

TOWN OF MEGGETT, SOUTH CAROLINA

Board of Zoning Appeals Hearing
Wednesday, April 9, 2025, at 6:00 PM

REVIEWING

- **BZAV-10-24-001**
- **BZAV-10-24-002**

FOIA

In compliance with the Freedom of Information Act (FOIA), a notice of this meeting and an agenda were posted and furnished to all news media and persons requesting notification. Posted notices were installed on each subject parcel 15 days prior to the meeting.



BZAV-10-24-001

REVIEW & CASE HISTORY

**OWNER(S)/
APPLICANT(S):** KEEL Holdings, LLC
LOCATION: 4194 Highway 165,
Meggett, SC 29449
PID / TMS#: 159-00-00-038
APPLICATION: Variance request to
exceed the Maximum
Height requirement of
35' by 27' to construct a
new 62' fabrication
building.
TOTAL ACREAGE: 47.07 acres

BZAV-10-24-002

REVIEW & CASE HISTORY

**OWNER(S)/
APPLICANT(S):** KEEL Holdings, LLC
LOCATION: 4194 Highway 165,
Meggett, SC 29449
PID / TMS#: 159-00-00-038
APPLICATION: Variance request to
exceed the Maximum
Height requirement of
35' by 20' to construct a
new 55' paint/shot blast
building.
TOTAL ACREAGE: 47.07 acres

STAFF REVIEW FOR BZAV 10-24-001 & 002:

The Applicant, Dale Betts of KEEL Holdings LLC, is represented by Kendall Maples of Barge Design Solutions. They are requesting two height Variances to exceed the Maximum Height requirement of 35' on the property located at 4194 Highway 165 (TMS 159-00-00-038).

BZAV-10-24-001, request is to exceed the structure maximum height by 27' for a new 62' fabrication building (Building 11).

BZAV-10-24-002, request is to exceed the structure maximum height by 20' to construct a new 55' paint and prep building (Building 13).

The Subject Property is zoned Industrial (LIN) and contains 10 existing buildings. Five of the buildings predate the Town's adoption of Zoning regulations: a machine shop, a pipe shop, a primary office building, a processing building, and a main fabrication building with smaller extensions used as a tool office and small prep and paint area. A shipping and receiving building was built in 1992; a second processing building (as an extension of the main fabrication building) was added in 2006; a large paint and prep building was added in 2007; a smaller fabrication building was added in 2014; and lastly, the largest of the fabrication buildings, Building 10, was added in 2023. The parcel is 47.07 acres and is considered a legal conforming lot.

Adjacent properties to the east (along the waterfront) are also in the LIN Zoning District of the Town of Meggett. Most adjacent properties to the north, south, and west are in the Town of Meggett and are zoned Agricultural General (AG) or Agricultural Rural (AR). Except for a Catholic church, these properties are developed with homes. Some adjacent properties are in unincorporated Charleston County and are also developed with homes.

The proposed project is currently in the Site Plan Review process (ZSPR-01-25-001).

APPROVAL CRITERIA - §10.12.6(B)

STAFF RESPONSE & FINDINGS FOR BZAV-10-24-001 & BZAV-10-24-002

According to §10.12.6(B) of the Town of Meggett *Zoning & Land Development Regulations Ordinance*, a Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:

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

Response: The Subject Property is not extraordinary or exceptional with respect to its size, shape, topography, drainage, or any other physical condition. Existing buildings on-site account for 12% of the parcel area coverage, and the planned expansion would total 16% area coverage. In the LIN District, the maximum building coverage is 50% of the surface area of a single parcel for non-residential uses. ([§4.7.3 Density/Intensity and Dimensional Standards](#))

However, there are extraordinary or exceptional conditions applicable to the Subject Property given that the facility existed prior to the zoning code for Meggett. By granting this Variance the kind of fabrication work previously and consistently performed on-site is expected to include new specialized work that the Applicant will implement consistently with the operation of this industry. This type of specialized work is expected to continue to be performed exclusively inside the onsite structures.

The Applicants response to §10.12.6 B (1) for both Variance requests:

KEEL Holdings LLC (KEEL) has been awarded components of the Project Columbia contract; this award would have at least a twenty-year impact on its business. Project Columbia is a US government project currently funded for the next 20+ years as the highest National Security priority. The work for which KEEL will be responsible involves;

- *receiving steel plating,*
- *assembling them into sections of the project,*
- *and shipping the sections out to other facilities.*

KEEL is uniquely qualified to do this work; its skilled workforce has the experience to fabricate the individual sections in accordance with the stringent manufacturing

specifications that are required for the work. Access to the Wadmalaw River enables KEEL to capitalize on the deep-water access to ship component sections that are too large to be moved by other modes of transportation. In order to do the required work, KEEL must construct a new fabrication building (Building 11) with a height of 62 feet due to the necessity of a 42-foot crane clearance under the roof and a new paint and prep building (Building 13) with a height of 55 feet due to the interior building clearances required for operations. Building 11 will be located adjacent to Building 10, which was recently constructed on the site (61 ft. building).

Per the Town of Meggett Zoning Code Article 4.7 (LIN) Industrial District, the height of the building is restricted to a maximum height of 35 feet. The purpose of the variance request is to allow the proposed 62-foot fabrication building and 55-foot paint and prep building.

