

Richland County/Board of Zoning Appeals
April 7, 2010

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5 *[Present: Joshua McDuffie, Mr. Meetze, Torrey Rush, Sheldon Cooke, William Smith;*
6 *Absent: Elaine Perrine, Susanne Cecere]*

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8 Called to order: 1:00 pm
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10 CHAIRMAN MCDUFFIE: I'd like to call this meeting for the Richland County
11 Board of Zoning Appeals to Order. And at this time, our attorney Ms. Amelia Linder will
12 be giving the Rules of Order.

13 MS. LINDER: Thank you Mr. Chairman. Good afternoon ladies and gentlemen,
14 I'd like to welcome you to the April 7th Board of Zoning Appeals Meeting. Today's
15 meeting is a *quasi* judicial hearing which means that the Board's decision today on your
16 special exception or your variance request will be a final decision. We will wait until
17 next month's Minutes are approved and then an Order will be going out based on what
18 the decision of the Board is and once that Order is mailed you have thirty (30) days to
19 appeal the decision if you disagree with the decision or are unhappy with it. And then
20 that would go to the Circuit Court. Today's meeting will proceed according to the
21 Agenda. The applicant will have up to 15 minutes to speak. And they should come to
22 the podium if you're the applicant, state you name and your address. It's really helpful if
23 you can give the reasons for your requests based on the requirements our Land
24 Development Code. If there is anyone here in opposition to what the applicant is
25 asking, then they will have up to three minutes to speak, and then once the opposition
26 has spoken, the Applicant will again have five minutes to rebut what the opposition said.
27 When you are addressing the Board, please keep your comments to the Board and not
28 members of the audience. You will be sworn in; you will be under oath as you testify.

1 It's not quite as formal, so if you have material that you want to submit you need to let
2 the Board know that. If you need to leave, we just ask that you leave the room quietly.
3 We ask that you turn your cell phones off or silence them or vibrate them. I believe the
4 last time, I forgot to do mine; I'm going to check mine as well, it's on vibrate, so I'm okay
5 there. Are there any questions before I give you the oath to testify? Okay, at this time, if
6 you are planning to address the Board, I ask that you stand. If you're planning to speak,
7 please stand and raise your right hand. Do you swear or affirm that the testimony you
8 shall give be the truth, the whole truth and nothing but the truth so help you God?

9 AUDIENCE: I do.

10 MS. LINDER: Anybody answer in the negative, you need to let me know. I am
11 seeing that nobody did answer in the negative, you are all sworn in. Thank you Mr.
12 Chairman.

13 CHAIRMAN MCDUFFIE: At this time, is there a motion for approval of the
14 Minutes from March and/or from February, I believe? We still have to approve Minutes
15 for both of those, is that correct?

16 MR. SMITH: No, I think it's just February.

17 CHAIRMAN MCDUFFIE: [Inaudible] Did we not have copy of the February
18 Minutes last month is that correct?

19 MR. PRICE: No, you didn't.

20 CHAIRMAN MCDUFFIE: So we need to vote on both those?

21 MR. PRICE: Correct.

22 CHAIRMAN MCDUFFIE: Approving both the February and the March Minutes?

23 MR. PRICE: Yes.

1 MR. SMITH: I'd like to make a motion to approve February and March Minutes.

2 MR. RUSH: Second.

3 CHAIRMAN MCDUFFIE: Alright, we have a motion that has been seconded. All
4 in favor?

5 MR. PRICE: Those in favor, Meetze, Rush, McDuffie, Cooke, Smith.

6 *[Approved: Meetze, Rush, McDuffie, Cooke, Smith; Absent: Perrine, Cecere]*

7 CHAIRMAN MCDUFFIE: Okay. None opposed. Alright, the Minutes from
8 February and March 2010 have been approved, and now we'll move on to the Public
9 Hearing portion of today's hearing. Alright, calling the first case, I would like to mention
10 that as you can probably see we don't have an entire Board here tonight, we do have a
11 quorum, so we can hear and decide cases but we'd like to extend the option if people
12 would prefer to take a chance on having their case heard before the entire Board, we do
13 give the option for deferring, for the Applicants to defer to the next month although I
14 cannot promise that you'll have a full Board next month either. So, if that is the case,
15 just let Staff know. At this time I would like to go ahead and call or have Mr. Price call
16 our first case.

17 **CASE NO.: 10-03 V:**

18 MR. PRICE: Alright, the first item is Case 10-03 Variance. The Applicant is
19 Rosemary Dalton. Her location is 21 Island Drive. The Applicant is requesting a
20 variance to encroach into a required side and rear yard setbacks on property zoned RU.
21 The property is less than half an acre about .43 hundredths of an acre, it's residential.
22 The property has, according to our records, a 3,770 split level dwelling that was
23 constructed around 1973. The Applicant is proposing to construct additions to the

1 existing structure. A 730 square foot addition in the front and an 835 square foot
2 addition in the rear and as stated that these will encroach into the required side and rear
3 year setbacks. As you can see, this is kind of an aerial of the site. The site is bordered
4 by red. There's some flags out in the front and some stakes that, I believe this depicts
5 where the proposed addition will occur. Another view of it. This shows the distance
6 from the existing structure to the property line and as you can see, it already
7 encroaches into the setbacks. A view of the side. This is a view from, this house abuts
8 Lake Murray, and this is a view standing near the lake looking back toward the rear of
9 the home. This is about the area for the addition. Once again another view. I will
10 show, excuse me – here's a plat of the property as it currently is, it shows you the
11 setbacks, I'm sure you can see a lot better within your package. And here – this is, I
12 kind of cropped this in so hopefully we'd could see it better, but this shows the existing
13 structure with the proposed additions. I didn't touch on this within the discussion part of
14 the Agenda for this case, but the Code actually allows an addition, when the structure is
15 nonconforming because of setbacks up to a 10' addition as long as you don't increase
16 that encroachment anymore. So, they normally would be allowed this but of course the
17 proposed additions are a lot larger than the 10', so this is why they're coming before you
18 now. That is it.

19 CHAIRMAN MCDUFFIE: Okay, to clarify for my purposes, the setbacks aren't
20 going to change any with the addition, is that right?

21 MR. PRICE: Yes, sir. As you can see – sorry, I don't have a highlighter –

22 CHAIRMAN MCDUFFIE: But their building in line with the existing structure?

1 MR. PRICE: Mr. Ashley is going to go over a little bit more. If you look here, on
2 the front part where the proposed addition is, you can see it sits off, encroaches into the
3 setback a little bit, maybe about a foot or two at the most and then it continues down the
4 line. Whereas, and the same thing in the rear. Just the angle of that, I guess the
5 existing home, almost pushes the additions to encroach more.

