

1 have up to three minutes to speak. And then you as the applicant would again have five
2 minutes to rebut the opposition. When you are speaking please address all your
3 remarks to the Board not to members of the audience. You will be under oath,
4 everything you say will be recorded. That being said we're not quite as formal as a
5 court, if you have some document that you would like to submit you may do so. The
6 documents will be given the appropriate weight by the Board and then the Board will
7 make a decision. If you have a substantial interest in the decision the other option you
8 have is that you may request a reconsideration rather than going to circuit court. If the
9 Board denies your request and you feel like they missed something or there's some
10 special reason why they should've granted what you thought you should've gotten you
11 can ask for a reconsideration. I would ask that you turn off or mute any cell phones that
12 you may have. If you're planning to speak make sure your name is on the signup sheet,
13 I need your name and your address because as an interested person you will be getting
14 a copy of the order. Members of the audience may quietly come and go as they needed.
15 If the Board has any legal questions we may be going back into a private meeting which
16 is called an Executive Session. At this time are there any questions? Alright, anyone
17 that is planning to speak and address the Board I need you to stand at this time. Raise
18 your right hand. Do you swear or affirm that the testimony you shall give shall be the
19 truth, the whole truth and nothing but the truth, so help you God?

20 AUDIENCE: Affirmative.

21 MR. LINDER: Thank you.

22 CHAIRMAN MCDUFFIE: Thank you very much, Ms. Linder. At this time I would
23 ask the Zoning Administrator, Mr. Geo Price, to please call your first case.

1 **CASE NO. 13-14 SE:**

2 MR. PRICE: Okay, the first item is Case 13-04, special exception. The Applicant
3 is Tanya Cinton of Clear Talk and the Applicant is requesting a special exception for the
4 establishment of a cell tower on property zoned RU. The location is Garners Ferry
5 Road, I have it as 2801 Garners Ferry Road, they've deemed the site on Watermelon
6 Hill. The parcel size is, it's gonna be a four acre tract that's gonna be located within an
7 existing 231 acre tract, they're going to subdivide that out and the tower will be located
8 within a 3600 square foot fence. It's going to be a 250' telecommunications tower. The
9 immediate area around, surrounding this property, is the large parcels with some
10 residential, commercial and agricultural uses and it's actually next to, it's located on the
11 corner of I guess McCord's Ferry and Sumter Highway. I'll just kind of go through, we
12 have, there are a couple, there's an aerial of the site and you have it in your package
13 but it looks like they're going to locate somewhere in this vicinity. Like I said, it's gonna
14 be a four acre tract. Site plan and proposed tower, it also shows the enclosed fencing
15 around that area. And you have this in your package but this shows the coverage
16 without, the Applicant can explain a little bit more; this one shows the proposed
17 coverage and it's just another view of the proposed coverage of the proposed tower.

18 CHAIRMAN MCDUFFIE: Thank you. At this time I would call the Applicant from
19 Clear Talk Wireless, I believe Mr. Bill Howard and Mr. J. Brown are signed up. Please
20 state your name and address for the Record.

21 **TESTIMONY OF BILL HOWARD:**

22 MR. HOWARD: Bill Howard, 912 South Edisto Avenue, Columbia, South
23 Carolina. Tanya could not be with us here today so I'm representing Clear Talk. And as

1 we've been before you several times in the past I'll spare you all the details on what we
2 do and so forth, and who we are. We are just requesting a 250' cell phone tower on the
3 four acre tract off of Garners Ferry Road. And the primary use of that tower is going to
4 be bring all of our traffic from our future sites in Sumter and Sumter County back to our
5 main switching facility here in Columbia, and that's why we requested a 250' tower.

6 CHAIRMAN MCDUFFIE: So just to be clear, this tower will be not only acting as
7 a, as a standard cell tower but it's also sort of a relay?

8 MR. HOWARD: Correct, it's gonna, it will offer enhanced coverage to the area
9 with our voice and data services down to Eastover.

10 CHAIRMAN MCDUFFIE: Um-hum (affirmative).

11 MR. HOWARD: But then it will also be a relay, a microwave site carrying all the
12 traffic back to downtown Columbia, for switching.

13 CHAIRMAN MCDUFFIE: Will this tower be able to accommodate additional sets
14 of equipment?

15 MR. HOWARD: I believe the site plan show it will handle up to four other carriers.

16 CHAIRMAN MCDUFFIE: Any questions for the Applicant at this time?

17 MR. COOKE: You stated that you, there were, you were unable to find any
18 suitable co-locatable towers, is that correct?

19 MR. HOWARD: Correct. The nearest tower is about a mile away and that's
20 owned by American Tower Corporation. That is also a 250' tower. The problem with that
21 site is it sits back to the west a bit, so the terrain, I don't know if you're familiar with
22 Garners Ferry Road, it drops off right after our tower, and it's about 150' lower as you
23 head towards Sumter. So if we co-located on that at the highest available RAD center of

1 230', plus the ground elevation is 50' lower at that American Tower site, we would be
2 down about 120' from the currently elevation we would have at the site we are on. And
3 we broadcast the AWS versus PCS and cellular which the other companies in the area
4 broadcast on, we do not propagate nearly as well as their frequencies so we would
5 have significant shadowing as you head towards Sumter.

6 CHAIRMAN MCDUFFIE: Mr. Spearman?

7 MR. SPEARMAN: What type of lighting package do y'all plan to install on this
8 tower?

9 MR. HOWARD: We typically use a company called Flash Technologies. I'm not
10 sure who will be the vendor on this particular site, but it will be necessary to light the
11 tower, definitely, per FAA standards.

12 MR. SPEARMAN: Will you have, there's some, there's a hotel right across the
13 street, some, will your tower at nighttime, will the lights change to where it won't –

14 MR. HOWARD: Correct, it will roll over to a strobing red, a soft red color. It's a
15 dusk, during the day it's a – correct.

16 MR. SPEARMAN: It will not interfere with, with somebody –

17 MR. HOWARD: Correct, it won't be that bright strobe white light you see during
18 the day.

19 MR. SPEARMAN: Do y'all plan to enclose the compound to meet the Land
20 Development Code?

21 MR. HOWARD: I believe the site plan calls for a 6' high fence. It's either 6' or 8'.

22 MR. SPEARMAN: Seven foot.

23 MR. HOWARD: Seven foot. Okay.

1 MR. SPEARMAN: And you plan on landscaping as well?

2 MR. HOWARD: Correct.

3 MR. SPEARMAN: If the tower is taken out of service, y'all will dismantle it within
4 120 days?

5 MR. HOWARD: We will.

6 MR. COOKE: And you did say you were willing to co-locate, is that right?

7 MR. HOWARD: Correct. We encourage it actually.

8 CHAIRMAN MCDUFFIE: Question for Mr. Price. Don't we typically, in a case like
9 this, where the Applicant, or the owner of the property is not, you know, is not here to, to
10 present to the Board, don't we typically have some sort of a, a letter of agency or
11 something like that?

