



**TOWN OF BLYTHEWOOD
BOARD OF ZONING APPEALS AGENDA
JANUARY 18, 2022 – 6:30 PM
DOKO MANOR
100 ALVINA HAGOOD CIRCLE
BLYTHEWOOD, SOUTH CAROLINA**

PAT LITTLEJOHN • TOM UTROSKA • RAY FANTONE • MARLON HINDS

- I. **CALL TO ORDER AND DECLARATION OF A QUORUM**
 - A. **ROLL CALL**
 - B. **NOTIFICATION AND POSTING OF THE AGENDA**
 - C. **ADOPTION OF THE AGENDA**
 - D. **PLEDGE OF ALLEGIANCE**
 - E. **APPROVAL OF MINUTES** – (April 19, 2021)
 - II. **NOMINATION AND ELECTION OF OFFICERS FOR 2022**
 - A. **NOMINATION AND ELECTION OF CHAIRMAN FOR 2022**
 - B. **NOMINATION AND ELECTION OF VICE-CHAIRMAN FOR 2022**
 - C. **NOMINATION AND ELECTION OF SECRETARY FOR 2022**
 - III. **ACTION ITEM**
 - A. **APPROVAL OF MEETING SCHEDULE FOR 2022**
 - B. **DISCUSSION AND APPROVAL OF AN AMENDMENT TO THE RULES OF PROCEDURE- REMOTE ATTENDANCE**
 - IV. **OPEN CITIZEN COMMENTS**
 - V. **ADJOURNMENT**
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BOARD OF ZONING APPEALS

THE MANOR
100 ALVINA HAGOOD CIRCLE
BLYTHEWOOD, SC 29016
MONDAY, APRIL 19, 2021
6:30 PM

MINUTES

Members Present

Pat Littlejohn – Chair
Tom Utroska– Vice-Chair
Ray Fantone
Marlon Hinds

Staff Present

Carroll Williamson, Town Administrator
Melissa Cowan, Town Clerk
Saralyn Yarborough, Asst. Admin.

Members Absent

Sam Frier

I. CALL TO ORDER & DECLARATION OF A QUORUM

A. ROLL CALL

Chairwoman Pat Littlejohn called the meeting to order at 6:50 PM and declared a quorum was present.

B. NOTIFICATION AND POSTING OF THE AGENDA

The Town Clerk stated that the agenda was properly posted and the media notified.

C. ADOPTION OF THE AGENDA

Tom Utroska made a Motion to approve the agenda. The Motion was seconded by Ray Fantone. **All in favor; 4-0**

D. PLEDGE OF ALLEGIANCE

E. APPROVAL OF MINUTES – (May 13, 2019)

Tom Utroska made a Motion to approve the minutes of May 13, 2019. The Motion was seconded by Ray Fantone. **All in favor; 4-0**

II. NOMINATION AND ELECTION OF OFFICERS FOR 2021

A. NOMINATION AND ELECTION OF PAT LITTLEJOHN AS CHAIRMAN FOR 2021

Tom Utroska made a Motion to nominate Pat Littlejohn as Chairman of the BZA. The Motion was seconded by Ray Fantone. **All in favor; 4-0**

B. NOMINATION AND ELECTION OF TOM UTROSKA AS VICE-CHAIRMAN FOR 2021

Marlon Hinds made a Motion to nominate Tom Utroska as Vice-Chairman of the BZA. The Motion was seconded by Ray Fantone. **All in favor; 4-0**

C. NOMINATION AND ELECTION OF MELISSA COWAN AS SECRETARY FOR 2021

Ray Fantone made a Motion to nominate Melissa Cowan as Secretary to the BZA. The Motion was seconded by Marlon Hinds. **All in favor; 4-0**

III. **ACTION ITEM**

A. APPROVAL OF MEETING SCHEDULE FOR 2021

Ray Fantone made a Motion to approve the 2021 meeting schedule. The Motion was seconded by Marlon Hinds. **All in favor; 4-0**

IV. **DISCUSSION ITEM**

A. CONTINUING EDUCATION

Staff discussed the importance of completing three (3) hours of continuing education training as required each year by S.C. law to serve on a board or commission – this is in addition to the one time only initial six (6) hours of orientation training. Staff advised those board members who have not completed these training requirements please do so as soon as possible.

