use.

Chairman Reeves introduced the item and asked for any updates since last month.

Dr. Rosemary Simmons-Brown, applicant, provided copies of documents showing ownership of 341 Coburn Town Road and a recorded easement. She asked the board to approve her request for a childcare center.

Chairman Reeves asked if Dr. Brown has been served since the last meeting with any documents that would question her ownership of the property. The answer was no.

Andrew Sheppard, representative Ms. Maddie Middlebrooks spoke. He had provided documents that show that the structure that will be operating as a daycare is over the property line into property owned by George Crum. Mr. Sheppard requested that the application be denied until the issue of the property line is resolved and the structure falls squarely within the bounds of property owned by the applicant.

Chairman Reeves asked if any court filings have been made regarding the property dispute. Mr. Sheppard answered no. Mr. Sheppard expressed that this is a family issue and the concern revolves around using the structure for commercial use. They do not have an issue with residential use.

Ms. Maddie Middlebrooks, adjacent resident, expressed that there will be some concerns that need to be addressed before the board gives approval. If litigation occurs, all siblings will be liable. The documents presented by Dr. Brown have not been provided to the family. Therefore the board should reject this.

Mr. Segelken asked regarding the liability issue, would a fence address the property. Ms. Middlebrook stated no – this is heirs property. Mr. Segelken asked about the survey and if it had been filed. Ms. Middlebrooks answered that they are in the process of filing it.

Ms. Harper asked for clarification about whether Dr. Brown is a member of the family and if any court filings had been made. Ms. Middlebrook answered that Dr. Brown is their sister and that they have not made any court filings.

The board discussed whether they could consider the legal debate over the property line as part of their determination regarding the Special Exception request.

Mr. Dixon suggested that they defer the request until it has been determined that the application can show clear title.

Ms. Harper made a motion to approve the request based on the facts and findings presented by staff and the documents provided during the meeting. Seconded by Mr. S. Reeves. The vote was unanimous (7-0) to approve the request.

7. **NEW BUSINESS**

- A. 1284 Ridge Road – Extension of Special Exception Approval for a Childcare Facility in an Absence of Controls District (AC).

Staff presented the report and asked the board to make a motion to approve or deny the extension request. Staff suggested that if the board approved the request, a time limit should be provided.

Marvin Pendarvis, representative for the owner and Ms. Simmons, owner of the property stepped to the podium. Ms. Simmons spoke to the need within the community for a childcare center. Chairman Reeves asked how long an extension would be needed for. Ms. Simmons answered six months. Mr. Pendarvis spoke of the applicant's delay.

Ms. Sharla Sheppard, 116 Chance Lane spoke to the need for the community and that an extension would be appropriate.

Mr. Johnnie Snipes, Powderhouse Road, was contacted by Ms. Simmons in 2016 and thought it was a great idea. Originally built a house next-door and would have been most impacted and believes it will enhance the area. Does not believe the traffic will be any worse than the trucks on the road. Has been a resident for 30 years and thinks it will be an improvement.

Crystal Campbell, Dorchester County First Steps (Executive Director) owner and operator of CYC Educational Consulting, discussed the vital, essential need of childcare and the lack of childcare facilities in the area.

Mr. Dwight made a motion to grant the extension of the approval by two years. Seconded by Mr. DeHay. The vote was unanimous (7-0) to approve the request.

8. **REPORT OF CHAIRMAN**

Chairman Reeves thanked staff for arranging the training session held the day previously.

9. **REPORT OF ZONING ADMINISTRATOR**

10. **PUBLIC COMMENT**

Mr. DeHay made a motion to reconsider the variance for 139 Cinnamon Road that was denied at the previous meeting for a lack of a motion. Seconded by Chairman Reeves. The vote to reconsider was (5-0) with Mr. S. Reeves and Ms. Harper abstained.

Mr. DeHay introduced the item.

Mr. DeHay made a motion to approve the request for the variance at 139 Cinnamon Road. Seconded by Mr. Dwight. The vote was (4-1) to approve the variance with Mr. Segelken opposed and Mr. S. Reeves and Ms. Harper abstained.

