

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF JANUARY 18, 2022

The Board of Zoning Appeals held its regularly scheduled meeting on Tuesday, January 18, 2022 in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, and by virtual platform (Zoom). Commissioners present: Amy Fabri, Corie Hipp, David Savage, Vice Chair, Roy Smith, and Brook Lyon, Chairwoman, who presided. Also, Kristen Crane, Planning Director, Bonum S. Wilson, BZA Attorney, Flannery Wood, Planner II, Ashley Kellahan, Town Administrator, Dr. Cynthia Mignano, Town Councilmember, and Frances Simmons, Town Clerk and Secretary to the BZA. A quorum was present to conduct business.

Call to Order: Chairwoman Lyon called the BZA meeting to order at 7:00 p.m.

Compliance with the Freedom of Information Act: This meeting was held in compliance with the SC Freedom of Information Act. The public was informed of the meeting's format as well as notification of being live-streamed on the Town's YouTube Channel.

Introductions: Chairwoman Lyon introduced herself, members of the BZA, Attorney, Town Council, and Staff.

Review Summary from July 20, 2021 BZA Meeting: Motion to approve the meeting minutes from the July 20, 2021 BZA meeting was made by Commissioner Smith, seconded by Vice Chairman Savage, and passed unanimously. Chairwoman Lyon announced that case rulings and minutes from this and any BZA meeting are available for public review and inspection during normal business hours at the Town Hall.

Brief the Public on the Procedures of the BZA: Chairwoman Lyon explained how the Board of Zoning Appeals Hearing would be conducted.

Administer the Oath to those Presenting Testimony: Chairwoman Lyon stated that since this meeting is being held virtually and there are persons at the Town Hall, in order to expedite the procedure, those wishing to speak, in person, and on Zoom, were asked to stand as a group to be sworn in. Mr. Wilson, BZA Attorney, administered the oath to those wishing to speak.

Review of the Following Application:

Case #BZAS-11-21-022

TMS #425-06-00-096

Special Exception Request for Beverage or Related Products Manufacturing and Alcohol Sales and Consumption in the Community Commercial (CC) District:

Chairwoman Lyon gave an overview of how the case would be conducted with allotted times. She stated that those speaking in support at Town Hall should stand one by one and state their name and address for the record. Those speaking in support on Zoom will be asked to wait until their name is called to speak and those speaking in opposition would follow the same procedure.

Planning Director, Kristen Crane, presented the staff review for Case BZAS-11-21-022 stating that: 1622 Camp Road (TMS #425-06-00-096) is located adjacent to the intersection of Camp Road and Bradford Avenue. The property was formerly zoned General Office (OG) and utilized by the James Island Public

Service District as a fire station, and currently has three structures located on it with one of those being a covered truck/carport. In December of 2021, Town Council heard the applicant's request to rezone the parcel to the Community Commercial (CC) Zoning District for the specific use described in this application; the request was approved with a 4-1 vote. The parcel is 0.932 acres in size and is considered a legal conforming lot. The adjacent parcel to the east is in the City of Charleston and is zoned Limited Business (Tiger Lily Florist). The adjacent parcel to the west is in the City of Charleston's jurisdiction and is zoned General Office (Southern Bell Telephone & Telegraph Company, utilized by AT&T). To the south and across Camp Road, the adjacent parcels are in the Town of James Island, zoned CC (Sanctuary Recovery Centers) and RSL (residential). To the north the parcel is zoned DR-1F in the City of Charleston and is multi-family residential. The remaining surrounding area includes parcels in the City of Charleston zoned General Business, as well as parcels in the Town of James Island zoned CC, OG and RSL.

Town of James Island Zoning and Land Development Regulations Ordinance Chapter § 153.135 RESTAURANTS, BARS, AND LOUNGES WITH ALCOHOL. All proposed bars, lounges, and restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use shall require review and approval in accordance with the special exception procedures of this chapter.

Beverage or related products manufacturing, including alcoholic beverages, shall comply with the special exception procedures on a parcel zoned CC, according to Use Table 153.110.

