

**Minutes**  
**Florence County Board of Zoning Appeals Meeting**  
**Tuesday, January 5, 2010, 6:30 p.m.**  
**County Council Chambers, Room 803**  
**180 N. Irby Street, Florence, SC 29501**

**The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City/County Complex and on the information board at the entrance of the Planning, Zoning, and Building Inspection Department building.**

The agenda was also mailed to the media.

**I. Call to Order:**

Chairman Chuck Jacobs called the meeting to order at 6:31 p.m. and declared a quorum of members present.

**II. Attendance:**

**Members Present:** Chuck Jacobs, Chairman  
Tom Stasney, Vice-Chairman  
James Cooper  
Bill Garner  
Daniel Jackson  
Marion McDowell  
Clyde Moore  
Ernie Smith

**Members Absent:** None

**Staff Present:** J. Kevin Griffin, Director, Planning and Building Inspection Department  
Tripp Ward, Planner II  
Angela C. Thomas, Secretary

**Public Attendance:** See sign-in sheet on file at the Florence County Planning Department.

**III. Review and motion of the minutes:**

Mr. Bill Garner made a motion to approve the November 3, 2009 minutes. Mr. Ernie Smith seconded the motion. The vote carried unanimously.

**IV. Public Hearing:**

**BZA#2010-01** A variance request by Charles A. Shumpert, Jr. on behalf of L.H. Stokes & Son, Inc. from requirements of Section 30-111. Development Standards for Unzoned Areas, (d.) Mining and Extraction Operations of the Florence Code of Ordinance for property located at 2479 Cicero Lane, Florence shown on Florence County Tax Map No. 00145-01-011.

Mr. Kevin Griffin presented the staff report to the Board.  
(copy available at the Florence County Planning Department)

Mr. Ernie Smith asked from Cicero Lane to the property, how long do they have to travel on the easement.

Mr. Griffin responded about 150 to 200 feet.

Chairman Jacobs asked the only people using that easement are the owners of the property.

Mr. Griffin responded correct.

Chairman Jacobs asked is there anyone that would like to speak in favor of this request.

Mr. Jay Jiunnies spoke in favor of the request. His comments were as follows:

- I'm the engineer and I'm with Engineering Consultants.
- The first request is for reducing it down to 800 feet from the 2,500 requirement.
- I think the biggest reason for a 2,500 foot requirement is for the surrounding properties not to be affected too much by the mining operation, from the dust and the noise.
- We are pretty much buffered all the way around the property; the one house that is closest that's within 800 feet is actually closer to I-95 than it is to our mining operation; that house is really more affected by noise and dust pollution from I-95 than it actually is from our mine.
- Currently the mine has been operating for about four years.
- The people that live at the end of Cicero Lane have never had any problems with us; in fact they seem to enjoy the fact that we're there; they go back in that area some with four wheelers to enjoy the property.
- The neighboring property to the south is a tree farm; you can also see that there are some power lines running through there; some major transmission lines from the Darlington and Robinson plants coming down through this area; that neighboring property obviously really can't be used for anything else other than a tree farm because you've got the 75 foot setbacks on those transmission lines and truthfully I don't think that anybody would want to live that close; they couldn't develop it as a residential property.
- As for the access point at the end of Cicero Lane; it says it has to be off an arterial road; in my opinion what the intent of that was is to keep people from going through neighborhoods to a property to develop a mine; they didn't want a bunch of trucks running through neighborhoods.
- The Ard family house is really the only house that is affected by this mining operation and they've been very supportive of us and Charlie will attest to the fact that he has talked to them several times.
- The gravel road going through that easement, Charlie takes good care of that road; he puts down crushed asphalt which has a low dust factor; he also keeps it watered down in the summer when it's dry so they won't have the dust rising up in the yard of the Ard's house.
- They do a very good job of maintaining that area to make sure it isn't detrimental to the residents.

Mr. Smith asked each phase moves how much closer to that house.

Mr. Jiunnies responded about 300 feet per phase; as a requirement of a mining operation within this state, DHEC has some requirements that you have to reclaim the area that you've done; you have to

rework the slopes and the banks; you have to grass those areas; Charlie has already started on the phase we've completed; he has already planted trees and put grass in that area to try to get it to vegetate itself again; it has to go through two growing periods to get approved as a reclaimed area; as we finish phase 2 and start on phase 3, phase 2 would start to have the reclamation process.

Mr. Smith asked how deep is the mine.

Mr. Jiunnies responded about 30 feet deep.

Mr. Smith asked how long typically does it take you to mine a phase out.

Mr. Jiunnies responded I'll let Charlie answer that one; I'm not certain, I know it took us about three years to mine that first area and that was about six acres; the next area is about four acres so I would imagine about two years; realistically, if we get to phase 9 we're looking at probably ten to twenty years down the road.

Mr. Smith asked you said three sides of this property are buffered by vegetation; how much of that vegetation does LHS own.

Mr. Jiunnies responded the property to the south of us is not owned by LH Stokes.

