

**Minutes**  
**Florence County Board of Zoning Appeals Meeting**  
**Tuesday, November 1, 2011 at 6:30 p.m.**  
**City-County Complex, Council Chambers, Room 803**  
**180 N. Irby Street, Florence, South Carolina 29501**

**The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City-County Complex and at the entrance of the Planning and Building Inspection Department building.**

The agenda was also mailed to the media.

**I. Call to Order:**

Vice-Chairman Bill Garner called the meeting to order at 6:29 p.m. and declared a quorum of members present.

**II. Attendance:**

**Board Members Present:** Bill Garner, Vice-Chairman  
James Cooper  
Gary Dauksch  
Craig Floyd  
Mack Gettis  
Bryant Hollowell  
Daniel Jackson  
Kenneth McAllister  
Toney Moore

**Board Members Absent:** None

**Staff Present:** Jonathan B. Graham, III, Planning Director  
Pearlie D. McDaniel, Development and Zoning Services Officer  
Angela C. Thomas, Secretary

**Public Attendance:** See sign-in sheet on file at the Florence County Planning Department.

### **III. Election of Officers**

Vice-Chairman Garner stated because we do have so many new members, if there is no objection, I'm going to continue on as the Vice-Chairman until January.

No objection was made.

Vice-Chairman Garner explained to those present the Public Hearing procedures.

### **IV. Review and motion of the minutes:**

- **Meeting of February 1, 2011**

Mr. Jackson made a motion to approve the minutes.

Mr. Cooper seconded the motion.

- **Meeting of April 5, 2011**

Mr. Hollowell made a motion to approve the minutes.

Mr. Cooper seconded the motion.

- **Meeting of May 3, 2011**

Mr. McAllister made a motion to approve the minutes.

Mr. Moore seconded the motion.

- **Meeting of September 6, 2011**

Mr. Cooper made a motion to approve the minutes.

Mr. Hollowell seconded the motion.

- **Meeting of October 4, 2011**

Mr. Dauksch made a motion to approve the minutes.

Mr. Gettis seconded the motion.

There was no opposition to any of the motions made; therefore, Vice-Chairman Garner declared all minutes have been approved.

## **V. Public Hearings:**

**BZA#2011-03**

**A variance request by Jonathan Teseniar on behalf of FTC Communications from requirements of Section 30-28. Table I of the Florence County Code of Ordinances for property located at 355 N. Country Club Rd., Lake City shown on Florence County Tax Map No. 142, Block 31, Parcel 48.**

Mr. Jonathan Graham presented the staff report to the Board.  
(Copy available at the Florence County Planning Department)

Mr. Gettis asked this says Carolina Academy and the Lake City Country Club area, that communication tower will only benefit these two areas?

Mr. Graham responded the applicant FTC is here, represented by Mr. Teseniar; I believe there is a range for the towers; if you would like, you can address the applicant.

Mr. Jonathan Teseniar came forward to speak.

Vice-Chairman Garner asked you are speaking in favor of this and you are an employee of Farmer's Telephone?

Mr. Teseniar responded yes. His response to Mr. Gettis' question was as follows: Communication towers do reach out to a specific range depending on their height and the transmission power; the transmission power is regulated by the FAA and the FCC; 40 watts is the maximum power that our radios can put out; the lower the tower is to the ground surface, it will penetrate buildings and houses; there we do want a lower tower center for our antennas and radios; the area of Lake City Country Club and Carolina Academy, yes it will be specific to that area but possibly it will be able to reach out to other surrounding areas depending on that footprint; however, we do have other sites in the Lake City area that are already serving customers; the main purpose of this site is to enhance coverage inside the Lake City Country Club and the surrounding area of Carolina Academy.

Vice-Chairman Garner asked Mr. Teseniar, do you have any other comments that you would like to make?

Mr. Teseniar's comments were as follows:

- Because of the Lake City Airport, we have been limited on where we can put the tower and the actual height of the tower.
- We would greatly appreciate a variance in order to serve our customers as well as AT&T customers.
- From the Country Club area, we did receive approximately 20 letters of approval for that tower.

Mr. Hollowell asked when you target an area, how big is the target, how restricted are you?

