

May 11, 2026

State Ethics Commission
201 Executive Center Drive
Suite 150
Columbia, SC 29210

TO WHOM IT MAY CONCERNS:

SUBJECT: ETHICS ACT COMPLAINT FORM – RESPONDENT MR. JUSTIN VANBOGART

This cover letter provides a list of what documents are included with my ethics complaint referenced in the above subject:

- Cover Letter from Complainant
- Formal Ethics Complaint Forms, including notarized signature page
- Letter from Mayor of Holly Hill, SC
- Documentation Table of Contents
- Documents providing details of ethics issues

Respectfully submitted,



Dianne J. Bergen
Complainant

Attachments

Official Use Only
Date Received:

Rev. 11/2025

C2026-047



STATE ETHICS COMMISSION
201 Executive Center Drive
Suite 150
Columbia, SC 29210
ETHICS ACT COMPLAINT FORM

Section 1. READ BEFORE COMPLETING THIS FORM:

Investigative Authority: The Ethics, Government Accountability, and Campaign Reform Act (the Act) gives the State Ethics Commission (Commission) the authority to investigate complaints against candidates, public officials, public members, public employees, at the state or local government level in South Carolina as well as lobbyists, and lobbyist's principals.

The Commission has the authority to investigate violations of Title 8, Chapter 13 of the South Carolina Code of Laws, Title 2, Chapter 17 of the South Carolina Code of Laws, Title 59, Chapter 150 of the South Carolina Code of Laws, various provisions of Title 42, Chapter 3 of the South Carolina Code of Laws, and various provisions of Title 58, Chapter 3 of the South Carolina Code of Laws

Statute of Limitations: Pursuant to Section 8-13-320(9)(d) of the Act, the Commission cannot take action on a complaint more than four years after the violation is alleged to have occurred.

Blackout Period: Pursuant to Section 8-13-320(9)(b)(1) of the Act, no complaint may be accepted against a candidate for elective office during the fifty-day period before an election in which he is a candidate.

Please note that the Commission does not have the jurisdiction to investigate alleged violations of South Carolina's Freedom of Information Act, violations of the criminal code, instances of rude or discourteous treatment, federal officials, or violations of local ordinances, policies, or procedures.

Section 2. PROCEDURES FOR SUBMITTING A COMPLAINT:

Complaints must be submitted by mailing the original of a fully completed complaint form to the Commission at 201 Executive Center Drive, Suite 150, Columbia, SC 29210. Failing to completely fill out the complaint form will result in the form being returned to you without an investigation being opened. Complaint forms must be either typed or written in clear, legible handwriting.

Both the Complainant and the Respondent have the right to be represented by legal counsel of their choosing. If either the complainant and/or the respondent chooses to be represented by legal counsel, they do so at their own expense.

Section 3. CONFIDENTIALITY:

Complaint forms become public documents if the Commission finds probable cause that a violation of law has occurred. Please note that upon receiving a properly filed complaint form, the Commission will share an unredacted copy of the complaint with the Respondent whether or not an investigation is ordered.

Section 4. COMPLAINT ACKNOWLEDGEMENT:

Please check each circle to acknowledge that you have read and understand the following:

- ☒ I understand that I may be called to testify in an administrative or criminal proceeding should probable cause be found on this matter.
- ☒ I understand that I may be subpoenaed to sit for a deposition where I will be required to answer questions under oath.
- ☒ I understand that my name, address, and phone number will be shared with the Respondent.
- ☒ I understand that my name may be made public by the Respondent or the Commission.

Section 5. CHECK THE POSITION OF THE PERSON AGAINST WHOM THIS COMPLAINT IS FILED:

- ☐ Candidate for public office
- ☐ Elected official at the state or local level
- ☐ Employee of local or state government
- ☐ Lobbyist
- ☐ Lobbyist's Principal
- ☐ Member of South Carolina Legislature
- ☒ Public member (a person appointed to a part-time board, commission, or council at the state or local level)

Section 6. COMPLAINANT AND RESPONDENT INFORMATION:

I. PERSON BRINGING THE COMPLAINT (COMPLAINANT)			
Name:	Dianne J. Bergen		
Address:	[REDACTED]		
City:	Holly Hill,	SC State:	Zip Code: 29059
Telephone	[REDACTED]	Email Address:	[REDACTED]
II. PERSON AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT)			
Name:	Justin Van Bogart		
Address:	[REDACTED]		
City:	Holly H.,	SC State:	Zip Code: 29059
Telephone	[REDACTED]		

NOT
Cell

Section 7. THE INFORMATION CONTAINED IN THIS COMPLAINT COMES FROM:

- ☒ Personal knowledge
- ☐ Media Reports
- ☐ From a third-party
- ☐ Other
- ☐ Please specify: _____

Section 8: STATEMENT OF FACTS (Please state the actions of the Respondent upon which your ethics complaint is based):

Please see attached document.

*I was unable to edit this form
via computer.*



Walker, Meghan

From: carolinadeedee@aol.com
Sent: Tuesday, May 19, 2026 5:46 PM
To: Walker, Meghan
Subject: [External] Additional Information Concerning Ethics Complaint - Justin VanBogart

Dear Ms. Walker,

The following is additional information that concerns the Ethics Complaint against Mr. Justin VanBogart:

The Holly Hill Planning and Zoning Commission is responsible for all ordinance text amendments. According to the Holly Hill Zoning Ordinance Manual, "Section 3.3 Zoning Regulations Text Amendments, 3.3.4 - Planning Commission Review and Recommendation: The Planning Commission shall review the proposed amendment and take action by majority vote of the entire membership, recommending that the Town Council approve or deny the proposed amendment."

I have no written evidence that Mr. VanBogart reclused himself from the discussion or voting process to change the very ordinance he had just requested a variance appeal from the Holly Hill BZA, which was denied. I also have no evidence as to who requested the ordinance change which was presented to the Town Council at their May 2025 meeting.

Please advise if you have any further questions.

Respectfully submitted,

Dianne Bergen

ATTACHMENT TO ETHICS COMPLAINT FORM – Page 1

SECTION 8: STATEMENT OF FACTS (Please state the actions of the Respondent upon which your ethics complaint is based): I, Dianne Bergen, hereby submit this formal complaint under SC Code of Laws Title 8, Chapter 13, Article 7, Section 8-13-700 (B). My complaint is that Justin VanBogart, a *Public member* of the Holly Hill Planning and Zoning Commission, used his position and influence to have a zoning ordinance changed to financially benefit himself (economic interest). I also reference the South Carolina State Ethics Commission – Rules of Conduct – General Information, second paragraph: A public official, public member, or public employee may not knowingly use his official office, membership or employment to influence a government (municipality) decision to obtain an economic interest for himself, a family member, an individual with whom his is associated or a business with which he is associated.

I plan to provide a chronological framework of events which culminated in this formal ethics complaint. Prior to starting with the events, I would like to provide you with a brief overview of both the Complainant and the Respondent.

Complainant: Dianne Bergen, resident of Holly Hill, SC since 2005. Retired telecommunications professional. Currently serves on the Holly Hill Board of Zoning Appeals (BZA) and Election Commission. (Note: I was the BZA Secretary at the time of the events. In February of 2026, the office of BZA Secretary was assigned to Kate Copsey.)

Respondent: Justin VanBogart, resident of Holly Hill, SC for more than five years. Registered Agent for TWOBULLZ LLC. He currently serves on the Holly Hill Planning and Zoning Commission as Assistant Chair.

The following dates and events are based on my personal knowledge. Documents supporting the actual events will be noted and attached.

March 11, 2025: BZA Public Hearing, Appeals Case 2025-1. Mr. Justin VanBogart issued the Notice of Appeal Forms on February 3, 2025, requesting a variance of the non-conforming property he purchased to be subdivided into two lots. A list of attendees is attached for your review. During the hearing, anyone speaking was sworn in by the BZA Chairperson, Delores Olin. Mr. VanBogart was asked by Chairperson Delores Olin what his original intent for the property was when he purchased it. He stated that his intent was always to subdivide the lot. Mr. Brian Weese, realtor and witness for Mr. VanBogart, confirmed that if subdivided the value on the larger lot could be as high as \$235,000. The smaller lot would be a little less. (See State of South Carolina County of Orangeburg – Title to Real Estate document. Original purchase price by Mr. VanBogart was \$170,000.00 in October, 2024.) Mr. David Teague, Chairperson of the Holly Hill Planning and Zoning, was also a witness for Mr. VanBogart (noted in audio to text document). Both Justin VanBogart and David Teagues referred to the Zoning district as residential. Dianne Bergen reminded them that even though the district has residential homes in it, it is actually a C2 – Business and Commerce Zoning District. As a rental property, which this property had been for at least seven years, it met the criteria for C2. At the end of the public hearing, a vote by the four BZA members was taken and the appeal was unanimously denied. The fifth BZA member was absent due to a death in the family. There were several reasons the members had for the denial. The main reason was based on the Holly Hill Zoning Ordinance Article III, Section 3.10.6.B.5 – “The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance,” and SC Code 6019-800(A)(2)(d), documents attached. Mr. VanBogart was informed he would receive a certified letter with the results of the appeal process after the next BZA meeting (within thirty

ATTACHMENT TO ETHICS COMPLAINT FORM – Page 2

days). Mr. VanBogart was also informed that if he had any additional questions, please contact the zoning administrator (Gayle Austin). Also, if he did not agree with the BZA's decision that the Circuit Court would be the next step.

April 7, 2025: Planning and Zoning Meeting minutes under new business 4-d, Section 10.14 Nonconforming lots of Record. Only note in the minutes is that a discussion was held on preexisting nonconforming lot ordinance. No additional details were noted. I am attaching two months of Planning and Zoning minutes, one for March 2025 and April 2025. I requested a third month but never received it.

April 8, 2025: I received approval to have Ms. Ginny Bozeman, Counsel Pope Flynn Law Firm attend this meeting. Pope Flynn Law Firm is Holly Hill's legal counsel. The BZA needed her assistance with word smithing of the certified letter to Mr. VanBogart and to review the BZA's appeals process. Attached you will find a copy of the certified letter and the audio to text BZA minutes.

May 5, 2025: Town Council Meeting was held. As part of the agenda Item 3 – 1st Reading of an ordinance of the town of Holly Hill, South Carolina amending certain sections of town of Holly Hill Zoning Ordinance, 2019, and other matter related thereto. Attached you will find a copy of the town council agenda and a copy of the ordinance. There was no explanation as to why the non-conforming 10.14.2 was on this ordinance. The zoning administrator provided me with a draft copy of the ordinance. I asked Gayle Austin if the circuit court was contacted by Mr. VanBogart? Ms. Austin said not to her knowledge.

June 2, 2025: The second reading for the ordinance was held and the ordinance was passed by council and mayor. Attached you will find a copy of the town council agenda.

None of this sounded right. My question - was it legal? In July, I contacted the South Carolina Attorney General's office. My reason was to try and obtain an opinion on the legality of the recent events. The lady I talked to was very helpful. She took my information and said she would forward it to an attorney in the office and would get back with me. She called me the very next day, but unfortunately, she advised they did not have a resource they could assign at this time due to their workload. However, she told me they recommended I contact the SC Ethics Commission and file a complaint. She provided the contact information for the Ethics Commission.

In August, 2025, I talked with Mr. White in the SC Ethics Commission office and provided an overview of my issue. Mr. White stated he could not say an investigation would occur. He stated I needed to submit a formal complaint form with all documentation available. He referenced SC Code of Law – Title 8, Article 7 – Rules of Conduct (Section 8-13-700). He also advised me that once the formal complaint was submitted, the respondent would be contacted and advised of the complaint.

I did not issue a complaint at that time due to family medical issues, municipal elections and year-end holidays. Now however, I have time available to address this ethics issue.

Closing Statement: My issue is not with the Planning and Zoning Commission, but the fact that a member used his position to influence a change in order to achieve his ultimate goal – economic interest. In layman's terms, his property would be more profitable. Perception is reality. Even if what Justin did is not criminally wrong, the perception is it is definitely unethical. He is setting a precedent that if you do not like how the BZA rules, you can always go to the Planning and Zoning to change the law (zoning ordinances are considered laws).

ATTACHMENT TO ETHICS COMPLAINT FORM – Page 3

With this Ethics Complaint completed, I have done what I feel is the right thing to do. It is what my conscious required I do. Ethics, integrity, respect and honor are qualities we all should strive to. When we see or experience a lack of these qualities, it is our responsibility to hold people accountable. Regardless of how the Ethics Commission decides to move forward, I thank you for the opportunity to express my concerns.

There are others who have expressed these same concerns. I have not asked anyone to be a witness on my behalf. I am attaching a contact list for the BZA members. If you need additional assistance from me, please advise.

Attached is a list of documents supporting the main events. I am also attaching several miscellaneous documents that may be of interest.

Section 9. VERIFICATION BY OATH OR AFFIRMATION - ORIGINAL NOTARY AND SIGNATURES REQUIRED:

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me Dianne Bergen who, first being duly sworn, says that he has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of his own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
4 day of May, 2026


Complainant Signature


Notary Public for South Carolina

My Commission expires 05-08-2028

May 4, 2026

To Members of the State Ethics Commission:

Shortly after I became Mayor of Holly Hill, South Carolina, it was apparent to me that leading with a strong moral compass would possibly be my greatest attribute as a public official.

I had said in my opening remarks shortly after being sworn in that there are only four people in Holly Hill that are allowed to say, "The mayor is my friend!" (seeking influence or favors) and their names are Lennox, Clary Beth-Anne, Wakefield and Finnegan. People laughed knowing that those were the names of our very young children, ages 3, 5, 7 and 9.

Leaving the shallow end of the pool and moving to more serious matters. It became apparent that people literally thought there were two sets of rules or maybe three or more. I said no. One man who came to my office served 40 years in the U.S. military and told me all of his excellent accomplishments, even meeting U.S. Presidents and then proceed to ask me to break a zoning ordinance for his daughter. I thanked him for his service to the United States of America and then, the words seemed to just flow out my mouth effortlessly, I said, "If I break the rules for you: there are no rules." We sat and looked at each other for what seemed like seconds. He politely exited my office. I enforced the rules.

To the matter at hand about the ethical complaint filing from Mrs. Dianne Bergen towards Mr. Justin VanBogart. What to say?

Three members of the Board of Zoning Appeals have come to my office to express deep concern about what was done and how it was done. And who did it. I listened to each. Each member thought something unethical had occurred. Two members had extensive notes and took an hour to explain the process and the rules and went on to say what was done wrong. Most telling to me, one of the three members from the board, who is rather masterful in brevity simply said, "The whole thing was rather shady." Not a single other word did she leave with me and moved onto another subject.

I have read the complaint. Listened to Mrs. Dianne Bergen, other board members. I believe that rules matter, and when we don't like them - we don't do things to circumvent them or retrofit them to our likings.

Recently I pulled a book off my library shelf, to thumb and read things I'd underlined in my college days. It was Integrity by Stephen L. Carter, written in 1995. Known widely as a Yale Law School professor and author and speaker. He began his work with, "The integrity of the upright guides them." Proverbs 11:3. Yet something in the acknowledgments section almost grabbed me that I had underlined over three decades ago. It stopped me in its profound words - Carter wrote "Indeed, I am persuaded that nothing but an all-out effort to demand integrity of our political leaders - and of their bosses, by which I mean us - will preserve democracy as we have come to know it in the century to come."

Three decades later nothing has changed for me. Actually, it means more to me now as our nation's 250th anniversary is upon us and being Mayor of Holly Hill. I am re-reading the book.

My integrity requires me to ask you to review this complaint thorough that point on.

With respect & fond thoughts,

Michael D. Dennis
Mayor of Holly Hill, S.C.

May 4th



Michael Dennis
Mayor

Town of Holly Hill
8423 Old State Road, Suite 200
Holly Hill, SC 29059-8000
(803) 496-3130 Office
(803) 496-5211 Fax
(803) 759-5600 Cell

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mayor@HollyHill.sc.gov

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5. March 11, 2025 Agenda for Holly Hill BZA Commission - Public Hearing - Appeal No. 2025-1 (for the public)
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15. Lake Marion Land Survey of Parcels – Proposed New Property Line dated November 11, 2024
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South Carolina Legislature

South Carolina Law > Code of Laws > Title 8

South Carolina Code of Laws
Unannotated

Title 8 - PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 13 Ethics, Government Accountability, and Campaign Reform

ARTICLE 1 General Provisions

SECTION 8-13-100. Definitions.

As used in Articles 1 through 11:

(1)(a) "Anything of value" or "thing of value" means:

- (i) a pecuniary item, including money, a bank bill, or a bank note;
- (ii) a promissory note, bill of exchange, an order, a draft, warrant, check, or bond given for the payment of money;
- (iii) a contract, agreement, promise, or other obligation for an advance, a conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- (iv) a stock, bond, note, or other investment interest in an entity;
- (v) a receipt given for the payment of money or other property;
- (vi) a chose-in-action;
- (vii) a gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
- (viii) a loan or forgiveness of indebtedness;
- (ix) a work of art, an antique, or a collectible;
- (x) an automobile or other means of personal transportation;
- (xi) real property or an interest in real property, including title to realty, a fee simple or partial interest in realty including present, future, contingent, or vested interests in realty, a leasehold interest, or other beneficial interest in realty;
- (xii) an honorarium or compensation for services;
- (xiii) a promise or offer of employment;
- (xiv) any other item that is of pecuniary or compensatory worth to a person.

(b) "Anything of value" or "thing of value" does not mean:

- (i) printed informational or promotional material, not to exceed ten dollars in monetary value;
- (ii) items of nominal value, not to exceed ten dollars, containing or displaying promotional material;
- (iii) a personalized plaque or trophy with a value that does not exceed one hundred fifty dollars;
- (iv) educational material of a nominal value directly related to the public official's, public member's, or public employee's official responsibilities;
- (v) an honorary degree bestowed upon a public official, public member, or public employee by a public or private university or college;
- (vi) promotional or marketing items offered to the general public on the same terms and conditions without regard to status as a public official or public employee; or
- (vii) a campaign contribution properly received and reported under the provisions of this chapter.

(2) "Appropriate supervisory office" means:

- (a) the State Ethics Commission for all persons required to file reports under this chapter except for those members of or candidates for the office of State Senator or State Representative;
 - (b) the Senate Ethics Committee for members or staff, including staff elected to serve as officers of or candidates for the office of State Senator; and
 - (c) the House of Representatives Ethics Committee for members or staff, including staff elected to serve as officers of or candidates for the office of State Representative.
- (3) "Business" means a corporation, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self-employed individual.
- (4) "Business with which he is associated" means a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

(v) recommend expulsion of the member;

(vi) provide a copy of the complaint and accompanying materials to the Attorney General if the committee finds that there is probable cause to believe the respondent willfully violated a section of this chapter or Chapter 17, Title 2 that imposes a criminal penalty; or

(vii) require a combination of subitems (i) through (vi) as necessary and appropriate.

(d) The ethics committee shall report its findings in writing to the Speaker of the House of Representatives or President of the Senate, as appropriate. The report must be accompanied by an order of punishment or dismissal and supported and signed by a majority of the ethics committee members.

(e) Upon the issuance of the final order, the following documents become public record: exhibits introduced at the hearing, the committee's findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. In addition, any documents in the commission's report that substantiate the commission's recommendation of probable cause that would constitute a public document and are not exempt from disclosure under the Freedom of Information Act or other state or federal law also shall become public record. These documents must be redacted, as appropriate, in compliance with state or federal law.

(E) If, after conducting a formal public hearing, the ethics committee finds the respondent has violated this chapter or Chapter 17, Title 2, the respondent has ten days from the date of receiving the committee's order of punishment to appeal the action to the full legislative body.

(F) No ethics committee member may take part in consideration of any matter in which they are the respondent, complainant, witness, or otherwise involved.

(G) The ethics committees shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

HISTORY: 1991 Act No. 248, SECTION 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1993 Act No. 184, SECTION 148, eff January 1, 1994; 2016 Act No. 282 (H.3184), SECTION 14, eff April 1, 2017; 2019 Act No. 1 (S.2), SECTION 34, eff January 31, 2019.

Editor's Note

2016 Act No. 282, SECTION 17, provides as follows:

"SECTION 17. The provisions of this act are effective as of April 1, 2017 and shall apply to complaints filed on or after April 1, 2017. However, the provisions in Section 8-13-310 regarding the selection of the initial members to serve on the State Ethics Commission as of April 1, 2017, and the termination of terms of the members serving on the commission as of March 31, 2017, take effect after the date of the Governor's signature for the limited purpose of having the initial members of the reconstituted State Ethics Commission begin service on April 1, 2017. The State Ethics Commission, House Ethics Committee and Senate Ethics Committee shall maintain jurisdiction over all open complaints and investigations pending in the appropriate entity on or before March 31, 2017. The reconstituted State Ethics Commission shall have jurisdiction over open complaints and investigations pending within the State Ethics Commission as of March 31, 2017."

Effect of Amendment

2019 Act No. 1, SECTION 34, in (D)(6)(d), in the first sentence, substituted "President of the Senate" for "President Pro Tempore of the Senate".

SECTION 8-13-550. Consideration of report of committee by House or Senate; action; public record.

(A) Upon receipt of a recommendation of expulsion or an appeal from an order of the ethics committee made pursuant to the provisions of Section 8-13-540, the presiding officer of the House or Senate shall call the House or Senate into open session at a time to be determined at his discretion or in executive session if the House or Senate chooses, as a committee of the whole, to consider the action of the ethics committee. The House or Senate shall sustain or overrule the ethics committee's action or order other action consistent with this chapter or Chapter 17 of Title 2.

(B) Upon consideration of an ethics committee report by the House or the Senate, whether in executive or open session, the results of the consideration are a matter of public record.

HISTORY: 1991 Act No. 248, SECTION 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2016 Act No. 282 (H.3184), SECTION 15, eff April 1, 2017.

Editor's Note

2016 Act No. 282, SECTION 17, provides as follows:

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SECTION 8-13-560. Suspension of House or Senate member under indictment for particular crime; removal upon conviction; reinstatement upon acquittal.

Unless otherwise currently or hereafter provided for by House or Senate rule, as is appropriate:

(1) A member of the General Assembly who is indicted in a state court or a federal court for a crime that is a felony, a crime that involves moral turpitude, a crime that has a sentence of two or more years, or a crime that violates election laws must be suspended immediately without pay by the presiding officer of the House or Senate, as appropriate. The suspension remains in effect until the public official is acquitted, convicted, pleads guilty, or pleads nolo contendere. In the case of a conviction, the office must be declared vacant. In the event of an acquittal or dismissal of charges against the public official, he is entitled to reinstatement and back pay.

(2) If the public official is involved in an election between the time of the suspension and final conclusion of the indictment, the presiding officer of the House or Senate, or the Governor, as appropriate, shall again suspend him at the beginning of his next term. The suspended public official may not participate in the business of his public office.

HISTORY: 1991 Act No. 248, SECTION 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

ARTICLE 7 Rules of Conduct

SECTION 8-13-700. Use of official position or office for financial gain; disclosure of potential conflict of interest.

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence

a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

- (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;
 - (2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;
 - (3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;
 - (4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;
 - (5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.
- (C) Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.
- (D) The provisions of this section do not apply to any court in the unified judicial system.
- (E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

HISTORY: 1991 Act No. 248, SECTION 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2011 Act No. 40, SECTION 5, eff June 7, 2011.

SECTION 8-13-705. Offering, giving, soliciting, or receiving anything of value to influence action of public employee, member or official, or to influence testimony of witness; exceptions; penalty for violation.

(A) A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to:

- (1) influence the discharge of a public official's, public member's, or public employee's official responsibilities;
- (2) influence a public official, public member, or public employee to commit, aid in committing, collude in, or allow fraud on a governmental entity; or
- (3) induce a public official, public member, or public employee to perform or fail to perform an act in violation of the public official's, public member's, or public employee's official responsibilities.

(B) A public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

- (1) influenced in the discharge of his official responsibilities;
- (2) influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or
- (3) induced to perform or fail to perform an act in violation of his official responsibilities.

(C) A person may not, directly or indirectly, give, offer, or promise to give anything of value to another person with intent to influence testimony under oath or affirmation in a trial or other proceeding before:

- (1) a court;
- (2) a committee of either house or both houses of the General Assembly; or
- (3) an agency, commission, or officer authorized to hear evidence or take testimony or with intent to influence a witness to fail to appear.

(D) A person may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value in return for influencing testimony under oath or affirmation in a trial or other proceeding before:

- (1) a court;
- (2) a committee of either house or both houses of the General Assembly; or
- (3) an agency, commission, or officer authorized to hear evidence or take testimony, or with intent to influence a witness to fail to appear.

(E) Subsections (C) and (D) of this section do not prohibit the payment or receipt of witness fees provided by law or the payment by the party on whose behalf a witness is called and receipt by a witness of the reasonable costs of travel and subsistence at trial, hearing, or proceeding, or, in the case of an expert witness, of the reasonable fee for time spent in the preparation of the opinion and in appearing or testifying.

(F) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten years and a fine of not more than ten thousand dollars and is permanently disqualified from being a public official or a public member. A public official, public member, or public employee who violates the provisions of this section forfeits his public office, membership, or employment.

(G) This section does not apply to political contributions unless the contributions are conditioned upon the performance of specific actions of the person accepting the contributions nor does it prohibit a parent, grandparent, or other close relative from making a gift to a child, grandchild, or other close relative for love and affection except as otherwise provided.

HISTORY: 1991 Act No. 248, SECTION 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

SECTION 8-13-710. Reporting of particular gifts received by public employee, official, or member on statement of economic interests.

(A) Unless provided by subsection (B) and in addition to the requirements of Chapter 17 of Title 2, a public official or public employee required to file a statement of economic interests under Section 8-13-1110 who accepts anything of value from a lobbyist's principal must report the value of anything received on his statement of economic interests pursuant to Section 8-13-1120(A)(9).