Staff find this condition has been satisfied.

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

Response: The Subject Property is zoned Industrial (LIN) and totals 47.07 acres, which makes its physical condition extraordinary or exceptional to other LIN properties in the vicinity. The specialized work is exclusively performed **indoor** on the Subject Property which drives the building height requirements.

Description of surrounding parcels:

Six parcels surrounding the Subject Property are similarly zoned LIN but are significantly smaller (under 5-acres); most are oddly shaped that would make further development difficult. Furthermore, these parcels are presently being utilized.

Other surrounding properties have Residential uses, are residentially zoned, and include a Maximum Height restriction (35-ft).

The Applicants response to §10.12.6 B (2) for both Variance requests:

The operations are unique to the subject property. The property has been utilized by KEEL (formally Metal Trades) for steel fabrication for more than 50 years. Over the years, continued developments and substantial investments have been made to the site by KEEL (formally Metal Trades). These improvements have enhanced their capabilities and positioned them for their award of the Project Columbia contract. To further enhance their on-site capabilities, the construction of Buildings 11 & 13 is necessary.

Staff find this condition has been partially satisfied.

§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;

Response: Likely no physical conditions exist that would form an extraordinary or exceptional condition peculiar to the Subject Property under other Town approved Uses. However, strict application of the Ordinance to the Subject Property's approved industrial operations would make it impossible to build the needed effective structures on the property.

Although the owner has reasonable use of the property, the specialized work conducted inside the structures on the Subject Property is restricted by this Ordinance if requirements to perform the specialized work cannot be accommodated due to a height restriction.

The Applicants response to §10.12.6 B (3) for both Variance Requests:

(Response for Building 11) The height of the building is driven by the interior building crane height. The building's crane's height is required to perform operations which are crucial to the building's use. Lowering the building or its crane height would inhibit the intended capabilities of the building.

(Response for Building 13) The height of the building is driven by the interior clearances required for operations. The building clearance requirements are crucial to the building's use. Lowering the building or its clear height would inhibit the intended capabilities of the building.

Staff find this condition has been partially satisfied.

§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;

Response: Property Detriment & Public Good

Property values fluctuate for numerous reasons; it would be difficult to determine with absolute certainty if the authorization of this variance would or would not be a substantial detriment to adjacent property owners in the same zoning district.

However, in close proximity to the Subject Property there are 15-20 residential homes (AR and AG Zoning Districts) whose owners continue to be concerned about the type of noise the industrial zone creates. However, owners state that noise generated by activities on the industrial parcels is disruptive to daily life, both day and night. In addition to the noise, the area around the Subject Property has heavy traffic and lacks safe residential recreation opportunities, such as walking trails or sidewalks, or even safe shoulders along SC 165 that would allow pedestrians to safely get out of the way of traffic. Local residents who wish to jog, walk, ride a bicycle, etc.,

state that they find the current conditions unsafe. Adding more vehicles to the two lane state highway (SC 165) would likely increase the potential of accidents.

Finally, the natural buffer along portions of SC 165 consists of 80' plus tall Pine trees that are currently over 80' deep into the Subject Property. The existing vegetative buffer will largely block the view of the proposed structures once completed. However, as pines age their lower limbs die which will increase the visibility of the new structures. Furthermore, pine trees are susceptible to be being destroyed by hurricane force winds. Therefore, the existing pines are unlikely to be an effective long-term buffer. The new office building that will be visible from SC 165 has a planned location behind the existing parking area. This building was architecturally designed to be both attractive and functional. The new office building, at 35' in height, will become the new entrance onto and off the KEEL Holdings, LLC campus, helping to streamline the flow of traffic entering and exiting SC 165.

Character of the Zoning District

The character of the zoning district should not be harmed; however, without substantial mitigation measures on the part of the Applicant, the neighboring residential zoning districts are likely to experience harmful impacts that are common to those who live near a growing industrial area. These impacts are likely to include pedestrian safety, motor vehicle safety, increased noise, and visual impacts, all of which are a concern.

KEEL Holdings, LLC currently runs two shifts beginning at 6AM and ending around 2AM Mondays – Thursdays and ending around 2:30PM on Fridays, with limited light weekend work. The night shift currently has 18 members of the workforce. As the Subject Property expands, the workforce will expand, bringing more vehicles down SC 165, which will undoubtedly contribute to the local residents' concerns regarding unsafe road conditions.

Finally, CDL type vehicles regularly make daily deliveries to KEEL Holdings, LLC. On a typical day, 1-2 CDL trucks are expected. However, recently there was a day with more than 10 CDL trucks.

Response

The challenges that exist between the industrial and residential areas around the Subject Property are not solely caused by the industrial activity. The existing poor road conditions of SC 165 contribute to the list of concerns residents have shared with Meggett Leadership. Meggett needs a community solution, of which the Subject Property is a part of the community.

Meggett Leadership has introduced plans for a multiuse sidewalk project, currently in the design phase. The sidewalk is planned to cover a stretch of SC 165 from Simmons Bluff Road to the end of the state highway. Mayor Herrington submitted a request in January of this year for Legislative Earmark Funds from the State to help cover costs to complete the sidewalk project. This project is a response by the Town to a safer recreational possibility for the residents who live near the Subject Property. The Applicant is working with the Town on this project and has stated that the small area of overlap of the multi-use path onto the Subject Property will likely be conveyed to the Town.