The applicant, Mr. Roman Rozek, is seeking to utilize the property for his existing homebrew supply store, "Beer Engineer Supply", as well as adding a brewery, taproom, and restaurant to the property. His letter of intent states: "Beer Engineer Supply (BES) is looking to expand its homebrew supply store operations in North Charleston to bring a production brewery, taproom, and restaurant to James Island. Our supply store will also be in our new location for the Charleston area beer and wine making hobbyists. BES will provide an inviting atmosphere for family, friends, and community to gather and share experiences over a few pints and great food.

Mrs. Crane reviewed the Findings of Facts according to §153.045E, for the Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) stating that the Board of Zoning Appeals has authority to approve, approve with conditions, or to deny the case based upon the Findings of Facts unless additional information is required to make an informed decision. Mrs. Crane read the six (6) approval criteria and three (3) conditions recommended by staff:

1. An 8-foot high opaque, sound-attenuating privacy fence shall be installed along the entire northern perimeter adjacent to any residential use or property.
2. Buffer plantings adjacent to any residential use shall be of a taller nature to ensure maximum screening, subject to the discretion of the Zoning Administrator during Site Plan Review
3. Lighting shall be directionally controlled away from residential uses and shall conform to the requirements described in §153.336 of the Ordinance, as submitted on a lighting plan with photo-metrics.

Questions to Staff from the Board:

Commissioner Hipp asked Mrs. Crane if the social club mentioned in her stated is the VFW, to which Mrs. Crane answered yes.

Chairwoman Lyon asked about fencing in one of the potential conditions, and if the sound attenuating privacy fence is similar to a case the BZA had several years ago with Acoustablock. Mrs. Crane said yes

that she found some conditions that were acceptable for similar type of concerns about noise, and she used the exact wording of one of the conditions from a previous case. She said the applicant had proposed Acoustablock (brand name) but that was too specific, so a similar product was used in order to go through the site plan review. The material is a foam-liked sound absorbing material that could go inside and on the fence.

Vice Chair Savage asked to see the photo of the front of the property headed towards Camp Road. When the photo was shown, he asked if photo on the right, headed towards Folly Road), that he thought a sidewalk was there. Mrs. Crane responded that a sidewalk there but because the grand trees weaves to the right it isn't seen and used her pointer to show the sidewalk.

Commissioner Smith asked if there was any feedback on the acoustic board installation from the prior case, positive, negative, or if we haven't heard at all. Mrs. Crane stated there were two cases that the sound attenuated fences were required with conditions. One did not go forward with the project. The other did and there were no complaints from neighbors with that project.

Applicant Presentation

Roman Rozek stated that he belongs to a group that owns Beer Engineer Supply (BES) and they have been trying for several years to open a brewery and move their shop. He said he didn't know how many were familiar with the structures on James Island, but for what they want to do, there is not a lot of properties that would work. When 1622 Camp Rd. came up they were excited because it would allow them to grow their business.

Mr. Rozek stated that they are a production type business, a restaurant, and brew pub, and as they grow they want to be more on the production side and use the tap room experience as a point of proof of sale to their distributors to outside restaurants. It is in their best interest to have a healthy relationship with the community; a place for people to come and enjoy themselves and to leave at a reasonable time. They do not plan on being open very late; 9 or 10 o'clock, as this is not their full business model. They are also looking at this as a way to bring 5-10 jobs to James Island; hopefully more as they grow. He spoke about how they would like to use space in the building; they do not own the building; they are renting it. He said the front of the building on Camp Rd. is where they will have the production; the tap room. At the back, adjacent to the residential properties, it is likely that another tenant will be in there from talking with the landlord. They are trying to get half of the back building to put in a retail store, right now, open from 10 a.m. to 6 p.m. He said it is quiet at the back if they can get in there. They would love to be able to make use of the covered outdoor seating area, as it is a great spot for people to hang out and spend time. There are about 20-25 parking spots on the site, as well as sidewalks to the immediate neighborhoods. He said they would like to work a deal with Pack and Mail and the new bank at Camp & Folly for parking. Mr. Rozek said he thinks their business would be an asset to James Island with the Folly Road Redevelopment Plan. It was one of those things when it came up he voted for it and is excited to be a James Island resident. He thought it was a great opportunity to have something developed along the lines of what you see on Coleman. For instance, when you go to Park Circle, it is a nice walkable community where people go to enjoy themselves, so they want to be a part of the commercial core in the Folly Road Redevelopment Plan. They want to be conscience of the neighbors as they are going to be their customers and hopefully their best advocates. He said one thing they've always planned on doing along that area is covered seating where the current chain link fence is shown. They want to put up an 8 ft. wooden fence with Leland Cypress. His day job is a General Contractor, and frankly he had not used or heard of Acoustablock until last week. Mr. Rozek said his partners, Kevin Drinkwater and Esse Elskamp would like to speak if they are on the call.