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Rules of Conduct

General Information

All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as

outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated.

A person may not directly or indirectly give, offer, or promise anything of value to a public official, public member, or public employee with intent to influence the public official's, public member's, or public employee's official responsibilities, nor is the public official, public member, or public employee to ask, demand, solicit, or accept anything of value for himself or for another person in return for fulfilling his official responsibilities or duties.

A public official, public member, or public employee may not receive anything of value for speaking before a public or private group in his/her official capacity. A meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. A public official, public member or public employee may receive payment or reimbursement for actual expenses incurred.

Public officials, public members, or public employees may not receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

No public official, public member, or public employee may disclose confidential information gained as a result of his responsibility as a public official, public member, or public employee that would affect an economic interest held by himself, a member of his immediate family, an individual with

whom he is associated, or a business with which he is associated.

No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.

No person shall serve on the governing body of a state; county; municipal; or political subdivision, board, or commission and serve in a position of the same governing body which makes decisions affecting his economic interests.

A public official occupying a statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity.

A public member occupying statewide office, an individual with whom associated, or a business with which associated may not knowingly represent a person before the same unit or division of the governmental entity for which the public member has official responsibility.

A public official, public member, or public employee of a county or municipality may not knowingly represent a person before any agency, unit, or subunit of that county or municipality.

A public employee, other than of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before an entity of the same level of government for which the public employee has official responsibility.

No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages. A public official, public member, or public employee may not participate in an action

relating to the discipline of the public official's, public member's, or public employee's family member.

A former public official, former public member, or former public employee holding office, membership, or employment may not serve as a lobbyist or represent clients before the agency or department on which the public official, public member, or public employee formerly served in a matter in which he directly and substantially participated for one year after terminating his public service or employment.

It is a breach of ethical standards for a public official, public member, or public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public members, or public employee's official responsibility.

No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for a campaign purpose if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.

A public official, public member, or public employee may not have an economic interest in a contract with the state or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.



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BZA Appeals Process

From: carolinadeedee@aol.com (carolinadeedee@aol.com)
 To: justin.vanbogat@gmail.com
 Cc: code@hollyhill.sc.gov; billychubb1960@gmail.com; dolin357@aol.com
 Date: Monday, January 13, 2025 at 11:35 AM EST

Justin, per our discussion this morning the BZA appeals process is detailed in the Holly Hill Zoning Ordinance Manual. The ordinance manual sections that document the process are listed below:

1. Article III Section 3.1.3 - Filing Fees
2. Article III Section 3.1.4 (B and D) - Application Completeness and Submission Deadlines
3. Article III Section 3.1.5 - Application Submittal
4. Article III Section 3.1.6 - Notices
5. Article III Table 3-1 Responsibilities for Procedure Reviews and Notices
6. Article III Section 3.1.7 - Action by Decision-Making Bodies
7. Article III Section 3.1.8 - Inaction by Review and Decision-making Bodies
8. Article III Section 3.1.9 - Conditions of Approval
9. Article III Section 3.1.10 - Approval Criteria - Burden of Persuasion
10. Article III Section 3.1.11 - Public Hearings
11. Article III Section 3.1.12 - Successive Applications (entire section)

The BZA is the decision maker on the following appeals:

1. Article III Section 3.6 - Special Exceptions
2. Article III Section 3.10 - Zoning Variances
3. Article III Section 3.12 - Appeals of Zoning-Related Administrative Decisions

You and I have had discussions on the following days:

- Your initial call to me on September 23, 2024. I advised you then that you can't go directly to the BZA you have to follow the process, and it starts with the Zoning Administrator. I also advised you I was uncomfortable with you coming directly to me.
- On November 18, 2024, you again wanted to go to the BZA meeting for approval. I advised you that all meetings are open to the public but the one you reference was a regular meeting not a public hearing and the BZA has not received anything on an appeal. Please review the process.
- On December 3, 2024 - You said that Rebecca had directed you to me. I advised the same process - go to the zoning administrator (Gayle or Billy), provide your documentation for their review. They may have to include others to determine a decision. If it isn't approved by the ZA, then you will need to fill out forms for an appeal to the BZA.
- January 13, 2025 - You called wanting to attend the BZA meeting. I asked if you have sent all your required documentation to the ZA. You stated you met with them last week (Friday I think) and you would be forwarding your documentation to Gayle today. Again, I told you the BZA could not do an appeal during our January 14, 2025 meeting. There are time frames that have to be met, public communication and the BZA has to have time to review the appeal request. You wanted to know when would that be, I advised if all criteria were

2 of 2

met by this week, possibly at our next meeting February 11, 2025, which would be 4 weeks (not 5) and contingent upon all criteria being complete and the BZA has what they need to hold an appeal's public hearing.

As a member of the Planning and Zoning Committee you should be fully aware of this process. It applies to ALL residents in Holly Hill. The appeal process is a legal one and the BZA committee must follow the rules.

Respectfully submitted,

Dianne Bergen, Secretary BZA

Fig. 1. The effect of the concentration of the solution of the initiator on the rate of polymerization of α -methylstyrene in the presence of Cu^{2+} ions. The reaction temperature was 40°C. The concentration of the monomer was 0.05 mole/l. The concentration of the initiator was 0.001 mole/l. The concentration of the Cu^{2+} ions was 0.001 mole/l. The concentration of the Cu^{2+} ions was 0.001 mole/l. The concentration of the Cu^{2+} ions was 0.001 mole/l.

NAME[illegible][illegible]

nt

counsel, Pope Flynn Law Firm

AGENDA FOR HOLLY HILL BZA COMMISSION
MARCH 11, 2025 AT 5:00 P.M. DANTZLER BLDG.
PUBLIC HEARING -APPEAL NO. 2025-1

- Call to Order
- Compliance with the Freedom of Information Act
- Introductions
- Review Summary of February 25th Meeting
- Brief Public on the Procedures of the BZA
- Administer The Oath to Those Presenting Testimony
- Review/Hearing of Appeals Case Number 2025-1
- Additional Business:
 - Next Meeting April 8, 2025
- Adjourn

MARCH 11, 2025

BZA APPEALS PUBLIC HEARING AGENDA

- I. **CALL TO ORDER:** (Dianne Bergen) I would like to call to order the March 11, 2025 Public Hearing of the Town of Holly Hill Board of Zoning Appeals, also known as the BZA.

- II. **COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT:** (Delores Olin) This meeting has been noticed in compliance with the South Carolina Freedom of Information Act. At least fifteen (15) days prior to this hearing, a public hearing notice was printed in the Time and Democrat, a sign was posted on the designated property. The agenda was posted at town hall. A notice was mailed to the applicant and to property owners within 300 feet of the application and any parties of interest. The Freedom of Information Act does not require notification of anyone other than the applicant and parties of interest.

- III. **INTRODUCTIONS:** (Delores Olin) The Board members who will hear your case tonight are Delores Olin – BZA Chair, Dianne Bergen – BZA Secretary, Lillie Heyward, and Tommie Burkins.
Staff members present are Gayle Austin – Zoning Administrator, Billy Chubbs - Zoning Administrator, Sheila - Town Clerk
Also with us tonight is town lawyer Ginny Bozman – Senior Partner Hope Flynn Law Firm.

- IV. **REVIEW SUMMARY FROM THE FEBRUARY 25TH MEETING:** (Dianne Bergen) Board members, the minutes from the February 25th meeting are included in your packets, are there any changes, if not may I have a motion to approve and a second? Any discussion? All in favor please say “aye”. Our case-rulings and minutes from this and any BZA meeting are available for public review and inspection during normal business hours at Town Hall.

- V. **BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA:** (Dianne Bergen) At this time, I would like to explain to the public the workings of the Board of Appeals (BZA). The Board of Zoning Appeals is a Quasi-Judicial body established to interpret and grant relief from the Zoning and Land Development Regulations Ordinance. The Board of Zoning Appeals has jurisdiction over three (3) types of cases: Appeals, Variances and Special Exceptions.

Tonight we are hearing a Variance Appeal: Variances may be granted when strict application of the zoning ordinance would cause an unnecessary hardship. This Board's actions must be based on specific standards as contained in the S.C. Local Government Planning Enabling Act of 1994 and the Town of Holly Hill Zoning and Land Development Regulations Ordinance.

A simple majority vote of the quorum present is required to grant a Variance and a Special Exception.

It must be understood that the rules of your neighborhood or subdivision are binding and we can take no action that will negate their jurisdiction over your property.

Our purpose tonight is for interested parties to be heard in order to assist the Board in gathering evidence pertinent to the case. If the members of the BZA feel the need for further information to clarify a case, the Board has the authority to subpoena witnesses.

In addition to your testimony, our Board has been presented with written information submitted to the staff by the applicant or their agent for this case. This information is now considered to be evidence and is entered into the permanent record of this body. It is assumed that it is complete, true, and accurate. Also, we have been presented with data assembled by the staff for the purpose of clarifying the location and the effect on the

surrounding property. Our Board is empowered to approve, approve with conditions, or to deny your request. We are also authorized to defer a case should there be a need to obtain additional information.

If the applicant's request is disapproved and they wish to appeal the decision of this Board concerning their case, appeals must be addressed to the Circuit Court.

SC Code 6-29-820 states that the appeal must be filed by the applicant within thirty (30) days after the decision of the Board is mailed to them. Failure to file an appeal within the time limit deprives the court of the jurisdiction to hear the matter.

Because this is a Quasi-Judicial body, everything said in this meeting must be complete, true, and accurate. All of the information provided to the BZA is considered evidence, and the Board may certify contempt of Circuit Court if false statements are made – either in writing or orally.

VI. **ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY:**

(Delores Olin) Because of this, each person who wishes to address the Board will be sworn in. In order to expedite the procedure, those wishing to present or speak, will you please come up to the front. I will administer the oath to each of you individually.

(Dianne Bergen) I shall now call the case file number. Staff will present facts pertinent to the case (unlimited time). I shall then call the applicant to address the case (limited time 10 minutes). The applicant shall please state their name and current address for the record before presenting testimony. I will then ask for all those speaking in support of the case that are present here tonight to stand up one by one, state their names and address for the record. They are limited to two (2) minutes each. I will then ask for all those speaking in opposition and who are present at this meeting to do the same. They are limited to two (2) minutes each. The applicant will then

have a chance to reply to any opposition (limited to two (2) minutes) and then the BZA will make a motion to close the case to the public. Finally, the BZA will make a motion concerning the application, stating findings of fact and conclusion of law.

VII. REVIEW OF THE FOLLOWING APPLICATION: (Dianne Bergen) Tonight we will hear one Variance request. This request must meet all of the criteria in the Ordinance.

We will now hear Case 2025 – 1 by Justin VanBogart for a variance from Table 6-2 Dimensional Standards of the zoning ordinance to allow property TMS# 0332-16-19-005 to be subdivided.

- a) Staff review (Gayle Austin – time unlimited).
Are there any questions for staff from the BZA members?
- b) Call the Applicant – 10 minute limit.
Are there any questions for the applicant from the BZA members?
- c) Is there anyone present who wishes to speak in support of this request? – 2 minute limit.
- d) Is there anyone who wishes to speak in opposition to this request? – 2 minute limit.
- e) Call applicant for rebuttal if there was opposition – 2 minute limit.
- f) Dianne Bergen closes the hearing to the public and asks for a motion from the Board, (need a 2nd) in order to have a discussion.
- g) Discussion, then call for a vote.
- h) All those who approve the motion say “aye”.
- i) All those who disapprove say “nay”.
- j) Will those voting “nay” please raise your hands?
- k) The ‘ayes’ have it --- or --- The ‘nays’ have it.

After the vote, announce for the record the legal reasons for the decision (which criteria it met/didn't meet). Announce for the record who made the motion and who seconded the motion (refer to (f)).

Announce who voted how – yea or nay –abstained – recused – absent, etc.)

Please tell the applicant/owner that the Final Decision will be mailed to them within 10 working days and they may contact BZA/Zoning Staff with any questions about the denial, approval or conditions.

VIII. **ADDITIONAL BUSINESS:** (Dianne Bergen)Next BZA meeting: April 8, 2025 at 5:00 pm

IX. **ADJOURN:** (Dianne Bergen) If there is no further business, I need a motion and 2nd to adjourn. This meeting of the town of Holly Hill Board of Zoning Appeals stands adjourned.

Board of Zoning Appeals Meeting Minutes

Date: March 11, 2025
Time: 5:00 p.m.
Location: Dantzler Building, Gilmore Park
Attendees: Dianne Bergen, Delores Olin, Tommie Burkins, and Lillie Heyward
Guests: Gayle Austin - Zoning Administrator, Justin VanBogart- Applicant, Sheila Williams, David Teague, Billy Chubbs, Brian DeWeese, Lee Hendren - T&D. Ginny Bozeman - Counsel Pope Flynn Law Firm
Absent: Kate Copsey

- Call to order by Dianne Bergen. Dianne also gave specific instructions for all speaking to speak slowly, clearly and loud so the audio to text may capture as much as possible.
- Compliance with the Freedom of Information Act was reviewed by Delores Olin, Chair of the Board of Zoning Appeals.
- Introductions were provided by Delores Olin. Ms. Olin introduced the BZA committee members present (Dianne Bergen, Tommie Burkins, Lillie Heyward), along with Town staff (Gayle Austin-Zoning Administrator, Billy Chubbs - Zoning Administrator, and Sheila Williams - Town Clerk). Also with us tonight is the Town Lawyer, Ginny Bozeman, Senior Partner, Pope Flynn Law Firm.
- Dianne Bergen requested a motion to accept meeting minutes of the February 25th BZA meeting. A motion was made by Tommie Burkins, seconded by Lillie Heyward, all those in favor say aye, all those opposed nay. All were in favor, motion carried.
- Dianne Bergen briefed the public on the procedures of the BZA. After a brief review, Dianne made a motion to approve the Town of Holly Hill, SC Board of Zoning Appeals Rules of Procedure. Delores Olin seconded the motion. Dianne asked for a discussion at this time. Ginny Bozeman, Pope Flynn Law Firm, presented the Rules of Procedure. Once Ginny Bozeman was done, Dianne Bergen asked for a vote. All were in favor of adoption, motion was carried.
- Delores Olin stated that all those present who planned to address the Board will be sworn in individually. Delores asked all those who wish to speak to come up front. Each person was sworn in individually.
- Dianne Bergen reviewed the Appeals file number and presented an outline of who would present and time frames allotted. Ginny Bozeman stated that if additional time was required it would be provided to those speaking.
- Dianne Bergen stated the Appeals case to be heard was a Variance request by Justin VanBogart, Case 2025-1, Property TMS#0332 - 16-19-005 currently a single parcel he wants to subdivide into two parcels. The bulk of the hearing has been documented by audio to text, which upon approval will be used as a part of the documentation of these minutes. After the applicant and witnesses were through, Ginny Bozeman asked if the applicant wished to provide a rebuttal. Justin VanBogart proceeded to make a final statement for his cause. Dianne Bergen closed the hearing to the public and asked for a motion from the Board for a discussion followed by a vote. Motion was made by Tommie Burkins, seconded by Delores Olin, all those in favor aye, those opposed nay. Ayes have it, motion carried. (Due to the lack of experience on the part of the BZA not

- all of the following concerns were properly verbalized during the Public Hearing process. They are being noted here as a tool to learn how to do a better job in the future not as accurate documentation of the discussion.) General notes on BZA committee members discussion as follows: Concerns: hardship unclear, did applicant cause hardship, non-conforming issues, other zoning measurement issues, applicant stated intent was to subdivide when he purchased property and letter of intent was vague and not very specific. After the discussion a vote to approve or disapprove would be taken, each member would need to state which criteria it met/didn't meet.
- A vote was taken; all votes were nay. Nays have it, appeal denied.
- Each member of the BZA stated why they voted against. Delores Olin, nay, because of criteria clearly stated in S.C. Code 6-29-800(A)(2)(d). "The fact that the property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance." Lillie Heyward understood why the applicant wanted the parcel split, but also said she could not agree due to what was previously stated. Tommie Burkins also voted nay for the same reasons. Dianne Bergen voted nay, referenced The Town of Holly Hill Zoning Ordinance Manual Page 38 – Variance Approval Criteria, B5. Additionally, the current utilization of the property as rental can continue without the variance.
- The applicant was informed that he would receive a certified letter with the results of the appeal process after the next BZA meeting (30 days). He was also informed that if he had any additional questions, please contact the zoning administrator. Also, if he didn't agree with the BZA's decision that the Circuit Court would be the next step.
- Next BZA Monthly Meeting will be held on Tuesday, April 8, 2025.
- Dianne Bergen asked if there was no further business, she needed a motion and second to adjourn. Motion made by Lillie Heyward, seconded by Tommie Burkins, all in favor. Motion carried. This meeting of the town of Holly Hill Board of Zoning Appeals stands adjourned.

Respectfully submitted,

Dianne Bergen, BZA Secretary

Audio to Text Software

Diane Bergen

32 pages

March 11, 2025 - Public Hearing

Diane Bergen introduced the Board of Zoning Appeals, also known as the BZA. We are having a little bit of a problem with our audio, but Sheila requested that when you speak, please speak slow, clear, and loud. Otherwise, it will not be heard. Okay?

Alright, now we're going to do the compliance with the Freedom of Information Act. And I'm going to hand that over to Dolores Olin.

Deloris Olin states this meeting has been notified in compliance with the South Carolina Freedom of Information Act. At least 15 days prior to this hearing, a public hearing notice was printed in the Time of the Democrat. A sign was posted on the designated property. The agenda was posted at town hall. A notice was mailed to the applicant and to the property owners within 300 feet of the application and any partners of interest. The Freedom of Information Act was independent of information access, and you can't have notification of anyone other than the applicant and parties of interest.

Introduction. The board members who will hear your case tonight are myself, Delores Olin I'm the BZA chair, Diane Bergen our BZA secretary, Lillian Hayward, and Tommy Berkins.

Staff members present are Gayle Austin, Zoning Administrator, Billy Chubb, Zoning Administrator, Shelia Williams, Town Clerk. Also with us tonight is Town Lawyer, Ginny Bozeman, Senior Partner at Pope Flynn Law Firm.

Diane Bergen We're going to review the summary from the February 25th meeting. Those are our minutes. I will ask the board members, the minutes from February 25th have been included in your packets. Are there any changes? If not, I have a motion to approve and a second. Tommy motions in favor. Lillian Hayward second. All those in favor? Aye. Motion carries.

At this time, Diane Bergen would I like to explain to the public the workings of the Board of Appeals, also known as BZA. The Board of Zoning Appeals has jurisdiction over three types of cases, appeals, variances, and special exceptions. Tonight, we are hearing a variance appeal. Variances may be granted when strict application of zoning ordinance

cause an unnecessary hardship. This Board's actions must be based on specific standards as contained in the South Carolina Local Government Planning Enabling Act of 1994 and the Town of Holly Hill Zoning and Rent Development Regulations Ordinance. A simple majority vote of the quorum present is required to grant a variance or if we have a special exception. It must be understood that the rules of your neighborhood or subdivision are binding, and we can take no action that will negate their jurisdiction over your property. Our purpose interested parties to be heard in order to assist the Board in gathering evidence pertinent to the case. If the members of the BZA feel the need for further information to clarify the case, the Board has the authority to subpoena witnesses. In addition to your testimony, our Board has been presented with written information submitted to the staff by the applicant or their agent for this case. This information is now considered to be evidence and is entered into the permanent record of the spiel. It is assumed that it is complete, true, and also, we have been presented with data assembled by the staff for the purpose of clarifying the location and the effect on the surrounding property. Our board is empowered to approve with conditions or to deny your request. Also authorization to defer a case should there be a need to obtain additional information. If the applicant's request is disapproved and they wish to appeal the decision of this Court concerning their case, appeals must be filed by the applicant within 30 days after the decision of the Board is mailed to them. Failure to file an appeal within the time limit deprives the court of jurisdiction of hearing the matter. Because this is a quasi-producer body, everything said in this meeting must be complete, true, and accurate. All of the information provided to the BCA is considered evidence, and the body may certify content of circuit court if false statements are made, either in writing or orally. Any questions on that? Okay. At this time, I would like to make a motion to approve rules of procedure. Do I have a second? Okay, Tommy Berkins seconds. Is everyone in favor?

Attorney Ginny Bozeman, well, first, I didn't know if you wanted to ask for discussion. If you do, I'm happy to give a brief overview of the rules and procedure that you're about to adopt. They are just very precise hearings, basically a hearing format. A lot of it is a reiteration of what you just read, a reiteration of state law, a reiteration of our local work limits, but it does provide you with a little bit of framework in terms of holding your meeting and your presentation. It limits the procedures proposed by MASC which do have the time limits included. The board has discretion to extend that time needed so that the applicant or appellant can fully present his or her case and present everything in

application called any witnesses necessary. that the records are passed. And if it survives that the board may deliberate tonight, then if it's issued a order verbally, and then at its next meeting, it's written that order will have been released to writing and will be approved at that time. I am.

Point of clarification. Strengthening cross-examination is permitted.

David Teague more clarification, so in that last phrase, so the decision will be made tonight and announced locally, and then recorded at the following meeting, in writing?

Attorney Ginny applies the discretion to deliberate and rule tonight, or deliberate and rule at the next meeting. Regardless of when that occurs, afterwards, that order will be reduced to writing, and it will have to be approved by the body at the following meeting and that's simply because the BZA works as a team.

David Teague So, it may be tonight, and it may be a month from now.
Attorney Correct.

David Teague But it does not have to be one, but it has to be the other.
Attorney Correct.

David Teague It must be this meeting or the next one.
Attorney Right.

David Teague Thank you for your clarification.

Diane Bergen that's a little bit different than what we were told during our training session. So, let me make sure I understand this. We do have in here, as part of our procedure, after the hearing, and we have a motion to discuss openly, publicly, we don't go into any executive sessions, and then we're going to call for a vote.

Attorney And that is perfectly fine. You've got to deliberate and help. So, what you can't do is if for some reason, for example, say something horrendous happened with the weather, and you decided you needed to close the meeting after the hearing was complete, and you needed to deliberate at the next meeting. You can

do that under these rules. But what you cannot do is discuss it between yourselves, between now and the next meeting. So absolutely, if time permits, there are the planning units, go ahead and carry it tonight, and afterwards call for a vote, and then at the next meeting, the written order memorializing the decision made tonight will be a breeze. fully approved.

Diane Bergen Okay, because we couldn't find a time frame as far as days after the written report needed to be done. But what you're saying is that in our April 8th meeting, we would approve the written document

Attorney Yes, I would do it at the next meeting, whether it's a special call meeting or your April meeting.

Diane Bergen And so you can do a special call meeting.

Attorney Absolutely.

As long as you've got enough time in between, you can do a special call meeting. But keep in mind, you also want to have enough time to prepare for it.

Diane Bergen OK.

And in this writing, it's not just a formal letter. It's what is it?

Attorney Ginny means to have findings of fact and conclusions of law. So it means to, it could be a letter of format, but the content of it needs to comply with state law.

Diane Bergen I can't understand the full breadth of that.

Attorney It's got to say what your ruling is and why you're ruling that way.

Diane Bergen Yeah, I think we have that similar in here. Yeah. Let me just make sure that's. I want to make sure we're on the green, I think. OK. After the vote, announce for the record the legal reasons for the decision, which criteria it met and which criteria it didn't.

Announce for the record who made the motion and who seconded the motion. and that was for, I think, I don't know, yeah, I called for a motion after number eight. Alright, so, all that has to be documented, and approved.

Attorney It has to be approved and then it will have to be signed by the chair.

Diane Bergen Okay. There's a form I want you to look at. All right. What else can you tell us about these procedures?

Attorney That's it, unless you've got a number of evidence and the rules of the procedure are objectively followed. Evidence has gotten a baseline of relevancy. Otherwise, things like hearsay are admissible. It's not a true court of law where you're going to see people jumping up and down with objections and various three-pointed legs. You just got to stay by the law, and you can't do a petitive. So those are the ground rules when it comes to evidence. Cross-examination has got to be worth an opportunity to ask questions, as opposed to an opportunity to berate a witness or embarrass people. It's got to be crucial and non-offensive.

Attorney Ginny It is a relaxed, quasi-foreground setting.

Justin Vangobart Procedurally, with my witnesses, do I have the opportunity to ask my witnesses questions and have them answer, or is it that their time and the board can ask questions.

Attorney Ginny you may ask questions.

Okay, and then lastly, can I have them give their testimony in the middle of my presentation and ask for more time like that, or does it have to be they have to give their witness statement after I'm done?

Attorney Ginny We will see after a month. If you prefer to do it in a daily closing format, we can certainly do it. But I think if you are comfortable with it in the interest of time, it's slightly easier on record

and for the people listening for it to be you, and your witnesses, and you can follow up.

You can get your questions in that way.

And if there's something that the board won't permit you to then ask for, it's to be a welcome to you.

Diane Bergen Right. OK. Good?

Attorney Good.

Diane Bergen Thank you.

Diane Bergen Alright, Dolores, we would like each one of our witnesses to stand so that they can be seen. Ready? And we're doing it individually. Individually. Gayle has to come up. Justin, you don't need to come up.

You have to be sworn in. Are you going to be a witness? Yes, I'm a witness. Okay, so you need the two of you. Just stand in line and the rest of you go over to the square and wait for me. Come on up to the podium.

Thank you. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

Attorney Ginny I think for directors, it would be helpful for everyone to say their name before we go.

Gayle Austin.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Gayle Austin, I Do. Deloris Olin Thank you.