11. **ADJOURNMENT**

Meeting adjourned at 9:35PM

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

July 28, 2021

6:00 PM

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the June 23, 2021 Board of Zoning Appeals Meeting

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

- A. Variance from Section 10.4.2(1)(f) to reduce the setback requirements for an accessory structure.

Applicant: Thomas Orshal
Property Owner: Thomas & Janis Orshal
Address: 1017 Trotters Blvd.
Summerville, SC 29483
TMS# 136-01-01-010

- B. Variance from Section 10.4.2(2) to allow an accessory structure in the front yard.

Applicant: Carolina Energy Conservation
Property Owner: TDE South Carolina, LLC
Address: 231 Deming Way
Summerville, SC 29483
TMS# 129-00-00-114

- C. Special Exception for an Assisted Living/Personal Care Home in an Absence of Controls District (AC).

Applicant: Megan Martino-Jacobs
Property Owner: Ralph Martino
Address: 1513 Quaker Road
St. George, SC 29477

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3 lists Use Group 15(c) Business, Professional Services - Institutional as a Special Exception Use.

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
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC

July 28, 2021

6:00 PM

1. **DETERMINE QUORUM**

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

Staff: Ms. Reinertsen

Absent: Mr. Segelken

2. **INVOCATION & PLEDGE**

Chairman Reeves led the invocation and pledge.

3. **MINUTES**

Adoption of Minutes from the June 23, 2021 Board of Zoning Appeals Meeting

Mr. DeHay identified errors in the minutes: clarification of Rep. McKnight's district, and clarification on the vote where Ms. Harper recused herself, the vote was 6-0, not 7-0. Mr. DeHay made a motion to approve the minutes with the amendments mentioned. Seconded by Mr. S. Reeves. The vote was (6-0) to approve the minutes from the June 23, 2021 meeting as amended.

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

- A. Variance from Section 10.4.2(1)(f) to reduce the setback requirements for an accessory structure.

Applicant: Thomas Orshal
Property Owner: Thomas & Janis Orshal
Address: 1017 Trotters Blvd.
Summerville, SC 29483

TMS# 136-01-01-010

Staff presented the report and gave the following findings of fact:

1. The lot in question is a conforming residential lot with no unusual features.
2. Other properties in the vicinity have developed with a primary and accessory structures on the same lot that meet setback requirements.
3. The lot, although encumbered by a rear drainage easement, has the space to accommodate the shed and meet the setback requirements.
4. The authorization of the variance to allow the placement of the shed would not be a detriment to adjacent properties as the property has been used in that capacity for a number of years without complaint.

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

Thomas Orshal, the applicant, stepped to the podium and addressed the board. He expressed that the shed was a replacement for a previous one and he was unaware that a building permit was needed. He stated that the previous shed had been even closer to the property line.

Mr. Orshal detailed the foundation of the shed. He would have to tear the full shed down, remove the 6 x 6's and reinforcing steel, knock the ten piles down. If he does move the shed over, there is no other place to put it. There are trees, raised gardens, an electrical box, and a drainage easement. He would have to move the shed towards the deck which would only leave 84" between the shed and deck. This does not leave enough space for a backhoe to get through to maintain the easement in the rear.

Mr. Dixon asked what was being kept in the shed. Mr. Orshal answered a tractor, a rototiller, a mower, a composter, pool floats. Mr. Dixon asked how big it was. Mr. Orshal answered it is 10' x 18'.

Ms. Harper asked how long the shed had been there. Seven years and this is the first the Board is hearing about it?

Chairman Reeves asked about the overhang on the eaves. Mr. Orshal answered 8". They are 6" off the property line to the eaves.

Mr. J. W. Long, neighbor, expressed his support for the applicant.

Ms. Harper asked if there was a time limit for buildings that are in violation. Ms. Reinertsen answered no.

Mr. DeHay made a motion to approve the request as there is no detriment to adjacent property owners. Seconded by Mr. S. Reeves. The vote was (6-0) to approve the request.