Kevin Drinkwater introduced himself as one of the original founders of Beer Engineer Supply that has been in business coming up on a decade in North Charleston. He reiterated what Mr. Rozek said about trying very hard for several years to get the production side of the business running and move the operation to James Island where they think fits the community better than where they are now. He said many concerns have been raised during this process and he understands and can alleviate them right off the bat. He said there has been talk about explosives, toxic chemicals, and airborne allergens. He stated none of these things are a concern. They do not use toxins or explosives and the processing of the ingredients is very safe. Sanitation and cleanliness is of utmost importance to the business. If anyone has questions they can direct them to him or Esse Elskamp. They are happy to educate anyone with questions about the production methods or ingredients they use. They have been teaching Charleston about beer for nearly a decade.

Mr. Drinkwater spoke of concern from the neighborhood about the potential for people having rowdy behavior. He said this always comes up where alcohol is sold and he understands those concerns. He reiterated what Mr. Rozek said that this is not the business they envision, and it is not good for their business which is meant to be family-oriented. They understand the potential is there, they are aware of it, and would do everything in their power to ensure that such behavior is not tolerated for the betterment of the community and their business.

Else Elskamp introduced himself as one of the co-founders of BES and has been in business for about 10 years. He said this has been a dream for them even before they opened BES. He mentioned the concern about spent grains regarding smells that possibly leads to critters and infestations. He has been at other breweries where they don't take care of their spent grains. He said they will definitely take care of their spent grains and get them off the property as soon as possible. The spent grains will be taken to Legare Farms. He said first off, just having the smell is not good advertisement for the brewery. Once they have the spent grains, they plan on dealing with that and getting it off the property as soon as possible. He said even as a home brewer if you let spent grains sit around for one day it's going to start to smell. They will be doing whatever they can to minimize that potential problem. As for possible critter infestation with bugs, they will be doing everything they can to minimize and eliminate that because this is not good for their business or for their production. Mr. Elskamp offered anyone that has questions to direct them to Beer Engineering Supply with the general email address of info@beerengineeringsupply.com

All presenters thanked the Board for the opportunity to speak.

Questions to the Applicant

Commissioner Hipp asked the estimated maximum capacity for the restaurant. Mr. Rozek stated that they looked at the chairs but wasn't smart enough to put a number on there. He has them laid out, but it looks like 40 or so indoor chairs, however, most places don't actually fill their chairs.

Commissioner Hipp asked about capacity at the bar standing area and parking spaces. Mr. Rozek replied there are about 40 or so indoor and 30 or so outdoor. He said the idea is for people to be able to spread out and have some room. He thought there were about 20 parking spots. People can also walk from the neighborhood. He said he lives in a neighborhood where people frequently walk and used Martin's BBQ as an example. He is hoping for the same type of atmosphere from the surrounding neighborhood.

Commissioner Fabri asked how many employees are expected when the three businesses (store, restaurant, brewery) are fully operational. Mr. Rozek said generally brewing takes two people; especially early on. This would be Essay and an assistant who may brew 2-3 days a week and the rest of the time man the shop. He said the restaurant would open later in the day. Brewing now takes place early in the morning so it is not continuous and hopefully the tap room restaurant would open later in the afternoon, perhaps at noon; so its staggered staffing. Commissioner Fabri asked if is fair to say they would have kitchen staff, bartenders, and patrons for lunch and/or dinner at the same time, then the afternoon to evening hours. Mr.