Do you solemnly swear that the testimony you are about to give shall be open to the whole truth and nothing but the truth, so help you God
Brian Dewisse I do

Do you solemnly swear that the testimony you are about to give shall be open to the whole truth and nothing but the truth, so help you God
David Teague, I do

Diane Bergen Thank you very much. Okay. I shall now call the case file number; staff will present facts pertinent to the case. They have unlimited time. I shall then call the applicant to address the case. Currently, you have 10 minutes. If you need more, you can have that.

Diane Bergen The applicant shall please state their name and current address for the record before presenting testimony. I will then ask for all those speaking in support of the case that are present here tonight to stand up one by one, state their name and address for the record. They are limited, and this is after you do your presentation. Anyone else in the community or other than a witness for you has the opportunity for two minutes

to either stay pro, for, or opposed. Okay? And the applicant will have a chance to reply to any opposition. And that will be limited to two minutes

Attorney And so, I think to make this comply with the rules and procedure that you just adopted, in fact, you'll just get a brief statement of what's going to be heard first. Typically, the applicant goes first. And then once the applicant has presented all of his information to all of his witnesses, then the code official has the opportunity to present the staff report. If everybody will agree to waive it, we can do it in the format that you suggested, that is, find the rules that you just adopted, indicate that there's just a brief statement of the hearing first, and the applicant's witnesses, then the staff report, and then any below, and then at that point, any comments from the public. But if there are no objections to doing it in the format that you just laid out, we can do that as well. It's in your description. If you want to give additional time to anybody.

Diane Bergen Yeah, I just want to make sure the official is what you refer to as the staff. Yes. Correct? Not that there's kind of people here, but I hope there was anybody else who wanted to speak about this.

Attorney If you've got people that the staff wants to call, then that can be done at the time the staff presents work, or just numbers of the public that are going to offer unsworn comments at the end.

Diane Bergen Okay. Alright. Okay, do you have any issue with the applicant going first?

Comments from the board please?

Diane Bergen Alright, okay. First, I do want to make it very clear, the burden and persuasion is on the applicant. It's not on the BZA or staff. We will now hear page 2025-1 by Justin Vanbogart for a variance from table 6-2, Dimensional Standards of the zoning ordinance to allow property TMS # 0332-16-19-005 to be subdivided. Okay, applicant, if you will present. State your name.

1

For the record, my name is Justin James Vanbogart. I reside at 8011 Old State Road Holly Hill South Carolina. I am here on behalf of Two Bulls LLC, which resides at the state address. Two Bulls LLC is a single member LLC. I am the only owner and I'm certainly going to be busy owning the property. So, I feel like that's important for time that you've all put into this. I serve at the pleasure of the Town Council Planning and Zoning, so I know what it means to volunteer your time to a body like this. And I'd just like to thank you for all the preparatory meetings and everything that's up to date here. We are here today to discuss the variance request on 2819 and 2817 Eutaw Road.

So, my light isn't working with me very well, but this is what the property looks like. And I think it's important to know what the properties look like because they are two single family homes. They both have different addresses. It's always been assumed that they are separate parcels. There are four houses right in a row on Eutaw Road that were built in the same year, 1912. So, they are historic properties. properties and unfortunately, they were deviated originally and for whatever reason they were requested to be split into what would probably be assumed by the town to be two separate units. So that's why we're here. What I'm asking the site to consider is nothing more than to split the property line so that two single family homes with two different addresses with no walls touching whatsoever like a duplex or anything like that can exist on a separate door. Again, my light's not working with me very well. This is a plaque that I had commissioned to show exactly what I'm asking for. And that is the same as the paper print, I'll write there.

So, there's only one way to split the property line. And if the property line is split, it creates two parcels of land that both single family homes exist on and would be deeded separately. One lot of land is 6,133 square feet. That is within how our town statutes are written. So, the minimum lot size for the town to build a new structure on is 6,000 square feet or greater for a single-family home. less than what planning and zoning determined was the minimum to build a new house on and

exist. So that is why we are here. It's really just parcel B that would create the need for a variance so these two single family homes could be deeded separately. I just wanted to show a visual of what the properties looked like when I purchased them, they were in terrible condition. As really, all four of the homes that I have built are. And it's really an eyesore to the town because it's right off the main drive. Everyone that lives in this community and cares about this community wants to see the revitalization of downtown. And so, properties that are right off Old State Road, being in really the default condition that they're in, would like to see them renovated, rejuvenated.

Because my light is not working now, I'll move this around so you can see. They were really uninhabited, is really the bottom line. And this is what the one that I've been working on looks like today. put considerable time and resources into renovating the first property. The very first one is familiar with Lillian's Flower Shop. It sits directly behind Lillian's Flower Shop. So, I would like to renovate both of them. I think they're frankly really cool. They have a lot of

historic characteristics to them. We were able to bring back the original hardwood floors from 1912 back to life. We're really trying to make these two properties still historic in nature and give them that charm and then bring them up to where they are, where they need to be economically viable today. This is what the bathrooms look like. They look like no bathroom you would ever want to use.

And this is what the bathrooms look like today. I'm really trying to do my best to make these beautiful properties to help kick start the renovation of our entire downtown. These are the two properties that are actually identical right next door. One is completely uninhabitable as is, and the other one despite having habitats is probably uninhabitable too. I would love to see that entire block really be renovated and something that the town can be proud of.

So, I'd like to start going down, the consultant that came in the preparatory meeting was phenomenal. I learned a lot from him and I'm glad that he came. I'd like to go down essentially the four quadrants of rates and the variance as defined by him. So, first and foremost, decisions based on facts and the only question is, is the decision of the zoning administrative consistent with the provisions in the

zoning ordinance? And the answer to that is yes. I wish it wasn't, but there's no way around it. On planning and zoning, we, and I was very vocal on this, when we passed the minimum lot size, we passed the 6,000 square feet

or greater rule because we knew the DL buildings were coming, we knew the developers were coming, and we really wanted to limit the super close clustering of what we see elsewhere. So, we wanted to create a town where the lot size of single-family homes was bigger,

so that you didn't touch one piece of siding with one hand, and you didn't touch your neighbor's house with the other. I've seen neighborhoods like that and it's not good for the town. So, we decided to go with 6,000 square feet or more.

I have infinite knowledge about why we did that because I was part of that process. We really did that for the new homes. We didn't do that to limit the revitalization of historic homes. These being built in 1912 and deeded in 1912, there probably wasn't a plan to do zoning back then. And so, it is my opinion that the town does need to create some gray area when these historic homes have the opportunity to be saved and renovated. And that's exactly what I'm asking for today.

1912 construction indeed and this is absolutely an extraordinary condition and keeping two single family homes on the same lot is also an unnecessary hardship. And those two things are really the crux of what should be considered. Unnecessary hardship is one of the tenets of requesting a variance and I think that's the most important thing to consider here. It is an absolute unnecessary hardship for two single family homes to be deeded on one line.

So, I would ask any member of this body if you wanted to buy your neighbor's house at the same time. And then after you bought that house, if you wanted to sell your house, the only way you could sell your house is if you sold your neighbor's house for it. That's a pretty unique use case. And it really creates a hardship for these properties not only to be renovated and restored, but just to exist as normal properties.

Again, the two single family homes with two addresses, they really, in my opinion, need to be deeded separately and be able to be occupied separately as well. Extraordinary conditions. So, I would like to read the statute. So, there are extraordinary and exceptional conditions

pertaining to the particular piece of property. Extraordinary conditions could exist due to size, and that is in the statute, which is exactly what we're talking about today, shape, topography, drainage, street widening, so on and so forth. So, and then it goes on, but it ends with all conditions that make it difficult or impossible to make economically feasible use of the property.

And again, I go back to the example, if you had to sell your house, if you had to sell your neighbor's house too, or when you bought your house, if you also had to buy your neighbor's house too, it would make it economically unviable for those houses to be occupied individually. and individually and that's exactly where I stand right now with these two properties. My second witness tonight will be Brian Lewis. He's probably the, if not one of the most prominent real estate agents in Holly Hill. He has 32 years of being a realtor full-time and I'd like to have him talk about the difficulties and hardships involved in selling two single-family homes to one another.

Standards for grading adherence.

So, number two is another property. These conditions do not generally apply to other property in the vicinity. From my vantage, I'm planning and zoning, and there might be, but I don't know of any other parcel inside the town of Holly Hill that has two single-family homes on one parcel. So, the concern here is always, you know, what precedents are we setting? And are we getting, you know, some of the variances, and then there's going to be many more variances to come that we may not want to go. This is a really exceptional use case, and I don't know of any other two single-family homes that exist in 1D.

And then thirdly, utilization. Because of these conditions, the applicant of the property. I want to live in a town that's filled with homeowners. I would like to contribute to the affordable housing of this town. These properties absolutely cannot exist as owned properties if they have to be sold in twins. It would take an extremely unique buyer to want to buy two single family homes to own them and actually occupy them unless two spouses really didn't like each other and wanted their own single-family home. As they stand right now, the utilization of the properties is severely hindered without a basic property line split.

The fourth standard for granting a variance is detrimental. Will granting this variance create detriment to contiguous properties?

So, as you're facing the two homes, this is the one to the left.

I reached out to all property owners individually to get their feedback and see if doing this would create detriment. They all assumed that they were two separate deeds. They were all surprised to know that that wasn't a clean property line. Emerald Dennis, who owns the property directed to the left. Will be emailed and asked me to include it in my presentation. So on behalf of Emerald Dennis, to whom it may concern, we support any effort to improve and or expand Holly Hill's downtown economy and improve the opportunities of our community. We find a motion to rezone this home of lines with a positive forward momentum for the aforementioned.

Next, as I go through the considerations for a variance request is use variance. So, this statute is included because you don't want to grant a variance if the use is then going to be outside of what it currently is or outside of what's currently zoned. I have no intention of rezoning these. I have no intention of changing anything about them other than just putting the property on there and still be utilizing it in the way that they're currently zoned. So I just want to alleviate that here. I will not be requesting for them to be rezoned. If the variance is granted, they will continue as is in their current zoning, C2 for the record.

Support from town leadership.

I have reached out to the town leadership to see if they have any concerns or any opinions on this matter. This is an email sent to me by David Barber. David Barber is one of four council members for the Town and Holly Hill, and he actually represents this district. He also personally resides on Utah Road, a block away from these properties. So, on behalf of David Barber, to whom it may concern, I support the property line split and variance request at 2819 and 2817 Eutaw Road. Best regards, David. I hope everyone has seen the plan to revitalize downtown. I don't think any of us here are particularly happy or proud with the current state that our downtown looks in. And this plan excites me greatly. And so, for the town to realize this, it also has to deal with the derelict properties that are both visible from Old State Road and exist in our town center. And that's where I'm putting my personal resources and that's what I'm trying to do here, and I hope this variance is given so that I can be a small part in realizing this dream that Holly Hill can be a really beautiful thriving place. I'm raising two small children here. We have another management leaving. We love it here. I would love nothing more than our downtown to look like this now, but also a lot more people are going to some of the garage properties that are visible from downtown to really be beautified and restored. And with that, that is my presentation. I greatly

appreciate your time and consideration and your service to the town on this board. And with that, I'll open this up to any questions.

Thank you. Two houses are one piece of pranayama. And then two houses are one piece of pranayama. And you might want to go back to order one, two, or three. and you're more than welcome to do it separately in two or more houses, if you don't have to. So, you see this is the property. They both have carports. So, the property line will be split where any reasonable person would assume that the property line sits to still be within setback regulation. So, it's nothing more than just a split property line so that

2817 has its own deed, pays taxes for 2817 and 2819 has its own debt. Right now they're essentially being, from a tax perspective, they're essentially being taxed as a round duplex, I would guess, would be the best way to describe it. They are two single family homes and no walls attached. The two properties next to them, and I missed this in my presentation, I have it here. So the Emerald Dennis' property which is directly to the left, it is 4800 square feet. So it is on its own parcel, it is deeded separate, and it is also below the 6000 square foot threshold.

So by breaking the variance, you're not creating some implication that it's weird. It actually is the exact same amount of land and parcel as the next door neighbor. And so, would we as the town of Los Alamos build a new home on 4,800 square feet? I would say no. But again, these were built in 1912, and so if there isn't any sort of wiggle room around how planning and zoning laid out those rules, then I guess we just demolished all the old homes that don't meet current standards, which I don't want to see. I bought them relatively recently with the intention of restoring them and re-renovating them.

Just for transparency, I would like to keep one of them as a rental. I inherited tenants, they've been there for seven years. And I have no intention of rehoming them. And they've expressed interest to me about... They've lived there for seven years. They would like to buy the property.

And I can't sell it to them like it is. And they would actually like... I don't want to speak on their behalf completely, but they would like to die there. They would

love it there. They would like to own their own home that they've lived in for seven years.

Diane Bergen Did they provide you with any input?

Justine Vanbogat No, I mean I talk to them often. They've actually become friends.

And they're very anxious to hear the outcome of this is they would, and I would love to sell them the property, but they, and if it stays a rental, then they're happy with that too.

Diane Bergen The property as you stated is in C2?

Justin Vanbogat Yes ma'am.

Diane Bergen And C2 is classified as commercial?

Justin Vangobart Yes ma'am. It allows for limited commercial use by the use table and also residential?

No. No. Gail, would you read C2?

C2 is business and commercial.

It's business and commercial.

C3 is the...

Yeah. C3 has all three of them. It has business, commercial, and residential areas. And I do know that C2 in the actual zone description, what businesses and what properties can be in there, it does have single family home. We're kind of at a point here with that, but it does have it

I mean, have you provided.

I don't have the use table in front of me, it's a shame on me.

We have it. We have it, no one was ever telling me.

But I went through it with Rebecca Vance. The other two properties, the lot also zone C2, that whole block is. And I believe, my memory shows me right, it is at the very end of the use table, where C2 does allow single-family homes.

Diane Bergen. Actually, C2, as stated in the zoning ordinance manual, is on page 48. This group provides for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. A wide range of businesses and commercial uses are committed here. That's the description of C2. These properties came, well, Sony, and you were correct, Sony was a black team company. And properties that are, don't meet the zones, they're non-conforming. This property that you're talking about, that you have, was brought in as non-conforming property.

Dennis' property and the other one are also non-conforming because of their size. And I believe that they were separated back in the 1980s. At least the parcel record shows that. So, the properties you are talking about, maybe David can expand on that, they've been rental properties. So, they do have a functional use. Okay. Alright. And you purchased this property when?

I believe it was either late November or early December of last year.

Diane Bergen Okay.

Justin Vanbogat, I don't have the exact record.

Diane Bergen That's okay. The letter of intent, you actually, can you explain the difference, because you have shared with us that the properties, let me see if I can find things. The third page of your letter of intent, 3.10.6b3, you stress that the homes which are at rentals right now

will never be able to be sold individually as single-family homes. We have a lot of rental properties in Holly Hill. Not many downtown but in the residential areas.

And the rental issue, because these homes, because they're nonconforming, this was a nonconforming use. Actually, it's a good use, rental.

Diane Bergen, Can you share with me why it is such an issue?

Justine Vanbogat, let me repeat the question back to you. I think I understand your question. Why is it an issue to separate the properties to have the use? No, so they can be sold independently versus the utilization they have now as rental homes if the variance is not granted?

Correct.

Okay.

Possibly. Can you share with me why you would say possibly?

It goes into the economics of rental properties.

You could never, it's a very difficult property to get a loan against. Banks have no idea how to even assess the value because there's no top. I did decide to put a lot of resources into the first one and now I'm likely the same with the second one. Is it not viable to do that if they continue under the use they are? I guess the plain answer to your question is, is it possible to continue having them be used as rentals without giving the variance in the answer to that is, yeah, it is, and then in perpetuity, as the can gets hit, these two homes for the next, because

They've existed this way for a hundred years, so then it'll just be two single family homes on one piece of property. They can never be sold to anyone who actually wants to own their own home. We have a real problem with affordable housing in Jalisco, they could never be returned back to the housing market for individual ownership. In my opinion, that is a bad thing in town for them to have their own parcel number, their own address, and their own deed. But the answer to your question is yes, they are outside the bounds of anything in our offices as they are right now. There's still a little outside of them, but they are so much more conforming to how our laws are written right now.

And we need to do that with these aged properties instead of just kicking the can on them and saying, well, we're going to strictly enforce planning and zoning over here, and then we're just going to allow these other properties to just exist way outside the bounds of nothing we would ever allow anything new to be built on. And I hope David speaks upon this, but bringing these properties that have been raised on a limb at least a lot closer to how our laws are currently written and enforced is of the best interest of the town.

if it were split and two individual homes sold? Oh! Brian, can I talk about that?

Brian Dewiess It would increase greatly because the type of person that's going to buy one of those homes can't afford both of them. So, one is going to be a higher value than both separated. So, we want one homeowner in each home because 99% of the people that are going to buy that type of home can't afford two. They can only afford one

Justin Vangobart And I think that goes back to, I hope there's more of these out there in Haleo trying to revitalize these historic and derelict properties because right now, anybody who wants to join our community, buy into the community, there's extreme limitations of homes that are for sale and their only option is a DR Horton option, which starts in the high twos, low threes, and that is way out of reach for a lot of people so they do much less than that. I think we're going to come to that. If this is granted and the one that I do plan on selling, I'll be around the \$225,000, \$230,000 range as a starting point.

So, if Holly Hill is going to have an answer to the housing crisis that we face, the affordable housing crisis that we face, these older homes need to have the opportunity to revitalize and grow the market so that people can live the American dream.

And there are a couple in the residential areas that actually have multiple homes. I just wanted to state that. But are they allowed to be split because of the size of the lot? That has not come up. They have not to rent.

Somebody might have a house on one lot, but they also have an apartment behind their house. So, it's one also.

Right.

But no one would buy an ADU as a single-family home?

David Teague Just a point of reference. An ADU and a single-family home are two very distinct different types of buildings. So, you may have two structures on one piece of property, but they don't necessarily qualify both as single-family homes. There's a definition for single family home just like there's a definition for garage, just like there's a definition for an accessory building.

Attorney Ginny I'm just going to intervene quickly. While we do have a relaxed setting, there are procedures in place that the board has called for us to follow.

sure, if they've been informed or not, I think you were, but you might be calling them witness, if we could just stay in order, I think it will help this proceeding move along much faster and prevent duplicative information and help the recording, is to that, is to hear who's speaking

and who is in the process of putting on events.

Diane Bergen Thank you. Attorney Ginny You're welcome.

Tommy Berkins Because they want the same thing done, how is this going to keep the problem up?

I thought about the same thing. I mean, it is with an incredible amount of irony that I'm the one that's sitting here because I was one of the most vocal people in 6,000 square feet or bigger for a new home because I did not want to live in a community where D.R. Horton built houses 10 feet apart, I nail myself to my own cross in a lot of ways. I think that's why it's important to have this body and not planning and zoning. Even though I have a self-interest in seeing these two properties breaking a variance, I would never want to go back and redo our planning and zoning so that all of a sudden you can build a brand-new city champion house on 3,500 square feet. So I think this is the correct body to have those issues come in front of, and I would hope that if DR Horton came in front of you and said we want to build 186 homes on 3,500 to 4,000 square foot parcels, I would hope you would say no. But having historic homes in the town that have existed from 1912 is a different consideration. So, I want to live in a town where we have a variety of developers that are building homes, but those homes need to be of a standard that's much different. Does that answer your question? Now, well, so David and I have had discussions, and we've tabled those because I didn't want to; I'm in a tough spot because I sit on planning and zoning and to do anything from the planning and zoning side that would help my self-interest is

just not happening. So, we have tabled that, we have definitely had discussions about changing some of our variances to deal with existing homes and existing structures only and still having strict adherence to a bigger lot size for brand new homes and brand-new developments.

That would be a good thing to get that done because as of this time, we've got to get our hands out.

I understand.

It's what we can say and yes to and what we can't not say yes to. Because there are so many things here that are not allowed.

It's a stand.

And we don't want to show favoritism to one and not to the community

Because there could be problems from down the road. So, I can identify, because I know the thing in zoning books so well, personally, I can identify many things about these properties that are wrong from setbacks. whether or not a variance is correct. And so, the only real consideration for this body is should there be a property line that splits these two. Now, if I were to do a major renovation to them that would change any of those things that are not in compliance, setback rules, so on and so forth. I've used case one for you guys. This is the first time you've done this, I think you're going to have a lot more to come.

Because we live in a historic area, there's going to be a lot of properties that if built brand new would not fit current laws and everything, planning and zoning is always a forward-looking bond. Planning and zoning needs to be what the future of the town looks like. We do everything from the mindset of anything new being built, what does it need to look like so we can better our town. These homes were built in 1924.

David Teague Am I allowed to suggest something?

Attorney You are allowed to ask questions of the witnesses.

Deliberation occurs once all the evidence has been presented.

Is this a good time to actually have the witness testimony?

Attorney Ginny We have started. We have been going an hour and five minutes.

I'm not sure what time your presentation began, but I started my own talk because it is getting late.

I understand. So, I would like to, with the space, I would like to have my witnesses give their testimony.

Let me just ask, Mr. VanBogart, when you purchased the property, was it your intention to have the lot settled?

but I had to also have a contingency plan it was my fault, but you know, they put everything in one basket so yeah, it was such an extraordinary use case that I wanted to buy them, renovate them, and have them exist on a more popular listing. I don't think anyone would answer any differently to that,

other than you, though, if anyone could buy a copy of the ticket, it would be a stand-alone. I'd like to, first and foremost, call Mr. Brian Deweese. Brian has probably one of the most, if not the most trusted realtor in the Holly Hill area. I asked him to speak on behalf of 32 years of experience in real estate on the extraordinary and hardship nature of these properties.

Hi, I'm Brian Deweese and I have been a realtor for 32 years. This month I've sold over 2,000 houses, which is unheard of. And in 32 years I may have come across this issue two times and both of those times they were in rural areas. So it didn't matter, they just separated and that was that. how they set the floor, this is in town, I call it downtown, and in 1912 there was no basic gruels, they just started building houses and people would buy them and be happy. And today the type of buyer that would buy this house is more than likely a first-time homeowner. They cannot afford to buy a house We're doing a great job to get one in there. And to find somebody that is willing to buy this home, as we all know, since we live here, that may do a renovation, is kind of our plan. I have sold, well in the last 6 years I have sold over 20 homes here in Holly Hill.

And I think about 16 of those were bought for renovation to make our town look better. that were renovated, they're still pretty, they're still beautiful, and that's what we need to get our town back to where it was. And I just feel that nobody's being punished, but I think that we should be grateful that not just Mr. Green and Bogart's doing that. To me that speaks loudly that we all want our town to thrive and be beautiful again.

Diane Bergen, Do you have any more witnesses?

I'd like to call David Teague to speak. Thank you for everybody's time. I guess at first, the idea, the principle behind the Planning and Zoning Committee is to be forward-looking and bold thinking. crystal ball and trying to determine what is the best use of land and resources in this area, what are the ideal shapes, colors, sizes, lot sizes, what do the sidewalks look like, all sorts of looking into the future. What we don't do is look backwards. That's not the intent of the committee, probably because what's done has been done, and we can't really undo it. And so what we have here is sort of, it's a special situation, a unique situation, where we're basically applying a standard that's bid for something else to something that has been that way for a long time. For example, if you're familiar with building construction, and Mr. Lee's been able to speak to this, if you sell a home that was built in 1980, and the home inspector comes in 2025 to inspect your home for the real estate transaction, and your water heater is not up to code, he's going to write that in inspection. is you're applying a present-day code to something that didn't even exist in 1980. So, this doesn't mean that it's wrong, it just means that you're trying to apply something that didn't apply back then, or didn't apply in the past. And that's what's happening in my opinion in this case. 100 years after the fact?

Yeah. So that makes it a challenge, right? Because you can't, I don't think in Ferris you could actually do that. The other part of that is, all the lots of that street that we've been talking about, I guess there's three lots now, we're talking about making them more. To a person in this room, all I've heard

is that they are all nonconforming. We all agree, from what I've heard, that none of them fit anything close to what's in our office. So again, to try to cherry pick that for this one particular lot doesn't make much sense to me when the Dennis lot, which is the one just to the left of the one he's looking to subdivide, doesn't meet the square footage

criteria for the lot use, tells me in my mind that there's a precedent that's already been set to allow this other lot to be smaller than 6,000 square feet. Because there's already one that exists under the ordinances they are now for the same

situation. Additionally, in reference to the C2 zoning, is there a zoning map here for us to refer to? Unfortunately not.

Well, I can also go on the record and let you know that I live at 8434 Old State Road which is right over here, my property is also zone C2. It is a residence and has always been a residence. The lot behind me that I also own is also zone C2. Just about every one of them, anything that comes down 176 is either C1 or C2, and in some cases C3.

It's my understanding as far as the zoning goes, which we're not even, apparently, Justin's not looking to rezone them, but the question came up and I wanted to address it. I believe that was an arbitrary designation that was done back whenever they adopted them because they didn't understand what they were doing.

It makes no sense for a single family residence to be zoned strictly commercial, which tells me again we're applying ordinances that don't fit right doesn't doesn't it's not it's just doesn't fit. To address Mr. Tommy you had a question about DR Horton and how this decision may affect that. That's a different process with DR Horton. Anytime a developer comes in, they're going to submit a plan to the zoning administrator and the town council for their review. It has to be approved or disapproved through the ordinances. If they want to have that neighborhood zoned for R3, which is the highest density, they can request that.

But at that level, it's just a totally different process. I don't believe tonight's decision would impact the way that process is done.

And I think it's two totally different approaches, and it's two totally different situations

Because what we're talking about is subdividing an existing piece of property. What they're talking about is developing an entirely new piece of property. In my opinion, what I see is we're trying to bring this into as much of a non-conforming

situation as we can. We can't change the setbacks because it doesn't make any sense or it's not feasible to move the house.

Juston Vanbogart All right.

