

RICHLAND COUNTY BOARD OF ZONING APPEALS
PUBLIC HEARING
August 6, 2008

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6 [Present: Margaret Perkins, Elaine Perrine, Joshua McDuffie, Susanne Cecere,
7 Sheldon Cooke; Absent: Torrey Rush, Harold Branham]
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9 CHAIRWOMAN PERKINS: It's 1:00 o'clock. A quorum is present. The Zoning
10 Board of Appeals will come to order. Mr. Price, are there any changes in the agenda?

11 MR. PRICE: Only the items that you [inaudible] change [inaudible] case
12 [inaudible].

13 CHAIRWOMAN PERKINS: Okay. [Inaudible] rules by [inaudible] our attorney,
14 Ms. Linder.

15 MS. LINDER: Good afternoon. Thank you, Ms. Chairman. Welcome to the
16 Board of Zoning Appeals meeting that's being held today. My name is Amelia Linder
17 and I am the attorney for the Board. I'd like to go over a few rules that you may or may
18 not know but just to make it easier for everybody. The hearing today is a *quasi* judicial
19 matter which means that the Board's decisions are final subject to the Minutes being
20 approved next month and the Board's Order going out. Once the Board's Order goes
21 out there's 30 days to appeal that decision and that appeal will go to the Circuit Court.
22 Today the applicant will have up to 15 minutes to present their case. Any opposition will
23 have three minutes to rebut the applicant's position. The applicant then has another
24 five minutes to respond to the opposition. Depending on how long the meeting lasts
25 today it may move quickly depending on how many people are going to speak but we'll
26 try the best we can to keep things moving along smoothly today. When you come to the
27 podium, and you must be sworn in to testify which I'll do at the end of my little speech

1 here, you will address your comments to the Board and not to members of the
2 audience. I would ask that you speak respectfully and stay on point with your
3 comments. You will be under oath and so the testimony that you do give needs to be
4 the truth. Today's meeting is not quite as formal as a court. If you have some evidence
5 or some matter that you want the Board to see you can submit that. The weight - the
6 Board, if you have, the applicant if you have opposition, the Board's going to weigh the
7 evidence and make their decision fairly and objectively as possible. The Board is also
8 entitled to put conditions on your request so if you've asked for a request and they put
9 some conditions, I mean, that's perfectly within their right to do. I would ask that no cell
10 phones be on. If you do have a cell phone with you if you'd turn it to vibrate or silent
11 please, I'd appreciate that. If you do intend to speak we do need your name and
12 address on a sign-in sheet and then you may come and go as you please as long as
13 you do so quietly. Are there any questions from any members of the audience today?
14 Okay. Are there any members here that plan to testify today? If so would you please
15 stand and I'll swear you in. If you plan to come to the podium in any aspect whether as
16 an applicant or in opposition or in support of the applicant and plan to make testimony I
17 need you to stand, raise your right hand. Do you swear or affirm that the testimony that
18 you shall give shall be the truth, the whole truth, and nothing but the truth so help you
19 God?

20 AUDIENCE: I do.

21 MS. LINDER: Okay. Thank you. [Inaudible]

22 CHAIRMAN PERKINS: Thank you. The next business in order is approval of
23 the July Minutes. I'd like to offer the following corrections to the July minutes. Page 1,

1 line 4, Peggy Simmons is no longer a Board member and should not be recorded as
2 absent. Page 6, line 12, McDuffie was absent instead of present. Page 11, line 1,
3 remove the second your. Page 24, line 52, 15, substitute if for the word is. Page 32,
4 line 3, add word to after the word like. Page 37, line 3, the word ask should be
5 replaced, type word answered. Same page, line 22, remove second exactly. Line 23,
6 remove on a, on, on, on a. Page 38, the line should read, So what is your resolution
7 since you brought that up? Are there any other corrections to the Minutes? If not I
8 move that we approve them as corrected; is that okay? Okay. The next business –
9 okay. Is there, okay? I understand we can't – is there a second, a motion to accept the
10 Minutes as corrected?

11 MS. CECERE: I make a motion that we accept.

12 CHAIRMAN PERKINS: Second?

13 MS. PERRINE: I second.

14 CHAIRWOMAN PERKINS: All those in favor a show of hands.

15 *[Approved: Perrine, Perkins, Cooke; Not voting: McDuffie, Cecere; Absent: Rush,*
16 *Branham]*

17 CHAIRWOMAN PERKINS: Okay. We're going to kind of exclude you since we
18 [inaudible] okay. The next business in order is the public hearing. Mr. Price, please
19 present the first case. Before we go to that, Mr. Price, I would like to welcome our
20 newest member, Mr. Sheldon Cooke. Thank you.

21 **CASE NO. 08-41 SE:**

22 MR. PRICE: The first item is Case 08-41-SE. The applicant is requesting the
23 Board of Zoning Appeals to establish a tattoo parlor on property zoned GC. The

1 applicant is Willis Thompson. The location is 7345-C Parklane Road. The existing land
2 use is commercial. The subject property has a commercial structure comprised of a
3 number of units. The applicant proposes to establish a tattoo parlor. The surrounding
4 area is comprised of various commercial establishments. You can - this is the location
5 of the requested subject parcel. Along here are various commercial establishments, a
6 couple restaurants, retail establishment, gas stations. And this is just down from
7 Columbia Mall. This is the actual unit where the proposed structure, excuse me, where
8 the proposed use will take place. And these are just a couple pictures of some of the
9 other units, excuse me, the other units and the other uses within this strip.

10 CHAIRWOMAN PERKINS: Thank you. We have Mr. Willis Thompson? Please
11 come to the podium, state your name and address for the Record and tell the Board
12 what it is you'd like to do.

13 **TESTIMONY OF WILLIS THOMPSON:**

14 MR. THOMPSON: Hello, how are you doing? My name is Willis Thompson and
15 the address at hand is 7345 Parklane, Unit C, in Columbia, South Carolina and I'd
16 actually like to put a tattoo parlor there.

17 CHAIRWOMAN PERKINS: Are there any questions from the Board? We do
18 have one other person signed up which – would it be the Board's pleasure in going over
19 the criteria for special exception would you like to ask him those specific questions while
20 he's at the podium or would you like for the other person to come up and speak and
21 then we'll call Mr. –

22 MR. THOMPSON: Oh, the other person is actually my mother.

23 CHAIRWOMAN PERKINS: Sir?

1 MR. THOMPSON: The other person is my mother who's right here, that's signed
2 up.

3 CHAIRWOMAN PERKINS: What is the Board's pleasure?

4 MR. MCDUFFIE: Let's move to going over the criteria.

5 CHAIRWOMAN PERKINS: Okay. Did you want to present it? At the last
6 meeting it was my understanding that the Board wanted to hear from the applicant the
7 special criteria so if you'd like to start off either, anyone, with asking Mr. Thompson the
8 questions that you have. Traffic impact? Go ahead, you could ask -

9 MR. COOKE: How will the traffic be impacted by this proposal?

10 MR. THOMPSON: You said how will traffic?

11 MR. COOKE: Yes.

12 MR. THOMPSON: Well, with the parking situation the way it is it allows people to
13 back in and out very comfortably without interfering with anything in the road.

14 MR. COOKE: Okay.

15 MR. THOMPSON: I mean, plus there's ample enough parking the back also.
16 Down that little corridor that you see on the right of that truck there's parking on the side
17 there and parking in the very back. So if a person needed to turn around they wouldn't
18 have to turn around in the road or anything like that. They have enough to back up in
19 and turn around in and go to constant traffic.

20 MS. CECERE: And do you have like a certain amount of parking spaces
21 assigned to your business?

22 MR. THOMPSON: It's very open but actually to ours by ourself we have, like
23 they said we have like 15 actually our self and plus with the beauty shop, and we don't

1 have a tenant to our left, with the beauty shop it's very in and out so, you know, they're
2 very open about parking.

3 MR. MCDUFFIE: Mr. Thompson, what are the proposed hours of operation for
4 the business?

5 MR. THOMPSON: Okay. On Sunday and Monday it's appointment only
6 because that's the slowest time in tattooing. On Tuesday through Thursday it's 11:00 to
7 9:00 and then on Friday and Saturday from 10:00 to 9:00.

8 MR. MCDUFFIE: And one additional question. How many I guess tattoo artists
9 will you be employing there? How many would be operating at any given time? Is it just
10 yourself or?

11 MR. THOMPSON: No, four. We actually have four, yes, sir. And actually four
12 and then every once in awhile we would have an apprentice, somebody that's going to
13 be developing and growing in the tattoo art.

14 CHAIRWOMAN PERKINS: Are there any other questions for Mr. Thompson
15 from the Board?

16 MS. CECERE: Excuse me, I'm sorry, one more thing. What type of sign will you
17 have?

18 MR. THOMPSON: As far as above? Like the same size but it's just going to say
19 Magnetism Tattoo. It's just going to be a very basic sign with nothing but letters.

20 MS. CECERE: I'm sorry. Mr. Price, what are the restrictions [inaudible] that sign
21 is correct?

1 MR. PRICE: He's allowed a one-to-one ratio. If there's no pylon sign it would be
2 one and a half to one depending on the linear footage of the front of the building. That's
3 something that we'll look at when he does his sign package submittal.

4 CHAIRWOMAN PERKINS: Does – Mr. Price, this is a question for you. Does
5 the signage, I know sometimes the tattoo parlors will put signage in the big window. Is
6 that a part of the signage?

7 MR. PRICE: They're allowed a certain square footage where they're located, it's
8 on there.

9 MS. CECERE: You haven't received your permit from – what is it?

10 MR. THOMPSON: DHEC.

11 MS. CECERE: DHEC. You've received your permit from DHEC?

12 MR. THOMPSON: We have to go through this phase first before we can actually
13 get our permit from DHEC. This is the phase we have to go through and that's my final
14 step.

15 MS. CECERE: Okay. Thank you.

16 MS. PERRINE: I'd just like to ask you a question, or the other members,
17 because his answer about the traffic, is that answering the vehicle and pedestrian safety
18 also?

19 CHAIRWOMAN PERKINS: No. That's a separate –

20 MS. PERRINE: Separate?

21 CHAIRMAN PERKINS: - item, yeah.

22 MS. PERRINE: Okay. Then Mr. Thompson could I ask you how your proposal
23 might affect the vehicle and pedestrian safety in that area?

1 MR. THOMPSON: Because the way it's structured, it's a good way distance
2 from the sidewalk, from our initial parking space to the sidewalk, it's a good enough
3 distance where they can back up and not interfere with anybody walking by. Because if,
4 you can't see in this picture but coming even further there's a sidewalk that comes back
5 even further it has, it's further enough away where they can back up without any issue
6 of hitting any pedestrians.

7 MR. MCDUFFIE: Is there additional parking around back of [inaudible]?

8 MR. THOMPSON: Yes. Yes, sir.

9 MS. PERRINE: So that would say no for that?

10 MS. CECERE: Mr. Thompson, the parking spaces are only up against the
11 building; correct? There aren't any behind, like next to the sidewalk there are no?

12 MR. THOMPSON: No, no.

13 MS. CECERE: Thank you.

14 MR. MCDUFFIE: Would you say there's any potential impact from either the,
15 you know, any kind of noise or lighting or chemicals or any kind of impact on the
16 neighboring businesses or adjacent properties?

17 MR. THOMPSON: Oh, not at all. As far as noise, no noise wise and as far as on
18 any impact on chemicals or anything there's nothing done like that whatsoever. The
19 inks are all done in a sterile cycle. Very, very safe and a situation where they come and
20 pick it up.

21 CHAIRWOMAN PERKINS: All right. There being no more questions, thank you
22 very much, Mr. Thompson. Karen? Would you like to come down to the podium? You
23 signed up.

1 MRS. THOMPSON: I wasn't sworn, I didn't [inaudible].

2 CHAIRWOMAN PERKINS: Oh, you weren't sworn in so you don't want to
3 speak? You can be sworn in if you'd like to speak. All right. What is your decision
4 [inaudible]? You don't have to if you don't want to.

5 MRS. THOMPSON: I don't really have anything to add.

6 CHAIRMAN PERKINS: Okay. Okay. Okay. There's no one signed up in
7 opposition. What is the Board's pleasure? Well items, one, the property is zoned
8 general commercial. I'm hoping that two and three was met by the Zoning Board of
9 Appeals Staff. Number four – we need to look at the requirements of the intended –
10 number four, what is the Board's response to item number four?

11 MR. MCDUFFIE: I believe the Board [sic] does meet the requirements for a
12 special exception assuming that they do in fact receive a license from the state, from
13 DHEC.

14 CHAIRWOMAN PERKINS: All right. Do you think that the applicant gave
15 sufficient information as far as the impact of the traffic?

16 MR. MCDUFFIE: I believe so. That's a fairly busy commercial corridor. I don't
17 think that this will make a measurable difference.

18 CHAIRWOMAN PERKINS: Okay. And what about the effect - vehicle and
19 pedestrian safety, would you say that was addressed?

20 MR. MCDUFFIE: Yeah. I would say it will not effect [inaudible].

21 CHAIRWOMAN PERKINS: It will not. Okay. It's a no. Okay. All right. Number
22 seven, item seven? Don't all speak up now. I don't want you all all to speak up. Item
23 seven.

1 MS. PERRINE: I'd say that's a no.

2 CHAIRWOMAN PERKINS: No? Item seven is, is there a potential impact of
3 noise, lights, fumes, obstruction of air flow on adjoining properties. Item number eight,
4 will the proposed use have an adverse impact on the aesthetic character of the
5 environs?

6 MS. PERRINE: I'd say no.

7 MR. COOKE: No.

8 CHAIRWOMAN PERKINS: Is orientation and spacing of improvements or
9 buildings appropriate?

10 MR. MCDUFFIE: Yes.

11 CHAIRWOMAN PERKINS: Okay. We have gone through the finding of facts.
12 What is the Board's pleasure? Is there a motion?

13 MR. MCDUFFIE: I move to entertain discussion.

14 CHAIRWOMAN PERKINS: Okay.

15 MR. MCDUFFIE: It seems like the applicant meets all of the necessary
16 requirements for a special exception and would have minimal, you know, operating this
17 business at this location would have minimal impact on the surrounding area and – in
18 my opinion.

19 CHAIRWOMAN PERKINS: Any other discussion? Okay. Is there a motion?

20 MR. MCDUFFIE: Madam Chair, I'll make a motion. I would like to make a
21 motion to approve the special exception 08-41 with the condition that if the property is
22 not utilized for this purpose for a period of one year as verified by a business licensed or

1 the applicant fails to receive a license from the South Carolina Department of Health
2 and Environmental Control that the special exception be rescinded.

3 CHAIRWOMAN PERKINS: Okay. We have a motion on the floor that based on
4 the finding of facts by the Board approval of 08-41 with the conditions that if there is no,
5 if there's an abandonment of the tattoo parlor within a year or he fails to get licensure
6 from the department of DHEC he would have to come back to the Board. Is there a
7 second to that motion?

8 MR. MCDUFFIE: Abandonment for a period of one year.

9 CHAIRWOMAN PERKINS: One year. Okay. Abandonment for a period of one
10 year. Is there a second to that motion?

11 MS. CECERE: I second.

12 CHAIRWOMAN PERKINS: Okay. All those in favor of that motion please have a
13 show of hands.

14 *[Approved: Perrine, Perkins, McDuffie, Cecere, Cooke; Absent: Rush, Branham]*

15 MR. PRICE: Those in favor: Perrine, Perkins, McDuffie, Cecere, Cooke.

16 CHAIRWOMAN PERKINS: Okay. Mr. Thompson, you have your special
17 exception. Mr. Price will be in touch. Next case.

18 **CASE NO. 08-47 V:**

19 MR. PRICE: The next item is Case 08-47 Variance. The applicant is requesting
20 the Board of Zoning Appeals to grant a variance to exceed the maximum allowance of
21 18' for pole lighting on property zoned RS-MD which is single-family residential, medium
22 density. The applicant – this will be Columbia High. The location is 1701 Westchester
23 Drive. The subject property contains a high school and has various types of activity

1 fields. The applicant's proposing to exceed the maximum allowed square footage by
2 22'. The surrounding areas are comprised of residential structures and uses. Currently
3 the applicant, the tennis court of course out there from talking to the applicant, the lights
4 are about 25' and so that, those are already exceeding the allowed height. Of course
5 they'd be grandfathered in, they were in prior to the code. The applicant is actually
6 coming in to propose a lighting height of 41' for the new tennis courts. From a
7 discussion that I'd had with them regarding, you know, the way these lights would be
8 operated as far as protecting the surrounding area because as I stated this is in the
9 middle of a residential community. He'll further explain that, how the new lighting works.

10 CHAIRWOMAN PERKINS: What did you say the old minimum before the
11 changing of the codes, what was the height?

12 MR. PRICE: I don't know if there was any.

13 CHAIRWOMAN PERKINS: There wasn't a height – well, he is replacing these is
14 he not?

15 MR. PRICE: Are you replacing or these are for the new, these are for the new
16 tennis courts.

17 AUDIENCE MEMBER: [Inaudible]

18 MR. PRICE: The old tennis courts will remain the 25'.

19 CHAIRWOMAN PERKINS: Okay. And the old tennis court has 25 –

20 MR. PRICE: They would have 25' and then –

21 AUDIENCE MEMBER: [Inaudible]

22 MR. PRICE: Forty feet, okay.

23 AUDIENCE MEMBER: [Inaudible]

1 MR. PRICE: And that's one of the things that I, you know, I couldn't measure. I
2 was talking to the applicant so essentially this is going one foot over what is already out
3 there.

4 CHAIRWOMAN PERKINS: At the old tennis courts?

5 MR. PRICE: Yes, ma'am.

6 MR. PRICE: As I said I believe we kind of [inaudible] a bit. I believe from
7 previous discussions we've had we've been looking at lighting. I think Staff has been
8 looking at our code regarding lighting and how our code applies to various uses
9 because everybody, you can't put everyone in the same, you know, categories.
10 Everybody has to be 18', everybody has different uses. So I know from discussions I've
11 had with the applicant not only what kind of shielding they can provide you know cut off
12 times and everything and that's something that they will go over with you during their
13 presentation.

14 CHAIRWOMAN PERKINS: I'd like to ask the Staff if, since we've had some
15 variances, you know, come up about lighting is this an issue that the Staff has
16 presented before County Council?

17 MR. PRICE: Staff is looking, is currently working on an amendment to the
18 ordinance that will address the specific needs for different types of uses.

19 CHAIRWOMAN PERKINS: Okay.

20 MR. PRICE: What you have here, these are the tennis courts with the lighting.
21 This is a view, this is from the, near the entrance of the school right on the corner of
22 Westchester and forgive me, I don't remember the other street. But you can look back.
23 These are some of the lights that are currently out there for some of the other fields they

1 have. That's a baseball field that we're looking at right now. Some attachments that the
2 applicant submitted. This is of course showing the height of the lighting. A wiring
3 diagram. He could explain that further. The site plan and the location of the lights. The
4 pole location plan. That'll be it.