Rozek said the servers they have now are within walking distance and they hope to hire other people that lives nearby. They plan to work with the neighbors about parking spots; there are 20 public shared spots at the bank, and they have to introduce themselves a little more to Pack and Mail hoping they have a few spots to spare. Commissioner Fabri asked if he had conversations with Chase or Pack and Mail or have statements that they will allow him to use their parking spaces and Mr. Rozek said he has not had conversations with them yet. They have spoken to the florist who is happy that they are possibly coming, and he hopes they will be helpful as well with parking.

Commissioner Fabri asked while looking at the schematic for Mr. Rozek to walk her through the outside spaces, the outdoor patio at the back, and the big shed. She asked what he envisioned there and will there be a bar, band, or TVs?. Mr. Rozek said not by the covered area, that just happened to be there. He said it is nice and they will probably stick a few picnic tables there, with some cornhole games, and make a fire pit if that's allowed. He said the pretty big grass area is nice and they would like to make as much use of it as they could. On the backside of the building, (the area cornered off), they want to make an area where people can sit. Commissioner Fabri asked about the music stage on the plan facing the outdoor patio. Mr. Rozek said they really intended for it to be a stage and he mentioned Martin's because it is close to what people in the neighborhood can relate to. He said they might have one person, a guy or girl playing a guitar quietly, to have somewhere to keep dry if it rains, but that is just a thought. For the most part that would be their production space. Commissioner Fabri stated that it still faces towards the back of the property. Mr. Rozek said this is a work in progress and they will have an architect on board. He said these are just schematics and he had to come up with something to figure out how they're going to use it but it is a work in progress.

Commissioner Fabri stated that Mr. Rozek suggested that the hours of operation for brewing would be in the morning, so the store part would be opened in theory in the morning, and he is thinking of closing at 10 p.m. She said the zoning for Community Commercial and what was in the BZA's packet said on Fridays and Saturdays that the hours of operation would be until 12:00 am and asked if this was correct. He stated they will have to figure out the business to a degree and how people are using it. Businesses on James Island generally close by 9 p.m. except during Clemson or Carolina games when people are typically out later. Right now, he said it's a feel your way thing, but as far as the brewing in the home brew store, it is 10-6. The biggest rushes are after work which means two or three clients or customers at a time, they are not packed by any means as a retail store. He said the building is unique and they are trying to figure out how to use it; it is functional and works but it's also a challenge to redevelop and use it correctly.

Chairwoman Lyon's stated that Mr. Elskamp touched on odors and this concern was in some of the letters to the Board from the public. She asked what type of odors are emitted when there is brewing and will there be any at all? He talked about how clean and careful they plan to be but making beer does cause odors. Mr. Drinkwater addressed the question that Mr. Elskamp was referencing, the potential for bad smells, and stated they will not tolerate that for the numerous reasons he has pointed out. He said the plan is to offload and seal up the spent grains and send them to Legare Farms as quickly as they can so that so that part will not be an issue. He said normally with fermentation, you would not be able to smell it outside. He said the only odors that someone might and would probably smell if the winds are blowing in the right direction are from the hops. This is a fruity smell as from a bakery.

Vice Chairman Savage stated that he would like to follow up on some of the questions that Commissioner Fabri asked as they were very good. He said the community seems to be a little more concerned about the nature of the bar and the tap room and he thinks that is a valid concern. Vice Chair Savage said he is unsure if any of the applicants have a bar behind their house, but that is a valid question for the neighbors to ask. He asked for more certainty from the applicants for their hours on Friday and Saturday. Is it 9 p.m. or 10 p.m. or 12 am that they plan on closing? Mr. Rozek said they meant to say 10 p.m. but if people are leaving

they would probably close earlier. Vice Chairman Savage said other than Friday and Saturday, does he understand the application is one where they could guarantee the people in close proximity they would close by 10 p.m. to which Mr. Rozek said yes.

