



**BOARD OF ZONING APPEALS
MEETING MINUTES**

**Thursday, February 23, 2023
4:00 P.M.**

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

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

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

Guests: Gabriel Penfield, Representative Jay Kilmartin

Call to Order: Chair Shealy called the meeting to order at 4:01 p.m., determined a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member Seddon moved to accept the Board of Zoning Appeals (BZA) meeting minutes of January 26, 2023 as submitted. Member Lewandowski seconded the motion. Motion passed unanimously.

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

New Business

Request for special exception review for appeal for property located at 103 Clark Street:

The BZA reviewed a special exception use request for 103 Clark Street for use of a cigar store per the district regulations in section 518 of the Zoning Ordinance.

Administrator Burroughs explained that staff has been working with Gabriel Penfield to address a desire for a cigar store in the community. Because of the requirements of the zoning ordinances for cigar stores, this is a special exception use and the BZA must deliberate and decide if the use is compatible with the zoning district.

Mr. Penfield explained his desire to bring a cigar store to Chapin, and the obstacles he has faced in finding a suitable location. He stated that property located across from the high school was going to require an extended lease option to locate there, therefore it was not a feasible option. He explained that the Clark Street location is ideal for General Commercial uses and would not require much upfitting, beyond the requirements for maintaining an historical building. He also explained that any renovations done to the building would be minimal and would enhance the character of the building without taking anything away from it. He also stated they would make sure to have plenty of fire extinguishers on hand and install air scrubbers to control smoke output.

Representative Jay Kilmartin was invited to speak on behalf of the business. He stated that he owns a cigar store and could speak to the culture of the cigar business as social activity and is a service oriented and friendly business. Representative Kilmartin also explained that most air is pumped out of the building with additional filters as necessary and the humidor is climate controlled with a regular air conditioning unit and humidifier. He also explained that his business has protocols for checking identification of patrons and emphasized that the products they, and other cigar stores of the like, are not vape shops.

Administrator Burroughs presented staff's review and recommendation of the application. The building is one of the oldest buildings in Chapin, with adjacent public parking. She noted that the building itself does not have designated parking, but the traffic flow to that area should be no more than normal for that area. In reviewing for compliance, staff did note that the building is within the 300 ft threshold of a church and single-family residential property. She noted that the church signed an agreement to waive any rights to prevent these types of businesses when they located there. It is staff's recommendation to approve the special exception to be issued on condition; that all property owners of preexisting lots where single-family residences are within 300 ft. of the building have provided, in writing, to the applicant, to be turned into the Planning and Zoning Manager, consent for a cigar store to locate at 103 Clark St.

The BZA deliberated on staff's recommended condition, air quality control, and future of the district as a commercial area. Member Cybart moved to accepted staff's recommendation as presented. Member Seddon seconded the motion. Discussion followed.

BZA asked questions about staff's condition. Administrator Burroughs explained that because 300ft is a condition that must be met as a part of the special exception use, staff offered the applicant get approval from property owners as a possible solution to satisfy that condition. After further discussion about the stated condition, Member Cybart moved to amend the motion to include the statement "if attempts have been made to contact all six homeowners. Any homeowner's refusal to or lack of response to these attempts will be taken as approval. Member Seddon seconded the motion to amend. No further discussion, motion to amend passed unanimously.

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

No further discussion was had on the topic. Motion to approve staff's recommendation as amended passed unanimously.

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

Open Time for Staff and BZA: Administrator Burroughs thanked the board for their discussion and hard work.

Adjournment: Member Seddon moved to adjourn the meeting. Vice Chair Husbands seconded the motion. Meeting adjourned at 4:59 p.m.

BZA APPROVED: _____

Walt Shealy, BZA Chairman

ATTEST:

Shannon Bowers, Town Clerk

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