B. Variance from Section 10.4.2(2) to allow an accessory structure in the front yard.

Applicant: Carolina Energy Conservation
Property Owner: TDE South Carolina, LLC
Address: 231 Deming Way
Summerville, SC 29483
TMS# 129-00-00-114

Staff presented the report and gave the following findings of fact:

1. The lot in question is a conforming industrial lot with no unusual features and an existing building on site.
2. Other properties in the vicinity have developed with a primary and accessory structures on the same lot that meet setback and location requirements.
3. Although not situated for maximum exposure, the lot has the space to accommodate the solar panels where they would comply with location requirements.
4. The authorization of the variance to allow the placement of the solar panels in the front yard would not be a detriment to adjacent properties as the site is located within an industrial park and does not front on a main arterial.

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. DeHay asked why this request was different than Kion. Ms. Reinertsen answered that the panels being allowed at Kion as a utility use had been permitted under a misinterpretation of the zoning code.

Fred Baker with Carolina Energy Conservation, contractor for the project, addressed the two other areas on the site identified by staff and stated that they are currently constructing on one area and have a building permit for the other area.

Mr. Baker expressed that this is the only area on the site that will yield the return necessary to make this project feasible.

Mr. Dixon asked about the size of the system. Mr. Baker answered it will be six ground mount arrays.

Ms. Harper asked how it will compare in size to the Kion system. Mr. Baker answered it will be slightly smaller.

Mr. DeHay asked why the panels weren't being mounted on the roof. Mr. Baker answered it was due to the number of obstacles on the roof such as AC units and vent pipes.

Ms. Harper made a motion to approve the variance as it will not be a detriment to surrounding properties since it is in an industrial park. Mr. Dixon seconded the motion. The vote was (5-1) to approve the variance with Chairman Reeves opposed.

C. Special Exception for an Assisted Living/Personal Care Home in an Absence of Controls District (AC).

Applicant: Megan Martino-Jacobs
Property Owner: Ralph Martino
Address: 1513 Quaker Road
St. George, SC 29477
TMS# 079-00-00-098

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3 lists Use Group 15(c) Business, Professional Services - Institutional as a Special Exception Use.

Staff presented the report and gave the following findings of fact:

1. Institutional uses require a Special Exception in the Absence of Controls zoning district.
2. Impacts are expected to be minimal and will mimic other residential homes in the area.
3. The area is primarily residential and agricultural.
4. Quaker Road is a state maintained major collector and able to support this use.
5. The recommendations of the Comprehensive Plan and the Future Land Use designation support this use at this site.

Based on these facts, staff recommends approval of the request for an assisted living/personal care home.

Megan Jacobs, applicant, discussed the reasoning for the request. There are no assisted living facilities within 30 miles and a need exists in the area.

Chairman Reeves asked how far this property was outside of St. George. Ms. Jacobs answered about five miles.

Mr. DeHay asked who the intended/anticipated user would be. Ms. Jacobs answered, elderly, disabled, mentally handicapped, autism, someone who couldn't function totally on their own but who was independent. This is for people needing supervision but also independence.

Mr. DeHay asked about the number of employees at the site. Ms. Jacobs answered that there would always be someone on the property. Probably at least three people at any given time covering a variety of roles.

Mr. DeHay asked what safeguards would be in place to keep residents on the property. Ms. Jacobs discussed their plan to install a fence and use a security company like ADT.

Mr. Dixon asked how many individuals would reside in the home. Ms. Jacobs answered up to four at a time. Could be short-term or long-term.

Ralph Martino, property owner, spoke about the need in the area.

Ms. Jacobs stated that she already has certificates to do business in South Carolina.

Mr. Dwight made a motion, based on the applicant and staff's findings of fact, to approve the request. Mr. DeHay seconded the motion. The vote was (6-0) to approve the request.

5. **OLD BUSINESS**

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

Chairman Reeves thanked the deputies in attendance for their service to the community.

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Mr. DeHay made a motion to adjourn. All in favor. Meeting adjourned at 6:42pm.

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

September 22, 2021

6:00 PM

All meetings will be streamed live on the Dorchester County Public Meetings YouTube page. Comments can also be submitted for the public record ahead of the meeting by mailing the Planning Commission, at 500 North Main Street, Box 3, Summerville, SC 29483 or e-mail at DCGPlanning@dorchestercountysc.gov

PLEASE BE REMINDED THAT THERE IS A MANDATORY MASK REQUIREMENT IN PLACE FOR ANYONE ENTERING A DORCHESTER COUNTY FACILITY.