Vice Chairman Savage said for Saturday they are proposing to be open until midnight. In all fairness, he said he knows very few families that would have their kids at a bar until midnight and asked Mr. Rozek if he agreed, which he did. Mr. Savage said he thinks that's where many of the letters in opposition were coming from. While he knows they are looking for a certain type of patron, they cannot guarantee who will come into their place. One of the things he did not hear were plans to make sure there was security to keep an eye on people in the covered carport. He said a lot of the letters he read was concerns about urination on the back fence line in case the bathrooms are full or far away. He asked Mr. Rozek if he had any proposals for security because if he correctly understands, some of the neighbors' houses are perhaps a mere 20 feet from the back fence line. Mr. Rozek said he would not overserve people and he does not think their business would attract that type of demographic that is usually seen at a downtown bar that serves \$2 beer. Mr. Savage said he understands that may be the hope for their clientele but if three guys come to the bar they won't be turned away, would they? Mr. Rozek said if they act in a way they do not want there, they would be told to leave. Mr. Savage said it appears that they do not have information for the Board as to what security personnel might be employed. Mr. Elskamp said right now, they would be leaving that up to the bar staff to do self-security and if security is warranted in the future they can definitely add one or two bouncers to but hopes they won't have to get to that point. Mr. Elskamp further stated that this will be a tap room where people go to enjoy a beer, not to get drunk. He referenced the shortened hours because they don't want to invite people who are out there running around to go drinking after other places are closed. Mr. Savage asked if they planned to have music speakers or TVs in the covered shed. Also he stated that the applicants mentioned the showing of football games. The cheering that comes with that and being in close proximity to the residents would be problematic. Mr. Savage said that he did not hear anything about amplified sound equipment being there, to which Mr. Rozek said there would be no amplified music or bands, that he's said this three times and asked if Mr. Savage if he wanted to hear it a fourth time. Mr. Savage express concern about the nurse that needs to put her child to bed and the potential for noise on Friday and Saturday to midnight. Mr. Savage asked about parking and why would a private business allow patrons from an establishment that sells alcohol park at their business and what liability they may have. He asked Mr. Rozek if they had reached out to Hyams and Mr. Rozek said they have not spoken to Hyams. Mrs. Crane, Planning Director, stated that there had been an agreement to park at Hyams when the Charleston Arts & Cultural Center was on Camp Rd. She also said the Town has an easement at the Chase Bank for public parking that anyone may use. Mr. Savage stated from meeting minutes dated November and December, the names of the people that were residents behind the area that the applicants are seeking a special exception identified themselves and where they lived and gave their opposition. He asked Mr. Rozek if they had reached out to those individuals and if they had gotten any of them to change their mind about their opposition. Mr. Rozek said they did not reach out to anyone directly but welcome the residents to reach out to them. Clearly they are very emotional about this. This can be a difficult conversation but they are willing to have it. Mr. Savage said in looking at the application he sees the owner as Mr. Brooks Host but he has named Mr. Rozek as the agent. He asked what Mr. Host's role is in this to which Mr. Rozek replied he is the landlord they are trying to lease from. Mr. Savage asked if any of the three gentlemen he has spoken with be at the facility every night and Mr. Rozek said one of them will be there every night. Mr. Savage stated he understands how they can control what may occur with their patrons in their parking lot, but how do they plan on controlling the activities of people in their establishment going to those community parking spots. Mr. Drinkwater said that they cannot control anybody, but he thinks it goes back to the demographics that they are catering to.

Chairwoman Lyon spoke about the outdoor seating area and asked if it were to be set up for a band, speakers for games or piped in music. Mr. Rozek said they are looking at the space to fit their equipment in the fire station area in front. Chairwoman Lyon asked about the tower and Mr. Drinkwater said it needs to be addressed for everyone's wellbeing. They would like to use that space for their dumpster but it is not their property to remove.

Commissioner Fabri asked for their plan for the dumpsters because they will have two separate ones for the spent grain and for the restaurant food. Mr. Drinkwater stated that the grain would not be going into the dumpster. It will be placed in a sealed container and that is treated separately. When asked, Mr. Drinkwater said that the recycling and wastes would be done in the back. Chairwoman Lyon asked why the waste goes to Legare Farms and Mr. Drinkwater said they use it to feed the animals.

Comments from the Public:

In Support at Town Hall: No one spoke.