5 CHAIRWOMAN PERKINS: Okay. Columbia High School is the applicant but I
6 guess Mr. Dennis Pennsmith is the spokesperson. Would you come down to the
7 podium, state your name and address for the Record and tell the Board it is you want to
8 do.

9 **TESTIMONY OF DENNIS PENNSMITH:**

10 MR. PENNSMITH: My name is Dennis Pennsmith, 1719 Kibler's Bridge Road,
11 Prosperity, South Carolina. I'm asking for a variance on the lighting height of the sports
12 lighting of Columbia High School.

13 CHAIRWOMAN PERKINS: Okay. In our finding of facts, Mr. Pennsmith, one of
14 the questions that I'm going, I suppose I would put it before you since you're speaking,
15 you know, on behalf of the applicant, what are the extraordinary and exceptional
16 conditions pertaining to this particular piece of property that you could give the Board?

17 MR. PENNSMITH: Okay. There are two main ones, one would be safety and
18 the second would be the usage of the facility itself. The safety would be addressed by
19 enough proper lighting to light the area for people walking to and from and for people
20 playing the sport itself. The usage would be that the lighting needs to be high enough to
21 be out of the players' eyes so that they can actually effectively play the sport.

22 CHAIRWOMAN PERKINS: Out of the players eyes?

23 MR. PENNSMITH: Yes, ma'am.

1 CHAIRWOMAN PERKINS: And not into the neighboring?

2 MR. PENNSMITH: No, ma'am. Not at all.

3 CHAIRWOMAN PERKINS: Are there any other questions from the Board?

4 MS. CECERE: I have a question. Why are the tennis courts being moved to a
5 different site?

6 MR. PENNSMITH: They are not being moved; we are adding a tennis court.

7 MR. MCDUFFIE: I sort of fail to see how it becomes an extraordinary
8 exceptional condition on this particular piece of property. I mean, the fact that it's a, you
9 know, a school, you know, there don't appear to be any.

10 MR. PRICE: This might be more of a case rather than the extraordinary and
11 exceptional conditions applying to the property, it may apply to the code itself. Like
12 maybe you could look at the code, that our code fails to address once again specific
13 uses. I believe we had this previously with outdoor retail for automobile sales. Once
14 again this is another one that, you know, upon further review, the code doesn't really
15 address recreational needs, so.

16 MS. CECERE: What are the times that these tennis courts will be used in the
17 evening?

18 MR. PENNSMITH: The plan for Columbia High School right now I believe is to
19 use the courts in the evenings during practice and I believe they would cut off around
20 9:00 o'clock.

21 CHAIRWOMAN PERKINS: And if I heard you correctly, Mr. Price, you were
22 saying that at the old tennis courts, well the tennis courts that is now standing at
23 Columbia High School it is 48'(?) feet?

1 MR. PRICE: Yes, ma'am

2 CHAIRWOMAN PERKINS: And they're asking for 41' so, but the code changed,
3 is that -

4 MR. PRICE: Correct.

5 CHAIRWOMAN PERKINS: – and it wasn't project specific so to speak to - and
6 that's something that you're presenting to rewriting the ordinance or amending the
7 ordinance.

8 MR. PRICE: Yes, the code should be, the code will be amended to reflect –

9 CHAIRWOMAN PERKINS: With the approval of County Council?

10 MR. PRICE: - [inaudible] uses. Yes, ma'am.

11 CHAIRWOMAN PERKINS: Okay. So I think that's what he's saying, that if it is
12 40' they were allowed and they're asking for a foot taller than what was previously
13 allowed?

14 MS. CECERE: Well, I think when we say allowed that was before we had the
15 code, okay? Mr. Price, do we know any of the other high schools what they're using?

16 MR. PRICE: No, ma'am.

17 MS. CECERE: How will it impact the neighbors?

18 MR. PENNSMITH: With the modern lighting and the ability of the manufacturer
19 provide cut off for the lighting; that is to direct lighting to a specific area without spillage
20 onto any unwanted area, the impact on the neighbors should be zero. The lights that
21 are there now effectively throw out more spill light or over illumination than the new
22 lights will.

1 MR. MCDUFFIE: When you say the lights that are there now do you mean the
2 lights the other set of tennis courts or the lights -

3 MR. PENNSMITH: Yes, the lights on the adjoining tennis courts.

4 MR. MCDUFFIE: Okay. Now on the aerial photograph that looked like that was
5 a parking area or something like that previous to becoming a – where it says -

6 MR. PENNSMITH: I believe the, one of the supplemental drawings I provided
7 shows the – there you can see where the old tennis court is below the new tennis
8 courts.

9 MS. CECERE: Mr. Price, can you go back to the aerial photo, please? Thank
10 you. The old tennis courts have more like trees around it from what I can look on the
11 aerial photo here [inaudible].

12 MR. PRICE: No, ma'am.

13 MS. CECERE: I'm sorry?

14 MR. PRICE: See if we can get you a picture. These are the tennis courts here
15 and if you were standing on the street, and I will – you're standing over here there are
16 no trees that separate or provide any type of buffering from the tennis courts to the
17 neighboring houses.

18 MS. CECERE: Oh, okay.

19 MR. PRICE: The trees you see may be the ones in the corner is from a picture I
20 took looking toward all of the athletic fields.

21 MS. CECERE: Oh, okay.

22 MR. PRICE: Those are the trees that you saw.

1 CHAIRWOMAN PERKINS: Are there any other questions for Mr. Pennsmith?

2 Thank you very much.

3 MR. PENNSMITH: Thank you.

4 CHAIRWOMAN PERKINS: We have Mr. Boney Jordan?

5 MR. JONES: Barry Jones.

6 CHAIRWOMAN PERKINS: Barry Jones, would you come to the podium, state
7 your name and address.

8 **TESTIMONY OF BARRY JONES:**

9 MR. JONES: Yes, my name is Barry Jones. I am with Musco(?) Sports Lighting
10 Manufacturer. My address is 497 Kings Grant Drive, Columbia.

11 CHAIRWOMAN PERKINS: Are you in here for support of -

12 MR. JONES: Yeah. To any questions concerning the lights, the amount of spill
13 light or anything like that. We have, this particular system that we use is by far the best
14 available as far as controlling off-site spill and glare. We have actually run calculations
15 on this 150' from the field and you're talking less than five-tenths of a foot candle
16 horizontal. So I mean, you're really, really down very low – excuse me, five one
17 hundredths per foot candle. This is the fixture that we use over here and –

18 CHAIRWOMAN PERKINS: We can't see it.

19 MR. JONES: I've got – this is actually a little bit of a demonstration of sports
20 lighting technology. This is the sports lighting fixture that you basically have seen for
21 many, many years where you have a full view of the light fixture with a lot of glare that
22 comes off of the bottom of the reflector. That was what was in the market when we
23 entered it in 1976, and over the years we have done many things to control spill light

1 and glare. That's one of the main things that we do. The technology we're talking
2 about is this one over here and that is our light structure green system and I'll bring the
3 fixture over as well but there are individual light panels within there that specifically
4 direct the light to the courts or in the case of a ball field to the fields rather than spilling
5 glare. We, if you look back on this technology here 25% of the light that would come off
6 of a lamp would end up on the field and the rest of it would end of being spill light and
7 glare and sky glow and all that. We are now over 70% and the light that is coming off is
8 probably just extending beyond the tennis court slightly. Mounting height wise in order
9 to be able to play sports you need good mounting heights. And one of the things about
10 it is the taller the mounting heights the more you can aim the light down and the more
11 you can aim the light down the less impact you have on neighbors and even glare for
12 players. In fact that's the first thing we do whenever we're trying to control spill and
13 glare is we get the mounting height up higher. The other thing that that does is if you
14 have glare control on it to the extent that we do it makes it much, much more effective.
15 In fact if you can aim it down enough you're really looking at the back of this visor – the
16 front of this visor rather than looking at the light and in this scenario right here you're not
17 even seeing the lamp at all. And that's what we do. We do everything from Little
18 League to, not a good comparison but believe it or not we do NASCAR and you talk
19 about glare control that's something that has a lot of glare control on it but that's nothing
20 like what we'd use here. But this is what we specialize in. But that gives you a little bit
21 of an idea. This is actually a picture of three tennis courts that we did with our system
22 and you can see how distinctly we cut it off. Now that picture is from up higher makes
23 [inaudible] a little bit better. But as you can see we cut it off very, very, very distinctly

1 but we must have enough height to be able to throw the light out to the middle of the
2 court so that people can see to play properly. You get light on the ball from different
3 directions. So those are some of the things we do there and this is what we specialize
4 in. If you don't mind can I bring this over to the front where you can see it or?

5 CHAIRWOMAN PERKINS: If you get that mic and bring it. Are you going to
6 talk? Okay.

7 MR. JONES: I don't want to damage anything so I won't lift it up on here. These
8 things are pretty heavy that's why I put it on wheels for demonstration purposes. But
9 this is the actual light fixture and each one of these little metal strips you see in there
10 are specific to put light a specific place on the court. The visor on it, imagine this is
11 looking straight up. The visor on it is right now looking straight up. If you take it and
12 turn it to where that's actually angling down is what it is. And so this comes down in
13 front of the fixture and helps to block the light.

14 CHAIRWOMAN PERKINS: Any questions?

15 MR. COOKE: Have you done this at any other high school in this area or any
16 other schools or facilities or tennis courts in this area thus far?

17 MR. JONES: We are in this, I guess it depends on the area. In the Columbia
18 area this particular system is being installed with, we may be back here again, is
19 planned for C.A. Johnson High School. And that's one that is in the works and may
20 have already been approved. It's under construction so it may be further down the
21 road. I don't know.

22 MR. COOKE: So this will be the first one that you install in this particular county,
23 in this area in Columbia?

1 MR. JONES: Let me think just a second. We just put some in with a little shorter
2 mounting heights than I would prefer over at Heathwood Hall. I have not had a chance
3 to test those yet. Those mounting heights were about 10' shorter than we would have
4 liked. We've used them a number places on high schools throughout the state. And so
5 we've used them in a lot of places.

6 CHAIRWOMAN PERKINS: In the city? [Inaudible] Heathwood Hall.

7 MR. MCDUFFIE: I have one question. You know, granted that the light, this
8 particular, you know, fixture does a better job of putting light on the court than say the
9 existing, you know, how many year old light fixtures there are. How will these be
10 controlled? Will these be set on a timer to go off at a specific time every night or would
11 it rely on, you know, a coach or an administrator to turn off the lights when the team
12 gets done practicing or playing?

13 MR. JONES: I believe, Dennis, I believe that they're set up for the coaches to
14 cut them on and off, aren't they? To my knowledge I don't think these are such that the
15 public can cut them on.

16 MR. PENNSMITH: They, the controls are in a locked cabinet; only the school
17 administration would have the keys for it.

18 MR. JONES: And the reason I didn't know is we're not providing the controls on
19 this. We actually do have a control system that is controlled remotely on the web that
20 can be scheduled for recreational facilities and is used a lot for that but this -

21 MR. MCDUFFIE: Like a [inaudible] or someone that might not have a full-time
22 staff; something like that?

1 MR. JONES: Yeah. We use a lot of, the one we have we use a lot in recreation
2 complexes so you can drop them and start up and they don't get left on all night
3 because they are set a schedule; they have to go off. It's one of the features we offer
4 on large complexes and we'd like to talk about on the new complex with Richland
5 County but anyway. Okay.

6 CHAIRWOMAN PERKINS: Are there any other questions for Mr. Jones? Thank
7 you very much. Thank you, Mr. [inaudible]. There is nobody else signed up for or
8 against. If the Board would like to go through the finding of facts or I'll entertain
9 discussion. No discussion so let's go through the finding of facts. Someone will do it,
10 read it and [inaudible]?

11 MS. CECERE: Number one, the property is zoned institutional?

12 CHAIRWOMAN PERKINS: Residential.

13 MS. CECERE: [Inaudible]

14 MR. MCDUFFIE: Oh, I'm sorry.

15 CHAIRWOMAN PERKINS: Residential, single-family [inaudible], page 5.

16 MS. CECERE: It says existing land use institutional. All right. Number two, that
17 the notice was posted.

18 CHAIRWOMAN PERKINS: Ms. Cecere, I'm going to, on two and three that is
19 the posting of the property and the, posted in the newspaper. I'm going to let the Staff,
20 we're going to assume that that's a yes unless the Staff says no. Because we can't
21 really answer those two questions. That would have to be the Staff so we can go
22 directly to –

23 MS. CECERE: Number four?

1 MR. COOKE: Yes.

2 MS. CECERE: Number four, there are extraordinary and exceptional conditions
3 to this particular piece of property and it has to do with the visibility of the tennis courts
4 by the players and to be able to be operated after dark. And number five, conditions do
5 apply to properties of this type in this vicinity.

6 CHAIRWOMAN PERKINS: So that's a yes?

7 MS. CECERE: Yes. Oh, I'm sorry. It should be no. The conditions apply to
8 other properties in the vicinity because [inaudible] school so. Number six, the
9 application to this particular piece of property meets the exceptional and extraordinary
10 conditions. And number seven, the detriment to the adjacent property would not be
11 affected for the simple reason that the lighting will just impact on the property itself and
12 not to the neighboring properties.

13 CHAIRWOMAN PERKINS: Is the Board in general agreement with those finding
14 of facts?

15 MR. COOKE: Yes.

16 CHAIRWOMAN PERKINS: Is there a motion?

17 MR. MCDUFFIE: Madam Chair, I'll make a motion to approve 08-47 Variance.

18 CHAIRWOMAN PERKINS: Based on the finding of facts?

19 MR. MCDUFFIE: I'm sorry, based on the finding of facts.

20 CHAIRWOMAN PERKINS: Is there a second?

21 MS. PERRINE: I'll second.

1 CHAIRWOMAN PERKINS: There's a motion on the floor to approve 08-47
2 based on the finding of facts. It has been properly second. All those in favor please
3 have a show of hands.

4 *[Approved: Perrine, Perkins, McDuffie, Cecere, Cooke; Absent: Rush, Branham]*

5 MR. PRICE: Those in favor: Perrine, Perkins, McDuffie, Cecere, Cooke.

6 CHAIRWOMAN PERKINS: No opposes? Mr. Pennsmith, you have your
7 variance and Mr. Price will be in touch.

8 MR. PENNSMITH: Thank you, ma'am.

9 CHAIRWOMAN PERKINS: Next case, Mr. Price.

10 **CASE NO. 08-48 SE:**

11 MR. PRICE: Next item is case is 08-48 Special Exception. The Board, excuse
12 me, the applicant is requesting the Board of Appeals to establish an orphanage on
13 property zoned RU. It's a children's home. The applicant is Andrew Jones. The
14 location is 1333 Hickory Hill Road. The parcel size is a little more than four acres.
15 Existing land use is residential. There's a residential structure on the property. Subject
16 parcel has a 2,800 square foot, plus square foot residential structure located near the
17 center of the parcel. The applicant proposes as previously stated to establish an
18 orphanage, by our codes, children's home. The surrounding area is primarily comprised
19 of large, undeveloped parcels but there are also residential structures on large parcels
20 in the area. One correction under your zoning ordinance citation it references tattoo
21 parlors; that should be orphanages but it's subject to the same standards of 26-152(D)
22 (21). This, here's the area. As I stated the structure seems to be located in the center
23 of the parcel. As you can see there are a lot of large tracts. It looks like some

1 agricultural use in the area but if you go down there seems to be a community of homes
2 on Sunny Acres Drive. A picture of the structure. As you can see it's in a rural area just
3 outside, it's in the Eastover. Another view. This is a view from Hickory Hill Road. And
4 then more into the site you can see there's ample room within the area. And this is the
5 rear of the property.

6 CHAIRWOMAN PERKINS: Thank you very much, Mr. Price. Andrew Jones,
7 come to the podium, state your name and address and tell the Board what it is you'd
8 like to do.

9 **TESTIMONY OF ANDREW JONES:**

10 MR. JONES: My name is Andrew Jones. Address 814 Motley Road. The
11 address of the children's home 1333 Hickory Hill Road and I'm here to ask for a special
12 exception for a children's home. Our church is Daughter of Zion Church in Eastover,
13 South Carolina and we have formed a partnership with the Department of Social
14 Services. My wife and I we do foster care in our home and we've been doing that for
15 the past five or six years and since being with DSS we have had some pretty good
16 success with the children that have come into our home, particularly older boys 12, 13,
17 14, 15 years old. As a matter of fact about two months they asked us to increase our
18 license up to an occupancy of five because of the fact of some of the challenges that
19 they'd been having with some of the teenage boys. This property became available
20 approximately about eight or nine months ago. We really believe that it will help to
21 alleviate some of the problems that have been taking place in the foster care system
22 with the teenagers. My wife she works with girls and we have a very strong youth
23 ministry at the church and we also wanted to be able to make a very positive impact in

1 the Eastover/Hickory Hill/Lower Richland community. As a matter of fact we've already
2 been doing some community services there and we're just really looking forward to be
3 able to go into the community so that we can help to change some attitudes about
4 [inaudible]. [Inaudible] for a meeting back on June 20th. We were originally to have a
5 Board hearing on July 2nd but that hearing was rescheduled to today. And at the
6 community meeting we had some residents there I believe you have a copy of that in
7 the booklet that I gave you. The residents that came they signed the roster but that
8 roster that was signed that was just for us to know who was in attendance. There were
9 a couple of people at the meeting who had some concerns and I voiced what we were
10 going to be able to do so that we could, you know, help to ease some of the concerns
11 that they had, particularly with the boys. We did get a letter of opposition and – but the
12 people who were at the meeting once my wife and I who hosted the meeting, once we
13 dealt with some of the questions that they had we did not really perceive anybody to be
14 in opposition to it. They toured the home and there was some political leaders there,
15 Chief Ford, Councilman-elect Calvin Washington, Norman Jackson who is also a
16 Councilman he was there and a couple of other leaders in the community. And they
17 said whatever they could do to help us and to support us that they would do that. And
18 so once again we're here today to seek to get a special exception for this children's
19 home.

20 CHAIRWOMAN PERKINS: I'd like to ask you a question, Mr. Jones.

21 MR. JONES: Yes, ma'am.

22 CHAIRWOMAN PERKINS: Just for curiosity is it going to be a co-ed dorm or is it
23 boys and girls or is it just going to be girls?

1 MR. JONES: Well, right now because of the need we've talked to some of the
2 officials at DSS, Mr. Alvin Carter, who's the director, and Mrs. Virginia Peterkin who is
3 one of the supervisors. Right now they're saying that they really want to be able to have
4 a place for the boys and so that would be the focus right now, the boys.

5 CHAIRWOMAN PERKINS: And this is point, you, we've got orphanage so it's
6 going to be a 24-hour operation?

7 MR. JONES: Yes, ma'am. We're going to operate it just like we do the foster
8 home that we're operating in our home right now. It's going to be 24/7 operation.