12 MR. PRICE: Yes, if I'm correct, and Tanya Cinton is an agent with Clear Talk.

13 MR. HOWARD: Yes, she is.

14 MR. PRICE: And Mr. Howard is the typical representative for Clear Talk, so.

15 CHAIRMAN MCDUFFIE: I understand that, but, but Clear Talk does not actually
16 own this, this parcel or?

17 MR. PRICE: Yeah, they do. They've actually signed, if you look within the
18 package.

19 CHAIRMAN MCDUFFIE: Okay.

20 MR. PRICE: And if it's not then I do have it in the file.

21 CHAIRMAN MCDUFFIE: I, I hadn't seen anything, so.

22 MR. PRICE: And, and that, and I may not have included that just because they,
23 they put see attachment on the other applications. I did check that and I do have, on

1 part of their Application and the form they typically send in for information that Staff
2 normally uses, does have the owner's authorization.

3 CHAIRMAN MCDUFFIE: Okay, wonderful. Just wanted to make sure cause I
4 hadn't seen it in the packet. Thank you.

5 MR. PRICE: Yes, sir.

6 CHAIRMAN MCDUFFIE: Are there any other questions either for Staff or for the
7 Applicant at this time?

8 MR. COOKE: What were we accepting, this question's for Staff, what were we
9 accepting as proof of the Applicant attempting to co-locate? What was the, we haven't
10 done a cell tower in a while.

11 MR. PRICE: That's always been tough and we've really just kind of relied upon
12 the Applicant.

13 MS. LINDER: Maybe I could address that. Legally, you can either accept written
14 documentation as proof or you can accept the testimony as proof.

15 MR. COOKE: Okay. And that is your testimony.

16 MR. HOWARD: That is my testimony. And we did, again, we looked at the cell
17 phone tower as a possibility. We have co-located on quite a few American Tower sites,
18 but from an RF perspective it was not suitable for co-location because of the available
19 ACL or antennae center line on the site being 230.

20 MR. COOKE: Okay.

21 CHAIRMAN MCDUFFIE: Is there any discussion at this time?

22 MR. SPEARMAN: I've got one more question.

23 CHAIRMAN MCDUFFIE: Sure, absolutely.

1 MR. SPEARMAN: What will be the setback for this tower, from the property line?
2 If you could elaborate on that, please.

3 MR. HOWARD: I believe the setback is close to 220'. It's a four acre parcel and
4 we are going in the dead center of that parcel.

5 MR. SPEARMAN: Okay, that [inaudible] tower will be within that, the property
6 that you own, correct?

7 MR. HOWARD: If I remember correctly there is actually a, because the tower's a
8 250 and we are about 220 to the existing property lines of the four acre parcel. There is
9 a 30' overlap between our parcel and the, I think it's a 130 acre parcel that surrounds
10 us.

11 MR. PRICE: Yeah, in your package they're only required to observe the setbacks
12 for the district in which they're located, so as long as they're really at least 50' from each
13 of the property lines, the newly established property lines of the four acre tract they'll be
14 creating, they will be in compliance.

15 CHAIRMAN MCDUFFIE: Cause they're in a rural district and not a residential
16 district.

17 MR. PRICE: They're in a rural district and it's determined that, that the
18 surrounding property is agricultural and I've put that more into a commercial category as
19 opposed to a residential. So they just need to observe the rural setbacks.

20 MR. HOWARD: We, we did try initially to buy a six acre parcel to accommodate a
21 full one to one setback, but the landowner was not agreeable to selling off six acres.

1 MR. SPEARMAN: Do you have some type of an agreement with the landowner
2 in case there is a, a collapse of the tower that, that they would understand that the, that
3 it would, you know, a portion of the tower would fall on their property?

4 MR. HOWARD: We, I do not believe have any such written statement from the
5 landowner.

6 MR. COOKE: This question's for Staff. With it being in that rural area then he's
7 pretty much in compliance, is that correct?

8 MR. PRICE: Well, one of the – are you referring to Mr. Spearman's question?

9 MR. COOKE: Yes.

10 MR. PRICE: Well, one of the things that we've always looked at is if a property
11 owner will allow someone to place a tower on their property –

12 MR. COOKE: Right.

13 MR. PRICE: - then they've, they're aware of the potential risk. So we've never
14 taken any additional setbacks from, even if there was a house on the property we
15 wouldn't take the setbacks from that house because once again as a property owner
16 you understand the risk that may come about from the establishment of this tower.

17 MR. COOKE: Okay, thank you.

18 MS. LINDER: But my understanding is, is that PTAFLA is purchasing the four
19 acres.

20 MR. PRICE: Yes.

21 MS. LINDER: So they will be the property owner.

22 MR. COOKE: They are the property owner.

1 MR. PRICE: They would be the property owner for the four acres. And, of course,
2 because they're buying the four acres from the other company, I think it's Pace?

3 CHAIRMAN MCDUFFIE: Um-hum (affirmative), Pace.

4 MR. PRICEE: Yeah, Pace that actually owns the property, once again everybody
5 is aware of what's occurring.

6 MR. HOWARD: Pace is fully aware of our intention for this plot.

7 CHAIRMAN MCDUFFIE: Are there any other, any other questions for the
8 Applicant at this time? If not I would ask Mr. Spearman, would you care to go through
9 the Findings of Fact?

10 MR. SPEARMAN: Sure. This is for Case 13-04, special exception. The property
11 is zoned rural. Notice of the public hearing was posted on the property for which the
12 special exception is sought. Notice was published in the newspaper of general
13 circulation within the county 15 days prior to the public hearing on the matter. Will the
14 proposed tower have a maximum height less than 300'? The answer is yes, 250 per
15 testimony of the Applicant.

16 CHAIRMAN MCDUFFIE: Mr. Spearman, can you make sure that the mic is
17 picking up your – getting this on the recording.

18 MS. LINDER: I believe 4(a) and (b) would be non-applicable.

19 MR. SPEARMAN: Yes, ma'am. Is the base of the proposed tower located at least
20 one foot, well we've already established that as far as –

21 MS. LINDER: On 5 (a), (b) and (c), you would choose one of those and I think
22 5(c) would be applicable.

23 MR. SPEARMAN: Yes, ma'am.

1 MS. LINDER: So you'd have to make a finding of yes or no on that one.

2 MR. SPEARMAN: Okay. This will be 5(c), is the base of the proposed tower
3 located at least the minimum setback required by the zoning district from the, from a
4 non-residential zoning district without a habitable dwelling? The answer is yes. Has the
5 Applicant shown proof of an attempt to co-locate on existing communications towers?
6 The answer is yes. Is the Applicant willing to allow other users to co-locate on the
7 proposed tower, subject to engineering capabilities of the tower? The Applicant said
8 yes. Will the proposed tower meet the illumination requirements of regulatory agencies
9 such as the Federal Communications Commission and/or the Federal Aviation
10 Administration? And the answer – can I ask a question real fast?