In Support on Zoom:

Hilary Rozek, her husband is Roman Rozek but she is speaking, not as a member of the group, but as a resident of 46 Rivers Point Row for the last six years. She said they are sick of driving to a different brewery off the island to go grab a beer with a couple of friends and it would be great to have a brewery here on James Island where they know the community and the neighbors have a place to walk to. She believes this fits with what the residents on James Island is looking for.

Laura Mason stated she lives on the fourth row in the neighborhood and is here to voice her support. She said this brewery and breweries in general are not a noisy rowdy bar and not highly intoxicating. It is a gathering spot where people can come together with neighbors and friends and enjoy a beer; a beer is not to drink all night. She mentioned what Mr. Rozek said about Martin's BBQ which is a comparison. She lives close to Highland Avenue, so Martin's is close. There are houses close to Martin's but they love having them in the neighborhood and being able to walk there for dinner. Whenever they have guests in Town that's the first place they go because they can walk there and the brewery would have the similar atmosphere. She is excited about the potential of having something similar in the neighborhood and it would be a great asset and addition to James Island.

Jon Mason, spouse of Laura Mason, echoed the comments made by his spouse and Mr. Rozek. He said the applicants are passionate about the brewery and it won't be \$2 beer or \$1 liquor shots. The breweries he has been to have the price points of \$7-8 so it's not the college kid that's going to be showing up to get hammered. The brewery would be a great gathering spot and add value to the neighborhood, not detract from it.

Carolyn Walentisch, is excited to support another James Island business and is heart broken when one closes. Having the opportunity to support a new local business on James Island, especially one that is nearby her home where she can walk to is exciting. She wants to live in a walkable area with local businesses and she enjoys being a patron, so having additional businesses in the area is a huge boon. She lives close to Martin's on Highland Avenue. She knows a couple of people have drawn comparisons to Martin's and its close proximity to the brewery. She stated being a little nervous when Martin's first came and can relate to how some people who are going to be very close to the potential business might feel. She said they have had no problems with smells and doesn't really hear noises. She cannot think of a more responsible couple than the Rozek's to lead a business like this.

Vickey Grant, lives at 16 Rivers Point Row and has been a resident of James Island off and on for the past 50 years. She stated wanting to make several points. She said with the onset of COVID almost two years ago many, many James Allen businesses have already failed, many of them walkable to their homes. She feels it is important to support, encourage and welcome new business owners to our area as this will provide jobs and revenue to our economy. She said the proposed business is contiguous to other properties that are zoned for business office usage, there's also a nonprofit business serving alcohol very nearby. Traffic and pedestrian movement does not seem to be affected, hindered, or endangered. The proposed business will add to the diversity of James on local businesses, and she appreciates their plan to recycle the spent grain products to Legare farms for their livestock. This is a local James Island family trying to establish themselves in our community. She knows Roman and Hillary personally because they live in the same neighborhood located behind the fire station. They are also new parents so she is certain that, as the previous testimony attributed, they are conscious of noise reduction and putting the baby to sleep and that sort of thing. She said Roman and Mr. Elskamp can address the issue of security, and there are regulations regarding bar staff attending to intoxicated patrons and stopping that behavior before it becomes out of hand. It is her opinion that they would not allow any business to disrupt the peace and tranquility of those residents living nearby including.

In Opposition at Town Hall: Residents of 21 Rivers Point Row.

Terry Wallace, Mrs. Wallace spoke of concerns from where she is located that the warehouse is not visible to the group. She said there is no way to keep an eye on what is going on unless there is a staff member inside of the warehouse. She has not heard any mention of a bathroom and is sure there is nothing in the brewery. She talked about people using the bathroom behind her home and mentioned there a state law against that.

Lauren Platt, asked the Board to consider how people would be impacted by the brewery. She said her bedroom window overlooks the brewery . She does not want the business to fail but don't want it so close to her.

Elizabeth Beckman, 1608 Camp Rd., Pack and Mail, etc. spoke that she does not want to consider parking at her business because of the liability.

Cora Rousse, talked about needing to sleep and the music from the bar would keep her away. The brewery would be 30 feet away from her house.