Mr. Teseniar responded I normally do the propagation for the area and I will send out a search ring to our other staff that does the actual property search and that is normally a .5 mile radius circle that we try to get that tower in.

Mr. Hollowell asked that's 1.5 mile?

Mr. Teseniar responded no, it's .5, half a mile.

Mr. Hollowell asked it's that critical?

Mr. Teseniar responded yes for the most part depending on what you want to do; normally we are site specific and we want to get very close to where your coverage issue is.

Mr. Hollowell responded I was there this week and my cell phone worked fine.

Mr. Teseniar responded pedestrian coverage is different than building coverage depending on the structure of one's house or business; penetration can sometimes not be as well as you would want it.

Mr. Hollowell asked isn't there other zoning around the edge of the school?

Mr. Teseniar responded yes, when we do a land search and reach out to property owners, sometimes people don't want to sell or lease; we run into that all the time; we do know some people at Carolina Academy and because of a lot of football games and athletic events being held there, a lot of customers were in favor of that tower being located there.

Mr. McAllister asked my only concern would be are there any health issues related to that?

Mr. Teseniar responded no sir, no health issues would come into play; it's approved by the FAA as well as the FCC communications; FCC would not allow us to build anything that would harm individuals; we are actually restricted to the amount of output power that our radios can put out.

Mr. Jackson asked the country club and the academy aren't R-1 type properties so I take it they are a nonconforming use?

Mr. Graham responded yes, they were there prior to it; the school is; a school can be in any zone.

Mr. Jackson asked I kind of wonder why this hasn't been presented more as changing the zoning?

Mr. Graham responded this is not something the board would address and the request was for a variance to the zoning that is in place; to do otherwise would get into spot zoning.

Mr. Hollowell asked has there been any public outcry from the signs that are posted there?

Mr. Graham responded I believe we received 3 calls of inquiry on this project since we put out the notices and that was basically to ask what the request was about and once they heard, there was no further comment from the people that did call.

Mr. Hollowell asked, I'm trying to understand this, we're to vote on this but we shouldn't be voting on it?

Mr. Graham responded the way the ordinance is written, this is a use that is not allowed and you as a board cannot approve a use that is not allowed; however, there is a single caveat in the ordinance as well in Section 30-293 that if you make findings of fact and choose to approve the concept then it would move forward to county council and county council would have to go through an ordinance adoption; you would only be a recommending board; if you say no, then that's the end of the discussion.

Mr. Moore asked how tall is the tower?

Mr. Teseniar responded it's going to be 152 feet high above ground level.

Vice-Chairman Garner asked is there anyone else that would like to speak in favor of this request?

There was no response.

Mr. Dauksch responded I think that the answers that the applicant gave for a., b., c. and d. are reasonable and I would agree with them; I can see where the tower would benefit the area and the school; there's no opposition from the public and it seems to benefit everyone in the area; I would be in favor of moving it along.

Vice-Chairman Garner asked is there anyone that would like to speak against this request?

There was no response.

**The following are the four findings of fact by the Board:**

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

**Applicant's response:**

**FTC has performed an extensive wireless propagation study of the area in and around Carolina Academy and neighboring Lake City Club neighborhood. In order to better serve these communities with wireless broad band and wireless communication services, it is imperative that we get as close to the properties as possible in order to achieve adequate pedestrian and mainly in-building coverage.**

Mr. Hollowell made a motion to accept the applicant's response as the Board's response.

Mr. Dauksch seconded the motion.

- b. These conditions do not generally apply to other property in the vicinity;

**Applicant's response:**

**No, these conditions do not apply to other properties as this property is site specific to achieve the desired wireless coverage to a specific area (Carolina Academy and the Lake City Country Club).**

Mr. Dauksch made a motion to accept the applicant's response as the Board's response.

Mr. Moore seconded the motion.

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

**Applicant's response:**

**As a result of FTC's use of the property to construct a communications tower there would be no added restrictions to the ordinary use of the property.**

Mr. Hollowell made a motion to accept the applicant's response as the Board's response.

Mr. Gettis seconded the motion.

- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

**Applicant's response:**

**Authorization of the variance will only enhance the surrounding properties with latest and up to date wireless communications services. Furthermore, FTC will landscape the 75X75 compound in order to esthetically blend the structure into the existing environment.**

Mr. Hollowell made a motion to accept the applicant's response as the Board's response.

Mr. Gettis seconded the motion.

Mr. Gettis made a motion to forward this item to county council with a recommendation of approval.

Mr. McAllister seconded the motion.

Unanimous approval of all motions made due to no opposition.

Vice-Chairman Garner stated we will take a few minutes break at 7:04 p.m.

Vice-Chairman Garner called the meeting back to order at 7:06 p.m.

**BZA#2011-04            An appeal by Dale A. and Amy E. Gray of 912 Derby Drive,  
Florence of the interpretation made by the Zoning  
Administrator concerning the allowable animals by definition  
of Domestic Animal Shelter of the Florence County Code of  
Ordinances.**

Mr. Jonathan Graham presented the staff report to the Board.  
(Copy available at the Florence County Planning Department)

Mr. Dauksch asked how long has this neighborhood been zoned R-1?

Mr. Graham responded prior to 1998.

Mr. Gettis asked so what you are saying is that it has been zoned since '98 to not have goats?

Mr. Graham responded right; the ordinance says that goats are specifically not allowed and the property has been zoned that way since prior to 1998.

Mr. Gettis asked were the goats there prior to 1998?

Mr. Graham responded no, the applicant stated in their response that they've had the goats approximately four years.

Mr. McAllister asked so nobody noticed the goats until just recently.

Mr. Graham responded I can't answer that; we received a complaint on August 9, 2011 and that was the first time we heard about it.

Vice-Chairman Garner asked is there anyone here to speak in favor of this request?

Mr. Dale Gray spoke in favor of this request. His comments were as follows:

- The animals were brought to our property in favor of our two children; they are pets.
- These are dwarf animals; they are not full size goats.
- The pen is kept in a manner that you would keep for a dog; the yard is clean and the pen is clean; the goats are fed and watered on a daily basis.
- The complaint came about from outside of the neighborhood; we don't know if somebody was roaming our property or through the woods; the complaint did not come

from a neighbor of ours in the neighborhood; to back that up I have 42 signatures from within our neighborhood stating that there is no household in our neighborhood that objects.

- Our property is approximately 1.74 acres.
- Our pen meets all the requirements concerning size per animal, drainage, ventilation and it is 10 feet within the property line.
- The goats were obtained to breed them and have kids for our two children to enter into the 4-H program to learn more about farm life.
- It seems as though we have a decision over what is a proper pet; the goats are not odd; our purpose for these animals is to have them as pets.

Mr. Cooper asked is there anyone that you know of who is against this?

Mr. Gray responded no sir.

Vice-Chairman Garner asked is there anyone else that would like to speak in favor of the request?

Mr. Richard Nagy spoke in favor of the request. His comments were as follows:

- I live at 914 Derby Drive.
- I'm right next to the Gray's; in fact the goats are right next to our property.
- We have had no objection whatsoever to the goats.
- The Gray's are aware of the fact that there is limited space and I'm sure he's not planning anything more than four goats.
- The goats have caused no problems; they are not near the problem that dogs are in the neighborhood.
- They are not a problem for me or anyone that I know of around our neighborhood.
- There is no odor or anything from the goats; they are well taken care of.

Vice-Chairman Garner asked is there anyone else that would like to speak in favor of this request?

There was no response.

Vice-Chairman Garner asked is there anyone here to speak against this request?

There was no response.

Vice-Chairman Garner stated I have two letters from people who live in the neighborhood that are opposed.

Mr. Gray asked can you make us aware of the names?

Mr. Graham responded Norman Boatwright and Bill Lockhart.



Mr. Gettis asked you said you have two kids and that you are not going to have anymore?

Mr. Gray responded no sir; if another pregnancy came along we would rotate the kids to another farm or sell them to another farm; it stops at four.

Mr. Hollowell made a motion to deny the request.

Mr. Dauksch seconded the motion.

The vote to deny the request was 7 to 2 with Mack Gettis & Toney Moore voting in opposition of denying the request.