Meggett Leadership has also bought speed detecting signs to bring awareness to how fast a driver is traveling on SC 165 near the industrial area. The speed detecting signs are scheduled to be installed this year. The speed detection signs in combination with the Applicant's internal enforcement policy for speeding by employees is hoped to reduce negative incidences caused by speeding vehicles in the area.

Meggett Leadership has also met with the Applicant about the noise issues. They discussed ways to help buffer the noise. The Applicant has expressed a willingness to install sound deafening structures, similar to the existing berm and fence along Simmons Bluff Road.

Finally, the Applicant is one of the largest employers in the St. Paul's Parish, currently employing 134 full time employees from the Tri-County and Colleton County areas, with a projected total workforce of 400 by the end of the planned expansion.

With an increase in the workforce, there will be an increase in the traffic; however, as previously noted, the Applicant already has an internal policy to enforce safe travel habits on SC 165 by its employees and encourages anyone who witnesses careless or dangerous driving to report the actions directly to their office.

The Applicants response to §10.12.6 B (4) for both Variance Requests:

[The] View of the proposed buildings from Highway 165 is screened by an existing stand of mature trees, many of which exceed 80 feet in height. The thickest part of the tree stand exceeds 100 feet. The current tree buffer will be maintained. The existing buffer along Simmons Bluff Rd will remain and the recently constructed Building 10 will partially shield Building 11 from view. A new office and cafeteria building (Building 12) will be built along the south end of Highway 165. The office building will be 35 feet in height and will enhance the visual aesthetics of the primary entry into the property. A new parking area and landscaping along the south end of property will enhance the curb appeal from adjacent properties and will positively impact the street view of the property.

KEEL (Metal Trades) history on the site dates back more than 50 years. The property has been used for metal fabrications and related capabilities for the duration of this time. If granted, the character of the zoning district (LIN Industrial District) would not be harmed; the functions of the site presently performed on the property would not differ from current use.

Staff find this condition has been partially satisfied.

§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;

Response: Granting of the Variance will not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries. Profitability cannot be considered grounds for approving a Variance, per SC Code § 6-29-800(A)(2)(d)(i).

Staff find this condition has been satisfied.

§10.12.6 B (6): The need for the Variance is not the result of the Applicant's own actions; and

Response: It is unclear if the variance is the result of the Applicants own actions. When the Applicant bought the Subject Property, it was part of the overall purchase of Metal Trades, INC. In 2020 Metal Trades, Inc. applied for and received a variance to construct a 61' building necessary to satisfy contract requirements for large scale specialized work for the US Government, Project Columbia. It is likely existing contracts at time of purchase are driving the planned expansion beyond the standard maximum building height requirement of 35'.

Staff find this condition has been partially satisfied.

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

Response: Granting of the Variance may conflict with the Comprehensive Plan:

Land Use Element: The Subject Property is intended to stay Industrial according to the Future Land Use Map. The Plan is clear in its strategy to limit industrial growth to the Town, *"The Industrial Future Land Use Category is limited to the areas currently designated in the Plan. Industries in these existing areas should provide employment opportunities for Town residents and should not negatively impact the surrounding community."* (LU 3.1.3, Industrial)

Economic Development Element: *“The purpose and intent of this element is to provide strategies to balance economic development with the rural residential character of the Town.”* (ED 3.2.1 Overview and Purpose and Intent)

“The working status of the labor force is another indication of the overall economic health of the Town.” (ED 3.2.2 Background and Inventory of Existing Conditions: Labor Force)

In conclusion, “... there are a number of people who come into the Town to work at one of the industries.” (ED 3.2.2, Conclusion)

Natural Resources Element: An ongoing concern for aquaculture and recreation use of the tidal creeks, saltwater marshes and rivers, is wastewater runoff. KEEL Holding LLC is connected the Town’s sanitary sewer service line to minimize the potential contamination of our critical waters. As an industrial business, KEEL Holding LLC must apply for stormwater permits through our state environmental agency, SCDES.

Cultural Resources Element: N/A

Population Element: N/A

Housing Element: N/A

Transportation Element: Transportation Element Strategy 3.7.5(7) states, *“Require that adequate transportation infrastructure be in place prior to, or concurrent with, new development.”*

If the requested Variances for the Subject Parcel are granted, the number of vehicles traversing Hwy 165 at shift change is projected to double. It is Staff’s understanding KEEL Holding LLC will conduct a traffic study as part of the proposed expansion project. Staff recently learned, SCDOT has SC 165 in Meggett slated for resurfacing/repair.

Furthermore, the Transportation Element states that one of the needs for the community is, *“Providing safe, convenient, pedestrian and bicycle systems in appropriate locations”*. As shared previously, the Applicant is currently considering working with the Town (the degree of assistance is unknown at this time) to install a sidewalk or multi-use path along the Subject Property’s highway frontage; the installation of a sidewalk for pedestrian use may satisfy this need in combination with the SCDOT’s planned work.

