

BOARD OF ZONING APPEALS

April 2, 2008

*** Note: There are portions of the meeting that are missing due to recorder malfunction**

[Present: Chairwoman Margaret Perkins, Torrey Rush, Harold Branham, Elaine Perrine, Joseph McDuffie; Absent: Susanne Cecere, Peggy Simons]

Called to order: 1:00 p.m.

CHAIRWOMAN PERKINS: Is Ms. Linda Thomas here?

MS. THOMAS: I am.

CHAIRWOMAN PERKINS: Please come and sign. Is anyone here for Kahn Construction? If the audience would bear with us for one moment, we are waiting for the Zoning Administrator, who should be up shortly. If there is anyone here for a particular case that has not signed up, you can do so while we're waiting. Is there anyone else who'd like to sign up for a particular case? Yeah, for or against, I'm sorry. Yes, sir?

AUDIENCE MEMBER: Did you say for or against? I didn't understand?

CHAIRWOMAN PERKINS: Yes, sir.

[Pause in recording]

MR. PRICE: Yes, ma'am.

CASE NUMBER 08-20 V:

MR. PRICE: Case 08-20 V, that's the Shoe Department, we actually had that last month, has been withdrawn. I actually spoke to the applicant this morning. According to the applicant, one of the reasons why he didn't come last month or even this month is that he did not receive his letter. We don't send them certified, but I did

1 explain to him that we'd move him to the May Agenda and I gave him the date and the
2 time. So, I don't think there'll be any excuses this time.

3 CHAIRWOMAN PERKINS: And is that it?

4 MR. PRICE: That, that's the only change. Oh, and I'm sorry, and also we had,
5 at the, I guess under other business, I just passed you a letter of reconsideration for last
6 month's case for the cell tower.

7 CHAIRWOMAN PERKINS: Did everyone get that? The Shoe Department is
8 withdrawn? And, and a reconsideration on the cell tower. And with that, Mr. Price
9 please present the first case.

10 **CASE NUMBER 07-54 SE:**

11 MR. PRICE: Okay. The first case is case 07-54 SE. The applicant is requesting
12 the Board of Zoning Appeals to grant a special exception to permit the establishment of
13 an auto salvage yard on property zoned M-1, which is light industrial. The applicant is
14 Bernard Doctor. The location is 700 Old Fairfield Road. The parcel is size is, we have
15 as 1.16 acres. The subject property is heavily wooded and undeveloped. The applicant
16 proposes to establish an auto salvage yard. The subject property is located on the back
17 side of Fairfield Road. I'll show you, go more into detail with the area. The South
18 Carolina Department of Transportation has a maintenance shop which is located just
19 down from the proposed parcel. This case was originally heard in January by the Board
20 of Zoning Appeals and granted approval and you've reconsideration to, reconsideration
21 requested to rehear the case was granted at the February 6th meeting. After speaking
22 to the applicant, we, he wouldn't be ready by the March meeting, so we moved it to this
23 month's meeting. As you can see here, hopefully it's focused enough for you. This is

1 the proposed site of the auto salvage yard and here is Fairfield Road. As you can see,
2 once again at the end of Fairfield, Old Fairfield Road and where it comes into Fairfield
3 Road, this is the South Carolina Department of Transportation Maintenance Shop. I
4 think some of the concerns that they wanted this reconsideration was right here, I don't
5 have a full picture of it, but this is a residential community. This property here and along
6 here is zoned light industrial, but Jerome Drive, I believe is the main access into the
7 residential development. Staff did have some comments regarding Jerome Drive that's
8 in your packet. The applicant has, also in your packet, submitted some site plans,
9 they're real conceptual. If the Board were to grant the reconsideration, excuse me,
10 grant this request, we would hold him pretty much to what is presented to you, unless
11 y'all make some stipulations or some changes. There will may be some minor changes
12 that Staff feels will be okay here and there, but the proposed use would have to keep in
13 line of what is shown to you today.

14 CHAIRWOMAN PERKINS: Thank you very much, Mr. Price. I think, Mr.
15 Bernard Doctor, would you please come down to the podium and state your name and
16 address for the Record and present to us what it is you'd like to do?

17 **TESTIMONY OF BERNARD DOCTOR:**

18 MR. DOCTOR: My name is Bernard Doctor. My address is 309 Carriage Oaks
19 Drive, Columbia, South Carolina. My proposal is, like I said at the last meeting, is to,
20 actually it's, it's a really a used auto parts business. I had to do it as a salvage yard
21 because I'm going to be dismantling cars there. The biggest thing that I, the main thing
22 I, you know, want to bring out is that the vehicles we bring in, they will be there no
23 longer than a week and the maximum vehicles at any given time will be approximately

1 20 vehicles. By the end of the, I guess say, say for instance we start on a Monday, by
2 the end of, by Friday or Saturday, all of the vehicles will be gone with the exception of
3 the parts. And as he showed on the, I think it was the first screen there, it's, we have a
4 parts storage area set aside for that, you know, to store the parts, engines,
5 transmissions, and whatever we take off, off the vehicle. And prior to dismantling any
6 vehicle, our first concern would be the environment, so we, we're gonna drain all the, all
7 the fluids from the vehicles. We have a, another, another frame up to show how the,
8 how the oils will be stored. It's actually 55 gallon drums for the oils and another 55
9 gallon drum for the, the coolants and they will be stored in 55 gallon drums in an
10 enclosure to where it's about six feet underground and the rest of it is to here and above
11 ground and the reason, not six feet, six inches below the ground to one feet. And the
12 reason we got it like that, it will be cemented in so if, if the drums were to leak or
13 anything like that, the oil would be contained there and we could dispose of it properly.
14 Once used, the drums get almost full, we'll get a recycle company to come in and take
15 those recycled parts out. Our hours of operation would be from 8:00 a.m. to 6:00 p.m.
16 Monday through Friday and from 8:00 a.m. to 12:00 noon on Saturdays. And like I say
17 we'll have no more than 20 vehicles at one time waiting for dismantlement. They will be
18 parked, we have a parking area set aside for those vehicles to store them in a, an
19 orderly manner. It's not like a, I think a lot of people might think it's like a junk yard, but
20 it's not a junk yard, it's actually used auto parts. We're just gonna strip the vehicles and
21 like I say within a week those vehicles won't, will be removed from the property. And I
22 put a, a number of no more than 20 vehicles, but if, it shouldn't ever reached that point,
23 but I'm saying if we had inclement weather or something like for that time and we

1 couldn't actually do the work we needed to, we might have to wait for the following week
2 to do it, but we're expecting to have no more than five or 10 cars by the end of the week
3 at any given week. And any week brought onto the property will be gone within a week
4 or a week and half, depends on the weather. Also we have parking set aside for
5 customers also. It's on the, the next frame I think, right here the parking for customers
6 will be, see we had a, a six foot fence put around the perimeter of the property and it's,
7 the fence going across the Old, Old Winnsboro Road there, it will be covered initially
8 and we're gonna plant some shrubbery there, but until the shrubbery completely hides
9 the contents of what's in the area, we'd have partitions in here to, to [inaudible] off the
10 fence. And any adjacent properties, if anybody thinks, if they can see it from their
11 property and they don't like it, we'll be more than willing to, you know, even if we have to
12 do the whole perimeter with the shrubbery and, and enclosures, we'd be willing to do
13 that. And the number of employees, I'm only, only gonna have about three of us
14 working there, me and my brother and one of my nephews. Amount of noise produced,
15 we're not expecting to produce any more noise than the, the South Carolina Department
16 of Transportation shop. They repair vehicles and they repair heavy duty vehicles and
17 that creates much more noise than we are. We're only about five or 600', about five or
18 60; from that shed, from that shed entrance, so. And the only roads that we use, we're
19 gonna use the entrance from 321 to, from 321 coming up on right where the, the DOT
20 shed is there and that's about 500' of dirt road and that's it. We'll never use this, the
21 rest of Old Fairfield Road going up toward Jerome. We're not, have no plans of using
22 that at all. So we'd be using the same entrance as the DOT and they use much larger
23 equipment than we plan on. The only equipment we're gonna have is like a rollback, it's

1 about a two ton, a ton and half truck. My uncle had the same size truck when I lived in
2 this, on that same piece of land there from 1959 until 1969 and he drove it on that road
3 for the whole time. And sometimes even larger trucks than that he'd drive, hauling
4 wood and stuff like that. So I don't see us causing any damage to the road or anything.
5 And the road is not traveled that much, maybe two or three cars a day from what I've
6 seen from the days I go over there. So we don't, don't expect to hinder the traffic in any
7 kind of way. We're not planning on parking anything on the streets. We have a twenty
8 foot gate that goes into the, you know, goes into the yard. Anything we bring in or any
9 time we come in, we go inside this gate, you know, and take whatever materials we're
10 bringing in inside the gate and it'll be there for the duration. And like I said I had picture
11 of the, the truck also and my, and it's about the largest truck we'll use on that road. It's
12 not gonna be anything like tractor trailers or anything like that. This is the largest size
13 truck, this is a rollback. It's about a one to two ton truck. And could you show the oil
14 storage one? It's the one right before that one? And this is what, what I was telling you
15 about the oil storage. It'll be blocked in and the front is open there. You see the two 55
16 gallon drums setting there and the, and it will be about a foot below the ground, six
17 inches to a foot below the ground. I think OSHA only requires a four inch containment
18 wall, but we're gonna do a one foot containment wall just in case. And like I say, those
19 drums will be in there and anything, before we do any work on any vehicle, it's drained
20 of all fluids. There's no fluids in that vehicle, so there's no, no probability of
21 contaminating the soils or anything like this. I talked with DHEC last week on, you
22 know, how do they monitor us, how, you know, how do they regulate us and she gave
23 me a copy of their, of, of the regulations and South Carolina just required that if I

1 generate oils, you know, and showed me how to dispose of it and I have a copy of that
2 regulation. So I know what the state requires in disposing of these, of the oils and stuff
3 like that and I'm not, I cannot carry more than like I say 55 gallons of oils or, or fluids at,
4 you know, so I'm not planning, planning on carrying close to that because they'll be in
5 these drums and a contractor would come out and, and remove that from the, from the
6 property. And I think that's, that's basically the full rundown. Like I say, the main thing I
7 just wanted to bring up is that, this is not a junk yard like people would think. You know,
8 you see a junk yard, you've got a lot of cars parked everywhere. This property is not
9 used for that. It's actually used for a used car place and actually what we're gonna do is
10 we'll strip the cars and they'll be gone within a week. I mean, you're free to monitor me
11 whenever you want to, to make sure that we adhere to that standard. But I know for
12 sure that's the way it'll be ran. And I, like I said I got the experience for that work. I've
13 got 20 years in the military in procurement, you know, dealing with anything from aircraft
14 parts to tablespoons. I've got 10 years with the Post Office as an auto mechanic. I'm
15 ASC, master ASC certified, so, you know, I've dealt with OSHA, know all the regulations
16 of, you know, disposing of stuff like this and know the concerns people might have of,
17 you know, keeping, you know beautifying the place and I, I personally would prefer to
18 have my, my company like, you know, orderly, an orderly company and not everything
19 thrown out and junked out. And like I say you're free to monitor me at any given time
20 and you'll find out I'm a man of my word. And that's basically it.

21 CHAIRWOMAN PERKINS: Okay. Are there questions from the Board for Mr.
22 Doctor?

1 MR. RUSH: I've got one. With your site, how much of it will be paved? Will the
2 entire site be asphalted in or -

3 MR. DOCTOR: Well, eventually the entire site is going to be asphalted in.
4 Mostly the parking areas, initially the parking areas and right away the, the little garage
5 areas and stuff like that we, we would pave in initially. And then as we generate
6 revenue, we continue to pave and eventually, like I said, we hope, we plan on having
7 the whole area paved in.

8 MR. RUSH: So where you're dismantling the cars, will that be paved or
9 asphalted in? Initially, it won't be? Is that what you're saying?

10 MR. DOCTOR: Well we can, actually we can dismantle, we can pave enough to
11 dismantle the, for the, you know, the area that the cars will be dismantled in. I mean, if
12 that's a requirement. We wasn't, you know, we would, you know, trying to go, I guess
13 as time goes by until eventually we get to the point to where we could, we could make it
14 economically feasible to, to do the whole thing. But eventually it will be.

15 CHAIRWOMAN PERKINS: I have a, a question if you're finished. I, I heard you
16 in your presentation Mr. Doctor, you said that you were going to dismantle engines,
17 transmissions, anything else, axles, tires, differential, are you going to dismantle and
18 resell those types of parts? What would you -

19 MR. DOCTOR: No, no, no, it, actually, the engines we wouldn't dismantle.
20 Initially, you know, we get the, we get the vehicle. If the engine runs good, if the engine
21 checks out okay, and then that engine we would take the complete engine out and it
22 would be stored in that, it's a long shed there about 100', 200' long. It will be stored in
23 that shed and that also has a containment wall because when you're storing an engine,

1 you have to leave the oils in that particular vehicle, in that engine. But then it, it's sealed
2 in the engine anyway, but it would have a, a four inch containment wall to where if it did
3 leak at any given time, we can also clean that up. But we're not gonna, we'll take the
4 engines off, the engines out, the transmissions out.

5 CHAIRWOMAN PERKINS: Well, I, I, I guess what I'm getting at is what parts of
6 the vehicle that you bring in, if you don't dismantle the engine, you would lift the engine
7 out?

8 MR. DOCTOR: Yes, ma'am.

9 CHAIRWOMAN PERKINS: And put it on your shelf?

10 MR. DOCTOR: Yes, ma'am.

11 CHAIRWOMAN PERKINS: You would take out the transmission? I'm looking for
12 the parts that you're going to resell.

13 MR. DOCTOR: Oh, it will be, it will be mostly engines, starters, alternators, some
14 rear ends, you know, the transaxles, I mean the, the front axles and not too many body
15 parts. We're not into body parts that much. It's basically mechanical parts, you know,
16 the drive train basically.

17 CHAIRWOMAN PERKINS: Not too many, but -

18 MR. DOCTOR: Yeah, not too many, maybe some tail lights or head lights
19 assemblies or something like this, we don't want any fenders and doors and all this.

20 CHAIRWOMAN PERKINS: And no chassis?

21 MR. DOCTOR: No, ma'am, no chassis, all chassis will be salvaged out.

22 CHAIRWOMAN PERKINS: And you did say that, how long does it take to
23 dismantle, to get the parts out? And maybe I'm not using the correct words, so you'll

1 help me with it. How long does it take you, I think you said your brother and your
2 nephew to have a car put on the yard and you take out the parts that you want?

3 MR. DOCTOR: Well normally about, if, if, if I'm dismantling a car, it doesn't take
4 that long. You know, I mean, we can, we can have a complete car dismantled within
5 say six to seven hours. I mean, and this is all the dismantling we're doing and that will
6 be loaded on the truck to go to, to the, the stuff's that's left will be loaded on the truck to
7 go to recycling. So it doesn't, it doesn't take that long.

8 CHAIRWOMAN PERKINS: So it just takes a day?

9 MR. DOCTOR: About a day per vehicle or something like that. But if we've got
10 three people, you know, we can do like maybe two, at least two vehicles a day.

11 CHAIRWOMAN PERKINS: Okay, so not the three people? It will take each
12 individual a day to dismantle a car?

13 MR. DOCTOR: Well, I can do it in a day because I'm an experienced mechanic.
14 But, you know, the people that's helping, you know, I'm gonna have to give them a hand
15 here or there, so it might take them a little bit longer. But I'm gonna be there, you know,
16 to supervise that, that part of the operation. So it, I'm saying, like I say, within a day I
17 know we can get at least two, three cars, and we might not have that many cars on the
18 lot. You know, it just depends on how many cars we pick up at, at any given time. So I
19 mean, we could have the lot cleared, hopefully what we try to do is have it cleared by
20 the end of the week. We'll bring the cars in, check them out, and then, you know, like
21 Monday and Tuesday, and then Wednesday and Thursday, that's the days we find out
22 whether, what parts we need to keep. We dismantle them and then Friday and
23 Saturday, we take stuff to the recycle yard. That's, you know, that's our game plan, but

1 like I say the weather sometime might prohibit us a little. So it might be extended a few
2 more days more, but no more than a week and a half.

3 CHAIRWOMAN PERKINS: So you've, I think at the last meeting, you said you
4 were going to do a covered shed?

5 MR. DOCTOR: Yes, ma'am.

6 CHAIRWOMAN PERKINS: So that you could work?

7 MR. DOCTOR: Yes, ma'am.

8 CHAIRWOMAN PERKINS: Because of the weather wasn't, when you had
9 inclement weather? So is that not your proposal?

10 MR. DOCTOR: Well, this is the little garage here. See the two car garage? It
11 would be in there, it's about the size of a two car garage or maybe a three car garage.
12 Well, we'll be in there sometimes, but, you know, you can't, I mean, when you're in an
13 enclosed area like that trying to dismantle a vehicle, it's, I mean, it, it'll take you a little
14 longer time than if you're out in the open. So we prefer doing it in the open, but
15 inclement weather, we can bring one car in at a time. We won't have two cars in a
16 small contained area trying to dismantle them. You know, you run the risks of getting
17 injuries and things of this nature.

18 CHAIRWOMAN PERKINS: And the cars that you're gonna, the vehicles that
19 you're gonna dismantle, they could be Hondas, Cadillacs, SUVs, whatever is -

20 MR. DOCTOR: Yes, ma'am, any vehicle.

21 CHAIRWOMAN PERKINS: Any vehicle?

22 MR. DOCTOR: Any vehicle.

1 CHAIRWOMAN PERKINS: And what would you say, you said that the, the
2 storage place where you've gonna keep these parts, they're gonna be located on 100,
3 200' long shelf?

4 MR. DOCTOR: Yes, ma'am.

5 CHAIRWOMAN PERKINS: Considering the, you know, the type parts that
6 [inaudible], I, you know, I have a little Honda?

7 MR. DOCTOR: Yes, ma'am.

8 CHAIRWOMAN PERKINS: And you're saying, you said that you're gonna keep
9 approximately 20 cars on the yard? And that's going to, and you can dismantle a car
10 per day give or take a little bit?

11 MR. DOCTOR: No, ma'am, I, when I said 20 cars, that the maximum of cars that
12 might be there at any given time and that's being conservative. I'm really not planning
13 on having that amount of cars there at any given time. It's just I decided to put that
14 number there because I'm thinking weather and things of this nature that might hinder
15 us from getting it accomplished. And then it comes back to hey, he said no more than
16 five cars and here we have 20 cars here. So 20 cars is the maximum that would be
17 there depending on the weather and stuff. But we're looking at maybe five or six cars at
18 any given time. That's, that's my, my game plan, but I have to make, you know,
19 considerations for the weather and things of this nature.

20 CHAIRWOMAN PERKINS: So I also see what, where you say you're going to
21 develop and you're going to do a towing service?

22 MR. DOCTOR: Eventually, yes ma'am.

1 CHAIRWOMAN PERKINS: Yeah. Did you not know, and I just wanted to ask
2 you this that, do you think that the fluids that you'll be extracting from the car is
3 flammable? And that the storage of that flammable stuff, I'm asking, and I don't know if
4 it's oil or what, what, what are you gonna do, you know, what kind of fluids you're gonna
5 be storing? And I'm trying to see placement. I'm trying to see how you're gonna fit all
6 of this onto this and, you know -

7 MR. DOCTOR: Could you go to my first page? The first page on this? Right
8 here, see, this is like, that's about 200 and something feet of space, 200, say two, on
9 the end, the end of the lot up there is 263' from here to the back. The back part of the
10 lot is 200 and I think it's 14 feet, you know, lengthwise and then the depth down here is
11 a little smaller. I think it's like maybe 204' or something like that. I mean, it's 190
12 something feet. So we've got the space here, we have more than enough space. I
13 mean, it's the, the lines here in the parking area is the cars. You can see the lines here.
14 That's the parking area for the cars that we're gonna dismantle. All the space out here,
15 there's much, more than enough room to do any maneuvering you want. You've got
16 150, 200' squared, you know, to do all the maneuvering you want. That's empty, that's
17 open space there after we have, you know, put, you know, the structures we're gonna
18 put on the land. So there's more than enough room to maneuver, I mean, you could
19 maneuver, I have a Class A license, I can drive a tractor trailer around in that block,
20 with, with a 50' trailer on it. It's very easy. So I mean, there's more than enough room
21 to do the work at, you know, that's required to be done in.

