

Town of Meggett | Board of Zoning Appeals
Meeting Minutes

Date: January 15, 2019 Time: 7:00PM
Location: SCPA Building | 4770 Hwy 165, Meggett, SC 29449

Notice of this meeting was published in the Post & Courier on December 21, 2018.

Chair Jodi Crosby called this meeting to order at 7:08 PM.

Board Members Present

Jodi Crosby, Chair
Board Member Donald Flippen
Board Member Patrick Butler

Board Members Absent

Josh Garvin, Vice Chair
Board Member Donald Colby

Also Present: Stephanie Smith, Town Administrator
 Ali Ravenel, Town Clerk

Pledge of Allegiance Led By: Jodi Crosby, Chair

| Agenda |

- I.** Brief the public on procedures of the BZA
- II.** Administer the oath to those presenting testimony
- III.** Approval of the April 17 & October 16, 2018 Meeting Minutes
- IV.** Review Application: BZA-DEC18-10-0001
- V.** Next Meeting Date (TBD)

| BZA Procedures Briefing |

Chair Jodi Crosby explained the workings of the BZA:

THE BOARD OF ZONING APPEALS IS A QUASI-JUDICIAL BODY ESTABLISHED THAT HAS JURISDICTION OVER THREE (3) TYPES OF CASES: APPEALS, VARIANCES, AND SPECIAL EXCEPTIONS:

APPEALS ARE HEARD REGARDING ADMINISTRATIVE ACTIONS OR DECISIONS BY THE ZONING ADMINISTRATOR OR STAFF.

VARIANCES MAY BE GRANTED WHEN STRICT APPLICATION OF THE ZONING ORDINANCE WOULD CAUSE AN UNNECESSARY HARDSHIP. THIS BOARD'S ACTIONS MUST BE BASED ON SPECIFIC STANDARDS AS CONTAINED IN THE S.C. LOCAL GOVERNMENT PLANNING ENABLING ACT OF 1994 AND THE TOWN OF MEGGETT ZONING ORDINANCE.

SPECIAL EXCEPTIONS ALLOW THE BOARD TO PERMIT USES IF CERTAIN CONDITIONS AS CONTAINED IN THE ZONING ORDINANCE ARE MET.

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A TWO-THIRDS (2/3) VOTE OF THE QUORUM PRESENT IS REQUIRED TO GRANT A VARIANCE OR TO OVERTURN THE DECISION OF THE ZONING ADMINISTRATOR IN AN APPEAL. A SIMPLE MAJORITY IS REQUIRED TO OBTAIN A SPECIAL EXCEPTION.

BECAUSE TODAY'S HEARING IS A PUBLIC FACT-FINDING MEETING, WE ARE IN COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT AND SC CODE 6-29-70. FIFTEEN (15) DAYS PRIOR TO THIS HEARING AN ANNOUNCEMENT WAS PRINTED IN THE POST & COURIER.

BECAUSE THIS IS A QUASI-JUDICIAL BODY, EVERYTHING SAID IN THIS MEETING MUST BE COMPLETE, TRUE, AND ACCURATE. ALL OF THE INFORMATION PROVIDED TO THE BZA IS CONSIDERED EVIDENCE, AND THE BOARD MAY CERTIFY CONTEMPT OF CIRCUIT COURT IF FALSE STATEMENTS ARE MADE- EITHER IN WRITING OR ORALLY.

BECAUSE OF THIS, EACH PERSON WHO WISHES TO ADDRESS THE BOARD WILL BE SWORN-IN. IN ORDER TO EXPEDITE THE PROCEDURE, THOSE WISHING TO SPEAK WILL PLEASE STAND AS A GROUP. MS. PIETRAS WILL ADMINISTER THE OATH.

| Swearing-In of Applicants |

Ali Ravenel, Town Clerk, administered the oath to all applicants providing testimony.

| Approval of Minutes |

Approval of Minutes from previous BZA Meeting held on: April 17, 2018 & October 16, 2018

Motion Made By: Board Member Patrick Butler moved to approve, with the condition that Josh Garvin be removed from the list of present members at the October meeting.