I Diane Bergen am going to ask the staff, Gayle Austin, to review the documentation packet and based on her final decision when she first reviewed it. Okay, Gayle Austin starts out, everybody, all y'all had your packages and have reviewed them, I'm sure.

I started out back in January, and I wrote Justin a letter and asked him certain things on it. You want me to read this letter to them? Is that what happened? This is short. It's short. When I sent it to him, I'd already heard that he was wanting to subdivide. I asked the consultant, and she came to me, and I decided to write them a letter stating the facts.

The letter says, a letter's intent, explaining the requested zoning barriers and how to meet the approved criteria section 3.10.6. I need a site plan drawn to engineer a scale showing the property dimensions and locations of existing and proposed structures and improvements, parking area, trees, wetlands, holding bases and buffers where applicable, and some copies of the plot and stuff which he has provided everything.

That's the large one and we all got small ones too. Any other information on that the zoning administrator determines is necessary to make an informed decision as to whether the application complies with the standards required in 3.10. I need the dimensions to show the required setbacks, which are shown on the map. In the letter of intent, please include if the property will remain C2 and what is the future use of the property that you requested.

At that time, I'm certain that he did fill out our appeals form for us. And basically, all he had to do was fill out his name, his address, and stuff like that. And what his intentions were are in a letter from Tim, that is all separate from this, but he showed us that, he was what was splitting, and let's see, how did, instead of reading all this all in one time, he just put on there, he wanted it under a font, and he had to, he said, and 2817 as separate properties and parcels. And he explains the reason why he had two single family homes, which he's already said, on one parcel, which means it only has one tax cap number, and he really can't sell it for the future.

And how big the property is, it tells you that, all that's included in this package. Also, all four houses were built in 1912, all four. Before his shot, we notified all those people in that area that they had the right to come. All of them have letters attached to them, which I'll have to them. I have also spoken to them by phone, each one of them, asking where they were from. So, we knew that those were going to be on the agenda.

None of them said they were okay with how he was doing, so no problem. Now, and like I said, we do have small copies of this stuff that he gave us, which was required. And, let's see, all the public notices that we had, all that was done. So, okay, then we came up to January 29th, I wrote him an 11 letter, and this is what it said to Justin, I have reviewed your request for a variance on these two properties to be subdivided. According to the zoning tables, it requires 6,000 square footage per building, which is presently zoned C2.

At this time, I will have to deny your request. You have the right to appeal against our decision. The head of the BZA has already sent you a detailed item to follow to move forward with this appeal. Forms have already been given to you. You will find these articles he sent you in your zoning ordinance book, which he did have. Please review and follow the steps to make sure you have all the pertinent information that's needed.

And make sure you include the legal paperwork showing ownership of the property, which he did. Any questions of me?

I have a question on these charts in the zoning manual, the other dimensions in that particular zone? on the annual table 6.2, there are other dimensions. In addition to the sub-page 98. That section shows a different setbacks and specials.

Right, right.

I got it. I got it. I got it. Are you using the residential or non-residential ones?

That's my first question. The width of the properties, two separate properties, what would they be?

The width, if you separate them. The two separate? Yeah, what's on the table?
Okay, this is an old copy, okay?

This is a new copy that was just released that we adopted, okay, in the old copy it says under C2, 6,000 square feet was required for non-residential or residential. Okay, down below that it says under E, 6,000 square feet for single family dwelling, 12,000 square feet for duplex, 4,000 square feet for each unit over two were permitted in tables 6-1. It changes to 2,500. Yes.

So that's for additional units.

Right, I'm thinking that's additional for duplexes.

Yeah, it's hefty.

But it still says 6,000 square feet on the new one.

Right, okay. Other than the 6,000 though, on those two properties that are shown on the survey that Justin provided, what is the width of both properties? We know the side setbacks are useless, but what is the width of each property?

I don't know how to do it. Can you read it?

Yes.

You're asking proposed with like not existing as a few.

Proposed, yes.

Would we need a scale?

There should be numbers on there indicating the risk of that off. If it's done correctly. And it is so that the record is clear. I'm not trying to create an issue.

Attorney Ginny If you can wait until you are called and then say your name, that way any subsequent recordings are clear. Thank you

We think we do need to follow basic procedures here, despite the informal feel of it.

Here? From here to here? That's the front, yeah.

This is the front, so what's there? Okay, and here's from here to here, so what are these two dimensions?

I don't know that, now this is your footage.

I want the actual dimensions from side to side.

Justin, do you have that?

I think what they're looking at is longitude and latitude. I don't have the exact grid.

Okay, it should tell you what they would be as individual numbers.

If you could give her, we might have a sheet without interruption.

There's just a simple point of order that we can get that handled.

David Teague I have a solution. That's all I'm offering. I'm not trying to usurp or blow anybody's thing up. I'm just trying to be helpful. There's a way to get that dimension because if nobody has it, all we need is a tape measure.

It's fine if they're in the middle, especially in the middle of the instrument. That's good. And for the record, it is, thank you, it is the best for us to keep this.

Alright, anybody else have any questions for Gayle Austin?

Okay.

So Gayle, you just mentioned that duplexes are allowed in C2.

You what? You just went through the plot lines for C2 duplexes, 4000 square feet for two or more, is that correct? Gayle Austin No, no, no. No, no, no.

No, no, no.

Justin Vangobart. It's a shame on me for not having my use table. There's no use table in the wall that would have duplexes set aside if residential wasn't also allowed in C2.

I don't think it's important for this, but I do know that residential is allowed in C2. I can't for that to be useful right now. But, whether just to set the property line, it's not a great concern. I'll be happy to provide that to this committee later on.

And right now, it's in fact, a possibility to be much better than the actual legal and non-legal case to be presented by the member level. Okay, perfect. I'd like to clarify that in the residential usage here, on C1, 2, and 3, there are no group toilets. It's not a family. Okay? Just a point out. Alright, okay, moving on. Are there any rebuttals to anything you've heard or anybody else?

No other witnesses? Okay.

No, I guess I would just like to say quickly, if there is anybody in the audience that is going to testify in opposition to the application for a hearing aid, that individual needs to either testify so that it can be addressed or rebuttal. That's the reason. For the team likes we've got.

Daine Bergen Are there any opposition?

Okay.

Diane Bergen Alright, at this time I would like to close the public hearing. Attorney Well, I think you guys need to present some rebuttals.

Diane Bergen Is there a rebuttal?

Yes, there's a five-minute rebuttal and then a couple of comments if there are any.

So just in closing, looking at the information earlier that Brian actually is a business owner in the town and he owns the consignment truck that is right against this property. So if I ask this board to consider anything, it's that I have the full support of every town leader that's aware of it and they've wanted to make their support a public record. I think common sense wins the day if two single family homes should be deemed separately. I would again take this board for the time and consideration and I move on to comments.

And then ask if there are any unsworn public comments.

Diane Bergen Are there any unsworn public comments?

Now we'll close the hearing to the public and ask for a motion from the board and a second if needed in order to have a discussion. A motion is asked. Okay, do I have a motion? Tommy Berkins I make a motion. I move that we take the opportunity to have a discussion. Okay, do I have a second?

Second. Delores Olin

Okay, we'll go in all in favor. Aye.

Anyone against?

It has been motioned.

Anyone against?

The ayes have it.

Motion carries.

All right.

Diane Bergen If there's any discussion among us, we'll take a moment.

Tommy Berkins I think this is a unique situation that we're in today. has the ability or at least the potential to correct this problem in the future so that this doesn't happen. and this will eliminate this issue.

Justin Vanbogart, I will tell you that outside of what I'm asking for, this process has been a very, very good process for me to go through as a member of planning and zoning. I think a lot of times when you sit on these boards, what you do seems so arbitrary. And it's so hard to consider all the real life examples that

could come up. But going through this process with a property of my own has definitely made me a much more thoughtful member of the planning zone. And I would like to do something to make sure that the organizing jobs are easier

to consider historic homes that we want to see renovated. I definitely didn't want to do that while I was before this committee because of the optics of that. But David and I have been discussing that this is something we need to do.

Diane Bergen Actually, this is a discussion that is supposed to be among the board of supervisors, not for the public. So, what we have to consider when we take a vote, we have to consider, we are, by law, have followed the frontier. By law, we have to follow what's in the zoning manual.

We understand that the property's non-conformant, that when these, I can go back to 1998 zoning manual, and these properties were in there separately. So they came in under the umbrella of the zoning on that.

The other properties that are not confined to that road, they were that way before the zoning on that. So, for whatever reason, they were separated, because I heard it one time, they used debit. Also, the non-conforming use that they decided to use this property for was rental property,

and it fits. The rental property works. It's been working for years. And with the things, I know affordable housing is something we would all love to have around here, all of them as a volunteer, but the mortgages are high

and people are having a hard time issue getting them. If you look at the comprehensive plan, and I know that needs to be updated, affordable housing and wages in this area are two issues that we have. Okay, so in the zoning manual under 10.15,

it states 10.15, change in nonconforming use. A change in ownership does not affect nonconforming use. is not a bad thing, not in following news. And these houses have been with us for a while. That's just consideration, just throwing that out. The hardship, from what I gather from Justin's letter

of intent, is the fact not that it's rental. It's just that you can't sell two properties because there are not two separate properties. So I'm a little, I think that's a little weak as far as burden of persuasion. The other thing that is very clear in our criteria.

And Justin went through all of them and provided good input. Some of them were right on. But there is one that I do have a concern about. And it's very clear in the book on page 38, where it has approval criteria, B5, the very last sentence.

The fact that property may be utilized more profitably if a zoning variance is granted shall not be considered grounds for granting zoning variances. So those are things I think you hit some of them right on. But I do have a couple of concerns.

That's all I have. Anybody else? Well, that was basically my concern, which is that I asked if we can purchase the property with this as we can. Knowing that they are rental properties. Knowing that they were rental properties,

Not withstanding his desire to have stuff divided.

Right. And rental is also covered by the affordable housing. It's both rental and purchase, correct?

That's the first. OK.

Any other comments? Well, I heard more about the claim Anything? Okay. I would like to then take...

Diane Bergen Move for a motion to vote. Do I have a motion to vote? Do you want to come up and do that?

I'm going to come up. Dolores? I'm sorry. I'm trying to check this.

We'll go around the table.

There are four of us.

Dolores, do you want to start it off?

Delores Olin You know, I certainly feel, I feel torn here almost, because I understand his intent, you know, I know what that is, but when we're looking at our ways, when we're looking at our codes, it makes it very difficult to go through it when he clearly states on the onset that he wanted them subdivided with the intention of renting one instead of the other. In my mind, the probability clause, South Carolina Code 6-29-800, probability, I'm not going to read it again, the fact that the property may be used more profitably is a variance if a variance is granted may not be considered as grounds for a variance. Somebody should vote.

Diane Bergen So, what is your vote?

Deloris Olin I think it's a nay.

Diane Bergen Alright, make note of the votes.

Dolores Olin voted nay. Thank you.

Leanne Hayward?

Nay.

Diane Bergen Tommy?

Tommy Berkins, nay

Diane Bergen Nay.

Okay. Thank you.

Diane Bergen All right. We will be putting together a written response for May's habit. And we will notify you, Justin, and follow up. Your recourse, as stated earlier, is to go to Circuit Court if you need to.

Okay? All right. Additional business before we adjourn is our BBZ meeting. Next one is the BZA meeting. We want to have an intermediate meeting by the Supreme Act in order to put together a document, formal document, formal documents, and the response is different. Yes, the consideration of the written order. And you can absolutely follow all the steps, all the meetings, like things that are happening like the interview.

Diane Bergen Okay. The next meeting is April 8th. Okay, so the next meeting is April 8th. Okay, do I have a motion to adjourn?

Diane Bergen, I move to adjourn the meeting.

Tommy Berkins Move and second?

Second.

Diane Bergen Okay.. The next meeting will be on Tuesday , April 8th, meeting is adjourned.

**Town of Holly Hill, SC
Board of Zoning Appeals
Rules of Procedure**

*Adopted during
March 11, 2025
Hearing & Mtg.
Provided by
Ginny Bozeman.*

Section 1. Rules

These rules of procedure are adopted by the Town of Holly Hill Board of Zoning Appeals (the "Board") pursuant to S.C. Code Ann. § 6-29-790 and the Town of Holly Hill Zoning Ordinance.

Section 2. Hearing Procedures

2.1. 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.

2.2. Witnesses

Parties in interest may present testimony under oath. 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.

2.3. 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.

2.4. Evidence

Relevant documents, photographs, maps, plans, drawings, etc., 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.

2.5. Conduct of Hearing

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

- a. statement of matter to be heard (chairman or secretary);
- b. presentation by applicant (10-minute limit, no more than 15 minutes);
- c. presentation by official appealed (15-minute limit);
- d. presentation by opponents (10-minute limit, no more than 15 minutes);
- e. rebuttal by applicant (2 - 5-minute limit);
- f. unsworn public comment, when appropriate, 2 minute max;
- g. the board may question participants at any point in the hearing; and
- h. matters in which additional time is granted may be moved to the end of the agenda.

2.6. Disposition

1 of 2

The Board may deliberate and make final disposition of a matter by majority vote of members present and qualified to vote; provided not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which he or she has not heard. Deliberating and voting shall be done in public

2.7. Form of Order

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order. A copy of the written order, along with all notices, correspondence, documentary evidence, orders, and forms shall be maintained as public records.

2.8. Service of Order

The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

2.9. Rehearing

The board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within 15 days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Section 3. Amendment and Adoption

3.1 Amendment

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

3..2. Adoption

These rules were adopted by vote of a majority of the members of the board at a regular public meeting held on the 11 day of March, 2025, Rev. May 13, 2025.

Printed Name: Delores Olin

Title: BZA Chairman

Date:
June 9, 2025

Printed Name: Dianne Bergen

Title: BZA Secretary

Date:
June 9, 2025

Diane Berger



Town of Holly Hill

January 8, 2025

Justin Vanbogart
8011 Old State Road
Holly Hill, SC 29059

Subject: Requirements for subdividing property on Eutaw Road TMS #0332-16-19-005.00 2819 & 2817 Eutaw Road

Requirements:

- 1) A LETTER OF INTENT EXPLAINING THE REQUESTED ZONING VARIANCE AND HOW IT WILL MEET THE APPROVAL CRITERIA OF SECTION 3.10.6,
- 2) Site PLAN DRAWN TO ENGINEERS SCALE SHOWING THE PROPERTY DIMENSIONS, DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED STRUCTURES AND IMPROVEMENTS, PARKING AREA, TREES, WETLANDS, HOLDING BASINS AND BUFFERS WHEN APPLICABLE. ONE (1) 24X36 COPY AND FIVE 11X17 COPIES SHALL BE PERMITTED.
- 3) A COPY OF LEGIBLE APPROVED AND RECORDED PLAT.
- 4) RESTRICTIVE COVENANTS AFFIDAVITS SIGNED BY THE APPLICANT OR CURRENT PROPERTY OWNER (S) IN COMPLIANCE OF STATE LAW.
- 5) ANY OTHER INFORMATION THAT THE ZONING ADMINISTRATOR DETERMINES IS NECESSARY TO MAKE AN INFORMED DECISION AS TO WHETHER THE APPLICATION COMPLIES WITH THE STANDARDS REQUIRED BY SECTION 3.10.
- 6) NEED THE DIMENSIONS TO SHOW THE REQUIRED SETBACKS OFF PROPERTY LINES REAR, SIDE AND FRONT
- 7) IN THE LETTER OF INTENT PLEASE INCLUDE IF THE PROPERTY WILL REMAIN C-2 AND WHAT IS THE FUTURE USE OF THE PROPERTY THAT YOU ARE REQUESTING

RESPECTFULLY,

Gayle Austin
GAYLE AUSTIN

8423 Old State Road, Suite #1
Holly Hill, SC 29059
803-496-3330
FAX - 803-496-5211

Saved under Document #5



Town of Holly Hill

JANUARY 29, 2025

JUSTIN VANBOGART

8011 OLD STATE ROAD

HOLLY HILL, S.C.

REFERENCE: REQUEST FOR VARIANCE OF PROPERTY 2817 & 2819 EUTAW ROAD.

I HAVE REVIEWED YOUR REQUEST FOR A VARIANCE ON THESE TWO PROPERTIES TO BE SUBDIVIDED.

ACCORDING TO THE ZONING TABLE 6-2 IT REQUIRES 6,000 SQUARE FOOTAGE PER BUILDING WHICH IS PRESENTLY ZONED C-2.

AT THIS TIME I WILL HAVE TO DENY YOUR REQUEST.

YOU HAVE THE RIGHT TO APPEAL MY DECISION. THE HEAD OF THE BZA HAS ALREADY SENT YOU A DETAIL OF ITEMS TO FOLLOW TO MOVE FORWARD WITH THIS APPEAL. FORMS HAVE ALREADY BEEN GIVEN TO YOU.

YOU WILL FIND THESE ARTICLES SHE SENT YOU IN YOUR ZONING ORDINANCE BOOK. PLEASE REVIEW AND FOLLOW STEPS TO MAKE SURE YOU HAVE ALL THE PERTINENT INFORMATION THAT IS NEEDED TO FILE FOR THE APPEAL.

MAKE SURE YOU INCLUDE THE LEGAL PAPERWORK SHOWING OWNERSHIP OF THE PROPERTY.

Jayle D. Austin
Zoning Administrator



Notice of Appeal - Form 1 Board of Zoning Appeals

Date Filed: 2/3/25 Permit Application No. _____ Appeal No. #1

Instructions

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance** or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- ☐ from action of a zoning official as stated on attached Form 2
- ☒ for a variance as stated on attached Form 3.
- ☐ for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Justin VanBogart on behalf of Two Bulls, LLC
Address: 2819 Futaw Road Holly Hill, SC 29059 8011 OLD STATE RD.
Telephone: 843-822-1600 [work] _____ [home]
Interest: 100% Owner(s): Justin VanBogart Adjacent Owner(s); Other: _____

OWNER(S) [if other than Applicant(s)]: _____
Address: 8011 Old State Road Holly Hill SC 29059
Telephone: 843-822-1600 [work] _____ [home]
[Use reverse side if more space is needed.]

PROPERTY ADDRESS:

Lot _____ Block _____ Subdivision _____
Tax Map No. 0332-16-19-005 Plat Book _____ Page _____ Lot _____
Dimensions: .241 acres currently Area: 10,614 sq ft currently / 4,480.5 sq ft + 6,133 sq ft
Zoning District: C-2 Zoning Map Page: _____ if variance granted
→ Splitting the property line would create two (2) lots @ .141 acres + .103 acres (see plat)

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____

Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3 or 4 is correct.

Date: Feb 3 2025

Applicant signature(s)



Variance Application - Form 3 Board of Zoning Appeals

Date Filed: Feb 3, 2025 Permit Application No. _____ Appeal No. _____

1. Applicant hereby appeals to the board of zoning appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the zoning ordinance:

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: Cleanly split property line dividing 2819 and 2817 Eutaw Road as separate properties and parcels. for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the zoning ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by state law and the ordinance are met by the following facts.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Two (2) single family homes on One (1) parcel. This limits the use of and future of the property. Please see attached L.O.I.
- b. These conditions do not generally apply to other property in the vicinity as shown by: Next door property at 2813 Eutaw Road. Single family home (same as 2817 + 2819) on .11 acre lot (4,000 sf)
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: They can never be individually owned despite being single family homes. Please see attached L.O.I.
- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: Splitting the lot line will match the lot next door and only further enhance the adjacent properties as they can be renovated and individually owned. See attached L.O.I.
3. The following documents are submitted in support of this application: PLAT

[A plot plan must be submitted.]

Date: Feb 3rd 2025

Applicant signature

South Carolina Secretary of State *Mark Hammond*
Business Entities Online
File, Search, and Retrieve Documents Electronically

In partnership
with SCGOV



Log In

TWOBULLZ LLC

Corporate Information

Entity Id 00717573

Entity Type Limited Liability Company

Status Good Standing

Domestic/Foreign Domestic

Incorporated State South Carolina

Important Dates

Effective Date 07/09/2009

Expiration Date N/A

Term End Date N/A

Dissolved Date N/A

Registered Agent

Agent JUSTIN VANBOGART

1) Letter of intent

Page 1 of 3

I intend to split the property line pertaining to parcel TMS NO 0332-16-19-005. Currently, there are two (2) single family homes on one (1) parcel. Address 2819 Eutaw road and 2817 Eutaw road. This does not create cohesive - nor reasonable - property lines. This also limits the use and ownership of the single family homes which inflicts harm to not only their use, but the vibrancy and growth of the town as they are located in the center of the downtown district. When the homes were constructed four (4) identical homes were constructed in a row on Eutaw Road. The two (2) identical homes to the north-west of TMS NO 0332-16-19-005 (2813 Eutaw Road and 2811 Eutaw Road) enjoy clean and separated property lines which allows them to be used as single family residences (or businesses as they are zoned C-2).

I am requesting a variance to create a reasonable and clean property line between 2819 Eutaw Road and 2817 Eutaw Road and am conducting extensive renovation to the properties for the betterment and vibrancy of the town.

Currently, the use of these properties could only be as rental properties as they can not be sold individually. This hurts the vitality of the town as it continues to grow and attract new citizens. Additionally, the visibility of these homes affects the aesthetic of the town as a whole as they are visible from town center, specifically 176.

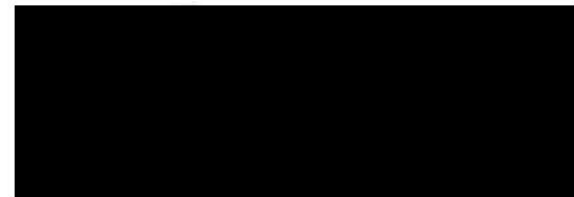
If BZA would be so kind as to grant me a variance to split the property lines this will not only clean up what were visibly derelict properties, but also increase the availability for affordable housing that is both attractive and positively represents the growing town we all love.

The two (2) properties to the North-West of TMS NO 0332-16-19-005 are in a sad state and are in need of immediate repair or removal. Frankly, they are an eye sore to the center of our community. While I do not own these homes, my hope is that by renovating and cleaning up 2819 Eutaw road and 2817 Eutaw Road (with clean and separated property lines) 2813 Eutaw Road and 2811 Eutaw Road would soon follow and what was once an eye sore in the center of our community could become a vibrant and beautiful street in the town of Holly Hill.

Use: If the variance is granted, my intent is to renovate 2819 Eutaw Road and sell as a freshly renovated and beautiful single family home, and also renovate 2817 Eutaw Road but keep it as a rental property (long-term tenants already in place). If the tenants of 2817 Eutaw Road were to vacate I would 1) keep it as a residential rental, rent it to a business which matches the use table in C-2, or sell it as a single-occupant home or business as permitted by current zoning restrictions.

Thank you for your consideration and for your service to the beautification of Holly Hill.

Respectfully and thankfully,



Justin VanBogart

1/10/2025

- 2) Site PLAN DRAWN TO ENGINEERS SCAL SHOWING THE PROPERTY DIMENSIONS, DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED STRUCTURES AND IMPROVEMENTS, PARKING AREA, TREES, WETLANDS, HOLDING BASINS AND BUFFERS WHEN APPLICABLE. ONE (1) 24X36 COPY AND FIVE 11X17 COPIES SHALL BE PERMITTED.
- 3) A COPY OF LEGIBLE APPROVED AND RECORDED PLAT.

(Turned in to Rebecca at town hall Friday January 10th)

- 4) To be completed at town hall.

- 5) ANY OTHER INFORMATION THAT THE ZONING ADMINISTRATOR DETERMINES IS NECESSARY TO MAKE AN INFORMED DECISION AS TO WHETHER THE APPLICATION COMPLIES WITH THE STANDARDS REQUIRED BY SECTION 3.10.

3.10 - Unnecessary Hardship.

1) 3.10.6 B.3

If TMS NO 0332-16-19-005 (2813 Eutaw Road and 2811 Eutaw Road) is not allowed to split the property lines this will "prohibit or unreasonably restrict the utilization of the property" (3.10.6 B.3) as the single family homes will never be allowed to be individually owned and will - for the life of the property - only be rental units.

2) 3.10.6 B.4

If TMS NO 0332-16-19-005 (2813 Eutaw Road and 2811 Eutaw Road) is allowed to split the property lines there will not be substantial detriment to adjacent property. In fact, the contrary. Through this variance request, all I am requesting is the property lines at TMS NO 0332-16-19-005 (2813 Eutaw Road and 2811 Eutaw Road) match the property lines at the adjacent two (2) identical properties on Eutaw Road. These homes are in deplorable condition, and by renovating my properties my hope is that these homes will follow suit eliminating the current eye-sore the town of Holly Hill, and it's residents, endure in the heart of the town.

I am not requesting the properties be re-zoned (currently zoned C-2) so there will be no harm to the zoning district or to public good (In fact, the contrary).

3) 3.10.6 B.5

The properties are currently zoned C-2 which allows single family residence or limited commercial use. The use of these properties would not change if the variance is granted.

3) 3.10.6 B.6

The need for the variance is not the result of the applicants actions. If the variance is not granted the use would not be changed, but the town would not benefit from the increase in affordable housing options for new residents.

3) 3.10.6 B.7

Granting of this variance does not substantially conflict with the Comprehensive Plan or purpose of the Ordinance. In fact, it helps the comprehensive plan as we, the town, continue to revitalize our downtown district.

*Section 10.15 Change of Non Conforming
use.*

LEGEND

- IRON TOWN (AS DOCUMENTED)
- IRON SET (3/8" PIPE AT CAP)
- PERMITS (WOOD PRODUCT)
- ADJACENT LANE
- RIGHT-OF-WAY
- PROPERTY LINE
- CONCRETE

Proposed New Property Line.