22 CHAIRWOMAN PERKINS: I get it, you know, and, and I'm, and I'm not, that's
23 not what I'm, and, and, and I hear that, I was just thinking about where you have to put

1 the placement, the setback requirements and if that fuel is flammable that you're
2 storing, you know, County Council says that you have to set it 50' from the nearest
3 property line. So I'm just, I'm just, I, I'm, trying, help me paint a picture, you know, I'm
4 having a hard time seeing things and this is a man's world, you know. I don't know
5 much about cars.

6 MR. DOCTOR: Yes, ma'am. Well actually oil, I, antifreeze is not flammable at
7 all and the volatility on oil, I mean it's, you can throw a match on it and it won't light.
8 Gasoline is a very volatile fuel and, I mean, it burns. And I mean and it's, and it's very
9 volatile. We could move those barrels out to the center of the back line there and that
10 puts it away from everything. I mean, I mean, if that's a concern, but oil is not that
11 volatile. You know, like I say, I -

12 CHAIRWOMAN PERKINS: Yeah, it's not a, it, but what I'm trying to do is, you
13 have I think a little over an acre?

14 MR. DOCTOR: Yes, ma'am.

15 CHAIRWOMAN PERKINS: And I, you know, there are going to be some setback
16 requirements for you for putting that building in, there's fencing and landscape
17 shrubbery and I guess, I guess I could ask the Staff if there's going to be sidewalk
18 requirements? Is that correct Mr., you know, are there going to be sidewalk
19 requirements? And then you're going to be storing engines, transmissions, and front
20 axles, rear ends and you've got 200 and you're gonna have, and I, and I imagine that
21 you're going to be in a business that you're going to want to keep business coming in?
22 And that's those cars that nobody wants or, you know, from the insurance department

1 or whoever. And, and I'm having a difficult time, I'm having a, this is me, you're helping
2 me out.

3 MR. DOCTOR: Yes, ma'am, I understand.

4 CHAIRWOMAN PERKINS: You know, having a difficult time as to how all of this
5 is going to, to be placed in there with the, you know, requirements that we have there.
6 And you're only gonna have one roll back truck on that property?

7 MR. DOCTOR: Yes, ma'am, one roll back and, and, you know, a couple of pick-
8 up trucks, yes, ma'am. We might have a, an extra ton and half vehicle, but it won't be a
9 roll back.

10 CHAIRWOMAN PERKINS: An extra -

11 MR. DOCTOR: Ton and half.

12 CHAIRWOMAN PERKINS: Yeah, I, I know, the roll back is a ton and half, but
13 you said an extra what?

14 MR. DOCTOR: Yes, ma'am, a regular ton and half truck that doesn't, the lift
15 doesn't, the back doesn't lift up like a dump truck. It's a solid vehicle.

16 CHAIRWOMAN PERKINS: Okay. And did you say other just working trucks?
17 Did I hear you say that?

18 MR. DOCTOR: Well, I have a pick-up and my brother has a pick-up. Those
19 trucks and we'll probably be using those as -

20 CHAIRWOMAN PERKINS: You'll be in the customer's parking lot?

21 MR. DOCTOR: Yes, ma'am, either, no, there, see on the other end up here,
22 there's a truck parking area up here and we can park our vehicles there with no

1 problem. But I mean we've got more than enough customer parking. I'm pretty sure we
2 won't see that many customers in any, at any given time, at one time anyway.

3 CHAIRWOMAN PERKINS: I have one more question to ask you. I travel on that
4 road and there's a yellow building. Is that a house? It looks like a house to me on Old
5 Fairfield Road. Are you familiar?

6 MR. DOCTOR: Yes, ma'am, that's my, how can I say it? Well, they're kin to me
7 in marriage basically, you know, we grew up, the house -

8 CHAIRWOMAN PERKINS: [Inaudible]?

9 MR. DOCTOR: Yes, ma'am, that house has been there since I was living there
10 in the '50s, so it's been there for a while.

11 CHAIRWOMAN PERKINS: Okay. Are there any other questions from the
12 Board?

13 MS. PERRINE: Yes, I have one. You didn't mention what you're going to do
14 with the tires when you take them off the cars?

15 MR. DOCTOR: I talked with DHEC on that, also. I'm supposed, for used tires,
16 we can get on the list at DHEC, and I think her name, we're supposed to call Ann
17 Barnes and she puts us on a list and that list, they have a disposal place, I think we can,
18 we, we are allowed up to four tires per vehicle once we get on that list. And then, you
19 know, we, they got a place somewhere in the county. That's what they were telling me
20 at DHEC that they dispose of them. Her name is Ann Barnes and it, I have her phone
21 number here, too, if you want to contact her, but.

22 MS. PERRINE: That's okay. So how many, how many tires are you going to
23 keep on the property before you take them off then or?

1 MR. DOCTOR: I'm not planning on having, you know, no, no more than maybe
2 30 or 40 tires, if I have that amount because some of the tires on the vehicles are good,
3 I can sell those, also.

4 MS. PERRINE: You could sell?

5 MR. DOCTOR: Yes, ma'am, I could sell those also, so. But, you know, she was
6 saying we can, I think the max that the state allows you to have on a property like this is
7 999 tires and I know I'm not getting close to anything like that. I don't, I mean, it junks
8 up the area, so.

9 MS. PERRINE: So you plan to sell the tires if they're good?

10 MR. DOCTOR: Yes, ma'am, if I had good tires, I'll sell them.

11 CHAIRWOMAN PERKINS: So if you, let me ask you this since you're, in, in your
12 packet, you put - I have one more question - you said that, you know, everything is
13 eventually -

14 MR. DOCTOR: Yes, ma'am.

15 CHAIRWOMAN PERKINS: - [inaudible] but then again I'm looking at the size of
16 the property, storage, bringing in, you're gonna, you, you're gonna have a roll back truck
17 and a ton and a half truck. And I suppose you did say that you were going to be towing
18 for the insurance companies, the police department and how is that going to impact the
19 number of cars that you're going to dismantle, and again the storage space?

20 MR. DOCTOR: Well right now, you know, that's, to me that's, that's, that was
21 one of my long term goals. I mean, it's, it's, you know, I mean, if I see it cannot be
22 accomplished on the amount of land I've got and I couldn't purchase any more land,
23 then I guess I'd have to, you know, either scratch that or move to a larger location.

1 CHAIRWOMAN PERKINS: Well, let me ask the Staff, are we approving, would
2 this be inclusive of his tow truck, tow truck operation? I guess that would be the, beside
3 he's asking for a salvage yard –

4 MR. PRICE: No, ma'am, you –

5 CHAIRWOMAN PERKINS: - but also in his presentation, you know, the packet
6 that you gave us it talked about his future development on this property?

7 MR. PRICE: Right. We have to kind of separate that, because just looking
8 through the, the matrix found in our Land Development Code, automobile towing, which
9 includes storage services, repair and maintenance services for major, for automobiles
10 doing major work, which would include transmission, body work and, and that sort are,
11 are both permitted outright in the M-1 zoning district. So, right now he can come and
12 actually establish those out right now without having to go before the Board, so what
13 you're dealing with now is primarily a scrap and recyclable materials.

14 CHAIRWOMAN PERKINS: Now, recycle, okay, okay. Are there any other
15 questions from the Board? Thank you very much, Mr. Doctor. We have a lot of
16 applicants signed up against this. Is there a spokesperson for the people who are
17 signed up? If not, as I call your name, please come down to the podium, state your
18 name and address and tell us what it is you want to do. Ms. Queen Bonapart? I think.
19 Ms. Bonapart, pull, if you'd pull that down.

20 **TESTIMONY OF QUEEN BONAPART:**

21 MS. BONAPART: Good afternoon, I'm Queen Bonapart and I live in the area.
22 We've had other businesses that was undesirable to be in our neighborhood and we
23 don't need a whole lot of junk where we are living. Now, to me if you have a salvage

1 yard, a junk yard as you call it, it could pose a health problem because we have, you will
2 have your oils, your gases, your fluids from your car. There, there's, the wind blows
3 every day. It would cause health hazards for the residents living there and God knows
4 what else might go on at that junk yard. So I am here to just say that we are against
5 having the junk yard placed in our community.

6 CHAIRWOMAN PERKINS: Are there any questions for Ms. Bonapart?

7 MS. PERRINE: I have one.

8 CHAIRWOMAN PERKINS: Go ahead, yeah, I'm sorry, go ahead.

9 MS. PERRINE: Where do you live in reference to that site?

10 MS. BONAPART: I live right off of 321 in the Lincolnshire Community.

11 MS. PERRINE: Where -

12 MS. BONAPART: It's less than a mile from that site.

13 MS. PERRINE: Okay, thank you.

14 MS. BONAPART: Any other questions?

15 CHAIRWOMAN PERKINS: Any other questions? Thank you, Ms. Bonapart.

16 MS. BONIPART: You're welcome.

17 CHAIRWOMAN PERKINS: Mr. Lewis? It is Mr. Lewis? Is there a Mr. or Mrs.
18 Lewis? If so, please come to the podium and state your name and address and tell us
19 what it is -

20 **TESTIMONY OF HENSLEY LEWIS:**

21 MR. LEWIS: Good afternoon ladies and gentlemen. My name is Hensley Lewis
22 and I live in the Lincolnshire Community, which is, my home is even closer to the
23 proposed site than Queen Bonapart. It, she said about a mile, mine has got to be at

1 least half a mile from there. We've all heard of this proposed, and I don't know what to
2 call it, junk yard, salvage shop or what, or what. But we have enough salvage yards,
3 junk, junk yards or whatever you want to call them on Fairfield Road already. What we
4 need in the area, not a three person operation junk yard. We need employment
5 generating businesses and I see all over the place all kinds of stores, Wal-Mart, going
6 up here, there, and everywhere. Why do we have to put up with all the junk? We have
7 the incinerator coming in on, just up Fairfield Road. We've got salvage shops already
8 on Fairfield Road and very close to where Mr. Doctor is placing his, if you go, go up
9 there at, at just past the Wal-Mart, you see a little run down building there and there are
10 at least 30 vehicles in there; that's a small one. And if Mr. Doctor is having such a big
11 one, I don't believe he's gonna have five cars on, in there at a time. He said the most is
12 20, but more likely five, and a lot of the statement included the word "eventually".
13 Eventually what? He didn't quite explain that. I think you tried to ask him that Madam
14 Chair and then he didn't quite answer that in my opinion. Eventually? Eventually what?
15 Eventually we don't want a junk yard in our community. Please tell these people no. I
16 think the Board owe it to us since we have observed practically all the other garbage
17 that they've got in place in that area. No more please I beg of you. Thank you very
18 much.

19 CHAIRWOMAN PERKINS: Hold on Mr. Hensley. Are there any questions from
20 the Board for Mr. Hensley? Mr. Hensley, you said that there are more salvage, I think
21 you refer to them as salvage junk yards? And I'm using your words.

22 MR. LEWIS: Yes, that is correct.

23 CHAIRWOMAN PERKINS: How many are on -

1 MR. LEWIS: There is a small near to the very site that Mr. Doctor has proposed.
2 It's directly on Fairfield Road, I don't remember the number. And if you go pass the old,
3 the Crane Creek Community Center, maybe a mile or so up the road, there is a, really a
4 big one on the right hand side and then you go a little further on and there's another one
5 up there. And plus we have the incinerator coming in there. We can, we can do with,
6 employment generating companies out there. As Mr. Doctor said there will be about
7 three people working there and three people that will be creating a health hazard to us
8 in the community. We don't need that and a thing like that is going to stop other
9 businesses from coming in because you're not gonna get a Wal-Mart or a K-Mart of any
10 of them building right next to a salvage yard, otherwise known as a junk yard. And only
11 God knows what these, some of these places, I'm not saying that Mr. Doctor's one will
12 become like that, but a lot of these salvage yards turn up to be nothing more than chop
13 shops. We don't want that.

14 CHAIRWOMAN PERKINS: Okay, well, yes sir thank you for that, but, thank you.
15 Are there any other questions for Mr. -

16 MS. PERRINE: I have a question.

17 CHAIRWOMAN PERKINS: Okay.

18 MS. PERRINE: Is the neighborhood that you all are living in, are you all on wells
19 or is that city water?

20 MR. LEWIS: City water.

21 MS. PERRINE: City water?

22 MR. LEWIS: Yes, ma'am.

23 MS. PERRINE: And how does that, septic tanks?

1 MR. LEWIS: No, I don't have septic tanks and I don't know of any houses in my
2 area with, with septic tanks, but I do believe, I've heard of septic tanks out there, but I
3 haven't seen them to be quite honest.

4 MS. PERRINE: You don't have one?

5 MR. LEWIS: No, I don't have one. But there are, I've heard there are some out
6 there.

7 MS. PERRINE: Okay.

8 CHAIRWOMAN PERKINS: Thank you very much.

9 MR. LEWIS: Thank you very much.

10 CHAIRWOMAN PERKINS: Mr. Leroy Jenkins?

11 **TESTIMONY OF LEROY JENKINS:**

12 MR. JENKINS: Good afternoon Madam Chair and the other Board Members.
13 My name is Leroy Jenkins and I own two lots next to the proposed site that Mr. Doctor is
14 proposing. And I just, I'm just here to tell you all that I do oppose this type of business
15 in our community. One, I've had a chance to do some research in regards to the
16 hazardous environmental effects on having a business like that. And anything from the
17 tire to the air bags, any type of parts that you can take off a vehicle does have some
18 cause and effect that could affect drinking water. It would be a lot of air pollution, a lot
19 of noise pollution, and also I have read where other states where people, children have
20 jumped over the fence and got locked in the cars and, and they died from a result of
21 that. Also being a local real estate agent as well, I am very well versed to know that this
22 will adversely affect our proper value in the community. And something like that we, we
23 just don't need. I had submitted a letter to you all; you all should have received that as

1 well, as well as some photographs in regards to the proposed site. I don't know if you
2 can pull those up.

3 MR. PRICE: I don't have those photos. Your letter was included as part of the
4 package.

5 MR. JENKINS: Okay, okay. Well, I brought some just in case because last
6 month these were left on my property, if you all want to look at that, by Mr. Doctor and I
7 know that he said that he's gonna have 20 cars at one time, but how can three people
8 dismantle 20 cars per week? That's just, I mean, I know a little bit about cars and that
9 doesn't seem to be humanly possible to do that. And so what we're dealing with here is
10 a, is, is, is a junk yard because I would imagine a lot of these cars will be stored. With
11 three people working, we will have a lot more cars than we need over there. Again we'll
12 have a lot of pollution. We'll have a, possibly if one of those concrete slab cracks
13 unnoticed, what happens then? And I know I have to wind it up, but I, you know, I
14 oppose this and I just hope that you all take our community in consideration and reject
15 this plan.

16 CHAIRWOMAN PERKINS: Hold it Mr. Jenkins. Are there any questions?
17 Thank you very much.

18 MR. JENKINS: Thank you.

19 CHAIRWOMAN PERKINS: The next person is Reverend McCants? Please
20 come to the podium and state your name and address for the Record.

21 **TESTIMONY OF REVEREND MCCANTS:**

22 REV. MCCANTS: Good evening. I am Reverend William McCants. If you would
23 pull the draft back up, I live at 7128 Fairfield Road. And on that draft, the Old Fairfield

1 Road runs right into Shop Road. My lot is, according to the, somewhere along there
2 where that arrow is. I appreciate the fact that this young gentleman gave 20 years to
3 the military. I've lived at this address for 50 years and we've been trying to improve our
4 neighborhood and certainly I would like to know just where will this stop? If we start
5 with a junk yard, the next thing you know you have something else. And I am opposed
6 to it 100%. Thank you for hearing me.

7 CHAIRWOMAN PERKINS: Wait a minute Reverend McCants. Are there any
8 questions for Reverend McCants?

9 MS. PERRINE: Okay. I'll ask you, are you on city water where you live or do
10 you have a well for water?

11 REV. MCCANTS: I'm on city water with a septic tank.

12 MS. PERRINE: With a septic tank?

13 REV. MCCANTS: Yes, at 7128 Fairfield Road. That would be just about in front
14 of his site.

15 MS. PERRINE: Are there -

16 CHAIRWOMAN PERKINS: I have a question for you Reverent McCants. I've
17 went to, are there other houses right along there on the side where you live? Or is it -

18 REV. MCCANTS: There is a house there, I don't know if it's occupied. It used to
19 be the Smith quarters back in the '60s and '70s. I don't know if anyone is living in that
20 house or not. The lot in front of me has been cleared off, where that I can see from my
21 front all the way over. Thank you.

22 CHAIRWOMAN PERKINS: Thank you so much Reverend McCants.

23 REV. MCCANTS: Thank you very much.

1 CHAIRWOMAN PERKINS: The next person is Mr. David King? I think. State
2 your name and address for the Record please?

3 **TESTIMONY OF DAVID KING:**

4 MR. KING: My name is David King. I've been living out there on Jerome Drive
5 for 52 years and it looks like the county can't get rid of all the junk cars that's parked in
6 people's yard and we don't need another junk yard down there on Fairfield. Fairfield is
7 a dumping ground for anybody that dumps garbage. They didn't take into consideration
8 the water that comes off of Jerome Drive runs right down right through that area. Crane
9 Creek is right on the other side, so what do we need to do is get the county to clean up
10 our area. Now I've been out there for 52 years and I was one of the first ones to, served
11 papers to get rid of my car. But you go down through Jerome and Hatchet and you see
12 a junk yard. People's cars parked in there, covered, wheels off. We don't need nothing
13 like that. Why is the highway department letting them put one down there? And the
14 county shouldn't be doing it. Is it gonna up the price of our property or decrease our
15 property? That's it.

16 CHAIRWOMAN PERKINS: Are there any questions for Mr. King from the
17 Board?

18 MR. KING: Ma'am?

19 CHAIRWOMAN PERKINS: No? Okay, thank you, sir.

20 MR. KING. Thank you.

21 CHAIRWOMAN PERKINS: Ms. Thelma Rabon?

22 **TESTIMONY OF THELMA RABON:**

1 MS. RABON: Hello. I'm Thelma Rabon. I live on 1571 Jerome Drive. I have
2 been living out there for over 40 years. I was raised up out there, I've raised my
3 grandchildren out there. I am really upset about this salvage yard being, wanting to be
4 built out there and I appreciate ya'll not okay it cause there's a lot of, cause people
5 coming through the neighborhood that we don't want to, coming through the
6 neighborhood. There's drugs coming through the neighborhood and we do believe that
7 if the salvage, salvage yard is finished, if it will be built, it will continue. Thank you.

8 CHAIRWOMAN PERKINS: Thank you. Are there any questions for Ms. Rabon
9 from the Board? Thank you very much Ms. Rabon. Mr. Thomas Odom?

10 **TESTIMONY OF THOMAS ODOM:**

11 MR. ODOM: Yes ma'am. I'm a property owner in the neighborhood. I've got a
12 house at 1543 Hatcher, just about a block away from there. I also have a house, at 100
13 Woodcrest in Hollywood Hills. I'm a landlord and I've got seven properties in the North
14 Columbia area; three, two, those two that are the closest to that area. I provide, I try to
15 provide neat, tidy places for low income people to live. Of course, those folks are at
16 work today, hopefully, and they need somebody to speak for them. You know, they
17 want a neighborhood that's clean and I, I guess they, I guess they would like, like to see
18 something in the neighborhood that's more of an improvement versus a negative. So I
19 just want to say I'm, I'm kind of against this too, and please take it in consideration.

