

**MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF APPEALS**

**Monday, January 23, 2017
6:00 PM**

**Council Chamber
Manning City Hall**

Present:

Ted Gardner, Chairman
Mark Bellamy
James Zimmerman

Absent/ Excused (E):

Jerome Kindell (E)

Staff Present:

Charmel Mack- Administrative Assistance Clerk
Mary Adger- Administrative Service Coordinator

I. Welcome / Introductory Remarks: Mr. Gardner called the meeting to order and welcomed everyone in attendance. Council member Clayton Pack and Diane Georgia were acknowledge.

II. Invocation : Mr. T. Gardner

III. Approval of Minutes: November 28, 2016

Mr. Bellamy made a **motion** to approve the minutes of November 28, 2016.
Mr. Zimmerman seconded the motion. All favored the motion.

IV. Election of Officers

Mr. Zimmerman made a **motion** for the board to remain the same. Mr. Bellamy seconded the motion. All were in favor of the motion.

Minutes from the Regular Meeting of the Board of Appeals

January 23, 2017

Page. 2

- V. **Discussion of request No. 2016-E-03 by Jerome Dupree to be allowed a Special Exception for a “Pool Parlor Establishment” located at 112 South Church Street, Tax Map # 187-03-03-016-00, zoned General Commercial (GC).**

PROPONENTS

Jerome Dupree, Representative

Mr. Dupree stated that he’s the property owner of 112 South Church Street. He expressed to the Board issues he was experiencing with the City of Manning Fire Department and the State Fire Marshall in regards to his business fire inspection. Mr. Dupree requested the Board to grant a special exception to allow a “Pool Parlor and Alcohol Beverage Establishment.”

Mr. Zimmerman, asked Mr. Dupree if he was seeking a special exception to operate a pool parlor and alcohol beverage establishment.

Mrs. Adger, informed Mr. Zimmerman that Mr. Dupree’s special exception request pertains only to a pool parlor establishment and that Mr. Dupree would have to submit an application for a special exception to allow an alcohol beverage establishment.

Mr. Bellamey, mentioned that he was hesitant to grant a special exception since Mr. Dupree is experiencing issues with the State Fire Marshall.

Mr. Adger, explained to Mr. Bellamy that the City of Manning Fire Chief advised her that if Mr. Dupree decided to operate another form of business at 112 South Church Street beside a pool parlor establishment and for instance a night club; he would be required to have an additional fire inspection from State Fire Marshall.

OPPONENTS

Barry Ham, President of Bank of Clarendon stated that 112 South Church Street is located at the rear of the Bank of Clarendon located at **106 South Brooks Street**. He further stated that the Bank of Clarendon supports small businesses; however, Mr. Ham believes this particular company would be a nuisance for the community and a concern for the bank’s and a safety risk for the bank employee’s.

Ruth Lambert, located at **200 South Brooks Street** stated that she was concerned that the community property values would decrease. She stated that the carwash located at 112 South Church Street violated the noise ordinance. Mrs. Lambert also stated that the City of Manning Police Department visited 112 South Church Street frequently.

Minutes from the Regular Meeting of the Board of Appeals

January 23, 2017

Page. 3

Carl Gamble, spoke on behalf of Birdie Gamble property owner of **205 South Church Street**. Mr. Gamble stated he spoke to a real estate agent and he was advised the community property value will decline if the Board grants a special exception for Mr. Dupree to operate a pool parlor establishment. Mr. Gamble also was concern that children who live in the area safety will be at risk.

Neil Price, property owner of a home located near **112 South Church Street** spoke.

Terri Gregory, property owner of **201 South Brooks Street** Mrs. Gregory stated that she have lived at 201 South Brooks Street with her family for 18 years. She agreed with Mrs. Lambert's concerns and she's also concern about the safety of the children in the area.

Arthur Lambert, property owner of **200 South Brooks Street** Mr. Lambert stated he is not against Mr. Dupree's operating a business; however he is against the type of business for the neighborhood.

REBUTTAL

Jerome Dupree, Representative

Mr. Dupree advised the Board that an alcohol beverage store is within 200 ft. of 112 South Church Street.

Carol Mints, owner of a home located near 112 South Church Street advised the Board that criminal activities have occurred at the store located near Mr. Dupree's property. She stated that neighbors had contacted law enforcement due to suspicious criminal activities between the store and the car wash located at 112 South Church Street.

Mr. Zimmerman, stated that he was concerned about how the type of business will affect residents that live in the area.

Mr. Bellamy, stated that the Board would give consideration of residents best interest for their community.

Mr. Bellamy made a **motion** to deny the special exception request by Jerome Dupree for a "Pool Parlor Establishment" located at 112 South Church Street. Mr. Zimmerman seconded the motion. All were in favor of the motion.