9 CHAIRMAN PERKINS: So you are going to hire staff?

10 MR. JONES: Yes, ma'am. I'm a pastor of the church and the church has taken
11 on the vision. As a matter of fact the church purchased the property and so we're doing
12 this as a ministry.

13 CHAIRWOMAN PERKINS: I understand that.

14 MR. JONES: Yes, ma'am.

15 CHAIRWOMAN PERKINS: I want to know if you're operating a foster care in
16 your home and the church – are you the pastor of the church?

17 MR. JONES: Yes, ma'am. We're going to take the boys that we have in our
18 home once we get this home going we're going to take the boys out of our home and
19 put them into this children's home.

20 CHAIRWOMAN PERKINS: And you and your wife are going to manage this
21 children's home?

22 MR. JONES: Along with other assistants, yes, ma'am.

1 CHAIRWOMAN PERKINS: Okay. So you don't know how many boys you're
2 going to have?

3 MR. JONES: Well, the occupancy, we could have one boy or one child per 50
4 square feet. At first we looked at having from 12 to 15, however, we decided because
5 some of the rooms are fairly small, we decided to go with 10, seven to 10 boys. We're
6 going to start off small and of course as we go along well we'll but we plan on maxing
7 out at 10.

8 CHAIRWOMAN PERKINS: Any other questions?

9 MS. PERRINE: So there's going to be someone in the – an adult?

10 MR. JONES: Oh, yes, ma'am. Yes, ma'am. Most definitely, 24/7. Constant
11 supervision. As a matter of fact in the meeting that we had some of the residents had a
12 concern about the boys and, you know, their accessibility to the community. We're
13 going to operate the same way that we do at our home. None of the boys go anywhere
14 unsupervised. We have vans at the church and we do plan on being actively involved in
15 the activities at Eastover Park which is located about a mile from where the home is
16 located. So anytime that we move we're going to move as a unit. They will be, have
17 supervision. My son he works with Babcock Center; he's a director. He will be helping
18 us out as well. I have some men at the church who help me out with my boys' ministry
19 there. They're going to be working so we're going to have adequate supervision and
20 staff to be sure that, you know, that anytime that we move out we move as a unit and,
21 you know, I have a couple of my boys who are already participating in the basketball
22 league there and so they're going to always be under supervision. We also plan on
23 having a gated system, security gate with cameras and, you know, things of that nature

1 because we wanted to be able to be sure that even though we're in a place where, you
2 know, there's a lot of space we still want to be sure that, you know, that the neighbors
3 feel safe and so we're going to have a gated, security system.

4 MR. MCDUFFIE: Mr. Jones, you mentioned that you'll be utilizing vans I guess
5 that either will belong to the orphanage or belong to the church -

6 MR. JONES: Church.

7 MR. MCDUFFIE: - for transporting the children to and from activities or to and
8 from wherever?

9 MR. JONES: Wherever they have to go, yes, sir.

10 MR. MCDUFFIE: Okay. Do you anticipate generating a significant amount of
11 other traffic, you know, with the employees or with people coming?

12 MR. JONES: No, sir.

13 MR. MCDUFFIE: Okay. And the children will be what ages?

14 MR. JONES: Well, it just depends right now on what the need is because that
15 was the partnership commitment that we had; whatever the need is. Right now most of
16 the boys that they're looking at is between the ages of 12 to 15.

17 MR. MCDUFFIE: And they would get to school the same way with the vans or
18 would they ride the -

19 MR. JONES: No, sir. Whenever – presently with the boys in our home they
20 attend the public school system and they get on the school bus and we do have a long
21 driveway so that they would not have to be put off at the street. The bus would be able
22 to come up right to the house because there's a circular driveway where they can just
23 come and, you know, come right out.

1 MR. MCDUFFIE: The bus would do that?

2 MR. JONES: Yes, sir.

3 MR. MCDUFFIE: Yes, sir. Yes, sir.

4 CHAIRWOMAN PERKINS: [Inaudible] have arranged with the school district?

5 MR. JONES: No, ma'am. We haven't. We wanted to get through this phase first
6 but with the circular driveway they would because they wouldn't have to back up.

7 CHAIRWOMAN PERKINS: I understand that but what I, what he was asking you
8 is that a regular stop for the school bus and if not -

9 MR. JONES: Well, if not then we would have to use the vans. But I believe that,
10 you know, once we get, I haven't talked to them about that yet because like I said this is
11 our first stop but we will talk with them and with the amount of children that we have I
12 really don't see why they wouldn't stop there. Because at our home when we did begin
13 to get children that were in middle school and high school they did make a stop for us.

14 MR. MCDUFFIE: I simply had some concerns about, you know, the children
15 waiting out there by the road, you know, in the morning or dropped off in the afternoon.

16 MR. JONES: Well if it does happen that, I don't see why they wouldn't but like I
17 said we would, you know, be at the school to pick them up but with the circular driveway
18 where they don't have to back up they could just come up, drop them off right at the
19 door and continue on out.

20 MR. MCDUFFIE: Okay.

21 MR. PRICE: Yeah. Kind of interject. I believe, you know, some of your
22 concerns could be if the kids are left, being dropped off or picked up along Hickory Hill
23 Road that they could have someone out there to either, you know, wait for them to leave

1 and then meet them when they come back from home so that may help alleviate some
2 of your concerns.

3 CHAIRWOMAN PERKINS: Would you be willing to, did you hear Mr. Price's
4 suggestion?

5 MR. JONES: Yes, ma'am.

6 CHAIRWOMAN PERKINS: Okay. So you would be willing to have a staff
7 member -

8 MR. JONES: Ma'am, one of my major concerns is the safety of these children
9 and so like I said none of them move without supervision.

10 CHAIRWOMAN PERKINS: Okay.

11 MR. JONES: That's my major concern. Well, one of my major concerns.

12 CHAIRWOMAN PERKINS: What is the potential impact of noise, lights, fumes?

13 MR. JONES: Well, with the distance that we are away from the other homes I
14 really don't perceive any problem with that. We have a very structured program with the
15 children of course. With the amount of land that we have we do plan on having a
16 basketball court, football field. We plan on putting a track out there. We also have on
17 the side of the house, we plan on having a slab where we're going to do free car
18 washes, free oil changes and so as far as noise is concerned, once again we're trying to
19 teach these children how to be responsible. We're trying to teach them life skills. We're
20 really trying to, you know, we're trying to save a generation. You know, these foster
21 children I believe that they need just as much of a chance to make it as anybody else
22 that's in a family. And of course they have some issues that they're working through but

1 my wife and I have found when you love them, when you give them the responsibility,
2 you teach them and train them they can be just as successful as anybody else.

3 CHAIRWOMAN PERKINS: You are aware that parking of vehicles cannot be in
4 the front yard? It has to be in the backyard.

5 MR. JONES: Well, whatever concessions that we have to make because, you
6 know, the only vehicles that would be there if we had to keep the vans at the church we
7 would do that. I'm sure that with the amount of land that we have I guess I could come
8 back again and see if we could get another –

9 CHAIRWOMAN PERKINS: That's part of the code for this. You have parking –

10 MR. JONES: So we could have it in the back? Okay. Well, we have enough
11 room to do it in the back.

12 CHAIRWOMAN PERKINS: And you aren't going to do, the house is going to
13 remain as it is? There's not going to be any improvement, there's no need for
14 improvements?

15 MR. JONES: Yes, ma'am. We're going to have to put in an indoor sprinkler
16 system.

17 CHAIRWOMAN PERKINS: But it's not going to change the square footage?

18 MR. JONES: Oh, no, ma'am. No, ma'am. We're not going to change that but
19 we do have to put in an indoor sprinkler system to come up to what the fire prevention
20 code requires.

21 CHAIRWOMAN PERKINS: Mr. Price, this is a question for you if you can help
22 me. The car washing events that he spoke about, I'm not sure about that even though
23 it's free and, you know, when we're talking about pedestrian safety.

1 MR. PRICE: Right. Yeah. That kind of caught me too. And I think that may be
2 something that we'll look at. Right now I think what you have before you is can the
3 orphanage go there. As far as the car wash I think that's something that the pastor and
4 I will talk about. And if it's determined by Staff that we'll have, you know, a little more of
5 an impact we will bring that back to you or we'll just tell them that it's, you know, not
6 allowed. We'll find out how that needs to go there. Another thing, just to point out
7 something also. That this would require a site plan review because they will need to
8 provide the designated parking areas, [inaudible] potential screening from the abutting
9 property owners also. So there will be more or a review other than what the Board has
10 right now.

11 CHAIRWOMAN PERKINS: Okay. Thank you very much. I'm sorry, Mr. Jones.
12 Are there any other questions from Board? Okay. Thank you very much, Mr. Jones.

13 MR. JONES: Can I say one more thing? Just one more. I, I really want it to be
14 known that we really want to be able to be of service to the community, you know, with
15 coming in but at the same time I really have a desire for the community to be able to
16 accept the boys because, you know, so often youth are looked at as a liability but I
17 believe that they can be an asset to the community. And so like I said we've already
18 made some impact already and we do have some of the support of the political leaders
19 there. Thank you.

20 CHAIRWOMAN PERKINS: Thank you very much. There are quite a number of
21 people signed up for this. Can I ask is there a spokesperson who would like to come
22 down to the podium and speak on behalf of the orphanage, or if not if all of you would
23 like to come down and line up at the podium and make your presentation. I think the

1 first person is Keith Williams? Leonard Mack? Bevins(?) Jr.? Thomas Stevens?
2 Christina Clark? Denise Jones? If all of you would just come down and line up and
3 please each one of you do not repeat yourself. Do not repeat what the first person has
4 said in order to expedite this process. So would you state your name and address for
5 the Record?

6 **TESTIMONY OF KEITH WILLIAMS:**

7 MR. WILLIAMS: My name is Keith Williams, 1115 Old McGraw(?) Road,
8 Eastover, South Carolina. And I'm here in support of the special exception because I
9 believe that most of all this is going to be a home, a home that is much needed for the
10 foster care system and I've seen what Daughter of Zion Church can do for the children.
11 Last week they had a sleep in camp for 44 boys. The boys got excellent training. They
12 had excellent food. They had trips, field trips and even though there were a couple of
13 minor discipline problems they were handled well by the staff, and I believe that this will
14 carry over to this children's home in Eastover. And I just hope that the Board approves
15 this measure and I know that it will be welcomed and the boys will return back to the
16 community when they finish at this house as a much better person and it will save the
17 county and the state money and time. Thank you.

18 CHAIRWOMAN PERKINS: Thank you very much. Next person. Just state your
19 name and address for the Record.

20 **TESTIMONY OF LEONARD MACK:**

21 MR. MACK: Good afternoon. Leonard Mack, 111 Robert James Road,
22 Eastover, South Carolina. I'm here in support of this and I just want to briefly say that I
23 do work with the boys at the church and as they said, last week we had the camp. I had

1 the opportunity to go out in the Eastover community to work with them to cut some
2 grass and do some yard work with them. So this is a much needed program and these
3 boys are, they worked and this is a part of it and so I'm here just to support this.

4 CHAIRWOMAN PERKINS: Thank you very much.

5 MR. MACK: You're welcome.

6 MR. MCDUFFIE: Quick question?

7 CHAIRWOMAN PERKINS: Yes.

8 MR. MCDUFFIE: Quick question, Mr. Mack?

9 MR. MACK: Yes.

10 MR. MCDUFFIE: You mention that you do, that you work with the church.

11 MR. MACK: Yes.

12 MR. MCDUFFIE: Could you tell me where the church is located in relation to
13 this?

14 MR. MACK: Excuse me?

15 MR. MCDUFFIE: Tell me where the church is located.

16 MR. MACK: 2100 McCord's Ferry Road.

17 MR. MCDUFFIE: Okay.

18 CHAIRWOMAN PERKINS: Any other questions?

19 MS. CECERE: Is that near the proposed orphanage?

20 MR. MACK: No. It's approximately eight miles, eight to 10 miles from the
21 church.

22 MS. CECERE: Thank you.

23 MR. MACK: You're welcome.

1 MR. CECERE: Mr. Price, could you go to the next slide?

2 CHAIRWOMAN PERKINS: Do you want to state your name?

3 **TESTIMONY OF DARNELL GUINYARD:**

4 MR. GUINYARD: My name is Darnell Guinyard, 814 Motley Road, Hopkins,
5 South Carolina 29061. So basically what we learn in the home is he teaches us very
6 well and he's training up Godly men, and basically we're learning skills of life and not to
7 be scared and be like the [inaudible] David, to slay giants and to be good husbands,
8 good men and men of God basically. And that's what we learn in the home and
9 everything he said basically was true and that whatever he say that he's going to do and
10 that basically he do what he do what he going to say so that's it.

11 CHAIRWOMAN PERKINS: Do you have any questions for Mr. – thank you very
12 much, Mr. Guinyard.

13 **TESTIMONY OF CHRISTINA CLARK:**

14 MS. CLARK: My name is Christina Clark. I also live at 814 Motley Road,
15 Hopkins, South Carolina 29061. Basically, you know, I'm here to help out, you know,
16 my uncle who's also my pastor. You know, everything that, you know, he has said is
17 also true and, you know, when we got this refuge of love home it was really a blessing
18 for us because, you know, people that don't have a home, you know, they're always
19 welcome here and, you know, the refuge of love can feel like their home and, you know,
20 for me, you know, my childhood and stuff like that, you know, I always, you know,
21 wanted to feel that kind of home that, you know, that I've had but, you know, a child that
22 always wanted. And you know, with the camping stuff and, you know, the men they
23 always want, you know, men to be what, you know, what God called them to be and,

1 you know, the purpose and stuff like that and, you know, I really think it's going to be a
2 blessing for us to have this home because, you know, it can open up a lot of doors for
3 people and, you know, it can make a difference and, you know, I really believe that, you
4 know, God can make a way, you know, through all of us and that's it.

5 CHAIRWOMAN PERKINS: Okay. Thank you. Are there any questions? Thank
6 you very much. There is a Denise Jones and a Stanley Sampson I think. Did you want
7 to – okay, okay, okay. We do have someone signed up in opposition. And I think this is
8 Sharon Fuller. Would you come to the podium, state your name and address for the
9 Record, please.

10 **TESTIMONY OF SHARON FULLER:**

11 MS. FULLER: Good afternoon. My name is Sharon Fuller. I live at 307 Dave
12 White Road, that's Eastover, South Carolina. I'm approximately a quarter of a mile
13 away from this home and this has been family property where I am. As I stated it's
14 Dave White Road and my family actually owns over 30 acres of land in this area. I
15 stand here today with a petition with 22 other people who are opposed of this home
16 coming into our area. We have the elderly. It is basically just residential. We do not
17 have room for such a home in our area because it does not service our area. We have
18 the elderly and there's just problems with teenagers. We have problems with our own
19 teenagers and to take on 12 to 15 others, yes, you have discipline problems and
20 everything else and I don't think that it would be a great service to our area at all. We
21 take care of our own, we farm our own land, as I did tell Pastor Jones, and we just want
22 to remain a private sector without having businesses coming into our area and not only
23 that it will depreciate our land. Because I don't think that someone would come in and

1 say, well okay yes I do want to live next to this orphanage. That's not a great service for
2 us and like I said it's going to impact us very bad. So basically that's why I'm opposed
3 to it and I do have the petition here with the names of the others if I can just turn it in. I
4 would appreciate it that you take the time and look at it and that's basically all that I
5 have to say.

6 CHAIRWOMAN PERKINS: Are there any questions for -

7 MS. CECERE: Yes. Ms. Fuller, do you have problems with the home that exists
8 now with the foster care home?

9 MS. FULLER: This home that Pastor Jones has now at Daughters of Zion,
10 actually Daughter of Zion is over 10 miles away from our home. This was a private
11 residence and unfortunately the man lost his home and then Daughters of Zion
12 purchased it.

13 MS. CECERE: I realize that but Mr. Jones operates it now as –

14 MS. FULLER: No, ma'am. That home is vacant right now. They have not
15 moved into this home as of yet.

16 CHAIRWOMAN PERKINS: I think he said he operates out of his personal
17 house.

18 MS. CECERE: Thank you.

19 MR. MCDUFFIE: Ma'am, how close to your residence to the proposed
20 orphanage?

21 MS. FULLER: About a quarter of a mile. And on top of that the school bus only
22 makes two stops on Hickory Hill. Even the children from Dave White Road has to walk

1 up to Hickory Hill and so no, they're not going to make an exception to go into his yard
2 and drop his children off. They do not make that exception for anyone else.

3 MS. CECERE: How many children do they pick up from Hickory Road?

4 MS. FULLER: It's over 10.

5 MS. CECERE: May we see the petition?

6 CHAIRWOMAN PERKINS: What would you say would be, we have a, in our
7 finding of facts as to whether or not how we're going to judge this case, we have a
8 criteria? What would you say would be, you said traffic impact there would be none
9 because I guess this is an orphanage and the children would be staying there.

10 MS. FULLER: He's basically more than 20' away from the road. And so then
11 now from the way that the traffic would run, yes, it would put a lot more traffic on Hickory
12 Hill Road which I don't actually see that as a major problem. It would, you know, just
13 during their school hours.

14 CHAIRWOMAN PERKINS: How would that, tell me how that would be a major
15 impact during school hours if they're going to utilize a van? I'm asking because that
16 was his testimony that if he had to, if the bus would not because I specifically asked him
17 if the bus would not make that u-turn onto his property, he said he would use the church
18 van to pick up the kids and so I want to know how that van, that one van would be traffic
19 impact on that road.

20 MS. FULLER: Well, then no, in that manner then no the one van wouldn't be an
21 impact on traffic in that area. The school bus is no problem, you know, like because
22 traffic, it's only a two-way street. Traffic cannot go in either direction when the school
23 bus is stopped. And so then yes, now after we wait for the children to get off then we

1 have to wait for all of his children to load up on his van and for him to make his turn
2 around to get back to his home.

3 CHAIRWOMAN PERKINS: Okay.

4 MS. FULLER: Am I actually answering what it is that you want?

5 CHAIRWOMAN PERKINS: No. Because I think that would be, that doesn't say
6 traffic impact to me. I mean, it's, that is, that is something we all have to do because
7 that is the law.

8 MS. FULLER: Yes.

9 CHAIRWOMAN PERKINS: Okay. So, other members of the Board would you
10 like to -

11 MR. COOKE: Yes. You said something about the depreciation of the property. I
12 just want you to speak a little more and maybe if you had any type of data to support
13 those -

14 MS. FULLER: I would say that if I was getting ready to purchase some property I
15 wouldn't directly go out to purchase a piece of land next to Babcock Center because
16 that's not where I choose to live. If I wanted to sell my land I don't think that someone
17 coming in that's older than myself would actually pay a prime price for my property
18 knowing that you have an establishment with troubled teenagers. You do not know the
19 background of these teenagers. Unfortunately, the orphanage would not be allowed to
20 relinquish that information or anything and so we don't know what's actually going to
21 come into our neighborhood.