20 CHAIRWOMAN PERKINS: Thank you, are there any questions? Thank you
21 very much. I'll tell you what I'll do. The next names I'm gonna call out and if ya'll like to
22 just kind of come and form a line and, and, and make your statements, I think we could
23 expedite this process. Is that okay with the audience? Okay. Young? [Inaudible]

1 MS. YOUNG: I'm here.

2 CHAIRWOMAN PERKINS: [Inaudible]?

3 MS. MCCANT: My husband just spoke

4 CHAIRWOMAN PERKINS: Greelett, Ms. Greelett? Napoleon Tolbert? Ms.
5 Debbie Harold, Mr. James Carpenter, and Herbert Williams, Jr.? And obviously I have
6 a name -

7 MS. MCMANNUS: McMannus.

8 CHAIRWOMAN PERKINS: Yes, ma'am.

9 MS. MCMANNERS: I signed up behind Greelett.

10 CHAIRWOMAN PERKINS: Okay, would you please identify yourself, state your
11 name and address for the Record and, and tell the Board what it is you'd like to hear,
12 like for us to hear.

13 **TESTIMONY OF JULIA DAVIS GREELETT:**

14 MS. GREELETT: Good afternoon, my name is Julia Davis Greelett. I live at 313
15 Bowling Avenue, Stocks Terrace. I'm speaking, some for Stocks Terrace and
16 Hollywood Hills, Lincolnshire and all in that area. We meet together, we have
17 neighborhood associations and Mr. Doctor has never come to a neighborhood
18 association meeting to discuss anything with the communities around there. And if you
19 want to put a business in the neighborhood, you should always, I think, think of the
20 communities around. We do have houses with septic tanks. We have, at least I know
21 18 in Hollywood Hills. There's some in Stocks Terrace. This salvage yard would be
22 within the proximity of about half a mile from the Carolina School for Inquiry, also the
23 Crane Creek Community Center. We are working to improve our neighborhood, we've

1 got the community center, we have the school. The communities around meet together
2 and we have improved the neighborhood. A salvage yard is not an improvement and
3 we would really ask for you when you go back and consider that, think about your own
4 area and how you would think a salvage yard would be with a lot of the incomplete
5 answers that Mr. Doctor gave. Thank you. Any questions?

6 MR. MCDUFFIE: I have a question. Ma'am, are you here speaking on, in an
7 official capacity on behalf of the neighborhood organizations, or are you just here
8 informally speaking for yourself. [Inaudible] you are a member of those organizations?

9 MS. GREELETT: I'm the Vice President of the neighborhood association that's
10 at Stocks Terrace and Hollywood Hills.

11 MR. MCDUFFIE: Okay, and the neighborhood association met and decided to
12 oppose this as an association?

13 MS. GREELETT: Yes.

14 MR. MCDUFFIE: Okay.

15 CHAIRWOMAN PERKINS: Okay, next.

16 **TESTIMONY OF NAPOLEAN TOLBERT:**

17 MR. TOLBERT: Good afternoon Chairman and Members. I just want to be brief.
18 I just want to point out a couple of issues. First of all we are changing the character of
19 the community. You've got to look at the fact that this a expensive on-taking that he's
20 gonna do. It's a lot of questions that he left open that has a lot of concern. To do what
21 he says takes a lot of experience and a lot of expense to do that. And I want to make
22 sure that you remember that the conservation in the area, there's a lot of streams, a lot

1 of water, things that goes on in the area. Please consider those and when you
2 deliberate on how you plan to rule on this action. Thank you.

3 CHAIRWOMAN PERKINS: I, I have one question for you.

4 MR. TOLBERT: Yes.

5 CHAIRWOMAN PERKINS: I did hear somebody else say that there's a creek?

6 MR. TOLBERT: Yes.

7 CHAIRWOMAN PERKINS: How far is that, it, it, I think I heard the gentleman
8 say Crane Creek? And I was thinking -

9 MR. TOLBERT: There's one on that side and one on the other side of it.

10 CHAIRWOMAN PERKINS: Of the property?

11 MR. TOLBERT: In that area, yes.

12 CHAIRWOMAN PERKINS: Okay, thank you very much. Are there any other
13 questions? Okay, the next.

14 **TESTIMONY OF WANITA MCMANNUS:**

15 MS. MCMANNUS: Good afternoon. My name is Wanita McMannus and I live at
16 435 Crawford Road. I've been a resident on Crawford Road close to 60 years. Now
17 this is our second time going around with the junk yard. We had one on Crawford
18 Road, which had brought in crimes, drugs, and they would steal the cars, bring them
19 down, cut, and set them afire. We had tests to come in, the man in the, in the back of
20 the junk yard, he, he couldn't hardly live in his house for, for rats and roaches and
21 things. So, nobody has said anything about, really about what this place is gonna bring
22 because I know, I started going to meetings and with DHEC and everybody, trying to
23 get the one cleaned up on my, my street, which I didn't do that much. The man had to

1 die to get rid of it because it was grandfathered in. So now I know that this won't be
2 grandfathered in, but he cannot tell us what's gonna come in the next year. He cannot
3 say what all of this is gonna bring in and it's, and I will tell you it will bring in crime. It's
4 gonna bring in more drugs. People will want to be parking cars there cause they don't
5 want them. So that's what happened on Crawford Road and we lived in, a, years and
6 years of going to meetings and trying to get help on it, so I know how, I know what's,
7 what's gonna happen. So, and I'm begging you please don't let that happen again in
8 our neighborhood, we don't deserve it. We are a hard working neighborhood, in which
9 we are trying to get our neighborhood looking better, more safer, and, and we have.
10 We have been working hard. The Sheriff's Department works with us very hard. Our
11 County Councilman works with us, so don't let this happen and let us, and set us back.
12 Thank you. Any questions?

13 CHAIRWOMAN PERKINS: Any questions? Thank you very much.

14 **TESTIMONY OF DEBBIE HAROLD:**

15 MS. HAROLD: Good evening, my name is Debbie Harold. I don't live in the
16 area, but I do have relatives and friends that live over there and I'm sitting in for one of
17 them today. And my first concern was about the health hazards with the fluids and the
18 oils from the cars. And the, Ms. Nita, the lady before me, I guess she said it all. That's
19 the last thing we need over there. We need something to help beautify the area.

20 CHAIRWOMAN PERKINS: Thank you.

21 MS. HAROLD: Alright, thank you.

22 **TESTIMONY OF HUBERT H. WILLIAMS, JR:**

1 MR. WILLIAMS: Good evening. My name is Hubert H. Williams, Jr. I'm
2 President of Stocks Terrace and Hollywood Hills community. By the way, there is a
3 creek, a run-off creek that runs right behind this property that goes and runs into Crane
4 Creek, which is I would imagine approximately about 300' away. The other thing that I
5 want to address is, with the price of precious metals going up, gold is up to a, something
6 like a \$1,000.00 a pound, copper is running about \$5.00 a pound. Anytime you have
7 any type of salvage yard, you've got a problem with people breaking in, stealing the
8 cooper, the aluminum, the brass and other metals from these automobiles. Anything
9 that is stored there, I don't see no, in the world how they're going to, it, would be a
10 tremendous security problem to keep anything in that area because anything on
11 Fairfield Road, I own several properties in the same area, I can't leave anything out.
12 Even if it's boarded up, locked down, these people come in and steal everything. They
13 will go in houses that are vacant and steal the copper out the walls, cut the wiring from
14 up under the floors, and with a salvage yard, it would provide a serious risk to all of us.
15 Thank you.

16 CHAIRWOMAN PERKINS: Thank you. Are there any questions? Thank you
17 very much.

18 **TESTIMONY OF JAMES CARPENTER:**

19 MR. CARPENTER: My name is James Carpenter and I live at 1300 Jerome
20 Drive. I want to address two serious concerns about this proposed business and the
21 way I think it would actually be operated. The first is that they, I, I noticed a Zoning
22 Variance sign posted, too late unfortunately to attend the meeting in January. I also
23 noticed the junked cars dropped on the property. I don't know if Mr. Doctor placed it

1 there or not, but it remains on the property today, which far exceeds the seven to ten
2 days that I think he's estimated for getting rid of junked cars and this is about three
3 months later. The second concern is even greater, though. Several people have
4 mentioned Crane Creek and this property sits squarely on a short watershed that leads
5 directly into Crane Creek, it's about a quarter to a half a mile away. You probably know
6 that Crane Creek feeds directly into the Broad River, right at the Columbia Canal, which
7 is where a large portion of Columbia's water supply comes from. Here's why that's
8 important. About a month ago, there was some brush clearing being done on the lot
9 and while I was walking my dog, I noticed a, what looked like a big gasoline storage
10 tank, an underground variety, had been pulled out the woods. It apparently had been
11 there for a long time and placed in the ditch there alongside this property. And over a
12 couple of days walking by, I smelled gasoline very strongly, 100' away or so. I finally
13 called DHEC and reported it and they sent a crew out who had to actually take the tank
14 away and do a clean-up operation downstream of it, keeping in mind now this feeds
15 directly into the City of Columbia's water supply. I'm a little dubious about the plans to
16 take care of hazardous chemicals, just based on that one experience because that was
17 a leaking gasoline tank and it stayed there for close to a week before I had to call and
18 have it removed. And on those two basis, I would really urge the Board to decline this
19 application for a zoning variance.

20 CHAIRWOMAN PERKINS: Any questions? Thank you very much. Mr. Doctor,
21 you can come back up and have three minutes for rebuttal.

22 MR. PRICE: Excuse me, Madam Chair?

23 CHAIRWOMAN PERKINS: Yes, sir.

1 MR. PRICE: We have a Staff member from the Richland County Emergency
2 Services Department, George Mick, he's an investigative coordinator and he can
3 actually speak on hazardous materials that may come about from this type of operation.
4 So he's here to field some questions for you.

5 CHAIRWOMAN PERKINS: Please state your name for the Record and again
6 your occupation.

7 **TESTIMONY OF GEORGE MICK:**

8 MR. MICK: Yes, my name is George Mick. I'm an investigator for hazardous
9 materials. I'm also the coordinator to the Hazardous Materials Program for Richland
10 County. I'm not real, I'm not at all familiar with the request that's before you other than
11 the business request, as I understand, is for an automobile salvage yard and I was
12 asked to elaborate a little bit about the type of hazardous materials, hazardous wastes
13 that are typically involved with an automobile salvage yard. As most of you would
14 imagine, gasoline is probably one of the most common in volume hazardous materials
15 that comes into a salvage yard. This is addressed typically by removing the fuel tank at
16 the point that the vehicle is received at the salvage yard rather than placing it out into
17 the storage area with the tank still in place, which then becomes a problem because
18 eventually the tank can rot away. Other things that are involved hazardous material
19 wise are things such as, and some of these things may surprise you, the windshield
20 wiper blue juice that all of you have in your cars is actually a poison. It's a polar organic
21 known as methanol, it's a type of alcohol that is, in fact, a poison. That's in most of
22 ya'll's cars that are here today. Other things such as brake fluid, automatic transmission
23 fluids, all these things are hazardous materials for various reasons. Another thing that's

1 often overlooked, not necessarily by people in the business, but those of us, those lay
2 people out there, the majority of modern cars have explosives in them, airbags. Those
3 are, in fact, explosives. In fact, not only are they explosives, and again I'm not
4 suggesting this is, you know, individually these are a community hazard, that's not what
5 I'm here. I'm trying to point out what are in today's automobiles. The type of explosive
6 can be either, either a highly compressed gas or more commonly an azide(?) or
7 stephanotis-based actual explosive. The gas, the by-product of that explosive, taking
8 and actually charging the bag is a highly toxic gas. Some of you may be more familiar
9 with emergency responders, we have to take special precautions when we get you out
10 of an accident because if we puncture that bag, that not only is a hazard to us, but if
11 you're the one pinned in the car, it can be lethal. So again, the, these, these are
12 hazardous materials that are very common in a salvage yard. You know, automobiles,
13 you know, they're part of a way of life and these are things we live with, but again when
14 you accumulate them into a large volume, then you have a large accumulative hazard.
15 One thing that we addressed in my division is the safety of first responders, firefighters,
16 police officers and paramedics and salvage yards typically require a hazardous material
17 permit. The permit is required because we need to know what is in a business and it's
18 not by any means just salvage yards, that's just one example. If a particular business
19 has above a specific threshold, and I won't get into those thresholds, but if they have a
20 certain threshold or above that threshold, they are required to maintain a permit, which
21 includes planning and providing us with specific information of the types of hazmat and
22 the volumes. So that if we are dispatched to that location, we know what is there,
23 where it is, how it's stored so that we can go home safely at the end of our work shift,

1 also. In doing so, that protects the community. So those are the most typical types of
2 hazardous materials and wastes. I heard mentioned oil, the oil, depending on a few
3 variations, the engine oil I'm referring to, may be a hazardous waste. It most commonly
4 is because of the metals it picks up during its use and that also typically, by a
5 responsible salvage yard is drained from the vehicle along with all the other liquids and
6 hazardous wastes before they actually place it out in the salvage yard. I'm not gonna
7 stand here and tell you every salvage yard, salvage yard that we've come across has
8 done that. Unfortunately, salvage yards historically in the United States have become
9 super fund sites all too often by just fluids hitting the ground, going into the ground water
10 and becoming a problem. I'm not suggesting this one would, I'm just trying to speak to
11 fact and then, that is in fact the situation nationally that we've seen in the past. And if
12 you have any questions, I'll be happy to answer them.

13 CHAIRWOMAN PERKINS: I have one. I, I, and, and, and I'm going to get the
14 applicant back up [inaudible] I'm asking the questions. But I did hear you say that there
15 are really some hazardous materials in, in the vehicles, which you've enlightened me
16 today because I didn't look at it that way. One of the things that I wanted to ask is
17 where is the oil? You said the oil is stored? Is it in the engine? Forgive me, but I, I'm
18 asking you that question because I need to ask him a question when he comes back up.
19 Is that where the oil is?

20 MR. MICK: Yes ma'am, the, the lubricating oil or often call the engine oil is
21 [pause in recording] which require a large battery system and that battery has
22 hazardous materials in it, as most batteries do whether it's an acid or a gel type battery,
23 they're both hazardous materials and, you know, require that they be addressed also.

1 Some of the tools of doing business in, in ordinary salvage yards involve flammable and
2 oxidizing gases for cutting and that sort of thing, also.

3 CHAIRWOMAN PERKINS: So and, and that, that's what the torches and stuff
4 is? Is, is, is the engine oil highly flammable or is it not?

5 MR. MICK: No, ma'am. Engine oil is not, it's not even considered flammable, it's
6 considered combustible. It is a significant fuel source if it is ignited. The gasoline would
7 be flammable. If it's a diesel, that's also considered combustible, it takes a little bit more
8 to make it ignite. The, again, some of the other fluids, your transmission fluids,
9 depending on whether it's automatic or manual transmissions, it's a little bit different.
10 But those are also combustibles, they don't light easily, but once they get burning,
11 they're pretty significant.

12 CHAIRWOMAN PERKINS: And the torches, is that, is that usually a part of a
13 salvage yard operation? When they're removing parts, do you have to utilize a torch?

14 MR. MICK: Very commonly, ma'am, the, most parts are removed without the use
15 of the torch because, of course, the torch is gonna cause some damage in many cases.
16 Typically where you see the torches employed are where larger portions, rear-ends of
17 the car are being moved in an expedited manner and such. You see those used. In
18 some cases they also use demo-saws rather than using the torches. But, very seldom
19 do I see a salvage yard that doesn't use the oxious sedaylene or propane oxy-type
20 torches.

21 CHAIRWOMAN PERKINS: Are there any other questions? Thank you very
22 much.

23 MR. MICK: You're welcome. Have a good day.

1 CHAIRWOMAN PERKINS: Do we have any other -

2 MR. PRICE: No, ma'am.

3 CHAIRWOMAN PERKINS: Mr. Doctor, you can come back up for rebuttal.

4 MR. DOCTOR: Do you want me to address -

5 CHAIRWOMAN PERKINS: Yeah, yeah, any concerns that, that you think the
6 citizens may have presented to the Board inaccurately.

7 MR. DOCTOR: Okay. One thing they, I think everybody was addressing the
8 health hazards and stuff, and things of this nature. The South Carolina Department of
9 Transportation has a, a super-large shed. I mean, they drain, they change fuels. You
10 know, I was a mechanic for 10 years with the U.S., with the U.S. Postal Service after I
11 retired from the military. And, you know, you're working on large vehicles and stuff,
12 you're handling the same amount of material, same type of materials that I have, but,
13 you know, I'm just, I'm, you know, want to let the community know that I'm governed by
14 the same laws that that South Carolina Department of Transportation is governed by
15 and I'm planning on following those laws, you know, to the T. And I mean, if they can
16 handle a large operation like that, that handles much more vehicles, even larger
17 vehicles and heavy duty equipment, cranes and everything else, then, you know, I don't
18 see any problem with me, as long as I'm following the rules and the law. And like I say,
19 anybody's free to monitor me at any time. If they figure I'm not following the laws, then
20 you know, I should be shut down. So I don't, don't see a problem with, you know, with
21 what's done. I mean, working on vehicles is working, it's a dangerous job. I remove air
22 bags from vehicles every day. They're basically based with rocket fuel, and I know it's a
23 dangerous job to remove them. That was a part of my job. I did it every day, so I know

1 the procedures in removing stuff like this. I know what OSHA requires, and I do have a
2 listing of stuff from, from DHEC, and actually DHEC told me they basically follow OSHA
3 rules. There is actually a copy of what OSHA requires and I've worked with OSHA for,
4 you know, not with OSHA but following OSHA rules 20 years in the military, working in
5 logistics, we dealt with every supply you can think of, including agent orange back
6 during Vietnam. I had to handle this type material, so I know what it, what, what's
7 required and I know the safety mechanisms and I know how it could affect, you know,
8 the, the land and everything else. That's why I made sure that I went, any, any fluids
9 and stuff like that that's in the vehicle, I know how to properly dispose of it. That's why I
10 wanted to build the, you know, the proper containers and everything else and have it
11 removed according to whatever the state requires. And another thing I wanted to, to
12 see, all this land here from 321 all the way up to Jerome and all the way over, all the
13 way to Lincolnshire is zoned M-1, M-1, some of the things you can use in M-1, like Mr.
14 Price was saying here, there can be auto shops there, auto parts stores, manufacturing,
15 so I mean, all this land is zoned for that use. I'm not trying to get you to change the
16 zoning of the land, the state has decided or the county has decided that, you know, this
17 land would be used for that particular purpose. So I'm just trying to use, you know, land
18 that I own for what it's, you know, what the county said it can be used for. And like is
19 said, pollutants and stuff like that, the one car that Mr. Jenkins said that was in there,
20 that land that Mr. Jenkins owned, my aunt used to own it and my cousin, the one that
21 was clearing some of the land, well he's my, yeah, my cousin, his mother, that was my
22 aunt's daughter. He thought that was still his grandmother's land, so he said well I'll sit
23 the car here until we clear this off and then we'll move this car over to the other side.

1 So yes I do have the car there and yes the car has been there since January because I
2 don't have permission yet to work on any vehicles over there, but I had to set that one
3 vehicle there. And if you go look, you're free to look, there's one vehicle sitting there,
4 but I can't work on it until I have, you know, I'd rather do it according to the law, than to
5 go and break the law and say I'm just gonna work on it anyway. That's why the vehicle
6 is setting there. And then, one other thing, you know, everybody was saying they, they
7 think this is going to draw crime and stuff like that, I'm not building a nightclub or strip
8 joint or nothing like that. I'm building a respectable business. Yeah, I kind of resent it
9 for you to say I'm gonna be chopping vehicles.