6 CHAIRMAN MCDUFFIE: At this time if you would have the Applicant come up to
7 the podium. Please state your name and addition for the Record.

8 **TESTIMONY OF ROSEMARY DALTON:**

9 MRS. DALTON: Hi, Rosemary Dalton, 21 Island Drive, Chapin, SC. The box in
10 the front is basically a double-car garage, so I was going to add a double-car garage to
11 the front and bump out the front door near the double garage and the area in the back is
12 a sunroom and a porch, its overlooking Lake Murray, so a porch seems almost required.
13 Do you have any questions for me? I don't have 15 minutes worth of prepared speech.

14 CHAIRMAN MCDUFFIE: Any questions from the Board?

15 MR. COOKE: I've got a question for the Staff. Mr. Price, this existing – is there
16 existing residence that is currently encroaching into the side yard setback?

17 MR. PRICE: Yes, sir. As stated, this property is zoned rural and the rural
18 setbacks are 40 in the front which the current structure and even with the addition will
19 still be in compliance but the sides are a required 20 and as you can see, the existing
20 structure is encroaching into that pretty good. And also, the rear is 50 and I believe with
21 the addition, it will encroach into that.

22 MR. COOKE: And we have that same situation with other homes in the vicinity?

1 MR. PRICE: I will go out to the aerial of this. We run across this problem, it
2 seems like at least a couple of times a year, especially with lots on the lake because if I
3 go into a deep history of it, I guess when County Council was rezoning property, you
4 know, going up to the lake may not have been a big priority to make it single-family or
5 anything specific, just left it as rural. So that there are many lots especially around the
6 lake that are nonconforming because they do not meet the rural dimensional
7 requirements so usually whenever there's any proposed addition to it, it does require a
8 variance.

9 MR. SMITH: You were mentioning earlier about the back porch? In the report it
10 stated that you were going to have extension to your bedroom as well. Is that
11 something that you still will definitely be doing?

12 MRS. DALTON: Yeah, it is a tri-level and so going across the back of the living
13 area and then the bedroom, the bedroom is actually on the upper floor of the tri-level so
14 it's going to add a porch to the bedroom.

15 MR. SMITH: Okay.

16 MRS. DALTON: And extending the bathroom to –

17 MR. SMITH: It's going to be external, an external extension instead of having a
18 wall being broken into and that's what I was trying to figure out, so thank you. Because
19 it's going to be a porch coming from the bedroom, correct?

20 MRS. DALTON: Right. And underneath will be like a patio.

21 MR. SMITH: I understand.

22 MRS. DALTON: The current house, the upper level and the main level is like
23 1,866 square feet and then there's a little basement area under the lowest level and the

1 square footage that they mentioned includes the carport and some other things. Just to
2 let you know the house is not quite as big as you might think.

3 MR. SMITH: You cleared that up, thank you.

4 CHAIRMAN MCDUFFIE: Is there any other questions for either Staff or the
5 Applicant at this time? Anyone care to go through the criteria for the Variance.

6 MR. SMITH: Alrighty. Are there any extraordinary or exceptional conditions
7 pertaining to the particular piece of property, I say yes. Do these conditions generally
8 apply to the other property in the vicinity? Yes. Would the application of this chapter to
9 this particular piece of property effectively prohibit or unreasonably restrict the utilization
10 of property because of aforesaid extraordinary and exception conditions? No. And –

11 CHAIRMAN MCDUFFIE: Would you care to –

12 MR. SMITH: Elaborate?

13 CHAIRMAN MCDUFFIE: Elaborate about what the extraordinary exceptions
14 are?

15 MR. SMITH: Going by what Staff was mentioning earlier about how the property
16 near the lakes were zoned, I truly believe that, especially looking at the other, going by
17 the discussion here, that there were other variances that were granted on a number of
18 the parcels of land in the surrounding area which means that there, I believe that there's
19 an opportunity in this case for a variance to be passed because of conditions all along
20 the lake line. So, that's, and with that being said, gives me a reason to grant it.

21 CHAIRMAN MCDUFFIE: I would add as well that the shape of the parcel and
22 the current configuration of the residence on that parcel being built prior to the adoption
23 of the Land Development Code creates a situation where it would make it, at a

1 minimum, problematic for adding on to a house without a variance. And what did you
2 say about No. 5 as it generally applied to other properties?

3 MR. SMITH: I was looking at the actual, in a discussion Section E, in regards to
4 "records indicate that a number of parcels in the general vicinity have received
5 variances to encroach into the required setback" which tells me that there have been
6 other cases that that's been an issue.

7 CHAIRMAN MCDUFFIE: But in general in though, this particular property is
8 significantly different than, you know, in terms of the actual configuration of the property
9 and the residence. What's the distance of the, if you just had to estimate, how much
10 encroachment are we getting from this house [inaudible]?

11 MR. PRICE: You mean the rear?

12 CHAIRMAN MCDUFFIE: What's that?

13 MR. PRICE: You mean the rear?

14 CHAIRMAN MCDUFFIE: No, on the side. Like how -

15 MR. PRICE: It's probably less than 5'.

16 MR. COOKE: How much, less than 5'?

17 MR. PRICE: It's probably less than 5' -

18 CHAIRMAN MCDUFFIE: Five feet from the property line or 5' of encroachment?

19 MR. PRICE: Oh, I'm sorry - from the property line. If you can -

20 MR. SMITH: I read that the wrong way. You guys are answering questions here,
21 and the answer was no to that. I apologize. As we were going through that, so I
22 apologize.

1 MR. PRICE: If you're asking about does the, how far does the abutting parcel,
2 excuse me, structure, encroach into the side yard setbacks -

3 MR. SMITH: Yeah.

4 MR. PRICE: - you can see here, it seems to be about the same as what the
5 subject property is so probably about 5', 5 or 6'.

6 CHAIRMAN MCDUFFIE: Sorry to interrupt could we please -

7 MR. SMITH: And I'm sorry that I read that again, read it wrong. The answer was
8 actually no to that. Do these conditions generally apply to other property in the vicinity
9 and the answer is no. So, I truly apologize about that. And would with the granting of
10 this variance be of substantial detriment to the adjacent property towards the public
11 good or will it harm the character of the district? The answer is no.