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the July 26, 2021 Board of Zoning Appeals Meeting

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

- A. Variance request from Section 8.1.5(a) to reduce minimum lot size requirement from 1 acre to .9 acre

Applicant:	Dennis Driggers
Property Owner:	Dennis & Anna Driggers
Address:	749 East Butternut Road Summerville, SC 29483 TMS# 128-14-02-003

- B. Variance request from Section 10.4.15(B)(1)(f) to reduce the buffer for Outdoor Storage from 30' to 15'

Applicant & Property Owner:	Charles Reeves
Address:	Highway 17-A Summerville, SC 29483 TMS# 152-01-01-010

C. Special Exception for a Campground in an Agricultural Residential District (AR)

Applicant: Barry Stephens
Property Owner: Landco Developers, Inc.
Address: Gator Walk Road
Ridgeville, SC 29472
TMS# 131-00-00-130 and -135

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3 lists Use Group 7(b) Business, Accommodation and Food Services as a Special Exception Use.

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
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC

September 22, 2021

6:00 PM

1. **DETERMINE QUORUM**

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

Staff: Mr. Davis
Ms. Durham

Absent: Mr. Dixon
Mr. Dwight
Mr. Sammie Reeves

2. **INVOCATION & PLEDGE**

Chairman Reeves led the invocation and pledge.

3. **MINUTES**

Adoption of Minutes from the July 26, 2021 Board of Zoning Appeals Meeting

Ms. Harper made a motion to approve the minutes from the July 26, 2021 meeting, Seconded by Mr. Dehay. The vote was (4-0) to approve the minutes from the July 26, 2021 meeting.

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

- A. Variance request from Section 8.1.5(a) to reduce minimum lot size requirement from 1 acre to .9 acre

Applicant: Dennis Driggers
Property Owner: Dennis & Anna Driggers
Address: 749 East Butternut Road
Summerville, SC 29483
TMS# 128-14-02-003

Staff presented the report and gave the following findings of fact:

1. The lot in question was previously two lots legally subdivided as part of the Knightsville Farms subdivision in 1961. The county's subsequent zoning of the property in 1984 and rezoning of the property in 2004 led to the lots becoming legal non-conforming, preventing the use as two separate lots once combined several months ago.
2. Other properties in Knightsville Farms have not combined, retaining the layout and character of the subdivision as platted. Other TRM zoned lots outside of Knightsville Farms met the minimum size requirements when they were rezoned in 2004 and are considered conforming.
3. Without the variance, the property will not be able to develop as two residential lots as originally platted and intended for sixty years.
4. The authorization of the variance to allow the subdivision of the lot would not be a detriment to adjacent properties as this would bring the lot layout back into conformity with the subdivision as originally platted. Based on these facts, staff finds that the application does meet 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.

Dennis Driggers, the applicant, stepped to the podium and addressed the board. He explained that he wants to put the property line back as it was previously, has owned the lot for 20 years. He stated that his intention when removing the line was to build a home, but with the rising cost of construction he wouldn't be able to afford to build unless he sold one of his lots.

Chairman Reeves asked if the size of the lots would remain the same and the applicant answered yes.

Clint Busby, brother-in-law to the applicant, stepped to the podium and expressed his support for the applicant and clarified that the size of each lot would stay as they were previously .9 acre.

Mr. Segelken made a motion to approve the request, Seconded by Ms. Harper. The vote was (4-0) to approve the request.

- B. Variance request from Section 10.4.15(B)(1)(f) to reduce the buffer for Outdoor Storage from 30' to 15'

Applicant &
Property Owner: Charles Reeves

Address: Highway 17-A
Summerville, SC 29483
TMS# 152-01-01-010
Summerville, SC 29483

Staff presented the report and gave the following findings of fact:

1. The applicant has been working for several years to bring the uses and setbacks back to what was originally allowed under the prior Development District zoning and the establishment of the new outdoor storage regulations earlier this year is limiting the desired use on this property.
2. Other properties in the vicinity have already developed commercially and are not proposing outdoor storage or limited by the size/shape of the lot.
3. As the applicant has worked towards achieving use and site plan compliance on this lot, the regulations have changed that will limit the ability of the lot to be developed for outdoor storage.
4. Authorization of this request would not pose a detriment to adjacent properties as they are commercial and the buffer along Highway 17-A will remain in-tact.