10 CHAIRWOMAN PERKINS: Okay, please address us, sir.

11 MR. DOCTOR: Yes ma'am, okay, well I'm just saying, every vehicle that I bring
12 in there and it's been my intention from the beginning, what, I, I would list the VIN
13 number. Every vehicle has its own unique VIN number, vehicle identification number.
14 Those vehicles will be listed for anybody in the community, Sheriff's Department, or
15 anybody else to, they could actually come in and view every vehicle that has, that has
16 ever passed through that lot and if it's a stolen vehicle or anything else, it will show up in
17 that VIN listing right there. And anytime I get a vehicle from somebody, if they don't
18 have the title to that vehicle, they would sign on that VIN number stating that they sold
19 me that vehicle. You know, if I, if I, if I have a, a, a inkling that the vehicle might be
20 stolen or anything like that, it wouldn't come on my property, so. And, and as far as
21 making a big business for, for, you know, creating jobs and stuff, eventually the
22 business that I have might create jobs. You know, McDonald's started with one store
23 and now they have millions. Wal-Mart started with one store, now there's millions. You

1 know, all I'm saying is when you start out a business, you're gonna start small. When I
2 say in the future, in the future that's what, me wanting to build my business into
3 something that might eventually help the community, but if I start out with a business, a
4 small business and keep it in my head I'm gonna keep it that small, I don't leave any
5 room for growth. When I say in the future, it's just what I would like to do, but I'm, I'm
6 gonna have to go through the same thing that I'm doing here, you know, to get that
7 accomplished. And that is to meet the Board, if you don't approve it, then I cannot do it.
8 But if you approve it, then I could expand or whatever and that's all I'm saying. Any,
9 any type business situation you have to have long plans, long range plans and short
10 range plans. You can't do a business and say well I'm gonna stay this small. But I can
11 guarantee the community, their biggest concerns was junk yards and stuff like this. See
12 me in a year and look at that, and look at that property if I'm approved today and I
13 guarantee you, you would have second thoughts of what you are saying today about
14 what you think this property would come, you know, would come to be. That's basically
15 it.

16 CHAIRWOMAN PERKINS: Mr. Doctor, did you tell me that when you remove an
17 engine from a car, you would keep the oils in them?

18 MR. DOCTOR: Well, if I'm gonna keep that engine, you would have to keep
19 some oil to keep the engine lubricated. You know, but that's gonna be stored, that,
20 that's, so that shed would have a containment wall there, so if that was engine was to
21 leak, when you take an engine out of a car, it's the same as having an engine in the car.
22 If you park your car in your driveway it doesn't leak. If I take that engine out of that car,
23 it's not gonna leak, but in case it does leak, there is a containment wall there to contain

1 whatever oils might leak and that will be checked daily. And if it did leak, we'll clean it
2 up and repair whatever might be wrong with that engine.

3 CHAIRWOMAN PERKINS: I hear you talking about your certification and, and,
4 and your credentials. Is your brother as credentialed as you are, and is your nephew, or
5 is it your brother?

6 MR. DOCTOR: No, ma'am, they don't have a degree in automotives. They don't
7 have, you know, 30 years experience, you working with, with OSHA products, but I'm
8 there. I'm the one that's supposed to train them. And if you bring anybody on a job, as
9 long as you've got somebody there, that's what, that's one third of the crew, is, to me, is
10 more than qualified to handle that job. So if you've got at least one third of the crew and
11 the rest of them are trainees, eventually those other individuals will get up to par, you
12 know, get up to the same standards that you are, as long as that person that's training
13 requires, you know, them to, you know, to take pride in what they're doing and do it
14 right.

15 CHAIRWOMAN PERKINS: Are you able to certify yourself in Hazmat? I thought
16 you had to go to school?

17 MR. DOCTOR: I'm, I'm not saying I'm certified in Hazmat, ma'am. I'm saying I,
18 I, I have, I've got 30 years experience dealing with OSHA requirements, yes, ma'am.

19 CHAIRWOMAN PERKINS: Okay. Are there any other questions? Thank you
20 very much.

21 MR. DOCTOR: Yes, ma'am.

22 CHAIRWOMAN PERKINS: We've heard the presentation by the applicant and
23 by those who are in opposition. The Board will entertain a discussion.

1 MR. RUSH: I guess my big -

2 CHAIRWOMAN PERKINS: Yes, sir?

3 MR. RUSH: Excuse me, ma'am, I'm sorry. I guess my biggest issue, when I
4 asked the question earlier to Mr. Doctor concerning I guess the majority of his lot will be,
5 for the most part just gravel and dirt. It's not gonna be asphalted over, so I don't see
6 any way that he could, you know, even if, you know, he used a comparison of bringing
7 one engine out, you know, you've got to get that engine to that location to store it. And,
8 you know, oils leaking from the engine, that's a concern. Just fluids period leaking from
9 the cars is a concern on just the, the, the dirt or wherever he's gonna be taking these
10 cars apart. So, that's a real big concern of mine. And I haven't, you know, I haven't
11 seen him, you know, show any way that he's gonna prevent tracking or spillage. So
12 that is a big concern.

13 CHAIRWOMAN PERKINS: One of the concerns of mine is the fumes. I, I was
14 just, I guess enamored by the Hazmat gentleman saying about the types of chemicals
15 that are in air bags and it's, the shop is in such a close proximity to neighbors and I think
16 he even told me that he has a relative, when I went out to visit that sight, which is
17 almost next door. And I know immediately across the street there are some houses that
18 are in front and I did see the Highway Department, but it's down, back, and away and
19 his is closer in, in, in the way that I saw it to where people are living, so I have some
20 concerns there. And then the other concern I have is I, I am not as fluent in, in, in
21 knowing what a, car parts are, but I have some sense of how he is going to store all of
22 this stuff. He's gonna, you know, I specifically asked, he's gonna, I think you asked him
23 about tires? He's gonna store tires. You know, some engines are half the size of my

1 Honda, I guess, you know, I have a Honda Civic and I just don't, I can't picture in my
2 mind with the amount of, in order to keep combustibles, I'm, I'm thinking, you know,
3 people have to have a lot of activity going on to do that. So those are my concerns.

4 MS. PERRINE: I think you both expressed some of my concerns, too; the fluids
5 and also the smell and I, too, was shocked at some of the stuff that the hazardous
6 materials would include. So that's my concern.

7 MR. MCDUFFIE: It, it, it seems like the general concerns of both the, both the
8 people that have shown up in opposition and, and the Board, you know, are basically
9 environmental and aesthetic, you know, and, and certainly we, we should, you know,
10 we're charged to protect the environment of Richland County, and then also the
11 aesthetic character of the neighborhood. However, we're, we're talking about zoning a,
12 a business into a conforming, you know, into a, into an area that is, is in fact zoned for
13 that particular type of business. It is an allowable business and if provided that, that Mr.
14 Doctor and his, and his associates meet the, the environmental regulations that are
15 spelled out and meet the, you know, meet the other sections of the Code spelled out in
16 26-152 -

17 CHAIRWOMAN PERKINS: I think the ordinance, also the Code allows for, when
18 the, the Codes were written in September of 1997, I believe, if a property were zoned
19 Manufactured or M-1 and there was non-conforming pieces of property there, I don't
20 think that you can take into consideration, and I think there are homes there and those
21 homes are zoned in an M-1 area. They were there prior to Mr. Doctor wanting to put in
22 his business and I think the Code does allows for some of that when you look at the
23 adverse impact on the environment. That's where I would see that at.

1 MS. PERRINE: Well, I would state, too, that I have one more concern and that is
2 that there was mention of a car that had been parked on the property that has been
3 there since January. Granted he doesn't want to work on it until he's been approved to
4 work on it, but that concerns me.

5 CHAIRWOMAN PERKINS: Any more discussion? Is there a motion?

6 MR. RUSH: I'd like to make a motion to deny Special Exception, Special
7 Exception 07-54 based on the fact that it's not conducted in a manner to prevent
8 tracking or spillage, especially with the water flow when you look at the flow
9 accumulation based on Richland County maps. And with the, also taking into, into
10 account the aesthetic nature that, you know, it just wouldn't match with the, with the
11 adjoining areas, so my motion is to deny Special Exception 07-54.

12 CHAIRWOMAN PERKINS: There is a motion before - oh, it hasn't been, is, is
13 there a second?

14 MS. PERRINE: I'll second.

15 CHAIRWOMAN PERKINS: Okay. There's a motion on the floor to, to deny
16 Special Exception 07-54 as there is an inability to contract, to conduct tracking, tracking
17 and spillage and the aesthetic nature for this business in adjoining neighborhoods. All
18 of those in favor of that motion, please have, have a show of hands? Mr. Price?

19 MR. PRICE: We have those in favor of the motion: Branham, Perrine, Perkins,
20 Rush.

21 CHAIRWOMAN PERKINS: All those against the motion?

22 MR. PRICE: Those against: McDuffie.

23 *[Approved: Branham, Perrine, Perkins. Opposed: Rush; Absent: Cecere, Simmons]*

1 MR. PRICE: Oh, just, I mean we kind of went out of, changed up the way we've
2 been doing it, but your motion was based on that the property could not be, could not be
3 conducted in a manner to prevent spillage and also it was not aesthetically compatible
4 with the surrounding areas?

5 MR. RUSH: Um-hum (affirmative).

6 MR. PRICE: Okay.

7 CHAIRWOMAN PERKINS: Okay. Sorry, Mr. Doctor, your, your Special
8 Exception has been denied and Mr. Price will be in touch. Next case, Mr. Price.

9 MR. PRICE: If we could have a moment to allow them to clear out.

10 MS. PERRINE: Madam Chair?

11 CHAIRWOMAN PERKINS: Yes, ma'am?

12 MS. PERRINE: I'd like to make a motion that we take a five minute recess.

13 CHAIRWOMAN PERKINS: Is there, there's no objection.

14 MR. RUSH: I second.

15 CHAIRWOMAN PERKINS: [Inaudible]

16 *[RECESS]* [Pause in recording]

17 CHAIRWOMAN PERKINS: All those in favor? Next case, Mr. Price.

18 **CASE NUMBER 08-25 SE:**

19 MR. PRICE: The next case is case number 08-25 SE. The applicant is Stacey
20 Rolle. The location is 1729-B Kathleen Drive. The applicant is requesting a Special
21 Exception to establish a family daycare on property zone RH-MD. The subject property
22 has an existing single-family attached residential structure. A two car driveway leads to
23 the residence. The rear of the property is enclosed by a fence. I refer to it as a, an

1 attached residential structure because while, if you initially look at it you would think of it
2 as a duplex, but according to our records there's a property line that runs between it so
3 that there's a distinction between a duplex and an attached, an attached single-family
4 residential structures. The subject property is located, located along a street of
5 duplexes and single-family attached residential structures. Columbia High School is
6 located across the street. The applicant proposes to establish a family daycare for a
7 maximum of six children. The ages of the children will range from newborn to four
8 years of age. The proposed hours of operation are 6:30 a.m. to 6:00 p.m. and see
9 here's the aerial and here's a line of the single-family attached structures. And if you go
10 down, you run into some duplexes, two residential structures on the same parcel. And
11 across the street is the back, I guess this is the back entrance for Columbia High. And
12 here's a view of the subject parcel and it's, the part I'm kind of circling with the hand and
13 this is the rear of the property.

14 CHAIRWOMAN PERKINS: Now does that [inaudible] Mr. Price, is it, is it all the
15 way up to that front window, or is it circular? Is the driveway somewhat circular?

16 MR. PRICE: This driveway?

17 CHAIRWOMAN PERKINS: Yeah.

18 MR. PRICE: It just, it dead ends right here.

19 CHAIRWOMAN PERKINS: And you cross over on the right, without going off the
20 road?

21 MR. PRICE: You mean across this one?

22 CHAIRWOMAN PERKINS: Across the road.

23 MR. PRICE: Over here?

1 MS. PERRINE: Across the grass?

2 MR. RUSH: Is that another, that's another house?

3 MR. PRICE: Yes, that's another structure, another residential structure.

4 MR. RUSH: It's a duplex? Okay, okay.

5 MR. PRICE: Not a, not a duplex, but you typically see it as a duplex, yeah.

6 MR. RUSH: Okay.

7 CHAIRWOMAN PERKINS: [Inaudible] in the middle?

8 Is, is the aisle, the aisle that separates it?

9 MR. PRICE: Yeah, yeah I mean if, if you go across, if, if you were to drive across
10 here, you would see it, you could be, it could be argued that you're trespassing across
11 someone else's property.

12 CHAIRWOMAN PERKINS: Okay, okay, that's what I'm -

13 MS. PERRINE: And that's what you were saying, that even though it looks like a
14 duplex, there's like a property line that goes through?

15 CHAIRWOMAN PERKINS: Through the house or in the -

16 MR. PRICE: In about the middle of the structure that separates them. So you
17 actually, typically you have ownership of your end and let's say Ms. Perrine would have
18 ownership of hers.

19 CHAIRWOMAN PERKINS: Okay. Ms. Stacey Rolle? Again, state your name
20 and address and tell the Board what it is you want to do.

21 **TESTIMONY OF STACEY ROLLE:**

22 STACEY ROLLE: Okay. I'm Stacey Rolle, which resides at 1729 Kathleen Drive
23 and I'm here to get a Special Exception for a family daycare. And I've always had a

1 passion to kids and it's my dream to own my own daycare and I know I'll be an excellent
2 childcare provider, putting their health and safety first. I've always enjoyed working with
3 kids, and I'm a gentle and easy going person and just that I would do my best in loving
4 and nurturing and protecting my kids if you will allow me to do so. Yes, ma'am.

5 CHAIRWOMAN PERKINS: Thank you. Are there any questions from the Board
6 for Ms. Rolle?

7 MS. PERRINE: Do you own the property?

8 MS. ROLLE: No, ma'am, it's owned by William and Cheryl Bowman and they
9 gave me permission to go ahead and do it if you will allow me to.

10 MS. PERRINE: Do you have any, we have a written letter?

11 MR. PRICE: Yes, ma'am.

12 CHAIRWOMAN PERKINS: And do we? Are, are there any covenants in that
13 area? Do we have the covenants?

14 MR. PRICE: She signed the form, yeah.

15 CHAIRWOMAN PERKINS: She signed the form?

16 MR. PRICE: The form that, she, she stated that, that she unaware of any
17 covenants or restrictions.

18 CHAIRWOMAN PERKINS: I understand Ms. Rolle that this piece of property is
19 located right behind the Columbia High School?

20 MS. ROLLE: Yes, ma'am.

21 CHAIRWOMAN PERKINS: And it's in the, the rear where the bus unloads the
22 children and, and faculty and students who are driving also pass on that road? Is that
23 correct?

1 MS. ROLLE: Yes, ma'am.

2 CHAIRWOMAN PERKINS: And you share a driveway?

3 MS. ROLLE: No, that, on my side I got -

4 CHAIRWOMAN PERKINS: I'm sorry, I am so wrong, you are absolutely right.

5 You have a driveway on your -

6 MS. ROLLE: And it's big enough for two cars and then on the other side, it's, the
7 other apartment is big enough for two cars, yes, ma'am.

8 CHAIRWOMAN PERKINS: But my question to you with, with your operating
9 hours, you know, being around 6:30 a.m. and I've always been told that, you know,
10 everybody don't arrive at 6:30, you know, they're staggering time and it seems like to
11 me that at the same time that your people will be coming in to bring their children for
12 you to care for, it will be at the same time that faculty is arriving, teachers are arriving at
13 school and students are arriving at school, you know, with their, their cars and vehicles.
14 How do you manage to, because that would seem to me to be a busy time, especially
15 the early a.m. hours, not to obstruct the traffic by backing up onto that major road? I'm,
16 I'm not certain the name of that road.

17 MS. ROLLE: Kathleen Drive?

18 CHAIRWOMAN PERKINS: Kathleen Drive, yes.

19 MS. ROLLE: Yes, ma'am.

20 CHAIRWOMAN PERKINS: How would you do that?

21 MS. ROLLE: Well, I'd just -

22 CHAIRWOMAN PERKINS: Or have your, your people with whom you're going to
23 keep the -

1 MS. ROLLE: I will monitor the times and, you know, I will try to, you know,
2 establish a time for the parents to come where, where there's not so much traffic. You
3 know, because during the bus times it's not, it's certain times for each school because
4 for high school they get there about like 7:30, so I'll just monitor the time and try to
5 establish a time where the traffic won't be so, you know, so congested when the, when
6 my people are coming.

7 CHAIRWOMAN PERKINS: Are there any other questions from the Board?

8 MS. PERRINE: I have a question. It says that the, the backyard is fenced in, but
9 I couldn't see a fence through those trees in the back? Is there a fence?

10 MS. ROLLE: Yeah, it's a fenced yard.

11 MS. PERRINE: So there's a –

12 CHAIRWOMAN PERKINS: On all four sides?

13 MS. ROLLE: Oh, on both sides, she had her yard and I have mine. It's only two
14 duplexes right there. I have my own yard and she has hers. It's all, because, it's
15 fenced all the way around.

16 MR. PRICE: Yes, the, the, the landscaping you see here, just kind of separates
17 the properties and there's a fence behind.

18 MS. PERRINE: Oh, it is? Okay, because that's what I couldn't see. I even took
19 my magnifying glass. Thank you.

20 CHAIRWOMAN PERKINS: Are there any other questions from the Board?

21 MS. PERRINE: Did you ask your neighbor next door about, or any other
22 neighbors around?

1 MS. ROLLE: Yes, I asked a couple of, of my neighbors and they said it wouldn't
2 be a problem. And I talked, you know, I especially talked to my neighbor, the one right
3 next door and she said it wouldn't be a problem.

4 MS. PERRINE: And, do you have children of your own that are in the home,
5 too?

6 MS. ROLLE: Yes, ma'am, my son, he's 13.

7 MS. PERRINE: So it's just one other child?

8 MS. ROLLE: Yeah, in the home.

9 MS. PERRINE: Thank you.

10 CHAIRWOMAN PERKINS: Ms. Rolle, I, just to clarify something. You are living
11 in the home?

12 MS. ROLLE: Yes, ma'am.

13 CHAIRWOMAN PERKINS: At that house and you're just renting it? You're just
14 not the owner of the property?

15 MS. ROLLE: No, my owner is William and Cheryl Bowman.

16 CHAIRWOMAN PERKINS: Okay, that's fine, we, okay. And, and we do have a
17 letter in file, on file stating that he's allowing her to operate a daycare. Now, I, I, I'm still
18 having difficulty on dealing with the traffic. I mean, I'm not clear on how you're going to
19 stop persons that are bringing to your home, when they back out of the driveway and
20 that part of the ordinance says that you can back out of the driveway, but you can't
21 obstruct traffic.

22 MS. ROLLE: Oh, okay.

23 CHAIRWOMAN PERKINS: While you're doing it, and, you know -

1 MS. ROLLE: You mean backing up without causing a traffic jam or something?

2 CHAIRWOMAN PERKINS: Yes, ma'am.

3 MS. ROLLE: Okay, because my cousin, she's going to help me with it. So, you
4 know, I can have her, you know, we'll take turns, you know, guiding them out of the
5 driveway if that's fine. I mean, you know.

6 CHAIRWOMAN PERKINS: I don't think she can do that. I don't, I don't think
7 that, that's not -

8 MS. ROLLE: If, if they're, okay, what if they're coming down Kathleen Drive, it's
9 enough room to pull over to the side to unload the kids, also. It's, it's, you know, you
10 don't have to pull up into the driveway if that's -

11 CHAIRWOMAN PERKINS: I don't think the Codes allow you to unload and load
12 on the, just the highway.

13 MS. ROLLE: Even if it -

14 MR. PRICE: Well, no, no, actually it just says that the client pick-up and drop-off
15 shall not obstruct traffic flow on an adjacent public roads. So, it, it, you can look at it this
16 way, if the cars were parking on the right-of-way or the cars had to stop to go around
17 them, they couldn't continue on their normal pattern, that would be considered
18 obstructing the flow. On cars that are just backing out of the driveway, just keeping in
19 with your normal exit pattern of most residential uses, I wouldn't necessarily consider
20 that to be an obstruction of traffic.

21 CHAIRWOMAN PERKINS: Oh, so it is your, it is your opinion that on that street
22 with the buses and cars and students and faculty arriving in the early morning hours,

1 and that's a well traveled street, if they're backing out, that, that is no more normal than
2 as for a residential use?