12 CHAIRMAN MCDUFFIE: Can you go back and I didn't hear your answer for No.
13 6?

14 MR. SMITH: Oh, okay. With application of this Chapter to this particular piece of
15 property effectively prohibit or unreasonably restrict the utilization of property because
16 of the aforesaid extraordinary exceptional conditions. Yes.

17 CHAIRMAN MCDUFFIE: Okay. Would that be because it would be impossible
18 to -

19 MR. SMITH: Because -

20 MR. COOKE: Pretty much.

21 CHAIRMAN MCDUFFIE: To build a complying structure on the property?

22 MR. SMITH: Yes, it would be.

1 CHAIRMAN MCDUFFIE: Alright. Is there any discussion at this time or any
2 further questions from the Board for either the Staff or the Applicant? Anything from the
3 Board? Alright, if that's the case then is there a motion moving forward?

4 MR. COOKE: Yeah, I'd like to make a motion to move to approve variance 10-03
5 based on the Finding of the Facts.

6 CHAIRMAN MCDUFFIE: Is there a second?

7 MR. MEETZE: Second.

8 CHAIRMAN MCDUFFIE: Alright, then the motion has been seconded. All in
9 favor?

10 MR. PRICE: Those in favor are Meetze, Rush, McDuffie, Cooke, Smith.

11 [*Approved: Meetze, Rush, McDuffie, Cooke, Smith; Absent: Perrine, Cecere*]

12 CHAIRMAN MCDUFFIE: Alright, I believe that's everyone that's here today. Mrs.
13 Dalton you have your variance and the Staff will be in touch. Thank you very much.

14 MRS. DALTON: Thank you. Thank you very much.

15 CHAIRMAN MCDUFFIE: Mr. Price, if you would call –

16 **CASE NO. 10-04 SE:**

17 MR. PRICE: Next item is Case No. 10-04 Special Exception. The Applicant is
18 requesting the Board of Zoning Appeals to grant a special exception to permit an
19 establishment of a place of worship on property zoned RS-MD which is residential
20 single-family medium density. The Applicant is Mount Pilgrim Baptist Church
21 represented by the Reverend Rock Sims. The location is 269 Ashberry Street. The
22 parcel size for the addition is .46 of an acre and it's currently used as a parking lot for

1 the church and the Applicant proposes to construct a Fellowship Building. The
2 surrounding area is primarily residential. Let's see if I can explain this one.

3 MR. COOKE: Yeah.

4 MR. PRICE: The current church is located on property zoned RU and in the rural
5 district, a place of worship is a permitted use, so the church is conforming from that.
6 The addition they would like to make, which is a fellowship building, is on a single-family
7 zoned parcel which requires a special exception. So, we have to phrase it that it's really
8 to permit the establishment of a church, it's really for an addition but we felt that you
9 can't have an accessory use without a principle use being there so this will just kind of
10 tie it all together. Kind of go through all the slides. As you can see this is, what I have
11 bordered in red is the subject site for the fellowship hall and as you can see here's the
12 church sitting north of it, and the surrounding area is pretty much residential. It's really
13 just residential. This is off of Farrow Road and there's the railroad track that pretty
14 much buffers it from some of the commercial and some of the residential that is located
15 across Farrow Road. This is the site, part of the parking lot and this is looking back
16 toward Farrow Road, so I have a few angles. The Applicant can probably speak on this
17 a little bit more but I believe there's a, something worked out with the county, I believe it
18 was the county where they switched parcels, to kind of take some this curve out of the
19 road so where they'll be building is actually on part of the road. Just another view, this
20 is from the front of the church looking back toward the site. Once again another view,
21 the existing church. And there's the site which will be up here. Once again, the railroad
22 tracks and looking back. On one of the things that we did look as a Staff and we, and
23 as part of the discussion was especially when you look back on this road, you know, the

1 impact that this could have on the residents in this area. All of the access will take
2 place primarily from the front, because that's where they have an existing parking lot
3 here. There's parking in front of the church so because it is associated with the church,
4 most of the, I assume just about everyone that will occupy the new fellowship building
5 will come from the church, so the parking is already there, so I don't think it will have
6 any impact on Ashberry, Bruce Street or Pilgrim Road.

7 CHAIRMAN MCDUFFIE: Mr. Price, is there currently access to that parking lot
8 from Ashberry, Bruce or Pilgrim?

9 MR. PRICE: No, sir. Well, you know what, let me – I can tell you.

10 CHAIRMAN MCDUFFIE: Cause I couldn't –

11 MR. PRICE: Yes, there's a gate, looks like this gate opens up.

12 CHAIRMAN MCDUFFIE: Okay.

13 MR. PRICE: So, I'm sure with the addition that they will more than likely close
14 that off. Here's a site plan and as previously stated, you can probably see it a lot better
15 inside your packet, showing the existing church and the proposed addition. And here's
16 a cropped version of it. And this also shows you where the new road will come along
17 and where the church will be built where the existing road is now. That will be it, I'm
18 sorry.

19 CHAIRMAN MCDUFFIE: At this time, I'd like to call the Applicant, the Reverend
20 Rock Sims. Please come forward and state your name and address for the Record.

21 **TESTIMONY OF REV. ROCK SIMS:**

22 REVEREND SIMS: Good morning, my name is Reverend Rocky Sims; I use the
23 address of 9300 Farrow Road because that's where the church sets versus 269

1 Ashberry Drive. What has been presented to you just a copy of the future site with the
2 church and the fellowship hall in conjunction. But to follow it further with me this
3 afternoon, I have a Chairman of our Deacon Ministry, Deacon Lucas Rufus Wach and a
4 Chairman of our Trustee Ministry Mrs., Sister Mary Anderson, and also we have a Mr.
5 Dan Creed from Heritage Engineering with us to answer any technical questions. Just
6 real quick the request for this special exception just to construct this multi-purpose
7 fellowship hall and if the exception is granted, we like to use the analogy that it will
8 serve a two-fold purpose. Number One it would enhance our ability to ministry our
9 church better, and also it would greatly enhance our ability to do what we like to call
10 church and community integration. Our aim is to help integrate our church into our
11 community a little deeper by pulling the youth from the community into the church and
12 get them off the streets and create a safe environment for young folks to come and
13 have place to actually fellowship, play basketball, volleyball and a few other things.
14 Barring any questions, it's just that simple.