Ms. Amy Gray asked how long do we have before they have to be removed from the property?

Mr. Graham asked how long would you need?

Ms. Gray responded three months.

Mr. Graham responded 90 days will be fine and we'll follow up in 90 days.

Ms. Gray asked is there any other appeal that we can do against this?

Mr. Graham responded not that I'm aware of unless you take it to the court of appeals; if you hire an attorney and take it to the court of appeals that would be a possibility; if you would like more information feel free to give me a call.

**BZA#2011-05**

**A variance request by Charles Alexander on behalf of A & A Structural Fill from requirements of Section 30-111. (6) d. Mining and extraction operations of the Florence County Code of Ordinances for property located at 2405 S. Friendfield Rd., Scranton shown on Florence County Tax Map No. 292, Block 2, Parcel 49.**

Mr. Graham presented the staff report to the Board.  
(Copy available at the Florence County Planning Department)

Mr. Dauksch asked the existing mine is not in compliance?

Mr. Graham responded no and I think the applicant's point is that there haven't been any complaints; that mine was in existence prior to the 2,500 foot limit that is currently in our ordinance.

Mr. Hollowell asked can you define the mine?

Mr. Graham responded they are going to mine the dirt and use it for fill.

Mr. Hollowell asked they are actually going to dig a pond out there and sell fill dirt?

Mr. Graham responded it should end up looking like the existing mine that I believe is no longer in use.

Mr. Hollowell responded the pond next to that property looks like it's a nice size lake.

Mr. Graham responded yes sir and this will be another lake eventually.

Mr. Jackson asked does this piece of property have a federal land track number to it?

Mr. Graham responded I have not been given any information to that effect.

Mr. Jackson responded if you have a federal land track number, we're talking about the department of agriculture approving this and then it's out of the hands of council.

Mr. Graham asked you're talking about the farming number that they give out for agricultural exemption?

Mr. Jackson responded you can go out to the agricultural department and get one if you have 20 acres; mining can be an agricultural use.

Mr. Dauksch asked in the first case we looked at tonight, we could not grant a variance because it was a disallowed use; in this case can we grant a variance?

Ms. McDaniel responded mining is an allowable use based on development standards for commercial or industrial uses in an unzoned area and he is requesting a variance from the 2,500 foot distance requirement.

Mr. Graham responded the ordinance says 2,500 feet and they want to reduce it down to 684 feet which represents this home here (referencing the power point presentation) which would be the closest to the mining operation and that would be the worst case scenario; the rest of these homes are between 1,500 and 1,800 feet away from the proposed mine; so all of these homes are still within the 2,500 foot circle but this is the closest so they are saying, instead of a 2,500 foot circle around this property, can we draw a 684 foot circle around this property; the only reason they bring this mining operation to the table is to point out that other residences in the area have dealt with a mine historically and it hasn't been a problem.

Mr. Cooper asked what's the purpose of 2,500 feet?

Mr. Graham responded the mining operation can be noisy, there could be explosives employed other than just digging equipment; the noise basically is the issue and by the time you get 2,500 feet away it's not going to generate the complaints that it potentially could closer in.

Mr. McAllister asked what about erosion?

Mr. Graham responded they would have to meet a stormwater plan; that's not before the board; we would take care of all that working with them as they develop their mine.

Mr. Jackson responded we have had several of these come up in the last three years.

Mr. Dauksch asked has anyone called and said they were opposed?

Mr. Graham responded no sir, we have not gotten any feedback; we put the notices out and have received no input from the public.

Mr. Dauksch asked was the owner of the house that is 684 feet away notified?

Mr. Graham responded yes, all adjacent property owners were notified.

Vice-Chairman Garner asked is there anyone that would like to speak in favor of this?

Mr. Rodney Alexander spoke in favor of this request. His comments were as follows:

- I'm standing in for Charles Alexander tonight; he is a little under the weather.
- The house that's in question is Mr. Kemp Carroway's; he is a business owner here in Florence; he has been out of state for about the last three weeks; I was able to get him on the phone and he has no objections; if we need to forward that on to staff when he gets back, he would be glad to put it in writing.
- I actually live across the street from him.
- I've talked to several folks in the community and I've had no objection.
- We've actually already started wetland delineations, endangered species and we've also had the archeological test that's required.
- This pit, as a DHEC requirement, we can't go any deeper than 20 feet which is the same thing the Goodson's have on their property.
- We'll have to conform with stormwater permitting and those requirements as we move forward.