V. **OPEN CITIZEN COMMENTS**

Rich McKenrick gave an update on the stakeholder's survey.

VI. **ADJOURNMENT**

Tom Utroska made a Motion to adjourn the meeting at 7:05 PM. The Motion was seconded by Ray Fantone. **All in favor; 4-0**

Respectfully submitted,

Melissa Cowan, Town Clerk

BOARD OF ZONING APPEALS 2022 CALENDAR OF REGULAR MEETINGS



BLYTHEWOOD
• SOUTH CAROLINA •

DOKO MANOR
100 ALVINA HAGOOD CIRCLE

THIRD MONDAY OF EACH MONTH*

6:30 P.M.
(803) 754-0501

STANDARD APPLICATION DEADLINE 4:00 p.m.	PUBLIC HEARING DATE 6:30 p.m.
December 21, 2021	January 18, 2022
January 19, 2022	February 22, 2022
February 16, 2022	March 21, 2022
March 22, 2022	April 18, 2022
April 19, 2022	May 16, 2022
May 17, 2022	June 21, 2022
June 22, 2022	July 18, 2022
July 19, 2022	August 15, 2022
August 16, 2022	September 19, 2022
September 14, 2022	October 17, 2022
October 18, 2022	November 21, 2022
November 15, 2022	December 19, 2022
December 14, 2022	January 17, 2023
January 17, 2023	February 20, 2023

* Subject to change.

Please visit our website at <http://www.townofblythewoodsc.gov>



To: Board of Zoning Appeals
From: Staff
Date: January 10, 2022
Subject: Amendment to BZA Rules of Procedure for Remote Attendance

In August 2020, Blythewood Town Council adopted an ordinance permitting remote attendance under certain circumstances, now Section 30.12 in the Town's Code of Ordinances. It applied to Town Council, but the intent was for it to be applied to the Town's Boards and Commissions as well.

The purpose of this amendment to the Board of Zoning Appeals' Rules of Procedure is to officially permit remote attendance for the Board following the regulations for Town Council as stated in Section 30.12.

If approved by the Board of Zoning Appeals, Town Council must also approve this amendment of the Rules of Procedure.

BOARD OF ZONING APPEALS
TOWN OF BLYTHEWOOD
RULES OF PROCEDURE

ARTICLE 1
ORGANIZATION

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code 6-29-780 for the Town of Blythewood Board of Zoning Appeals that consists of seven (7) members appointed by Town Council.

Section 2. Officers

The officers of the Board shall be a chairman and vice-chairman elected for two-year terms at the first meeting of the Board each calendar year. The Board shall appoint a member of Staff as Secretary to the Board.

Section 3. Chairman

The chairman shall be a voting member of the Board and shall:

- A. Call meetings of the Board;
- B. Preside at meetings and hearings;
- C. Act as spokesperson for the Board
- D. Sign documents for the Board;
- E. Have orders of the Board served on parties; and
- F. Perform other duties approved by the Board, including transmitting reports and recommendations to the Planning Commission and Town Council.

Section 4. Vice-Chairman

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, members present shall elect an acting chairman.

Section 5. Secretary

The secretary shall:

- A. Provide and publish notice of appeals and meetings;
- B. Assist the chairman in preparation of the agenda;
- C. Properly post property involved in appeals for variances or special exceptions;
- D. Keep recordings and minutes of meetings and hearings;

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- E. Maintain Board records as public records;
- F. Serve Board decisions on parties;
- G. Swear in witnesses;
- H. Attend to Board correspondence; and
- I. Perform other duties normally carried out by a secretary.

Section 6. Advisors to the Board.

Legal advisor to the Board shall be an attorney annually appointed by the Board.

Section 7. Zoning Administrator

The Zoning Administrator shall:

- A. Assist the Applicant and his Agent in filling out applications and forms and advise in normal preparations of matters before the Board;
- B. Conduct research, compile Exhibits, and present Matters;
- C. Advise the Board of the interpretation of the Ordinance and its applicability to each Matter;
- D. Aid the Board as necessary in formulating Findings of Fact;
- E. Aid the Secretary and Clerk in dispensation of the Order; and
- F. Perform other duties as deemed appropriate by the Board and Secretary.