11 CHAIRMAN PALMER: This tower, will it interfere with the flight path from
12 McEntire or Shaw as far as aviation is concerned?

13 MR. HOWARD: No, it will not. We've already filed a preliminary with the FAA and
14 it came back clean for a 250. Once we get approval then we go forward and we get an
15 official survey and then we can submit the final to FAA with the actual coordinates of the
16 tower, the precise coordinates.

17 MR. SPEARMAN: The answer to number 7 per the Applicant is yes. Will the
18 communications tower and associated buildings be enclosed within a fence at least 7' in
19 height? The answer is yes per the Applicant. Has the Applicant agreed to landscape the
20 communications tower site in accordance of the requirements of Section 26-176? The
21 Applicant said yes. Has the Applicant agreed to place no signage to any portion of a
22 communications tower unless the sign is for the purpose of identification, warning,
23 emergency, function or to contact or, as required by applicable state and federal rule,

1 law or regulations? The Applicant said yes. Has the Applicant to dismantle and remove
2 the communications tower within 120 days of the date the tower is taken off, out of
3 service? The Applicant said yes. Will the tower, will traffic be impeded by the proposal?
4 The answer is no. Will the proposal effect vehicle or pedestrian safety? No. Is there a
5 potential impact of noise, lights, fumes or obstruction of airflow on adjoining properties?
6 No. Does the proposed communication tower have an adverse impact on the aesthetic
7 character of the environs? No. Is the orientation and spacing of improvements or
8 buildings applicable or appropriate? The answer is yes. Mr. Chairman, unless we have
9 further discussion –

10 CHAIRMAN MCDUFFIE: One quick question for the Applicant. I didn't hear them
11 in fact say that they had agreed to take the tower out of service within –

12 MR. SPEARMAN: That was –

13 MR. HOWARD: Yes, we will.

14 CHAIRMAN MCDUFFIE: Alright. In that case please proceed.

15 MR. SPEARMAN: If there's, you know, unless there's further discussion I move
16 to approve 13-04 Special Exception.

17 CHAIRMAN MCDUFFIE: We have a motion to approve Special Exception 13-04
18 based on the Finding of Fact. Is there a second?

19 MR. SMITH: Second.

20 CHAIRMAN MCDUFFIE: Alright. Mr. Smith has seconded. All in favor?

21 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere,
22 Cooke, and Sullivan.

23 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

1 CHAIRMAN MCDUFFIE: Alright, it's unanimous then. The Special Exception 13-
2 04 has been approved and Mr. Price will be in touch. Thank you.

3 MR. HOWARD: Thank you very much.

4 CHAIRMAN MCDUFFIE: I'll remind the Board and the Applicants to please make
5 sure that you're speaking clearly into the microphones so that they're able to pick up
6 our, you know, pick up our conversation and our discussion for the Record. At this time,
7 Mr. Price would you please call your next case?

8 **CASE NO. 13-06 V:**

9 MR. PRICE: The next item is Case 13-06 Variance. The Applicant is Robert
10 LaFitte, I hope I'm saying that correctly, LaFitte. The location is 2209, I'm sorry I have
11 the wrong address there, it is 17 Island Drive in Chapin, South Carolina. The parcel is a
12 little less than a third of an acre, 2,193 to be exact. Currently there is a 1,810 square
13 foot residential structure on the parcel which was constructed in 1963. The Applicant is
14 proposing an addition to the structure which will encroach into the required side yard
15 setback by 14'. The area is residentially developed with a number of homes abutting
16 Lake Murray. The zoning of the parcel is Rural and the Rural District requires setbacks
17 of 40 in the front, 50 in the rear, and for this particular request the side yard has to be at
18 least 20'. Currently the home is encroaching into the side yard setback so it would make
19 it non-conforming. The Applicant's proposing an addition onto the home which would
20 actually further encroach into the setback at a certain point. The Code, current Land
21 Development Code doesn't allow whenever there's a non-conforming issue regarding
22 just setbacks and for a residential use, a 10' addition as long as you stay within that
23 same, as long as you maintain that same distance from the property line. However, in

1 this particular case I guess due to the current configurations of the house or even the
2 parcel, because they kind of narrow in, that any addition going further back would have
3 a further encroachment.

4 CHAIRMAN MCDUFFIE: So you're saying that the, that the, just to clarify, the,
5 the Code permits a 10' encroachment into the, into the setback and, if it's an existing
6 non-conforming structure?

7 MR. PRICE: As long as you're staying along that line, just for a quick example, if
8 you are 5' from the property line you're required to be 10. You could do 10' addition
9 onto your home as long as you didn't encroach any further than 5', but once you go past
10 10' then you would have to bring it into compliance. But in this particular case, as I said,
11 because the lots, they kind of narrow in no matter what kind of addition, it's going to
12 encroach a little bit. Just, here's an aerial of the site provided by the Applicant and this
13 is a cropped view of it and I think this is, probably will give you the information that you,
14 most relevant for this particular case.

15 MR. SPEARMAN: Mr. Chairman, before we hear any testimony since this
16 Agenda was published do we need to amend the address and everything on this
17 Agenda page to the appropriate –

18 CHAIRMAN MCDUFFIE: What is the, what is the appropriate address?

19 MR. PRICE: On page 23, it should read 17 Island Drive as opposed to 2209
20 Johnson Marina.

21 CHAIRMAN MCDUFFIE: On page 21, I have 17 Island Drive.

22 MR. SPEARMAN: On the very first page of the Agenda packet –

23 CHAIRMAN MCDUFFIE: Oh, oh, oh, oh.

1 MR. SPEARMAN: - and that was the one that first came out to, to the media and
2 so forth I believe, so do we need to amend that just to –

3 CHAIRMAN MCDUFFIE: From the Johnson Marina Road address?

4 MR. SPEARMAN: Yes, sir.

5 CHAIRMAN MCDUFFIE: I'm fine with amending it if you'd like to propose to do
6 that.

7 MR. SPEARMAN: Do we need a motion on that?

8 CHAIRMAN MCDUFFIE: I'm not sure.

9 MS. LINDER: Yes, I would recommend making a motion to amend your Agenda
10 to be corrected.

11 CHAIRMAN MCDUFFIE: Go ahead.

12 MR. SPEARMAN: I would move to amend the Agenda page for, in our packet.
13 The address for, this is for 13-06 Variance, the Applicant, that's the correct name, is
14 that, is that right, Mr. Price?