15 CHAIRMAN MCDUFFIE: Any questions?

16 MR. RUSH: How many people actually attend your church?

17 REVEREND SIMS: Our church, the capacity of the church is roughly about 250.

18 On any given Sunday, we have roughly about 150 in people in church.

19 CHAIRMAN MCDUFFIE: Any other questions either for Staff or for the
20 Applicant?

21 MR. SMITH: Just to confirm again with the Applicant, well actually for Staff that
22 the parking lot that's on the far left side is Mt. Pilgrim's Church?

23 MR. PRICE: Yes.

1 MR. SMITH: Okay, yeah. Thank you.

2 MR. RUSH: As far as Staff, so parking would be okay with 63 spots?

3 MR. PRICE: Yes, sir.

4 MR. RUSH: I think it is.

5 MR. PRICE: Yes, sir.

6 MR. RUSH: So, he's okay with parking?

7 MR. PRICE: Yes.

8 CHAIRMAN MCDUFFIE: Mr. Price, if we were talking about, I believe the church
9 is located right now on a rural parcel and this is a [inaudible] residential parcel?

10 MR. PRICE: Yes.

11 CHAIRMAN MCDUFFIE: They're trying to expand over here.

12 MR. PRICE: Yes, sir.

13 CHAIRMAN MCDUFFIE: But if we're talking about building on all one parcel, it
14 probably would require –

15 MR. PRICE: I'm sorry, what was that?

16 CHAIRMAN MCDUFFIE: Would it still require a variance if they were just trying
17 to expand the church on a rural –

18 MR. PRICE: No, sir.

19 CHAIRMAN MCDUFFIE: - or a special exception, rather, on a rural parcel?

20 MR. PRICE: No, sir.

21 CHAIRMAN MCDUFFIE: So that's the issue in question?

22 MR. PRICE: Yes, because of the zoning. Yes, sir.

1 MR. RUSH: What about the rear setbacks on that proposed building, Mr. Price?
2 I know the side setbacks are 30' but what about the rear? Because it looks like it's on
3 the, or does it, I mean, explain that to me.

4 MR. PRICE: Well, you know, let me – I wanted to make sure that I turned to the
5 Section for Special Exception –

6 MR. COOKE: I was under the understanding, Torrey, that the yellow line, I think
7 compensates.

8 MR. RUSH: Say again.

9 MR. COOKE: I think the yellow line where the setbacks begin, if Staff wants to
10 clarify that.

11 MR. RUSH: That's the actual property.

12 MR. COOKE: Yeah, that's the property line but –

13 MR. RUSH: But with the setbacks for that should be, I know its 30' on the side, I
14 think it's 25 rear, about that?

15 MR. PRICE: The side and the rear for this place of worship is 30'.

16 MR. RUSH: So, is the property actually on the property line on the backside? I
17 mean, explain – or is it in compliance?

18 MR. PRICE: It will be in compliance. As you can see, like I say, I apologize, I
19 don't have the pointer with me, where it sets 25' from the front along, I guess, Pilgrim
20 Road and also Ashberry and few streets that come run in here.

21 MR. RUSH: So, it's not from the –

1 MR. PRICE: That will be one. There will be a front that will be in compliance
2 from that. Also, there's 25' even though it's abutting the railroad track, that still, abuts a
3 road.

4 MR. RUSH: Yeah.

5 MR. PRICE: So, 25 there. And then this will be, we would just consider that to
6 be a side or rear, it really doesn't make a difference because the setbacks are the same
7 and so the 30 would be in compliance.

8 MR. RUSH: So, there's 30 on the side right there where the property is.

9 MR. PRICE: Yes, sir.

10 MR. RUSH: From the backside, if that's the property line –

11 MR. PRICE: Here's, this is the property line here.

12 MR. RUSH: Okay, where's the back property line?

13 MR. PRICE: It really fronts on two streets, so what you're looking at is this the
14 back – it's almost like it has no rear property line in this particular case.

15 MR. RUSH: So, what's that? What's this?

16 MR. COOKE: The line that faces Farrow Road is the front, is that correct?

17 MR. PRICE: It fronts on two streets, Farrow Road, and guess where Pilgrim
18 Road kind of curves around. So those would be your fronts.

19 MR. COOKE: Those both would be?

20 MR. PRICE: It has two fronts, which would be 25' required setback.

21 MR. COOKE: Okay.

22 MR. RUSH: So, with that being said, right there is the property line, if you follow
23 the property line to my right going this way -

1 MR. PRICE: Oh, this way. Okay.

2 MR. RUSH: No, the other way, the other way. Right there, that's a property line,
3 is that correct?

4 MR. PRICE: This will adjusted –

5 MR. RUSH: That's not a property line?

6 MR. PRICE: This will be adjusted with the road and as I said, this would change
7 because as I said, and I think either Reverend Sims or Dan Creed and speak on this a
8 little bit more because of a, kind of switch with it, I guess it's DOT in this particular case,
9 the county, excuse me.

10 REVEREND SIMS: Public Works.

11 MR. PRICE: Public Works, with our Public Works, they will acquire a portion of
12 17309-0301, as you can see, I'm kind of rolling the little hand around.

13 MR. RUSH: Right.

14 MR. PRICE: They will acquire a piece of that which is owned by the church. And
15 what that will allow them to do is kind of straighten out this road a bit and in return, the
16 church will then acquire part of the right-of-way. Which would then be –

17 CHAIRMAN MCDUFFIE: Which would constitute in a swap.

18 MR. PRICE: Yes, it's a swap. And so when you're looking at the setbacks, the
19 setbacks come along here. This will be the new setback line. It also said right-of-way,
20 but that's also a new property line. And so that's where the 25 is coming from.

21 MR. RUSH: Okay, so that's going to be the new setback line?

22 MR. PRICE: Yes, sir.

23 MR. RUSH: Alright.

1 MR. PRICE: And I think if you see right below that says former right-of-way, it
2 would have been identified as the former right-of-way. And so that line that you actually
3 see, it does look like the church would encroach but you have to go where it says new
4 right-of-way.

5 CHAIRMAN MCDUFFIE: But based on where the new parcels are going to be, it
6 will meet all the appropriate setback requirements.

7 MR. PRICE: Yes, it will.

8 CHAIRMAN MCDUFFIE: Okay. Are there any additional questions? At this time
9 would anyone care to go through the Findings of Fact for the special exception?