Section 8. Clerk

A clerk may be appointed by the Board to assist the Secretary and Staff in filling out applications, conduct research, swearing in of speakers, dispensation and delivery of the Order, taking and filing of minutes, and other duties as deemed appropriate by the Board. Such clerk may be a member of Town Staff.

Section 9. Attendance

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Chairman shall report to the governing body any member who is absent from three (3) consecutive meetings without adequate reason.

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ARTICLE II MEETINGS

Section 1. *Time and Place*

An annual schedule of regular meetings shall be adopted, published and posted at Town Hall in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public. If there is no business, the meeting may be cancelled at the call of the Chairman.

Notice of meetings shall be posted at Town Hall no later than five (5) days prior to each scheduled meeting. In the event of a cancelled meeting, such notice shall also be posted no later than five (5) days prior to the scheduled meeting.

Remote meeting attendance: Board of Zoning Appeals members may meet remotely in accordance with the requirements of Town Ordinance Section 30.12 which regulates remote meeting attendance for Town Council members.

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Section 2. *Agenda*

A written agenda shall be furnished by the secretary to each member of the Board and the news media and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items that do not require a public hearing may be added to the agenda at a meeting by a majority vote. Items may be removed from the agenda or postponed by a majority vote. Matters may be moved to the end of the agenda which in the determination of the Chairman may require additional time due to the number of persons signing up to speak either for or against the Application, the number of Exhibits to be presented, etc.

The deadline for applications for consideration by the Board is set at thirty (30) days prior to the date on which the hearing is to be held.

Section 3. *Quorum*

A majority of the fixed membership of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. *Rules of Order*

Robert's Rules of Order, Newly Revised, 10th Edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5. *Voting*

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain for deliberation or voting on the question. Disqualification

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shall not be construed to preclude a member from speaking to a question as a private citizen. All questions shall be decided by an affirmative majority vote.

Section 6. Conduct

Members of the public desiring to be heard shall sign the speaker list, providing their name, complete mailing address, and telephone number, prior to the commencement of the Meeting. Applicants and their agents shall sign if speaking in their own behalf. Such list shall be incorporated into the minutes for each meeting. Staff and members of the Board who speak shall not sign but shall be noted in the minutes when speaking on each issue.

ARTICLE III APPEAL PROCEDURE

Section 1. Form of Appeal.

Appeals from administrative decisions and applications for variances and special exceptions shall be filed on forms approved by the Board and provided to applicants by the Zoning Administrator. The Board or the Zoning Administrator may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent of the owner of the property in question or the party in interest shall be accompanied by written designation of the agent signed by the property owner or party in interest.

Section 2. Time for Appeal.

An appeal from an administrative decision of the Zoning Administrator must be filed within thirty (30) days after actual notice of the decision by the delivery of the approved appeal form to the Zoning Administrator who shall notify the Chairman of the Board.

Section 3. Calendar.

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

Section 4. Withdrawal of Appeal.

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision that is withdrawn may not be re-filed after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances and special exceptions may be re-filed after six (6) months and shall be placed on the calendar according to the date such application is re- filed.

Section 5. Continuances.

The Board for good cause shown may continue the hearing of an appeal or application

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one time.

Section 6. Notice.

Public notice of a hearing of the Board shall be published in a newspaper of local circulation and posted on or immediately adjacent to the property affected (if applicable) at least fifteen (15) days prior to the hearing. The notice shall contain a description of the matter to be heard, identify the property affected (if applicable) and state the time, date and place of the public hearing.

ARTICLE IV
HEARING PROCEDURES

Section 1. Appearances.

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant. Applicants for whom attendance is not possible, as determined by the Chairman, may present a notarized statement outlining their position addressed to the Chairman. Such statement will be presented as an Exhibit.

Section 2. Witnesses.

Parties in interest shall present testimony under oath, such oath being administered by the Chairman, Secretary, or Clerk, if a notary or other member of the law profession whose commission or term is current. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The Board may call its own witnesses when deemed appropriate.

Section 3. Cross-examination.

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

Section 4. Evidence.

Relevant documents, photographs, maps, plans, drawings, etc., presented as Exhibits will be received in the record without authentication, in the form of legible copies. Relevant testimony that is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 5. Conduct of Hearing.