OLD STATE RD (U.S. HWY. 176)

OLD STATE RD (U.S. HWY. 176)

ALLAN R. NITTO
0332-20-00-006

ALLAN R. NITTO
0332-20-00-001

ALLAN R. NITTO
0332-18-19-004

PARCEL A-1
0.141 Acres
(616.24 sq. ft.)
PORTION OF
TMS NO. 0332-18-19-003

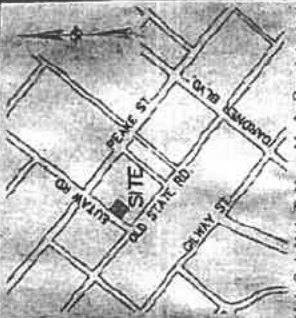
PARCEL A-2
0.141 Acres
(616.24 sq. ft.)
PORTION OF
TMS NO. 0332-18-19-003

PARCEL A-2
0.103 Acres
(451.12 sq. ft.)
PORTION OF
TMS NO. 0332-18-19-003

JAMES E. DUBOIS, JR.
0332-20-00-002

PLANNING USE ONLY

PLANNING USE ONLY



VICINITY MAP not to scale

This document and its contents are the property of Lake Marion Land Surveying, LLC. It is to be used only for the purpose for which it was prepared and no other use without the written consent of Lake Marion Land Surveying, LLC. Any reproduction or use of this document without the written consent of Lake Marion Land Surveying, LLC is prohibited.



PRELIMINARY

THIS SURVEY WAS MADE BY ME OR BY PERSONS UNDER MY CLOSE PERSONAL SUPERVISION AND INFORMATION AND BELIEF, THE SURVEY SHOWS THE TRUE AND CORRECT LOCATION OF THE BOUNDARIES OF THE PARCELS SHOWN HEREON FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SET FORTH IN THE

JAMES A. PARKER, JR.
SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR
LICENSE NO. 21487

SUBDIVISION PLAT
TO CREATE

PARCEL A-1
0.141 Acres

AND

PARCEL A-2
0.103 Acres

TMS NO. 0332-18-19-003-000

ORANGEBURG COUNTY, SOUTH CAROLINA

prepared for

TWOBULLZ, LLC

LAKE MARION
LAND SURVEYING, LLC

1905 Nates Store Rd.

Blotree, S.C. 29047

(803) 533-8779

S.C.P.L.S. No. 27457



AS 2024-10-18 PLAT DATE: NOVEMBER 11, 2024

REFERENCES

1. TMS NO. 0332-18-19-003-000 FOR ALLAN RAY NITTO, DATED OCTOBER 11, 2024
2. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
3. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
4. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
5. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
6. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
7. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
8. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
9. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
10. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024

NOTES

1. TMS NO. 0332-18-19-003-000 FOR ALLAN RAY NITTO, DATED OCTOBER 11, 2024
2. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
3. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
4. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024
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10. PLAT BOOK CDS3 PAGE 101 PLAT BY LUTTO SURVEYING, LLC, DATED OCTOBER 11, 2024

FILED Nov 07, 2024
 AT 10:42:00 AM
 BOOK 02293
 PAGE 0008 - 0011
 INSTRUMENT #2024005208

FILED ELECTRONIC
 ORANGEBURG
 COUNTY
 DEMETRICE WILLIA
 REGISTER OF DEED

ENTERED IN THE OFFICE OF THE ASSESSOR
 DATE: 11-07-2024
 LETOYA SINGLETON, ORANGEBURG COUNTY ASSESSOR

Orangeburg County 11-07-
 SOUTH CAROLINA
 County Revenue Stamp \$16
 State Revenue Stamp \$44

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

)
)
)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **TMR HOLDINGS, LLC** in the State aforesaid, for and in consideration of the sum of **ONE HUNDRED SEVENTY THOUSAND AND 00/100 (\$170,000.00) DOLLARS** to it paid by **TWOBULLZ, LLC**, in the State aforesaid, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said **TWOBULLZ, LLC**, the following described property, to-wit:

ALL that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the Town of Holly Hill, Holly Hill Township, County of Orangeburg, State of South Carolina, being more particularly shown and delineated on a Plat of 0.243 Acre Lot on Eutaw Road, prepared by Lloyd S. Moore, Jr., RLS dated December 16, 1980, and recorded in the office of the RMC for Orangeburg County in Plat Book 675 at Page 527, and bounded and measuring as follows: On the Northeast by property now or formerly of John W. Ruth McCoy and Mae Joyner Estates, measuring thereon one hundred two and fifty-five hundredths (102.55 feet); on the Southeast by property now or formerly of John W. Wactor, measuring thereon one hundred four and ninety-four hundredths (104.94) feet; on the Southwest by property now or formerly of T.M. Ulmer Estate, measuring thereon one hundred one and seventy-three hundredths (101.73) feet; and on the Northwest by Eutaw Road (S.C. No. 453), measuring thereon one hundred three and twelve-hundredths (103.12) feet; all measurements being more or less.

This being the same property conveyed to TMR Holdings, LLC by deed of Russell E. Boyd and James L. Boyd, dated August 30, 2018 and recorded September 4, 2018 in Book 1828 at Page 32, in the Office of the Register of Deeds for Orangeburg County.

TMS# 033-21-61-005

Cooperative Title, LLC

Grantee's Address: 8011 Old State Rd
Holly Hill SC 29059

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said **TWOBULLZ, LLC**, its successors and assigns forever. And TMR Holdings, LLC does hereby bind itself and its successors, executors and administrators, to warrant and forever defend all and singular the said premises unto the said **TWOBULLZ, LLC**, its successors and assigns, against TMR Holdings, LLC, its successors, assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

Prepared By:

Cooperative Title, LLC
852 Orleans Rd., Suite 205
Charleston, SC 29407

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY, appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred is located at 2819 & 2817 Eutaw Rd, Holly Hill, SC 29059 bearing Orangeburg County Tax Map Number 033-21-61-9005, was transferred by TMR Holdings, LLC to TwoBullz, LLC on 10/10/24
3. Check one of the following: The DEED is:
 - a. ☒ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - b. ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or a distribution to a trust beneficiary.
 - c. ☐ EXEMPT from the deed recording fee because (see Information section of affidavit): _____ (If exempt, please skip items 4-7 and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes ☐ or No ☒

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - a. ☒ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 170,000.00
 - b. ☐ The fee is computed on the fair market value of the realty which is \$ _____
 - c. ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____

5. Check YES ☐ or NO ☒ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "YES", the amount of the outstanding balance of this lien or encumbrance is \$ _____.

6. The deed recording fee is computed as follows:
 - a. Place the amount listed in item 4 above here:
 - b. Place the amount listed in item 5 above here:
(If no amount is listed, place zero here.)
 - c. Subtract Line 6(b) from Line 6(a) and place the result here:

\$ 170,000.00
\$ 0.00
\$ 170,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$629.00.

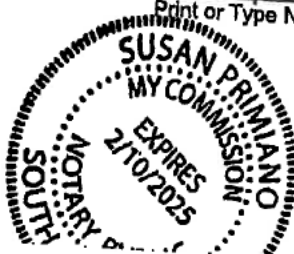
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as attly.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsible Person Connected with the Transaction

Print or Type Name Here

Sworn to before me this 10
day of Oct, 2024

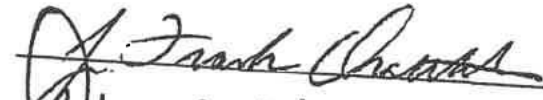
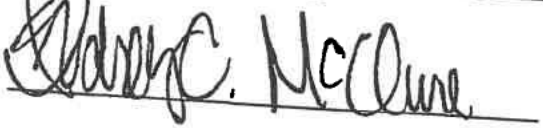
Notary Public for South Carolina
My Commission Expires



WITNESS my Hand and Seal this 10th day of October, 2024.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

TMR HOLDINGS, LLC


By: Tammy Redden, Sole Member

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned witness who on oath, deposes and states that he/she is not a party to or beneficiary to this transaction and that he/she saw the within-named **TAMMY REDDEN, SOLE MEMBER OF TMR HOLDINGS, LLC** sign, seal and as her act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that he/she with the other witness above subscribed, witnessed the execution thereof.

SWORN to before me this

10th day of October, 2024.


Notary Public for South Carolina
My Commission Expires:



Notice of Board of Zoning Appeals Hearing

The Board of Zoning Appeals for the Town of Holly Hill, South Carolina will hold a public hearing at 531 Park Circle, Holly Hill, SC on March 11, 2025 at 5:00 p.m. on the following appeals:

Appeal No. 2025 - 1 by Justin VanBogart for a variance from Table 6-2 Dimensional Standards of the zoning ordinance to allow property at TMS# 0332-16-19-005 to be subdivided.

Documents relating to the appeals are available for public inspection in the office of the zoning administrator at Holly Hill Town Hall at 8423 Old State Road, Ste. 1 Holly Hill, SC 29059.
2/18 COL-400703

1 of 3

890 sq ft, 34 ft
5 sq ft, 6
= 1019 = 61 41 33
24 88 11 = 41 33
88 11 = 41 33

Summary

Parcel ID 0228100
Map # 0332-16-19-005.000
Old TMS 03470206004000
Property/Address MAIN ST 31 00020102
Legal Description (Note: Not to be used on legal documents)
Acreage 0.241
Tax District 31
Legal Residence False
(Note: Not to be used on legal documents)

Primary Owner

Primary Owner
Tmr Holdings LLC
PO Box 641
Saint George, SC 29477-0641

Quentin

Residential Dwellings

Card 01
Residential Dwelling 1

Occupancy Single family
Story 1.0
Roofing Material: Metal
Attic None
Basement Type None
Basement Rec Room None
House Type 99 Other
Bedrooms 3
Full Baths 1
Half Baths 0
Central Air No
Primary Heat Wall units-elec
Fireplace No
Features None
Porches and Decks Open Frame Porch 182
Yd Item/Spc Fture/Outbldg Wood frame 288 SF
Residential Fencing 0 LF

Last Updated	Exterior Cover	Floor	Base Area (sf)	Fin. Area (sf)
Construction	Wood siding	1.0	1196	1196
Wood frame	Crawl		1082	0
	Total		1196	1196

2 of 3

Orangeburg County, SC

Residential Dwelling 1

Occupancy Single family
Story 1.0
Roofing Material: Metal
Attic None
Basement Type None
Basement Rec Room None
House Type 99 Other
Bedrooms 3
Full Baths 1
Half Baths 0
Central Air No
Primary Heat Wall units-elec
Fireplace No
Features None
Porches and Decks Open Frame Porch 182
Open Frame Porch 114
Yd Item/Spec Fture/Outldg Wood frame 168 SF
Residential Fencing OLF
6/9/2014

	Exterior Cover	Floor	Base Area (sf)	Fin. Area (sf)
Wood frame	Wood siding	1.0	1082	1082
	Crawl		1082	0
Total			1082	1082

Improvements

Card 01

ID	Use	Stry Hgt	Const Type	Year Const	Eff Year	Cond	Base Rate	Features	Adj Rate	Size/ Area
D	DWELL	1		1912	1912	AV	0.00		0	1196
G01	ICP		Wood frame	0	0	AV	23.83		23.83	12 x 24
01	FENCERES			1992	1992	AV	0.00		0	0

Card 02

ID	Use	Stry Hgt	Const Type	Year Const	Eff Year	Cond	Base Rate	Features	Adj Rate	Size/ Area
D	DWELL	1		1912	1912	AV	0.00		0	1082
G01	ATTCP	1	Wood frame	0	0	AV	23.83		23.83	168
01	FENCERES			1992	1992	AV	0.00		0	0

Assessment Information

Assessed Year	2023	2022	2021	2019
Appraised Value Land	\$15,251.00	\$15,251.00	\$15,251.00	\$15,251.00
Appraised Value Land Improvements	\$108,400.00	\$108,400.00	\$108,400.00	\$108,400.00
Total Appraised Value	\$123,651.00	\$123,651.00	\$123,651.00	\$123,651.00
Limited(Capped) Appraised Value Total	\$123,651.00	\$123,651.00	\$123,651.00	\$123,651.00
Exemption Amount	\$0.00	\$0.00	\$0.00	\$0.00
Assessed Value	\$7,420.00	\$7,420.00	\$7,420.00	\$7,420.00

Sales Information

SaleDate	Sale Price	Book/Page	Grantor	Grantee
9/4/2018 4:25:00 PM	\$75,000	01828 / 0032	BOYD RUSSELL E/ JAMES L	TMR HOLDINGS LLC
8/1/1988 12:00:00 AM	\$0	539 / 337		

Recent Sales In Area

Sale date range:

From: 02/11/2022 To: 02/11/2025

Sales by Neighborhood

Distance: 1500 Feet Sales by Distance

Pay Tax Bill

Pay Tax Bill

No data available for the following modules: Sketches, Taxes.

The County of Orangeburg, its officials and employees, expressly disclaim all warranties regarding this data and any representation regarding the accuracy, completeness, timeliness or sequence of any of the information provided. Users shall instead rely on original source materials that are maintained and updated in accordance with specific legal requirements, not on this data. See Full Disclaimer for more details.

User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 2/10/2025, 8:45:41 PM

Contact Us

Developed by
SCHNEIDER
GEO SPATIAL

3.8.6 Lapse of Approval

- A. A Zoning Permit issued for construction that requires a building permit shall lapse and be of no further effect if a building permit is not issued within six (6) months of the date of issuance of the Zoning Permit.
- B. A Zoning Permit issued for use or construction that does not require a building permit shall lapse and be of no further effect if the authorized development has not commenced within six (6) months, or if after the development has commenced, the work is suspended or abandoned for a period of more than one (1) year.
- C. Zoning Permit extensions, for periods of up to 90 days, shall be approved by the Zoning Administrator. No more than four (4) 90-day extensions will be allowed. An application for a Zoning Permit extension shall be submitted to the Zoning Administrator prior to the expiration of the Zoning Permit.

Section 3.9 Certificates of Occupancy

3.9.1 Applicability

No structure or zoning lot or part thereof for which a Zoning Permit has been issued shall be used or occupied until the Building Inspection Department has, after final inspection, issued a Certificate of Occupancy indicating that the use or structure complies with all applicable requirements of the Zoning Permit and this Ordinance. This Certificate of Occupancy may be combined with or made a part of the Certificate of Occupancy required under the Building Code. The issuance of a Certificate of Occupancy shall not be construed as waiving any provision of this Ordinance or the applicable Zoning Permit.

3.9.2 Utility Connections

- A. Electric or gas utility companies or cooperatives shall not provide their respective utility until receipt of an approved Certificate of Occupancy.
- B. Temporary electrical power permits shall require authorization from the Zoning Administrator prior to such services being provided by the utility companies.

Section 3.10 Zoning Variances

3.10.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning related dimensional, design or performance standard set forth in this Ordinance, provided that the Approval Criteria of Section 3.10.6 are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business or operation that is not otherwise allowed by the Use Regulations of the underlying zoning district;

- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in Article 9;
- C. Increasing the density of a residential use above that permitted by the underlying district;
- D. Varying the sign regulations of this Ordinance;
- E. Varying or waiving the General Provisions and Regulations contained in Article 10; or
- F. Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance.

3.10.2 Application Filing

- A. Applications for Zoning Variances shall be submitted to the Zoning Administrator on forms available at Town Hall.
- B. Zoning Variance applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
- C. No Application for a Zoning Variance shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Zoning Variance Application signed by the current property owner(s).
 - 2. Applicant's letter of intent explaining the requested Zoning Variance and how it meets the Approval Criteria of Section 3.10.6.
 - 3. Site plan drawn to engineers scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, trees, wetlands, holding basins and buffers when applicable. One (1) 24 x 36 copy and five (5) 11 x 17 copies shall be submitted.
 - 4. A copy of a legible approved and recorded plat.
 - 5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
 - 6. Any other information that the Zoning Administrator determines is necessary to make an informed decision as to whether the application complies with the standards required by Section 3.10.
- D. All proposed Zoning Variances, except single family residential development, shall satisfy the Site Plan Review process.
- E. Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance.

3.10.3 Public Hearing Notice

Newspaper, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

3.10.4 Zoning Administrator Review and Report

The Zoning Administrator shall review each proposed Zoning Variance in light of the Approval Criteria of Section 3.10.6, and if deemed necessary, distribute the application to other agencies

and reviewers. The Zoning Administrator shall provide a report on the proposed Zoning Variance to the Board of Zoning Appeals.

3.10.5 Board of Zoning Appeals Hearing and Decision

- A. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Zoning Variance. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Zoning Variance based on the Approval Criteria of Section 3.10.6.
- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A majority of the members present and voting are required to approve a Zoning Variance.

3.10.6 Approval Criteria

- A. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship.
- B. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - 2. These conditions do not generally apply to other property in the vicinity;
 - 3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
 - 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;
 - 5. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.
 - 6. The need for the variance is not the result of the applicant's own actions; and
 - 7. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.
- C. In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

3.10.7 Final Decisions and Orders

Final decisions and orders of the Board must be in writing and be filed in the Office of the Zoning Administrator as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties in interest by mail.

3.10.8 Notice of Decision

The written final decision shall be mailed to all parties in interest by mail.

3.10.9 Appeals

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

3.10.10 Lapse of Approval

An approved Zoning Variance shall lapse and be of no further effect twelve (12) months after the date that the Zoning Variance was approved by the Board of Zoning Appeals unless a complete application of a Zoning Permit is submitted in accordance with Section 3.8 of this Article, or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.

One (1) one-year extension of a Zoning Variance approval may be allowed if construction or development has commenced and is being diligently pursued. Applications for extensions of Zoning Variance approvals shall be submitted to the Zoning Administrator on forms available in the Planning Department at least fifteen (15) days prior to the expiration of the Zoning Variance approval.

Section 3.11 Written Interpretations

3.11.1 Application Filing

Applications for Written Interpretations of this Ordinance shall be submitted to the Zoning Administrator on forms available at Town Hall.

3.11.2 Zoning Administrator Review and Decision

Within 30 working days of receipt of a complete application for a Written Interpretation, the Zoning Administrator shall: (1) review and evaluate the application in light of this Ordinance, the Comprehensive Plan and any other relevant documents; (2) consult with other staff as necessary; and (3) render a written interpretation.

3.11.3 Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

3.11.4 Official Record of Interpretations

Article IV: Base Zoning Districts

Section 4.1 Establishment of Districts

4.1.1 Zoning Districts

For the purpose of this Ordinance, the Town of Holly Hill is hereby divided into the following zoning districts:

Table 4-1, Zoning Map Descriptions and Designations

Map Symbol	District Description	Comprehensive Plan Land Use Designation
R-1	Low-Density Residential District	RSF, Single-Family Residential
R-2	Medium-Density Residential District	RSF and RMF, Multi-Family Residential
R-3	High-Density Residential and Manufactured Housing District	RMF and RMH, Manufactured Housing
	Central Commercial District	Com, Commercial
C-2	General Commercial District	Com, Commercial
C-3	Limited Commercial District	Com, Commercial
LI	Light Industrial District	IND, Industrial and Com

4.1.2 Zoning District References

References in this Ordinance to “nonresidential” zoning districts shall be construed as references to all base zoning districts beginning with the letters “C” (Commercial), “I” (Industrial). References to “residential” zoning districts shall be construed as references to all base zoning districts beginning with the letter “R”.

4.1.3 Zoning District Hierarchy

Under the hierarchy established by this Ordinance, the R-1 district is the most restrictive base zoning district, while the C-3 district is the least restrictive base zoning district. The table of Section 4.1.1 presents the districts in order, from most to least restrictive. The Planned Development, Overlay and Special Purpose zoning districts are not included in the zoning district hierarchy.

4.1.4 Density

Density refers to the number of permitted dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of land to be developed. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Ordinance shall be met. The maximum density established for a

10.14.2 Subsequent Nonconforming Lot

Where the owner of a lot that was subdivided subsequent to the effective date of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of Table 6-2, such lot may be used as a building site provided the proposed structure conforms to the minimum setback requirements only after a variance has been granted by the Board of Zoning Appeals.

10.14.3 Required Combination of Subsequent Nonconforming Lots

If the owner of two (2) or more adjoining undeveloped lots with substandard dimensions, any one (1) of which was subdivided subsequent to the effective date of this Ordinance, wishes to build upon any of the nonconforming lots, the lots must be combined and if the resulting lot or lots conform to the dimensional requirements of Table 6-2 they may be used as a building site or sites. If the resulting lot or lots does not conform to the dimensional requirements of Table 6-2, the owner may appeal for a variance.

Section 10.15 Change of Nonconforming Use

10.15.1 Change to Different Nonconforming Use Prohibited

A nonconforming use of land, building or structure may not be changed to another nonconforming use.

10.15.2 Expansion Prohibited

A nonconforming use of land, building or structure may not be enlarged or expanded.

10.15.3 Reversion of Nonconforming Use Prohibited

Whenever a nonconforming use of land, building or structure has been changed to a conforming use of land, building or structure, it shall not be allowed to revert to any nonconforming use.

10.15.4 Change in Ownership

A change in ownership does not affect a nonconforming use.

Section 10.16 Nonconforming Buildings, Structures and Site Improvements

10.16.1 Applicability

Nonconforming buildings, structures and site improvements are buildings or structures that are nonconforming in height, area, setback, bulk or other dimensional requirements and sites that are nonconforming as to site improvement requirements including the amount of parking, parking lot design, drainage, landscaping, buffers and any other site improvement provisions of this Ordinance.

Board of Zoning Appeals

- **Other factors applicable to a variance also are prescribed by S.C. Code § 6-29-800(A)(2)(d).**

1. Profitability. The fact that the property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance. See *Groves v. Charleston*, 226 S.C. 459, 85 S.E.2d 708 (1955).



Board of Zoning Appeals

- **Other factors applicable to a variance also are prescribed by S.C. Code § 6-29-800(A)(2)(d).**
- 3. Use variance.** Generally, the board may not grant a variance that would allow the establishment of a use not otherwise permitted in a zoning district, physically extend a nonconforming use of land or change the zoning district boundaries shown on the official zoning map. However, the 1994 Act does allow use variances to be authorized by a local zoning ordinance. S.C. Code § 6-29-800 (A)(2)(d)(i). Nevertheless, granting use variances is not a good zoning practice and is not recommended. A use variance may be subject to attack as an unlawful delegation of legislative authority. Zoning is a legislative power in this state. Uses permitted in a zoning district are listed in zoning ordinance district regulations. In effect, granting a use variance amends the ordinance administratively for the benefit of one landowner.



Board of Zoning Appeals

- Procedures follow a judicial process
- Decisions must be based on facts of case
- Members cannot accept evidence outside of the input process adopted in the Zoning Ordinance.
- Board decisions may be further appealed to Circuit Court
– *No review by Council*
- An accurate record of proceedings is critical because court will base its decision on the transcripts of the Board.



AGENDA FOR HOLLY HILL BZA COMMISSION

APRIL 8, 2025 AT 5:00 P.M.

TOWN OF HOLLY HILL COURT ROOM

- | | | |
|-------|---|---------------------|
| I. | Call to Order - Introduction of Legal Counsel | D. Bergen |
| II. | Motion to approve 4/8/25 Agenda | Group |
| III. | Motion to approve March 11, 2025 Meeting Minutes | Group |
| IV. | Activity Update from Zoning Administrator(s) | G. Austin/B. Chubbs |
| V. | Review/Summary of March 11 Appeals Process | Group |
| | <ul style="list-style-type: none">• Review of Adopted BZA Appeals Procedures• Technology Issues (Audio and Audio-to-Text• Length of Time and Actual Voting Process• Questions from BZA Committee | |
| VI. | Review/Approval of BZA Formal Letter to Applicant | Group |
| VII. | Next BZA Meeting: Tuesday, May 13, 2025 | |
| VIII. | Adjournment | |

Board of Zoning Appeals Meeting Minutes

(Refer to Audio to Text Minutes for additional details)

Date: April 8, 2025
Time: 5:00 p.m.
Location: Town Hall – Court Room (first meeting in new location)
Attendees: Dianne Bergen, Tommie Burkins, Kate Copsey and Lillie Heyward
Guests: Gayle Austin - Zoning Administrator, Billy Chubbs – Code Enforcement, Shelia Williams – Town Clerk, Ginny Bozeman – Pope Law Firm, Lee Hendren – T&D.
Absent: Delores Olin (medical leave)

- Meeting called to order by Dianne Bergen. Dianne also gave specific instructions for all speaking to speak slowly, clearly and loud so the audio to text may capture as much as possible.
- Motion to approve 4/8/25 Agenda made by Lillie Heyward, seconded by Tommie Burkins, all in favor. Motion approved.
- Motion to approve 3/11/25 Minutes made by Tommie Burkins, seconded by Kate Copsey, all in favor. Motion approved.
- Zoning Administrator Updates: New business coming to Holly Hill is a printing (banners) and UPS package shop. It will be located on Hwy. 176 in the downtown area. Properties requiring cleanup have been given notice (three homes at this time). Buildings on Main Street that have been condemned will be turned over to Safebuilt in June if owners have not complied with final notices.
- Dianne Bergen stated the committee needed to finalize the March 11 Public Hearing Appeals process. Included was a review of what went well and what didn't (especially technical issues), and a written letter to applicant (Justin VanBogart) documenting the BZA decision and what next steps he has if he is not in agreement with our ruling. The letter must be sent via certified mail per zoning ordinance procedure. Dianne provided a draft letter, Ginny Bozeman helped word smith the final draft. It was reviewed by the committee, changes initialized by each member, motion to accept final draft made by Kate Copsey, seconded by Tommie Burkins, all in favor, motion approved to accept final letter. (See audio/text for details.)
- Next regular meeting scheduled for May 13, 2025.
- Dianne Bergen asked, "is there any further business? If not, she needed a motion and a second to adjourn." Motion made by Lillie Heyward, seconded by Tommie Burkins, all in favor. Motion carried. This meeting of the town of Holly Hill Board of Zoning Appeals stands adjourned.