3 MR. PRICE: Well, I mean, I think you, you could look at it, you could live in the
4 wrong part of a large neighborhood, I think what Staff's concern was if, if you look at the
5 picture, there's a, a storm drainage here and when we went out to visit the site, as you
6 can see our cars are parked here, we actually had to go along here and turn, and then
7 cut over to this side. Whereas if, you know, you take a look at the, the adjacent
8 residence, you know, two cars could just pull up easily. One of the things that Staff is
9 concerned with is, is if the applicant's car is here and I think she stated that she will
10 have a helper, you know, where's the helper gonna park? So where would the cars go
11 in? And you're only leaving, and centrally I, I think I stated in our discussion that -

12 CHAIRWOMAN PERKINS: But she said there would only be one employee
13 according to her application?

14 MR. PRICE: Right her employee -

15 MS. PERRINE: But she just said -

16 MR. PRICE: She had one employee. Of course the applicant and we're looking
17 at how many cars are gonna be there. So, you know, take a look at, in this picture,
18 here's Staff's car and then here's that, I guess this is the applicant's car. There is no
19 more room off of the right-of-way and essentially this looks like it is just a one way drive.
20 I understand that it can accommodate two cars, but if this car is just parked here, I can't
21 pull up along this way.

22 CHAIRWOMAN PERKINS: And, and is, does not the Code for a family daycare,
23 how many parking spaces would be the requirement for that single detachment? And I

1 think it requires an additional parking space if you want to operate a daycare? So would
2 you look at that for me please and give me your interpretation? I think it's on page five.
3 Are there any other questions while Mr. Price is looking that up for us?

4 MR. PRICE: Now you were looking at the additional parking space?

5 CHAIRWOMAN PERKINS: There is a, a, a Code, it, the Code requires, I think
6 with, you're supposed to be better at this than I.

7 MR. PRICE: Well, you know, when you pull it out -

8 CHAIRWOMAN PERKINS: Look on page 609. I, I'm not sure where the -

9 MR. PRICE: I, I see where you talking about.

10 CHAIRWOMAN PERKINS: Okay. Are, are there any other questions from the
11 Board for Ms. -

12 MR. PRICE: What, it, it does, it says one additional parking space.

13 CHAIRWOMAN PERKINS: So, I, I'm asking you, how many parking spaces for
14 that particular unit as a family? Is it two?

15 MR. PRICE: Two, they are required to have two.

16 CHAIRWOMAN PERKINS: Okay, okay, so and then it would be an additional
17 parking space if you're gonna operate a daycare?

18 MR. PRICE: Correct.

19 CHAIRWOMAN PERKINS: So what I'm hearing you say, she doesn't have
20 enough parking spaces, off street parking spaces, is that -

21 MR. PRICE: No that's, no, what I'm saying is I think that even though this seems
22 to be a two car driveway -

23 CHAIRWOMAN PERKINS: Because of, but it's not because of the -

1 MR. PRICE: Right, and, and I think it could only, it could lead to the obstruction
2 of traffic. I mean, just depending on the car coming up, where's that car gonna go?
3 Then you couple that with your questions about the traffic from the school.

4 CHAIRWOMAN PERKINS: Okay, okay, alright, thank you. If there are no other
5 questions from the Board and Ms. Rolle thank you very much.

6 MS. ROLLE: Okay, thank you.

7 CHAIRWOMAN PERKINS: There's no one in, signed up in opposition.
8 Discussion from the Board?

9 MR. RUSH: I'm willing to agree with Staff on this one as far as just the
10 obstruction of traffic, especially with that storm water drainage right there, there's no
11 way you can pull up in that drive walk, driveway from that if you're coming in from this
12 left side here. There's no way you can pull in there, so.

13 MR. MCDUFFIE: But if Ms., if Ms. Rolle parked in the, in the side where Staff's
14 car is currently parked, then that would leave the, the far side of the driveway available
15 for someone to pull in and park into. Would it not?

16 MR. PRICE: Yes, what the, I believe the applicant also stated that there would
17 be someone working there also.

18 MR. RUSH: Okay. I guess the issue you would run into is she's having up to six
19 children. If she's parked on even where Staff's car is located and even if the employee
20 is on the other side, if you have two more or three parents dropping their kids off at the
21 same time, you're definitely gonna run into some issues. So I, I just think it's a little
22 tight, I think it's a little tight.

1 MR. MCDUFFIE: Do we know anything about the routing of, of traffic going, I, I
2 would guess that, you know, the times that we're concerned with that, that Columbia
3 High School is probably the big traffic draw for this area? Do we know anything about
4 the routing of traffic along Kathleen Road going to and from the, going to and from the
5 sight?

6 MR. PRICE: Not really. If you're just kind of looking, I guess you could, if you
7 look at Kathleen Drive from the rear, this looks like it will be faculty parking and it seems
8 to narrow, I can go to another aerial, but here -

9 MR. MCDUFFIE: I mean, do the, do the buses and, and parents dropping kids
10 off and things like that, go all the way around and, and make that 90° left there?

11 MR. PRICE: It seems like it's, that takes place on the front. I'll pull up a different
12 aerial you can see.

13 CHAIRWOMAN PERKINS: I think the front of it, you can drive up at Columbia
14 High and drop off and then make a u-turn, but in the back, that is actually for parking
15 and now that's not to say that students who drive cars don't drive up in the back and let
16 some of the other students off and go park in the front.

17 MR. MCDUFFIE: Sure.

18 CHAIRWOMAN PERKINS: And I'm just remembering from some time ago.

19 MR. MCDUFFIE: I'm, I'm not familiar at all with, with the high school, so.

20 CHAIRWOMAN PERKINS: It's a very tight area, very tight area.

21 MR. PRICE: So you're just kind of looking at the, it seems like this would be, you
22 know, your faculty parking and the student parking, which would have two entrance

1 points. And it looks like this area right in here would be a potential drop-off for busses,
2 maybe, I'm not sure about cars but definitely for buses.

3 MR. MCDUFFIE: Yeah, it doesn't look like that the, that there would really be
4 much traffic flow at all for, for the high school then if the, at the sight that we're, you
5 know, interested in. It looks like they would already pretty much be, you know, be
6 diverted from, from Kathleen Drive at that point to me. And it also seems like this
7 would add a pretty insignificant amount of traffic when you're talking about the, you
8 know, probably 1,000 students and, and faculty that, that attend that school every day.
9 I, I don't know how big the school is.

10 MR. PRICE: And it's also, as we were previously discussing, it just says that the
11 client drop off shall not obstruct traffic and flow on the adjacent public road. So, let's
12 just say you're on a very wide road, and you can kind of pull off, you're still in the right-
13 of-way. You know, so it's really a judgment call on, do you have enough room still that
14 you're aren't obstructing traffic.

15 CHAIRWOMAN PERKINS: That's assuming and, and, and I would have to take
16 that from assuming, I think after 8:00 is tardy for high school students, that's assuming
17 that all the traffic has ceased at a particular time.

18 MR. PRICE: Yes.

19 CHAIRWOMAN PERKINS: Yes, so -

20 MR. PRICE: [Inaudible].

21 CHAIRWOMAN PERKINS: Yeah, so, yeah, but I would, I, I don't know, I don't
22 know how - and I would have to agree that, you know, she can't state with us with any
23 degree of certainty that only one car's gonna show up at 6:30 and another one is gonna

1 show up at 7:00 and another is gonna show up at, that's, you know, she can't do that. I
2 don't think she can, not unless she's having child care by appointment only. I don't see
3 any way. Is there any other discussion?

4 MS. PERRINE: Those were my concerns, too, the traffic there because it, it says
5 Kathleen Drive provides access, access to the rear of Columbia High and that's where
6 the students park and knowing how some students drive, I, I have a -

7 CHAIRWOMAN PERKINS: Well, just for a moment and, and, and since we don't
8 have any more discussions, can we just go through this and, and come to a -

9 MR. MCDUFFIE: Absolutely.

10 CHAIRWOMAN PERKINS: Who would like to, the property is zoned RS-MD.

11 MR. PRICE: RM-MD.

12 CHAIRWOMAN PERKINS: You've got in here RS-MD.

13 MR. PRICE: Oh, I'm sorry it is RS-MD.

14 CHAIRWOMAN PERKINS: In our, in our, yeah, in our packet. And the, the
15 Notice of the Public Hearing is posted on the property, it was published in the
16 newspaper. She has six children, she has proposed to keep six children. She is, she
17 will keep the children in, in your home, in the home?

18 MS. ROLLE: Yes.

19 CHAIRWOMAN PERKINS: There's a fenced in outdoor play area. We get to will
20 client pick-up and drop-off obstruct the traffic flow on the adjacent public road. I think
21 that is yet, well, is [inaudible] the Board's, does applicant agree that parking will be
22 located in the required front yard? And of course you would meet all state and federal
23 regulations if, if you were allowed to operate this daycare? I think - will traffic impact,

1 will traffic be impacted by this proposal? I think one of the Board Members stated that it
2 would. Torrey, it, what was your statement?

3 MR. RUSH: I think it will be, just like we were saying earlier, if there's no way
4 you can guarantee that there won't be two or three parents dropping children off at one
5 particular time. There's no way we can say that it won't impact the traffic over there.

6 MR. MCDUFFIE: I, I think, I was just gonna say I think that we're confusing the
7 .7 with, with .10, really, you know, the first one being will client pick-up and drop-off to
8 obstruct traffic flow on adjacent public roads, and I think maybe you can make an
9 argument that it would, but I don't think we can make an argument that the traffic
10 overall, you know, given, given the amount of traffic we've already established is going
11 to the school every day would, would be impacted by an additional, you know, six cars
12 or 12 trips in, in and out.

13 MR. RUSH: Yeah, I, I agree. I was talking more about pick-up and drop-off. So
14 I, I can see it.

15 CHAIRWOMAN PERKINS: So actually we're saying no to question 10?
16 Because six cars will not impact as an overload of the students -

17 MR. MCDUFFIE: The 1,000 plus cars that are already going.

18 CHAIRWOMAN PERKINS: Will this proposal affect vehicular and pedestrian
19 safety? Don't everybody answer at once now, come on, someone help me.

20 MR. MCDUFFIE: I, I mean, I would say it probably would not, given that we're
21 already talking about they're in a school zone, people are supposed to be driving very
22 slowly anyway. You know, typically one of the big issues that we have is, is either a
23 lack of visibility, you know, some sort of a dangerous condition on the road. Or, you

1 know, the possibility that somebody's speeding down the road. Well, in this case I think
2 we've got essentially a straight road, it probably is not very heavily trafficked on that
3 back side that we're talking about. And it's in a school zone, I mean, they shouldn't be
4 doing more than about 15 mph to start with, so I, I have a hard time believing that, you
5 know, that the client pick-up and drop-off generated by this proposal or the additional
6 traffic generated by it would, would, you know, adversely affect vehicle or pedestrian
7 safety in, in given other considerations.

8 CHAIRWOMAN PERKINS: So, is -

9 MS. PERRINE: Well. I think it would, just in, you know, my opinion because I
10 don't know of any teenager going to school -

11 CHAIRWOMAN PERKINS: That doesn't [inaudible].

12 MS. PERRINE: Yeah, that doesn't drive a little faster than they're supposed to. I
13 don't, I just have the -

14 CHAIRWOMAN PERKINS: Well one of the other things, too, is ...

15 MS. PERRINE: Students walking, some may be walking to school. Some of the
16 neighbors may be walking.

17 MR. MCDUFFIE: So, I mean, you could raise that concern generally anywhere
18 that, that, that people may be out walking, but, you know, I think anyway we're talking
19 about probably the ideal situation in terms of, you know, traffic being, being probably
20 slowed to, as slow of a speed its ever gonna go and, you know, certainly I would hope
21 that there's, you know, students in the neighborhood are walking to school and things
22 like that but, you know, hence the purpose of the school zone and then you should have
23 crosswalks and that type of thing as well. I just, I have a hard time believing that, that,

1 you know, the additional, you know, six cars and, and the operation of this daycare
2 would, you know, would have any kind of a negative impact on, on safety. I think it may
3 slow people down a little bit more.

4 MS. PERRINE: Well, that's just my opinion.

5 CHAIRWOMAN PERKINS: What about question number 12? Is there a
6 potential impact of noise, fumes, obstruction of air flow? Will the proposed home
7 daycare have an adverse impact on the aesthetics of the environment?

8 MR. MCDUFFIE: Doubtful, doubtful because there's already a, a school, an
9 institution there.

10 CHAIRWOMAN PERKINS: Is the orientation and spacing of improvements or
11 building appropriate?

12 MR. MCDUFFIE: Well, I would say that they are, they probably, you know, meet
13 the, meet the Code as it was when they were established and we're, we're certainly not
14 suggesting that they, that they changed the orientation of, you know, the buildings.
15 Madam Chair, if I may, I'd like to make a motion.

16 CHAIRWOMAN PERKINS: Alright, let me sum this up. Let me, no, let me, here,
17 here is, we have a Special Exception that is asking to keep six children in her home. I
18 think questions 1 through 7, the, the Board is in agreement with, questions 1 through 7
19 as far as, you know, was, was it posted properly and it's in an outdoor area, a play area.
20 And I think there is disagreement on question 7 and 8.

21 MR. PRICE: Madam Chair, forgive me here, just, I was looking at your, I'll call it
22 a cheat sheet, but if I'm correct, number 8, has the applicant agreed that parking will not
23 be located in a required front yard? That actually was taken out of the Code by

1 Amendment and for, it seems like that was put back in during, when we were doing our
2 newest inserts. But I do remember when this Code was first adopted that that was a big
3 issue and you kept -

4 CHAIRWOMAN PERKINS: We never received, we never received, you, you,
5 you said that you were going to present it before County Council and it -

6 MR. PRICE: It, it went to County Council.

7 CHAIRWOMAN PERKINS: It, do, do you have a copy of it?

8 MR. PRICE: I can go and, I can go and get it.

9 CHAIRWOMAN PERKINS: Well -

10 MR. PRICE: Because if you remember, if you're looking at other, before we got
11 the latest inserts, that is not in there.

12 CHAIRWOMAN PERKINS: I would like to have a copy of it if it, if it, because I
13 remember, very vividly, the discussion about parking in the front yard and I think you
14 and an attorney were addressing the Board and you were to carry it to County Council.
15 I never got the updated copy, so if you could get that for us.

16 MR. PRICE: Do you have your Code with you?

17 CHAIRWOMAN PERKINS: We could go in a recess.

18 MR. PRICE: Do you have your, does anybody have their Code with them?

19 CHAIRWOMAN PERKINS: Why, I have it, but it -

20 MR. PRICE: Does yours have the latest inserts in it?

21 MS. LINDER: It should, what page are you on?

22 MR. PRICE: I'm looking at 600, 600 and 601.

23 MS. LINDER: Six?

1 MR. PRICE: 600 and 601.

2 CHAIRWOMAN PERKINS: Parking shall not be located in the front yard.

3 MR. PRICE: If you will take a look at what's in the [inaudible] that was, because
4 as you notice that's -

5 CHAIRWOMAN PERKINS: This is a 2006.

6 MR. PRICE: That, that came after the Amendment and that's when and if you
7 look at 600 and 601 -

8 CHAIRWOMAN PERKINS: Page 601.

9 MR. PRICE: 601, which are our newest inserts, it's my opinion.

10 CHAIRWOMAN PERKINS: Huh-uh (negative), this, this is not the -

11 MS. LINDER: It's 613.

12 MR. PRICE: When you, if you're looking at page 600 and 601, where you, where
13 it says 2007-S-13. Right, those are the newest inserts.

14 CHAIRWOMAN PERKINS: And it says not, no parking.

15 MR. PRICE: It is my opinion that, there's somewhere when they were, I guess
16 making these changes to our, to the Code, that was inadvertently put back in there
17 because this was taken to Council and this part was removed regarding parking in the
18 front yard.

19 MR. LINDER: Ms. Chairman, I believe what Mr. Price is saying is that the
20 codified version does not accurately reflect the ordinance that was passed by Council.

21 CHAIRWOMAN PERKINS: But at this point in time, that's what we have and
22 that's what I, you know, could he get us a copy of it? I, you should have a copy of it,
23 should you not?

1 MR. PRICE: I may, it may be downstairs and I'll be able to find it. We usually
2 [inaudible].

3 CHAIRWOMAN PERKINS: Well, you know what? You know, I have that to go
4 on and that's what I'm going on. I understand what you're saying and, and Mr. Price
5 and you are probably privy to that information, but I'm not privy to it and I don't know
6 that it's been changed. I remember there was a discussion -

7 MR. MCDUFFIE: Madam, Madam Chair, is anybody at this point proposing to, to
8 park in the front yard or are we talking about parking in the driveway?

9 CHAIRWOMAN PERKINS: Well, that, that was the question. You would park
10 the car to take the child to go in the house.

11 MR. MCDUFFIE: Sure, but, but, but in the driveway, but not in the front. I don't
12 think anybody is planning on parking in the grass or in the yard.

13 CHAIRWOMAN PERKINS: That, that was, that was -

14 MR. PRICE: That was the purpose of us going, because if you're just looking at
15 the Code and reading it, it says no parking in the front yard and what we wanted to do is
16 amend that because it just left it so open for someone saying hey, you can't have a
17 daycare because all your parking can't be in the front. Most residential structures
18 would, you know, you can't get around to the back. You don't want people driving there,
19 so that was amended. Now we need to find that -

20 CHAIRWOMAN PERKINS: Now, what is the Board's pleasure?

21 MR. RUSH: Madam Chair, I, I, I -

22 CHAIRWOMAN PERKINS: On that particular question?

1 MR. RUSH: I mean, if it's, if it's been amended and, by the, by Council, I think
2 that's sort of, we may have to go with that. Is that correct? I mean, if it's been amended
3 by, even though our records haven't been updated?

4 MR. PRICE: This is, this is, yeah,

5 CHAIRWOMAN PERKINS: It's been quite some time, quite some time ago.

6 MR. MCDUFFIE: Madam Chair, I, I would propose to go, to proceed verbally
7 based on, on Mr. Price's, based on Mr. Price's recollection with the caveat that if, if he,
8 in fact, turns out to be incorrect in his, in his assertion that, that we then revisit this
9 issue.

10 CHAIRWOMAN PERKINS: Okay, okay.

11 MR. PRICE: It, it, it will be brought to you before the next meeting, hearing,
12 hopefully within the next couple of days.

13 CHAIRWOMAN PERKINS: So, let's go back. Okay, so number 8 is, we just
14 strike that from this? She's agreed to meet all state and federal regulations in operating
15 a daycare? Will traffic be impacted by this proposal? I think we said no, did we not?
16 Did we agree? Because we got with the dropping off? I think that's okay. I'm gonna
17 skip number 11 for the moment. Number 12, I think that's, the answer is no. Thirteen,
18 the answer is no, and 14, the answer is no. We have two -

19 MR. MCDUFFIE: 14, 14b – yes.

20 CHAIRWOMAN PERKINS: I mean yes, I, I not that, okay, okay. The, we have
21 two prevailing opinions on 11 and I don't know that we came to a conclusion. If, can I
22 hear from some of the other, other Board Members? Mr. Branham, did you look at 11?

23 MR. BRANHAM: I don't personally think it will. That's my personal opinion.

1 CHAIRWOMAN PERKINS: Okay. And I think, well it's just you and Elaine and,
2 what's your opinion on that Mr.?

3 MR. RUSH: I, I don't think it will affect pedestrian safety, so as far as number 11,
4 no.

5 CHAIRWOMAN PERKINS: Okay. So is there a motion then? I, I mean, is there
6 any other discussion?

7 MR. RUSH: I guess my issue with number 7 is the pick-up and drop, the drop-
8 off, obstruction of traffic flow, that's my only issue.