Community Facilities Element: N/A

Priority Investment Element: The Priority Investment Element summarizes the previous Comprehensive Plan elements, stating, *“As discussed throughout this Plan, the Town of Meggett is a rural residential community with a low level of public*

services, as would be expected in a rural area.” One explicitly clear need identified in this element is, “Maintaining the Town’s rural residential character.”

Regarding the purposes of the Ordinance, the purpose of the LIN zoning district is as follows: *“It is the intent of this section that the Industrial Zoning District be utilized for basic or primary types of industrial uses which are not detrimental to the environment.”*

Staff find this condition has been partially satisfied.

STAFF RECOMMENDATION

Staff believe it is important to acknowledge that Meggett’s five zoning districts include an Industrial Zone and that the Comprehensive Plan encourages a peaceful existence between the existing industrial areas and the residential residents. Town Leadership for many years and as recently as the March Town Council Meeting, has heard public input and growing concern related to the noise and traffic generated by the existence of increasing levels of industrial activity in the area where KEEL Holding LLC is located.

In keeping with the Town’s Comprehensive Plan allowing existing industrial districts and recognizing and addressing public safety and livability concerns, Staff recommends the BZA Board either deny both variance requests or approve both variance requests with the condition that KEEL Holding LLC prior to construction of the either planned new building for which a variance is sought complete the following in addition to maintaining the existing buffers (except as necessary to construct the wall noted below) along SC 165 and Simmons Bluff Road;

1. Construction of a minimum 20’ height noise buffer (berm or wall) * along the entire property frontage of SC 165 and Simmons Bluff Road, connecting to the existing berm on Simmons Bluff Road. The location and details must be approved by the Town;
2. Include noise buffering vegetation (subject to Town review and approval) on either side of Buildings 12 and 13 as part of the landscaping Plan;
3. Require a written tier shift dismissal plan to limit the number of vehicles leaving KEEL Holding LLC at any one time before and after shift changes. The written plan shall be submitted to the Town to be reviewed and approved by the Town Administrator;
4. Work with the Town to facilitate the construction of the sidewalk/multi-use path along KEEL’s frontage on Highway 165, including conveyance of the necessary property for the project as previously shared with KEEL;
5. Limit shot-blasting activities to 7a.m.-5 p.m. Monday-Friday;
6. Provide a call-in and e-mail system (or other convenient communication mechanism) for residents to report observations related to speeding, littering or other observed problematic activities (believed to be related to KEEL employees or related contractor activities) to KEEL management. KEEL management shall respond to these reports within 72 hours;

7. Develop a location for truck parking that is inside the perimeter of the wall/berm noted above such that trucks are not parked in the roads rights-of-way;
8. Evaluate the practicality of having sheet steel and similar large size materials delivered by barge in order to reduce road traffic and share the findings of the evaluation with the Town; and,
9. Share with the Town KEEL's program related to employee transit along Hwy 165, including the training requirements.

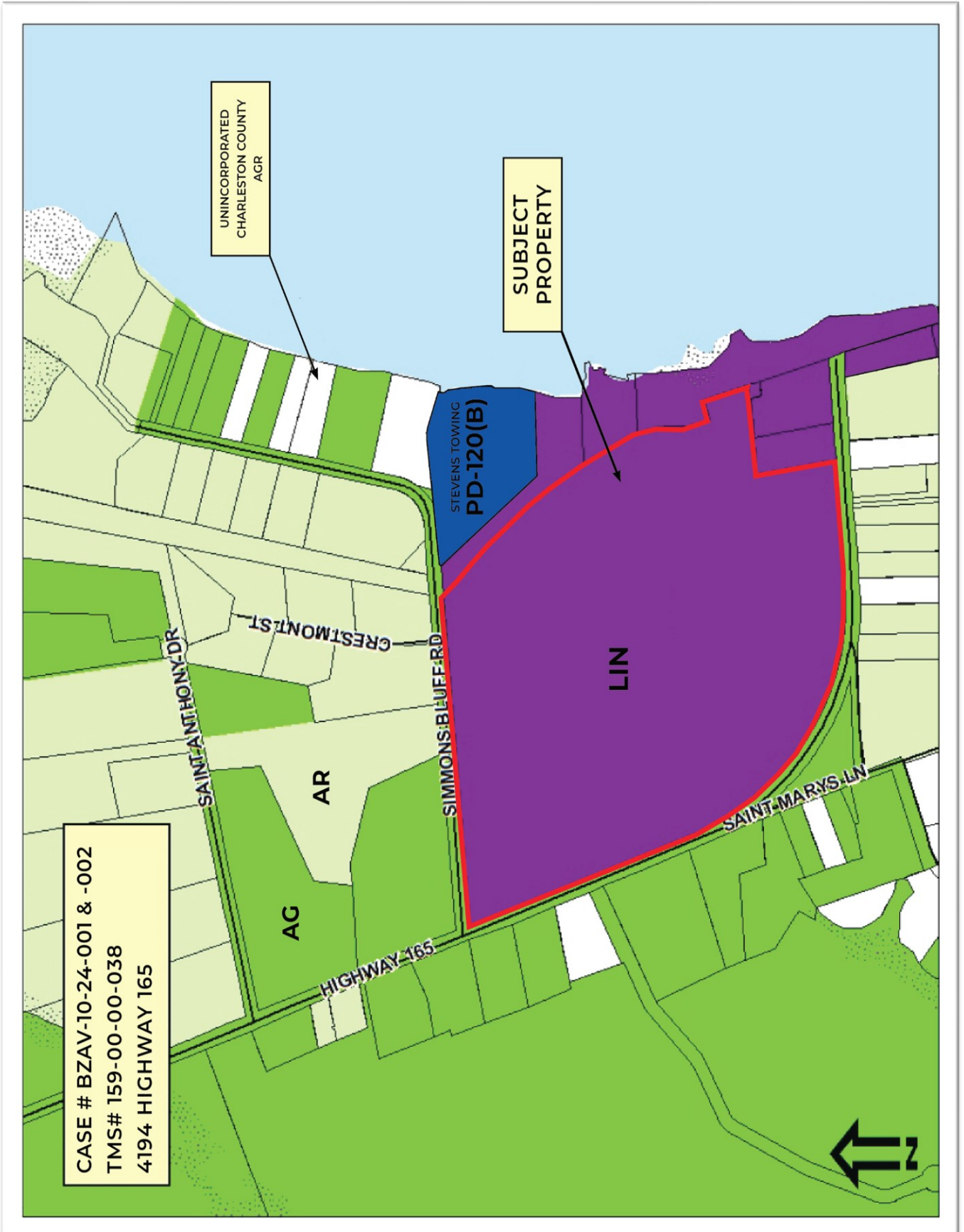
**The installation of the noise abatement structures should follow all safety regulations for line of site along SC 165 and Simmons Bluff Road and the Fire Code.*