22 MR. COOKE: I mean, I'm not a home appraiser. I mean, I'm not in no form or
23 fashion.

1 MS. FULLER: Right. I understand that.

2 MR. COOKE: In no way and no shape and I know that a lot of times appraisers
3 look at different things.

4 MS. FULLER: Yes. That's true.

5 MR. COOKE: You have to have some type of supporting evidence, I mean, for
6 them to come into, be in the premises and be in that area how that would effect your
7 area as far as property value is concerned. Do you understand what I'm saying?

8 MS. FULLER: Yes.

9 MR. COOKE: I mean, saying that and you said yourself you personally wouldn't
10 want to move there but –

11 MS. FULLER: True.

12 MR. COOKE: - as far as an appraiser I don't think it's going to effect your
13 property whatsoever. I mean, having a pool doesn't even effect how your house is
14 appraised so I'm pretty sure that that's a -

15 MS. FULLER: You get more money for a house with a pool than without.

16 MR. COOKE: Okay.

17 MR. MCDUFFIE: I certainly understand the potential for an adverse impact to
18 the surrounding environs from having, you know, any sort of a group home or facility, an
19 institutional type facility in the area given the potential noise impacts and things like that.

20 MS. FULLER: Yes.

21 MR. MCDUFFIE: You know, [inaudible].

22 CHAIRWOMAN PERKINS: I have a problem with understanding the adverse
23 impact and the noise and help me understand because you're a quarter of a mile down

1 the road and as I understand it there is four acres that this property is located on about
2 4.8, I mean, eight hundredths of an acre.

3 MS. FULLER: And there are houses all around him.

4 CHAIRWOMAN PERKINS: You liken it – hold it. You liken it into a Babcock
5 Center. I'm not that familiar with the Babcock Center but I think that I did ask Mr. Jones
6 was there going to be any building or change in square footage on that property and he
7 said no. So, and it sits in the middle of those four acres as I understand it so in
8 proximity to your property tell me how the adverse impact of guys playing basketball,
9 and I understand that there's got to be a site review plan where there has to be a buffer
10 and a buffer is trees, shrubbery which cuts down on the noise. So tell me, explain to me
11 how that is an adverse impact on the noise with you being a quarter mile down the road
12 and this is on four acres and the pictures that he showed us it would seem to be very
13 heavily wooded even on one of the streets. Turn back to that picture Mr. Price, I think
14 where you showed the house behind the trees. Yeah. Right there. So tell me how?

15 MS. FULLER: All behind him is completely clear which is where he did have the
16 meeting at but now on the – if you're looking at the house and you go to the left of that
17 there are trailers back there as well.

18 CHAIRWOMAN PERKINS: How far?

19 MS. FULLER: Excuse me?

20 CHAIRWOMAN PERKINS: I'm sorry.

21 MS. FULLER: Okay. If you're looking there, see there are trailers back there.
22 That's someone else, there's about four or five trailers back there and as you go down
23 Hickory Hill Road there's maybe about one-third of a mile would that be, that there are

1 two other houses that's there on that same street and on the same side and Pastor
2 Jones is actually saying that he does plan on putting a tennis court out there, a football
3 field. We have Eastover Park for those things and unfortunately we do have a problem
4 with having policemen down there too. And so, because now Eastover's actually
5 covered by the town police but the area where I'm actually at is actually considered
6 Hickory Hill and Richland County covers us. So now even if we have a problem and if
7 it's a problem with his children or anything that's going on within that space there, we
8 have to wait for Richland County to respond to us which is not right there in the area.
9 We don't have good access to getting help on the pin. And so I just don't see how it's
10 going to help. It's not even creating any jobs or anything. He's bringing in all of his own
11 people. And once you get your foot into the door going from one thing to the next to the
12 next, I just see it becoming a major problem.

13 MS. CECERE: Ms. Fuller, can you show me on this map where your house is
14 or? Thank you, Mr. Price.

15 MS. FULLER: Can my husband assist me please because I'm not good with
16 maps.

17 MS. CECERE: Ms. Fuller, Mr. Price is going to show me.

18 MR. PRICE: What's your address?

19 MS. FULLER: 307 Dave White Road.

20 MS. CECERE: Ms. Fuller, which substation by the Sheriff's Department are you,
21 do you come under?

22 MS. FULLER: Richland County.

23 MS. CECERE: It's divided into zones.

1 MS. FULLER: Yes.

2 MR. PRICE: Lower Richland High School.

3 MS. CECERE: Lower Richland High School?

4 MS. FULLER: Yes.

5 MS. CECERE: And how far from that is your property?

6 AUDIENCE MEMBER: About 15 miles.

7 CHAIRWOMAN PERKINS: Fifteen miles. You can repeat what he's saying.

8 MS. FULLER: Fifteen miles, I'm sorry.

9 MR. PRICE: Do you have a long piece?

10 MS. FULLER: Excuse me?

11 MR. PRICE: Your property goes pretty deep?

12 MS. FULLER: Yes.

13 MR. PRICE: I think this is it.

14 MS. FULLER: We consume over 30 acres.

15 MR. COOKE: That's it right there?

16 CHAIRWOMAN PERKINS: Would you, according to this petition it has 15
17 teenage boys, would you feel more comfortable if he reduced the number or is it just the
18 idea of having an orphanage in the area?

19 MS. FULLER: Actually it's yes to both. Because I would feel better if he's
20 coming into the neighborhood regardless of what we do that the number is reduced.
21 But if it's possible of holding that out then yes.

22 MR. COOKE: It says here a maximum of nine. He wants nine not 15, the
23 maximum of nine children.

1 MR. PRICE: I think I stated that from some of the information I previously had
2 but I talked to DSS and I think they said the maximum is 15 that they could have out
3 there.

4 MR. MCDUFFIE: But we could safeguard it by limiting to a specific amount if we
5 chose to?

6 MR. PRICE: Safeguarding, yes. If you do reduce that number you'd probably
7 need to be prepared to explain why [inaudible], that number.

8 MR. MCDUFFIE: So the amount applied for is in fact 15? The maximum by
9 DSS standard is in fact 15?

10 MR. PRICE: From the person I spoke to at DSS, 15, yes. But I believe the
11 applicant stated he was looking to between seven and 10.

12 CHAIRWOMEN PERKINS: Are there any other questions? I'm sorry, Ms. Fuller.

13 MS. FULLER: No problem.

14 CHAIRWOMAN PERKINS: Did you get your -

15 MS. PERRINE: Did you find her home on there yet?

16 CHAIRWOMAN PERKINS: [Inaudible] okay, we were waiting to find your home.

17 MR. PRICE: Which one would be yours?

18 MS. FULLER: Excuse me?

19 MR. PRICE: This is Dave White. Do you know which one would be your parcel?

20 CHAIRWOMAN PERKINS: Perhaps her husband could come and point. Would
21 you like to come to the -

22 MR. PRICE: Madam Chair, I mean, even looking here -

23 MS. FULLER: Second parcel.

1 MR. PRICE: Here?

2 MS. FULLER: No. Come down. There.

3 MR. PRICE: Right here?

4 MS. FULLER: Yes. And [inaudible] to the side of me.

5 CHAIRWOMAN PERKINS: Ms. Cecere.

6 MS. CECERE: Where's the orphanage compared to that, the proposed
7 orphanage?

8 MR. PRICE: Her home is here, the orphanage is down in this area. The
9 orphanage is about right here, one of these lots, and this will be the location of the
10 home.

11 MS. CECERE: I have one more question or Ms. Fuller. Ms. Fuller. Did anyone,
12 you pointed out the trailers behind the property of the proposed orphanage and did you
13 get any of those people to sign your petition?

14 MS. FULLER: They did plan on signing and I only can go on a plan on is
15 because unfortunately I have Lupus and the last couple of days has been very hard for
16 me as far as the arthritis is concerned just as I'm shifting quite a bit now to stand here.
17 So I was not able to go out and get the rest of the petitions but I do not have a problem
18 with getting in touch with the rest of the neighborhood, which they were aware of this.

19 MS. CECERE: To your knowledge were any of those people at the proposed
20 meeting?

21 MS. FULLER: Yes, they were at the proposed meeting just as we did sign a – if
22 you read the first page on my letter we did sign an attendance and basically it was an
23 attendance to see what was going on in the neighborhood and that attendance seemed

1 like it has been used against us as if - because I did receive a thank you letter stating
2 that well we thank you for welcoming us to the community. We were not welcoming
3 them to the community, we were trying to find out what they were doing in the
4 community. And unfortunately because of the time of the day I stand here alone.

5 MS. PERRINE: Could I ask your husband if he can come and look at this list and
6 see if there's some of these people that were at the meeting who were opposed?

7 MS. FULLER: He wasn't at the meeting but yes, I can tell you.

8 MS. PERRINE: It's two pages.

9 CHAIRWOMAN PERKINS: I'm thinking that in that it said that, I think in his
10 presentation in all fairness to Mr. Jones he said they just had a meeting to discuss it. I
11 think that was [inaudible].

12 MR. MCDUFFIE: He said that some of them were for and some of them were
13 against.

14 MS. FULLER: Do you want me to mark on this page?

15 CHAIRWOMAN PERKINS: No. Just talk real fast for us, please.

16 MS. FULLER: Okay. I have Ulysses and Diane, Pernita(?) Pringle, Reverend
17 Pearson, that would be Richard, Vera, and Tuesday.

18 CHAIRWOMAN PERKINS: And they all live in the trailer? I think -

19 MS. FULLER: No, those aren't right there in the trailer, they're -

20 CHAIRWOMAN PERKINS: Okay. Those were the specific questions that you
21 were asked. That trailer -

22 MS. FULLER: In the trailer park.

23 CHAIRWOMAN PERKINS: Those that live there are they on that list?

1 MS. FULLER: Yes. Rowina Matthews and Patricia Finch. I think there were
2 other people here. Those were the two trailers.

3 CHAIRWOMAN PERKINS: Okay. Okay. Thank you. Are there any other
4 questions? Thank you very much, Ms. Fuller.

5 MS. FULLER: Thank you.

6 [Inaudible discussion]

7 CHAIRWOMAN PERKINS: Thank you very much, Ms. Fuller. Mr. Jones, you
8 can come back for rebuttal. I honestly did not hear. Stephanie, would you please call it
9 to my attention.

10 MS. PERRINE: But she said she doesn't time when we're asking questions.

11 CHAIRWOMAN PERKINS: Okay.

12 MS. SWORD: The timer stops when you all start asking questions.

13 MR. JONES: And as far as, ma'am, to, about us bringing our own people in, I
14 have said in my previous presentation that we are seeking to work with the community
15 as a whole. Like I said, Chief Ford, Councilman Washington, Councilman Jackson, and
16 Mayor Faber, I've spoken to him. He was not at the meeting. He couldn't attend. But
17 they have all voiced support of what we're trying to do. I've also talked with Mr.
18 Tarvey(?) Lewis at the Eastover Park. He's director of the Eastover Recreation Park.
19 We're wanting to work together with him. I have a young man from the church who's
20 talking with him now about expanding some of the recreation programs that are taking
21 place in Eastover. I also plan on talking with Mr. Lewis because they're having a
22 difficult time getting some of the kids to participate in the leagues. And I haven't talked
23 with him as yet but I do plan on talking with him that we might be able to use our church

1 vans to go and pick the children up of course with their parents' consent to get the
2 children to the park. And so this is by no means anything that we're seeking to try to do
3 by ourselves. We want to work in union and combine forces with the community. In
4 response to the police not being able to respond in time, I would love to have a
5 neighborhood meeting and in this neighborhood meeting I don't know whether they
6 have a neighborhood watch or not but I do have men at my church and of course I
7 believe that we'd be able to get other men in the community and if we needed to do a
8 neighborhood watch we would be willing to do that. Of course I know that that would
9 have to come in a meeting but I would be willing to do that. One of the strengths of our
10 church is that we do have some young men just like Darnell said we're really trying to
11 train them to be men of responsibility and, you know, with the camp, having the camp
12 for the last four years, having some of the boys that have been in the camp when they
13 were younger; 14, 15 years old, now they're 16, 17, 18 years old we're trying them for
14 leadership and so once again this is another thing that we believe that we could do to
15 help the community to have these boys and the men as far as the neighborhood watch
16 is concerned to have them to assume some responsibility. We understand about the
17 situation with the police and we would be willing to do that. As far as the elderly are
18 concerned like I said we are going to offer free community service. If any of the elderly
19 people need to have their yards cut, if they need to have minor repairs of their home
20 we're willing to do that free of charge. I have some men at the church that are very
21 skilled in craftsmanship. Some of them have their own landscaping business. And so
22 we would not have these boys doing things in which they're unskilled or unsupervised.
23 Our church is called to this community. We want to help the community. She said

1 something about some of the members being in opposition who were at the meeting.
2 As I said Ms. Fuller was one and there was maybe about one or two other people who
3 had some concerns. At the end of the meeting I never did ask anybody who was for or
4 against. I didn't do that. I just mainly cast a vision of what we were going to do with the
5 home. I did need to share with them about some of the things that we have planned to
6 do with the community because I was just seeking to cast a vision and let them know
7 that we were new to the community and this was the plan that we had for the refuge of
8 love to be a children's home. But once again as I talked with Councilman Jackson,
9 Councilman-elect Washington, Chief Ford, they even told me that they have a
10 mentoring program. They have some classes that they're going to be offering at South
11 Carolina Community Bank as far as teaching the kids about finances and things like
12 that. They want us to get involved with that. I told them, you know, that we would love
13 to do that. We want to bring some of them in as well to do some talking to the children
14 about careers, some of the things that they do as professional people; not only
15 professional people but non-professional people just to come in and share some of their
16 life experiences with the children. It's all about the community, ma'am. We're there to
17 help out. She did say something about the trailer that's behind us. The home that is
18 behind, the trailers that are behind us and the home that is on the street side, these
19 homes are, I don't know whether you can really tell by that map or not but these homes
20 are a fairly good distance away from us and once again although we will be having a
21 basketball court, football field, we want to use Eastover Park. But there probably will be
22 times when the park is closed and we would still need activities for the children and so

1 this is why we're going to have a basketball court and a football field and the track so
2 that during holidays when the park is closed they can still have things to do.

3 CHAIRWOMAN PERKINS: Okay. That's it. Are there any questions? Come
4 back Mr. Jones. They may have a question. Is there a question?

5 MS. CECERE: Mr. Jones, you're operating a home now but it is foster care;
6 correct?

7 MR. JONES: Yes, ma'am.

8 MS. CECERE: Okay. And where's that located?

9 MR. JONES: That's in my personal home right home. That's on Motley Road in
10 Hopkins.

11 MS. CECERE: Okay. Have you had any problems there?

12 MR. JONE: When children first come, these children are coming from all kinds of
13 diverse backgrounds. You know, these children really suffer from rejection, from not
14 being with their biological parents. There's just a lot of things that I probably couldn't
15 get into right now in regards to some of the challenges that my wife and I have. But just
16 to kind of sum it up we realize with a child coming in dealing with rejection, low self-
17 esteem, things like that, we understand that there's going to be an adjustment period for
18 them. But this is a calling for my wife and I and so we have the patience, we have the
19 fortitude. We've been doing this, you know, this isn't something we just started. We've
20 been doing the foster care for five to six years but we've been working with children for
21 all our lives. I've been working with children for 35 years and so basically just to sum
22 up, it might take some children maybe about I don't know four to six weeks before they
23 adjust and understand that we love them and that they're in a good environment and of

1 course, you know, it's constant training. You know, some of these children from time to
2 time, you know, they have to take medication but after a certain –

3 MS. CECERE: [Inaudible]

4 MR. JONES: Okay.

5 MS. CECERE: Has it impacted your neighbors where you live now?

6 MR. JONES: Oh, no, ma'am. No, ma'am. We have them on a schedule. Even
7 in the summertime, during the summertime now they have a schedule and they get up
8 in the morning, they clean their room, they've got a certain time they can watch
9 television, they do chores. I take them to the church with me and like I said we have a
10 real good youth program and so they're at the church with me a lot. And matter of fact
11 the home that we live in, the residents are much closer than they would be at the refuge
12 of love, much closer. I live in the Motley Road community and so no problem at all.

13 CHAIRWOMAN PERKINS: [Inaudible] can I ask –

14 MS. CECERE: I'm sorry. That's what I was going to –

15 CHAIRWOMAN PERKINS: So it has been contained within your home as
16 opposed to out in the community?

17 MR. JONES: Yes, ma'am.

18 CHAIRWOMAN PERKINS: Okay.

19 MS. CECERE: Because Ms. Fuller expressed that, you know, like if you needed
20 to call the Richland County Sheriff's Department they would be 16 or 18 miles away
21 from your home and you've not had that problem at your present home.

22 MR. JONES: Ma'am, if you want to bring the boys back down.

23 MS. CECERE: No, I'm [inaudible].

1 MR. JONES: I have full control of these boys and when I say control not in a
2 negative way but we discipline them and we train them.

3 MS. CECERE: I just –

4 MR. JONES: We don't have no problems like that.

5 MS. CECERE: I wanted you to tell me that. Okay. Thank you.

6 MR. JONES: Yes, ma'am.

7 MR. MCDUFFIE: I have a couple of quick questions.

8 MR. JONES: Yes, sir.

9 MR. MCDUFFIE: So this home is going to be professionally staffed or staffed
10 24/7.

11 MR. JONES: Yes, sir.

12 MR. MCDUFFIE: And you're not going to be actually living there. You'll maintain
13 your residence in your –

14 MR. JONES: Yes, sir.

15 MR. MCDUFFIE: - home but they'll be –

16 MR. JONES: 24/7 someone will always be there.

17 MR. MCDUFFIE: Will they all be volunteers from the church or do you –

18 MR. JONES: No. Not volunteers, no, sir. My son is a director at Babcock. He's
19 going to come on, [inaudible]. We've got men from the church. There will always be
20 someone in that house.

21 MR. MCDUFFIE: And then my second question is this residence, do you know
22 if it's on a sanitary sewer or if it's on a septic?

1 MR. WILLIAMS: May I speak? It's on a septic tank and well and the sprinkler
2 system that they talked about is going to going to have a [inaudible] tank [inaudible]
3 tank. I think it's going to 2,500 to 4,000 gallon tank with an emergency backup to supply
4 water to the sprinkler system.

5 MR. MCDUFFIE: Thank you.

6 MR. PRICE: They'll be required to provide whatever is [inaudible] necessary
7 [inaudible].

8 CHAIRWOMAN PERKINS: I think he said the site review plan, that's something
9 that – what we've got to stick with is the traffic impact [inaudible].

10 MR. MCDUFFIE: Well I was thinking about adverse impact on the local
11 environment.

12 CHAIRWOMAN PERKINS: Environs, yeah. Oh, okay. Okay. Are there any
13 other questions? Thank you very much.

14 MR. JONES: Yes, ma'am.

15 MS. PERRINE: I have a question. No, for Mr. Price. We've talked about an
16 orphanage but then in their statements they're calling it a children's home and DSS they
17 call it a group home for children. Are they all the same?