15 MR. PRICE: Yes.

16 MR. SPEARMAN: From 2209 Johnson Marina Road, Chapin, South Carolina
17 29036, and the tax map number 01312-04-03 to the appropriate location, 17 Island
18 Drive, Chapin, South Carolina 29036. And the TMS number is 02401-01-16.

19 CHAIRMAN MCDUFFIE: I'll second that. All in favor?

20 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Cooke, Sullivan]*

21 CHAIRMAN MCDUFFIE: The motion carries, the, the Agenda has been
22 amended to reflect the appropriate address. At this point I would ask Mr. Price to, to

1 continue with his presentation if he has anything else. Alright, and if that is the case
2 then I would call the Applicant, I believe it must be Karen Owens, is that correct?

3 **TESTIMONY OF KAREN OWENS:**

4 MS. OWENS: Yes, Karen Owens.

5 CHAIRMAN MCDUFFIE: Alright, please state your name and address for the
6 Record.

7 MS. OWENS: I'm Karen Owens and I live at 17 Island Drive, Chapin, South
8 Carolina 29036.

9 CHAIRMAN MCDUFFIE: Alright. Tell us, tell us about what you're proposing to
10 do.

11 MS. OWENS: Okay. Well, we purchased this house in December of 2012, and
12 contracted with Gallop & Gallop and Mr. Robert LaFitte represents us for their firm. And
13 we are asking for a Variance because there is an extraordinary condition in the fact that
14 the property was built in 1963, prior to the 20' setback rule being put in place. And the
15 proposed addition that we are doing is in the site line of our existing home, and is in
16 keeping with the character of the neighborhood. We have, in your handouts you can
17 see, well if you'll go back to the [inaudible] existing outline of our house with the
18 information highlighted in yellow – well, sorry, highlighted in yellow is the addition that
19 we're talking about, we're adding a master bedroom and a screen porch. And we have
20 consulted with both of our neighbors on either side who would be impacted by this
21 change and have got letters that are in the packets that were just handed to you saying
22 that they have reviewed our proposed addition and have no problems, and request your
23 approval of our Variance request. If you'll look at the other handout it's a picture like

1 this that shows all the different homes, you'll notice that a lot of the houses along this
2 area are right there on the, very close to the setback or to the property lines as well, so.

3 CHAIRMAN MCDUFFIE: Are there, are there any questions for the Applicant at
4 this time?

5 MR. COOKE: I'm sorry, what did you say your extraordinary circumstances
6 were? Relating to -

7 MS. OWENS: Well, I mean, the house was built before the setback lines were
8 established and we're just going to move in front of our existing home. The property line
9 kind of curves, although we move out, that is what causes it to look like it's coming in
10 closer to the line, we're not purposely building closer to the line this way, it's just that the
11 line starts to veer this way as you move forward in front of our, our line. But we, we
12 wanted to stay in, in the footprint and we weren't interested in going to a second story
13 addition or anything like that. We just wanted to just close in, we're basically boxing off
14 our existing home.

15 MR. COOKE: And Mr. Price, question for Staff, she's already, because it
16 predates she's already 12.5' into the setback as it is?

17 MR. PRICE: Yes, sir.

18 CHAIRMAN MCDUFFIE: Seems like, Mr. Price, that we're getting a slew of these
19 exact type of cases, you know, all, all located on, on narrower than, than probably
20 should be for a Rural lot, and invariably on the lake. And, you know, I made the
21 suggestion last month I think at our, at our last month's meeting where we had one of
22 these cases, that perhaps County Council would be a better source of some zoning
23 relief than this Board, given the fact that, that all of these parcels are in almost the exact

1 same situation and, and none of these parcels are in a particularly unique situation in
2 terms of, you know, their extraordinary or exceptional conditions are not particularly
3 extraordinary nor exceptional when, when you're talking about all of the, the houses in
4 the particular area that are, you know, encroaching into the, the setbacks and, and not
5 able to add on as a result of that, or not able to, you know, to be renovated or expanded
6 upon as a result of that. Would that be, you know, would, would Council perhaps be a
7 better venue in your opinion for her to seek relief than this Board today?

8 MR. PRICE: In short the answer is yes. But I think it would be something that the
9 county would have to look at, not just with this particular parcel but maybe, you know,
10 I'm just using this aerial, maybe this entire area because if all of the homes are, would
11 be, will be deemed to be non-conforming then, then it would apply to, the condition
12 would apply to all of them. And so maybe a change in zoning, excuse me, would be
13 appropriate.

14 CHAIRMAN MCDUFFIE: And, you know, were these houses to be, or were the
15 parcels to be rezoned into a residential, what would the setback requirements be in that
16 case?

17 MR. PRICE: In this particular case looking at this – well, I'm sorry. The setbacks
18 if this was, let's say RS-LD, which is our lowest density for single-family use, the
19 setbacks would be 25 front, 20 rear and your sides, which is probably what we're really
20 looking at here, would be a total of 16 with no side less than five.

21 CHAIRMAN MCDUFFIE: So that would in fact provide the relief that the
22 Applicant is seeking today.

23 MR. PRICE: Exactly.

1 CHAIRMAN MCDUFFIE: I mean, are there other questions for other Staff or for
2 the Applicant?

3 MR. SPEARMAN: I've got a couple.

4 CHAIRMAN MCDUFFIE: Please, sure.

5 MR. SPEARMAN: On the plat that you provided to us, you have a two story
6 garage?

7 MS. OWENS: Yeah, that was built by the previous homeowner.

8 MR. SPEARMAN: What's the second story used for?

9 MS. OWENS: Storage.

10 MR. SPEARMAN: Is there any utilities connected up to the, to the garage itself?

11 MS. OWENS: There's a light.

12 MR. SPEARMAN: You don't use the second floor as a residence or anything like
13 that?

14 MS. OWENS: No. It's unfinished. It's unfinished, there's no walls or anything, it's
15 just 2 x 4's and we've just got storage there.

16 MR. SPEARMAN: Okay, no bedroom, no kitchen?

17 MS. OWENS: No.

18 MR. SPEARMAN: No bathroom, anything like that? In your Application to the
19 Board, 4(a) about middle ways of the answer to question 4(a) for your Application it
20 says, other designs such as a second floor would be in compliance with zoning but not
21 in keeping with the characteristics of the neighborhood. So you, you could build a
22 second floor, as you've stated in this paragraph right here, to meet your requirement.