BOARD OF ZONING APPEALS' ACTION

According to Article 10.12, *Zoning Variances*, §10.12.6, *Approval Criteria*, of the *Town of Meggett Zoning and Land Development Regulations Ordinance* (ZLDR), the Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship [§10.12.6(A)]. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings [§10.12.6(B), *Approval Criteria*].

In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote public health, safety, or general welfare [§10.12.6(C)].

The Board of Zoning Appeals may approve, approve with conditions, or deny Case# BZAV-10-24-001 & 002 based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. At least two-thirds of the members present, and voting are required to approve a Zoning Variance pursuant to [§10.12.5(C)].







Town of Meggett
Board of Zoning Appeals
4776 Highway 165
Meggett, SC 29449
(843) 889-3622

ZONING VARIANCE REQUEST APPLICATION

CHECKLIST OF SUBMITTAL REQUIREMENTS

*PLEASE READ THE "WHAT TO EXPECT" HANDOUT FOR A FULL UNDERSTANDING OF THE BZA PROCESS *

- Completed Zoning Variance Request Application (attached)**
 - Application must be signed by the Applicant and ALL current Property Owner(s). If the Applicant is not the owner of the property, the current Property Owner(s) must complete the Designation of Agent.
 - Written responses to the Approval Criteria of §10.12.6 are **REQUIRED** (included with application pages).
 - All proposed Zoning Variances, except single family residential development, shall satisfy the Site Plan Review process. Applicants shall attend at least one (1) Site Plan Review meeting prior to submitting an application for a Zoning Variance.

- Signed Restrictive Covenants Affidavit**

- Signed Posted Notice Affidavit**

- Copy of a legible Approved and Recorded Plat showing current property boundaries.**

- Site Plan (Digital PDF copy preferred OR one hard copy [8 ½ x 11 or 11 x 17])**
 - Drawn to Engineer's Scale: (1"=10', 20', 30', 40', 50', or 60')
 - Includes the following information:
 - Property Dimensions (may be found on a recorded plat, which can be obtained from the ROD Office)
 - Dimensions and locations of all existing and proposed structures and improvements.
 - Setbacks, Driveways, Parking Areas, Access Routes, Utilities, etc.
 - All Grand Trees (Live Oaks 24" DBH or greater) present on the parcel, **with applicable protection barricades.**
 - Wetlands/OCRM Critical Line delineated, approved, stamped, and signed every (5) years by Coastal Council, if applicable
 - Jurisdictional Determination from the US Army Corp of Engineers, if applicable.

- BZA Zoning Variance Application Fee (\$250)**
 - Grand Tree Variances are \$250 for one tree, add \$50 for each additional tree.

NOTE: Payments in-person can be made with cash. Check payments, made out to "Town of Meggett" can be made in-person or mailed to Town Hall. Credit/Debit Cards are accepted with a processing fee added and are accepted via online payment or in-person.

ELECTRONIC SUBMISSION PREFERRED- PLEASE EMAIL REQUIRED DOCUMENTS TO: aravenel@townofmeggettsc.org



Town of Meggett
Board of Zoning Appeals
 4776 Highway 165
 Meggett, SC 29449
 (843) 889-3622

ZONING VARIANCE REQUEST APPLICATION

This application must be completed and submitted to the Zoning & Planning Department in order to apply for a Zoning Variance.
 Please read the entire form prior to completing the application.