18 MR. PRICE: They fall under the same category, yes, ma'am.

19 MS. PERRINE: Okay.

20 MR. MCDUFFIE: They certainly do get broken out into different categories
21 though in the county's Land Development Code though.

22 MR. PRICE: Where are you looking?

1 MR. MCDUFFIE: Well, page 602, 603 and we have group homes for 10 or more,
2 you know, I guess sub-chapter 16 and then [inaudible].

3 MR. PRICE: Typically I'd look at the group homes and that is quite debatable
4 [inaudible] debate we've had but one of things I've found, when we look at the group
5 home that those are typically homes for mentally or physically handicapped individuals
6 as opposed to this type of use.

7 MS. PERRINE: This one DSS says it's, you know, behavior problems.

8 MR. PRICE: That wouldn't necessarily be a physical or mental.

9 CHAIRWOMAN PERKINS: Yeah, but, but, a group home, are you distinguishing
10 between IQ levels as for a mental disability or social behavior? Is that, did I hear you
11 distinguish the homes that way?

12 MR. PRICE: I guess from what you're saying, yes. Because I said typically
13 physical or mental handicap as opposed to, you know, a foster home is what he
14 currently has and it's just a –

15 CHAIRWOMAN PERKINS: But it would be more psycho-social that's what
16 you're saying orphanage?

17 MR. PRICE: Yeah.

18 CHAIRWOMAN PERKINS: Okay.

19 MS. PERRINE: That's what the orphanage would -

20 MR. PRICE: It would fall into that category.

21 CHAIRWOMAN PERKINS: Are there any other questions from the Board for the
22 Staff? If not let's go over the finding of facts. Mr. Sheldon.

23 MR. COOKE: The finding of facts for the –

1 CHAIRWOMAN PERKINS: Special exception.

2 MR. COOKE: - special exception was will traffic be impacted by this proposal? I
3 think we found that no, the traffic will not be effected by this proposal. Will this proposal
4 effect vehicle or pedestrian safety? And I think we said no also to that; is that correct.?

5 MR. MCDUFFIE: I do have some concerns for pedestrian safety and I would,
6 you know, just with the caveat that, you know, obviously these children are going to be,
7 you know, out every day, you know, during the school year standing by the road for
8 some undetermined period of time, you know, waiting for a bus, that type of thing. And
9 given that they're of different ages they might be waiting for, you know, different buses
10 or that type of thing. I would just want, if we move forward with granting a special
11 exception, to ask with the caveat that they be supervised out there, you know, by an
12 adult at all times whether they're inside or out.

13 MR. PRICE: Typically under the criteria for a special exception you're looking at
14 the use, the impact that this use will have on the other properties and the other uses so
15 as far as vehicle or pedestrian safety you're looking at would this be an impact on
16 others not so much on the people there.

17 MR. MCDUFFIE: And we frequently though have looked at I think the safety of
18 the actual people who the use would be operated in benefit of when we're talking about
19 say day cares and residences and things like that.

20 CHAIRWOMAN PERKINS: And I think he did say that the van, I think Mr. Jones
21 himself offered that a van would be there when they went to –

22 MR. MCDUFFIE: School?

1 CHAIRWOMAN PERKINS: - yeah, went to school and pick up. I think he offered
2 that to us.

3 MR. PRICE: Well, if the bus didn't come I believed he offered.

4 CHAIRWOMAN PERKINS: If it would make a U-turn in his yard.

5 MR. PRICE: Well, I mean, the bus is going to come and I believe it was actually
6 stated, the bus is going to come, it's a two-lane road, they're going to put the lights on,
7 they're going to put the stop sign out. He has to come to the edge of the road just like
8 pretty much any other place you go get on the bus. If for some reason the school bus,
9 public school system didn't provide transportation to the school, once again public, he
10 would drive the kids in the van.

11 MR. MCDUFFIE: My concern is not for the bus ride itself or the, you know,
12 getting on or getting off the bus. It's the time, you know, spent waiting there. You know,
13 boys will be boys, you know, horse around next to the road, that kind of thing. I would
14 just ask that they, they would be supervised, you know, in that capacity.

15 CHAIRWOMAN PERKINS: And could be one of the conditions in granting.

16 MR. MCDUFFIE: I believe that's what I was asking for, yes.

17 CHAIRWOMAN PERKINS: Is that what you were saying?

18 MR. MCDUFFIE: Yeah. If we did move forward with this.

19 CHAIRWOMAN PERKINS: Go ahead, Mr. -

20 MR. COOKE: Yeah. I wanted Mr. Price to go to that third picture, that's what we
21 were looking at, and I was thinking along the same lines of this narrow road with these
22 young men getting on and off the bus. And since Ms. Fuller did say there were only two
23 places that the bus come, I mean, I'm pretty sure that's something that he's going to

1 have to take up with the district. But what I was saying I was thinking also as far as
2 safety is concerned these children getting off the bus and having to walk home down
3 this road. If not, I mean, I'm sure he had said he would provide a van but that is a
4 concern that I'm looking at also. Because you think of pedestrian safety, I mean, it's
5 also we're thinking of the boys as pedestrians also there.

6 MR. PRICE: I understand what you're saying and not to really get too much into
7 your discussion but I believe that it was stated by Mr. Jones that someone will be there
8 if they are going to, you know, catch the bus in the morning and also when they come
9 home someone should be there. But, you know, you're talking about their walk down
10 the road this is a rural area, large lots and I believe this one applied to anyone that's
11 living in that area. Once the bus drops you off you will have a nice little walk to get
12 back. More so than those of us that live in, you know, more of your urban areas.

13 MR. COOKE: Okay.

14 CHAIRWOMAN PERKINS: So in conclusion what is the Board's finding of facts
15 for number [inaudible]?

16 MR. MCDUFFIE: I certainly think there is a potential impact on pedestrian safety
17 both for the residents and on say vehicular safety for, you know, people that are passing
18 by. However, I do feel that these could be addressed through, you know, through your
19 conditions placed upon a motion that would be made.

20 MR. COOKE: Okay. Is there a potential impact of noise, lights, fumes,
21 obstruction of air flow on adjoining properties? I think we said at this point no; is that
22 correct? No? Will the proposed use have an adverse impact on the aesthetic character
23 of the environs? This is the question as far as the adverse impact.

1 CHAIRWOMAN PERKINS: What question are you asking?

2 MR. COOKE: I'm asking a question because we've kind of, it's kind of been in
3 the air with the adverse impact.

4 MR. PRICE: I'd also like for you to complete that –

5 MR. COOKE: Okay.

6 MR. PRICE: - that criteria because I think that's very important to what you're,
7 where you're aiming.

8 CHAIRWOMAN PERKINS: What? What?

9 MR. PRICE: [Inaudible] to include the possible need for screening from view.

10 MR. COOKE: Okay, to include possible needs from screen from view. Sorry. It
11 wasn't on my –

12 MR. PRICE: And once again that, when this going before, it's going to go before
13 Staff, there's a site plan is required. It will be reviewed, it will take into account the
14 abutting uses. Just looking here it is going to require a buffer type B buffer and, you
15 know, if you look on the other side there's already some trees there and I believe that
16 the pastor also stated that they were going to fence in, I don't know if they're going to do
17 all four acres but I'm sure they'll do the primary area where kids will be playing so that
18 should help alleviate the noise part.

19 MR. COOKE: Okay. So we'll put that as no; is that correct? All right. Is the
20 orientation and spacing of improvements or building appropriate? And that would be –

21 CHAIRWOMAN PERKINS: And that would come under the site review plan
22 [inaudible].

1 MR. MCDUFFIE: And I think the only potential, you know, change that we could
2 see immediately would be that it's going to need some parking in the rear, not in the
3 front.

4 MR. COOKE: Not in the front?

5 MR. PRICE: And that, once again that falls under the site plan review.

6 MR. COOKE: Right.

7 CHAIRWOMAN PERKINS: And also the, he mentioned several things about,
8 you said that that would the parking in the back, and I heard the basketball court and
9 the football court and I don't know that the mention of those in proximity to spacing.
10 That will come under the site review plan?

11 MR. PRICE: Well, that's something that definitely I'll need to talk to Mr. Jones
12 about. I mean, if you're talking about putting a basketball goal back there and the kids
13 go back and play that's fine.

14 CHAIRWOMAN PERKINS: Okay. I hear him say court so I didn't know.

15 MR. PRICE: And even though they may actually create an area and I guess
16 that's something to look at. You are talking about potentially between seven and 10,
17 you know, young men playing basketball. That's going to be, that's noise no matter
18 where you are. But then, you know, take into account this is four acres. There does
19 seem to be a good bit of separation between adjoining properties plus the fencing.

20 CHAIRWOMAN PERKINS: Well, that's why I was looking at the space size.
21 When he said court to me thinking a full size court in a gym, I mean, I don't know; I'm
22 asking. You're going to put a pad down there and a [inaudible].

1 MR. MCDUFFIE: And we could certainly stipulate, you know, in our conditions
2 we might place, you know, certain quiet hours or something like that that might help as
3 far as some of the neighbors problems maybe. You know, not on Sunday morning or
4 not after a certain hour at night.

5 MR. PRICE: It is our intent to look at these proposed additions to the property
6 and for us to kind of evaluate what kind of impact it will have and it may as I said earlier,
7 it may require us to come back to you.

8 MR. COOKE: Okay. All right. I turn it over to you, Madam Chair.

9 CHAIRWOMAN PERKINS: Well, I'm going to turn it back over to somebody
10 else. Is there a motion? We've gone through the finding of facts for special exception
11 08-48; is there a motion?

12 MR. COOKE: Yes. There is a motion. There's a motion either for or against the
13 – I'm sorry, I'm losing my mind up here. It's a little chilly. I apologize.

14 CHAIRWOMAN PERKINS: No, you're not.

15 MR. COOKE: I make a motion to approve subject to conditions.

16 MR. MCDUFFIE: Which conditions would you like to place on your motion?

17 MR. COOKE: Definitely would be as far as how many, I know stated by DSS as
18 far as how many children are allowed within the dwelling of the orphanage or group
19 home.

20 MR. PRICE: So it'd be a maximum of 15?

21 MR. COOKE: Maximum of 15. Yeah. Definitely that they be supervised on a
22 24-hour basis. And the parking in the back and any other additions that needs to be
23 approved by a site plan.

1 CHAIRWOMAN PERKINS: Okay. We have a motion on the floor to approve
2 special exception 08-48 with the, these conditions: a maximum allowable of 15
3 children, I think that is what you said?

4 MR. COOKE: Yes.

5 CHAIRWOMAN PERKINS: Okay. Supervision, 24-hour supervision.

6 MR. MCDUFFIE: Madam Chair, I'd like to make a substitute motion.

7 CHAIRWOMAN PERKINS: Okay.

8 MR. MCDUFFIE: Okay. I would like to make a motion to approve special
9 exception 08-48 based on the finding of fact with the conditions that the children be
10 supervised at all times when outside the house particularly when waiting for, you know,
11 or returning from the school bus.

12 CHAIRWOMAN PERKINS: Returning?

13 MR. MCDUFFIE: Waiting for or being dropped by the school bus. And subject to
14 for lack of a better term say quiet hours, say, you know, after 8:00 pm at night until say
15 noon on Sunday.

16 MR. PRICE: How do you define quiet hours?

17 CHAIRWOMAN PERKINS: Okay. Subject to quiet hours [inaudible].

18 MR. MCDUFFIE: Just during the week or during the evening, you know, not to
19 be make an excessive amount of noise.

20 MR. COOKE: Mr. Price has a question.

21 CHAIRWOMAN PERKINS: Mr. Price?

22 MR. MCDUFFIE: Is that not something that we can -

1 MR. PRICE: Well, I mean, you kind of left us out there. What do you define as
2 quiet hours?

3 MR. MCDUFFIE: Well, I mean -

4 CHAIRWOMAN PERKINS: Not playing basketball.

5 MR. MCDUFFIE: Not playing basketball, not playing outdoor sports that, you
6 know, would bother a reasonable neighbor, you know, at whatever distance. That's not
7 something we can do?

8 MR. PRICE: Well, I mean, it's so subjective for you to do that, I mean, to list that.

9 CHAIRWOMAN PERKINS: How difficult would that be to enforce?

10 MR. PRICE: I mean, I think it would be quite difficult because, I mean, someone
11 could call in and say they're too noisy. I go out there – I have two kids running around
12 my house all day; that's nothing for me so.

13 MR. MCDUFFIE: You know, certainly residents in a rural area have expectation
14 of, you know, of a rural standard of life and I think you would expect things to be
15 generally at nighttime quieter than you might inside of your house or I might in my
16 downtown neighborhood.

17 MR. PRICE: Right. Well, you know, maybe the pastor can speak on this but
18 heat, mosquitoes, you know, the heat, the mosquitoes I think those kind of keep in on
19 certain times. I don't know what type of lighting he's going to have out there on the
20 facility and that may actually determine what time they will be inside. I mean, if you
21 don't have lights out in the rear, I mean, on this property you get into the Fall, 6:00
22 o'clock is dark. So once again once they submit some plans we will need to look at the

1 lighting that he is going to propose and the other uses and that may help determine on
2 whether he needs to come back.

3 CHAIRWOMAN PERKINS: So would you base your, is based on Staff's review
4 of – what, what is it? I'm sorry. You said you were going to go out and look at -

5 MR. PRICE: Well, I mean, they'll submit some site plans and we'll look at the
6 plans.

7 MR. MCDUFFIE: All right. Well, can I restate my motion then?

8 CHAIRWOMAN PERKINS: Yes, sir.

9 MR. MCDUFFIE: I would like approve 08-48 special exception based on the
10 finding of fact with the conditions that the children be supervised, you know, at all times
11 particularly when outside the house and with special attention paid toward their waiting
12 for the bus or being dropped off from the bus and not to exceed 10 children as I believe
13 was stated by the applicant.

14 CHAIRWOMAN PERKINS: Okay. Are you, let me ask him, are you in
15 agreement with that?

16 MR. COOKE: Yes.

17 CHAIRWOMAN PERKINS: So we've gone from the 15, maximum of 15 to 10
18 children?

19 MR. COOKE: Yes.

20 MR. MCDUFFIE: Oh, and of course with the additional condition that the parking
21 be reviewed by Staff and any vacancy, you know, or any discontinuance of use of this
22 structure or this property for an orphanage as verified by license from social services for

1 a period of one year would result in, you know, an abandonment of the special
2 exception and require re-hearing by Staff, or by the Board of Zoning Appeals.

3 CHAIRWOMAN PERKINS: Okay. There's a motion on the floor to approve
4 special exception 08-48 subject to the following conditions and I want you to try and
5 [inaudible] if I get them wrong. You want a maximum of 10 children in the group home,
6 you want the children to be supervised at all times, special attention given during school
7 hours, parking in the rear of the facility, and that vacancy, discontinuation of the
8 orphanage within a period –

9 MR. MCDUFFIE: For a period of one year.

10 CHAIRWOMAN PERKINS: - yeah, for a period of one year will be subject to our
11 rehearing the case. Is that, did I -

12 MR. COOKE: Yes, ma'am.

13 CHAIRWOMAN PERKINS: Is there a second?

14 MS. CECERE: I second.

15 CHAIRWOMAN PERKINS: Okay. The motion has been made to approve
16 special exception 08-48 properly seconded. All those in favor please have a show of
17 hands.

18 *[Approved: Perkins, McDuffie, Cecere, Cooke; Opposed: Perrine; Absent: Rush,*
19 *Branham]*

20 MR. PRICE: Those in favor: Perkins, McDuffie, Cecere, Cooke.

21 CHAIRWOMAN PERKINS: Those opposed?

22 MR. PRICE: Perrine.

1 CHAIRWOMAN PERKINS: Mr. Jones, you have your special exception and Mr.
2 Price will be in touch. Next case.

3 **CASE NO. 08-49 V:**

4 MR. PRICE: The next item is Case 08-49. The applicant is requesting the Board
5 of Appeals to grant a variance to encroach into the required front yard setbacks on
6 property zoned M-1. The applicant is Craig Waites. I believe he'll be represented by
7 Bobby Fuller. The location is Clemson Road. It's parcel 2-A. The address hasn't been,
8 at least during the time of the agenda being written, I didn't have an address for the
9 location. The subject parcel is vacant. It's a proposed commercial use. I believe I
10 stated it would be a Zaxby's, 2,600 square foot commercial structure. The area is
11 developing which consists primarily of commercial uses. Excuse me, I'm having a little
12 trouble with the mouse. This is, once again I think we've gone through this particular
13 situation before, this type of request where it's a matter of, you know, our code, I'll just
14 go back over what's happened before. Code was, the M-1 zoning district was brought
15 over from the previous code. It's was the only zoning district that was. And one of the
16 additions to that, there were very few, was that parking cannot take place in a required
17 setback, front setback. It, once again it's I believe the Staff's contention that this
18 primarily was intended more for industrial uses. However, the M-1 zoning district does
19 allow for commercial uses so it's just a matter of just trying to get that particular section
20 corrected. Most of the uses that you see that will take place within the yellow
21 boundaries they will all be commercial uses and then across the street will also be a
22 commercial use. This is going down toward the Wal-Mart there are few properties that
23 are coming in to be rezoned also for general commercial so this kind of keeps

1 everybody in line with what is normally allowed with the commercial use as far as the
2 requirements for parking.

3 CHAIRWOMAN PERKINS: [Inaudible]

4 MR. PRICE: Yes, ma'am. There's a plat of the parcel and once again this is the
5 subject – I'm having some trouble with the mouse - but the subject parcel. And inside
6 your packet I believe there's a layout of the drawing where the parking will take place.
7 Forgive me for not having that for your presentation. That would be on page 32. And
8 that'll be it.

