



**BOARD OF ZONING APPEALS
MEETING MINUTES**

**Thursday, January 26, 2023
4:00 P.M.**

**Town Hall
157 NW Columbia Ave, Chapin**

Members Present: Chair Walt Shealy, Margo Seddon, Pat Lewandowski, and Rosie Husbands

Members Absent: John Cybart

Staff Present: Town Administrator Nicholle Burroughs, Town Clerk Shannon Bowers

Guests: Gabriel Penfield, Brett Buggeln – Tarpon Towers

Call to Order: Chair Shealy called the meeting to order at 4:03 p.m., determined a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Before the Board of Zoning Appeals (BZA) business began, Administrator Burroughs explained, due to public hearing notice requirements for the BZA, a notice was posted regarding appeals 22-11-17-001 submitted by Gabriel Penfield applying for a special exception review for property located at 105 Ellet Road location for a cigar store. The applicant for the cigar store withdrew their application for discussion at this meeting, but because the applicant is still looking for property in the Town, they did not understand that withdrawing the application would remove the item from the BZA agenda. The applicant was in attendance and wished to address the board with an update. Her recommendation was to place it on the agenda after agenda item 3, to provide information to the BZA. Member Seddon moved to allow applicant to speak to provide information to the board. Member Husbands seconded the motion. No further discussion, motion passed unanimously.

Chair Walt Shealy: Yes
Vice Chair Rosie Husbands: Yes
Member Pat Lewandowski: Yes
Member Margo Seddon: Yes

Approval of Minutes: Member Seddon moved to accept the Board of Zoning Appeals (BZA) meeting minutes of December 15, 2022 as submitted. Member Lewandowski seconded the motion. Motion passed unanimously.

Chair Walt Shealy: Yes
Member Rosie Husbands: Yes
Member Pat Lewandowski: Yes
Member Margo Seddon: Yes

Elections

Member Lewandowski nominated Walt Shealy to serve as Chair. Member Husbands seconded the nomination. No further nominations were offered. Walt Shealy was elected as Chair of the BZA, vote was as follows:

Member Rosie Husbands: Yes

Member Pat Lewandowski: Yes
 Member Margo Seddon: Yes

Chair Shealy nominated Rosie Husbands to serve as Vice Chair. Member Seddon seconded the nomination. Rosie Husbands was elected as Vice Chair of the BZA, vote was as follows:

Chair Walt Shealy: Yes
 Member Pat Lewandowski: Yes
 Member Margo Seddon: Yes

New Business

Request for special exception review for appeal #23-01-5-002 for property located at 157 NW Columbia Avenue: The BZA reviewed a special exception use request for 157 NW Columbia Avenue for use of a communications tower per the district regulations in section 518 of the Zoning Ordinance.

Administrator Burroughs explained that staff has been working with Brett Buggeln, Tarpon Towers to address a need in our community. Because of the requirements of the zoning ordinances for Office Commercial, this is a special exception use and the BZA must deliberate and decide if the use is compatible with the zoning district.

Tarpon Towers plans to build a 155 ft monopole multi-communications tower on the town hall property. This site was determined to have the least obtrusive position, would not impede the future development of the town hall property, provide coverage closer to the center of town, and the natural topography of the site provides coverage from adjacent parcels, with the nearest residential parcel located more than 800 feet away. It is staff's recommendation that the BZA grant the special exception use on the condition that the position of the access easement be altered to provide as much space as is possible to the 22' Red Oak Tree shown on page two of "SC1012 Zoning Drawings". Brett Buggeln with Tarpon Towers provided additional information for the record regarding an analysis for airspace regulations for lighting from a third-party company.

A member of the public, Jeff Grover, submitted his comments in writing regarding the access point to protect the root system the 22' Red Oak Tree and consideration for camouflage to be included for the record as supplied by Planning and Zoning Manager Kevin Singletary.

The BZA asked questions regarding the site locations, site grading, quality of coverage, antenna capacity, and pole camouflage. After deliberation, Member Seddon moved to accept staff's recommendation as presented. Member Lewandowski seconded the motion. No further discussion, motion passed unanimously.

Chair Walt Shealy: Yes
 Vice Chair Rosie Husbands: Yes
 Member Pat Lewandowski: Yes
 Member Margo Seddon: Yes

Cigar Store update: Administrator Burroughs explained that this business was originally slated for 105 Ellet Road, but the application was withdrawn before this meeting. A new application has been submitted by Mr. Gabriel Penfield and will need to be publicly advertised before deliberation by the BZA. Mr. Penfield supplied further information regarding the ventilation system for air quality control to be used in the cigar shop. He stated that several Chapin residents drive outside of Chapin to partake in what a cigar

shop would offer, and his hope is to bring that opportunity to Chapin. Director Burroughs clarified that regardless of location, this must be considered a special exception use that must be presented to the BZA for review.

2023 BZA Calendar: The BZA reviewed the 2023 BZA calendar. The BZA meets at 4:00 p.m. on the fourth Thursday of each month, as needed. Member Lewandowski moved to approved the 2023 schedule as presented. Member Seddon seconded the motion. Motion passed unanimously.

Chair Walt Shealy:	Yes
Vice Chair Rosie Husbands:	Yes
Member Pat Lewandowski:	Yes
Member Margo Seddon:	Yes

Open Time for Staff and BZA: Administrator Burroughs clarified a point in regards to how many feet a business like a cigar shop would be from other properties. She stated that the means of measurement was a matter for the Planning Commission to discuss as a part of the zoning ordinance, and they intend to provide that direction to the Planning Commission for clarification in the Unified Zoning and Development Ordinance.

Adjournment: Vice Chair Husbands made the motion to adjourn the meeting. Member Seddon seconded the motion. Meeting adjourned at 4:45 p.m.

BZA APPROVED: February 23, 2023