PROPERTY INFORMATION			
Subject Property Address: 4194 Highway 165, Yonges Island, SC 29449			
Tax Map Number(s):		159-00-00-038	
Current Use of Property: (LIN) Industrial District as defined in the Town of Meggett Zoning Code			
Proposed Use of Property: (LIN) Industrial District as defined in the Town of Meggett Zoning Code			
ZONING VARIANCE DESCRIPTION			
Building height variance for Building 11 (Superstructure) above the height stipulated by the Town of Meggett Zoning Code Article 4.7 (LIN) Industrial District, that restricts buildings to a maximum height of 35 feet.			
APPLICANT INFORMATION			
Applicant Name: Dale Betts			
Name of Company (if applicable): Keel Holdings, LLC			
Mailing Address: 9801 Highway 78 Ladson, SC 29456			
Email: dbetts@merrilltg.com		Phone: 989-702-9353	
Applicant Signature: <i>Dale Betts</i>		Date: October 17th, 2024	
REPRESENTATIVE INFORMATION (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Name and Name of Company: Kendall Maples, Barge Design Solutions			
Mailing Address: 520 W Summit Hill Dr Ste 1202, Knoxville, TN 37902			
Email: kendall.maples@bargedesign.com		Phone: (865) 934-4108	
DESIGNATION OF AGENT (Complete only if the Applicant listed above is not the Property Owner.)			
<i>I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.</i>			
Property Owner(s) Name(s):			
Name of Company (if applicable): KEEL Holdings, LLC			
Mailing Address: 9801 Highway 78 Ladson, SC 29456			
Email: dbetts@merrilltg.com		Phone: 989-702-9353	
Property Owner(s) Signature: <i>Dale Betts</i>		Date: October 17th, 2024	
OFFICE USE ONLY			
Zoning District:	Flood Zone:	Date Filed:	Fees Paid:
Application #:	TMS#:	Staff Initials:	



Town of Meggett
Board of Zoning Appeals
 4776 Highway 165
 Meggett, SC 29449
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ZONING VARIANCE APPROVAL CRITERIA

Please answer the questions below. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

<p>Are there extraordinary and/or exceptional conditions pertaining to the subject property? Explain:</p>
<p>Keel Holdings, LLC (Keel) has been awarded components of the Project Columbia contract; this award would have at least a twenty-year impact on its business. Project Columbia is a US government project currently funded for the next 20+ years as the highest National Security priority. The work for which Keel will be responsible involves receiving steel plating, assembling them into sections of the project, and shipping the sections out to other facilities. Keel is uniquely qualified to do this work; its skilled workforce has the experience to fabricate the individual sections in accordance with the stringent manufacturing specifications that are required for the work. Access to the Wadmalaw River enables Keel to capitalize on the deep-water access to ship component sections that are too large to be moved by other modes of transportation. In order to do the required work, Keel must construct a new fabrication building (Building 11) with a height of 62 feet due to the necessity of a 42-foot crane clearance under the roof. This building will be located adjacent to Building 10, which was recently constructed on the site.</p> <p>Per the Town of Meggett Zoning Code Article 4.7 (LIN) Industrial District, the height of the building is restricted to a maximum height of 35 feet. The purpose of this variance request is to allow the proposed 62-foot tall fabrication building.</p>
<p>Do these conditions generally apply to other properties in the vicinity or are they unique to the subject property?</p>
<p>The operations are unique to the subject property. The property has been utilized by Keel (formally Metal Trades) for steel fabrication for more than 50 years. Over the years, continued developments and substantial investments have been made to the site by Keel (formally Metal Trades). These improvements have enhanced their capabilities and positioned them for their award of the Project Columbia contract. To further enhance their on-site capabilities, the construction of Building 11 is necessary.</p>
<p>Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:</p>
<p>The height of the building is driven by the interior building crane height. The building's crane's height is required to perform operations which are crucial to the building's use. Lowering the building or its crane height would inhibit the intended capabilities of the building.</p>
<p>Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:</p>
<p>View of the proposed building from Highway 165 is screened by an existing stand of mature trees, many of which exceed 80 feet in height. The thickest part of the tree stand exceeds 100 feet. The current tree buffer will be maintained. The existing buffer along Simmons Bluff Rd will remain and the recently constructed Building 10 will partially shield Building 11 from view. A new office and cafeteria building (Building 12) will be built along the south end of Highway 165. The office building will be 35 feet in height and will enhance the visual aesthetics of the primary entry into the property. A new parking area and landscaping along the south end of property will enhance the curb appeal from adjacent properties and will positively impact the street view of the property.</p> <p>Keel (Metal Trades) history on the site dates back more than 50 years. The property has been used for metal fabrications and related capabilities for the duration of this time. If granted, the character of the zoning district (LIN Industrial District) would not be harmed; the functions of the site presently performed on the property would not differ from currently use.</p>

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.



Town of Meggett
Board of Zoning Appeals
 4776 Highway 165
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 (843) 889-3622

ZONING VARIANCE

RESTRICTIVE COVENANTS AFFIDAVIT

*MUST BE SIGNED BY THE APPLICANT OR CURRENT PROPERTY OWNER(S)

Please read the below affirmation carefully, sign if you agree, and return to Zoning & Planning Staff for review. Restrictive Covenants are filed with the Register of Deeds Office and copies, should they exist in association with your parcel, may be obtained from their Office.

I have researched the Restrictive Covenants applicable to the parcel identified below and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed permit application is not contrary to, does not conflict with, and is not prohibited by any of the Restrictive Covenants, as specified in SC Code Ann. §6-29-1145.