9 CHAIRWOMAN PERKINS: Craig Waites? Are you speaking?

10 **TESTIMONY OF ROBERT FULLER:**

11 MR. FULLER: Madam Chairman, my name is Robert Fuller. I'm the attorney for
12 the applicant, Mr. Waites. Mr. Waites is in the room along with the contract purchasers
13 for the property and I will make the presentation for them. As I said my name is Robert
14 Fuller. I'm an attorney here in Columbia, office is at 1728 Main Street. This, what I just
15 handed to you is an item that is attached to the application in this packet. It is a
16 proposed site plan that reflects the layout that is requested for the utilization of the
17 property as a Zaxby's franchise restaurant and it will actually be the layout that I will
18 reference in my comments to you so that's probably the simplest exhibit that you will
19 need to reference in connection with this matter. Mr. Price, in introducing the
20 proposition, has indicated that this is a request for variance to encroach into the
21 setbacks on property zoned M-1 and technically that would be correct I think. It is a
22 curiosity however that is presented to this particular piece of property and to others that
23 are specifically similar situate because of the verbiage that occurs in the M-1 zoning

1 ordinance and the general language that is referenced in the Land Development Code
2 regarding the definitions for frontage, front yard and front line setbacks. And those are
3 very relevant to this consideration and the use of this property. In simplest terms what I
4 would say to you at the outset and will go through the request item by item, the variant
5 subject of this application does not seek any diminution of the number of code required
6 parking spaces for the property use. It seeks only the determination of lot lines
7 pursuant to the attached proposed site plan by establishing the south lot line boundary
8 as a single front property line. Such determination would then permit the establishment
9 of parking on the remaining lot lines without infringement of code prescribed setbacks.
10 In conjunction with the variance *per se* the first item that you are looking at is, are there
11 extraordinary and exceptional conditions pertaining to the particular piece of property. I
12 have responded to each one of these in the application packet and I'm not going to read
13 all of those to you in total. But I think that we have addressed each and all of these
14 concerns that are in there with an explanation of why this is a unique situation to this
15 piece of property and to other pieces that would be exactly or very similarly situated
16 within a larger M-1 parcel. The area along Clemson Road is a developing commercial
17 area, no question about that. It is presently dotted with a fairly large number of fairly
18 large tracts, this one being a 35 acre tract within which there are plans for the
19 development of setters(?) mixed use developments commercial properties many of
20 which are on GC or General commercial zoning and many of which remain in M-1 the
21 old style light industrial zoning which includes the permitted outright use of many
22 General commercial uses. Under the, under either M-1 or GC as it is presently
23 constituted in the Land Development Code the Zaxby's franchise restaurant, the 2,600

1 square foot restaurant with a drive-thru window would be a permitted use on the
2 property. So there's no question of the use. The parking arrangements that are
3 necessary to accomplish that use are both the same in terms of number in the general
4 commercial zoning and in the M-1 zoning. The quirk that requires the application for
5 variance here is that on Clemson Road a controlled access status has been imposed so
6 that there is no direct access from this property to Clemson Road which would normally
7 be considered probably the property frontage. But there is no access on Clemson
8 Road. It is a less than one acre parcel within this larger commercially developing center
9 district and it has four essentially same lot lines. Three of them border road frontage.
10 Under the definitional provisions of the Land Development Code a frontage line is any
11 line that abuts an existing road right-of-way. In this instance you cannot however use
12 but two of those for access to the property because of the control of Clemson Road.
13 Where you access the property controls what the Land Development Code typically
14 characterizes as the front of a corner lot property. Basically you've got an entry point
15 that comes in and it's shown on the site diagram more completely here and one here.
16 What we are requesting out of this variance is to designate one front property line with
17 an access and there would be, that would require then a no park zone within 25'. The
18 site plan does not provide for any parking within 25' of the front property line under that
19 description. If you then characterize the side lot lines and the rear lot lines all of the
20 setbacks required by M-1 zoning are observed by the site development plan that has
21 been put on the property so there would be no encroachment onto the, by parking onto
22 any one of the three remaining property lines. The net result of that configuration is that
23 you do have an M-1 property that allows the use, has 37 parking spaces on site

1 regulated and ample to take care of the site requirements and there would not then be
2 any real encroachment upon any setback that would be required in an M-1 zoning
3 configuration. The only problem that we have if you characterize this property as it is
4 normally characterized under the Land Development Code 25' of setback on this line
5 and 25' of setback on this line would cut so deeply into the lot surface area that you
6 would not be able to accomplish all of the parking requirements for the 2,600 square
7 foot building on the less than one-acre lot. The extraordinary circumstance is the
8 interpretation that yields this penal kind of result by declaring more than one front
9 setback requirement. And we are requesting, and it is my understanding, that this has
10 been done in other localities within Richland County under the present configuration of
11 the code. There are clearly other locations that are configured like this Zaxby's site in
12 GC and M-1 zoning throughout Richland County and in the general vicinity of this
13 project as well which do not have the problem of the area of diminution because they
14 are not on corner lots. But the situation that we have here is one where a variance is
15 required in the interpretation given to the lot frontages or the lot lines the building itself
16 and the parking requirements to sustain that on the site. I believe that I have argued
17 each of the points under the specific requirements for extraordinary and exceptional
18 circumstances, the special condition circumstances, the application to other properties
19 in the vicinity and the prohibition or effective prohibition of use unless some variance is
20 given on this particular property and clearly the authorization of this variance would not
21 be of any substantial detriment to any property adjacent or in the near vicinity of this
22 property. In fact it would better utilize and assure compliance with the development
23 system that is already engaged up and down Clemson Road by having controlled

1 development on interior lots that are not adding directly to Clemson Road volumes of
2 traffic at more specific and more frequent intervals along the way. There will probably
3 be a need for the Council to look at these provision as they meet together in the times
4 that they give further consideration to the now existing but not enlarged M-1 zoning that
5 exists in the code and exists in the county but is not now being favored as for the use
6 for additional or development properties. But I reiterate to you the effect of what we're
7 requesting you to do will enable this property to be developed in this manner as it would
8 be developed if the property were itself zoned GC and if it were only in M-1 without the
9 prospect of being diminished in size by a second described front footage that would
10 require a setback which is intruded on that second property line. I would be glad to
11 answer any questions that you have. I do not think, there was not anybody in
12 opposition when I signed the roster but if you have questions I will be glad to address
13 them if I can. And Mr. Poston and Mr. Waites are here if there are any specific things
14 about the project that I would not be able to answer for you.

15 CHAIRWOMAN PERKINS: Are there any questions from the Board for Mr.
16 Fuller?

17 MR. FULLER: Yes, sir.

18 MR. MCDUFFIE: Mr. Fuller, so you're telling me the front is actually the back in
19 so few words?

20 MR. FULLER: Well, the Land Development Code does not describe by use
21 whether a front is a front or a back is a back. It doesn't describe what a front is.

22 MR. MCDUFFIE: But you're telling me that the front of the parcel is the one
23 that's facing away from Clemson Road?

1 MR. FULLER: There is, the front of the parcel will be the one that is on this
2 primary interior road. It certainly won't be, it certainly will not be Clemson Road
3 because you can't, not only can you not access it, there is no particular reason for you
4 to orient the building out to that other than by the way it looks. It's a point of
5 identification. But you've got four sides and you ascribe the names and that's where the
6 setbacks fall. In an M-1 zone it's 25' on the front, it's nothing on the sides, and 10' on
7 the rear. By determining that this is a front there is a prohibition in the M-1 zone of
8 allowing any parking within 25' of the property line. What we are saying is that imposes
9 more parking requirement on this lot than it does other lots by having more than one
10 front if you will. In fact under, definitionally you could get to the result that you had not
11 only two, but three.

12 MR. MCDUFFIE: Mr. Price, can [inaudible]?

13 MR. PRICE: If you're abutting a road it's been determined if you have access -

14 MS. CECERE: I'm sorry. I can't hear [inaudible]

15 MR. PRICE: Okay. Sorry about that. If you're abutting a road when you have
16 access then you have to observe the required front yard setbacks. So this is a case
17 where he has access off of this, this is a road and you're required to observe the 25'
18 setback; the same here. I don't, I didn't declare this to be a road. Controlled access
19 you aren't going to have any, you aren't going to gain access into the property from
20 there because it's a controlled access so this is more of a side. That's been determined
21 to be a side. That's why you don't come 25' from there.

22 MR. MCDUFFIE: So Clemson Road is the side?

1 MR. PRICE: Yes. There are two interior property lines and you have two fronts.
2 They're based on, because of the roads.

3 MR. MCDUFFIE: Basically the real problem isn't the direction of the building or
4 the situation of the entrance but it's really the size of the parcel?

5 MR. FULLER: It certainly is an implication in the problem because this property
6 parcel is not large enough to independently zone to GC by itself because it's not two
7 acres. And the, but the size building that's going on it is adequate to accomplish the
8 use and to accomplish the required parking and the flow that services the use of the
9 property without infringing on those two setbacks or one of those two setbacks. But
10 when you add the second 25' setback requirement that can't be violated in the M-1 zone
11 then you lose the ability to have sufficient parking on that site under the site plan that I
12 passed up to you. What you would end up with is there would be no parking in the front
13 setback and there would be parking on the three remaining property lines none of which
14 would be inside a side or rear property line setback in the M-1 zone. There is a reserve,
15 a setback from every property line that would meet the requirements except for having
16 two fronts.

17 CHAIRWOMAN PERKINS: Mr. Price, in our packet under discussion one, two,
18 three, four, fourth paragraph, last sentence, please explain that to me.

19 MR. PRICE: Where?

20 CHAIRWOMAN PERKINS: In reference to Mr. Fuller's comments.

21 MR. PRICE: You mean the part that starts off "The Land Development Code?"

22 CHAIRWOMAN PERKINS: One, two, three, four, fourth paragraph, last
23 sentence on discussion, page 24.

1 MR. PRICE: Staff finds, you want the last sentence?

2 CHAIRWOMAN PERKINS: Yes.

3 MR. PRICE: Staff finds that the proposed use by the applicant commercial in
4 nature?

5 CHAIRWOMAN PERKINS: No. This falls into question.

6 MR. MCDUFFIE: Oh, the next paragraph.

7 CHAIRWOMAN PERKINS: [Inaudible]

8 MR. PRICE: Calls into – yeah. The reason I was saying because they're
9 required to provide a street protective yard typically 10' in width. If they're required to
10 be outside of the setbacks by, outside of the 25' setback you're looking at 25', you're
11 only going 10' in, there's a 15' area that's left. Clearly they could landscape that or do
12 something else to help beautify the property but really that is an area that's not required
13 to be landscaped yet it's not allowed to have parking so it just kind of sits there.

14 CHAIRWOMAN PERKINS: You're wondering what is going to happen with that
15 15' -

16 MR. PRICE: I just kind of threw that out.

17 CHAIRWOMAN PERKINS: Okay. Mr. Fuller, can you -

18 MR. FULLER: Yes, ma'am. You can look at this diagram and see that on this
19 plan there is a street protective yard against Clemson. There is a street protective yard
20 against the entry road. There is a street protective yard including 25' setback, no use
21 restriction at all on the primary entry road. So there has not been a diminution of the
22 requirements for protective yard nor for intrusion into a required setback except for this
23 one sideline where it is, there is parking within the 25' on the theory that we raised to

1 you that we are imposed with a larger number of 25' setback requirements than another
2 lot would be.

3 MS. CECERE: Mr. Price, I have a question, and on this diagram from Mr. Fuller
4 it says the 10' street protective yard, what about the sidewalk on Clemson Road; is that,
5 where's that?

6 MR. PRICE: Ya'll actually granted a waiver.

7 MS. CECERE: I'm sorry?

8 MR. PRICE: The Board granted a waiver to sidewalks on Clemson Road. That
9 was one of the first cases you had.

10 CHAIRWOMAN PERKINS: To - on Clemson Road?

11 MR. PRICE: Yeah, on Clemson. But sidewalks are required to be internal to this
12 entire development.

13 MS. CECERE: Is that because of the embankment?

14 MR. FULLER: Ma'am?

15 CHAIRWOMAN PERKINS: I'm just trying to remember when we granted it.

16 MR. PRICE: Previously ya'll granted it.

17 CHAIRWOMAN PERKINS: Yeah. We did previously, we did. I remember.

18 MR. FULLER: That was a whole tract -

19 CHAIRWOMAN PERKINS: Yeah.

20 MR. FULLER: - matter there.

21 MS. CECERE: Is that because it sets down in a hole sort of?

22 MR. PRICE: I'll go back and pull the Minutes.

1 MR. FULLER: Well, it's all part of the same proposition that you're developing a
2 large tract and it's not gaining access to Clemson Road except in specific locations and
3 the requirements for the connectivity were made and imposed upon the property
4 internally off those exterior roads. I mean, we didn't, that was not at our bidding but it
5 was the overall tract owner's request apparently and that has already been done. But
6 there is provision against this in the improvement of this lot. There is provision for that
7 no-build against the highway right-of-way as if it was a street protective yard and it
8 would be not parked in and not developed in.

9 CHAIRWOMAN PERKINS: Are there any other questions from the Board to Mr.
10 Fuller?

11 MR. FULLER: And we would certainly request that you grant, make a motion to
12 grant this variance in order that the property could be built out in a way that would be
13 consistent with what's being developed in the area and on other lots in that area.

14 CHAIRWOMAN PERKINS: Thank you very much. So as Mr. Fuller said there's
15 no one signed up in opposition and nobody else signed up for so.

16 MR. MCDUFFIE: Quick question for Mr. Price. Mr. Fuller mentioned that there's
17 been other situations in Richland County where this same type of variance I guess has
18 been approved or where the back is the front or whatnot? I, you know, don't recall any
19 examples of that. Is that something that you can speak to or -

20 MR. PRICE: No. I'm familiar with some of the sites applying for the same type
21 variance request but as far as the orientation of the property lines I can't speak on that
22 now.

23 MR. MCDUFFIE: Thank you.

1 CHAIRWOMAN PERKINS: You're saying the orientation of the property lines
2 you can't -

3 MR. PRICE: Where we determine which front, side, rear.

4 CHAIRWOMAN PERKINS: Front, okay. But you did give us an example of - I'm
5 sorry.

6 MR. PRICE: No, go ahead.

7 CHAIRWOMAN PERKINS: Access roads and on Clemson -

8 MR. FULLER: Mr. Price. If I might say my client has indicated that he believes
9 that the Rite-Aid project across the street may have been such an incidence, Mr. Price.

10 MR. PRICE: Right.

11 MR. MCDUFFIE: The Rite-Aid? I don't recall it.

12 CHAIRWOMAN PERKINS: Let's go to the finding of facts.

13 MS. PERRINE: Okay. Number four, are there extraordinary and exceptional
14 conditions pertaining to the particular piece of property? I would say yes, and Mr. Fuller
15 did an excellent job I think of answering all these questions so I would say his number
16 one is actually our answer for number four. Is that what you all would think?

17 MR. MCDUFFIE: Wait, what was the, I don't understand. Number one, what are
18 you -

19 MS. PERRINE: In his report -

20 CHAIRWOMAN PERKINS: [Inaudible]

21 MS. PERRINE: - if we can incorporate page 28 and 29. His number one would
22 be our number four question on our finding of facts.

1 CHAIRWOMAN PERKINS: This is part of the Record. She's saying that since
2 he has submitted, yeah.

3 MS. PERRINE: All of these answers and so that I don't have to read everything
4 that he has down here.

5 CHAIRWOMAN PERKINS: If ya'll would like to take a few minutes to peruse his
6 response, I'll give you that.

7 MR. MCDUFFIE: So, one more question of clarification, Mr. Price. So is
8 Richland County in fact requiring multiple 25' setbacks then on, as the in the M-1 zone
9 as it applies to this parcel? Is that and which, I mean, we've, in the drawing here we've
10 got one 25' setback drawn in, the one that is presented in the packet here. And the
11 others one are 10' I guess, 10' setbacks? And that's the, I guess I'm at a – I'm
12 questioning – I mean, are we actually asking for 25' on all sides that front a road; is that
13 what the code would typically specify?

14 MR. PRICE: The code would require that there be a 25' setback on both sides
15 where there's a road and access, where it abuts a road. In this case it would be two
16 roads with access points are both required to have a 25' setback and the parking has
17 lay outside of that.

18 MR. MCDUFFIE: And that would apply to any parcel that was on a corner at all?

19 MR. PRICE: Zoned M-1, yes.

20 MR. MCDUFFIE: If it had, oh, zoned M-1. And where it's zoned general
21 commercial then it, this would not be an issue or?

22 MR. PRICE: If it was general commercial they would just be required to provide
23 a 10' street protective yard and then they could start your parking from that point on.

1 MR. MCDUFFIE: Okay.

2 CHAIRWOMAN PERKINS: And that is something that Council, I mean, the Staff
3 is discussing with Council; is it not?

4 MR. PRICE: Well, at the last Planning Commission meeting there was a
5 question about secondary fronts and looking into that. This issue will come up in talking
6 to the Planning Commission. Hopefully then go to County Council for any amendments
7 that we see.

8 CHAIRWOMAN PERKINS: But I think your question was if it were zoned
9 commercial –

10 MR. MCDUFFIE: This wouldn't even be –

11 CHAIRWOMAN PERKINS: - this wouldn't be before us and so yeah, but it just
12 so happens it is in an M-1 district when it is a commercial venture that he is proposing,
13 Zaxby's.

14 MR. PRICE: Exactly.

15 CHAIRWOMAN PERKINS: Okay.

16 MR. MCDUFFIE: Obviously, my issue is not with the actual underlying zoning.
17 My question was just, you know, really which one's the front yard and which one, you
18 know, and which one, you know, would be, you know, how does that create an
19 exceptional condition, an extraordinary condition because it seems like it would apply to,
20 you know, any corner lot at least in this case in an M-1.

21 MR. PRICE: Right. I mean, regardless of the zoning district they would both be
22 considered primary fronts. It's just that in the M-1 zoning district there's a little extra

1 where it says you can't park within that 25' setback. So for a commercial, a proposed
2 commercial use it's like a 15' penalty.

3 MS. CECERE: The problem in this area is that it is now mostly commercial,
4 maybe not a problem but it the zoning -

5 MR. COOKE: The issue.

6 MS. CECERE: Yeah, the issue. It has just totally changed in that area that it's
7 mostly commercial and less industrial.

8 MR. PRICE: Right. Commercial is allowed in the M-1 zone.

9 MS. CECERE: It's just that at that point when the zoning was redone this was
10 part that was left as industrial, light industrial and not changed to commercial.

11 MR. PRICE: It was brought over. Actually, you know, I think we've, this has
12 been stated before but if you're on Two Notch Road, Wal-Mart, Koger, Publix, as you go
13 on down I believe even Target. Those are all zoned M-1 property but was developed
14 commercially.

15 MR. MCDUFFIE: But they're on a large enough parcel they don't have to worry
16 about the setback?

17 MR. PRICE: They didn't have to because that wasn't an issue before [inaudible]
18 25' [inaudible].

19 MR. MCDUFFIE: Okay. I fail to see how we have an extraordinary or
20 exceptional condition. It's just generated by the fact that it's M-1 or being [inaudible] I
21 don't see how that meets that particular condition.

22 MR. PRICE: Well, similar to a previous case we had with the lighting.

23 CHAIRWOMAN PERKINS: Yeah.

1 MR. PRICE: Our code just really fails to, in this particular case, I don't believe it's
2 taken into account commercial. You know, clearly, you know, M-1 I believe that's
3 intended to be an M-1 industrial district. We do have an LI zoning district but in this
4 case because it allows both I believe the code is targeted more for M-1, light industrial,
5 excuse me, as opposed to commercial [inaudible] sits there.

6 CHAIRWOMAN PERKINS: [Inaudible] I'm sorry.

7 MR. MCDUFFIE: But that provides like a general condition I don't see how that's
8 an extraordinary and exceptional condition for that area. I mean, every, you know, that
9 whole area out there is zoned M-1 and you're going to have these, if you're talking
10 about having a controlled access road you're going to have these cut roads, you know,
11 to get into the shopping centers and you're going to have internal streets. I mean, I fail
12 to see how we meet condition [inaudible] from my perspective but. Discussion phase?
13 I'm not asking you [inaudible].