10 MR. COOKE: Yes. Were the specific requirements for this Special Exception
11 met? I would say yes. Will traffic be impacted by this particular proposal? That would
12 be a no. Would this proposal affect vehicle or pedestrian safety? I also say no. Is there
13 a potential impact of noise, lights, fumes or obstruction of airflow on adjoining
14 properties? Also that would be no. Would the proposed use have an adverse impact
15 on aesthetic character of the environs? That's also a no. Is there orientation and
16 spacing of improvements or building appropriate? As it's been clarified, I would say
17 yes.

18 CHAIRMAN MCDUFFIE: I have one quick question for the Applicant. Right now
19 there is a, looks like a gate onto the, I guess I would call it the residential side of the
20 parking lot there out to Ashberry or Pilgrim, is that right?

21 REVEREND SIMS: Yes, sir.

22 CHAIRMAN MCDUFFIE: And does that gate pretty much stay closed all the time
23 —

1 REVEREND SIMS: Yes, sir.

2 CHAIRMAN MCDUFFIE: And will that continue to be the case after the additions
3 or is there plan to have bigger access.

4 REVEREND SIMS: There'd be no access with the additions. That parking lot
5 would be dissolved and that building will set in its space.

6 CHAIRMAN MCDUFFIE: Okay. Any additional questions or discussion? Would
7 anyone care to make a motion at this time?

8 MR. COOKE: Yes, I would like to make a motion that we move to approve
9 Special Exception 10-04 based on the facts of finding, Findings of the Facts.

10 CHAIRMAN MCDUFFIE: Okay.

11 MR. SMITH: I'll second it.

12 CHAIRMAN MCDUFFIE: Okay, I have motion that has been seconded to
13 approve. All in favor?

14 MR. PRICE: Meetze, Rush, McDuffie, Cooke, Smith.

15 *[Approved: Meetze, Rush, McDuffie, Cooke, Smith; Absent: Perrine, Cecere]*

16 CHAIRMAN MCDUFFIE: That would be all of us. Reverend Sims, you have
17 your Special Exception and Staff will be in touch.

18 REVEREND SIMS: Thank you, sir.

19 CHAIRMAN MCDUFFIE: And at this time, Mr. Price if you would go ahead and
20 call the next case. We've had a request from a Member of the Board to have an
21 Executive Session at this time for purposes of receiving legal advice prior to calling the
22 case.

23 MR. PRICE: Okay.

1 CHAIRMAN MCDUFFIE: So at this time, I would like to go into Executive
2 Session.

3 *[Executive Session]*

4 CHAIRMAN MCDUFFIE: Alright, at this time I would like to bring the Board out
5 of Executive Session and at this point have Mr. Price present the case.

6 **CASE NO.: 10-05 AR:**

7 MR. PRICE: Our next case is the Administrative Appeal, Case 10-05 AR. The
8 Applicant was appealing the Zoning Administrator's decision to rescind a previous letter
9 of interpretation. I have thought long and hard on how to present this but I'll try to keep
10 this relatively simple. What we have here is the Zoning Administrator is my authority
11 and I'm reading from the Land Development Code; they interpret the terms or provisions
12 of this chapter unless it's assisted to someone else. And once the land is zoned PDD or
13 Planned Development District, formally known as PUD, which is a Planned Unit
14 Development, that becomes part of our chapter, it's part of our enforcement, so it's up to
15 me to make those interpretations. What we have here is I did write a letter and you do
16 have those letters in your packet, one was dated 10 November 2008, and within that I
17 did state that the Applicant, based on what I found within a packet, that they were able
18 to change product types within the allowable zoning categories or modified zoning
19 designations within the established yield of the overall development. That was my initial
20 interpretation. And as you can see, was done November 2008. On the 1st of February
21 2010, I wrote a letter essentially rescinding that original interpretation and in my terms
22 "correcting" what my interpretation is. One of the – kind of get to this, as a Zoning
23 Administrator, if I make an interpretation I always hope that it's correct the first time. If

1 at any time it turns out I was wrong, I have to make that a correction. To kind of give
2 you an example, if I told you that your property was zoned single-family but in turn it
3 was zoned commercial, regardless of the time that it took place, your property has not
4 been rezoned, I was wrong, I would have to make that correction. We've had cases in
5 which we have given a wrong zoning information so one has established a use on a
6 piece of property and we had to go in and have them remove that use cause regardless
7 of what our initial determination was, we cannot change this. Within the Land
8 Development Code it states "major changes" and this is pretty much follows all versions
9 of our Land Development Code from the books that we formally knew as the Zoning
10 Ordinance to what we now use is the Richland County Land Development Code. But
11 the language is pretty much is that "Major changes that involve changes in location of
12 land uses, shall follow the same procedures as required for approval of the PUD Zoning
13 District". That is a meeting before the Planning Commission and three readings by
14 County Council. It requires an amendment to that ordinance. I understand that some
15 time has elapsed regarding my interpretation, but once again, if my interpretation has
16 been determined to be wrong, I have to make that correction regardless. I mean, that's
17 pretty much my, all I have to offer.

18 CHAIRMAN MCDUFFIE: At this time, if we could have the Applicant, Mr. Boyd
19 on behalf of Woodcreek. Please come forward and state your case.

20 **TESTIMONY OF JOHN BOYD:**

21 MR. BOYD: Good afternoon. My name is John Boyd and I'm appearing on
22 behalf of Woodcreek Farms Development. I live at 306 South Waccamaw Avenue,
23 Columbia, South Carolina 29205 up the road. And my presentation has three parts and

1 I'll keep it very brief and simple. I'm going to give you a very brief recitation of sort of
2 the facts timeline getting us to where we are now. I'm going to give you my argument,
3 and then I'm going to give you my relief requested. So, as the Administrator just noted,
4 on October 6, 2008, Woodcreek applied for a modification of zoning designations within
5 the established yield of parcels A-15 and D-11. The result of this would be to switch
6 24.5 acres of C-1 from one area of Woodcreek with 24.5 acres of RG-1 in another. So
7 it's a swap if you will within the established yield. In a meeting two weeks prior to that
8 application on October 2, 2008, the Administrator had agreed we could do so based on
9 language and the descriptive statement in General Development Plan. November 10,
10 2008, the letter that the Administrator just referenced we received approval. That letter
11 stated that "The Woodcreek Farms PDD General Development Plan which was
12 approved as part of the rezoning request permits the developer to change product types
13 within the allowable zoning categories or modified zoning designations within the
14 established yield for the overall development." So that was November of 2008. Fifteen
15 months later, we receive a letter reversing that decision. That letter states, and I quote,
16 "Applicants relied on language in 'Woodcreek Community Planning Concept'. This
17 document has been determined to be a more of an informational document rather than
18 a part of the Descriptive Statement." So it implied in the letter of reversing; that we were
19 relying on a document that wasn't on our Descriptive Statement or our General
20 Development Plan. So, now here we are at the appeal. So, that's the last step in the
21 timeline. We appealed on February 25, 2010; we had thirty (30) days to appeal per the
22 Ordinance and per the *SC Code*. So my argument really has three primary points; 1)
23 the basis for overturning the decision was erroneous as language in the Descriptive

