

Town of Meggett | Board of Zoning Appeals *Meeting Minutes*

Date: June 30, 2020 Time: 7:00PM
Location: Tele-Conference

Notice of this meeting was published in the Post & Courier on June 15, 2020.

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

Board Members Present

Jodi Crosby, Chair
Josh Garvin, Vice Chair
Board Member Donald Colby
Board Member Donald Flippen
Board Member Patrick Butler

Board Members Absent

Also Present: Stephanie Smith, Town Administrator
 Ali Ravenel, Town Clerk
 Andy Gowder, Town Attorney

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 June 9, 2020 Meeting Minutes
- IV.** Review Application: BZAV-05-20-001
- 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: June 9, 2020

Motion Made By: Vice Chair Josh Garvin moved to approve.

Seconded By: Board Member Donald Flippen seconded the motion.

Conclusion: All voted in favor; Minutes approved.

| Variance Request: BZAV-05-20-001 |

Variance Request to build a 61' tall building on property located at 4190 Highway 165, Meggett (TMS# 159-00-00-038).

Andy Gowder presented the Staff Review. (See Staff Review in Packet)

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

Mr. Eddie Guinn of GEL Engineering and Mr. Shaun Flynn, President of Metal Trades, Inc. introduced themselves as well as other from Metal Trades, Inc: Mr. Rusty Corbin, CEO; Mr. Dustin Corbin, Vice President of Operations; Mr. Daniel Reed, Comptroller; Ms. Megan Dean, Director of Business Development; and Ms. Kristi Rowe, Director of Human Resources. Mr. Flynn explained the need for the Variance Request to continue work on their Project Columbia contract with the US

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Government (see Project Narrative in Applicant packet). Mr. Eddie Guinn showed the Board the extensive plan to shield the area from any visual and noise impacts. Mr. Flynn also explained the plan to mediate the trash and speeding concerns along SC-Hwy 165.

The Board had the following questions for the applicant:

Board Member Donald Colby:

Q: What type of trees are you planning to plant in the buffer zone and what is their annual growth rate?

Shaun Flynn:

A: We plan to plant cedar trees and their annual growth rate is 12-24 inches per year.

Board Member Donald Colby:

Q: Are you going to be using bare-root or container trees?

Dustin Corbin:

A: We haven't made a firm decision on which type to use, but we will use whichever type is expected to transplant and grow.

Chair Jodi Crosby:

Q: How tall will the trees be when first planted?

Shaun Flynn:

A: They will be 5-6 ft trees when planted.

Dustin Corbin:

A: The new trees will be mixed in with the existing trees which are much taller and are already in place. The new trees will be used to fill the gaps, without impacting the existing vegetation.

Board Member Patrick Butler:

Q: I just want to confirm that the lights on the exterior of the building will be placed only half way up the building and not at the top?

Dustin Corbin:

A: Correct, the lights will be placed about 30 ft up the building, covered on both sides and pointing down, for employee's safety.

Board Member Donald Flippen:

Q: Due to the nature of your project with submarine parts, do you plan to increase your security?

Shaun Flynn:

A: Yes, it will be increased.

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.

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Ms. Megan Dean of Metal Trades, Inc. spoke up in support of the request:

"I support this and we have tried to make an effort with the community to show that we are going to keep our word with the plans laid out in the application. We are really hoping for an approval."

Rusty Corbin, Shaun Flynn, Dustin Corbin, Daniel Reed all concurred with Ms. Dean's statement.

Mr. Eric Myer first asked Town Attorney Andy Gowder to confirm that the promises made by Metal Trades, Inc. in their application (i.e. trash pickup, speeding concerns, etc.) would be enforced by the Town. Mr. Gowder explained that those details would in effect become part of an ordinance if approval was given and were therefore enforceable. Mr. Myer then explained that he originally made some comments in response to the application and the Zoning Director's review that were not in support of the request. He has since withdrawn those comments. He and other residents had multiple meetings with the Mayor and with representatives of Metal Trades, Inc. to alleviate public opinion and their concerns. The meetings were positive and he was satisfied with the plans they laid out to residents.

Town Clerk Ali Ravenel then read in the written comments submitted (see attached). Following this, the applicant had a chance to respond to any opposition. Mr. Shaun Flynn asked that the Board keep in mind that Metal Trades, Inc. is not the only large company at the end of Hwy 165. The two businesses do work closely with each other when there are problems to be addressed, but that Metal Trades is not always to blame for said problems. The company follows a 4/10 workweek, meaning that they mainly work Monday- Thursday. Fridays and Saturday hours of overtime do sometimes happen but rarely will work take place on a Sunday. There were no more comments to address opposition.

Board Member Donald Colby asked if anyone knew how tall the SCPA Building was; Mayor Buster Herrington answered that he would guess it was roughly 37 ft.

Following a quick deliberation on the application, the Board found the following conclusions in regards to the Variance 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;

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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; and**

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 Patrick Butler motioned to approve the application as written, the motion was seconded by Vice Chair Josh Garvin, 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 |