14 CHAIRWOMAN PERKINS: So we have someone saying that they do not agree
15 with extraordinary and exceptional conditions.

16 MR. MCDUFFIE: And that being said, I mean, I don't see that it's going to be a
17 harmful thing to do I just, just not entirely -

18 CHAIRWOMAN PERKINS: [Inaudible] your mind.

19 MR. MCDUFFIE: I'm just saying I don't think that they meet necessarily, that this
20 parcel meets necessarily the condition of a variance. I'm not, but I don't say that, you
21 know, I don't think it's going to be a harmful thing to do to, for this use to be there, you
22 know.

1 CHAIRWOMAN PERKINS: Well, I'm confused. I think it does meet it in the
2 sense that it is, all of that property along that line is zoned M-1 if I understood you
3 correctly. But what is happening is a general commercial development is coming, you
4 know, is popping up. Somehow or another, you know, it's allowed and therefore the
5 restrictions that are in for M-1 zoned property are incorrectly placed on, to me, on
6 general commercial property. So that would be, we're allowing it to go there but we
7 have allowed it.

8 MS. CECERE: I think the reason though it's extraordinary and exceptional
9 conditions is because the property is actually not accessible from Clemson Road and
10 that is something that is done because of, they have to come in through an access road
11 which has to create then a new road. So this is done actually by new rules and new
12 zoning or, you know, something that has been created through additional zoning
13 ordinances. I mean, I think that that's rather exceptional and extraordinary conditions
14 [inaudible].

15 CHAIRWOMAN PERKINS: Okay. So –

16 MS. CECERE: Otherwise I think the property would meet, if they could be able
17 to access from Clemson Road then it would meet it so, I mean. So he would be
18 penalized really because he can't, you know, go through this, he can't make a driveway
19 off of Clemson Road so he, the property owner has to go around on a newly created
20 road to get to the property.

21 MS. PERRINE: Okay. Do these conditions generally apply to other property in
22 the vicinity? Yeah – I mean, no.

23 CHAIRWOMAN PERKINS: Yes, it does.

1 MS. PERRINE: No. Wait a minute.

2 MR. MCDUFFIE: If the answer is yes then we can't give them a variance.

3 MS. CECERE: That's right.

4 MS. PERRINE: No. I answered wrong. It's no. I meant no.

5 MR. MCDUFFIE: It's no, okay?

6 MS. PERRINE: It's getting [inaudible]. Would application of this chapter to this
7 particular piece of property effectively prohibit or unreasonably restrict the utilization of
8 the property because of the aforesaid extraordinary exceptional conditions? Yes.

9 MR. MCDUFFIE: I disagree with that one as well.

10 MS. PERRINE: Okay. Will the granting of this variance be of substantial
11 detriment to adjacent property or to the public good or will it harm the character of the
12 district? No.

13 CHAIRWOMAN PERKINS: We have just gone through the finding of facts and I
14 think we have answered the questions appropriately. Is there a motion?

15 MS. PERRINE: I'll make a motion to approve 08-49 Variance based on the
16 findings of fact as listed in the applicant's report and the discussion that we've had.

17 CHAIRWOMAN PERKINS: Is there a second to that motion?

18 MS. CECERE: I'll second.

19 CHAIRWOMAN PERKINS: Okay. There's a motion on the floor to approve 08-
20 49 Variance based on the finding of facts and discussion. All those in favor of that
21 motion please have a show of hands.

22 *[Approved: Perrine, Perkins, Cecere, Cooke; Opposed: McDuffie; Absent: Rush,*
23 *Branham]*

1 MR. PRICE: Those in favor are Perrine, Perkins, Cecere, Cooke.

2 CHAIRWOMAN PERKINS: Opposed?

3 MR. PRICE: McDuffie.

4 CHAIRWOMAN PERKINS: Mr. Fuller, Mr. Waites, you have your variance. Mr.
5 Price will be in touch. Next case, Mr. Price.

6 **CASE NO. 08-51 V:**

7 MR. PRICE: Next item is Case 08-51 Variance. The applicant is requesting the
8 Board of Zoning Appeals to grant a variance to exceed the allowable square footing for
9 a wall sign in an M-1, light industrial district. The applicant is Larry James. The address
10 is 11,107E Broad River Road. The existing land use is retail. The subject property is
11 located within a new retail shopping development. The applicant proposes to exceed
12 the allowed square footage for a wall sign by 30 square feet. Proposed 60 and allowed
13 30. As stated the surrounding area is dedicated to commercial uses. This will be for a
14 Subway restaurant. One correction on this. It's showing that this is the location and
15 when we were pulling the tax map, the tax map number's correct. I think this is all part
16 of a parent tract and that's why it's shown here. But this is actually the site; this building
17 right in here. Here's the Subway; you can see they currently have a sign here and they
18 are looking to erect another sign here to provide better visibility. It's kind of a picture of
19 the other uses within this development. Go back to the aerial you'll see right here this is
20 the side of the building and this will be the location of the sign if the variance is granted
21 to provide identification of cars coming this way and it may even provide from the
22 Interstate. I believe that's who the applicant is targeting. That's it.

1 CHAIRWOMAN PERKINS: Mr. Larry James? Come down, state your name and
2 address, and tell the Board what it is you'd like to do.

3 **TESTIMONY OF LARRY JAMES:**

4 MR. JAMES: My name's Larry James. I live at 165 Hamm Drive, Prosperity.
5 And the purpose of our variance request is just to add a sign on the side of our Subway
6 store primarily due to poor visibility of the location. And also as you can see from the
7 picture the store is actually a corner store and the primary access route is on this side.
8 And our customers access the store actually from the rear where he's showing the –
9 yeah, right there. The customers actually have to come into the store from the rear and
10 around the side. And most of our customers come from the Interstate. We're right at
11 the intersection of I-26 and Broad River Road at the Peake exit. And so a sign on the
12 side of the store would give us better observability from our customers instead of having
13 to search for us once they get in there. Also a sign on that side would be somewhat
14 visible from I-26 which would help us. And the store is designed for signs on both sides
15 of the corner. It is a corner store. So that's basically our request.

16 CHAIRWOMAN PERKINS: Any questions for Mr. James from the – so your
17 exception and extraordinary conditions will be because it's a corner store?

18 MR. JAMES: Well, it's poor visibility. You cannot see our store from the exit
19 ramp from I-26 or from Broad River Road because the store, you can see from that
20 bottom right hand corner of the map, our store is completely hidden from Broad River
21 Road and that's the primary entrance to the mall. So having a sign on the side would
22 give us, our customers visibility. As soon as they come in the access road and go
23 around that corner they would see us.

1 CHAIRWOMAN PERKINS: What about, let me ask you this if you're comparing
2 that, what about this building right next to it, Distinctive Dentistry? They don't have a
3 side sign either.

4 MR. JAMES: That's true. Yeah. They're at a detriment, yeah, right. Yeah.
5 They are at a detriment. The other, another thing to point out is the store is well below
6 grade. You can't tell from that map but it actually drops like 12'. There's an out parcel
7 right at the ext ramp – yeah, right there. There's an out parcel. Could you bring your
8 cursor up just a little bit, a little bit higher? Yeah, right in there. That out parcel they're
9 going to put another store there but right to the left of that it drops off – no, come back
10 down to your left, back to where our store is. Right in there, yeah. It drops off. There's
11 a 12' wall there and so we're not visible at all from the main entrance to Broad River
12 Road and I-26. The other store on that end is also going request a variance to have a
13 sign on the side too. They're coming next month.

14 CHAIRWOMAN PERKINS: How much, so you aren't, the Subway sign, the size
15 and the height it's just going to exceed it by 30 square feet? What is it?

16 MR. PRICE: Yes, ma'am.

17 MR. JAMES: Yes.

18 MR. PRICE: The same sign you see on the front you're going to see on the side.

19 MR. JAMES: Yes. The same exact sign that's on the front. Matter of fact
20 Subway already sold us the sign so we've got one sitting there. Yeah, we put that one
21 up but we haven't put the other one up.

22 CHAIRWOMAN PERKINS: Are there any other questions for Mr. James? Thank
23 you very much, Mr. James.

1 MR. JAMES: One side note if I may. When I came in this afternoon I noticed a
2 Subway right around the corner here has a sign, they're a corner store and they have
3 the same signs on both sides, on the side and on the front. And they're frontage is
4 about the same as ours it looks like, 20, 25 linear feet frontage so there is a precedence
5 anyway.

6 MR. MCDUFFIE: It's a store in the city though subject to different development
7 codes than the county.

8 MR. JAMES: Anyway.

9 CHAIRWOMAN PERKINS: Thank you. There's no one signed up in opposition.
10 The Chair will entertain a review of the finding of facts or discussion. Mr. Cooke.

11 MR. COOKE: Are there extraordinary or exceptional conditions pertaining to the
12 particular piece of property? I would say that would be yes.

13 CHAIRWOMAN PERKINS: What are they?

14 MR. COOKE: The extraordinary exceptional conditions pertaining to this is that
15 the business is located in a, it lacks visibility as far as for advertising and where he's
16 actually, his vicinity and his location. We wants to gain more visibility from the –

17 CHAIRWOMAN PERKINS: How is that extraordinary or exceptional? When I
18 asked him to state [inaudible] wants to do it to. So they don't have a side. I'm just
19 asking.

20 MR. MCDUFFIE: My issue would be that other, the applicant stated that other
21 properties, other stores in the area have the same issue so I, you know, I can't see how
22 it's a extraordinary condition for this location, you know, if the same conditions pertain to
23 neighboring properties, you know. And I don't see how not granting the variance is

1 going to, you know, effectively prohibit or, you know, unreasonably restrict the utilization
2 of property. I mean, obviously you can have a Subway restaurant with one sign or two
3 signs or 10 signs or however many signs you can have but. you know. but what we've
4 got in fact is, you know, he's got a fairly substantially sized sign that's maximizing, as it
5 is right now the amount of space he can have for a sign and, you know, he, you know,
6 he could have a sign that's, correct me if I'm wrong, you could have a sign that's half as
7 big and he could have two of them.

8 MR. PRICE: Correct.

9 MR. MCDUFFIE: Okay. So he's really, I mean, he's asking for, you know, just a
10 second placing of the sign, in fact doubling the amount of square footage that he's –

11 CHAIRWOMAN PERKINS: And go ahead Mr. – okay. That was –

12 MR. COOKE: Okay. So that would be – that -

13 CHAIRWOMAN PERKINS: No. But I'm saying you can go ahead. You don't
14 have to agree with him.

15 MR. MCDUFFIE: No. Feel free to disagree.

16 CHAIRWOMAN PERKINS: Let me hear your point of, you know.

17 MR. COOKE: I guess my point of view it'd be extraordinary and exceptional
18 conditions, I mean, from listening to him. He is in a, his visibility is fairly bad. I mean, I
19 don't know if you guys consider that extraordinary but to ask for a variance for that I just
20 feel that, you know, he would gain more visibility by having a second sign so.

21 MS. PERRINE: And didn't he say his property is lower?

22 MR. COOKE: Yeah. There's a -

23 MS. PERRINE: A wall?

1 MR. COOKE: The wall, 12' wall; is that correct, Mr. James?

2 MR. JAMES: That's correct, yes, sir.

3 MR. COOKE: Do you want me to continue? Do these conditions generally apply
4 to other property in the vicinity? I would have to say, no. No, they don't. Next question,
5 would applications of this chapter of this particular piece of property effectively prohibit
6 or unreasonably restrict the utilizations of the property because aforesaid extraordinary
7 and exceptional conditions? I'm going to say, yes to that. Any discussion for that from
8 the Board?

9 MR. MCDUFFIE: I mean, I –

10 CHAIRWOMAN PERKINS: I don't.

11 MR. MCDUFFIE: I would disagree though with the characterization of there
12 being extraordinary conditions on the parcel, with the conditions not applying to other
13 properties in the vicinity, and I would say that enforcement of the existing, you know,
14 sign ordinance, you know, not granting the exception would not unreasonably restrict
15 the utilization of property. You know, I don't feel like a variance is going to [inaudible]
16 situation personally.

17 MR. COOKE: Okay. I have no rebuttal for that so I'm going to move on. Will the
18 granting of this variance be of substantial detriment to adjacent properties or to the
19 public good or will it harm the character of this district? I would definitely say no to that.

20 CHAIRWOMAN PERKINS: So you're still giving him the finding? So you're
21 saying it would definitely not -

22 MR. COOKE: It will not, yeah. It will not harm the public good or degrade it.

1 MR. MCDUFFIE: Mr. Price, how is the area for an, or for an attached on premise
2 sign calculated under the current planning guidelines?

3 MR. PRICE: [inaudible] just depending on your frontage. We'll calculate the
4 length of this and 30', so you're allowed 30 square feet of signage.

5 MR. MCDUFFIE: It's one square foot of signage for every one liner foot of
6 frontage?

7 MR. PRICE: Yes, sir.

8 MR. MCDUFFIE: Okay. And which one are we calling the front of the building or
9 the front of the parcel in this case?

10 MR. PRICE: Do you want the parcel or the building?

11 MR. MCDUFFIE: Either or.

12 MR. PRICE: The building is, the frontage is where that door is. How you enter
13 the building.

14 MR. MCDUFFIE: Okay.

15 CHAIRWOMAN PERKINS: Is this a little mini-mall? Do they have any pylon
16 signs or anything like that?

17 MR. PRICE: Yes.

18 CHAIRMAN PERKINS: Okay. So he would actually be on the pylon and right
19 there in the front.

20 MR. PRICE: The applicant can answer that but he has –

21 CHAIRWOMAN PERKINS: Were you at the site?

22 MR. PRICE: Yes, ma'am. I just -

23 CHAIRWOMAN PERKINS: Thank you very much.

1 MR. PRICE: - can't answer that for the Record.

2 MS. PERRINE: Do you have a picture perhaps?

3 MR. PRICE: I do not. I want to apologize [inaudible]

4 CHAIRWOMAN PERKINS: Go back. And we have two schools of thought.
5 There are some Board members who, including me, I [inaudible] but I'm included that
6 there are extraordinary exceptional conditions pertaining to the piece of property. I don't
7 see them and Mr. Cooke?

8 MR. COOKE: Yes, ma'am, Madam Chairman.

9 CHAIRWOMAN PERKINS: Perhaps Ms. Perrine and Ms. Cecere could you give
10 us some of your thoughts on meeting exceptional conditions, extraordinary exceptional?

11 MS. PERRINE: In the same line of thought as Mr. Cooke because his business
12 is in the corner, it's down, there's a 12' wall or a 10' wall or something.

13 MR. PRICE: The wall is here, just the wall would fall in right in here.

14 MS. PERRINE: I'm sorry.

15 MR. PRICE: The wall that we're referring to, I believe there's a wall right here.

16 MS. PERRINE: Oh, so it's in the back?

17 MR. PRICE: Um-hum (affirmative).

18 MR. MCDUFFIE: Just an observation also. The width of the restaurant as it's
19 marked on page 43 here in the existing aerial in our packet is only 20' and it was
20 mentioned that we have in fact 300' of signage and a non-attached or pole mounted
21 sign additionally. So it seems like they're already in excess of the allowable square
22 footage because since they have the free-standing sign they would only be authorized
23 one foot.

1 MR. PRICE: Where are you? I'm sorry.

2 MR. MCDUFFIE: I'm looking on page 43. It's got the Subway and the building
3 appears to be 100' x 60', you know, 6,000 square feet and the Subway there is marked
4 as 20' wide. So it looks like the Subway sign was calculated as if there was not an
5 additional free-standing sign so it looks like they're already over the amount of –

6 MR. PRICE: Yeah. There's a one and half to one if you don't have a free-
7 standing sign.

8 MR. MCDUFFIE: But they do have the free-standing sign. So we're sort of
9 already in, you know, violation of the ordinance.

10 CHAIRWOMAN PERKINS: [Inaudible]

11 MR. MCDUFFIE: Even not granting the additional sign –

12 CHAIRWOMAN PERKINS: He's already over.

13 MR. MCDUFFIE: - he's already over what would normally have been granted.

14 MR. PRICE: Right.

15 MR. MCDUFFIE: Okay. Thank you. I'd like to make a motion.

16 CHAIRWOMAN PERKINS: Go ahead.

17 MR. COOKE: I have no rebuttal.

18 CHAIRWOMAN PERKINS: There were some people who [inaudible]. Okay,
19 your turn.

20 MS. PERRINE: I'm finished.

21 CHAIRWOMAN PERKINS: Okay.

22 MR. COOKE: I have no rebuttal; not at this time.

1 CHAIRWOMAN PERKINS: Okay. And we went through all of the criteria? I
2 think you can answer differently so when you get ready to make the motion you can do
3 the finding of facts because I think you [inaudible] stated differently if that's what you're
4 going to do.

5 MR. MCDUFFIE: I will say I'd like to make a motion to deny variance 08-51
6 based on the fact that there are not extraordinary or exceptional conditions pertaining to
7 this particular piece of property, and that in fact the conditions that apply to this piece of
8 property also apply to other properties in the vicinity and that not granting the variance
9 would not prohibit or unreasonably restrict utilization of the property.

10 CHAIRWOMAN PERKINS: Second. There's a motion on the floor to deny 08-51
11 V based on that there being no extraordinary, well finding of facts of no extraordinary
12 and exceptional conditions. These conditions do generally apply to other facilities,
13 properties in the vicinity, and the not granting of this variance will not prohibit or
14 unreasonably restrict the utilization of the property. Motion is denial. It has been
15 properly seconded. All of those in favor of that motion please have a show of hands.

16 *[Approved: Perkins, McDuffie, Cecere; Opposed: Perrine, Cooke; Absent: Rush,*
17 *Branham]*

18 MR. PRICE: All right. Those in favor: Perkins, McDuffie, Cecere.

19 CHAIRWOMAN PERKINS: Those opposed?

20 MR. PRICE: Those opposed: Perrine, Cooke.

21 CHAIRWOMAN PERKINS: All right. Mr. James, your request has been denied
22 and Mr. Price will be in touch.

23 **CASE NO. 08-53 V:**

1 MR. PRICE: The next item is Case 08-53 Variance. The applicant is Bill Owens.
2 The applicant is requesting the Board of Appeals to grant a variance to encroach into
3 the required front yard setback on property zoned M-1, light industrial. The location is
4 8821 Farrow Road. The parcel size is little more than two acres, two and a fifth acres.
5 A proposed commercial use, a 2,120 plus square foot Dunkin' Donuts. The area is
6 comprised of primarily commercial and industrial devoted uses. See if I can, see if I can
7 make this a little easier on ya'll. Once again this area was a one-time primarily zoned
8 M-2. That was the old heavy industrial zoning which pretty much allowed every type of
9 use. Along the way a lot of parcels have been rezoned. The hospital had to be rezoned
10 because you couldn't put a parcel on heavy industrial. Some of the other uses have
11 been down zoned. Alan Kahn recently, over the past I believe year, has actually come
12 in and taken this industrial business park and down zoned it to more of a commercial
13 use. I met with the applicant and in this case, you know, without getting into what the
14 code requires for the M-1 zoning, as you can see here a large portion of the property is
15 in wetlands which actually reduces the allowed buildable area. Now could they build in
16 the wetlands? Probably. But they would have to go through so many steps that, you
17 know, I guess financially just wouldn't work. So they kind of reduced to a particular
18 area. Here's the plan and just looking at this, this is a case where because of where the
19 wetlands lies and how it's kind of condensed the property. This is one of either the
20 variance request will come for, to encroach into the required setbacks of 25' or come
21 and ask for a variance request to reduce the required number of parking spaces. So in
22 order for this particular project to work, I'm not saying that ya'll have to find a way, but in

1 order for this to work this variance is needed and [inaudible]. That's it. I'm sorry. We
2 have Dan Creed here to -

3 CHAIRWOMAN PERKINS: Mr. Bill Owen?

4 MR. PRICE: Dan Creed is actually going to speak on this. He's -

5 CHAIRWOMAN PERKINS: Okay. So he is, he has his -

6 MR. PRICE: Yeah. I've been through it with Mr. Owens and Dan and everyone
7 on this.

8 CHAIRWOMAN PERKINS: Mr. Creed, please state your name and address for
9 the Record and tell the Board what it is you want to do.