TMS#(s)/PID#(s): 159-00-00-038

Address: 4194 Highway 165, Yonges Island, SC 29449

	<u>Dale Betts</u>	<u>October 17th, 2024</u>
Signature	Printed Name	Date

EXPLANATION:

Effective July 1, 2007, South Carolina Code of Laws §6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits an activity for which a permit is being sought. A copy of this statute is available below for your convenience.

SECTION 6-29-1145. Determining existence of restrictive covenant; effect.

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

1. in the application for the permit;
2. from materials or information submitted by the person or persons requesting the permit; or
3. from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

1. "actual notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
2. "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and
3. "restrictive covenant" does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

HISTORY: 2007 Act No. 45, Section 3, eff June 4, 2007, applicable to applications for permits filed on and after July 1, 2007; 2007 Act No. 113, Section 2, eff June 27, 2007.

FOR STAFF USE ONLY:

Received By: _____ Date: _____ Application #: _____



Town of Meggett
Board of Zoning Appeals
 4776 Highway 165
 Meggett, SC 29449
 (843) 889-3622

ZONING VARIANCE

POSTED NOTICE AFFIDAVIT

*MUST BE SIGNED BY ALL OWNER(S) OF THE SUBJECT PARCEL(S)

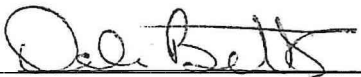
Please read the below affirmation carefully, sign if you agree, and return to Zoning & Planning Staff for review.

I have reviewed §10.26(2)(B), Posted Notice, on the bottom of this affidavit and understand that a sign(s) will be posted on the parcel(s) identified below at least fifteen (15) calendar days prior to the public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning/Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date or action that is subject of the notice. Failure to notify the Zoning/Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision- making body.

TMS#(s)/PID#(s): 159-00-00-038

Address: 4194 Highway 165, Yonges Island, SC 29449

	Dale Betts	October 17th, 2024
Signature	Printed Name	Date
Signature	Printed Name	Date
Signature	Printed Name	Date
Signature	Printed Name	Date

TOWN OF MEGGETT ZONING & LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR)

§10.26(2)(B): Posted Notices

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Planning Department if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice.

FOR STAFF USE ONLY:

Received By: _____ Date: _____ Application #: _____



Town of Meggett
Board of Zoning Appeals
4776 Highway 165
Meggett, SC 29449
(843) 889-3622

ZONING VARIANCE REQUEST APPLICATION

CHECKLIST OF SUBMITTAL REQUIREMENTS

*PLEASE READ THE "WHAT TO EXPECT" HANDOUT FOR A FULL UNDERSTANDING OF THE BZA PROCESS *

- Completed Zoning Variance Request Application (attached)**
 - Application must be signed by the Applicant and ALL current Property Owner(s). If the Applicant is not the owner of the property, the current Property Owner(s) must complete the Designation of Agent.
 - Written responses to the Approval Criteria of §10.12.6 are **REQUIRED** (included with application pages).
 - All proposed Zoning Variances, except single family residential development, shall satisfy the Site Plan Review process. Applicants shall attend at least one (1) Site Plan Review meeting prior to submitting an application for a Zoning Variance.

- Signed Restrictive Covenants Affidavit**

- Signed Posted Notice Affidavit**

- Copy of a legible Approved and Recorded Plat showing current property boundaries.**

- Site Plan (Digital PDF copy preferred OR one hard copy [8 ½ x 11 or 11 x 17])**
 - Drawn to Engineer's Scale: (1"=10', 20', 30', 40', 50', or 60')
 - Includes the following information:
 - Property Dimensions (may be found on a recorded plat, which can be obtained from the ROD Office)
 - Dimensions and locations of all existing and proposed structures and improvements.
 - Setbacks, Driveways, Parking Areas, Access Routes, Utilities, etc.
 - All Grand Trees (Live Oaks 24" DBH or greater) present on the parcel, **with applicable protection barricades.**
 - Wetlands/OCRM Critical Line delineated, approved, stamped, and signed every (5) years by Coastal Council, if applicable
 - Jurisdictional Determination from the US Army Corp of Engineers, if applicable.

- BZA Zoning Variance Application Fee (\$250)**
 - Grand Tree Variances are \$250 for one tree, add \$50 for each additional tree.

NOTE: Payments in-person can be made with cash. Check payments, made out to "Town of Meggett" can be made in-person or mailed to Town Hall. Credit/Debit Cards are accepted with a processing fee added and are accepted via online payment or in-person.

ELECTRONIC SUBMISSION PREFERRED- PLEASE EMAIL REQUIRED DOCUMENTS TO: aravenel@townofmeggettsc.org



Town of Meggett
Board of Zoning Appeals
 4776 Highway 165
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ZONING VARIANCE REQUEST APPLICATION

This application must be completed and submitted to the Zoning & Planning Department in order to apply for a Zoning Variance.
 Please read the entire form prior to completing the application.