Mrs. Adger, informed Mr. Dupree that he could appeal the Board decision within 30 days with Circuit Court.

- VI. **Discussion of request No. V-2016-07 by Manning Feed & Supply LLC (Warren & Lucy Comstock) to be allowed a variance of 20 ft. to the rear setback requirement of 40 ft. and a variance of 10 ft. to the front setback requirement of 50ft. located at 233 Dinkins Street, Tax Map # 187-02-05-018-00, zoned Light Industrial (LI).**

PROPONENTS

Warren Comstock, Representative

The property owner of 233 Dinkins Street, Tax Map # 187-02-05-018-00, zoned Light Industrial requested a variance of 20 ft. for the rear setback requirement of 40 ft. and a variance of 40 ft. for the front setback requirement of 50 ft. He stated that he was building a 30 x 100 square foot barn style store and warehouse that would be placed on the vacant lot separate from Manning Feed & Supply, LLC. Mr. Comstock also discussed with the Board future business ventures he planned to expand to engage the community.

Mr. Zimmerman, inquired if Manning Feed & Supply, LLC will be replaced with a new structure.

Mr. Comstock, informed Mr. Zimmerman that a new structure will be built on the vacant lot adjacent to Manning Feed & Supply, LLC.

Mr. Bellamy, asked if the structure will fit the lot if a variance is granted.

Mr. Comstock, stated yes.

Mr. Bellamy, inquired if accessible parking was available.

Mr. Comstock, stated that parking will be available.

Mr. Adger, advised the Board that Mr. Comstock will have to submit a site plan to the Planning Commission which will address his parking requirements.

OPPONENTS

No one was in opposite of the request

Mr. Bellamy made a **motion** to approve Mr. & Mrs. Comstock request for a variance of 20 ft. to the rear setback and a variance of 10 ft. to the front setback. Mr. Zimmerman seconded the motion. All were in favor of the motion.

- VII. Discussion of request No. 2016-E-0 by Charles Hodge to be allowed a Special Exception to operate a “Drinking Establishment” located at 302 South Brooks Street and 304 South Brooks Street , Tax Map # 187-03-02-021-00 and 187-03-020-00, zoned Residential (RS-20). Pending rezoning approval.**

PROPONENTS

Bubba Rabin, Representative

Mr. Rabin stated that Mr. Charles Hodge is the property owner of 302 South Brooks Street and 304 South Brooks Street. Both locations will be a venue for weddings, meetings, special events and other occasions. Mr. Rabin requested a special exception to allow a drinking establishment to allow alcohol beverages at events.

Mr. Zimmerman, inquired if 201 South Mill Street and 318 South Mill Street will host similar events.

Mr. Rabin, stated that 201 South Mill Street and 318 South Mill Street will host larger events.

Kathye Rabin, Representative

Mrs. Rabin stated that the Drayton House is an historical home that will provide a venue for weddings, receptions, special events, etc. A tent would be placed on the side of the property and a building in the rear of the property to host larger parties. The Tyson Place will provide small catering services and have business meetings for a capacity of 60-75 people. Catering will be provided by Mill Street Grill. Mrs. Rabin stated she currently owns a business in Sumter, South Carolina and was asked to invest into expanding businesses in Manning, South Carolina.

Mr. Zimmerman, inquired if catering services will be provided?

Mrs. Rabin, stated that catering will be provided by Mill Street Grill.

Mr. Bellamy, asked what services will be provide at 201 South Mill Street.

Mrs. Rabin, stated that 201 South Mill Street will have a capacity of 100 people for business meetings. She also stated that it’s their desire to provide alcohol beverages to guest at 201 South Mill Street.

Mr. Zimmerman, asked if the fence on Brooks Street, would it be replaced.

Mrs. Rabin, stated that the fence will be replaced with a gate at both entrances.

Minutes from the Regular Meeting of the Board of Appeals

January 23, 2017

Page. 6

Charles L Hodge, Representative

Mr. Hodge stated he has been investing into properties located in Manning, South Carolina for more than 10 years. Mr. Hodge stated that he purchased properties and renovated buildings to sell or rent. He renovated the Bicycle Plant in Manning, South Carolina before he sold the property. He mentioned to the Board that the Cypress Center once hosted similar events that served alcohol until the company changed to McLeod.

OPPONENTS

Ruth Lambert, stated that she was opposed to allowing a drinking establishment at 302 South Brooks Street and 304 South Brooks Street since both businesses are located near a residential area. She was concerned that the community well-being will be at risk since Mr. Hodge advertised that the Drayton House can accommodate 500 guests. She asked the Board, if the property was re-zoned from Residential to General Commercial, can the business still be used for a restaurant and or bar if Mr. Hodge business is unsubstantial? Mrs. Lambert also asked the following questions: What are the difference between a wedding serving alcohol verse the Chamber of Commerce and the Strip Bass festival serving alcohol? Can residents in the area be assured the business will not violate the noise ordinance? How much litter should residents expect?