10 **TESTIMONY OF DAN CREED:**

11 MR. CREED: Thank you. My name is Dan Creed with Heritage Engineering,
12 10719 Wilson Boulevard in Blythewood. Mr. Owen was here earlier but had to depart
13 for another meeting. This is similar to the case Mr. Fuller introduced although in this
14 instance I know which way is front. I'm not sure I know which way is the rear but, with
15 this triangular shaped piece of property. But again this is a, obviously a commercial, a
16 proposed commercial use in M-1 district. I think also that the extraordinary and
17 exceptional circumstances are fairly obvious as well. Geo, if we could go back to the
18 site plan if that's possible. Not only do we have a large area of this tract occupied by
19 wetlands it's also occupied by floodplain which is, essentially renders it unusable. The
20 other part of it then is what's left is so shallow when compared or the depth is so small
21 when compared to its frontage along Farrow Road that you basically have a little point
22 in the back that you can place a building and everything else it can only be used for
23 parking because of the front building setback. So if we remove 15 more feet of area

1 that's available for parking we can put a little Dunkin' Donuts in there but we can't fit any
2 parking in there. So in this instance I feel that clearly the existing site conditions present
3 an extraordinary and exceptional circumstance that don't apply to other properties in the
4 area that's already been developed. [Inaudible] hospital, there's an office building
5 behind it and I think that's fairly clear. Another part too is we're still retaining that 10'
6 street protective yard. In addition the Farrow Road right-of-way is in excess of 100' so
7 there would be at least 45' of green space between the edge of pavement of Farrow
8 Road and the parking area which I think certainly meets the intent of perhaps is trying to
9 be done with the no parking in the building setback. So I think in that instance there's, I
10 don't think there'll be any detriment frankly to the public interest. I'd be pleased to
11 answer any questions that the Board may have.

12 CHAIRWOMAN PERKINS: Are there any questions from the Board for Mr.
13 Mitchell [sic]?

14 MR. MCDUFFIE: So essentially even though the property is over two acres we
15 have a very small, truly buildable area on –

16 MR. CREED: Yes, sir.

17 MR. MCDUFFIE: - [inaudible] in the floodplain situation?

18 MR. CREED: That's correct.

19 MR. PRICE: Ya'll take a look. This is what we have here.

20 CHAIRWOMAN PERKINS: And it's very small because of the floodplain?

21 MR. PRICE: Yeah. It really reduces the area you're allowed to go back, you
22 can't cross that.

1 CHAIRWOMAN PERKINS: And what you mentioned, Mr. Price, something
2 about parking and I'm sorry, I didn't get that. You said something about reducing the
3 parking?

4 MR. PRICE: No. What I was saying was in order for this project and more than
5 likely any commercial project to take place on this parcel with the wetlands and I think I
6 left one out, a variance is going to be necessary. And it's either a variance to encroach
7 into the required setbacks for the parking –

8 CHAIRWOMAN PERKINS: Which would be a longer –

9 MR. PRICE: Which would be a variance to reduce the parking and they probably
10 don't want to anyway. They're not required to have many. And I forgot the third one is
11 to reduce the aisle width so you could try to squeeze it in but then how do cars get
12 through there? So this is probably the more practical of the three options for a variance
13 that's available.

14 CHAIRWOMAN PERKINS: Mr. Creed, there seems to be no questions for you.

15 MR. CREED: Thank you.

16 CHAIRWOMAN PERKINS: Thank you very much. There's no one signed up in
17 opposition. The Chair will entertain discussion or review of the finding of facts. Mr.
18 McDuffie, if you would be so kind as to –

19 MR. MCDUFFIE: Sure. We're talking about once again a property that's zoned I
20 believe M-1; is that correct?

21 MR. COOKE: Yeah.

22 MR. MCDUFFIE: M-1, light industrial. And I believe in this case we do have
23 some extraordinary and exceptional conditions that apply to this particular piece of

1 property being that we have the floodplain and the wetland area and so that restricts the
2 amount of the property that could actually be built on. Do these conditions generally
3 apply to other properties in the vicinity? No. No one else is losing this large a portion of
4 the parcel. And let's see. Would application of this chapter to this particular piece of
5 property effectively prohibit or unreasonably restrict the utilization of the property
6 because of the aforesaid extraordinary and exceptional conditions and I think that in fact
7 it would. Not, you know, granting a variance or without the granting of a variance here it
8 doesn't appear this parcel would be utilized for anything at all in this case. Will the
9 granting of the variance be of substantial detriment to the adjacent property or to the
10 public good or will it harm the character of the district? I think that's obviously no. It's
11 not going to be of any harm except to my waistline. So I do think it meets all of the, I do
12 find that it would meet, you know, all the requirements for a variance. I'd be happy to.
13 I'd like to make a motion to approve, one second, variance 08-53 based on the findings
14 of fact.

15 CHAIRWOMAN PERKINS: Is there a second?

16 MS. CECERE: I'll second.

17 CHAIRWOMAN PERKINS: There is a motion on the floor to approve variance
18 08-53 based on the finding of facts that has been properly seconded. All those in favor
19 please have a show of hands.

20 *[Approved: Perrine, Perkins, McDuffie, Cecere, Cooke; Absent: Rush, Branham]*

21 MR. PRICE: Those in favor are Perrine, Perkins, McDuffie, Cecere, and Cooke.

22 CHAIRWOMAN PERKINS: Mr. Creed, you have your special exception, I'm
23 sorry, variance, and Mr. Price will be in touch.

1 MR. CREED: Thank you very much.

2 CHAIRWOMAN PERKINS: The last case, Mr. Price?

3 **CASE NO. 08-55 V:**

4 MR. PRICE: All right. The last item Case 08-55 variance. The applicant is
5 requesting the Board of Appeals to grant a variance to encroach into the required rear
6 yard setback on property zoned RS-LD, single-family, resident and low density. The
7 applicant is John Mitchell. The location is 207 Twin Gates Road. The parcel is a little
8 more than two-thirds of an acre. It's currently undeveloped. The applicant is proposing
9 to construct a residential structure which would encroach into the required rear yard
10 setback. The area is comprised primarily of residential structures. This is going to go
11 all the way back to the rear property line. [Inaudible] 20' rear setback and he's
12 requesting a setback of 20'.

13 MR. MCDUFFIE: What's that?

14 MR. PRICE: He's requesting a [inaudible]

15 MR. MCDUFFIE: He's requesting to put it up to directly to the lot line?

16 MR. PRICE: To the property line, yes, sir.

17 CHAIRWOMAN PERKINS: To the lot line?

18 MR. PRICE: Yes.

19 MR. COOKE: On the lot line.

20 MR. PRICE: It's a little different with this. I'm trying to get another slide to come
21 up.

22 CHAIRWOMAN PERKINS: So he's actually going to leave a zero lot line?

23 MR. PRICE: Yes.

1 CHAIRWOMAN PERKINS: Okay.

2 MR. MCDUFFIE: Between himself and SCANA?

3 MR. PRICE: Right.

4 MR. MCDUFFIE: Between himself and SCANA.

5 MR. PRICE: Let me pull this up. I apologize.

6 [Inaudible discussion]

7 MR. PRICE: I'm trying to get the aerial to show up. When I get the aerial to
8 show you'll see the other homes in this area. Most of them are set back. You know, it's
9 the lake. Most people build their homes closer to the lake so we have I believe a lot of
10 non-conforming homes as far as encroaching into the setback. Actually in the code if
11 this was dealing with the front and all of the homes were encroaching into the front the
12 code actually would allow me to take the average of the homes that are abutting it in the
13 area and create an essentially new setback. It kind of keeps the uniformity of the area.
14 Evidently this isn't going to work. Unfortunately this is in the rear so the same thing
15 could not be applied to kind of keep them in line. I believe there's some letters in there
16 from SCE&G where they have no opposition to it. I know, I'll let the applicant kind of
17 speak more on this because of course my question was well could you buy some more
18 property from SCE&G, you know, if you wanted to get closer to the lake? I believe there
19 was a little issue with that. As stated in the application they have given him permission
20 to build a deck on the property, excuse me, a dock on their property for his enjoyment
21 and I believe SCE&G aware of everything. It's just that they own the property and so
22 there's a required setback. He can speak a little further on this until this comes up.

1 CHAIRWOMAN PERKINS: Thank you very much. Mr. Mitchell. Would you
2 come to the podium? You were not sworn in, you have to be sworn in.

3 MS. LINDER: If you would raise your right hand, please. Will the testimony
4 you're about to give be the truth, the whole truth and nothing but the truth so help you
5 God?

6 MR. MITCHELL: Yes.

7 MS. LINDER: You're sworn in.

8 **TESTIMONY OF JOHN MITCHELL:**

9 MR. MITCHELL: My name's John Mitchell. I live in Blythewood, 108 Windemere
10 Village Way in Blythewood. My wife and I recently purchased this lot from SCE&G and
11 as you can see this road is in Ballentine, it's a dead-end road with approximately 10
12 other homes on this road and the extraordinary and exceptional condition to our lot
13 versus pretty much all of the other lots, well certainly all of the other lake lots on this
14 road, are that they were purchased through, either from SCE&G or other property
15 owners when they could buy all the way down to the 360 line or the high water mark of
16 the lake. Well, over the last couple years and certainly now when SCE&G sells property
17 they do not sell what they call the vegetative buffer zone which is a, 75' from the rear of
18 my line to the lake which makes my lot about half the depth of most other lots on this
19 road. The hardship is that when we go to building a home, our home which would be
20 the first lot on this road in, or of course the last house out but everyone going down this
21 road would see a home that is much closer to the road than all of the other homes. As
22 you can see most of the homes are built very close, you know, all the way down to the
23 lake as far down as they can. They can't go, you wouldn't want to go below 362 ½ or

1 otherwise you'd be in a flood zone. But most of them are down there at around the 363
2 level and ours with this 75' buffer zone would put our home much closer to the road
3 which would be, you know, kind of uncharacteristic with the prevailing yard pattern of
4 this road. So it would not only be a hardship for us being close to the road with our
5 small child, it would be kind of a negative for the road for everybody seeing the house
6 up, it's not prevailing yard pattern. The variance would not create an impact on the
7 adjacent property owners. Of course it would increase the scenic characteristics of the
8 neighborhood but the adjacent property owner, SCE&G, has actually written a letter and
9 I believe ya'll may have that in your packet supporting the variance and I think their
10 words were probably best put is that since there's already a 75' buffer zone, a
11 vegetative buffer zone in place already they don't feel that it's necessary to have to
12 require an additional 20' from that rear property line. And from what I understand from a
13 few people that I've talked to that this has been done before on properties that don't go
14 all the way to the 360 line. And to expound, they have, this 75' buffer zone is, it's
15 owned by SCE&G but it's governed by the Federal Energy Regulatory Commission and
16 they have allowed me to build a dock and a pathway down to that dock so in essence
17 they're allowing me to use the property. Certainly I can't build any structures on it and I
18 have inquired about the possibility of purchasing this land from them but they are unable
19 to sell it due to licensing issues right now. I may be able to purchase it way down the
20 road but according to Beth Trump who is in the Land Management Division she said
21 that the prevailing attitude is to keep this vegetative buffer zone to keep the environment
22 of the lake intact from pollution and that kind of thing so I doubt we'll be able to

1 purchase additional land and so the removal of this 20' setback would be very helpful in
2 kind of maintaining the scenic structure of the street.

3 CHAIRWOMAN PERKINS: Okay. Are there any questions for Mr. Mitchell from
4 the Board? There's no one signed up.

5 MS. CECERE: Excuse me. And have you already had house plans drawn up for
6 this piece of property?

7 MR. MITCHELL: My wife looks at house plans every night as you can imagine
8 but we have not selected any but even with this variance, if this variance is approved we
9 are still somewhat restricted by aesthetics from a depth [inaudible]. We're still going to
10 be looking at a home that is a little shallower than we would ideally like to have if the lot
11 extended all the way to the 360 line. But we have not selected a home yet and, you
12 know, this is part of the process. If it is not approved we would have a very shallow
13 home and still be a little bit closer to the road than we'd like.

14 CHAIRWOMAN PERKINS: There's no front yard, you're saying closer to the
15 front of the road. Is there not a, is there not a frontage setback for the front?

16 MR. PRICE: [Inaudible]

17 CHAIRWOMAN PERKINS: Okay.

18 MR. MCDUFFIE: They'll meet that easily though no matter what.

19 CHAIRWOMAN PERKINS: Huh?

20 MR. MCDUFFIE: They'll meet that easily.

21 CHAIRWOMAN PERKINS: Yeah [inaudible]

22 MR. MITCHELL: It would –

23 CHAIRWOMAN PERKINS: Closer to the –

1 MR. MITCHELL: It would still meet the requirements. It would just look
2 awkward.

3 MR. COOKE: Because everybody else is on the water?

4 MR. MITCHELL: Yeah. And as people drove down that road it would be like,
5 wow. Because when you drive down you can see it's just woods and then we'd kind of
6 be right on the road and then when you pass our home everybody else's is all the way
7 down to the water.

8 MR. MCDUFFIE: We've certainly had several other cases in recent months that
9 have involved the particulars of, you know, residential, modern residential construction
10 on lots around Lake Murray, you know, that where they just, the lots in order I guess to
11 maximize the amount of lots that they could come up with the lots are very small and
12 we've had to grant a significant number of, you know, variances for things like side yard
13 setbacks and side yards and things like that. [Inaudible]

14 CHAIRWOMAN PERKINS: But it is unusual that he doesn't have his plan and he
15 doesn't know [inaudible].

16 MR. MCDUFFIE: Well but, you know, in this case though, you know, whether or
17 not he would get the variance would I think have a lot of bearing on what the house plan
18 [inaudible].

19 MR. PRICE: Madam Chair, normally Staff does ask for plans and kind of place it
20 on a plat so we could see the exact -

21 CHAIRWOMAN PERKINS: Yeah. That's what I thought.

22 MR. PRICE: - request. You know, for example is it four inches or is it four feet
23 and three inches. We need to know the exactness of this. However in this case

1 because he's actually looking to go zero we [inaudible] really relevant to have the site
2 plans.

3 MR. MCDUFFIE: Do the other, the other houses on that street are definitely on
4 much deeper lots and therefore set back much further from the road?

5 CHAIRWOMAN PERKINS: I'm sorry. I didn't think we - thank you very much.

6 MR. MITCHELL: Thank you.

7 CHAIRWOMAN PERKINS: There's no one signed up in opposition. [Inaudible]
8 we discuss the finding of facts. Extraordinary and exceptional conditions pertaining to a
9 particular piece of property?

10 MR. MCDUFFIE: I think we do have some, you know, unusual conditions that
11 apply to this particular parcel given the, you know, the SCE&G buffer on it which would
12 in fact meet a general sort of setback requirement and then also the fact that this
13 particular parcel is, you know, oddly shaped by the, or not oddly shaped but oddly
14 dimensioned I guess relative to the existing, you know, to the surrounding parcels. The
15 fact that it's, you know, up at the, up at the cove as it is and then also that SCE&G is
16 unable to, you know, part with land in that vegetative buffer apparently. So those kinds
17 of conditions would not, you know, have been applicable to the other properties in the
18 area. You know, obviously they're all built down within what would now be considered
19 the 75' vegetative buffer. And while he can certainly still build a house without the
20 variance, you know, it would, you know, it would certainly restrict his utilization of
21 having, you know, obviously having a lake house and having a house that's, you know,
22 set back appropriately from the road as I'm sure he set out to do. And granted that
23 SCE&G sees no problem with it and we haven't seen anybody turn out against it, you

1 know, it doesn't seem like this would be detrimental to adjacent property or the public
2 good, you know, and certainly I think not granting the variance might do more harm to
3 the character of the district in this case than to grant the variance given that it would put
4 him out, you know, closer to the road and things like that. He'd be sort of out of line or
5 out of scale with the other, with the neighboring properties.

6 CHAIRWOMAN PERKINS: I did not hear any objections to the finding of facts as
7 they were given. Is there a motion that [inaudible] finding of facts [inaudible]?

8 MR. MCDUFFIE: I'll make a motion to approve 08-55 Variance based on the
9 finding of facts with the caveat that if the applicant is in fact ever able to secure
10 additional property from SCE&G adjacent to the rear of his property that the variance be
11 nullified at that point.

12 CHAIRWOMAN PERKINS: Second?

13 MS. CECERE: Second.

14 CHAIRWOMAN PERKINS: All right. There's a motion on the floor to grant the
15 variance 08-55 based on the finding of facts and stated conditions. It has been properly
16 second. All those in favor please have a show of hands.

17 *[Approved: Perrine, Perkins, McDuffie, Cecere, Cooke; Absent: Rush, Branham]*

18 MR. PRICE: Those in favor: Perrine, Perkins, McDuffie, Cecere, and Cooke.

19 CHAIRWOMAN PERKINS: Mr. Mitchell, you have your variance and Mr. Price
20 will be in touch. And this concludes the public hearing. Is there any other business? If
21 not -

1 MR. PRICE: I know this is, doesn't make a difference to me but next month, you
2 know, the third is real close to Labor Day; is that going to be a problem for anyone? Or
3 better yet is that going to be a problem for a quorum?

4 CHAIRWOMAN PERKINS: You never know until that day. I think we ought to
5 go [inaudible] going to be here.

6 MR. MCDUFFIE: Yeah. I can be here on the third. I won't be here later in the
7 month so if you could have it one the third that would be preferable to me. I've
8 scheduled my travel around it.

9 MR. PRICE: Well, I'll be here at work [inaudible].

10 CHAIRWOMAN PERKINS: So the third it is. I don't hear any other objections so,
11 but a quorum we can't promise you, but we'll try. There being no other business this
12 meeting is adjourned.

13
14 *[Meeting Adjourned at 4:45 p.m.]*