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

Mr. Segelken asked if there was a 15 ft buffer back in 2015 because of a variance request or was it 15 ft because it was different zoning back then, Mark answered that this was a setback request and since then a new ordinance has developed for the 30 ft buffer requirement.

Mr. Dehay asked for clarification if the setback variance was for the building setback not the landscape setback, Mark advised that this is correct.

Charles Reeves, the applicant, stepped to the podium and explained that he was originally going to do the offsets on the property due to it being such a narrow lot, once he was ready to pull the permit's he was told everything had changed and it was a 30 ft offset, he then explained that he had had a previous variance request and that was approved, he was still going to put a fence up, no development, etc. for outdoor storage.

Mr. Dehay asked if there was shared property line and a natural wooded buffer with the current landowner. Charles Reeves advised yes that he would leave a 15 ft buffer.

Mr. DeHay made a motion to approve the variance based on the staffs finding of fact. Mr. Segelken seconded the motion. The vote was (4-0) to approve the variance.

C. Special Exception for a Campground in an Agricultural Residential District (AR)

Applicant: Barry Stephens
Property Owner: Landco Developers, Inc.
Address: Gator Walk Road
Ridgeville, SC 29472
TMS# 131-00-00-130 and -135

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article XI, Section 9.1.3 lists Use Group 7(b) Business, Accommodation and Food Services as a Special Exception Use.

Staff presented the report and gave the following findings of fact:

1. Accommodation uses require Special Exception approval in the Agricultural Residential zoning district.
2. Impacts are expected to be minimal.
3. The area is primarily undeveloped with some homesites developed along the river.
4. Gator Walk Road is a small County-maintained rural road.
5. Onsite waste disposal will have to be addressed prior to establishing the camp sites.
6. Site plan features including: parking, restroom facilities, location of campsites, access to the campsites, and flood plans will need to be submitted for approval prior to initiating any activity on the site.
7. The recommendations of the Comprehensive Plan and the Future Land Use designation support this use at this site.

Based on these facts, staff would recommend either a conditional approval based on adequately addressing access and septic and all site plan requirements, or a deferral until these items can be brought back to the board for their review

Mr. Segelken asked for clarification on site requirements, Mark explained that the applicant would still need to submit a site plan for approval.

Robert Strange, representative for the applicant, stepped to the podium and explained that the request is for six primitive campsites, 10x12 raised platform with a canvas covering and have cots, well and septic, trash receptacle, solar showers, no electricity. Only access to the campsite is Gator Walk Rd. Mr. Strange advised that if the river levels rose that the campsite would shut down. Mr. Strange also advised that the campground is not a part of a neighboring tubing business.

Mr. Dehay asked about occupancy and would there be a limit on stay and if property would the property be managed. Mr. Strange advised each tent would have a maximum of 4 and no limit on stay and the property will be managed by the owner's property manager.

Mr. Dehay asked how campsite occupants would enter and exit the property. Will there be designated pathways, Mr. Strange advised that property lines would be clearly marked.

Mr. Segelken asked if a noise ordinance would be in place, Mr. Strange said not at this time, but they have no problem having one if needed.

Mr. Segelken asked if generators would be allowed since there is no electricity, Mr. Strange advised no generators, purely primitive camping.

Sandy Melcher, local property owner, stepped to the podium and expressed that she is not in favor of the campground being allowed here. Ms. Melcher has concerns with traffic, partying, trash, parking, and the camp site has no other access other than through her piece of property which would be trespassing. Ms. Melcher was advised that the campground and the tubing business would be operating together. There is a campground not far from this one and doesn't want another one. Ms. Melcher would also like a copy of this proposed campground and the walking trails.

Conner Lee, local property owner, stepped to the podium, has only lived here since February, and has the same concerns traffic, parking, noise. Mr. Lee said right now the tubing customers park on the access road if campground approved where will the campers park. Only access is private property. The road itself is very narrow, and floods.