Respectfully submitted,

Dianne Bergen, BZA Secretary

Audio to text software

BZA MINUTES 04/08/2025

Okay, tonight we're going to practice using the audio to text and I remember to speak clearly, loudly, and slowly. Do not talk over anyone, do not ramble on. We had some very interesting outcomes that Shelia was able to make the most out of it. Okay, I'd like to call the meeting to order. The Town of Holly Hills Board of Zoning Appeals Commission, April 8th, 2025, meeting. And tonight, thanks to the mayor, we have Jenny Bozeman, who is a senior lawyer for Pope Flynn Law Firm, which is the town's law firm. Welcome and thank you, thank you, thank you.

Jenny Bozeman You're welcome, I'm happy to be here.

Okay, moving right along here, I would like to get a motion for the agenda which I'll briefly go over. I move that we accept the agenda as printed. Okay that was Lillian and she has motion for the agenda to be accepted. Do I have a second? I second.

Tommy?

All those in favor?

Aye. Aye.

Okay, the minutes are also included in the packet that Ms. Gayle provided everybody. And we will need a motion to accept the minutes. I make a motion to accept the minutes. Okay, Tommy Perkins made the motion. Do I have a second? I'll second it. Kate Copsey. All those in favor? Aye. Motion is passed and accepted. Thank you all. Okay.

Activity from the zoning administrators. If y'all can give us a brief update. This is Gayle Austin speaking now. There is a new business coming to town. It's a printing, business where she does banners printing, and she's trying to get in with UPS where she can receive packages and then send them out to the customers and things like that. And that's going to be nice. It's in that building where all that wreck was happening, if y'all look at it, it's all looking really nice now. She's in the first one.

We got a couple of houses going on that, I wanna say, I don't know if anybody knows it or not, Billy and I know it, maybe three that are, would have come up for condemnation if they hadn't cleaned up around and now they're working on here.

That's three that's being remodeled from the inside to the outside. This'll really make it better. One's on Hesseman, two on Gardner. And they were always cut. I never knew there was a house there And now they've cleaned up around there.

Working on roofing and up a lot and they're working on roofing and hopefully getting a lot done, that kind of stuff. And also the mayor said last night at the council meeting, the buildings on Main Street that have been condemned forever, said that we turned that over to the new company, Safebuilt And they're going through the process come June the 1st if they haven't done anything then the town will start going through the process of having them repaired or demolished at the owner's expense.

Diane Bergen Thank you very much for your update. I appreciate it. Okay. What we really need to get through tonight is a review and a summary of the March 11th appeals process, which was our very first appeal. We have to get a final, in order to bring closure to this case, the applicant, Justin Vanbogart, requires a formal letter written of the decision and I have to get it certified

and posted by at least tomorrow, Wednesday or Thursday, no later. So that's one of the things we need to accomplish tonight. We also need to review the rules of procedures that were presented that night for us to vote on and accept, which we did. And I'll let, if you don't mind, after I get through with the rest, I'm gonna turn that over to Jenny Bozeman, and she will review it with us.

We also learned some things through that meeting. One of them is the audio to text that requires wifi, which the Dantzler building did not have. And as you know, hot spots are kind of spotty there, so it was quite a challenge. And we have some additional questions. Also, the length of time, which I think will be going over in these rules of procedures. Like I said, this was our very first one and we had a few learning curves, which worked out fine, no issue. And so when I walk out tonight, I want to have this letter finalized and edited for mailing tomorrow and of course our next meeting tentatively is next month May 13th and then adjournment okay so Jenny if you'll take it over from here. Jenny Bozeman Sure. First, I will say I thought that your first hearing went well. And you really, when it comes to getting experience, you know I think that a lot of, you almost dealt with the worst of the most unexpected in terms of just having done it before. And he came prepared with a lot of witnesses. And it's important to really evaluate your experience and look at these rules and make sure that they work. These are based on the municipal association's rules. And what is most important is that they are followed once they're adopted, and applicants receive a copy of them in advance of the hearing so once they have been they've already been adopted tonight we're going to talk about potential changes that may work better going forward. And any updated versions that are later adopted, maybe at your May meeting for example, would then need to be available to any applicants that appeal a decision of the zoning administrator or requesting a special exception or a variance and if that occurs before the updated rules are adopted then those individuals could get a copy of this and once they're updated if there are any pending applications they'd need a copy of the updated rules. So, timing I feel like was the biggest issue and I use issue just in terms of not a problem, but I am you know the board erred on the side of giving the applicant as much time as possible and

that was done because the rules were adopted that day. Now what's most important is that you look at this and ensure that the rules give everyone enough time but not so much time that if you were to have you know more than one hearing in one night it would be impossible. The time limits that are included in the rules in front of you are the time limits proposed by MASC and their draft procedures. And these rules envision the hearing beginning once you get to it on your agenda with either the chairman or the secretary giving a brief overview of the matter that's going to be heard. Then you have the applicant give its presentation of ten minutes. So, 10 minutes however they want it. If they're going to be the only one, if the applicant is the only one testifying, then great if the applicant has brought witnesses and that applicant needs to be able to present all of his or her evidence within that allotted time period, which right now you've got 10 minutes. If you're going to give more, I wouldn't give more than 15, because then you're going to get into a situation where it's just dragging on and on. Extending it by making it 15 minutes, though, would, 10 minutes goes fast if they're going to call any witnesses. So if

you think that you're going to be inclined to give people more time if they're not able to get it in in that 10 minutes and I just go ahead change it to 15 and keep it that way. Then the official being appealed or in the case of a variance just the town official who is not being appealed has the same amount of time to put on his or her case. A lot of times that's just a matter of reviewing the staff report and you know maybe if there was more detailed issue you might have some sort of PowerPoint but frequently it's just a staff report and questions. Then you'd have any opponents would have the same period of time, and those opponents are people that are impacted by whatever the appeal, or special exception or variance request is. They're not necessarily just people from the community that want to voice their opinion in support of it, for example. And the reason they're given the same amount of time is that those individuals also have the ability to appeal against the decision to serve the court. So, the mask rules then allow unsworn public comments. Those people are not witnesses. You know, until then, everybody that speaks is sworn in and that's because the board can ask questions during that time period. If you're thinking about time frames, the board could always keep the ten minutes and hold its questions until the presentation is complete and not include that as part of the true presentation time. So that's something to also consider as she worked through and discussed these rules. I suggest much like public comments made at a council meeting that there be a time limit when it comes to those unsworn comments and you know two to three minutes just enough time stand up and say you know I support this and here's why, or this is a terrible idea and here's why. Then, these rules say the board can ask the participants a question at any point during the hearing, and that's true. The way you want to handle that though should be considered when thinking through these time limits. If you want to ask questions during the presentation, then you might want to consider giving the individuals a longer period of time to present. If you're going to hold your questions until the applicant or zoning official is done presenting, then you know, 10 minutes is fine, but you are kind of opening the door to a lot of questions and a lot of answers but as the word you control that and don't forget that throughout the process and don't hesitate once these rules are firmly in place and applicants have got them in advance to truly have somebody present whomever is serving as a secretary or the clerk to start a timer. The moment the applicant begins started you know stop it at the end start the timer as soon as the town begins make it fair across the board and that don't hesitate to enforce these rules that's why I mean they're your rules it's in your discretion or you know really the chair's discretion and presiding over the board in bending them to make them a little bit more flexible if necessary and that I suggest now that you're reviewing them and deciding what works and what does not work that you agree to a time period that can be uniformly enforced and because it's giving everybody enough time. Does that make sense? It does because we only had one appeal. There may come a time where you have more than one. You definitely want to control the time. Yes, and so, you know, when you're considering these basic, you know, the hearing is based on just the basic foundations of due process and those are built in to the state law that authorizes the BZA and that gives you the duties that you've got. And that means that the applicant has got to be made aware, it's got to know how to appeal, what that process looks like, has got to have the

ability to call witnesses and allow for a friendly questioning of opposing witnesses. You will see rules that will say no cross-examination, just a friendly exchange that's truly just a limited cross-examination in that you're not here to serve as bailiffs. You're not here, you're not legal. You don't have, you're not lawyers that have been sworn in as judges, but you are a quasi-judicial body,

and so you're here to uniformly apply these rules and give people the opportunity to present their evidence, call witnesses, ask questions of the people presenting evidence against them. And when doing that, you just have very basic rules of evidence. And hearsay can be considered. It just has to have some sort of baseline relevancy. Does the evidence and testimony being presented do something to make a fact of issue more or less probable? That's all it is. You're not here to make, you know, truly, is this an authentic document? Where did you get it? And have somebody authenticated or, you know, listen to hearsay and objections. This is a very limited hearing with very limited time periods. So, you know, parties can just present a stack of documents at the beginning, call a witness, and be done with it, or the applicant can just testify for him or herself, and that's it. But you've got to — what's most important is that you're giving people the opportunity to be heard and that you're uniformly applying the rules. Are there any questions

about that? Diane Bergen, my question is prior to the public hearing or the appeal process, the preparation for the Board of Zoning the appeal process, the preparation for the board of zoning appeals. It seems to me, if you want, you know, a friendly discussion that everything would need to be known pretty much up front. Is that accurate or is that not so?

Jenny Bozeman Because we, there were still a lot of questions the night of the public hearing. And well the rules allow for

That's why the board's allowed to ask questions. You know these procedures don't require a formal you know exchange the witness list in advance or evidence in advance and which is something you would see it you know if the true rules of civil procedure and rules of evidence were adhered to. This is a short hearing meant to give the applicant the opportunity to be heard in a meaningful way so the board can truly consider the facts and consider the law when deciding whether to grant or deny the appeal whether to grant or deny the variance whether to grant or deny the special exception and but you don't have a discovery process in advance, which is what you're really referring to, where you would have the opportunity to, you know, ask, submit interrogatories and get information about their witnesses and defense theories and, or theories on appeal. None of that occurs in advance.

It all occurs at the hearing. You've got their application and the information, so you know what's being appealed, why, and the general basis for it. But they can come with a PowerPoint if they want to, or their next door neighbor to say,

I approve this, I think it's great. Whatever they think that they can present to support their case within the time period that they've got, which they will already know about, that is completely up to them.

OK. So what I'm hearing is that really that application needs to be complete and detailed so that the board

does have all the information. Yes I mean within reason so you don't want to make it impossible for people to appeal but you need to know what they're appealing. You need to know the property. You need to know the decision being appealed or the request being made and why. There should be a spot on that application for the rules they're relying on, for example example but I don't think that they have to disclose all of the evidence that they're going to present in advance and all of their witnesses or anything that nature.

Diane Bergen No, no and maybe I'm not phrasing it correctly but it seems to me like everything we had on the application one issue noted and that was the size of the parcel. Getting in and that's it's me it's the way I do things I have to dig in so I understand. And I knew that there was a 6,000 square foot size, but there was a lot more to that parcel than just that. There was the fact that it was already non-conforming. It just was. And there was information about what happens when you put a property line in between two homes that are already very close. None of that was, and it was very hard to read the plot or the survey, and it, there was just more to the issue than just the size. Now who decides that? Who does that?

Jenny Bozeman So that's where the person presiding over the meeting, the chairman, has got the ability to limit evidence if it's not relevant. And I think that's where the time frames will help because you don't have as much time to go down potentially irrelevant rabbit holes if you're limited to a certain period of time. You know I think that the question you're asking is a very fact-specific and it's almost impossible to create so truly I mean the lot size is what was at issue there. The variance was being requested because he wanted the ability to subdivide his property into lot sizes that fell below the minimum amount. And so you know all of those other issues that came up I think that's where you just decide that depending on the issue the chair makes a decision if there's an objection to the relevancy of the information as to whether or not to allow it and the board when making its decision can certainly weigh the evidence and consider and you know whether it supports or is contrary or just immaterial to the request.

Diane Bergen Okay what you need in your application is what's being appealed? Name, property owner, what's being appealed, why, supporting, right. Okay so if putting a property line in between two properties disrupts more things and makes it more non-conforming that's okay I'm just

asking. Jenny Bozeman So that's not a question I can answer right now and that is very and I don't want to you know veer into legal advice when this is more of a training related to the procedures and particularly when we're not in executive session and what you are looking at when in terms of an application for a variance is who's requesting it what property does it affect and what provision of your ordinances are they requesting a variance from and why. Okay. So perhaps that information would go into the why but you truly know you're not getting a legal brief in advance you're getting the information necessary to know what's being appealed.

Shelia Williams asked can I make a suggestion with the with the audio and text, with you and her having that conversation back and forth, I'm going to be the one that has to decipher who is who. So if you could state, Diane Burgin, Miss Jenny, and I'm going to mess up your last name. If you could state who you are and then that way it's clearer on audio to text because the last time it was a monkey show. Jenny Bozeman That's perfect. It's also important to remember

for any sort of hearings that you first say your name. Thank you. That's perfect it's also important to remember for any sort of hearings that you first say your name. Thank you. Okay as far as reviewing any more of this do we have any additional discussions now Jenny you had mentioned there is more information. Yes so these are just the rules the procedural rules taken from the proposed mask rules and prior to the last meeting I didn't have time to tweak I only tweaked the portion that was needed immediately for use at that hearing but I will go back and incorporate these into the larger document and get those to you and I'll also at that time make any additional changes that you want and to these hearing procedures. Off the top of my head I can't tell you exactly what else those masc rules entail but it's a lot of just information regarding the timing of your meetings and things of that nature so it's not they're not applicable really to the manner in which these hearings are conducted and so I don't anticipate there being a lot of issues with the remainder of it it's really boilerplate but I'll get it to you in enough time so that and if there are any provisions in there that don't match with the actual language of your zoning ordinance that addresses the BZA let me know I'll compare the two first which is what I didn't have time to do before. But look at those in advance and I can get them in as final form as possible for this body to review in May. Okay everybody okay with that? This is Diane Bergen Do you have any questions? I do. Tommy Burkins. We may have covered this already, but I need a little bit more clarification. Are we required as board members at the end of public hearing to vote then and there or can we vote at a later date at a group?

Jenny Bozeman I recommend voting then and there. Then and there? I am. That way, it's clear that all deliberations were made in public.

Tommy Burkins Okay. I got you. So that kind of answers my next question.

Are the board allowed to discuss this prior to voting?

Jeeny Bozeman Yes, publicly.

Tommy Burkins Publicly yeah. I thought we were last time we attempted to discuss this a little bit before we voted but then I think we were it was

halted and we couldn't do that so I wanted to know in the future can we discuss things prior to voting among the board members. Jenny Bozeman Yes but you're not breaking into executive session to do it you're doing it as part of the hearing. Yeah okay. You can break into executive session for the purpose of receiving legal advice you want to be sure though when you do that that you're not using that legal advice period as an opportunity to deliberate. You've still got to go out in public and discuss and make your decisions publicly. It is you can reserve a time period for legal advice if you would

like and you could also do it in advance of the hearing if needed and that's completely up to the board.

Billy Chubb I got a question. Once they're deliberating that or whatever, they can't be interrupted by anybody testifying about anything or anything else, vegetarian deliberations. Is that correct?

Jenny Bozeman That's correct. And that's why it's good to follow the procedures that have been adopted. Because at that point, it's just like a trial. Once you've closed, you've closed. And the

judge isn't gonna let you come back and present more information and present or you know pull the jury out of the jury room and say oh I forgot to tell you this at that point what's done is done.

This is Diane oh I'm sorry go ahead. That was Lillie Haywood so, in the general meeting, that's the executive meeting. That's only for discussion. Jenny Bozeman Right? In executive. Not decisions. Not permanent decisions. Discussion time. break for executive session it's got to be for one of the purposes set out in FOIA and the one that would be applicable here is to receive legal advice. No decisions are made, no decisions are final. No decision, no voting can occur and really all you can do is receive legal advice. I recommend if legal advice is something that you think is necessary for that to occur in advance of the hearing so for you to put it on the agenda to occur prior to the actual hearing beginning that way it doesn't look like it's being used as an opportunity to not deliberate in public.

Is there some sort of a time limit on how much you can discuss once you've closed the arguments. On the example that we were given before, I don't know what that was, but yeah, it said you had to be in the same room is there and if you're discussing it among yourselves is there a time limit is that also the 10 minute time? No that's within the discretion of really the chair who is presiding over the meeting itself and but no you don't put a time limit there because you want the board to have as much time as it thinks is necessary to discuss the issues and make sure that everybody is prepared to vote.

Okay this is Diane and if you would look at your meeting minutes, last bullet, first page. We actually asked for a motion and a second to have a discussion after all the evidence was heard. So we did follow that process. And it was a part of our agenda. Diane Bergen closes the hearing to the public and asked for a motion from the board need a second in order to have a discussion. Discussion is held which we, and then after that each board member was asked to vote and give their reasons. Now I kind of could have done a better job in explaining how you needed to describe your reasons, but we did okay from what I can tell.

I think you did a great job. And we have to do everything, everything's out in the open. There's no going in behind closed doors or anything. Everything is open and it should be because the zoning ordinance is on our website, it's public. Any questions we have are going to be either in that book or they're going to be information that was provided by the applicant. So everything's already out in the front.

Diane Bergen Okay. Are there any other questions? Okay. All right. We'll look forward to the update and we'll get that passed and accepted. I do have one question again this is Diane. Bylaws, how do bylaws different from the actual document we're working off of? Bylaw, this is Jenny Bozeman, so bylaws would be you're right more of the policies and procedures as opposed to the hearing, these are hearing procedures. Okay. Will the final document we have have anything like that and I just ran across them in my research because we don't have bylaws and I don't know if we need them. They'll be part of the I just pulled the rules of procedure because that's what you needed.

Thank you. To have in advance of that hearing. So the bylaws will be a part of the final document.

I need a reference to this if necessary. Great. Okay. Thank you. Okay. My next bullet point is the technical issues we had. It was a learning experience for all of us and pretty tough one really. If we had not been able to get the audio to work we would have had to cancel because there's no way I could have done what I was doing with the meeting and trying to put notes down for minutes. I just I can do a summary here this is pretty simple but I can't do a public hearing I just that's a little beyond my capabilities. So I think we have those worked out and we'll be a little better prepared the next time. We touched on the length of time because it was a long appeals meeting and like I said if we had more than one we would have been there a lot longer and the actual voting process and I agree it really needs to be done after the discussion and everything's because it's right there. We, a couple of things, and it was in our meeting agenda that I have details of, but I don't think we understood what it was that the committee member can vote yay or nay, abstain, recused, and absent. Yes. Okay would you give us a brief description for each of those. So yay or nay it's pretty obvious you're voting for or against it. Abstain is you're not voting at all. Recusal is you're not voting and you've got a conflict of interest that you've voiced and you shouldn't even be in the room for the hearing because you don't even want somebody to come back later and say well Mr. Jones said he had a conflict because you, this is his niece and he made a face every time somebody said something contrary to your, and so then everybody voted in accordance with his face. Just have that person not be in the room at the time of the hearing deliberation or voting. An absent is what it is. That individual is not present. Okay and do we need to state like Kate was due to a death in the family Kate was not there. Your minutes will say that it's just like the minutes from any other public meeting where you've got the individuals present and so you know if you look and you see you don't see you know she was a member of the body and she wasn't present at that day she's not documented on the minutes as being there and she doesn't have a vote documented. Go back to it, voting absent, when you say absent when you were present there. Abstain. Abstain. I am so. Abstain you're not gonna do it but sometimes I'm see with a piece of just so they're there and they answer absent and they answer absent or they say abstain that means they're not going to vote but truly you should vote unless you're not voting due to a conflict of interest and you've already refused yourself before any of it starts. So once the hearing begins, unless you see a witness come up that you just didn't know about and you didn't see in the audience first and you just no longer can be fair and impartial, you need to have voice once you see matter on the agenda. And you think that if you need to recuse yourself, that needs to be done. And as opposed to sitting through the hearing and then deciding that you can't be fair and impartial. Sheila Williams as you were saying she was absent so what we can do at the end before you adjourn I can or whoever can state the name of each individual what their position is and then whoever's absent I can also say or whoever can state it and then it'd be at the bottom of it before you adjourn that way if somebody had to leave or somebody came in late they're still accounted for. We can do that as well in the audio to text. Okay and that would be good to have that in the audio because I did have Kate on the attendees she's absent. Okay and that's

fine. On the minutes. Okay. That is why it is in two places. Right. Okay. All right. Now everybody has a, moving right along here, anybody have questions other than about the, I did have a few. Let me see if I can find them.

Okay, I think you're in my, this is Diane. There, Billy, did you take those measurements on the?

Yes, ma'am. This is Billy. The draft from the surveyor is not exactly right.

Yeah, we found an error. I don't even know if the judge didn't put a picture of it. But we caught it. Yeah, they did.

As you look at this drawing, it shows the carports one on one side of the house, one on the other side of the house, but they aren't. They're both on the inside of the house. They're facing each other. So like this shows one on outside of this house, one on the outside, but they're actually both in the middle of the two houses.

And what was the width? Right, see they show one carport here, one carport here, but actually this one is correct. This one should be right here. But the carports aren't actually adjoined to each other. Right. They don't touch or anything but they're facing each other. The width across the front of the biggest lot is 62 feet. Okay. And we saw that from the marker that was in the corner by the fence by Lillian's to the edge of the fence on the other side was 62 feet. Now there was no markers in the back so we couldn't really get a good measurement for the back but by this survey here that is correct. It shows like 61 point something over there. What about the small one? I didn't get measurements on the small one. I apologize.

I can go back and get them tomorrow if we need it. This was one of the things the domino effect that I was talking about is that you take a parcel that has issues already and then you stick a property line down the middle. That changes other dimensions that were on table 6-2. One of those dimensions and Billy says the larger lot has 62 feet width which is fine because it's 60 feet. The smaller lot, however, it's not going to have that. So, it's 60 feet. The smaller lot, however, it's not going to have that. So it starts to add up.

That's why, even though I know it wasn't on the application, the fact that that was a non-conforming lot, that had to be documented somewhere because it affects what you do with that

lot. So the hearing is over and new evidence can't be presented but those are the sorts of things that you typically see addressed in the staff report. That is not you the staff report is where you're going to find an analysis of the applicable regs and the recommendations being made by staff due to those. What you are going to get in the application submitted by the requestor is this is the property this is the applicable provision of the code that I want buried and here's why. If there's a domino effect that staff feels is pertinent then that should be included in the report. It is always possible with any hearing that the decision makers here at the BZA are going to think of things that did not come up before, or are going to interpret things differently, or are going to have questions that nobody thought about in advance, because no two human beings are the same. And that's why you've got the opportunity to ask questions then, and that's why you've got the opportunity to publicly deliberate them. And that's just the nature of any sort of legal proceeding.

Okay, good. You've answered my question and that's we, when we get the application and you're doing your review, all of that really. And should we have, I saw somewhere that sometimes

you have a briefing before a hearing. No, you should not. You should have every single item that you are considering needs to be presented at that hearing. And it needs to be publicly done. You can't do, have any sort of private briefing in advance

because you were, that would be like me running into the judge that I'm going to be in front of on Thursday morning and saying, hey quickly, I just want to tell you what I'm gonna present in support of my motion on Thursday morning. It's gotta be done in public with all parties present. This is Diane and this is Jenny. Sorry The applicant with you in this Conference, I'm sorry if you had the applicant with you to review discovery or whatever it is, or the information that the zoning administrators came up with, is that appropriate or no?

It would be, it is not a procedure that is contemplated in the rules or in the statutes allowing for the creation of a VCA. If you were doing it uniformly across the board every time but these truly should be issues that the board considers at that hearing as opposed to what you're suggesting is really sort of a pre-hearing conference and then a hearing you can do that it would need to be built into your rules

and it would need to be available to everybody, every single applicant, every time this is going to occur. I think that the risk of doing that is that the body would be opening itself up to subsequent challenges that maybe there were discussions had or information reviewed outside of that official public meeting. The board can always table a vote and come back later, but it's truly recommended that you do this all at once during a single hearing. Right Right I don't have a problem with

the voting what I have what I'm trying to make sure I understand is how does the board get all the their information prior to and it sounds. The staff report should be circulated in advance and can would be made available then to the applicant at the same time. Okay so the report from the zoning administrator would have all that detail for us and that how early would that be circulated prior to a hearing? That is. Because we would have to determine we were going to hear it, right? With the appeal, because

we may decide this is, and I've actually had to do this on occasion, is that it shouldn't have come to us. It should have gone to like the planning and zoning, or it should have gone to town council not to us. So these

are very fact-specific questions and I can't give you a one-size-fits-all answer. The period of time in advance of the hearing the staff report is going to be available is really just a matter of procedure and if you know you want it and you know your agenda posting deadline is 24 hours in advance if you want the staff report and you know five business up to the body and up to what's possible with respect to the staff the administration and you may already have that built into your BCA

rules. Tommy Burkins yes I think I see what Diane is trying to get out there. Just for instance, the information that Billy just gave us on the width of the property, that was good. But the rules also have to include stuff like the setback, which would become part of the discussion.

which would become part of the discussion and we don't have that and we know if we went and looked at the property ourselves that that didn't meet the rules either, the setback for the property. They wasn't right either. So these are questions that you pose. The applicant is the one that has got the burden of proving why they are entitled to why the zoning official was wrong, why they're entitled to the variance, why they're entitled to this special exception. So that individual is going to come to the hearing with that information. If they don't prove it, then that's up to the board to decide after weighing all of the evidence.