Jerome Dupree, stated that 302 South Brook Street and 304 South Brooks Street are located within close proximity of 112 South Church Street. Mr. Dupree implied to the Board since his business was denied a special exception, the same equality should apply to both properties owners.

Carl Mints, stated that she is the property owner of **305 South Church Street**. Ms. Mints inquired of the alley way between 305 South Church Street and 311 South Church Street. Ms. Mints stated the previous owners of 311 South Church Street built a two car garage on the alley way. She asked the Board if Mr. Hodge anticipated using the alley way? She's concerned the property owner of 311 South Church Street car garage will be demolished.

REBUTTAL

Charles L Hodge, Representative

Mr. Hodge informed Ms. Mints that the alley way is a part of the property he purchased. Mr. Charles stated he could potentially use the alley way for business purposes but can't confirm that at this time. In regards to debris and trash he will be responsible for cleaning up trash caused by guest.

Kathye Rabin, Representative

Mrs. Rabin informed the audience and the Board that security will be provided at the Drayton House.

Minutes from the Regular Meeting of the Board of Appeals

January 23, 2017

Page. 7

Arthur Lambert, inquired of the entrance and exit of the Drayton House. What's direction will traffic flow in and out.

Charles L Hodge, Representative

Mr. Hodge advised the Board and Mr. Lambert that he owns multiple properties surrounding the Drayton House and he would later determine where guest will enter and exit.

Mr. Bellamy, stated that the business plan is a great ideal for the community; however there are unresolved issues amongst residents that live near 302 South Brooks Street and 304 South Brooks Street. However there did not seem to be any concerns for 318 South Mill Street and 201 South Mill Street.

Mr. Zimmerman, requested feedback from citizens in regards to 112 South Church Street owned by Jerome Dupree and 302 South Brooks Street and 304 South Brooks Street owned by Charles Hodge both having a drinking establishment at their place of business.

Carol Mints, Mrs. Mints stated that she was concerned how alcohol will affect individuals at both locations; 112 South Church Street constantly have police at their place of business however , 302 South Brooks Street and 304 South Brooks Street are both new businesses without a history of activities.

Kathye Rabin, Representative

Mrs. Rabin stated that alcohol will be served for a couple of hours. Mrs. Kathye also stated she is also concerned about residents' concerns. Their business will maintain stable like another business.

Arthur Lambert, mentioned that the entrance and exit of guest haven't been resolved, concerned guest traffic will flow in the direction of South Street which is a residential area close to Brooks Street. He also advised the Board that Ms. Mint's concern had not been address for 311 South Church Street. Mr. Lambert stated that Mill Street and Brooks Street are both commercial areas for traffic to flow.

Charles L Hodge, Representative

Mr. Hodge informed the Board he only owns a home on South Street and the alleyway on Church Street which is his property he have legal rights to utilize. He also mentioned to the board that if the Drayton House is not granted a special exception he would not be able to have events for larger parties. Mr. Hodge also stated businesses would be able to conduct meetings in Manning and want have to travel to other areas.

Mr. Zimmerman made a **motion** to deny Charles Hodge request for a special exception to operate a "Drinking Establishment" located at 302 South Brooks Street and 304 South Brooks Street. Mr. Gardner seconded the motion. Mr. Zimmerman and Mr. Gardner were in favor of the motion. Mr. Bellamy voted against the motion. The motion passed.

Minutes from the Regular Meeting of the Board of Appeals

January 23, 2017

Page. 8

- VIII. Request No. 2016- E-04 by Charles Hodge to be allowed a Special Exception to operate a “Drinking Establishment” located at 201 South Mill Street, Tax Map # 169-14-08-010-00 zoned, General Commercial (GC).**

Refer to item VII for additional information.

Mr. Zimmerman made a **motion** to approve Charles Hodge’s request for a special exception to operate a “Drinking Establishment” located at 201 South Mill Street. Mr. Bellamy seconded the motion. All was in favored of the motion

- IX. Request No. 2016- E -06 by Charles Hodge to be allowed a Special Exception to operate a “Drinking Establishment” located at 318 South Mill Street, Tax Map # 187-03-02-007-00, zoned General Commercial (GC).**

Refer to item VII for additional information.

Mr. Zimmerman made a **motion** to approve Charles Hodge request for a special exception to operate a “Drinking Establishment” located at 318 South Mill Street. Mr. Bellamy seconded the motion. All in favored the motion

- X. Board Comments** –There was no comments from the Board

- XI. Adjournment**

Mr. Bellamy made a **motion** to adjourn. Mr. Zimmerman seconded the motion. All were in favor of the motion. Adjourned at 8:09 P.M.

Respectfully,

Charmel S. Mack

Administrative Assistance Clerk