9 CHAIRWOMAN PERKINS: So having said that, is there a motion? Yes.

10 MR. MCDUFFIE: Madam Chair, I would like to make a motion. Madam Chair, I,
11 I would like to make a motion that we grant 08-25 Special Exception to operate a, a, to
12 operate a family daycare for up to six children with the conditions that they concede
13 abandonment or discontinuance for any period of 12 months as verified by a Business
14 License would void the Special Exception. And also that any violations to the conditions
15 placed on this approval will require a rehearing of the case by the Board of Zoning
16 Appeals.

17 CHAIRWOMAN PERKINS: Is there a second to that motion?

18 MR. BRANHAM: I second.

19 CHAIRWOMAN PERKINS: There is a second. There's a motion on the floor to
20 grant Special Exception 08-25 with the condition that vacancy, abandonment or
21 discontinuation for any period of 12 months will void the Special Exception, any violation
22 to the conditions placed on this approval will require a rehearing of the case by the
23 Board of Zoning. All those in favor of that motion, please have a show of hands?

1 MR. PRICE: Those for: Branham, McDuffie.

2 CHAIRWOMAN PERKINS: Okay, all those against that motion?

3 MR. PRICE: Those against: Perrine, Perkins, Rush.

4 *[Approved: Branham, McDuffie. Opposed: Perrine, Perkins, Rush; Absent: Cecere,*
5 *Simmons]*

6 CHAIRWOMAN PERKINS: Okay, let's have a counter motion on the -

7 MR. RUSH: I'd like to make a motion to deny Special Exception 08-25 based on
8 the fact that with client pick-up and drop-off will affect, shall obstruct traffic flow on
9 adjacent public roads.

10 CHAIRWOMAN PERKINS: Okay, is there a second to that motion?

11 MS. PERRINE: I'll second.

12 CHAIRWOMAN PERKINS: Okay, there is a motion on the floor to deny case 08-
13 25 based on that client pick-up and drop-off will obstruct traffic flow on an adjacent
14 public roads. All those in favor of that motion, please have a show of hands?

15 MR. PRICE: All those for: Perrine, Perkins, Rush.

16 CHAIRWOMAN PERKINS: Against?

17 MR. PRICE: Those against: Branham, McDuffie.

18 *[Approved: Perrine, Perkins, Rush. Opposed: Branham, McDuffie; Absent: Cecere,*
19 *Simmons]*

20 CHAIRWOMAN PERKINS: Sorry, your Special Exception has been denied and
21 Mr. Price will be in touch.

22 MS. ROLLE: Thank you.

23 CHAIRWOMAN PERKINS: Next case Mr. Price.

1 **CASE NUMBER 08-26 SE:**

2 MR. PRICE: The next item is case 08-26 Special Exception. The applicant is
3 requesting the Board of Zoning Appeals to grant a Special Exception to permit the
4 establishment of a family daycare on property zoned RU. The applicant is Ivonne
5 Bailey. The location is at 327 Stallion Drive. The subject parcel is an acre and a fourth
6 and it's residential use. The subject property has an existing single-family residential
7 structure and a clearly defined extended driveway extends to the residence. The rear of
8 the property is enclosed by a fence. The applicant proposes to establish a daycare for
9 a maximum of six children. The ages will range from newborn to 10 years of age. The
10 proposed hours of operation are 6:30 a.m. to 6:30 p.m. The subject property is located
11 within a community of single-family residential structures. This is in the Blue [inaudible]
12 Estates. See here's an aerial of it, of the property and this is the rear of the property.
13 And another view of the rear.

14 CHAIRWOMAN PERKINS: Is that a pool? What is that?

15 MR. PRICE: That's a swimming pool. And this is the front of the property. And
16 as you can see, like I said this, [inaudible] is kind of gravel in there, it's been used a
17 good bit, so it will be ample room for the resident's cars and also any potential -

18 CHAIRWOMAN PERKINS: [Inaudible]?

19 MR. PRICE: There's ample for the, for the applicant's cars and also for any, I
20 guess the dropping off for the kids also, that would take place off of the right-of-way.
21 Ms. Bailey, Ivonne Bailey? Would you come down to the podium and state your name
22 and address and tell the Board what it is that you want to do?

23 **TESTIMONY OF IVONNE BAILEY:**

1 MS. BAILEY: Good afternoon, my name is Ivonne Bailey and I live at 327
2 Stallion Drive. I just want permission from ya'll to do a home daycare up to six children.
3 I actually got two of my own, so it's actually gonna be four more children. I'm just trying
4 to stay at home with my kids and with my family income that's kind of the only way we
5 can do it. I don't see any issues with the, you know, with the traffic. It's really not too
6 much traffic that I've seen around there. As you see I do have a, you know, a pretty, I'd
7 say big driveway. We've got three vehicles of our own and we've still got room for three
8 other vehicles to be parked or load or unload kids. I see you're asking about the pool,
9 the pool is actually all fenced around, there's no kids that can get it. It's got a lock to the
10 fence as to -

11 CHAIRWOMAN PERKINS: There's fencing? I'm sorry Ms. Bailey, you said
12 fencing around the pool?

13 MS. BAILEY: From the access to the pool. You can actually not access the pool
14 from that side, not even myself. I cannot even jump in. I spoke with DSS about it and
15 they say as long as it was locked through the access everything will be fine. And I, we
16 do have it, the back yard is all fenced in. The kids, it's gonna be most, it's gonna be
17 cared, cared for, most of them are inside of the house, so if we do go outside
18 sometimes in the summertime, I will be there. And like I say I got two kids of my own,
19 it's gonna be just four other kids and I don't see really any problems anybody, it's not
20 gonna be too much noise. I mean we got kids, so the kids are gonna be making noise,
21 but not some crazy noises. I'll make sure that they're secure. [Pause in recording]

22 CHAIRWOMAN PERKINS: Is there a top? Some kind of top over the top of the
23 pool? You know, just for accidental falls in there? I'm just asking.

1 MS. BAILEY: No ma'am, I, I, at the moment it's not, but it's something that me
2 and my husband have talked about it because just moved to this residence about
3 maybe three weeks ago. So we asked that, we need to talk about it to put something
4 over just for more security.

5 MS. PERRINE: Did you say you just moved there three weeks ago?

6 MS. BAILEY: Yes, ma'am, it's there.

7 MS. PERRINE: Okay, so you're, you own the property?

8 MS. BAILEY: No, ma'am, I do not, I'm leasing actually from my aunt.

9 MS. PERRINE: Do you have a letter from her?

10 MS. BAILEY: Yes, ma'am.

11 CHAIRWOMAN PERKINS: Do we have that Mr. Price? And is this a
12 neighborhood or, or is this just unincorporated? The town says an unincorporated area.
13 Is there restrictive covenants there?

14 MS. BAILEY: I know it's, they, they have got to have a required to have a special
15 exception for, like I said I'm not really too familiar with the neighborhood because I just
16 kind of moved in there.

17 CHAIRWOMAN PERKINS: Mr. Price, I guess we would have to defer to you as
18 you, as far as covenants in that area and did you get her aunt or whomever she is
19 leasing from?

20 MR. PRICE: Yes, we have the aunt's -

21 CHAIRWOMAN PERKINS: - leasing from about the restrictions and deed, and
22 deeds and covenants in that particular area, sir. I would not like to grant something that
23 the legislators have told us we can't do.

1 MR. PRICE: Well you know we don't have that form. And actually we don't have
2 that in here. She will need to do one.

3 CHAIRWOMAN PERKINS: And you don't know because you've only lived there
4 three weeks?

5 MS. BAILEY: Ma'am?

6 CHAIRWOMAN PERKINS: You, you, you don't know if you have restrictive,
7 deeds and covenants in that area where you live?

8 MS. BAILEY: No, ma'am, I do not.

9 MR. MCDUFFIE: Madam Chair, could we, could we proceed initially with, you
10 know, under the understanding that if -

11 CHAIRWOMAN PERKINS: If we go forward -

12 MR. MCDUFFIE: - if one turns up at a later time -

13 CHAIRWOMAN PERKINS: If that's the Board's pleasure. If -

14 MR. MCDUFFIE: I, I, I have a question for, a question for Geo. Is that
15 something that we would consider or -

16 MR. PRICE: What we found typically is that most check if there are any and of
17 course the way the law was written and Ms. Linder can correct me, but, you know, from,
18 Staff is not required to go out and do the research and typically, typically we will wait in
19 cases like this. That's why we post the property and also advertise.

20 MR. MCDUFFIE: So, so if some opposition turned up and they had that, that
21 information?

22 MR. PRICE: Yeah. But even if you approve it now, and we haven't come across
23 this yet and not just in this particular case, but just any, anybody that's actually signed

1 that form, what happens months later somebody brings this in and says that you should
2 not have approved that.

3 MS. PERRINE: May I ask a question? The pool, can anybody climb over that? I
4 know you're taking, you know, you're gonna take care of children up to 10 years and -

5 MS. BAILEY: No, ma'am, no, ma'am, it's like I said, I can't even climb myself up
6 there, from that side. It's, ma'am I'm not good with measurements and stuff, but it's
7 probably like over ten feet or more high. I mean my husband, he's 6' and he cannot
8 jump in from that end.

9 MS. PERRINE: But the children are going to be playing in that backyard, right?

10 CHAIRWOMAN PERKINS: There no porch or -

11 MS. BAILEY: Yes, ma'am, but they will be supervised by me, I mean, I'm gonna
12 be there with them. I'm, I'm not gonna send the kids out to play by themselves and they
13 cannot, it's no way that a kid can jump that high.

14 CHAIRWOMAN PERKINS: So there is no patio [inaudible]? So that is the height
15 of the pool where they put the platform?

16 MS. BAILEY: It is a patio, it is the patio, but that door I guess to the patio, that's
17 the door that's got the big lock in it that nobody can go through there.

18 MS. PERRINE: There's a pool deck off of it. Do you have a deck by the pool?

19 MS. BAILEY: Yeah that, that little deck, patio, it's -

20 MS. PERRINE: Does it go right up to the top of the pool?

21 MS. BAILEY: Yes, ma'am.

22 MS. PERRINE: Are the children going to be able to get on that deck?

1 MS. BAILEY: No, ma'am, that, that, that's the door I'm talking about. That's the
2 only access to the pool is through that door, through that, for that deck and it's locked.

3 MS. PERRINE: Where that rail is or something, it's, there's a door somewhere
4 there and -

5 MS. BAILEY: Yes, ma'am, that door, where you see that big umbrella, it's a door
6 that comes across there. That, that's the door that has the lock, that's the only access
7 to the pool.

8 MS. PERRINE: Okay.

9 CHAIRWOMAN PERKINS: Okay. Are there any other questions for Ms. Bailey?
10 Okay, thank you very much.

11 MS. BAILEY: Okay.

12 CHAIRWOMAN PERKINS: There's no one signed in opposition?

13 AUDIENDE MEMBER: Yes, ma'am.

14 CHAIRWOMAN PERKINS: There is? I'm sorry, I was incorrect. George
15 Blackburn, please come down and state your name and address for the Record?

16 **TESTIMONY OF GEORGE BLACKBURN:**

17 MR. BLACKBURN: Good afternoon ladies and gentlemen. My name is George
18 Blackburn. I live at 306 Stallion Drive, which is located directly across the street from
19 the property at 327 that we're talking about today. First of all, let me tell you that Blue
20 Horse Estates was a small rural community and is today. It was founded and built in
21 1970. It was that way for many years and it was one of the attractions that brought
22 many of the people that live in that, that subdivision there because it was a quiet and it
23 was a residential neighborhood. Most of the lots in this subdivision average about two

1 acres a piece, so it gave you an opportunity to have, you know, a lot of room with your
2 home and you could raise a family there. I purchased my home in 1986, so I've lived
3 there for 22 years. One of the things that I want to bring about here and, and let you
4 know is the fact that whenever we did sign the covenants for our homes, that it did state
5 that these were to be residential homes and that it would stay that way, a single family
6 dwelling. So it is there, if they want to look it up, or you know, have that brought to you,
7 that's fine I'll be glad to do that for you. We certainly don't have anything against Ms.
8 Bailey or her family. I mean, they've just moved in three weeks ago, I've known her
9 uncle.

10 CHAIRWOMAN PERKINS: Well let me, can I, can I kind of stop you right there?
11 We're, I, I'm in a quandary now, we have an owner of 20 years saying that there is a
12 restrictive covenant and if there is a restrictive covenant not allowing daycares, I don't
13 think that we can hear this case. So I'm not going to -

14 MR. MCDUFFIE: We would need to see evidence of that.

15 CHAIRWOMAN PERKINS: Yeah, yeah, we may have to postpone it, delay it, or
16 put it on the agenda, but I, I don't think we need to go on with this Mr. Blackburn
17 because if there is a restrictive covenant, then we can't allow it anyway. So how might
18 you, Mr. Price, like to get with this gentleman perhaps and get the Board a copy of a,
19 you know.

20 MR. PRICE: No, I can, I can, I guess we can defer it. I would just like to ask the
21 applicant, I mean, excuse me, this gentleman a question. Does your, do your
22 covenants say, it has to stay residential or does it specifically prohibit certain uses?

1 MR. BLACKBURN: I think it's, after 10 years, it's, nobody's ever did anything
2 about it. I bought mine in 70 and it seems like it was in force then.

3 MR. PRICE: Well we can defer it; we can defer it until next month.

4 CHAIRWOMAN PERKINS: We, we, okay. And is there, I think we have to have
5 a, a motion to defer? Is there a motion?

6 MR. MCDUFFIE: Madam Chair, I make a motion to defer this until we have
7 further information regarding the restrictive covenant or the possibility of restrictive
8 covenants on the subject property.

9 MR. BRANHAM: I second.

10 CHAIRWOMAN PERKINS: Okay, there's a motion on the floor that we defer this
11 until we have a copy of the restrictive covenants to determine whether or not a family
12 daycare center can go into that, go into the residence. All those in favor of that motion,
13 please have a show of hands?

14 MR. PRICE: Those in favor: Branham, Perrine, Perkins, McDuffie, Rush.

15 *[Approved: Branham, Perrine, Perkins, McDuffie, Rush; Absent: Cecere, Simmons]*

16 CHAIRWOMAN PERKINS: I think it's unanimous, so thank you very much. Ms.
17 Bailey? Were did she go? Okay, Mr. Price will be in touch, okay?

18 MS. BAILEY: Okay.

19 CHAIRWOMAN PERKINS: You don't have anything today? Okay?

20 MS. BAILEY: Okay.

21 CHAIRWOMAN PERKINS: Next case.

22 **CASE NUMBER 08-27 SE:**

1 MR. PRICE: Okay, let me get out of this. And the next case is, the next item is
2 case 08-27 Special Exception. The applicant is requesting the Board of Zoning Appeals
3 to grant a Special Exception to permit the establishment of a family daycare on property
4 zoned RS-LD, single family low density. The applicant is Navada Bovain. The location
5 is 3520 Eve Drive. The subject parcel, property has an existing single-family residential
6 structure and an extended driveway leads to the rear of the property. The rear of the
7 property is enclosed by a fence. The applicant proposes to establish a family daycare
8 for a maximum of nine children. The ages of the children will range from newborn to 12
9 years of age. The proposed hours of operation are 6:30 a.m. to 6:30 p.m. The property
10 is located within a street of single-family residential structures. A group home is located
11 at the corner of Eve Drive and Betty Road. I believe Eve Drive is also a, a dead-end.
12 Here's the pictures of the property of - yeah, I'm not exactly sure if, and I believe the
13 applicant can speak to more of whether this actually connects to Colony East. It seems
14 like there was a sign there that said road ends. And this is a picture of the side there,
15 you can see it's a pretty long driveway that leads up to the home. This is the rear of the
16 property and it is fenced. That's it.

17 MS. PERRINE: Madam Chair, may I ask Mr. Price something? The letter from
18 DSS that we have says that she is, will be providing childcare for six children. She's
19 asking for nine.

20 MR. PRICE: Yeah, yeah, yeah, it's six.

21 CHAIRWOMAN PERKINS: And I do believe that it is a different standard for six
22 than it is for nine?

1 MR. PRICE: Because if it's nine, I believe you have to have someone assisting
2 you. So I believe the applicant can actually state what it is they're going, they're
3 requesting, whether it will be nine or six and we can, depending upon your decision, we
4 can get the corrected letter from DSS for the file.

5 CHAIRWOMAN PERKINS: Is there a covenant in this area?

6 MR. PRICE: I don't have that letter either.

7 CHAIRWOMAN PERKINS: Do you ask them when they come up do they have
8 one?

9 MR. PRICE: That is actually, should be part of the application.

10 CHAIRWOMAN PERKINS: So on the application, is it clear?

11 MR. PRICE: Well, I mean, that's part of the package that they get when they
12 come in, it should be part of it.

13 CHAIRWOMAN PERKINS: It should be, but you're saying it's not?

14 MR. PRICE: Well, in this case it isn't, in, in these two cases evidently it hasn't
15 been, but right now we're dealing with -

16 CHAIRWOMAN PERKINS: Okay, okay, that, that's all I'm trying to find out,
17 yeah. So you don't have anything on that?

18 MR. PRICE: No.

19 CHAIRWOMAN PERKINS: Hmm. Are we gonna ask her [inaudible] because I
20 don't want to start hearing it. What is a -

21 MR. PRICE: Has anybody signed up in opposition to it?

22 CHAIRWOMAN PERKINS: Yes, there's a lot of people in opposition.

23 MR. PRICE: Well, maybe they can speak on it also.

1 CHAIRWOMAN PERKINS: Okay, okay Ms. Bovain? Navada Bovain, would you
2 come down to the podium and state your name and address for the Record and tell the
3 Board what it is you'd like to do?

4 **TESTIMONY OF NAVADA BOVAIN:**

5 MS. BOVAIN: Good afternoon, my name's Navada Bovain and I started out
6 wanting just six kids, but being now that my daughter, she's graduating, I thought
7 maybe I can do up to nine. But if you allow me only six, I'll do that. I presently work at
8 the Sunshine House on Broad River. I've been there 15 years and I do management at
9 Bojangles as well. I've only lived at this residence for less than a year. I haven't really
10 talked to a lot of neighbors, but I talked to some of the neighbors. I do notice the park
11 they have in the back and the Babcock Center, you know, in the area. This corner right
12 here is fenced in for outdoor play. The long driveway allows the parents to come in and
13 out of the driveway. It's a dead end road as well. And I, when I purchased this home,
14 that's one of the things I did tell them that I wanted to start out my career at this home
15 keeping kids in the home [inaudible].

16 CHAIRWOMAN PERKINS: Are there any questions for Ms. Bovain?

17 MS. PERRINE: And you said you would change to six children instead of nine?

18 MS. BOVAIN: Yeah, well I wanted to do six at first, but if you all can grant me
19 nine, that's fine. My daughter was living at the house, they don't live there anymore.
20 The only person there is me and my grandmother, so therefore I can use all of my
21 bottom level for, you know, just keeping kids only.

22 MS. PERRINE: So would you be the only employee?

23 MS. BOVAIN: No, I can have one other person, I had planned on.

1 CHAIRWOMAN PERKINS: What are the, the, between six and nine children,
2 what does the, what are the DSS requirements? Is it, as Mr. Price stated that you have
3 to have an extra person?

4 MS. BOVAIN: Right.

5 CHAIRWOMAN PERKINS: To provide it, but that's the only difference between
6 the -

7 MS. BOVAIN: That was the only difference when I asked.

8 CHAIRWOMAN PERKINS: Are you aware, since you just purchased this house,
9 of a restrictive covenants? They did, did they give you a covenant when you purchased
10 this home? And is there anything in that covenant that prevents an operation of a
11 business?

12 MS. BOVAIN: No, not that I know of.

13 CHAIRWOMAN PERKINS: Okay, any other questions from the Board? Thank
14 you very much. There are some people signed up in opposition and I think there's
15 some more people signed up for you. There is a Juanita Jackson?