1 Statement and the General Development Plan exist giving the Administrator the
2 authority to allow for net acreage exchange, as his first letter attests to. The Descriptive
3 Statement references the General Development Plan; it's on that map there, there's
4 language that gives us this authority; 2) the original decision was not appealed and
5 therefore was final per the Ordinance and per the *SC Code of Laws*. The Ordinance
6 §§26-33 and 26-58 state that an appeal must occur within thirty (30) days and *SC Code*
7 §6-29-800 states the following, "Appeals to the Board may be taken (you all being the
8 Board) by any person aggrieved or by any officer, department, Board or Bureau of the
9 Municipality or County." Implying that they too should appeal. "The Appeal must be
10 taken within a reasonable time as provided by the Zoning Ordinance" which in is this
11 case is thirty (30) days. "Or rules of the Board or both by filing with the Officer from
12 whom the appeal was taken. And with the Board of Appeals, Notice of Appeal
13 specifying grounds for Appeal. If no time limit is provided, the Appeal must be taken
14 within thirty (30) days." As we stated, there is a time limit of thirty (30) days. Had I not
15 appealed within thirty (30) days we wouldn't have this recourse. A recent case that
16 went all the way to the Supreme Court, the Quall/Hip Case was overturned on various
17 grounds which I won't get into, but the Applicant in that instance had recourse, they
18 could go to the map, they could have gone to the actual zoning map to look to see. Our
19 only recourse was the letter we got. We submitted a map saying we'd like to swap
20 these parcels, Geo said we approve, we had that letter. Fifteen months went by and
21 then bam, we get this letter reversing. So, if this reversal is allowed to stand then the
22 planning process for developers is going to be very muddy, it's going to be very difficult
23 to move forward because it's inconsistent. It's not clear if this is being overturned

1 because it was a major change or if it was overturned because we relied on language
2 that was not in our General Development Plan or not in our Descriptive Statement. So
3 the relief requested is this, we request that; 1) We reinstate the decision of November
4 10, 2008 because that's the correct interpretation; 2) If not, then grant our request now
5 as this change is allowed pursuant to our Descriptive Statement, it's not harmful to
6 residents, and will allow for more efficient use of commercial and residential property at
7 Woodcreek. If not, then this decision should not be retroactive because it is interpretive.
8 In other words, if this is a new interpretation, then fine, going forward we'll make such
9 swaps, major changes. But we can't move back based on the original and so going
10 forward fine, such swaps should be – maybe there should be major changes. I don't
11 know. But because this was interpretive, then this decision should not be retroactive
12 and there's certainly case law in South Carolina attesting to that fact. That's really all I
13 have as far as my, the facts, the argument and the relief requested. I do have other
14 notes here and I'm happy to answer any questions.

15 CHAIRMAN MCDUFFIE: Thank you. Are there any questions for either the
16 Staff or the Applicant?

17 MR. RUSH: Well, I have a question for Staff. If you're looking at a PDD the way
18 a PDD is set up and approved by Council, once a PDD is approved, then basically it
19 says on this 20 acres or whatever, you can have 5 acres of, you know, whatever the
20 zoning requirement is for the parcel. And by our Ordinance, that can't be changed, is
21 that correct?

22 MR. PRICE: Correct.

1 MR. RUSH: So, if the letter of our law, the Ordinance, says initially that it can't
2 be changed, then I mean, can you, I'm trying to see how you could supersede that
3 Ordinance. Cause if, why was it, I guess why was it changed the first time if you didn't
4 go through the proper channel?

5 MR. PRICE: One of the issues I have in looking through some of our previous
6 files, currently right now when you come in for a rezoning request, we are pretty specific
7 as to what we want. Especially when it comes to PUDS, our Planned Development
8 Districts, excuse me. We want a packet. We like, if there are going to be some
9 changes, we like for them to put the revised dates on there. But we want that package
10 and that's what we rely upon and we don't keep other information within our file that's
11 really not relevant to what the request is. Unfortunately, we're going back to '91, what's
12 it '93, '96 on and off or maybe two in '96 in which '91 was the original rezoning request.
13 The way the files were kept were differently. They were, and I really based my initial
14 interpretation on some paperwork that I found within the file, that, you know, looking
15 going back looking at the requirements, the required submittals for a Planned
16 Development District or a PUD as it was known then, did not, was not a requirement
17 and was not part of the original submittal. So that's where the error occurred, just
18 language, just some paperwork that was floating around with some language. What we
19 have, I believe I, excuse me, as was identified as the Woodcreek Community Planning
20 Concept. There was not a requirement for a PUD. There was a General Development
21 Plan, which is what you have up there essentially is more of a kind of conceptual
22 drawing of where everything will be located, and a Descriptive Statement in which you
23 have to identify total land to be used, setbacks, you know, uses within there. And that's

1 what was required. The Woodcreek Community Planning Concept was not a
2 requirement it was just extra submittal, that's how I kind of look at it. Unfortunately, it
3 was labeled, but I don't think it was part of the actual plan.

4 CHAIRMAN MCDUFFIE: Are there any other additional questions at this time?

5 MR. MEETZE: Yes, I have one. Unless I missed something, What spurred this
6 change of [inaudible] after 15 months, what caused this to surface after so long?

7 MR. PRICE: A lot of questions came up. I think the letter was originally written,
8 there was, you know, I think we've talked about this, there's really nothing going on, it's
9 just a simple request. Due to some of the development that was going on out there, a
10 lot of questions were asked which had caused me to go back and revisit the decision.
11 And that's what happened.

12 MR. MEETZE: Just curious.

13 MR. PRICE: Yes, sir. And a very good question.

14 CHAIRMAN MCDUFFIE: Mr. Price, would the type of change in that property
15 swap between C-1 type zoning RG-2 zoning, that would typically qualify though as a
16 major change to a PDD?