Kie Agee, local property owner, stepped to the podium, has lived here 17 years. Mr. Agee's main concern is the access point. Traffic is heavy when the tubing business is open, it closes when the river levels rise and the wetlands swell, currently you can't access the road because the road is too wet. Mr. Agee has concerns about noise due to residents having school aged children, litter, and trespassing. Mr. Agee doesn't feel this is a place for a campsite.

Carl Byrd, property owner on Old Beech Hill Rd, stepped to the podium, Mr. Byrd came to the meeting for a better understanding and wanted to get facts on the development of the campground business.

Chairman Reeves advised that everyone here is fact finding and this special exception request will have to be approved by Planning before the owner can move forward with his project.

Mr. Strange stepped back to the podium and Ms. Harper asked if the six sites is what they were sticking to for now and Mr. Strange advised yes only six at this time.

Mr. Segelken made a motion, based on the staff's findings of fact, to approve the request and limit approval to the six sites only and specify no power and limited to the primitive camping site as stated.

Mr. Dehay seconded motion but added an amendment that the applicant addresses noise control and resident protection and lastly that the board be included in all reviews going forward.

Mr. Segelken seconded the amendment. Chairman Reeves called for the vote on the amendment. Motion passed all in favor 4-0

Chairman Reeves called for the vote on the motion as amended. Motion passed all in favor 4-0

5. **OLD BUSINESS**

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

Sandy Melcher asked if owners in the area would be notified when camp sites are approved.

10. **ADJOURNMENT**

Meeting adjourned 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

October 27, 2021

6:00 PM

All meetings will be streamed live on the Dorchester County Public Meetings YouTube page. Comments can also be submitted for the public record ahead of the meeting by mailing the Planning Commission, at 500 North Main Street, Box 3, Summerville, SC 29483 or e-mail at DCGPlanning@dorchestercountysc.gov

PLEASE BE REMINDED THAT THERE IS A MANDATORY MASK REQUIREMENT IN PLACE FOR ANYONE ENTERING A DORCHESTER COUNTY FACILITY.

1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the September 22, 2021 Board of Zoning Appeals Meeting

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

- A. Variance request from Section 7.2.4 to reduce minimum lot size requirement to less than 21,780sf (1/2 acre) in an R-1(M)(A) District

Applicant:	John McNeill
Property Owner:	5611 Craig Road, LLC
Address:	124 Scotch Range Road Summerville, SC 29483 TMS# 135-15-00-001

- B. Variance request from Section 13.2 and Section 10.4.18 to eliminate the buffer for a Water Storage Tower

Applicant & Property Owner:	Lake Marion Regional Water Agency
Address:	Winding Woods Road St. George, SC 29477 TMS# 059-00-00-112

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
COUNTY COUNCIL CHAMBERS, SUMMERVILLE, SC

October 27, 2021

6:00 PM

1. **DETERMINE QUORUM**

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

Staff: Ms. Reinertsen
Ms. Durham

Absent: Mr. Dixon

2. **INVOCATION & PLEDGE**

Chairman Reeves led the invocation and pledge.

3. **MINUTES**

Adoption of Minutes from the September 22, 2021 Board of Zoning Appeals Meeting

Mr. Segelken made a motion to approve the minutes from the September 22, 2021 meeting, Seconded by Ms. Harper. The vote was (5-1) to approve the minutes from the September 22, 2021 meeting. Mr. Dwight opposed.

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

- A. Variance request from Section 7.2.4 to reduce minimum lot size requirement to less than 21,780sf (1/2 acre) in an R-1(M)(A) District

Applicant: John McNeill
Property Owner: 5611 Craig Road, LLC
Address: 124 Scotch Range Road

Summerville, SC 29483
TMS# 135-15-00-001

Staff presented the report and gave the following findings of fact:

1. The lot in question is a legal conforming residential lot with a dwelling unit on it. There is nothing that prevents the lot from being used in a manner consistent with other lots in the vicinity.
2. Other properties in the vicinity meet the minimum size requirements.
3. Without the variance, the property will be able to continue its use as a residential lot and can even support the addition of an accessory dwelling unit.
4. The authorization of the variance to allow the subdivision of the lot will strain the infrastructure which was not designed for increasingly dense suburban development.

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. Dehay asked for more explanation on the subdividing off an easement

Ms. Reinertsen explained that within suburban areas with smaller lot sizes they are done from a right of way.