16 **TESTIMONY OF JUANITA JACKSON:**

17 MS. JACKSON: Good evening, my name is Wanida Jackson. I live at 50 Knobb
18 Hill Road. I, I'm just really a character reference for Ms. Navada. She works at the
19 Sunshine House. I was her supervisor at the time and which she's still there. I just
20 want to say she's a, she's a great teacher. She has really taught, oh goodness, the
21 four-year-old class, that's the class that she works with now. She's planned, she
22 usually plans very special activities. She has creative curriculum. Her parents really
23 love her. They really think she do a good job. She's a great person and she's helped

1 me tremendously. I tell you if it wasn't for her, I probably wouldn't be where I am today.
2 She, she plans special activities, like I say, she have a lot of parents volunteer. She
3 have special people coming in such as the fire department. She takes the kids to the
4 library and all these activities that she does is, the majority is things that the children
5 can learn. Once they talk about them in the class then she actually takes them to the
6 place so they can actually have hands on. By Ms. Navada having this business at her
7 center, she went to school, during the time which Sunshine House paid part of her fee
8 and that's what they want you to do because she wants to grow. She wants to, you
9 know, have her own business one day and so what a better place to start is at her home
10 because it does cost a lot to get in this type of business. And then first of all the parents
11 have to have trust and I think they trust her tremendously and I think she'll be a good
12 asset if she can start there and then maybe she can venture out to a building of her
13 own. And that is her goal is to have her own daycare center one day. Thank you.

14 CHAIRWOMAN PERKINS: Thank you. Are there any questions? Okay, thank
15 you very much. A Mr. John Hampton?

16 MS. JACKSON: I'm sorry, but he had to leave because he had to go to work.

17 CHAIRWOMAN PERKINS: Isaiah? Is there a Mr. Isaiah Johnson? Okay, are
18 you signed up for her? Is that arrow telling me you're -

19 MR. JOHNSON: I think I signed on the wrong side.

20 CHAIRWOMAN PERKINS: Okay, okay, that's, okay, I wanted to make sure,
21 okay. I'm going to call up, is, is there a spokesperson for the people who are in
22 opposition to this or would everybody like to speak?

23 AUDIENCE MEMBER: Let me just say, we have a, a -

1 CHAIRWOMAN PERKINS: Okay, let me, let me do it this way. Mr. Clyde
2 Turner? Would you come to the podium and state your name and address and tell the
3 Board what it is you'd like for them to know?

4 **TESTIMONY OF CLYDE TURNER:**

5 MR. TURNER: My name is Clyde Turner. I live at 3516 Eve Drive. I live right
6 next door. I'm against for several reasons. We have enough, we have, like I say we
7 have the Babcock Center there already. They've got, Eve Drive is a narrow road. The
8 trash trucks come in and they have to back in and pull out. We have kids that walk to
9 and from Eve Drive going to Betty Road to catch the bus. Babcock employees park
10 halfway on Babcock, halfway in the street, which is almost like, almost where they park.
11 It's like almost across from where the house is that she wants to do a daycare. There's
12 a lot of traffic, foot traffic and car traffic and we don't need any more, any more traffic.
13 We also have a dog next door that he is fenced in with an invisible fence, but we've had
14 some problems with the tenant that was there before her picking at him and throwing
15 rocks at him. He is registered with Richland County. We have signs posted, but kids, I
16 mean, he's good with kids but not kids that pick at him and throw rocks at him. He's a
17 110 pound German Sheppard. He's not a vicious dog, but he's a very protective dog.
18 He protects his property and he protects the owners that are there. And like I said,
19 there, there's already a lot of traffic there. Eve Drive is a dead-end, it's a narrow street.
20 Part of it's blocked any way because of the Babcock people park, parked on the road
21 and, and adding extra traffic to, coming in and backing out from a daycare is just gonna
22 make it worse. Nobody can come in Eve Drive or go out when the trash trucks are
23 parked there or, or backing in. They have to wait on Betty Road to come in and we

1 can't go out until they come and pass by. So, just adding more vehicles is just gonna
2 create a mess. That's all I have to say.

3 CHAIRWOMAN PERKINS: Are there any questions for Mr. Turner? How long
4 have you resided in -

5 MR. TURNER: We've been there like probably seven years.

6 CHAIRWOMAN PERKINS: Is there a neighborhood association or a
7 homeowner's association or anything like that?

8 MR. TURNER: No, I don't think there's a neighborhood association.

9 CHAIRWOMAN PERKINS: Thank you. Are there any other questions for Mr.
10 Turner?

11 MS. PERRINE: I have one. What did you say trash trucks have to do?

12 MR. TURNER: They have to back in from Betty Road all the way back to the
13 end, to the dead-end. Because it's so narrow, they have to back in and then they pull
14 out to, to go out. And like I say, like I say we have kids coming up and down the road
15 going to the bus. So there's already a lot of foot, we have a guy at the Babcock Center
16 that's in a motorized wheelchair, he's out there in the road all the time, parked there, so
17 you know, there, there's foot traffic and car traffic enough already.

18 CHAIRWOMAN PERKINS: Okay, I, I have one more question and [inaudible],
19 you said that there clients or a group home that, that a mobilized wheelchair?

20 MR. TURNER: Yeah, there's, there's one guy in particular that's in a motorized
21 wheelchair, that he's always in the street. There's another guy that's in a motorized, but
22 he's not in the street as much, but this guy there's every day. He's out, in the park, in
23 the street every day.

1 CHAIRWOMAN PERKINS: There's no sidewalks?

2 MR. TURNER: No.

3 MS. PERRINE: How far is that, the center or the group home from this daycare?

4 MR. TURNER: It's right across the street.

5 MS. PERRINE: Oh, okay.

6 MR. TURNER: Just to the right a little bit, but it's right across the street.

7 CHAIRWOMAN PERKINS: Thank you. Ms. Evelyn Turner?

8 **TESTIMONY OF EVELYN TURNER:**

9 MS. TURNER: Hello. I'm Evelyn Turner and that is my husband Clyde. I also
10 reside at 3516 Eve Drive. We've been there for seven years as he said. Just a little bit
11 about my background, I actually did provide direct care and I also was a facility director
12 with child care and I also worked as a resource referral counselor for parents who are
13 looking for child care. And with that position, I also worked with First Steps in doing
14 their initial health and safety inspections for their initiative in the Midlands area. I have
15 probably a combination of about 14 years experience with child care, so I understand
16 exactly what she would like to do. I'm not that up with the regulations because I haven't
17 done it in about five years, but I do commend the fact that she would like to do
18 something like that in her home and that she's trying to do it legally because I know a lot
19 of people don't do that. My main concern though is as a resident, as my husband said
20 the, just the traffic and the activity is a concern of ours. Also our dog, as you saw him, I
21 have a, I didn't get much of a response trying to get someone to tell me what I needed
22 to bring today, but I have pictures on my cell phone if, if you wanted to see of my dog
23 playing with his balls in the yard. He has a, he has a, three orange balls that he plays

1 with during the day, keeps him busy, so he's actually, he's a dog that was brought up in
2 a household of five children, so he's quite familiar with children. However, he's familiar
3 with children that he knows. He is protective of his area. He does not leave his area,
4 he's contained with the invisible fence. The only time he may go out is when he's
5 escorted by one of us to go the vet or walk or something like that. But otherwise he, he
6 remains in, on the property. But we do have the concern as my husband said of people
7 teasing him, taunting him. There actually are some children from [Inaudible]
8 Apartments that come over to the end of the driveway and they taunt him and they
9 tease him. We also have just the activity of the people that read the meters in the area,
10 they tend to tease him and taunt him, that kind of thing. There's nothing that keeps
11 anyone from coming into our property. He's contained, but anyone that may pull up
12 next door or even pull into our driveway inadvertently may get out of their vehicles in
13 their, in our driveway and that does concern us. We keep, we keep, we're insured, so
14 we're covered for anything, but we would prefer there not be any chance of anything
15 happening. So that's a big concern of ours. Also I understand her desire to, to work
16 with a certain amount of children. Whether she's gonna be registered or licensed, I
17 wasn't sure because I wasn't sure about the number, whether it's going to be six or
18 nine. But I do understand that even with that capacity, that there could still be the
19 possibility of other children, because she can have up to six children doesn't necessarily
20 mean that there won't be more enrolled. And there will be the activity of other people
21 coming and in. Is my time up?

22 CHAIRWOMAN PERKINS: Yeah.

23 MS. TURNER: Oh, sorry, okay.

1 CHAIRWOMAN PERKINS: I have a question and I guess [inaudible]. Okay, are
2 you aware of any restrictive covenants?

3 MS. TURNER: I am not.

4 CHAIRWOMAN PERKINS: Okay, thank you.

5 MS. TURNER: Thank you.

6 CHAIRWOMAN PERKINS: Do you have any more questions? Thank you. Now
7 Mr. Isaiah Johnson?

8 **TESTIMONY OF ISIAH JOHNSON:**

9 MR. JOHNSON: Good afternoon, I'm Isaiah Johnson and I reside at 3524 Eve
10 Drive, which is directly across from the Babcock Center that they mentioned that it is
11 adjacent to the property that's being requested for the purpose of a daycare facility. I
12 purchased the lot in 1999 and I built on that particular lot and it's been there since 1999
13 and it's been a pretty nice neighborhood. It's a small street, it consists of approximately
14 12 homes and a good many of the people, as myself, we're seniors. And you know, we,
15 we, being that my residence is right across from Babcock Center, we've got a lot of
16 undesired, you know, traffic. They have a number of staff members, visits, visitations
17 of, of family and friends that really park on the side of the road. There's a lot of activity
18 that a lot of the staffers would have friends come up and they would, you do whatever
19 they need to do on the side of the road or in the parking facility at the house. So they
20 have a lot of activity and because of that reason I actually built a, a fence façade in front
21 of my house that's out of blocks [inaudible]. So here and, and, and, and to be frank
22 about it, I built in 1999 and I built a home that is, was somewhat sizeable for the area so
23 to speak. And it has, you know, it's a drastic effect on, you know, my property value as

1 well. And here we, we're trying to, she's trying to, you know, establish a daycare center
2 adjacent to me and naturally I would be confronted with the daycare, I mean, with the
3 facility in front of me, the Babcock Center and the daycare to my immediate left, as well
4 as our property on one side of Eve Street, voters at the Richland County Recreational
5 Park, and we have a lot of activity and noises from that park from the various types of
6 activities that goes on during the park hours, as well as some after. So we're sort of
7 bombarded with a lot of activities in that area, as well as the elderly people that live
8 there and we want to keep it fairly quiet and it's, it hasn't been bad. We, on the Betty
9 Road side, which Eve intersects Betty Road, we have a, a group of apartments, P-Ten
10 apartments and it's lot of transient activity. So, we really don't think it would be good
11 idea. Sometimes these business activities attract a lot of, you know, you know, a, I, I
12 would say a lot would create, maybe a lot of safety issues for the elderly. Certainly I'm
13 retired, my wife is a homemaker and, you know, we are there and the added traffic
14 coming in at that time in the morning would certainly be a great disturbance to us and
15 the rest of the residents in such a closely-knit community and tight street and it is a
16 dead end street and we just ask that, before I forget, we have, we have several elderly
17 residents here, but I have a statement and list of residents that I would like to submit
18 protesting this particular petition. So if you would take this, you can keep that, I have a
19 copy.

20 CHAIRWOMAN PERKINS: Okay, thank you. Are there any questions for Mr.
21 Johnson? Thank you very much.

22 MR. JOHNSON: Thank you.

23 CHAIRWOMAN PERKINS: Mr. William Camp? Okay.

TESTIMONY OF WILLIAM CAMP:

1
2 MR. CAMP: I'm William Camp. I live at 3516, no it's 3513 Eve Drive and I've
3 been on this street now for almost 20 years, probably about 18 years. And these
4 homes that there, that, this home is one of the ones that was moved into that area. At
5 one time it was sort of a swampy area and they filled it in with clay and all that type thing
6 and, and, and moved this home in there. Now, they've had trouble with people
7 supposedly buying and leaving within a year or less time and all that type thing. And, I
8 don't know whether this young lady purchased the house or whether she purchased it
9 on the basis of rent to own, which if she hasn't officially been given the deeds to this
10 house and so forth, it looks to me like whoever did buy it is trying to get rid of the house
11 the best way he can. There's no sewage lines to this property. It has a, it has septic
12 tanks and we just feel on the street that there are a lot of nice homes on this street and
13 everybody takes care of it, and so, what, what we have terrific traffic, especially when
14 you go down Eve Drive and start to enter Betty Road, its high traffic at pretty fast rates
15 of speed going down through there. I don't know what all they're doing up, doing over
16 across the street from Mr. Johnson in his house, but there's a lot of activity, a lot of
17 people out in that yard all the time or parking on the streets, parking down in the front
18 yard. We don't need that in the territory because it's gonna cost us money for the, the
19 value of our property. And Mr. Johnson especially, Mr. Johnson has, owns a
20 \$250,000.00, \$300,000.00 home and I'm sure that he, he doesn't want to take quite a
21 loss by a bunch of businesses across the street and around him like that that we just
22 don't need it. Besides we have one child care family, it's the house next to me which
23 these people rent and she keeps three or four, five children all the time, traffic running in

1 and out with that and it's just too much traffic on the street already. And we really don't
2 need it.

3 CHAIRWOMAN PERKINS: Are there any questions for Mr. Camp? Thank you
4 very much.

5 MR. CAMP: Thank you.

6 CHAIRWOMAN PERKINS: Ms. Navada, you can come back up for rebuttal.

7 MS. BOVAIN: Okay, I notice that they don't have, well we don't have a
8 neighborhood association or anything and what I was doing is just trying to better the
9 community. I see trouble with the Babcock Center as well and like I said I've been at
10 the Sunshine House for a while. I worked at the Sunshine House and Bojangles, but
11 I'm just trying to better my career so I can move on. And it seems as if a lot of people
12 are having trouble with Babcock and we need to be against Babcock instead of being
13 against me because I'm only trying. And as far as the dog next door, I don't plan on
14 having the kids out in the front yard. We'll be on the inside or in the back yard where we
15 have a fence around the gate. As far as traffic, we do have a dead end road. We do
16 have a like a double driveway where it kind of forks off and if this do decide to go
17 through or whatever, I'll talk with Mr. Lawrence or whatever and I'll see about covering
18 the driveway in front if that's gonna be a problem as far as the cars coming in and out.
19 As I said when I purchased this home, well I'm in the process of purchasing and leasing
20 with an option to buy, so I don't plan on leaving. I plan on purchasing the home
21 because they have established for me to better my credit and now I'm able to do that
22 where I can purchase this home and I already told him this is what I plan on doing. This
23 is the main reason I got this home because I wanted to do daycare in the home.

1 CHAIRWOMAN PERKINS: You, so you don't own the property?

2 MS. BOVAIN: I don't own the property.

3 CHAIRWOMAN PERKINS: And we have a letter Mr. Price? I thought you said
4 you owned it?

5 MS. BOVAIN: No, I didn't say that.

6 CHAIRWOMAN PERKINS: Oh, I'm sorry.

7 MS. BOVAIN: I'm leasing with option to buy. I do have a deed where Mr.
8 Lawrence owned the property and I was purchasing it from him if they don't have it over
9 there.

10 MR. PRICE: No, we don't [inaudible] from the property owner.

11 MR. MCDUFFIE: Well, it doesn't seem like we could proceed any further at this
12 point without that.

13 CHAIRWOMAN PERKINS: So what is the Board's pleasure? What, is there a
14 motion?

15 MR. MCDUFFIE: I would like to make a motion to defer until such time as, as we
16 do have confirmation from the owner that this, that this would be acceptable to him.

17 MR. RUSH: Second.

18 CHAIRWOMAN PERKINS: Now there's a motion on the floor that this be
19 deferred until such time as we could get a letter from the owner saying that she would
20 be allowed to do it. All those in favor of that motion, raise their hand.

21 *[Approved: Branham, Perrine, Perkins, McDuffie, Rush; Absent: Cecere, Simmons]*

22 CHAIRWOMAN PERKINS: I think that's unanimous. I'm sorry, Mr. Price will be
23 in touch with you.

1 MS. BOVAIN: Okay.

2 [Inaudible discussion]

3 MR. PRICE: Madam Chair, will this, well, when this case comes back and I think
4 this may, I think we deferred another one, but when this case comes back, will we just
5 be continuing from where we left off or are we just going to start it all over and allow
6 others to come and sign up and present more information?

7 CHAIRWOMAN PERKINS: Well, I think we're deferring, so I guess in essence if
8 they want, if we have more people sign up, they could because actually we shouldn't be
9 hearing this case. It should not have been on the agenda had all, you know, the
10 paperwork been properly - she said she's not the owner of the property. You know,
11 those, those are issues that I don't think the Board should be concerned with, legal
12 issues. So it should not have been on the agenda. Had you, you know, [inaudible]. So,
13 in essence, the case will start anew.

14 MR. PRICE: Okay, okay, yes, ma'am.

15 CHAIRWOMAN PERKINS: Next case.

16 **CASE NUMBER 08-30 SE:**

17 MR. PRICE: The next case we have is item, excuse me, the last item is case 08-
18 30 Special Exception. The applicant is requesting the Board of Zoning Appeals to grant
19 a daycare, excuse me, an adult daycare on property zoned RU. The applicant is Linda
20 Thomas. The location is 1518 Hard Scrabble Road. The parcel is a little bit less than
21 an acre. The subject property has an existing single-family residential structure. I have
22 gravel, but it's essentially a concreted driveway that extends to the front of the structure.
23 The applicant proposes to establish an adult daycare for a maximum of six adults. The

1 subject, which is the most that's permitted, it's the maximum permitted by the ordinance.
2 The subject property, the subject property is located along Hard Scrabble Road
3 amongst the community of residential structures, large, and large undeveloped parcels
4 and commercial uses. Now this looks new to us, I don't believe we've had too many of
5 these adult daycares, so, it's kind of hard to really put enough, a lot of information on
6 there. So we'll just kind of wing it now. As far as the pictures, I'm sorry, it's the wrong
7 case. As I stated it's located right off of Hard Scrabble Road and this is the subject
8 parcel and this, here's another view of the parcel. This is from standing on Hard
9 Scrabble Road. That's it.

10 CHAIRWOMAN PERKINS: This is a view from across the street? Would you
11 say this is a -

12 MR. PRICE: I said this is a view from across Hard Scrabble Road. That's it.

13 CHAIRWOMAN PERKINS: Okay. Ms. Linda Thomas, please come to the
14 podium and state your name and address for the Record?

15 **TESTIMONY OF LINDA THOMAS:**

16 MS. THOMAS: Oh, I'm here. Madam Chair, Members of the Board, my name is
17 Linda Thomas. I live at 1518 Hard Scrabble Road, Columbia, South Carolina 29203.
18 I'm here to get approval for a special exemption to have an adult daycare. This line of
19 work is not new to me. From 1988 to 1991 I was a respite care provider for the
20 Department of Mental Retardation. A respite care program gives a break to the family
21 to, to go on vacation, to go shopping or just, just relax, just rest. I worked with children,
22 young adults, and the elderly. It was very rewarding work and I enjoyed it immensely.

1 So as a result of this, I would like to open up an adult daycare to continue doing this line
2 of work.

3 CHAIRWOMAN PERKINS: Any questions for Ms. Thomas?

4 MS. PERRINE: My first question, do you own the property?

5 MS. THOMAS: I do not own the property, my son owns the property.

6 MS. PERRINE: Okay.

7 CHAIRWOMAN PERKINS: But he's allowing you, do you have?

8 MS. THOMAS: Yes.

9 MR. PRICE: And we have a signed signature.

10 CHAIRWOMAN PERKINS: Alright.

11 MS. THOMAS: And he's a good son, I think that he won't have a problem with
12 that.

13 MR. MCDUFFIE: One the things that I, that I noticed in here immediately was
14 that we have a hard surface driveway going most of the way to the house, but then we
15 have a gravel driveway continuing on to the house? But -

16 MS. THOMAS: No, it's not gravel, that's asphalt, um-hum (affirmative).

17 MR. MCDUFFIE: Okay, so it's, so it's essentially a hard surface all the way
18 down?

19 MS. THOMAS: Yes, it's all hard surface.

20 CHAIRWOMAN PERKINS: Any other questions for Ms. Thomas?

21 MS. PERRINE: I haven't had a chance to read what you just gave us too much,
22 yet. But it says something about you're gonna have people who are going to be walking
23 with a cane or a walker? Do you have any that would be in wheelchairs?