So we're not even supposed to meet together to figure out which part of the book it's going to be from, because this was obviously our first one, you know, which part of this it was contravening, if it was maybe not quite the same as this. You know, the, I guess, if it wasn't conforming in the first place, which part of this book do we have to, for instance, look in the bit that goes with non-conformity and all that? I know it's in here somewhere. So we're not even supposed to meet and talk about it together in a

meeting. You can so in advance of the hearing you should have the your agenda packet and that should include the application it should include the staff report and you should take the time in advance to read those items look at the provisions of the code that you think will be helpful to you in processing the information and asking questions about it. But you cannot, all of that is independent. So you receive the agenda packet in advance, you review the information that is provided to you,

which at a minimum should include that application in the staff report and then you look at the provisions of the ordinance in your book that you think apply and that's why you've got the ability to ask questions that's why you've got the ability to deliberate. It's also why if it might be a good idea if you've got something that's maybe you know a little tricky when it comes to the application of the code to have an executive session where you include it as an item on your agenda and prior to

the hearing you break into executive session for the purpose of receiving legal advice and there you can say this code section blank blank blank apply and why not how should I rule but I don't understand the law that applies to this and at that time you can receive the legal advice and but you can't meet with each other in advance to discuss the pros and cons, to talk about the evidence that you think that he should, that he or she should or should not put on.

All of that would be a violation of FOIA.

It's got to be done publicly. It's like having a jury. Jurors can't speak outside the walls about a case, correct? Is that the same scenario?

Well, it's, you're a public body and so all of your official decisions have got to be made in public and they've got to be made at a public meeting but they're also a quasi judicial body so if you are considering a matter that is before you that opposing party's got to be there going to be aware of it and got to be present for the entire discussion unless it falls within the exemptions to FOIA like the receipt of legal advice. Gail.

So if I am the zoning administrator, okay, and I receive one of these, just like this, I can get all the information together correctly and my feelings on it, if I say no, but and we gotta have a hearing, then I am the one that's got to give all of them the information right to look at mm-hmm but I can do that I

don't want to wait till the hearing time. Correct all of that's going to be part of your staff report and any documentation that you're submitting and in support of it so when you look at you don't have to wait until the hearing in fact it should be circulated in advance it just can't be discussed in advance and when it's circulated it should be circulated to the opposing party too so what you don't want to happen is the board's got all of it in advance with their agenda packets and the applicant shows up and you just throw them a 50 page report and start the hearing it all needs to be if it's going to go to the board in advance it needs to go to the applicant in advance and then that will be part of your presentation at the time that the zoning administrator is given the ten minutes to present. Right. And then they will have already hopefully had a chance to think

individually about questions that they have of you if you don't address them during your presentation. Okay. Got you. So we need to be familiar, everybody, all parties need to have some

familiarity what's going to be discussed. Yes I think it's for the best that everybody looks at those agenda packets in advance and is prepared to take in the information and roll on it that day.

This is Diane and the non-conforming section is in 10 just so you know it's not in the other section that we're working at. And I guess my, and the reason I'm driving this is because it does state that it has to comply with the ordinances within this manual. It doesn't say just property size. It says the ordinances which broadens the review by the zoning administrators like I said they would have to make sure that they looked at the request and see what the impact is correct? That is a fact specific situation depending on the issue. Okay.

Okay.

All right. I'm thinking about this lot. How exact can this board be on lot size?

Since everything is so old, and I can't do it. Different things were required back then, and I'm not. different they would require that they don't have. That is another specific situation depending on what you're looking at and the circumstances involved as to you knew what is a pre-existing non-conforming use that's

permitted by your ordinance and what is not. to the survey. Stupid question. Isn't just about every appeal

because the zoning administrator has found that it doesn't conform with the law which is why they're asking the VCA to, for a variance or for an exception from the law?

No. So the role of the VCA is to hear appeals and official decisions made by the zoning administrator. For example, I've cited you for operating a gas station in an area that's not zoned for it and they say but wait it is it's a non-conforming use. That's an example. A variance or special exception is a request that goes directly to the BZA it

does not go to there's not an underlying decision made it's not a true appeal the BZA based on state law hears appeals of officials owning decisions plus requests for variances plus request for special exceptions. Because those, I didn't know that. That the variance and the special exception could go hand in hand with a determination that the code has been violated and so they're separate they

just all three go to your ECA. Okay this is Diane. It would be I think beneficial if everybody when they get the documentation from the zoning administrator, to look at the approval criteria to make sure that what they're handed meets the criteria. Or is, because that was very confusing with this particular case,

was to try and understand how the criteria given to us was applicable to the criteria in the book. Would you recommend that each of the criteria be read at a review or a public hearing prior to the vote so they understand not only the committee but the public as well or is that too much? It is completely up to you and how you want to deliberate and your discussion is meant to reflect the information that you're considering in support or against the request and the basis for your subsequent ruling. If it's something you feel is relevant or that you want to discuss with the board, you can absolutely review it, read it out loud. But you don't have to.

I have a question.

This is Gayle.

We're getting ready to deal with the modular home on Peak Street. The parents have their house, but they have a lot big enough for their daughter to put on. That's the only thing that's going to happen.

It's not going to be subdivided. In the future, what's going to happen when they, nobody, I mean, they don't have two lots, two separate lots, and they try to sell it. Should we go along with that?

I, you've lost me. I'm sorry. I just heard modular home and in the future.

Their daughter is going to put a modular home on their lot, which has been approved, OK?

Whose daughter?

It was this?

No, they already have this. Their parents, they got one big lot, OK? A big lot.

The parents already have their house there.

Let's address this outside a public meeting. Okay. Unless it's an action item on your agenda. I can call you. Yeah just give me a call tomorrow. I'd like to understand that because I'd hate to have to go through another one of those appeals subdivisions. Yeah let's stick to the agenda and you and I can talk about that. Okay. That's not something that has to or should be heard here. That's fine. No problem. I'm going to talk about agenda items. This is Diane and everybody has a copy of the letter

that I am proposing that we tweak tonight so I can get it to the applicant tomorrow. Yeah, we have one.

Oh, wait a minute.

Did I give you a pen?

Yeah.

OK.

All right.

I'm not real familiar. I tried to find examples. I couldn't find a simple example of a letter to an applicant. And what I did is I just mentioned the details of the property.

And then stated how the board voted the night of the public hearing. I mean, I kept these real simple, but there were other, like we tried to get the actual width of the property that night. I don't know if you remember, but the applicant was talking longitude and latitude. All I want is a dimension. So I, you know, we couldn't get everything that we wanted that night, but you know, I didn't mention except for in the description

of the parcel that it is non-conforming, that it's been rental, and just generals. Is there, what are you

supposed to document in the vote? What do you mean? So you want to have findings of fact and conclusions of law which is essentially which is what you've included and you want to have the facts that you're relying on in support of your decision and your ultimate decision and the board did a good job of articulating the legal basis and this letter includes the pertinent facts that are being relied on everyone referenced profitability when referring to the basis for their opinion and if you wanted to you could go back and then

this would need to be considered at the May meeting and include information that is pertinent to you and to the board relating to the actual evidence presented all of that is also in the minutes though so it could include you know statements and evidence presented regarding the more profitable use of the property if it were divided into two lots but I think when looking at this letter and looking at each BCA member's reason for their vote in conjunction with the approved minutes from the meeting, you've got all of that.

This is Diane. I actually, you know, I thought more should have been included with our decisions because during our discussion, and I went back to the audio to text, in our discussion, we really touched on base on a lot of things, the nonconformity, the changing of hands, which doesn't mean you change what the purpose of the property is, the fact that we didn't really understand the hardship, that was all mentioned during our discussion, but yet none of that shows up in this letter.

You could have included it just based on pulling it from the minutes, but it's also in the minutes that have been approved as part of the official record. There's case law that indicates that approved minutes can be the order for the purpose of an appeal. State law and for BZA requirements do, though, contemplate the board having an official order which is what this letter is that is approved by the board following the meeting it's a written documentation of your ruling and the basis for it and so that's entirely up

to you but if it's information that you considered and discussed during your deliberation then it could you could do a fact section and include all of that information and then you could include a legal section where you would include the profitability prohibition included in the applicable state law you could put that and then the final findings. The vote? Okay.

And should I attach the audio to text for the applicant? I mean we're going to have a

book available that has all of it. That's entirely up to you. You can the minutes once approved are a public record that are available to anybody that asks but if you want to include them as part of your written findings you absolutely can. So what do you recommend? If you want to include them yes it does not I'd go ahead and agree with that. Keep it separate. Okay.

So I can add a couple of paragraphs here? Yes. I would well. Or just reference saying

C attached or? If you want this order approved, if you want the order that you are sending approved tonight then you need to go ahead and make those modifications now so that the board can vote on it. If not you're going to need to wait until your next meeting for them to vote on the written documentation.

No we can't do that.

So if you don't want if you just want to make it simple, you could, give me a second, this is Jenny, to review this and tell you where to reference then close minutes. Okay, I think that you could, if you look at it, and I'll pass this around so that the body can see, you could tweak the first two sentences of the letter to say the purpose of this letter is to provide the written order documenting the Board of Zoning Appeals decision determined at the BCA public hearing held on Tuesday March 11, 2025 period new sentence the approved minutes from that meeting are also enclosed and incorporating and incorporated into this order by reference then you get to your case number is referenced in the above subject. I think that that addresses all of your issues but I'll pass this around so that everybody can look at it.

Pass it around and initial.

This is Diane. I want everybody to initial because this has got to be official.

Can I please?

Yeah, up here. You can you welcome these are all document I changed it so that we know he made them but I'm read it and make sure you agree just make sure you're pleased.

I have one quick question. Make sure you actually approve them because I can change that And I think this is more of a rule than a procedure

Once miss gale at staff present the board with

With a package of an appeal and I see something in there that I have a question about

Is it can I call her and ask her something of the particular? No because she's a witness that is going to appear in front of you. You can ask her about it during the public meeting. She's given 10 minutes to present and once that 10 minutes is over the board can ask whatever questions it would like and I suggest doing that, taking that opportunity to question her. What's this word? Order. I thought so.

If you want to give me another graph I can make it.

And let me just read this. The approved minutes from that meeting are also enclosed and incorporated with this

order by reference yes and you can get rid of that also it's the only thing enclosed I don't know why I put that you're not enclosing anything else now when you're referring to minutes are you referring to are you referring to the audio to text or just these minutes well

what are is the audio to text not part of our part of your official minutes

yep she's got the official minutes that was that this is the audio to text this is what the computer did and I corrected. To the best of my ability. Let me see the actual minutes where are they in here? Because this includes everything. The minutes have got are sufficient I think the minutes are

best but if not you can include the whole transcript. Well let's make sure that it's got the information that you want included first. Have you ever noticed that? That's how we do the timing. The three minutes to two minutes to ten minutes that she's talking. That's how we can do this. I'm going to go ahead and get my notebook. I am. That states like everything he went through and then the witnesses and everything else.

So it's that sort of thing.

It's a detail.

So if you want to include something in further support, I'd put the transcript because the minutes include a caveat that it's not a true I don't know the actual language used but there's a caveat in the minutes that essentially says this isn't an accurate duplication of the discussion made at the time of deliberation so if you want to include something I would include the transcript I am which if there was an appeal it would be filed with the appeal anyway I am so I'd instead say, a transcript. What is your official city role?

Town clerk. I'd say, are you comfortable with me saying a true and accurate transcript from the hearing I am. Do you need a new one? Yes. Hold on. The computer does it I go through it so I mean there's a there might be mistakes in there but um yeah. But if we had to produce the transcript you would be the one to authentic post office. You can come right here to our postage and we can do certified mail.

Can you certify this as being turn accurate? I mean, do you have a seal that you didn't put on? Yes ma'am, so I'll just seal it. At this time while we're reviewing, attendees Billy Chubb, Code Enforcer, Gayle Austin, Code Enforcer, Lee Heerden with Newspaper, Lillian Hayward, Diane Bergen, Tommy Perkins, Kate Cosby, Jenny Bozeman as well as Sheila Williams.

The absentee for tonight is Miss Dolores Olin.

Right, each property. I like that. It's not like a whole group. It's each property. I like that. It's not like a whole group. It's each property. It shows the lives. That's what we're talking about on the new map.

This is Diane and what I am sharing with Gayle is a map that is dated. It was back in 2016 and it was current usage. It not only had the zones, but it also had individual parcels identified in those zones. And it is something I discussed with the mayor and strongly suggested he get us one that is updated. Okay. What if instead we say, and this is Jenny, the written order of the

Board of Zoning Appeals decision made at the BZA public hearing held Tuesday March 11, 2025. New sentence that a true and accurate transcript from that hearing is enclosed for your review and the public deliberation and findings the BZA documented in that transcript are incorporated herein by reference. You have to initialize it.

Everybody has the key. Okay. This is Diane and we have now tweaked the letter that is to go to the applicant via certified mail. Do they have to sign is that anything? Well that's part of the certified mail process. Oh it is okay and the board has initialed it so I am a motion to accept? Yes I'd make a motion to approve the draft order as modified. Okay motion to approve the draft order as modified. I'll make the motion. Okay Kate. Seconded. Tommy. All those in favor? Aye. Okay thank you. And this will go out tomorrow. Thank you very much. You're welcome. Appreciate that. Okay next on the agenda is our next meeting is Tuesday May 13th and it will be in the courtroom right here. This is our new permanent location. Do I have a motion to adjourn? I'm with the adjourn at this time. Okay. Lily motion. I second. Tommy second. All those in motion to adjourn? I'm with the adjourn at this time. Okay. Lily motion. I second. Tommy second. All those in favor. Aye.

Dismiss



April 8, 2025

Mr. Justin VanBogart
TwoBullz, LLC
8011 Old State Road
Holly Hill, SC 29059

SUBJECT: HOLLY HILL BOARD OF ZONING APPEALS CASE NO. 2025-1

Dear Mr. VanBogart:

The purpose of this letter is to provide you with the written order of the Board of Zoning Appeals (BZA) decision made at the BZA Public Hearing held on Tuesday, March 11, 2025. A true and accurate transcript from that hearing is enclosed for your review, and the public deliberation and findings of the BZA documented in that transcript are incorporated herein by reference. Your case number is referenced in the above subject.

Property details involved and general information on the variance appeal are as follows:

- Parcel TMS-0332-16-19-005
- Acreage: .241 (10,614 square feet)
- Residential Dwellings: 2
- Built in 1912
- Current Use: Rental Property (7 plus years)
- Parcel and structures are non-conforming
- Currently in Zoning District C2
- Variance Request: Subdivide single parcel into two parcels (lots). Resulting in one parcel being 6,133 sq. ft. and the other parcel 4,480.5 sq. ft.
- Current minimum Zoning Ordinance lot size in Zoning District C2 is 6,000 sq. ft.
- Your company purchased the property in November of 2024.

During the March 11th Public Hearing, the Board of Zoning Appeals committee members each voted, the results were as follows:

- Delores Olin – Nay. Ms. Olin referenced S.C. Code 6-29-800(A)(2)(d) Profitability. The fact that the property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance. See Groves v. Charleston, 226 S.C. 459, 85 S.E.2d 708 (1955).
- Lillie Heyward – Nay, referring to same SC Code.
- Tommie Burkins – Nay, referring to the same SC Code but also stated the property's current use would not be affected by the nay vote.
- Dianne Bergen -Nay. Ms. Bergen referenced the Holly Hill Zoning Ordinance manual Page 38 Section 3.10.6 Approval Criteria B.5 (last sentence: The fact that property may be utilized

Page 2 (continued)

- more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.

The vote was unanimous, variance denied.

You were notified at the end of the voting that the final decision will be mailed to you after the next scheduled BZA monthly meeting, scheduled for Tuesday, April 8, 2025. You may appeal the Board of Zoning Appeals final decision to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such a decision is contrary to law. Such an appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

Respectfully submitted,



Dianne Bergen,
Secretary – Holly Hill Board of Zoning Appeals

Attachment: Public Hearing Transcript

CC: without attachment
D. Olin, BZA Chairperson
G. Austin, Zoning Administrator
G. Bozeman, Pope Flynn Law Firm
T. Burkins, BZA member
B. Chubbs, Zoning Administrator
K. Copsey, BZA member
L. Heyward, BZA member

Holly Hill Town Council
Mayor of Holly Hill

Holly Hill Planning & Zoning Commission Meeting
3MARCH2025 @ 1730

Holly Hill Planning & Zoning Meeting Attendance		
NAME	OFFICE	ATTENDANCE
David Teague	HHPZ Chair	X
Justin VanBogart	HHPZ Asst. Chair	X
Shaun Middleton	HHPZ Secretary	X
Juliet Ham	HHPZ	--
Kelly Geddings	HHPZ	--
Bobby Strong	HHPZ	X
Sheila Williams/ Martha Robinson	Town Clerk/ Asst. Town Clerk	X/--
Billy Chubb/Gail	Town Code Enforcer	--
Rebecca Vance	PZ Contractor	X

1. MINUTES – There was no meeting in February.
 - a. 1st --- N/A
 - b. 2nd --- NA
2. AGENDA –
 - a. 1st --- Justin
 - b. 2nd --- Shaun
3. OLD BUSINESS – N/A
4. NEW BUSINESS –
 - a. **David Smoak** - owner of Car Wash on Old State Road
 Discussion and recommendation for David Smoak's property rezoning from Residential (R3) to Commercial (C3). The car wash business has been closed for several years. The property is zoned R3. Mr. Smoak requested the property to be rezoned from R3 to C3.
 - i. C3 is the lighter of the commercial zones
 - ii. Carwash is a conditional use
 - iii. C3 allows for mix uses that accommodate office, light commercial and residential uses.
 - iv. There will be a first reading at the Town Council meeting.
 - v. Property will be posted in newspaper
 - vi. There will be a second reading and public hearing at the Town Council meeting.
 1. Motion to rezone property to from R3 to C3 - Justin
 2. Seconded by – Bobby
 3. Ayes - Unanimous
5. PLANNING COMMISSION COMMENTS – N/A
6. CODE ENFORCEMENT OFFICER COMMENTS – N/A
7. NEXT MEETING DATE –
 - a. 7APRIL2025 AT 5:30 (Town Council Meeting is at 6:30).

8. PUBLIC COMMENT –

- a. **Thurmon Phillip** submitted an application to become a member of the Planning and Zoning Commission in the meeting tonight 3-3-2025
- b. **David Smoak** - owner of Car Wash on Old State Road (spoke earlier in the meeting; no additional comments)
- c. **Jenell Taplin** – owner of a 2-bedroom house on 1245 John Brown Street.
Inquired about the zoning of her property
 - i. She would like to convert the home to a Beauty Salon.
 - ii. The house is approximately 450 square feet
 - iii. Tabled because Rebecca will discuss zoning district and allowable use with Mrs. Taplin.

(It was noted, we currently have 2 openings on the Planning and Zoning Commission)
Evelyn Staley advised the commission her application was submitted last month.

9. Adjournment –

- a. 1st – Justin
- b. 2nd – Shaun

Respectively submitted by S. Middleton,
HHPZ Secretary (March 2025 -present)

Holly Hill Planning & Zoning Meeting Attendance		
NAME	OFFICE	ATTENDANCE
David Teague	HHPZ Chair	X
Justin VanBogart	HHPZ Asst. Chair	X
Shaun Middleton	HHPZ Secretary	X
Juliet Ham	HHPZ	X
Kelly Geddings	HHPZ	--
Bobby Strong	HHPZ	X
Sheila Williams/ Martha Robinson	Town Clerk/ Asst. Town Clerk	X/--
Billy Chubb/Gail	Town Code Enforcer	X/--
Rebecca Vance	PZ Contractor	X

1. MINUTES –
 - a. 1st --- Justin
 - b. 2nd --- Bobby
2. AGENDA –
 - a. 1st --- Shaun
 - b. 2nd --- Juliet
3. OLD BUSINESS – N/A
4. NEW BUSINESS – Discussed potential amendments to the Town of Holly Hill’s Zoning Ordinance:
 - a. **Short Term Rentals -**
 - i. We need a definition of “short term” units. Limited to 29 days for short term; more than 29 days is not considered “short term” rental.
 - ii. Rebecca will rewrite an ordinance to add definition and amendment and bring it to the next meeting.
 - iii. Replace the term “Tourist Home” with “Short Term Rental”. The term tourist home may cause confusion.
 - iv. There will be no restriction on districts.
 - b. **Car Wash –**
 - i. Discussion on the question of primary use versus accessory use.
 - c. **Vape Sales –**
 - i. Vaping is currently allowed in Light Industrial
 - ii. There was a recommendation to allow 25% of vaping sales in other stores before it is considered a vape store.
 - d. **Section 10.14 Nonconforming lots of Record**
 - i. Discussion on Preexisting Nonconforming Lot Ordinance
5. PLANNING COMMISSION COMMENTS – N/A
6. CODE ENFORCEMENT OFFICER COMMENTS – N/A
7. NEXT MEETING DATE –
 - a. 5MAY2025 AT 5:30; Town Council Meeting is at 6:30

8. PUBLIC COMMENT –

- a. There were no public comments.

9. Adjournment –

- a. 1st – Justin
- b. 2nd – Shaun

Respectively submitted by S. Middleton,
HHPZ Secretary (March 2025 -present)



Town of Holly Hill

South Carolina

Council Meeting

Monday May 5, 2025, 6:30p.m.

Town of Holly Hill Complex-8423 Old State Road Suite 1

www.hollyhill.sc.gov

PUBLIC HEARING

PUBLIC HEARING OF AN ORDINANCE TO MODIFY THE OFFICIAL ZONING MAP OF THE TOWN OF HOLLY HILL, SOUTH CAROLINA, ON BEHALF OF DAVID SMOAK, FOR TMS #0339-17-09-011 (0.60 acres), LOCATED ON OLD STATE ROAD, FROM RESIDENTIAL 3 (R3) TO COMMERCIAL 3 (C3).

I. ✓ Call to Order

- a. Invocation
- b. Approval of Agenda
- c. Approval of Minutes

II. Items on Agenda

- ✓ 1) 2nd READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR BROADBAND SERVICE WITH ORANGEBURG COUNTY AND OTHER MATTERS RELATING THERETO
- ✓ 2) 2ND READING AN ORDINANCE TO MODIFY THE OFFICIAL ZONING MAP OF THE TOWN OF HOLLY HILL, SOUTH CAROLINA, ON BEHALF OF DAVID SMOAK, FOR TMS # 033917-09-011 (0.60 ACRES), LOCATED ON OLD STATE ROAD, FROM RESIDENTIAL3 (R3) TO COMMERCIAL 3 (C3).



- 3) 1ST READING OF AN ORDINANCE OF THE TOWN OF HOLLY HILL, SOUTH CAROLINA AMENDING CERTAIN SECTIONS OF TOWN OF HOLLY HILL ZONING ORDINANCE, 2019; AND OTHER MATTERS RELATED THERETO.

- 4) PROCLAMATION FOR PEACE OFFICERS' MEMORIAL DAY

III. Department Reports

Town Attorney	Pope Flynn Law Firm ✓
Administration Department	Shelia Williams

2 of 2

Parks & Recreation	Councilperson Cynthia Fuller
Airport	Councilperson George Summerson
Police Department	Councilperson David Barber & Chief Joshua Detter
Planning & Zoning	Rebecca Vance & David Teague
Board of Appeals	Diane Bergen
Code Enforcement	Gayle Austin & Billy Chubb
Public Works	Councilperson LeAnne Troutman

IV Executive Session: The Town council will/may enter an executive session in accordance with 30-4-70(a) code of Law's of South Carolina. Upon returning to the open session. The council may act on matters discussed in the executive session.

V. Public Comments

VI. Adjourned

Next Council meeting will be held Monday June 2, 2025 @ 6:30pm Located at 8423 Old State Road- Holly Hill Town Hall Complex.

**AN ORDINANCE OF THE TOWN OF HOLLY HILL, SOUTH CAROLINA
AMENDING CERTAIN SECTIONS OF TOWN OF HOLLY HILL ZONING
ORDINANCE, 2019; AND OTHER MATTERS RELATED THERETO.**

The Town Council of the Town of Holly Hill, South Carolina (the "**Council**"), the governing body of the Town of Holly Hill, South Carolina (the "**Town**"), has made the following findings of fact:

(A) The Town is a municipal corporation of the State of South Carolina (the "**State**") located in Orangeburg County, South Carolina, and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities.

(B) Pursuant to Title 6, Chapter 29, Article 5 of the Code of Laws of South Carolina 1976, as amended (the "**S.C. Code**"), the Council may provide for and amend zoning ordinances and land development regulations.

(C) Following a recommendation by the planning commission of the Town of Holly Hill (the "**Planning Commission**") and a public hearing on the matter, the Council previously enacted a zoning and land development ordinance dated December 2, 2024 (the "**Zoning Ordinance**"), which complies with Section 6-29-710 of the S.C. Code.

(D) Upon a review of the Zoning Ordinance and based upon the recommendations of the Planning Commission, the Town has determined to make certain amendments to the Zoning Ordinance following a public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council members of the Town of Holly Hill, South Carolina, in a meeting duly assembled:

Section 1. Ratification of Findings. The Council ratifies and approves the findings of fact recited above.

Section 2. Amendment of the Zoning Ordinance. Article VI, Article X and Article XII of the Zoning Ordinance, as previously enacted by various prior actions of the Council, are hereby amended and restated, in their entirety, as follows:

1. Article VI Article VI Use Regulations, Section 6.2, Table 6.1 Permitted Use, Line 3.7 of the Town of Holly Hill Zoning Ordinance is amended to change Tourist Home to Short Term Rental.

2. Article 10 Section 10.14 is amended to add Section 10.14.2 as written below:

10.14.2 Preexisting Nonconforming Lots with Existing Structures

Where a lot of record at the time of the effective date of this Ordinance contains two or more single family structures and has less area, width or depth than herein required in the district in which it is located to subdivide said lot in order to place each single family structure on a separate lot, said lot may nevertheless be subdivided with the approval of the Zoning Administrator.

