

*Jasper County Planning Commission
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**Minutes of the April 13, 2021
Regular Scheduled Meeting**

Members Present: Chairman, Alex Pinckney; Vice-Chairman, Randy Waite; Dr. Earl Bostick; Mr. Thomas Jenkins; Mr. Randy Smith; Dr. Debora Butler; and Mr. Bill Young

Staff Present: Ms. Lisa Wagner and Ms. Sharon Durst

Others Present: Mr. Dwayne Lee, Mr. Jay Andreoletti, and Ms. Vonnie Majewski

In accordance with the Freedom of Information Act the electronic and print media were notified. During periods of discussion and/or presentations minutes are typically condensed and paraphrased. The recorded version is available in the Office of the Planning and Building Services Department.

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:02 p.m.

Invocation & Pledge of Allegiance: Invocation and Pledge of Allegiance was given by Dr. Bostick.

Approval of Agenda: Mr. Waite motioned to approve the Agenda as published, seconded by Mr. Young. The Commission Members voted unanimously in favor of the motion.

Approval of Minutes: Mr. Jenkins motioned to approve the Minutes of the **March 09, 2021** meeting as written, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.

Approval of Amended Minutes from the February 9, 2021 Meeting: Mr. Young motioned to approve the Amended Minutes of the February 9, 2021 meeting, seconded by Mr. Jenkins.

New Business:

Zoning Map Amendment - Community Commercial, Tax Map Number #028-00-02-127: Ms. Wagner said the subject property consists of 1.02 acres and is located at 1655 Purrysburg Road. The Applicant has requested a Zoning Map Amendment to have the property designated as Community Commercial (CC). The property is currently zoned Residential. A commercial structure is located on the property. The applicant is interested in establishing an event space, which is not allowed in Residential, however, the use is allowed in the Community Commercial Zoning District. In accordance with the Jasper County Comprehensive Plan, the Future Land Use Map identifies this area as "Rural Conservation," which seeks to protect and promote the character of Jasper County that largely exists today outside of the municipalities. Commercial development should be guided to the hamlets. The adjacent parcels are zoned Residential and Rural Preservation. Adjacent land uses are residential, agricultural, and vacant property, with a church nearby. The subject property is accessed by Becks Ferry Road, which is a two-lane state-maintained highway,

classified as a limited local road. From a land use perspective, staff **does not** recommend approval of the request to have the property designated as Community Commercial.

The applicant, Mr. Dwayne Lee addressed the Commission. He said the property was previously under commercial and it used to be a nightclub. He said there won't be any changes to the community because there is an existing building on the property and the only thing, he would like to do is add approximately 1300 square feet to make it a nice event space. He said the building is falling into a state of dilapidation so this would only benefit the community.

There was some discussion about whether the church is close enough to prevent alcohol sales from taking place at this property. Ms. Wagner said she is not sure. Mr. Lee said when it was a night club, the business did have a beer and wine license and the church was there. Mr. Smith said he measured the subject building from the church and there is an 800' separation. He thinks the State requires 500' separation. Dr. Butler asked how many houses are in the area. Ms. Wagner said only 2 or 3 houses are between this property and the church, and going south are a few more houses, but the area is very rural. Mr. Lee said the houses in the area are his own house, and a small mobile home park owned by his family. He said less than 1 mile north is the SCEG site and the BJWSA Water Treatment Plant, which are both zoned Industrial. He said he does not intend to apply for a beer or liquor license for this establishment.

Mr. Waite and Mr. Young asked if this would be considered spot zoning. Ms. Wagner said yes. Mr. Smith asked if the proposed use would be allowed in Rural Preservation or allowed conditionally in Rural Preservation. Ms. Wagner said no, the proposed use is only allowed in Community Commercial, General Commercial, and Mixed Business. There was discussion about the nearest hamlet, which is in Tillman, and Dr. Bostick pointed out that would be miles away. Mr. Pinckney said Industrial is nearby, and the surrounding property belongs to Mr. Lee's family, so there are no issues there, and it seems that Community Commercial should not be denied to the applicant since he is trying to do something for the community.

Mr. Smith motioned to forward a favorable recommendation to County Council to rezone Tax Map #028-00-02-127 from Residential to Community Commercial, seconded by Dr. Butler. The Commission Members voted unanimously in favor of the motion.