1 MS. OWENS: I guess so, but that wasn't our intent, this is supposed to be our
2 final home before we go to a retirement place, we all wanted to be in a ranch house, all
3 one story. Got elderly parents, want to have an extra bedroom so that when they come
4 and stay we're all on one floor together. So we moved from a two story house
5 specifically to a one story house because that's the type of lifestyle we wanted to live
6 from here on out.

7 CHAIRMAN MCDUFFIE: Do you have any other questions? You know, I find
8 myself very sympathetic to what you're trying to do here and I do and I, I do think that,
9 you know, that extending the house, you know, along the existing site line or the
10 existing, you know, border of the house is, seems to be, you know, the most reasonable
11 and appropriate thing to do. However, I don't know that, you know, based on what the
12 requirements are to grant a variance, I'm not sure that, you know, that we're able to find
13 that you met those requirements unless somebody can demonstrate that to me. You
14 know, I just, I don't see how we've got extraordinary or exceptional conditions on this
15 parcel given that all of the parcels in this vicinity have those same exact conditions, and
16 the fact that those same conditions are applicable to all of those other properties. You
17 know, so I'm willing to entertain discussion from the Board on that.

18 MR. SMITH: Well, for her being one of the representatives of that area to come
19 to us and be the first one to do that, I mean, would that give her, in this case, the right to
20 be able to request such a variance to where down the road it can be presented to the
21 County Councilman? I mean, I see that in this case, from my perspective, that there are,
22 because of the plot and the age of the house, they're situations that are outside of her

1 control. And, but just because she is the first to, to present this to the Board, yes it's an
2 issue for the whole county, for the whole area, but I do believe that –

3 CHAIRMAN MCDUFFIE: She, she's certainly not the first person to, to present
4 this, you know, this type of case on the lake. I mean, like I said we had one last month
5 and we're getting, yeah we're getting several, you know, throughout the year.

6 MS. OWENS: Well, I would just ask that – when we, when we went through
7 looking at this property to buy it, the setback rule was never brought to our attention by
8 the real estate agent or the property sellers or anything like that. All we were told about
9 was the, the 362 floodplain and we had to order a survey and we did all that. And so
10 had we known that this property wasn't gonna be, we couldn't make this something,
11 what we thought at the time was simple addition, we would've never sold our other
12 home and bought this property. And we're now four months into this, we've moved into
13 this two bedroom house with our two children and, and four pets and are sitting here
14 struggling to figure out how we're gonna make this 1500 square foot work for us.

15 CHAIRMAN MCDUFFIE: Understood, and I am certainly sympathetic to that, but
16 I, I mean, I do think that this might be something that's better addressed, you know, by
17 Council than, than by us. We've been, I've said we've had a lot of these, these particular
18 type of cases and we, this Board I think has been very hesitant to grant variances for
19 this type of issue. You know, I just, I don't think that this is necessarily the appropriate
20 venue for zoning relief for this.

21 MR. SMITH: This is an issue we've had before.

22 CHAIRMAN MCDUFFIE: Yes.

23 MS. CECERE: Yes. Yeah, we seem to have this constantly and –

1 CHAIRMAN MCDUFFIE: Mr. Price, if the Applicant were to go to County Council
2 and ask to, for spot rezoning or for rezoning, you know, approximately how long would
3 that take to do?

4 MR. PRICE: Just for this one particular lot, in order for them to rezone it would
5 need to be initiated by, in this particular case the Applicant could not make this request.
6 It would need to come from either the Planning Director, the County Administrator or the
7 Planning Commission, or County Council.

8 CHAIRMAN MCDUFFIE: A Member of Council could –

9 MR. PRICE: Initiate it, it would need to come from them as a Body because they,
10 this particular lot does not have the required two acres or it's not abutting a lot similar to
11 it. So in that case you're probably gonna have to add at least a month or so. We would,
12 we're in April or May, we're in May, you may be looking at, at best, being perfected in
13 September, somewhere around September I think best case scenario. And I say that
14 because Council doesn't meet in August, so we will lose that month.

15 MS. LINDER: And that would be conditioned on Council giving the approval,
16 which we don't –

17 MR. PRICE: Correct.

18 MS. LINDER: - at this point whether they would give approval.

19 MR. PRICE: Correct. And I think one of the things to look at, it would just be,
20 once again, it would be my recommendation that if this was something Council was
21 looking at, that it not just be an isolated lot but to look at the –

22 MR. COOKE: Entire area.

23 MR. PRICE: - area as a whole.

1 MR. COOKE: Cause I think what we would find is that this is gonna continue to,
2 to happen.

3 CHAIRMAN MCDUFFIE: Even if, even if the fact that the parcel is non-
4 conforming and the structure is, is already encroaching into the required set yard
5 variance, or I mean, into the required side yard setback, you know, we're gonna find
6 that all of these same conditions apply to almost every other property in the vicinity.

7 MR. PRICE: Correct.

8 CHAIRMAN MCDUFFIE: In that case I don't think we're able to, you know, to
9 provide relief.

10 MR. PRICE: Correct.

11 CHAIRMAN MCDUFFIE: Are there any other questions from the Board at this
12 time? For the Applicant or for Staff?

13 MR. SMITH: So what we do today, if we made a decision today and we did a
14 referral for Council to be able to, it actually won't be us it'll be through you, that would
15 actually take it to Council, correct? You said the County Administrator or?

16 MR. PRICE: In this particular case I think regardless of what the outcome of your
17 decision is, it would be something that I would bring up to at least the County
18 Councilmember who represents this district about this particular issue and I would
19 express some of your concerns in what comes before you and see which direction they
20 would like to take.

21 MR. SMITH: Okay. I still feel as if the situation at hand, because she did come to
22 us in this regard, we know there are issues with the community, we do also know that
23 it's a non-conforming land, the way everything's plotted. Also that the house is already

1 in the setback. So coming from that perspective is this, she's coming to us as an
2 individual and I believe that we should approve the variance. And then take it to Council
3 from that, afterwards, because right now we're dealing with a situation, Case 13-06, not
4 the community. And we're looking in terms for the whole community but we want to look
5 out for this young lady as well.

6 CHAIRMAN MCDUFFIE: As I said before I'm certainly sympathetic to –

7 MR. SMITH: Right.

8 CHAIRMAN MCDUFFIE: - exactly what they're trying to do but I feel like if we
9 begin granting variances, you know, outside of the, outside of the requirements of the
10 ordinance, that's gonna open up, you know, basically a slew of requests for variances
11 from, you know, when in fact we're really the wrong, you know, we're really the wrong
12 forum to provide relief for what the Applicant wants to do. Unfortunately.