Mr. Dehay asked if there is any parallel to subdividing from an easement with what was lost.

Ms. Reinertsen explained that even if it was a full acre it would be different because it's based on the zoning district not the lot size.

Chairman Reeves asked if this house would be behind another home on the property

Ms. Reinertsen stated yes.

John McNeil, applicant, stepped to the podium and explained that his land was listed as one acre until the state took over a part and that lessened the lot size. Stated that approximately 13 feet of his property was taken.

Chairman Reeves asked who the home is being built for and how far is the residence from the easement.

John McNeil stated that he is building home for his elderly mother and the easement is about 8 to 10 feet.

Mr. Dehay asked what size of structure would be built.

Mr. McNeil stated he would like to build a 2000 sq ft. home for his mother. He wants to do what's in the best interest of his family. Mr. McNeil explained he invested in the property this has been going on for a year and he doesn't want to be limited to 900 square foot accessory building.

Mr. McNeil stated that there are homes stacked all around him, ordinances have changed if he must request an appeal he will.

Chairman Reeves stated that his concern is what would happen if Mr. McNeil's mother moves and later someone else moves in and there are less than normal setbacks, it would be very close.

Mr. McNeil stated that right now what separating him from his neighbors is a driveway and some bushes.

Mr. Segelken stated that from the information, it appears that the easement seems to be the main issue and asked if the property owner was aware that they had to go to the Planning Commission, an easement is typically 50 feet and his easement is 30 feet.

Mr. Dehay asked if the easement issue was correct.

Ms. Reinertsen stated the county doesn't allow easement in suburban districts.

Mr. Dehay asked is the county of necessity of this easement to access drainage

Ms. Reinertsen answered that the sole reason for the easement is access

Mr Dehay stated that we all try to be problem solvers and if the easement wasn't an issue, he feels that the .01 of an acre and 400 sq ft would be navigable by addressing the accessory dwelling and allowing a variance with a larger accessory dwelling due to the hardship of the easement.

Chairman Reeves passed the gavel to the vice chairman and made a motion that the request be denied at this time based on the Zoning Administrator's recommendations. Mr. Segelken seconded the motion and asked about the alternative to help the applicant. Vote was 4-2 to deny the variance request with Mr. DeHay and Mr. Dwight opposed.

Mr. Dehay asked if we could bring up another motion on the variance request as new business

Chairman Reeves stated that motion would be out of order at this time.

- B. Variance request from Section 13.2 and Section 10.4.18 to eliminate the buffer for a Water Storage Tower

Applicant: Johnnie Wright Sr.
Property Owner: Lake Marion Regional Water Agency

Address: Winding Woods Road
St. George, SC 29477
TMS# 059-00-00-112

Staff presented the report and gave the following findings of fact:

1. The lot in question is 1.27 acres, is encumbered with a 75' power easement, and is located within an industrial park.
2. Other properties in the park are larger and do not have to buffer against each other for the types of uses being considered.
3. Requiring the buffer on this parcel would prevent the tower from being located on the site which has always been intended for a tower and is needed to provide water within the industrial park.
4. Locating a water tower on the parcel does not create a detriment to adjacent property or harm the character of the industrial park.

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

W. Reeves asked if this water tower was going up near the new building in the new industrial park off Highway 78.

Ms. Reinertsen explained that it is located well behind the new building.

Mr. Segelken made a motion to approve based on facts and findings of the staff, seconded by Mr. Dwight. Vote was all in favor (6-0) to approve the variance request.

5. **OLD BUSINESS**

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

Chairman Reeves requested to cancel the December BZA meeting.

S. Reeves made a motion to approve seconded by Mr. Dehay. All in favor.

8. **REPORT OF ZONING ADMINISTRATOR**

None

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Meeting adjourned at 6:37 pm.

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

November 17, 2021

6:00 PM

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1. **DETERMINE QUORUM**

2. **INVOCATION & PLEDGE**

3. **MINUTES**

Adoption of Minutes from the October 27, 2021 Board of Zoning Appeals Meeting

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

5. **OLD BUSINESS**

6. **NEW BUSINESS**

A. Adoption of 2022 Board of Zoning Appeals Meeting Schedule

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**