1 MS. THOMAS: That's a possibility and if so, I do have a wheelchair ramp on the
2 rear of the house.

3 MS. PERRINE: Okay. And that is asphalt?

4 MS. THOMAS: That is.

5 MS. PERRINE: Where that red car -

6 MS. THOMAS: Yes.

7 MS. PERRINE: Somewhere I thought I had read it was gravel.

8 MR. MCDUFFIE: I thought I had read that as well, but -

9 MS. PERRINE: I did, a graveled extended driveway leads to the front of the
10 structure.

11 MR. PRICE: Right and I, I corrected that at the beginning when I was reading,
12 yes, ma'am.

13 MS. PERRINE: Thank you. Are you going to have any that may have
14 Alzheimer's or dementia?

15 MS. THOMAS: No, ma'am. I do know that they do have facilities for people with
16 Alzheimer's and dementia. Not at, not at this point. I can't say what I will not extend to,
17 but at the present I won't.

18 CHAIRWOMAN PERKINS: Are there any other questions for Ms. Thomas?

19 MS. PERRINE: Okay, I have some. There are some large trucks that are
20 parked there. What, does your son use those?

21 MS. THOMAS: Those, those are my neighbors. Those are, trucks belong to my
22 neighbor.

23 MS. PERRINE: Oh, okay. It's close to your home.

1 MS. THOMAS: Well it, it, well the, the way property is, everything is, is close, the
2 property line is, is close, they're close together.

3 MR. MCDUFFIE: Madam Chair, is there anybody signed up in opposition?

4 MS. PERRINE: No.

5 CHAIRWOMAN PERKINS: Hum-um (negative), no. Thank you very much Ms.
6 Thomas.

7 MS. THOMAS: Okay, thank you.

8 CHAIRWOMAN PERKINS: There's no one signed up in opposition. The Chair
9 will entertain a discussion. If you'd like to you can discuss it while looking at this little
10 cheat sheet. You want to do it that way?

11 MR. MCDUFFIE: Madam Chair, I'd like to go ahead and make a motion if that's
12 alright.

13 CHAIRWOMAN PERKINS: No, I want you to go through that.

14 MR. MCDUFFIE: Alright. You want me to go through each, each one, point by
15 point? Okay, the, the property, the property does meet the, the zoning requirement,
16 being zoned RU as was posted. And the [inaudible] adult daycare will have six or fewer
17 and it will be a home occupation, occupied residence. The pick-up and drop-off will not
18 obstruct traffic flow on adjacent public roads. Number 7, we'll skip. The applicant has
19 agreed to meet all state and federal regulations of operating an in-home daycare. I
20 don't believe that traffic will be impacted. I also do not believe that it will affect vehicle
21 or pedestrian safety or that there is potential impact from noise, light, fumes or
22 obstruction of air flow on adjoining properties. And I also do not believe that it will, you

1 know, have an adverse impact on the aesthetic character of the environs and the
2 orientation spacing or improvements or buildings is appropriate.

3 CHAIRWOMAN PERKINS: Are we pretty much in agreement with his answers
4 to that?

5 MR. MCDUFFIE: Okay, Madam Chair, I would like to make a motion to approve
6 Special Exception 08-30 SE with, with the following conditions: One, that vacancy,
7 abandonment, discontinuance for any period of 12 months as verified by a Business
8 License would void the special exception. And two, that any violations to the conditions
9 placed on this approval will require a rehearing of the case by the Board of Zoning
10 Appeals.

11 CHAIRWOMAN PERKINS: Do I have a second?

12 MS. PERRINE: I'll second.

13 CHAIRWOMAN PERKINS: I have a second and I have a motion on the floor to
14 approve Special Exception 08-30 based on meeting the requirements to, the
15 requirements as outlined in the, in the criterion for special exceptions, with the condition
16 that vacancy, abandonment or discontinuation for any period of 12 months will void the
17 special exception, and any violation to the conditions placed on this approval will require
18 a rehearing of the case by the Board of Zoning Appeals. All those in favor of that
19 Motion please have a show of hands?

20 *[Approved: Branham, Perrine, Perkins, McDuffie, Rush; Absent: Cecere, Simmons]*

21 CHAIRWOMAN PERKSIN: It's unanimous. You have your special exception
22 and Mr. Price will be in touch.

23 **CASE NUMBER 08-32 VARIANCE:**

1 MR. PRICE: Now on to the last case. Item, the next item is case 08-32
2 Variance. The applicant is requesting the Board of Appeals to grant a waiver to the
3 sidewalk requirements on property PDD. The applicant is Cohn Construction. The
4 location is 141 [inaudible] Park Drive. The parcel size is a little, a little bit less than a
5 half an acre. The existing land use is commercial. The subject parcel is located within
6 a multi-use commercial development. The applicant is proposing to establish an office
7 use development, which is required to provide sidewalks both in compliance with the
8 site plan review. The area is comprised, is primarily comprised of office and institutional
9 uses. And undeveloped PDD parcel is located south of the subject parcel. Here's the
10 subject parcel. Here's the undeveloped PDD. As stated there are multi uses within
11 here. Now this is a church and we have another picture of that. I believe there's some
12 offices that also are used as places of worship on Sundays also. And here's the site
13 plans and this is provided by the applicant where you can see where the sidewalks
14 would go. And this is Wildewood Drive. A picture of the site. This is the place of
15 worship that's located across the street from the subject parcel. This is a view toward
16 the undeveloped PDD. And this is a view back down Wildewood Park Drive toward Two
17 Notch Road. One thing that the applicant would be required to base the sidewalks on
18 private property. This, this is not for, the sidewalks will not be placed on the right-of-
19 way.

20 CHAIRWOMAN PERKINS: I, I, say that again because I -

21 MR. PRICE: The, the sidewalks, the waiver is of course to, the sidewalks will, if
22 they're required, they will be required to be placed on the right, in private, on private
23 property, not on the right-of-way. There are a few other pictures I took, I didn't include

1 them in your packet. So this is the, one of the reasons why I brought that statement to
2 you was, at least this is where the applicant's property line ends, so, you know, the
3 grass and area going out here is part of the right-of-way. So the sidewalks would be
4 required to go in this area. Another view. This is where they would, it would end just to
5 give you an idea, the sidewalks may start here, go over some and this is, this property is
6 already developed. It was developed prior to the, the latest version of the Land
7 Development Code that we have, so it was not required to do sidewalks. It's just
8 another view of it. That's it.

9 CHAIRWOMAN PERKINS: Mr. Cohn, Harris Cohn?

10 **TESTIMONY OF HARRIS COHN:**

11 MR. COHN: Madam Chair and Board, my name's Harris Cohn. I'm here on
12 behalf of John and Katie Mason. We're the general contractor and I appreciate you
13 hearing this case. When we first started the project, the sidewalks were not on the civil
14 plans and then when it came time for approval, they were added and at which point I
15 didn't hire the civil engineer and they're, they gave me the impression they were going
16 to take care of having them go through this process to be removed. So I came to find
17 out they weren't when we came to get our site inspection and didn't know until that point
18 in time. Then if you go back a couple of pictures, keep going, until you're looking at the,
19 down that direction but further back. I don't, it's that one. If, if we put the sidewalk in,
20 off the property line, it will be a considerable, a considerable distance off the street and
21 I'll have to re-do their signage and landscaping, as well as the fact that it doesn't go to
22 anything. The adjacent property does not have a sidewalk. In fact none of the
23 properties on the street have sidewalks. And then the owners are also concerned that if

1 they put a sidewalk in, they have to re-do the grading along the front and it may pose
2 like a sediment and erosion control problem for any washout under the sidewalk that's
3 now stabilized by landscaping. And then I, I think across the street there may be a
4 church in that building, but that's not the sole use of that building. It has medical offices
5 and other offices in there as well. Yeah, that building is not a church. Okay, but it also
6 does not have sidewalks either. And then, the owners asked me to come on their
7 behalf because they'd really like to have the variance granted for a lot of reasons. One
8 is that they don't want to be the only people that have sidewalks on the street that don't
9 go to anything. And then secondly, they're afraid that it may create an undermining
10 issue on the parking lot for sediment and erosion by not having something to stabilize
11 the soil. And if you could see when you go back the grade's a lot steeper coming off, off
12 the property than the neighboring ones. And, and that pictures doesn't quite show how
13 steep it is. Yeah, thank you. And plus, it would go right into their sign. Am I on a timer?

14 CHAIRWOMAN PERKINS: Oh yeah, I, I think that, that was.

15 MR. COHN: Okay, okay.

16 CHAIRWOMAN PERKINS: Okay, that was the timer. Was that the timer?

17 MS. HAYNES: No.

18 MR. COHN: Oh, okay.

19 CHAIRWOMAN PERKINS: You can keep talking if you want to.

20 MR. COHN: Okay, I guess just, you know, in short we never, we thought the
21 sidewalk had been taken off when we built the project so we didn't hire the civil engineer
22 firm that did it and they led us to believe it was. So it's after the fact and then we're here

1 on the owner's behalf to try to grant, to get this granted for them to not have that. I
2 mean, that's really all I have.

3 CHAIRWOMAN PERKINS: Are there any questions from the Board for Mr.
4 Cohn? Were they on the site plans that were submitted to -

5 MR. COHN: They, they were in fact on the final site plans.

6 CHAIRWOMAN PERKINS: But you'd already built?

7 MR. COHN: No, we started with the set that were, we, we were told, were the
8 plans that got turned in for approval. But apparently they had a revision to add the
9 sidewalks. I just, you know, it's partially my fault for not having gotten the final, final set
10 twice to look at. But when we asked this in the meeting, I was informed that that was
11 getting taken care of, so we didn't need to worry about it because nobody else had them
12 and they were going to apply for this back then. But, you know, it's obvious they didn't.

13 CHAIRWOMAN PERKINS: Any other questions? Thank you very much.

14 MR. COHN: Thank you.

15 CHAIRWOMAN PERKINS: No one is signed up in opposition. Is, we'll have a
16 discussion based on the variance sheet. Did you, or do you want to call him back up to,
17 to be sure that we are able to answer each and every questions appropriately? I didn't
18 hear clearly, I don't know maybe you did, it's not that word hardship, extraordinary and
19 [inaudible] because he's admitting that it's their own fault and I don't think that, I don't
20 know whether the extraordinary was, or did ya'll hear any?

21 MR. MCDUFFIE: The, the only even possible sort of extraordinary condition
22 would be the, the existing grading and I think we determined previously that, that
23 elevation or grade is not a, an extraordinary condition. It's sort of a known quantity.

1 And this is not the first case we've had where we've got a, a parcel that is, that is
2 currently being developed in an already existing, you know, business park, which, which
3 does not have any other, any other sidewalks. I think the precedent that we've, that we
4 had set down before was that we would, you know, continue to require the building of
5 sidewalks per the code with the, with the hope that eventually they all would be
6 connected up.

7 CHAIRWOMAN PERKINS: I didn't [inaudible]. Okay, so did we pretty much
8 [inaudible] -

9 MR. MCDUFFIE: I, I'm, it's just I don't know think that we, that we meet the
10 extraordinary or exceptional conditions and requirement to grant a variance and as such
11 I'd like to make a motion.

12 CHAIRWOMAN PERKINS: [Inaudible].

13 MR. MCDUFFIE: Okay, Madam Chair I'd like to make a motion that, let's see,
14 that 08-32 V be denied a variance based on, based on the lack of extraordinary and
15 exceptional conditions.

16 CHAIRWOMAN PERKINS: Is there a second?

17 MR. BRANHAM: I second.

18 CHAIRWOMAN PERKINS: I have a second by Mr. Harold. All those, there's a
19 motion on the floor to deny variance 08-32 V based on the, we are not able to find
20 extraordinary and exceptional conditions. All those in favor of that motion, please have
21 a show of hands?

22 *[Approved: Branham, Perrine, Perkins, McDuffie, Rush; Absent: Cecere, Simmons]*

1 CHAIRWOMAN PERKINS: Oppose, none. I'm sorry your variance has been
2 denied. Next case, Mr. Price.

3 MR. PRICE: That's it. That's the end of the, the public hearing and we amended
4 the Agenda at the beginning. So under the Other Business, we have the
5 reconsideration and I believe to you all, a letter was submitted to, given to each one of
6 you that was submitted to Staff requesting the reconsideration.

7 CHAIRWOMAN PERKINS: Mr. Price, would you read this into Record since we
8 just got it so late?

9 MR. PRICE: Yes, ma'am. This letter is from Carol Roberts, 209 Richland Farms
10 Road, Hopkins, South Carolina 29061. It was dated March 31, 2008. It's addressed to
11 Mr. Geo Price, Zoning Administrator, 2020 Hampton Street, Columbia, South Carolina
12 29202. This references the Alltel Communications, Inc., South, South Richland Farms
13 Road, the Special Exception for a proposed communication tower in an RU district.
14 Case number 08-13. The hearing was held on March 5, 2008. "Dear Mr. Price: The
15 residents on Richland Farms Road, the surrounding residents on Tom's Creek Road
16 and adjoining roads respectfully request that the Richland County Board of Zoning
17 Appeals grant a reconsideration in the above-referenced case number 08-13.
18 According to special exception requirements as found in Section 26-152(D)(24), radio,
19 television, and telecommunication and other transmitting towers (C)(2), the maximum
20 'the maximum required separation being 250 feet'. Alltel did not meet the code
21 requirement. A Board member made a motion to deny this request because Alltel did
22 not meet the code requirement and the motion was seconded. However, after a closed
23 door private meeting, this motion was taken away. We do not understand this because

1 statements were made by Alltel during the hearing to someone at the table with
2 authority that Alltel had been approved to use a 225 foot setback, otherwise Alltel could
3 not have, could not build a tower on this property with a 250 foot setback. How can this
4 be approved prior to the meeting? This is patronizing and offensive to us as citizens of
5 Richland County. Article 2, Section 26-21(C)(4), Other Districts: The RU zoning district,
6 the RU rural district, the PDD planned development district, the TC town and country
7 district, and any other district not enumerated in this sub-section shall be interpreted by
8 the Zoning Administrator as being residential. The interpretation of the Zoning
9 Administrator shall be in keeping with the protective intent and purposes of Section 26-2
10 of this chapter whenever an interpretation is necessary in a specific instance. We also
11 feel that under Article 1, Section 26-2(A)(3), (4), (5), and (14) have been violated in
12 regards to our rights as residents of this area of Richland County. And that's on page
13 two. With regard to the hearing procedure of the Board of Zoning Appeals, Article 3,
14 3.12: Notice: Notice shall be given at least fifteen days in advance of a public hearing.
15 Notice to the public shall be given by a publication in a newspaper or a general
16 circulation in Richland County and posting the property with respect to which hearing is
17 to be held. Although this code does not state the amount of days in advance of a public
18 hearing, it is implied that the property should be posted at least fifteen days in advance
19 of the public hearing, just as the publication in a newspaper. The property was posted
20 ten days prior to the meeting, thereby not allowing the residents and property owners
21 ample time to get more information regarding the proposed communication tower.
22 There is a power right-of-way located on this property also. This was not mentioned
23 during your meeting. How does Alltel plan to deal with this? Military helicopters fly over

1 our homes in this area. When we are working in our yards, we enjoy waving to the
2 pilots and passengers. There was no mention of any flight plans during the meeting.
3 How will Alltel deal with the flight plans? Alltel representative stated that if this case
4 were deferred they would be happy to meet with us and discuss their proposal. We
5 asked for that chance, but were denied. Please give us the opportunity to be good
6 neighbors with Alltel. We are a group of diverse folks, but we all come together in a
7 time of need as we did on Thursday, March 27th when our neighbor's home was
8 completely destroyed by fire. We appreciate your consideration of our request and will
9 be anxiously awaiting your decision. Thank you very much. Sincerely, Ms. Carol
10 Roberts”

11 CHAIRWOMAN PERKINS: We need to go into Executive – is there a motion to
12 go into Executive Session?

13 MR. MCDUFFIE: Madam Chair, I make a motion that we enter into Executive
14 Session.

15 CHAIRWOMAN PERKINS: Do I hear a second?

16 MS. PERRINE: I second.

17 CHAIRWOMAN PERKINS: All those in favor?

18 *[Approved: Branham, Perrine, Perkins, McDuffie, Rush; Absent: Cecere, Simmons]*

19 CHAIRWOMAN PERKINS: Then we'll go into Executive Session.

20 *[EXECUTIVE SESSION]*

21 CHAIRWOMAN PERKINS: And I think we're in the Other Business Section and
22 reconsideration was read into Record. What is the Board's pleasure?

1 MR. MCDUFFIE: Madam, Madam Chair, I'd like to make a motion to deny the
2 request for reconsideration based on the fact that they, they do meet the separation
3 requirement of 250 feet.

4 CHAIRWOMAN PERKINS: Twenty-five.

5 MR. MCDUFFIE: I'm sorry, 225 feet and also that the, the Article 1, Section 26-
6 (2), (3), (4), (5), and (14) were not violated and that appropriate notice was, in fact,
7 posted.

8 CHAIRWOMAN PERKINS: Is there a second?

9 MR. RUSH: Second.

10 CHAIRWOMAN PERKINS: Okay, all those in favor of that motion, please have a
11 show of hands?

12 MR. PRICE: Okay, those in favor:

13 CHAIRWOMAN PERKINS: Okay, all those opposed?

14 MS. PERRINE: Wait a minute, how is it?

15 MR. BRANHAM: This motion was to -

16 MR. MCDUFFIE: I motioned to deny their request for reconsideration.

17 MS. PERRINE: Oh, oh.

18 MR. BRANHAM: To deny the request to rehear the case?

19 MR. MCDUFFIE: Yes, yes.

20 CHAIRWOMAN PERKINS: Okay. Based on -

21 MR. MCDUFFIE: Based, based on the -

22 CHAIRWOMAN PERKINS: [Inaudible] 225', met the separation and -

23 MS. PERRINE: Okay, okay.

1 CHAIRWOMAN PERKINS: Okay.

2 MS. PERRINE: I got it.

3 CHAIRWOMAN PERKINS: Alright, all those in favor of that motion, please have
4 a show of hands.

5 MR. PRICE: Those in favor are Perkins, McDuffie, Rush.

6 CHAIRWOMAN PERKINS: Opposed?

7 MR. PRICE: Those opposed: Branham, Perrine.

8 *[Approved: Perkins, McDuffie, Rush. Opposed: Branham, Perrine; Absent: Cecere,*
9 *Simmons]*

10 CHAIRWOMAN PERKINS: And the next item, business in order is approval of
11 Minutes. I have some corrections. I'd just like to say that when a motion is withdrawn,
12 and I know Stephanie isn't here, but according to *Robert's Rules of Order*, it does not
13 appear in the Minutes. And since we're doing the finding of facts, on page 43, lines 5
14 through 23 and page 45, line 5 through 12 should be removed from the Minutes. Do
15 you have any -

16 MS. PERRINE: Well, I've written them down.

17 CHAIRWOMAN PERKINS: And, and, so, okay, if you want to make the motion.
18 Okay, is there any other [inaudible]? Okay, is there a motion to approve the Minutes
19 based on the corrections?

20 MR. RUSH: I'll make, I'll make a motion to approve the Minutes based on the
21 proper corrections.

22 CHAIRWOMAN PERKINS: Is there a second?

23 MR. BRANHAM: I'll second.

1 CHAIRWOMAN PERKINS: In favor, raise your hands?

2 MR. PRICE: In favor: Branham, Perrine, Perkins, McDuffie, Rush.

3 *[Approved: Branham, Perrine, Perkins, McDuffie, Rush; Absent: Cecere, Simmons]*

4 CHAIRWOMAN PERKINS: Is there any other business to put before the Board?

5 If not, it is adjourned.

6

7

[Meeting Adjourned]