The normal order of hearing, subject to modification by the chairman, shall be:

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- A. Swearing in of all those who will be presenting testimony;

- B. Statement of Matter presented by Zoning Administrator, to include identification of the property, identification of parties in interest, citation of the applicable sections of the Ordinance, and presentation of any exhibits;
- C. Statement by Applicant or designated Agent (5 minute limit);
- D. Presentation by supporters and opponents of the Applicant's position or request (2 minutes each to a maximum for all comments that may be set by the Chairman); letters representing public viewpoints may be addressed to the Chairman and will be presented after the public comment period by the Secretary or the Zoning Administrator. Such letters may be notarized statements or may merely represent the viewpoint of the writer. To be admissible, letters must include the name, address, and telephone number of the writer and reference any connection to the applicant or the application.
- E. Rebuttal by Applicant or Agent (3 minute limit);
- F. Questions posed by the Board to the Applicant, Planner, Zoning Administrator, Building Official, Legal and Technical Advisors to the Board, and other such persons as are deemed appropriate and relevant to the Matter as recognized by the Chairman.
- G. Deliberation and Disposition of Matter before the Board.

Section 6. Disposition.

The Board may deliberate and make a final disposition of a Matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. When a the decision of a Matter is extended to a second meeting, a member may not vote on any Matter that the member has not heard. Deliberations shall be conducted and votes taken in public by a voice vote, unless a roll call vote is requested by any member of the Board or the Secretary. A tie vote is considered a failed appeal.

Section 7. Form of Order.

An order shall be issued disposing of the matter by granting or denying a request for a special exception or variance with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision of the Zoning administrator. A matter may be dismissed for lack of jurisdiction. Findings of fact and conclusions of law shall be separately stated in an order. The Chairman shall sign the Order after Disposition of the Matter.

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Section 8. Service of Order.

The Secretary shall receive the Order from the Chairman, and shall review the Order for completeness and compliance with the Ordinance. Copies of the Order shall be distributed to all parties in interest by certified mail within fifteen (15) days of the date of Action by the Board.

The Zoning Administrator may assist the Secretary in reviewing the Order and with any other duties in carrying out the action as deemed appropriate by the Board.

Section 9. Rehearing.

The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the Secretary or Clerk within thirty (30) days after delivery of the Order only if accompanied by new evidence which could not reasonably have been presented at the hearing, or by evidence of a clerical error or mutual mistake of fact affecting the outcome.

ARTICLE V RECORDS

Section 1. Minutes.

The Secretary or Clerk shall record all meetings and hearings of the Board in a format approved by the Board. The Secretary or Clerk shall prepare minutes of each meeting for approval by the Board at the next regular meeting. The approved minutes and records of proceedings at meetings shall be maintained indefinitely as public records as required by the South Carolina General Retention Schedules for Municipal Records, Subarticle 2, Section 12-602.1.

Section 2. Orders and Documents.

The Secretary shall assist in the preparation and service of all Orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence and Exhibits, orders, and forms shall be maintained as public records.

ARTICLE VI ADOPTION AND AMENDMENT

Section 1. Adoption

These rules were adopted by a vote of a majority of the Board at a regular public meeting on September 11, 2006.

RULES OF PROCEDURE

Section 2. Amendment

These rules may be amended at any regular meeting of the Board by a majority vote of the members of the Board at least seven (7) days after the written amendment is delivered to all members.

Chairman

Vice Chairman

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Secretary

Sec. 30.12. Remote meeting attendance and participation.

- (A) Any council member may, but is discouraged to, participate and vote in an open town council meeting remotely, but will not be considered present for the purposes of determining a quorum. A councilmember wishing to attend a meeting by remote means must notify the town clerk in writing and not less than 24 hours in advance of the meeting of his or her wishes and must set forth the reason which requires remote attendance. Town council minutes shall reflect that the council member participated in the meeting electronically. The council member acting as the presiding officer must be physically present at the meeting.
- (B) Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Accommodations shall be made for any council member who requires TTY service, video relay service, or other form of adaptive telecommunications.
- (C) If technical difficulties arise as a result of utilizing remote participation, town council shall, whenever possible, suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note the time at which the disconnection occurred and that the member left the meeting by virtue of the disconnection.
- (D) The action of establishing the remote connection to the meeting shall be taken in open session. All communications between the members of council attending the meeting remotely and other members of council, unless such communication is part of an executive session, must be audible to the members of the public in attendance.

(Ord. No. 2020.009 , § 2, 8-24-2020)