Vice-Chairman Garner asked are their going to be trees?

Mr. Alexander responded we are required by DHEC to maintain buffers; 75 feet on the Carroway property side and 50 feet left and right; we actually employed a geofirm to start this process because we wanted to make sure we were following all the guidelines that are required by DHEC.

Mr. Cooper left the meeting at 7:52 p.m.

Vice-Chairman Garner asked is there anyone else that would like to speak in favor?

Mr. Sammy Sparrow came forward to speak and his comments were as follows:

- I'm not particularly in favor or against this.

- I own this parcel right here (referenced the power point presentation) and in the middle of it is a four and a half acre pond; what's a 20 foot, 16 acre hole going to do to the water level in a four and half acre pond?

Mr. Jackson responded I think you would have to have someone who is qualified to analyze that pond with what type of soils you have at the bottom of the pond.

Mr. Sparrow asked you can't build a mine within 2,500 feet from a house but there is no restriction on building a house within 2,500 feet of a mine?

Mr. Graham responded the 2,500 feet is specifically directed toward a mining operation; if you did choose to build a home closer than 2,500 feet that would be your prerogative; there is nothing in the code that says you can't build near a mine.

**The following are the four findings of fact by the Board:**

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

**Applicant's Response:**

**The soils on the property are of good quality for use as fill material in the expansion of Highway 378. The location of the property and its proximity to the highway will provide the most economical means of providing fill material to the road improvement sites.**

Mr. Jackson made a motion that rather than the applicant's response, there are extraordinary & exceptional conditions due to the fact that the wetlands provide a buffer that allows reduction in the 2,500 foot requirement.

Mr. Dauksch seconded the motion.

The vote carried unanimously.

- b. These conditions do not generally apply to other property in the vicinity;

**Applicant's response:**

**R. E. Goodson Mine (Permit # GP1-001200) is located on the adjoining property to the northwest. The R. E. Goodson is within 2500' of residential property including the home site closest to the proposed mine for which this variance is being requested.**

Mr. Jackson made a motion to accept the applicant's response as the Board's response.

Mr. Moore seconded the motion.

The vote carried unanimously.

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

**Applicant's response:**

**Use of the property as a mine for structural fill is the most effective use. This is because the sandy soils provide good fill material and are of low quality for other uses, including agriculture.**

Mr. Hollowell made a motion to accept the applicant's response as the Board's response.

Mr. Dauksch seconded the motion.

The vote carried unanimously.

- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

**Applicant's response:**

**The closest residential home site is approximately 684' from the proposed mine site. The haul road will be covered with gravel to reduce dust, and mine operation will only be conducted during normal business hours. The mine site will be reclaimed to SCDHEC standards following closure.**

Mr. Dauksch made a motion to accept the applicant's response as the Board's response but add that the lack of negative comments from the surrounding homeowners concerning the request supports the Board's belief that a variance will not be of substantial detriment to adjacent property or to the public good nor harm the character of the district.

Mr. McAllister seconded the motion.

The vote carried unanimously.

Mr. Hollowell made a motion to approve the request with the changes to the applicant's responses.

Mr. Jackson seconded the motion.

The vote carried unanimously.

## **VI. Other Business:**

- **Orientation Training for new members**

There is orientation training that the new members will need to go through; it is a six hour orientation; staff provides this training; we will be in contact with you when we can schedule that.

- **Continuing Education**

For the veteran members there is a requirement by the state that all Board members have three hours of continuing education annually; staff will provide this training; Nov. 17<sup>th</sup> we are offering a webinar at our office for the veteran members from 9:00 a.m. to 12:30 p.m.

## **VII. Adjournment**

Vice-Chairman Garner declared the meeting adjourned at 8:12 p.m.

Respectfully submitted,

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Angela C. Thomas  
Secretary

Approved by:

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Jonathan B. Graham, III, Planning Director

\*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.