Seconded By: Board Member Donald Flippen seconded the motion.

Those in Favor:

Jodi Crosby, Chair
Board Member Donald Flippen
Board Member Patrick Butler

Those Opposed:

None

Conclusion: Minutes approved.

| Special Exception Request: BZA-DEC18-10-0001 |

Special Exception Request to allow Educational Services, Parks & Recreation Services, Event House Services, Consumer Goods Rental Services, and a Community Recreation Center on property located at 4480 Highway 174, Meggett (TMS 061-00-00-063).

Ali Ravenel presented the Staff Review. (Attached, Item 1)

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Following this presentation, the Board had no questions regarding the Staff Review and asked to then hear from the applicant.

The intent of the applicant and their answers to the Special Exception Criteria were clearly stated in the Staff Review presentation. In lieu of repeating the same information, Stephanie Smith introduced herself to the Board and asked if there were any additional questions.

The Board had the following questions for the applicant:

Board Member Patrick Butler:

Q: Would renting out the Pavilion affect the hours of Roxbury Park?

Stephanie Smith:

A: The park is open on Saturday and Sunday from 8:00 AM to 6:00 PM. In the event that the Cottage area is rented, we have always chosen previously to close the park early so that event guests will have the full parking lot at their disposal.

Chair Jodi Crosby then moved on to ask if there were any persons present who wished to speak on behalf or in opposition to the request.

Meggett resident and current Town Council Member Tom Hutto spoke up in support of the request:

"I live just across the creek from the park and it is my personal experience that events held there in the past have not caused a massive disturbance to me. I have been a resident of Meggett since February of 1994 and in all of my years here, I have heard more noise come from private residential properties than from an event at the park. I do think that enforcement of the noise ordinance is important, but I also believe that it is a reasonable request that will be easily complied with."

Mayor Buster Herrington also addressed the Board, simply stating that he was in support of the request.

Edisto Island resident Dr. Rosalie Crouch, of Crouch Investors Limited, spoke in opposition of the request. Crouch Investors Limited owns TMS# 094-00-00-058, a 55.88-acre parcel bordering Roxbury Park to the east. Dr. Crouch stated that she was concerned about the impact that allowing this request would have to her property's resale value; the noise from a future event could possibly deter a buyer from purchasing her investment property. Her plea to the Board was that if they approve the request, they change the enforced hours of the noise ordinance to begin at 10 PM on weekends instead of 11 PM as she felt that the current hours were too late in the evening. Board Member Patrick Butler addressed Dr. Crouch and thanked her for her input, but stated that he would have to disagree as he felt 11 PM on the weekends was a reasonable hour. Chair Jodi Crosby also thanked Dr. Crouch for her input but informed her that the Board of Zoning Appeals had no authority over Town Ordinances. She encouraged Dr. Crouch to attend the Town Council meeting later in the month if she felt further compelled to express this sentiment, as they were the ones with the authority over Ordinances.

Following these statements and after a quick deliberation on the application, the Board found the following conclusions in regards to the Special Exception Criteria presented:

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§10.10.5 A (1): Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district “Description”;

Answer: *The Board accepts the answer as written by the applicant.*

§10.10.5 A (2): Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

Answer: *The Board accepts the answer as written by the applicant.*

§10.10.5 A (3): Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;

Answer: *The Board accepts the answer as written by the applicant.*

§10.10.5 A (4): Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Answer: *The Board accepts the answer as written by the applicant.*

§10.10.5 A (5): Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

Answer: *The Board accepts the answer as written by the applicant.*

§10.10.5 A (6): Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Answer: *The Board accepts the answer as written by the applicant.*

Board Member Patrick Butler motioned to approve the application as written, the motion was seconded by Board Member Donald Flippen, and the vote passed unanimously without opposition.

| Next Meeting Date (TBD) |

Chair Jodi Crosby announced that the business of the Town of Meggett Board of Zoning Appeals was concluded for the evening. The next meeting would be determined at a later date.

| Meeting adjourned at 7:46 PM |