PROPERTY INFORMATION			
Subject Property Address: 4194 Highway 165, Yonges Island, SC 29449			
Tax Map Number(s):		159-00-00-038	
Current Use of Property: (LIN) Industrial District as defined in the Town of Meggett Zoning Code			
Proposed Use of Property: (LIN) Industrial District as defined in the Town of Meggett Zoning Code			
ZONING VARIANCE DESCRIPTION			
Building height variance for Building 13 (Paint and Prep) above the height stipulated by the Town of Meggett Zoning Code Article 4.7 (LIN) Industrial District, that restricts buildings to a maximum height of 35 feet.			
APPLICANT INFORMATION			
Applicant Name: Dale Betts			
Name of Company (if applicable): Keel Holdings, LLC			
Mailing Address: 9801 Highway 78 Ladson, SC 29456			
Email: dbetts@merrilltg.com		Phone: 989-702-9353	
Applicant Signature: <i>Dale Betts</i>		Date: January 21st, 2025	
REPRESENTATIVE INFORMATION (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Name and Name of Company: Kendall Maples, Barge Design Solutions			
Mailing Address: 520 W Summit Hill Dr Ste 1202, Knoxville, TN 37902			
Email: kendall.maples@bargedesign.com		Phone: (865) 934-4108	
DESIGNATION OF AGENT (Complete only if the Applicant listed above is not the Property Owner.)			
<i>I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.</i>			
Property Owner(s) Name(s):			
Name of Company (if applicable): KEEL Holdings, LLC			
Mailing Address: 9801 Highway 78 Ladson, SC 29456			
Email: dbetts@merrilltg.com		Phone: 989-702-9353	
Property Owner(s) Signature: <i>Dale Betts</i>		Date: January 21th, 2025	
OFFICE USE ONLY			
Zoning District:	Flood Zone:	Date Filed:	Fees Paid:
Application #:	TMS#:	Staff Initials:	



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ZONING VARIANCE APPROVAL CRITERIA

Please answer the questions below. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

<p>Are there extraordinary and/or exceptional conditions pertaining to the subject property? Explain:</p>
<p>Keel Holdings, LLC (Keel) has been awarded components of the Project Columbia contract; this award would have at least a twenty-year impact on its business. Project Columbia is a US government project currently funded for the next 20+ years as the highest National Security priority. The work for which Keel will be responsible involves receiving steel plating, assembling them into sections of the project, and shipping the sections out to other facilities. Keel is uniquely qualified to do this work; its skilled workforce has the experience to fabricate the individual sections in accordance with the stringent manufacturing specifications that are required for the work. Access to the Wadmalaw River enables Keel to capitalize on the deep-water access to ship component sections that are too large to be moved by other modes of transportation. In order to do the required work, Keel must construct a new paint and prep building (Building 13) with a height of 55 feet due to the interior building clearances required for operations. This building will be located adjacent to Building 10, which was recently constructed on the site.</p> <p>Per the Town of Meggett Zoning Code Article 4.7 (LIN) Industrial District, the height of the building is restricted to a maximum height of 35 feet. The purpose of this variance request is to allow the proposed 55-foot tall paint and prep building.</p>
<p>Do these conditions generally apply to other properties in the vicinity or are they unique to the subject property?</p>
<p>The operations are unique to the subject property. The property has been utilized by Keel (formally Metal Trades) for steel fabrication for more than 50 years. Over the years, continued developments and substantial investments have been made to the site by Keel (formally Metal Trades). These improvements have enhanced their capabilities and positioned them for their award of the Project Columbia contract. To further enhance their on-site capabilities, the construction of Building 13 is necessary.</p>
<p>Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:</p>
<p>The height of the building is driven by the interior clearances required for operations. The building clearance requirements are crucial to the building's use. Lowering the building or its clear height would inhibit the intended capabilities of the building.</p>
<p>Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:</p>
<p>View of the proposed building from Highway 165 is screened by an existing stand of mature trees, many of which exceed 80 feet in height. The thickest part of the tree stand exceeds 100 feet. The current tree buffer will be maintained. The existing buffer along Simmons Bluff Rd will remain. A new office and cafeteria building (Building 12) will be built along the south end of Highway 165. The office building will be 35 feet in height and will enhance the visual aesthetics of the primary entry into the property. A new parking area and landscaping along the south end of property will enhance the curb appeal from adjacent properties and will positively impact the street view of the property.</p> <p>Keel (Metal Trades) history on the site dates back more than 50 years. The property has been used for metal fabrications and related capabilities for the duration of this time. If granted, the character of the zoning district (LIN Industrial District) would not be harmed; the functions of the site presently performed on the property would not differ from currently use.</p>

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.



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ZONING VARIANCE

RESTRICTIVE COVENANTS AFFIDAVIT

*MUST BE SIGNED BY THE APPLICANT OR CURRENT PROPERTY OWNER(S)

Please read the below affirmation carefully, sign if you agree, and return to Zoning & Planning Staff for review. Restrictive Covenants are filed with the Register of Deeds Office and copies, should they exist in association with your parcel, may be obtained from their Office.

I have researched the Restrictive Covenants applicable to the parcel identified below and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed permit application is not contrary to, does not conflict with, and is not prohibited by any of the Restrictive Covenants, as specified in SC Code Ann. §6-29-1145.

TMS#(s)/PID#(s): 159-00-00-038

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	Dale Betts	January 21st, 2025
Signature	Printed Name	Date

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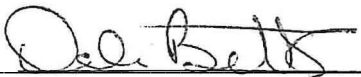
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TOWN OF MEGGETT ZONING & LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR)

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