17 MR. PRICE: Yes, sir. This is change of land use. Change of land use.

18 CHAIRMAN MCDUFFIE: Okay, and any amendment to any major change that
19 would be an amendment to a PDD would typically have to be heard by Planning
20 Commission or Council?

21 MR. PRICE: It would go to the Planning Commission to form a recommendation
22 for County Council, and then it would be required to have three approval readings by
23 County Council in order for it to become an Ordinance.

1 CHAIRMAN MCDUFFIE: And is that requirement new to the most recent Land
2 Development Code?

3 MR. PRICE: No, sir.

4 CHAIRMAN MCDUFFIE: What's that?

5 MR. PRICE: No, sir.

6 CHAIRMAN MCDUFFIE: So that would have been the requirement even back in
7 1991 or '93 or –

8 MR. PRICE: Yes, sir.

9 CHAIRMAN MCDUFFIE: Okay, and that spurs the next question, is that
10 something that County Council can even go in and say, we can go ahead and grant
11 permission to make those changes in the future if the developer see fit, or is it
12 something that would automatically trigger that need to apply for an amendment?

13 MR. PRICE: You mean based on –

14 CHAIRMAN MCDUFFIE: Could County Council go in and approve a PDD and
15 say, we have this layout and as long as the end state, as long as the amounts don't
16 change you can move things, shift things around within that development as you wish?

17 MR. PRICE: I would say no, but I will leave that up to a legal interpretation at
18 least to help form a decision.

19 CHAIRMAN MCDUFFIE: Mr. Price, would the applicant be allowed to amend
20 their PDD by using the rezoning process?

21 MR. PRICE: Yes, sir.

22 CHAIRMAN MCDUFFIE: Any other questions? Is there any discussion from the
23 Board?

1 MR. RUSH: Well, I guess my only, my opinion is that if the Ordinance says that
2 in order to change the PDD, once it's set by Council, and that's what the PDD is, in
3 order to change that process even with the land swap or whatever, if that's not
4 allowable, then I mean, you just have to go back before Council. I mean, you couldn't,
5 that couldn't be granted so even though, you know, Mr. Price, you know, set them on
6 that path, maybe it was a path that he really couldn't set them on, you know, and you
7 just can't, I don't think you can supersede the Ordinance by saying, well even though
8 Administration said that, if he didn't have that power to do that, then, I mean, how can
9 you supersede PDD Ordinance. That's all. That's like saying, you know, this trooper
10 told me to go speed but I got caught by another one, but he let me get off. It doesn't
11 work that way. [Inaudible] from that standpoint.

12 CHAIRMAN MCDUFFIE: I have a question as well, because we as the Board
13 have the authority to hear and decide appeals when there's been an error in an Order
14 from the Zoning Administrator, but in this case we're talking about a correction to an
15 earlier determination that the Zoning Administrator made. I don't think anyone's alleging
16 that this is not currently a correct, that the letter of February 10, 2010, is currently not a
17 correct interpretation of the Code. I think they're just basically arguing they relied on the
18 earlier, they're saying that they relied on the earlier determination. I don't think
19 anybody's saying necessarily that that letter of February 10th, isn't appropriately
20 applying the code.

21 MR. RUSH: Yeah.

22 CHAIRMAN MCDUFFIE: Is that -

23 MR. RUSH: Yeah.

1 CHAIRMAN MCDUFFIE: I mean, does anybody?

2 MR. RUSH: Yeah, I agreed with that and I don't think that's going to be a
3 hindrance to development in that nine times out of 10 most developers know the
4 process when it's all said and done. Now there may be ways of trying to maneuver the
5 process but they typically know the process.

6 CHAIRMAN MCDUFFIE: The Applicant [inaudible]?

7 MR. BOYD: See I think that the letter of February 1, 2010, as it states and I'm
8 reading that letter, "Upon further review it has been determined that my interpretation
9 was erroneous [inaudible] language and then he quotes 'was contained within a
10 document identified as the Woodcreek Community Planning Concept. This document
11 has been determined to be more of an informational document rather than part of the
12 Descriptive Statement'." That implies that had we relied on the Descriptive Statement,
13 then we would have been okay. Well, my argument is we did; our Descriptive
14 Statement and our General Development Plan does allow us to do this. The language
15 in there states the following; "All area calculations are preliminary subject to specific
16 parcel refinement at the time of development". I'm reading off that map right up there.
17 "Proposed residential yield subject to change within parameters of designated zoning
18 areas". This –

19 CHAIRMAN MCDUFFIE: Could you read that line for me one more time?

20 MR. BOYD: Sure, both or just the last one?

21 CHAIRMAN MCDUFFIE: Both would be fine.

22 MR. BOYD: Okay. "All area calculations are preliminary subject to specific
23 parcel refinement at the time of development. Proposed residential yield subject to

1 change within parameters of designated zoning areas". And I have one other piece of
2 language I would like to read.

3 MR. PRICE: Are you reading it from your notes?

4 MR. BOYD: What's that?

5 MR. PRICE: Are you reading from the general notes?

6 MR. BOYD: Yeah, from the general notes which are right up there.

7 MR. PRICE: I don't think I'm gonna be able to –

8 MR. RUSH: Do we have that?

9 CHAIRMAN MCDUFFIE: It's in very small print, I think on the map –

10 MR. PRICE: Oh, okay. I can –

11 MR. BOYD: The language that was relied on in the meeting states the following:

12 "The flexibility to change product types within the allowable zoning categories or
13 modified zoning designations within the established yield of the overall development,
14 will allow Woodcreek to respond to reasonable shifts in market demand and
15 neighborhood development patterns creating a viable and successful new community".

16 And my point is this; this is a massive development, as you all well know. This was one
17 of the earliest PUDS, PDD's in the county; we're going back 15 years ago. There's still

18 900 acres out there that are undeveloped. They knew that they would need flexibility.

19 That's why they did the PDD. That's why they said; look we're going to have to be able

20 to move things around, if we have C-1 in one area 15 years later we may need to move

21 to another. This swap would be pulling C-1 out of the back and moving it up towards

22 the front of the property. So C-1 would go from residential, in a residential area up

23 towards the front where other commercial property is. To get to the point that was

1 raised earlier by the Board also, how can you supersede the Code? How can you
2 supersede the Ordinance if we didn't have the right to do this? Well, the minor change
3 is there, the Administrator can determine whether a change is minor or major; and 2)
4 how can you supersede the Ordinance if no one appealed this within thirty (30) days
5 and the Ordinance states, "decisions must be appealed within thirty (30) days". Fifteen
6 months went by. So in that sense, this decision's final.