13 MS. OWENS: So no other variances similar to ours have been approved by this
14 Body?

15 CHAIRMAN MCDUFFIE: That would be a question we could, we would have to,
16 you know, ask Mr. Price. I can speak just for the period of time that I've sat on this
17 Board and, and I would say that we have been very cautious, you know, very restrictive
18 on, on granting variances, particularly when we can't identify an extraordinary and
19 exceptional condition or when the condition is not uniquely applied to that particular, you
20 know, to the particular parcel in question. But Mr. Price, maybe you could give a little bit
21 of –

22 MR. PRICE: We could do some research. I think I did have it in your package
23 that the parcel next to it was approved by the Board for a variance request to encroach

1 into the side yard setback in 2010, but you know, once again we're, you go by the,
2 Boards change their views on how they interpret the provisions on which they should
3 approve or deny a variance.

4 MS. OWENS: And that would be Ms. Dalton's property who has also signed our
5 letter to, of support for our variance approval.

6 CHAIRMAN MCDUFFIE: It's certainly possible that this Board did grant that
7 variance, but I'm not, you know, familiar enough with the case to know if there were any
8 other, you know, extraordinary conditions that applied to that particular parcel. You
9 know, we try to look at these on an individual basis. We do look at these on an
10 individual basis.

11 MR. SMITH: And with that being said though, I truly believe that we need to look
12 at it from that perspective, as an individual basis to where we could be able to, again,
13 request for the county to give the support as a Board for future cases like this.

14 CHAIRMAN MCDUFFIE: Would you care to go through the Finding of Fact then
15 and –

16 MR. SMITH: I would.

17 CHAIRMAN MCDUFFIE: Okay.

18 MS. CECERE: I had one question.

19 CHAIRMAN MCDUFFIE: Please.

20 MS. CECERE: Mr. Price, where – there's an existing deck and what if, if that
21 bedroom came across that way would it, would that, could it be considered in that since
22 that, since that deck is already there? I don't know how big, I have no idea on how large
23 this deck is cause I don't have any dimensions.

1 MR. PRICE: Are you referring to the deck here? You're referring to that deck?

2 MS. CECERE: Yes. Um-hum (affirmative).

3 MR. PRICE: Okay. I mean, right now they would be allowed to come across.

4 MS. CECERE: So you could actually –

5 MR. PRICE: [Inaudible] 20' setback but, you know, right now looking, this is 15',
6 yes, 16, so the home could – well once again I need to see what the setbacks are here,
7 but let's just say this was in compliance with the 20' setback, they probably could build
8 to about right here.

9 MS. CECERE: And could build to where? I'm sorry.

10 MR. PRICE: Yeah, to this line I have in here. You know, that's probably about 20'
11 over, without a variance.

12 MS. CECERE: I see.

13 MR. PRICE: But it wouldn't be able to come over.

14 MS. OWENS: What we were trying to accomplish is there's a bathroom about
15 midway down in the one story on the right hand side, I don't know if you – there's a
16 bathroom right about here.

17 MR. PRICE: Okay.

18 MS. OWENS: And what we were trying to do is put a laundry room and a bath.

19 [Inaudible discussion]

20 MS. OWENS: This is an existing bathroom right in here and so we wanted to tap
21 into that plumbing line to be able to put the bath, would be here, this would be the
22 bedroom and closet, and then this would be the screened porch. The existing deck went
23 from here, you know, to there.

1 MR. SPEARMAN: Ma'am, could you point to that one right there? I don't think
2 some of the Board Members, because of this curvature –

3 MS. OWENS: Sorry.

4 MR. SPEARMAN: - can see this one up here.

5 MS. OWENS: There's an, there's an existing bath right around here and what we
6 were trying to do was to attach onto the, attach onto the plumbing lines, I'm sorry, I don't
7 pretend like I'm a TV announcer all the time, and so what we were trying to do is
8 actually the bath is gonna be in this renovated space and this was gonna be closet and
9 bedroom, and this was our existing porch that was just a deck and we were gonna
10 cover over this part right here when we added out the, the roof line.

11 MS. CECERE: But what I'm saying is could there be a possibility, I mean, since
12 the deck is already there and just to incorporate that and bring it on back and it would
13 still come on back and it would still be within the variance.

14 MS. OWENS: Well, that's a smaller space, that's our kitchen right here. I mean, I
15 guess if we had to go back to the drawing board we have to go back to the drawing
16 board.

17 MR. SMITH: And with that being said, I mean, that kind of –

18 MS. CECERE: That's what I'm saying, I mean, there is another possibility. I
19 mean, I think that that's what my problem would be with that; that there is another
20 possibility without us having to grant this for really not a reason that is not extraordinary.

21 MS. OWENS: Robert, can you address why we didn't want to go out towards the
22 road?

23 MR. LAFITTE: Yes. Mr. Chair?

1 CHAIRMAN MCDUFFIE: Please, approach the microphone.

2 MS. OWENS: I don't believe he's signed up yet.

3 CHAIRMAN MCDUFFIE: Yeah, please step up to the microphone and, and Ms.
4 Linder will administer a swearing in.

5 MS. LINDER: If you will raise your right hand, please. Do you swear or affirm that
6 the testimony you shall give shall be the truth, the whole truth and nothing but the truth,
7 so help you God?

8 MR. LAFITTE: I do.

9 MS. LINDER: Thank you.

10 CHAIRMAN MCDUFFIE: Thank you. Please state your name and address for the
11 Record and -

12 **TESTIMONY OF ROBERT LAFITTE:**

13 MR. LAFITTE: My name is Robert LaFitte, my address is 4633 Clemson
14 Avenue, Columbia, South Carolina 29206.

15 CHAIRMAN MCDUFFIE: Okay, and you're the builder, is that correct?

16 MR. LAFITTE: I'm the builder, design builder [inaudible] Gallop & Gallop.

17 CHAIRMAN MCDUFFIE: Okay. And I guess you, you know, we had a –

18 MR. COOKE: Well, she asked him to come up. What is it that you would like to
19 state, sir?

20 MR. LAFITTE: There was a question –

21 MS. CECERE: My question was that, well I asked Mr. Price originally since there
22 is a porch or a deck, if you were to use that space and come on back and there could
23 be a possibility of a bedroom there.

1 MR. LAFITTE: We did look at that possibility but that is, that's their kitchen right
2 behind the deck, and family room, all in one area with a quad unit of doors that just goes
3 straight out on the deck, and that would be directly behind their kitchen. Aesthetically we
4 thought that would not be a good idea.

5 MS. CECERE: Well, I can't see, in the other part I just can't see the extraordinary
6 circumstances. I mean, I, I, I'm trying to be helpful here to see if it could be done any
7 other way. I mean, I understand if she doesn't want to take on a second floor but, I
8 mean, that's, you know, that's a decision that the homeowner has to make.

