

MINUTES OF THE MANNING BOARD OF ZONING APPEALS

Monday, November 28, 2011
6:30 p.m.

Council Chambers
City Hall Bldg.

Members Present:

Larry Williamson
Ted Gardner
Levy Young

James Zimmerman (Alternate)

Staff Present:

Mary Adger, Zoning Administrator
Donna Walker, Administrative Services Clerk

I. Welcome/Introductory Remarks: Mr. Williamson welcomed all and presented the Board Members. In addition, Mr. L. Williamson reminded everyone to turn off cell phones or to put them on vibrate. Further Mr. Williamson stated that only one person should be selected to represent a group; however, anyone was desiring to speak separate from a group and had something different to say, all needed to state their names and sign up if they were for or against a request when coming forth.

II. Invocation: Mr. Ted Gardner

III. Approval of Minutes:

Minutes of the Regular Meeting of September 26, 2011. A **motion** was made by Mr. T. Gardner and was seconded by Mr. L. Williamson to accept the minutes. All favored the motion.

IV. Discussion of request No. E-2011-03 by Jerome Dupree to be allowed a special exception to operate a Community Care Facility at 25 Branch Street, Tax Map# 169-03-03-022-00 zoned Single-Family Residential (RS-10).

Mr. L. Williamson opened the discussion by explaining the request to the Board Members.

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The board inquired about the following information:

Mr. L. Young

- How many people would you accommodate in this facility and will they be handicap, disabled, or retarded? Adults or youth
- According to DHEC regulations there is twenty-four hour care how would you accommodate that?

Mr. T. Gardner

- How did you determine to put a Community Care Center in that neighborhood?
- This particular house on 25 Branch Street who lives there now?
- How many rooms in the house?
- Who will be in charge of facility?
- What experience do you have to conduct this type of facility?
- Will the facility be licensed by the State?

Larry Williamson

- Have you established the ingress and egress for property?
- Will you add a ramp for handicapped?
- Will you have a loading and unloading designation?

Proponent:

Jerome Dupree

In summary, Mr. Dupree shared the following comments:

Mr. Dupree stated a group of residence came to oppose the Community Care Facility on Branch Street. He believed it's the lack of knowledge of not knowing what a community care center is. In addition, he stated that he felt today he was fighting the same fight that Dr. Martin Luther King fought over forty years ago. He shared that according to the Civil Rights act of 1964 one could not opposed handicap people from moving in a neighborhood; it's about personal freedom to oppose racial tolerance in this world. The Rehabilitation Act of 1973 Section 504 applies you can't stop black, white, sex, religion, or age from moving in your

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neighborhood. The Community Care Center will be a home for the elderly and handicap.

Below are Mr. Dupree's responses to the questions asked by the Board:

- The facility will accommodate about three or four people and one or two maybe physically impaired.
- I will hire people to do eight hour shifts.
- The people that I have been associating with believe that there is a need for a Community Care for these types of people.
- No one currently lives in the house, the house is vacant.
- Rooms in facility: Four bedrooms, kitchen, living room, den, and dining room.
- I will be in charge of facility
- I have no previous experience but I have a Master's Degree in Guidance Counseling.
- I would build a ramp.

Mr. L. Williamson

Mr. Williamson read the City Zoning Ordinance Article 7 Section 704 Item 3, stating in reviewing such facilities the Board shall consider the impact of the project on the surrounding area and the amenities offered on site for residents, i.e. adequate open space, design of the facility, etc.

How would you accommodate loading and dropping off patients?

Clarence A. Eversly

Mr. Eversly stated I have experience in taking care of these types of people. I am certified with Clarendon County Special Needs Board. Also, certified in CPR and I worked in a home dealing with the handicap. I'm also certified in Medical Technician and I have a diploma in Medical Assistant associated with Medicine.

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Opponents:

Rev. Effie D. Hilton

In Summary, Rev. Hilton shared that she has been a resident of the Bellewood community for over twenty-five years and has served on the City of Manning Planning Commission for ten years. She stated that she is also the president of the Neighborhood Crime Watch program in Bellewood. Mrs. Hilton stated that twenty-two people are in attendance here tonight to ask that the board deny the request for a Community Care Center in Bellwood. Mrs. Hilton stated that the Bellewood Community welcomed everybody but we are not accepting businesses. The center would be a door opener for other businesses such as barbershops and beauty shops. The community wants to thank Mr. Dupree for fixing up the house but we believed it was to be fixed for a family (Mrs. Hilton presented a copy of the building permit obtain by Mr. Dupree for repairs.). Therefore, we ask Mr. Dupree to find another residence to put his Community Care Facility. A petition was giving to Miss Donna Walker of thirty-eight signatures opposing the facility. In closing, Mrs. Hilton again asked the Board to consider keeping a business out of their neighborhood.

For the record, Mrs. Hilton stated that she had an updated list of petitioners with a letter addressing their concerns, a map of the area, and pictures.

Rebuttal:

Mr. Dupree

Mr. Dupree stated that it is not a business and he can only have three to four people in the house based on the square footage of the house.

Rev. Hilton

Rev. Hilton stated that someone needs to be with the senior citizens and the children at all times. Once the request is approved for a commercial business there would be nothing the community could do.

Mr. L. Williamson (Board Member)

Mr. Williamson explained to the people in attendance that the property is zoned residential and that this board is here to hear a special exception. The board is here to do what is best for the people and the decisions that they make is best for the community.

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A **Motion** was made by Mr. T. Gardner to deny the request and was seconded by Mr. L. Young All favored the motion.

Mr. L. Williamson (Board Member)

Mr. Williamson followed the motion by reading a section of the zoning ordinance that explained to all the right to appeal the board decisions through the Circuit Court within thirty days with petition in writing explaining your reason for an appeal.

VI. Discussion of request No. V-2011-02 by Justice Dingle (Ella Dingle McFadden) to be allowed a variance of six (6) sq. ft. for a proposed freestanding sign area of twelve (12) sq. ft., instead of the six (6) sq. ft. permitted at 538 West Huggins Street, Tax Map# 169-11-07-033-00 zoned Single-Family Residential (RS-6).

Mr. L. Williamson explained the request to the Board Members.

The board inquired about the following information:

Mr. T. Gardner

- Is there a sign presently there?
- Will the sign affect traffic and parking?

Proponents:

Mrs. Ella Dingle McFadden

Mrs. Dingle stated that she was present on behalf of her brother Justice Dingle who was unable to be here. The freestanding sign was given as a gift to him but does not meet the requirements of the zoning ordinance. Therefore, we are requesting permission to put the sign up.

Mrs. McFadden responded to the questions:

- No, there is no sign on property.
- The sign will be appropriately placed where customers can park and want effect traffic.
- The property is located directly across from Richburg Street.

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Kim H. Hallway (Business Operator)

Mrs. Hallway stated that she has to always explain to people where the shop is. The sign will help the people who don't know the area better locate them.

Opponents:

No one was in attendance opposing the request.

A **Motion** was made by Mr. L. Young to approve the request and was seconded by Mr. T. Gardner. All favored the motion.

V. Board Comments:

Mr. L. Young stated that we should have informed the people that our decision was based on the City Zoning Ordinance Article 7, Section 724, Item 3, noting the impact it would have caused on the surrounding area.

VI. Adjournment:

A **Motion** was made by Mr. L. Young to adjourn and Mr. T. Gardner seconded the motion. All favored the motion.

Time: 7:48 P.M.

Respectfully Submitted,

Donna Walker, Administrative Services Clerk