Mr. Smith asked so that buffer could go away.

Mr. Jiunnies responded yes, but I would anticipate it being re-vegetated very quickly simply because there is not much else you can do with the property; the remaining areas to the west and to the north of the property, we're going to maintain at least a hundred foot buffer between us and the hundred year floodplain, which will be maintained at all times.

Chairman Jacobs asked what's the buffer on the property line to the south, is that 100 feet also.

Mr. Jiunnies responded there is a 50 foot buffer line; the only vegetation on that is ground cover.

Mr. Tom Stasney asked what's the right-of-way that comes down through the middle of your phase 2.

Mr. Charlie Shumpert responded that's another big transmission line; there are three big ones and then there's a small single line that's hard to see.

Mr. Jiunnies stated we have a lot of restrictions with regard to those for safety reasons; we have to maintain fencing within 50 feet of the power poles and make sure we don't mine any closer to the power poles; we have to maintain specific slopes near the right-of-way so we won't cause any trouble for the right-of-way; there are a lot of issues that we're having to maintain and meet as a result of Progress Energy's requirements.

Mr. Dan Jackson asked Progress Energy has already given permission for you to do that.

Mr. Jiunnies responded yes; in order for us to get our DHEC permits to continue on with mining, we will need our variances and approval from the county before we can go any further; the biggest thing on the 2,500 feet is that I don't think we're going to have any adverse effects on the neighboring properties.

Mr. Smith asked there have been no complaints from the people living closest to it.

Mr. Charlie Shumpert responded no.

Mr. Jiunnies responded remember this access has been used for almost five years now under the general mining permit that we had for the first portion of the mine; if she was going to have a complaint about it I think she would have had it by now.

Chairman Jacobs asked is there anyone else who would like to speak in favor of this request.

There was no response.

Chairman Jacobs asked is there anyone that would like to speak in opposition to this request.

There was no response.

Chairman Jacobs stated the only thing that we did receive was from Fannie Belle McLellan that she is opposed; Tripp, can you tell us the reason again; was it because she was scared of her property value going down.

Mr. Tripp Ward responded yes.

Chairman Jacobs responded considering she's got transmission lines running through, being in the real estate business myself I can't say that this would be anymore detriment to the property than what's already there.

Chairman Jacobs stated I call this public hearing closed: we have to first do the variance of the 2,500 feet down to 800 and then second for the 50 foot easement access.

Mr. Garner responded we're talking about such a long term in years; I would like for us to consider maybe proposing stopping through phase 7.

Chairman Jacobs asked are you talking about a 300 foot difference from the Ard property.

Mr. Garner responded right; I guess what I'm thinking is if ten years from now if they've gone through phase 7 that they could come back before this board and ask for the last two phases.

Chairman Jacobs responded I don't know what state law requires on that.

Mr. Griffin responded you can ask for a variance at any time unless state law changes between now and the time that they would ask again; as it stands right now you could certainly come back.

Chairman Jacobs asked would you like to make that a motion. Mr. Garner responded yes. Chairman Jacobs responded we've got a motion to restrict the change to phase 7 which at this point would be approximately 1,100 feet. Mr. James Cooper seconded the motion. The vote was 7 to 1 with Mr. Marion McDowell not voting.

Chairman Jacobs stated the second item is the easement; they're using it now, what exactly is this for.

Mr. Griffin responded the variance would be to allow the 50 foot private access easement as access.

Chairman Jacobs asked if it was a 50 foot piece of his property going up to Cicero Lane we wouldn't be discussing this.

Mr. Griffin responded yes sir.

Mr. Bill Garner made a motion to approve the 50 foot road easement. Mr. Ernie Smith seconded the motion. The vote carried unanimously.

Mr. Smith stated phase 7 could easily be spread out to take up phase 9.

Chairman Jacobs responded it's at approximately 1,100 square feet.

Vice-Chairman Stasney asked can we request them to give us a final plat.

Chairman Jacobs asked you're not doing plats or surveys or do you have to do that by DHEC regulations.

Mr. Jiunnies responded no.

Chairman Jacobs stated 1,100 feet is the minimum allowed to the property at the Ard's location.

Mr. Griffin responded if you do want to clarify and amend the motion you could bring the motion back.

Chairman Jacobs responded I'd like to bring the motion back up to amend it to not say phase 7 but 1,100 feet. Mr. Bill Garner amended the motion for the minimum distance from a residential structure to be 1,100 feet. Mr. Ernie Smith seconded the motion. The vote carried unanimously.

## **V. Other Business:**

### **Review and approval of the 2010 Calendar Year Meeting Schedule.**

Mr. Bill Garner made a motion to approve the calendar. Vice-Chairman Tom Stasney seconded the motion. The vote carried unanimously.

## **VI. Adjournment:**

Chairman Chuck Jacobs declared the meeting adjourned at 7:15 p.m.

Respectfully submitted,

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Angela C. Thomas  
Secretary

Approved by:

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J. Kevin Griffin, Director, Planning and Building Inspection Department

\*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.