Grace Cole, works from home and the music and patrons at the brewery would be a distraction.

Allison Hanf, thanked Commissioners Fabri and Savage for their questions. She said the applicants would be leasing the space and it is unknown how long they would be there. No plans have been made for parking or set hours of operation, or the staff running the show. She has a son in school who needs his sleep.

Matt Woolsey, V. President of HOA stated that they want a brewery on James Island but speaking from the standpoint of the neighbors within feet of the brewery, he doesn't see how an 8ft fence would mitigate sound and not affect people. There will still be sounds if the windows are closed.

Colleen Moorman, stated her apartment would overlook the brewery. The privacy fence may help some but sounds reverberate an 8ft. fence, concerned about odors and the applicants are unclear about where the dumpsters would be.

In Opposition on Zoom: No one spoke.

Applicant Rebuttal: Mr. Rozek spoke that the concerns are understood and has covered them as best he could. He said while they cannot control it, they have a tremendous amount of experience with the community they intend to serve and with similar establishments. He stated the biggest issue he believes is sound mitigation. They are concern as well and would work to conform to rules and regulations. The last thing they want to do is to upset the neighborhood. They don't have the answers to that right now but before their doors are open that is something that would be addressed.

Chairwoman Lyon thanked everyone that spoke and closed the Public Hearing at 8:39 p.m. She asked for a motion to approve, approve with conditions or to deny Case #BZAS-11-21-022, TMS #425-06-00-096 Special Exception Request for Beverage or Related Products Manufacturing and Alcohol Sales and Consumption in the Community Commercial (CC) District.

Vice Chairman Savage stated in order to advance the discussion he will move to approve the request with conditions; Commissioner Smith seconded. Mr. Savage said in addition to the conditions set forth in the packet the additional conditions are:

(What the applicants have agreed to): No bands or live music
No amplified sounds in the pavilion (covered carport)
Hours of operation not to exceed 10 p.m. on Sunday through Thursday and 12 Midnight Friday and Saturday

These are his conditions for the purpose of opening the discussion. He noted not remembering and would take anybody else's help as to whether or not there was an agreement from the applicants in the outside seating area. Chairwoman Lyon did not remember them saying anything. Commissioner Fabri said no bands but they would have an acoustic singer but would not have an amplification system. Mr. Savage said that would be the end of those conditions and understood a band to mean live music. Chairwoman Lyon asked Mr. Commissioner Smith if he still wanted to second the motion and he said for the purpose of discussion he would still second the motion with those conditions.

Chairwoman Lyon said she is struggling with Condition B; being compatible with the existing use in the vicinity and would not adversely affect the general welfare or character of the immediate community. She supports local businesses and it would be great to be in walking distance to have a beer in a restaurant. She can reiterate all of that but noticed that we had five people speaking on Zoom for and 8 people against who took their evening to come in person to Town Hall wearing masks. The community is concerned and that concerns her. She doesn't know if we can make it right by putting conditions on it. She thinks midnight is too late, even on a weekend. If she had purchased a house or condo and the zoning changed and something came in totally different, she would be upset about. She stated the job of the Board is to grant relief to the applicant when all criteria is met and if imposing certain conditions could make it not affect the general welfare, then she could support it, but she think midnight is too late with noise and backing up to a residential neighborhood. In order for her to support this, she would want to amend that condition, but the Board is in discussion right now.

Commissioner Smith stated that he had three things to say. First, he is also concerned that if we grant this Special Exception and this business goes in, and it does everything it is supposed to do, that will be wonderful, but, what happens if they sell it to someone else. He understands that the applicants have good intentions and they're trying to get the right client but there's no way to know what could happen down the road and he is concerned about this. The second is he agrees with Chairwoman Lyon in saying that the exterior noise simply by limiting it at the pavilion would certainly help, but he think that having it at the outdoor patio is still too much so if he were to amend the motion and move forward he would say that there

should be no exterior amplified noise anywhere. Third is about the parking issue. He understands that lots of times these things are worked out later and he's even dealt with some things like that himself in other jurisdictions. However sometimes it is very difficult to work it out later. He would feel a lot better if he knew that Hyams would agree for parking and there were some kind of letter of intent from the owners to agree, even though this might be putting the cart ahead of the horse as far as the applicants are concerned because they need to know whether they can do this before they get written agreements. He noted having no confidence about parking without some further evidence of agreements with the businesses that the parking difficulty would be overcome.