9 MR. LAFITTE: And we did have that discussion going up and it wasn't feasible
10 from a cost standpoint, and we considered the neighbors, obstructing view. We thought
11 it would be more in keeping to keep it below the current roofline and stay within the
12 same site line. And if you look on the site plan we only go a foot and a half past the
13 existing structure of the house, so we just thought this was a reasonable proposal.

14 MR. COOKE: Okay.

15 MR. SMITH: Okay. I'm gonna read the Finding of Facts.

16 MR. LAFITTE: Can I make one more statement, please?

17 CHAIRMAN MCDUFFIE: Yes, please.

18 MR. LAFITTE: I would ask that you would just please reconsider, Mr. Chair, your
19 position cause I do see this as an extraordinary position for the Owens, just that they've,
20 they're in somewhat of a bind buying the property as she explained and not knowing
21 that they were restricted in this way. And if you were to consider and vote on this and
22 pass it, knowing as we go forward this entire area probably needs to be reconsidered
23 for the best of all the homeowners to rezone the entire area. If we could make this a

1 special exception and, if anything, do this for the Owens, they're just, they're in a bind.
2 That's why we're here before the variance Board to request a variance. I thought this
3 would be the appropriate thing to do.

4 CHAIRMAN MCDUFFIE: Alright, thank you very much.

5 MR. LAFITTE: Thank you.

6 MR. SMITH: Okay.

7 CHAIRMAN MCDUFFIE: If you would please go through the Finding of Fact.

8 MR. SMITH: I wanted to make sure before I go through the Finding of Facts,
9 make sure that my statements earlier pertain to this being a case between you, this is a
10 personal case, this is not something that we as a Board are gonna reflect against the
11 whole community, something negative towards you. This is a personal, personally done
12 towards you. So as we make our decision this is specifically for you, okay? And I will
13 make another request after I finish my, the Finding of Facts.

14 CHAIRMAN MCDUFFIE: Can I, can I clarify that maybe a little bit?

15 MR. SMITH: Yeah.

16 CHAIRMAN MCDUFFIE: This Board has to consider the, the parcel and the
17 requesting question based on the criteria that are required by the ordinance for us to be
18 able to issue a variance or a special exception that the Applicant's requesting, and we
19 have a, you know, a very strict set of criteria that we apply to, to these requests. If the, if
20 the Applicant, you know, demonstrates that they meet the particular criteria it's this
21 Board's duty to, to grant the request for a special exception or a variance. Barring that,
22 you know, this Board has a, you know, has a duty to, you know, to, to, not to grant the
23 variance if we are not the appropriate, you know, if we're not the appropriate forum to

1 provide relief or if, or if the Applicant is asking for something that we can't grant, you
2 know, based on the requirements for the parcel.

3 MS. OWENS: I, I understand and I just, it's frustrating because this wasn't,
4 somebody should've told us this further along in this process and it's kind of 11th hour
5 for us and –

6 CHAIRMAN MCDUFFIE: I understand.

7 MR. SMITH: Alright, I think – let me start the Find of Facts. The property is zoned
8 Rural. Notice of the public hearing posted on the property? Yes. Notice published in a
9 newspaper? Yes. Are there extraordinary or exceptional conditions pertaining? The
10 answer is –

11 CHAIRMAN MCDUFFIE: And I, I would open this up to the Board.

12 MR. SMITH: To the Board, yeah.

13 CHAIRMAN MCDUFFIE: To discuss. See if, you know, the Applicant has stated
14 that, that there are in fact extraordinary and exceptional conditions, you know, that
15 pertain to this piece of property, you know, particularly that the property was developed
16 prior to the adoption of the current, the current Richland County Land Ordinance, and
17 therefore the, you know, the lots were subdivided and the, the houses were built without
18 regard to, to the currently required 20' side setbacks. And that is what the Applicant is
19 stating for, you know, for the extraordinary or exceptional condition and I'd be interested
20 to, to hear the other Members of the Board's opinions on that or their, their take on that.

21 MR. SMITH: I agree that they are.

1 CHAIRMAN MCDUFFIE: Okay. Any, yeah should we, if we could maybe just a,
2 just an up or down vote on whether or not that is a, you know, whether or not there is an
3 extraordinary or exceptional condition in particular for this piece of property. All in favor?

4 MR. SPEARMAN: What are we, what's the question?

5 MS. CECERE: Just on the –

6 CHAIRMAN MCDUFFIE: The question is, is, you know, does this property have
7 an extraordinary or exceptional condition, the condition being that this property was
8 developed prior, you know, prior to the adoption of the, the current Richland County
9 Ordinances, Land Development Code?

10 MS. LINDER: If the vote is affirmative you could go on to the other criteria then.

11 MR. COOKE: Right.

12 CHAIRMAN MCDUFFIE: So all –

13 MR. COOKE: So if the vote is no then –

14 CHAIRMAN MCDUFFIE: Yeah, so I'll ask for all in favor?

15 MR. PRICE: Okay, I guess in favor: Richardson, Smith, Cooke, Sullivan.

16 CHAIRMAN MCDUFFIE: Okay, and all opposed?

17 MR. PRICE: Spearman, McDuffie, Cecere.

18 *[Approved: Richardson, Smith, Cooke, Sullivan; Opposed: Spearman, McDuffie,*
19 *Cecere]*

20 CHAIRMAN MCDUFFIE: Alright, so I guess we have in favor at this point, so
21 continue to, to –

22 MR. SMITH: Okay. And this is the big one. Do these conditions generally apply to
23 other property in the vicinity? That answer is yes. And with that being said, we can't,

1 we're not gonna be able to continue, we have to grant, deny your request for a variance
2 for the Case 13-06.

3 CHAIRMAN MCDUFFIE: So based, so are you making a motion then based on –

4 MR. SMITH: I'm making a motion based on Section 5 about the conditions
5 applying for the property in the vicinity, that they, there are, excuse me that there are,
6 that the conditions do apply.

7 CHAIRMAN MCDUFFIE: So there's a motion that, that the extraordinary and
8 exceptional conditions apply to other properties in the vicinity?

9 MR. SMITH: Other properties in the vicinity, yes.

10 CHAIRMAN MCDUFFIE: Is there a – oh, go ahead, go ahead.

11 MR. SMITH: And with that said, the, all votes – well you go ahead.

12 CHAIRMAN MCDUFFIE: Oh, I'm sorry. I was trying to clarify your motion, that
13 you were gonna make a motion to do something.

14 MR. SMITH: Oh, yeah, okay. I was making a motion to deny Case 13-06 for the
15 Variance.

16 CHAIRMAN MCDUFFIE: Based on the fact that –

17 MR. SMITH: Based on the Facts, yeah.

18 CHAIRMAN MCDUFFIE: - okay, that extraordinary and exceptional conditions
19 apply to other properties in the vicinity. Is there a second?