3. Article XII Definitions, Section 12.1 is amended to remove the Definition of Tourist

Homes, and to insert the definitions below in the list of definitions in alphabetical order:

Short Term Rentals

The leasing or rental of a portion of, an entire or extra dwelling unit by a Permanent Resident typically using a Hosting Platform in increments of less than one month.

Requirements:

- **Determination of Short-Term Rental Offering:** Any online advertisement posted by the owner or Permanent Resident is sufficient to determine that a unit is being offered as a short-term rental.
- **Business License Required:** A Permanent Resident offering a residential unit for Short-Term Rental shall maintain a valid business license, unless the unit is only rented for less than 14 days per year.
- **Peaceful Enjoyment by Neighbors:** Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems.
- **Insurance Required:** Unless provided by a 3rd Party Platform, Liability Insurance is required for the Owner, Property management company/or any other entity. Valid insurance is required for each unit being licensed for short-term rentals.
- **Safety Inspection:** The Permanent Resident is required to comply with all Fire Code requirements as set forth by the Orangeburg County Fire Department.
- **Records Required:** The Permanent Resident shall maintain records for two years demonstrating compliance with these provisions, including but not limited to information demonstrating Primary Residency, the number of days per calendar year he or she has occupied the residential unit, the number of days per calendar year the residential unit has been rented as a Short-Term Rental, and compliance with the insurance requirement in this section. These records shall be made available to the Town upon request.

Tobacco, Hookah, Vaping Establishments

An establishment whose primary business, in terms of gross floor area or sales, is related to the sale of tobacco products or related accessories, hookah products or related accessories, other smoking products or related accessories, CBD, or electronic nicotine delivery systems or related accessories, for on- or off-premise use. Any business where more than 10% of its sales are from tobacco, hookah or vaping products is considered a Tobacco, Hookah, Vaping Establishment.

Standards:

1. Shall not be located within 1,000 feet from the lot of a public or private K-12 school, childcare facility, youth center, recreational facility, park, church or religious institution, or community center.
2. Shall not be located within 1,000 feet from another tobacco, hookah, or vaping establishment.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 5. Public Hearing. Notice of the public hearing, the form of which is attached hereto as Exhibit A, was properly published in the Times and Democrat, a newspaper of general circulation in the Town, in accordance with the provisions Section 6-29-760 of the S.C. Code.

Section 6. Effective Date. The provisions of this Ordinance shall take effect upon the due enactment of this Ordinance following a public hearing.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this ____ day of ____ 2025.

TOWN OF HOLLY HILL,
SOUTH CAROLINA

(SEAL)

By: _____
Mayor

WITNESS

By: _____
Town Clerk

First Reading: _____, 2025
Public Hearing: _____, 2025
Second Reading: _____, 2025



Town of Holly Hill

South Carolina

Council Meeting

Monday June2, 2025, 6:30p.m.

Town of Holly Hill Complex-8423 Old State Road Suite 1

www.hollyhill.sc.gov

PUBLIC HEARING

PUBLIC HEARING OF AN ORDINANCE OF THE TOWN OF HOLLY HILL, SOUTH CAROLINA AMENDING CERTAIN SECTIONS OF TOWN OF HOLLY HILL ZONING ORDINANCE, 2019; AND OTHER MATTERS RELATED THERETO.

I. Call to Order

- a. Invocation
- b. Approval of Agenda
- c. Approval of Minutes

II. Items on Agenda



- 1) 2ND READING OF AN ORDINANCE OF THE TOWN OF HOLLY HILL, SOUTH CAROLINA AMENDING CERTAIN SECTIONS OF TOWN OF HOLLY HILL ZONING ORDINANCE, 2019; AND OTHER MATTERS RELATED THERETO.

- 2) TOWN OF HOLLY HILL UPDATES

- 3) PROCLAMATION HONORING A HOLLY HILL CITIZEN FOR HIS BIRTHDAY

III. Department Reports

Town Attorney	Pope Flynn Law Firm
Administration Department	Shelia Williams
Parks & Recreation	Councilperson Cynthia Fuller
Airport	Councilperson George Summerson
Police Department	Councilperson David Barber & Chief Joshua Detter
Planning & Zoning	Rebecca Vance & David Teague

Board of Appeals	Diane Bergen
Code Enforcement	Gayle Austin & Billy Chubb
Public Works	Councilperson LeAnne Troutman

IV Executive Session: The Town council will/may enter an executive session in accordance with 30-4-70(a) code of Law's of South Carolina. Upon returning to the open session. The council may act on matters discussed in the executive session.

V. Public Comments

VI. Adjourned

Next Council meeting will be held Monday July 7, 2025 @ 6:30pm Located at 8423 Old State Road- Holly Hill Town Hall Complex.

BOARD OF ZONING APPEALS (BZA)

	A		B	BZA AND GENERAL		CONTACT INFORMATION		E		F	
	NAME		TITLE	HOME PHONE		CELL PHONE		TEXT		EMAIL ADDRESS	
1											
2											
3	Delores Olin		Chairperson	803-496-0041		347-350-1068		Y		<u>dolin357@aol.com</u>	
4											
5	Kate Copsey		Secretary			678-836-6526		Y		<u>ktcopsey@aol.com</u>	
6											
7	Dianne Bergen			803-496-9969		843-607-5904		Y		<u>carolinadeede@aol.com</u>	
8											
9	Tommie Burkins					803-971-8892		Y		<u>tommieburkins@yahoo.com</u>	
10											
11	Lillie Anne Heyward			803-496-5384		803-614-8339		Y		<u>lmheyward@yahoo.com</u>	
12											
13	Thurman Phillips, Jr.					803-971-0105		Y		<u>Tpkca11@msn.com</u>	
14											
15											
16											
17	Town Hall Contact Information:			OFFICE							
18											
19	Michael Dennis		Mayor	803-496-3330		803-759-5600				<u>mayor@HollyHill.sc.gov</u>	
20	Shelia Williams		Town Clerk	803-496-3330		803-759-0501		Y		<u>clerk@HollyHill.sc.gov</u>	
21	Billy Chubb		Code Enforcer	803-496-3330		803-759-5330		Y		<u>code@HollyHill.sc.gov</u>	
22										<u>BillyChubb1960@gmail.com</u>	
23											
24	Media Resource:										
25	Lee Hendren		Independent Contr.			803-824-3197		Y		<u>LeeHendren776@gmail.com</u>	
26											
27											
28											
29	Date: 4/15/2026										

**OATH OF OFFICE FOR
PLANNING AND ZONING COMMISSION OF HOLLY HILL SC**

**I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM DULY QUALIFIED
ACCORDING TO THE CONSTITUTION OF THIS STATE, TO
EXERCISE THE DUTIES OF THIS OFFICE TO WHICH I HAVE BEEN
APPOINTED, AND THAT I WILL DO THE BEST OF MY ABILITY ,
DISCHARGE THE DUTIES THEREOF, AND PRESERVE, PROTECT,
AND DEFEND THE CONSTITUTION OF THE STATE AND OF THE
UNITED STATES. SO, HELP ME GOD.**

DATE

NAME

BZA Appeals Request

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: mayorofhollyhill@gmail.com

Cc: dolin357@aol.com

Date: Wednesday, February 12, 2025 at 11:44 AM EST

Dear Mayor, for the first time since I've been on the BZA Committee an application is in process for an appeals hearing. To ensure compliance with SC Law and that we are properly prepared for the public hearing, there are a couple of items I need to review with you.

- 1) The public hearing needs to be documented via written report. My question is do we have a resource at town hall who can transcribe an audio of the hearing or do we have access to a stenographer?
- 2) I know our town lawyers are not litigators, but from what I understand most small town lawyers do not litigate. However, most small towns still utilize their legal skills to provide some input on the process, answer legal questions, or refer the BZA to the correct legal resource if needed. It is recommended that a lawyer attend our first appeals hearing. Please arrange to have our town legal representative contact me so I may learn how much help they are able to provide the BZA.

Just a quick update for you. At the BZA meeting last night Charlie Barrineau, MASC, provided a training class on the BZA Appeals Process. The timing of this class was critical for our group. The content was spot on. Charlie's presentation was exactly what we needed. An extra bonus is our group will receive credit for the training. Nice!!

Justin Vanbogart also attended our meeting and stayed for the class.

Look forward to hearing from you soon.

Respectfully submitted,

Dianne Bergen
BZA - Secretary

Posting of the BZA Public Hearing

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: clerk@hollyhill.sc.gov

Cc: dolin357@aol.com

Date: Wednesday, February 19, 2025 at 09:26 AM EST

Shelia, please let me know when the BZA Public Hearing will be posted on the community facebook page and the town's web page. As we discussed last week, the notice published in the T&D should be used. Please advised when this request is complete.

Respectfully,

Dianne Bergen
BZA Secretary

Fw: Holly Hill public notice

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: dolin357@aol.com; code@hollyhill.sc.gov

Date: Friday, February 21, 2025 at 08:39 AM EST

FOR YOUR RECORDS. Our appeals public hearing notice was published on February 18 in the legal section of the T&D. Lee Hendren was kind enough to send me a copy of the notice.

Dianne Bergen

----- Forwarded Message -----

From: Lee Hendren <leehendren776@gmail.com>

To: "carolinadeedee@aol.com" <carolinadeedee@aol.com>

Sent: Thursday, February 20, 2025 at 01:41:34 PM EST

Subject: Holly Hill public notice

2 attachments. One is just the ad and the other is the whole page.

After the ad is printed and you have paid for it, The T&D is supposed to send you a "proof of publication affidavit" and a clipping for your records. But The T&D normally bills towns for legal ads at the end of the month -- so you'll have to wait a while for that affidavit.

And I know you're anxious to get a screenshot ASAP, so it is attached.

You asked where to find a T&D in Holly Hill. I mentioned the store on Peake Street by the railroad. They keep unsold back issues for a while.

Another place is the library -- I know they have a subscription so you can read it and/or make photocopies. They keep old copies on file for a while. It is delivered by US Mail so I don't know if they receive it on the same day of publication or later, Regardless, for your purposes, the 15-day requirement for public notices pertains to the publication date that is printed on the paper.

--

Lee Hendren

803-824-3197 mobile/text

803-274-4216 landline

LeeHendren776@gmail.com

BranchvilleLee@embarqmail.com



HH hearing notice T&D 2-18-2025.jpg

76.1 kB



T&D 2-18-2025 page A5.jpg

3 MB

Re: UPDATE March 11th - Public Hearing

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: depos@southernreporting.net

Date: Thursday, February 27, 2025 at 11:41 AM EST

Thank you for your quick response. Unfortunately, we will not be utilizing your services for this event. We will keep your information on file.

Respectfully,

Dianne Bergen
Holly Hill BZA

On Tuesday, February 25, 2025 at 04:25:42 PM EST, Southern Scheduling <depos@southernreporting.net> wrote:

Dianne,

We are able to cover this for you all.

Please let us know if you would like us to keep this on our schedule.

Thank you.

Did our services meet your expectations? Let us know by sharing a [Google Review](#).

Lisa Haycraft

Scheduling Manager

Office: 803-749-8100

www.southernreporting.net



Southern Reporting, Inc.

From: Southern Scheduling <depos@southernreporting.net>
Sent: Tuesday, February 25, 2025 3:32 PM
To: 'carolinadeedee@aol.com' <carolinadeedee@aol.com>
Cc: Southern Scheduling <depos@southernreporting.net>
Subject: March 11th - Public Hearing

Good afternoon Dianne,

Thank you for your call and we received your request for a Public Hearing on March 11th at 5 pm in Holly, SC. We are working on coverage and we'll be in touch as soon as we can.

Please see the estimate below for this hearing. Please note that the rates above may not include exhibit rates, after-hour rates, expedite rates, non-transcribed/no-show rates, cancellation rates, errata review rates, or other possible supplementary service fees. The total listed is not a guarantee and may vary from the actual cost of the finalized job. All fees are subject to change.

Estimate - Hearing

Attend. Hearing/Meeting (First 2-Hours)	1.00	@	185.000	185.00
Before 9/After 5/Weekends/Holidays - Surcharge (per hr)	1.50	Hours @	55.000	82.50
Hearing/Meeting - Original & Hard Copy Condensed	150.00	Pages @	7.900	1,185.00
Certification/Sealing	1.00	@	15.500	15.50
Electronic Full-Sized / Electronic C/I w/ order	1.00	@	0.000	0.00
Shipping/Delivery - Standard	1.00	@	20.500	20.50
TOTAL DUE >>>				\$1,488.50

Also, you don't need to pay upfront.

Please let us know if you have any questions. Thank you!

Did our services meet your expectations? Let us know by sharing a [Google Review](#).

Very Respectfully,

Elizabeth L.

Scheduling Specialist

Office: 803-749-8100

Fax: 803-749-9991

www.southernreporting.net



Southern Reporting, Inc.

This message may contain information which is privileged or confidential. If you are not the intended recipient of this message, please destroy it without reading, using, copying, or disclosing its contents to any other person and notify us immediately.

Request Update on Prior email/conversation Concerening BZA Appeals Public Hearing Process.

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: mayorofhollyhill@gmail.com

Cc: dolin357@aol.com

Date: Thursday, February 27, 2025 at 12:50 PM EST

Dear Mayor, following up on my email and our discussion on February 12, 2025:

- **Legal Support from Town Attorneys:** During our conversation, you stated you would contact the town attorney to see if they could attend the BZA Appeals Public Hearing (scheduled for March 11, 5:00 p.m., Dantzler Bldg.). Please advise status.
- **Audio Recording of Appeals Public Hearing.** Since our discussion of a Court Reporter, I have contacted the County Court Administration to see if they had an available service for us. Unfortunately, the county court reporters are salaried employees and not available to us. I also contacted a private service and did receive a quote. If you would like to see it I will be happy to forward it to you. As I stated, I am not qualified to transcribe an audio from a public hearing. You mentioned Sheilia does this type of documentation for the town. If this is correct, we would like to request the audio recording equipment and Sheilia be available at the March 11 appeals public hearing. Please advise.
- **Future Needs:** I'm sure we will have more BZA Appeals in the future. I'm looking into audio-to-text technology as a possible solution to meet our needs. I'm sure you are aware that court rooms nationally are utilizing this type of technology for certain types of cases. Criminal cases are still utilizing a human court reporter. Since the BZA public hearings are considered to be similar to a court room case, this technology may be a quick, low-cost solution. Would you consider this type of solution for the town's transcription needs? Please advise.

Respectfully,

Dianne Bergen
Holly Hill BZA

RE: BZA Public Hearing Agena 3/11/25

From: Ginny Bozeman (gbozeman@popeflynn.com)

To: carolinadeedee@aol.com

Date: Tuesday, March 11, 2025 at 02:58 PM EDT

Thank you! These look great. During the public presentation on the hearing procedure, the Board will adopt the attached procedure. I'll bring enough copies for everyone. We will talk about this in greater detail when I arrive, but a more complete set of rules will be adopted at your next meeting. This will get us through the hearing today, though!

I am on my way so that I can meet with you in advance of the meeting. I look forward to seeing you around 4:30.

Thanks,

Ginny Bozeman
Senior Counsel

DIRECT: (803) 354-4947
CELL: (901) 299-0667
FAX: (803) 354-4899

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POPE FLYNN
GROUP

1411 Gervais St.
Suite 300
Columbia, SC 29201

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From: carolinadeedee@aol.com <carolinadeedee@aol.com>
Sent: Tuesday, March 11, 2025 2:17 PM
To: Ginny Bozeman <gbozeman@popeflynn.com>
Subject: BZA Public Hearing Agena 3/11/25

Attached please find the agenda for tonight's hearing.

Dianne Bergen

BZA Secretary

803-496-9969 home



Limited Rules of Procedure for 3.11.25 BZA Hearing (adopted amended_full rules at next meeting) 4916-6509-9303
v.1.docx
22.4 kB

BZA Appeals Public Hearing Sign-in Sheet 3/11/25

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: code@hollyhill.sc.gov; clerk@hollyhill.sc.gov

Date: Wednesday, March 12, 2025 at 12:18 PM EDT

I have the original sign-in sheet for the Public Hearing 3/11/25. I will be added to the hard copy of the minutes Shelia is working on. I did type out the signatures and added a note stating two attendees did not sign in. The document is attached. Any question please advise.

Respectfully submitted,

Dianne Bergen
BZA Secretary



PUBLIC HEARING BZA APPEALS SIGN IN SHEET WITH NAMES.docx

13 kB

Meeting this morning - 3/14/25

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: mayorofhollyhill@gmail.com

Cc: dolin357@aol.com

Date: Friday, March 14, 2025 at 12:36 PM EDT

Mayor Chavis: Thank you for meeting with me today and giving me the opportunity to share my observations and concerns of the recent BZA appeals hearing. Here are several take aways from the meeting:

1. Ginny Bozeman, Senior Partner, Pope Flynn Law Firm, will attend the BZA's April 8th meeting in person. If the BZA requires legal counsel in the future (with your approval) the BZA will arrange video or remote access to counsel.
2. It is necessary for me to clarify a misunderstanding that occurred during the hearing. I read the definition in the Holly Hill Zoning Ordinance of C2 to clarify it was a commercial district not a residential (R) district. Yes, C2 has single family homes in the use table. It was for clarification only, since the applicant was mentioning residential so often.
3. You requested that the BZA move their meetings to the Court Room at town hall. I agreed. The court room will provide access to a variety of technology, enabling the BZA to meet current and future needs.
4. We discussed the Holly Hill Zoning map. I stated it was difficult to determine what properties were in zoning districts. You agreed to provide the BZA with a zoning map that includes property lines and street names. Thank you. This will allow us to ensure identification of said property involved in an appeal.

Please let me know if any of my take aways are incorrect. Again, thank you for your time.

Respectfully submitted,

Dianne Bergen
BZA Secretary

Sent: Thursday, April 3, 2025 at 03:35:36 PM EDT

Subject: Holly Hill BZA Draft Letter to Appeal Applicant

Hi Ginny, I'm sending you a draft copy of the letter we will be reviewing at the BZA meeting on April 8. There is more I would like to add to it but thought I better keep it direct and to the point. Look forward to your comments next Tuesday. Just a reminder, our Chairperson, Delores Olin, will be out due to a medical procedure she had this week.

Respectfully,

Dianne Bergen

Secretary - BZA



Appeal Case 2025-1 Letter to applicant.docx
182.5 kB

Fw: Holly Hill BZA

From: Billy Chavis (mayorofhollyhill@gmail.com)

To: carolinadeedee@aol.com

Date: Friday, April 4, 2025 at 03:18 PM EDT

Here is the first correspondence informing her of my intent to have her attend.

Sent via the Samsung Galaxy Z Fold6, an AT&T 5G smartphone
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From: Sara Weathers <sweathers@popeflynn.com>
Sent: Thursday, February 23, 2023 10:19:09 AM
To: Billy Chavis <mayorofhollyhill@gmail.com>
Cc: Lawrence Flynn <lflynn@popeflynn.com>
Subject: Re: Holly Hill BZA

Hey Mayor Chavis,

I'm not officially back but I'm doing one off things here and there. When are y'all planning to have the practice runs? If I can make it work with my schedule I'd love to be there.

Thanks!

Sara E. Weathers

Associate | Pope Flynn, LLC

DIRECT: (803) 354-4915

CELL: (843) 812-2472

FAX: (803) 354-4899

popeflynn.com | [vCard](#)

On Feb 21, 2023, at 9:16 AM, Billy Chavis <mayorofhollyhill@gmail.com> wrote:

Good morning and congratulations again in the new baby.

The Holly Hill BZA is planning some practice runs on appeals with Rebecca Vance and MASC Ashley Kellahan and the group wanted to request you to attend also, if you are back. Just let me know. Thank you

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Re: Holly Hill BZA Draft Letter to Appeal Applicant

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: gbozeman@popeflynn.com

Date: Monday, April 14, 2025 at 10:31 AM EDT

Sorry for the delay. I meant to send it last week.

Dianne

On Wednesday, April 9, 2025 at 01:41:37 PM EDT, Ginny Bozeman <gbozeman@popeflynn.com> wrote:

Will you send me a final copy of the determination letter to Mr. VanBogart once it has been updated to discuss the changes made during last night's meeting? I want to make sure I have a final copy saved to my file.

Thanks,

Ginny Bozeman
Senior Counsel

DIRECT: (803) 354-4947
CELL: (901) 299-0667
FAX: (803) 354-4899

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From: Ginny Bozeman
Sent: Tuesday, April 8, 2025 1:02 PM
To: carolinadeedee@aol.com
Cc: Dave <dolin357@aol.com>
Subject: RE: Holly Hill BZA Draft Letter to Appeal Applicant

Your letter looks great. It needs to be considered and voted on at tonight's meeting. Once it has been approved as the official written order denying the variance, it can be signed and sent via certified mail to the applicant. This needs to be done even if he is present at the meeting and receives a copy of it then.

I will be there tonight to guide you through the process. If you have any questions in the meantime, feel free to shoot me an email or give me a call on my cell phone. That number is (901) 299-0667.

Thanks,

Ginny Bozeman
Senior Counsel

DIRECT: (803) 354-4947
CELL: (901) 299-0667
FAX: (803) 354-4899
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From: carolinadeedee@aol.com <carolinadeedee@aol.com>
Sent: Thursday, April 3, 2025 3:39 PM
To: Ginny Bozeman <gbozeman@popeflynn.com>
Cc: Dave <dolin357@aol.com>
Subject: Fw: Holly Hill BZA Draft Letter to Appeal Applicant

Sorry fingers hit send rather than attach. Here is the attachment.

Dianne

----- Forwarded Message -----

From: carolinadeedee@aol.com <carolinadeedee@aol.com>
To: gbozeman@popeflynn.com <gbozeman@popeflynn.com>
Cc: Dave <dolin357@aol.com>

Request to post BZA and Election Committee agenda and minutes on Official Web Page

From: carolinadeedee@aol.com (carolinadeedee@aol.com)

To: mayorofhollyhill@gmail.com

Cc: dolin357@aol.com

Date: Monday, July 7, 2025 at 10:35 AM EDT

Dear Mayor, the BZA would like to post their agenda and minutes on Holly Hill's official web page. This would help provide additional transparency to the community. Our documents are done in Microsoft word, which should be easy to post. Please advise how we can move forward with this request.

Respectfully submitted,

Dianne Bergen
BZA Secretary

*No response
from mayor
as of 4:30pm
7-8-25*



Re: BZA Legal Counsel Request

From: Billy Chavis (mayorofhollyhill@gmail.com)

To: carolinadeedee@aol.com

Cc: dolin357@aol.com

Date: Tuesday, July 8, 2025 at 09:46 AM EDT

Good morning. Ginny is also the attorney that can offer legal advice.

Sent via the Samsung Galaxy Z Fold6, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: carolinadeedee@aol.com <carolinadeedee@aol.com>

Sent: Tuesday, July 8, 2025 9:37:46 AM

To: Billy Chavis <mayorofhollyhill@gmail.com>

Cc: Dave <dolin357@aol.com>

Subject: Re: BZA Legal Counsel Request

Thank you for your quick response to follow-up with Ginny on a procedural item. However, did not see a response from you on our request for a lawyer to provide us with legal advice.

Dianne Bergen
BZA Secretary

On Monday, July 7, 2025 at 11:03:21 AM EDT, Billy Chavis <mayorofhollyhill@gmail.com> wrote:

Absolutely. Send it to Ginny. Thank you

Sent via the Samsung Galaxy Z Fold6, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: carolinadeedee@aol.com <carolinadeedee@aol.com>

Sent: Monday, July 7, 2025 10:49:29 AM

To: Billy Chavis <mayorofhollyhill@gmail.com>

Cc: Dave <dolin357@aol.com>

Subject: BZA Legal Counsel Request

Dear Mayor, the BZA is once again requesting support/access of legal counsel for legal advice. We have appreciated the support of Ginny Bozeman, Pope Flynn Group, for procedural guidance. We have kept our access to Ms. Bozeman to a minimum, respecting your concern of cost. There is one item pending that I need to resend an email to Ms. Bozeman for closure.

I believe we have proven we are fiscally responsible and would not abuse any resource provided to us.

Look forward to your response.

Respectfully submitted,

Dianne Bergen, BZA Secretary

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2026-047)
Dianne Bergen,)
Complainant.)
Justin VanBogart,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

NOTICE OF HEARING

The State Ethics Commission has determined that there is probable cause pursuant to Section 8-13-320(10)(i), Code of Laws, South Carolina, 1976, as amended, in the above-captioned complaint. The Commission will convene a formal hearing into the matter in accordance with Section 8-13-320(10)(i) & (j), Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.) on Thursday, February 18, 2027, at 9:30 a.m. at the Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegation will be heard:

COUNT ONE
FAILURE TO SUBMIT A WRITTEN RECUSAL
SECTION 8-13-700(B)(5), S.C. CODE ANN., 1976, AS AMENDED

That Justin VanBogart, Vice Chair for Holly Hill Planning & Zoning Commission, failed to submit a written recusal statement in connection with the Holly Hill Planning & Zoning Commission's April 7, 2025 vote to recommend adoption of a zoning ordinance, in violation of Section 8-13-700(B)(5).

You have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. This hearing

will be open to the public as required by Section 8-13-320(10)(j), Code of Laws, South Carolina, 1976, as amended. The procedures to be followed are set forth in the Administrative Procedures Act, Section 1-23-10, et seq., Code of Laws, South Carolina, 1976, as amended, the State Ethics Act, Section 8-13-100, et seq., Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.).

A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.

Dated this 19th day,
of September 2026


Meghan Walker Dayson, Executive Director
State Ethics Commission

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT Justin VanBogart, 8011 Old State Road, Holly Hill, SC 29059, by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 17 day of July September, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.



Maquita S. Kessler, Paralegal
State Ethics Commission

Columbia, South Carolina

(803) 253-4192