Zoning Map Amendment – Legal Non-Conforming, Tax Map Number #083-00-03-058: Ms. Wagner said the applicant, Jay Andreoletti is requesting that the Planning Commission extend the 12-month timeframe of cessation of non-conforming use to ensure that warehousing, fabrication, showroom, and office uses can continue at 5851 Lowcountry Drive. The property consists of 5 acres and is zoned Community Commercial, which allows showrooms and offices; however, warehousing and fabrication are not allowed in the Community Commercial Zoning District. The property was originally developed in 1999 and is valued at more than \$600,000.00. There are two commercial buildings located onsite; one is 6,000 s.f. and the other is 15,000 s.f. This site has been home to Roll-A-Way Doors, Armor Building Solutions, and Rondavel and has always been used for warehousing, manufacturing/fabrication, showrooms, and offices by each of the previous businesses. During the 2007 county wide re-zoning, this site was made non-conforming. The property is currently vacated and is listed for sale. If the timeframe for cessation of non-conforming use is not extended, it could create an undue hardship.

Ms. Wagner said the purpose of the Nonconformity Ordinance is to address certain, but not all, non-conformities created through the 2007 Countywide Zoning Project. Numerous structures and uses that were lawfully established prior to the re-zoning project became non-conforming as a result. Some are major

employers and have made significant investment into construction totaled in the millions of dollars. Other business expansions may also be limited by legal non-conformity status or the economic use of valuable structures may be prevented if not considered by the Planning Commission. She said there will be no changes to the area, the traffic pattern, or the environment because the use will not change. She said in addition, the site is appropriately buffered for the existing outdoor storage area.

The applicant, Mr. Andreoletti addressed the Commission. He said he purchased the building in 2011 and the business has been operated continuously since that time as manufacturing, fabrication, and warehousing. He said unfortunately, due to Covid his tenant lost his business. He said his real estate agent is participating in the meeting tonight and they have been marketing this property, but it has been hard with this non-conforming issue so he would like to get a twelve-month extension.

Dr. Bostick asked if the property is vacated now and if so, how long has it been vacant. Mr. Andreoletti said it has been vacant since June of 2020. Mr. Jenkins asked if the building needs to be modified to meet Mr. Andreoletti's intent. Ms. Majewski addressed the Commission. She said she is Mr. Andreoletti's real estate agent, and the building is designed to accommodate warehousing and fabrication. The building has 20' ceilings and several roll-up doors. There is some existing office space. She said in her opinion, the building is best suited for the use that they are contemplating and not suited for any other use.

There was some discussion about whether the property could be designated in a zoning district that would better suit the property. Dr. Butler said she thinks this business fits the area, but she asked what the answer is to help prevent this business and other businesses like this one, from having to keep coming to the Planning Commission to ask for an extension of legal non-conforming use. Mr. Pinckney said the Planning Commission can extend the 12-month period and then follow-up with working on the zoning ordinance and seeing what amendments need to be made to be more accommodating for these types of situations. Ms. Wagner said the applicant would like to change the zoning, but he needed to get the uses secured first. She said a re-zoning application will probably be forth-coming soon. Dr. Bostick said the reason some businesses were made non-conforming is because they were thought to be businesses that did not really fit into the area where they are located. He said the businesses can continue to operate and are not in jeopardy of losing their ability to operate unless the business closes for 12 months or more. He said the ideal situation is to apply for a zoning change; but until that happens, he understands the urgency of the situation that he is facing, trying to sell this property.

Mr. Waite motioned to extend the non-conforming use for twelve months, seconded by Dr. Bostick. The Commission Members voted unanimously in favor of the motion.

Open Discussion: Mr. Smith asked about receiving a 1099. He said he has not received one from Jasper County. Ms. Wagner said she would check into that.

Mr. Jenkins asked if there was an update on the Code Enforcement Officer. Ms. Wagner said the Officer that was working on Code Enforcement is no longer with the Sheriff Department, but she believes the Sheriff Department is trying to fill that position.

Mr. Young asked when the County will resume to in person meetings. Ms. Wagner said she is uncertain at this time.

Adjourn: Dr. Bostick motioned to adjourn, seconded by Mr. Young. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 6:58 p.m.

Respectfully Submitted,

Lisa Wagner