20 MR. SULLIVAN: Second.

21 CHAIRMAN MCDUFFIE: Second from Mr. Sullivan?

22 MR. SULLIVAN: Correct.

1 CHAIRMAN MCDUFFIE: Okay. So we have a motion and it has been seconded.
2 All in favor?

3 MR. PRICE: Those in favor: Spearman, Richardson, Smith, McDuffie, Cecere,
4 and Sullivan.

5 CHAIRMAN MCDUFFIE: All opposed?

6 MR. PRICE: Cooke.

7 *[Approved: Spearman, Richardson, Smith, McDuffie, Cecere, Sullivan; Opposed;*
8 *Cooke]*

9 CHAIRMAN MCDUFFIE: Alright. Mrs. Owens, your request for a variance has
10 been denied and Staff will be in touch. Thank you very much. At this point we need to
11 approve the Minutes or to adopt the Minutes from April 2013. Has everyone had a
12 chance to, to go over the Minutes? Alright, is there a motion to approve?

13 MR. SPEARMAN: Motion to approve the Minutes from the April 3, 2013 Zoning
14 Board of Appeals meeting.

15 CHAIRMAN MCDUFFIE: Alright, is there a second?

16 MR. COOKE: Oh, I second that motion.

17 CHAIRMAN MCDUFFIE: Okay. We have a motion and it has been seconded. All
18 in favor?

19 MR. HAYNES: Spearman, Richardson –

20 CHAIRMAN MCDUFFIE: Mr. Richardson wasn't here, he won't be voting for that.

21 MS. HAYNES: Cecere, Cooke and Sullivan.

22 MS. CECERE: Mr. Sullivan wasn't there either.

23 MS. HAYNES: Oh, okay, never mind. Mr. Cooke, you weren't here either?

1 MR. COOKE: I was here last month.

2 *[Approved: Spearman, McDuffie, Cecere, Cooke; Abstained: Richardson, Smith,*
3 *Sullivan]*

4 [Inaudible discussion]

5 CHAIRMAN MCDUFFIE: [Inaudible among all of the, the Members who are
6 qualified to vote on, on the adoption of the Minutes and so the Minutes are approved. Is
7 there any other business at this time? I see that Mr. Price has made a getaway.

8 MS. HAYNES: He's in the hall talking to them.

9 CHAIRMAN MCDUFFIE: Okay. I was going to revisit the possibility of maybe
10 pushing this meeting back a little bit later in the afternoon. Mr. Spearman had brought
11 that up at one point in time.

12 MS. HAYNES: I'm gonna get Mr. Price for this conversation.

13 CHAIRMAN MCDUFFIE: But I would think that maybe Mr. Price ought to be
14 involved. Let's call a recess while we wait for, for Mr. Price to return so that we're not on
15 tape.

16 [Recess]

17 CHAIRMAN MCDUFFIE: Alright, at this time we'll come out of recess. Mr.
18 Spearman had at one point in time brought the possibility of moving the meeting a little
19 bit later in the afternoon and I –

20 MR. SPEARMAN: I withdrew that motion in the last, you know, the following
21 meeting, so.

22 CHAIRMAN MCDUFFIE: No, but, understood, but it, you know, I was wondering
23 if there was any interest from the Board at this point in time in doing that or if that

1 causes any, any issues with anyone's schedules at this time? If, right now we meet at
2 1:00 and what time is it now? It's probably 2:00? So, I mean, if we were to move the
3 meeting to, like 3:00 would that, would that create any heartbreak for anybody or –

4 MR. COOKE: Yes.

5 CHAIRMAN MCDUFFIE: That would?

6 MR. COOKE: Yes, that, that would create some issues with me.

7 CHAIRMAN MCDUFFIE: Okay. No, if that causes issues then I would not
8 propose moving it. Would 2:00 work for you better or is 1:00 locked into your schedule?

9 MR. COOKE: Yeah, it's been locked in my schedule for the last three years and
10 my job has been gracious enough to work, to allow me to do that, cause I go right back
11 to work after this and I have a lot of meetings in the afternoon.

12 MR. PRICE: Just to throw this at you – while, you know, I think some of y'all
13 know, my opinion about changing the time, one of the things that y'all are always
14 looking to go later in the day, maybe one of the things you could do is to go earlier.
15 Because I do know, like in the city, they, sometimes some of their meetings are earlier
16 in the morning. And you could, and that may, if you're, just depending on what your
17 rationale behind changing the meeting; whether it's for the convenience of the Board or
18 whether it's to allow opportunity for other citizens to come out, you know, maybe if it
19 was earlier, you know, let's say maybe 10:00, just throwing that time out, you know, and
20 people maybe even can come in that morning and then still get back 11:00 or 12:00 to
21 get most of your –

22 CHAIRMAN MCDUFFIE: My thinking was that, that, you know, in the olden times
23 there when this Board would meet till 5:00 or 6:00 at night, you know, when we had four

1 hours or five hours or cases to hear, it made sense maybe to meet at 1:00. You know,
2 and when we've been, I don't think we've gone much more than an hour in the last
3 probably two years or more, you know, just cause of the volume of cases and the type
4 of cases and –

5 MR. COOKE: I'd like to meet at 12:00. I mean, that'd be great, it's right around
6 lunch time.

7 CHAIRMAN MCDUFFIE: But if everybody's, you know, we prefer to stay at 1:00
8 then that certainly is fine with me as well.

9 MR. SULLIVAN: Well, I kind of like the 12:00 as well cause as he stated, like
10 many citizens that may be concerned about their property may have to attend work, but
11 12:00 is typically the universal lunch break so it gives them an opportunity to show their
12 face.

13 MR. SPEARMAN: Yeah, but it takes away their opportunity to get some lunch,
14 too.

15 CHAIRMAN MCDUFFIE: I, I'm not sure that that there's any substantial
16 difference between having the meeting at 12:00 and having it at 1:00, but, but you
17 know, if we were to have it first thing in the morning or something like that, that would at
18 least free up maybe half of a day for people to work. You know, as opposed to, you
19 know, taking them right away in the middle of the day, but I think 8:00 in the morning
20 versus, or 9:00 in the morning versus one of the afternoon probably doesn't really buy
21 us anything either in terms of, you're gonna be losing one half of the day or the other,
22 you know. So.

23 MR. PRICE: Yeah, well.

1 MR. COOKE: So either 12:00 or 1:00 for me.

2 CHAIRMAN MCDUFFIE: Yeah, at this point, you know, I'll drop the issue. Is
3 there any other business at this time? If there's none then move to adjourn.

4

5

[Meeting adjourned at 2:15pm]