

Town of Meggett | Board of Zoning Appeals

Meeting Minutes

Date: 8/27, 2019 Time: 7:00PM
Location: SCPA Building | 4770 Hwy 165, Meggett, SC 29449

Notice of this meeting was published in the Post & Courier on 8/27, 2019

Chair called this meeting to order at 7:00PM.

Board Members Present

Josh Garvin, Vice Chair
Board Member Donald Flippen
Board Member Patrick Butler
[redacted]

Board Members Absent

Jo[redacted] Chair

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

Pledge of Allegiance Led By: J[redacted]

| Agenda |

- 1. Brief the public on procedures of the BZA
- 2. Administer the oath to those presenting testimony
- 3. Approval of the "8/27 Meeting Minutes"
- 4. Review Application: BZA 17-001
- 5. Next Meeting Date (TBD)

| BZA Procedures Briefing |

Chair Jo[redacted] 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: January 15, 2019

Motion Made By: Board Member Patrick Butler moved to approve.

Seconded By: Board Member Donald Flippen seconded the motion.

Those in Favor:

Josh Garvin, Vice Chair
Board Member Donald Flippen
Board Member Patrick Butler

Those Opposed:

Board Member Donald Colby **(Abstained)**

Conclusion: Minutes approved.

| Variance Request: BZAV-02-19-001 |

Variance Request for the removal of two Grand Trees, one 52" Live Oak and one 37" Live Oak, on property located at 6455 Harry Street, Meggett (TMS 162-00-00-003).

Ali Ravenel presented the Staff Review.

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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 Variance Request Criteria were clearly stated in the Staff Review presentation. In lieu of repeating the same information, Terry Rentz introduced himself to the Board and asked if there were any additional questions.

The Board had no questions for the applicant. Vice Chair Josh Garvin then asked if there were any persons present who wished to speak on behalf or in opposition to the request; there were not.

Following this, the Board had a quick deliberation on the application and found the following conclusions in regards to the Variance Request Criteria presented:

§10.12.6 B (1): There are extraordinary and exceptional conditions pertaining to the particular piece of property;

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

§10.12.6 B (2): These conditions do not generally apply to other property in the vicinity;

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

§10.12.6 B (3): Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

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

§10.12.6 B (4): The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance.

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

§10.12.6 B (5): The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.

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

§10.12.6 B (6): The need for the variance is not the result of the applicant's own actions.

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

§10.12.6 B (7): Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

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

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

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| Next Meeting Date (TBD) |

Vice Chair Josh Garvin 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 7:23 PM |