Commissioner Hipp stated she was also concerned because looking at Mrs. Crane's circular map around the property and, with the exception of what it is community commercial it looks like everything is residential and she does not feel like the VFW would qualify as a bar. Its membership is comprised of veterans. It appears they close at 9 p.m. according to their website. In looking at the 300 foot map, you have a gas station, a bank, the former Corky's, Southern Bell, and all these residential units. There is also a church property. She stated struggling with this because she did a site visit and doesn't understand how one would plant vegetation in that very small area. She also has concerns with B, E, and F. She would like to see a written agreement about parking because there are many unknowns.

Chairwoman Lyon stated that the application could be deferred if the Board needs more evidence. Commissioner Fabri said she did not think we needed to defer. She agreed with concerns about B, C, and F, with vehicular traffic.

Vice Chair Savage noted the importance of people knowing that they have a voice. He stated the application failed on A, B, and C. Those who spoke in favor are not impacted because they live far away. He stated receiving many letters in opposition and fewer letters in favor. He also stated there was no reason to defer the request. He said he planned to vote against his own motion. After further discussion, Chairwoman Lyon called for the motion. Vice Chairman Savage moved, seconded by Commissioner Smith to approve Case #BZAS-11-21-022, TMS #425-06-00-096

Special Exception Request for Beverage or Related Products Manufacturing and Alcohol Sales and Consumption in the Community Commercial (CC) District based on the recommended conditions by staff as well as the three additional conditions he cited.

1. An 8-foot high opaque, sound-attenuating privacy fence shall be installed along the entire northern perimeter adjacent to any residential use or property.
2. Buffer plantings adjacent to any residential use shall be of a taller nature to ensure maximum screening, subject to the discretion of the Zoning Administrator during Site Plan Review
3. Lighting shall be directionally controlled away from residential uses and shall conform to the requirements described in §153.336 of the Ordinance, as submitted on a lighting plan with photo-metrics
4. No bands, live or amplified sounds under the pavilion
5. Hours of operation not to exceed 10 p.m. Sunday – Thursday and Midnight Friday and Saturday

Vote:

Commissioner Fabri	Nay
Commissioner Hipp	Nay
Vice Chairman Savage	Nay
Commissioner Smith	Nay
Chairwoman Lyon	Nay

Motion Failed unanimously. Chairwoman Lyon announced that application failed because he did not meet the criteria A, B, C, and F. She informed the applicants that the final decision would be mailed to them

within ten (10) business days and they may contact the Planning and Zoning staff with questions regarding the application.

Vote for Chair and Vice-Chair: Chairwoman Lyon announced that officers are elected in August, however the last meeting of the Board was in July and we have not had a meeting since. Commissioner Smith moved for the nomination of Brook Lyon to serve as Chairwoman, Commissioner Hipp seconded. There were no other nominations. Motion passed unanimously for Mrs. Lyon to serve as Chairman to August 2022.

Commissioner Smith moved for the nomination of David Savage for Vice Chair; Chairwoman Lyon seconded. There were no other nominations. Motion passed unanimously for Commissioner Savage to serve as Vice Chairman to August 2022.

Additional Business:

Next Meeting: February 15, 2022

Chairwoman Lyon recognized Town Administrator, Ashley Kellahan, who is leaving to take a position with the Municipal Assn. of SC as a Regional Manager Feb 2. She complimented Mrs. Kellahan for the outstanding work and service she has provided to the Town and the BZA, noting it is a feather in her cap that she has been selected for this position. Chairwoman Lyon also complimented staff: Kristen Crane, Flannery Wood, and Frances Simmons for their service and hard work.

There being no further business to come before the BZA, the meeting adjourned at 9:09 p.m.

Respectfully submitted:
Frances Simmons
Town Clerk and Secretary to the BZA