7 CHAIRMAN MCDUFFIE: Well, I guess my interpretation of the minor change
8 portion of the Ordinance is like it's things like floor plans and driveway structures not
9 wholesale acreage slots from one type of zoning to another. I mean, I think that clearly
10 falls within the major change category which would require county review. And then my
11 other question with regards the general notes that you mentioned off of the General
12 Development Plan. All area calculations are preliminary and subject to distinct parcel, I
13 can't read the next word – I can't read that. The distinct parcel at the time of
14 development and then proposed residential yield subject to change within parameters of
15 designated zoning areas. You're talking about not a change in residential yield in terms
16 of the number of houses that you're adding, you're talking about necessarily a swap
17 from one type of zoning, commercial zoning, for residential typically relocating what
18 goes where and I think that there is an outlet, there is a mechanism to correct this I'm
19 just not sure that this Board is the appropriate place to provide the relief from the Zoning
20 Administrator's statement of February 1st. Any other thoughts from the Board?

21 MR. RUSH: I agree with that.

22 MR. SMITH: I agree 100%.

1 MR. PRICE: The general notes that he was, you can view them a little bit better
2 now.

3 MR. MEETZE: In a situation like this, is there an indefinite Statute of Limitations
4 or a Statute of Limitations like he said, thirty (30) days?

5 MR. PRICE: Once again, it's my contention that as a Zoning Administrator, we
6 make interpretations. If we make an interpretation and it's determined that well we
7 didn't have the grounds to make that interpretation, I don't think after a certain number
8 of days it stands, and I'll go back and use my example if I told you your property was
9 zoned one way and two, three, four years later you came in to develop it based on what
10 I told you, and if I said, no that's not correct anymore, you know, just looking at it, I was
11 in error, this is what the actual zoning. You know, you have you no vested right with
12 that, you just can't supersede the Code.

13 MR. COOKE: So the Statute of Limitations only applies to the Applicant, it
14 doesn't apply to Staff?

15 MR. PRICE: I've never seen it when, in my opinion, when it applies to Staff. I
16 mean, vary seldom do I appeal myself.

17 CHAIRMAN MCDUFFIE: It definitely does say any person who may have
18 substantial interest [inaudible] may file appeal, so. Let's see, I'm looking at 26-58 –

19 MR. RUSH: And I'm pretty sure that Council is not going to tie their hands or the
20 county's not going to tie their hands and put them in that type of situation. Because, I
21 mean, for an Applicant it's specific to a project so it's smaller, for county is specific to
22 the entire county, so that projects are vast, they're many, I just don't see that, you know,

1 them tying their hands to a thirty (30) day rule. It just, and I don't read that in this
2 appeals language.

3 CHAIRMAN MCDUFFIE: Any further questions or is there additional discussion?

4 MR. MEETZE: [Inaudible] this whole thing may be, may come down to do we
5 have a Statute of Limitations may be the issue in this whole situation.

6 MR. RUSH: And I think that's what we're reading in on Page 111, I don't –

7 CHAIRMAN MCDUFFIE: And I think the bigger issue is does a decision by the
8 Zoning Administrator, whether it's correct or erroneous, does that created a vested right
9 in a particular parcel of property? And I mean, I don't believe that is necessarily the
10 case. I certainly don't believe that that's the case particularly with an erroneous decision
11 and given that the Applicant has what I would consider maybe a better avenue for relief,
12 and also given that I don't think we even have the authority to overturn what is a correct
13 decision of the Zoning Administrator rather than an error made by the Zoning
14 Administrator, I would go ahead and offer a motion to deny.

15 MR. RUSH: I second it.

16 CHAIRMAN MCDUFFIE: I'd like to actually amend that to make it a motion to
17 uphold, I apologize, the Zoning Administrator's determination of February 1, 2010.

18 MR. RUSH: I second it.

19 CHAIRMAN MCDUFFIE: All in favor?

20 MR. PRICE: Those is favor are Meetze, Rush, McDuffie, Smith.

21 CHAIRMAN MCDUFFIE: All opposed?

22 MR. PRICE: Cooke.

23 *[Approved: Meetze, Rush, McDuffie, Smith; Opposed: Cooke; Absent: Perrine, Cecere]*

1 CHAIRMAN MCDUFFIE: Mr. Boyd, your application, your appeal has been
2 denied, and Staff will be in touch.

3 MR. BOYD: Thank you for your time.

4 CHAIRMAN MCDUFFIE: At this time, we have a request to move the July date
5 of the Board of Zoning Appeals Meeting from its typical day of the first Wednesday of
6 the month to a date later in the month. Does anybody have any issues with that?

7 MR. SMITH: It depends on what the date is.

8 CHAIRMAN MCDUFFIE: Okay.

9 MR. SMITH: [Inaudible].

10 CHAIRMAN MCDUFFIE: Can we –

11 MR. RUSH: The date is –

12 CHAIRMAN MCDUFFIE: Could we go for the second Wednesday?

13 MR. RUSH: Well, the first Wednesday is the 7th and the second Wednesday is
14 the 14th.

15 CHAIRMAN MCDUFFIE: Why don't we propose to move it to the 14th does that
16 work for anybody?

17 MR. SMITH: That's February 14th?

18 CHAIRMAN MCDUFFIE: What?

19 MR. PRICE: July.

20 MR. SMITH: July, yeah. Oh, yeah.

21 CHAIRMAN MCDUFFIE: To get it away from the holiday weekend.

22 MR. COOKE: Yeah, I'm okay with that.

1 CHAIRMAN MCDUFFIE: Okay, I don't think we need a formal motion for that, do
2 we?

3 MR. PRICE: Yes.

4 CHAIRMAN MCDUFFIE: Okay, is there a motion to move it July 14th.

5 MR. RUSH: So moved.

6 MR. MEETZE: Second.

7 CHAIRMAN MCDUFFIE: Alright, all in favor?

8 MR. PRICE: Those in favor, Meetze, Rush, McDuffie, Cooke and Smith.

9 *[Approved: Meetze, Rush, McDuffie, Cooke, Smith; Absent: Perrine, Cecere]*

10 CHAIRMAN MCDUFFIE: So the July Meeting of the Board of Zoning Appeals
11 will be July 14th. Is there any other business at this time?

12 MR. PRICE: At this time, no sir.

13 CHAIRMAN MCDUFFIE: Okay, at this point we'll adjourn the meeting.

14 *[Meeting Adjourned: 2:20 pm]*