

Chester County Zoning Board of Appeals Minutes of November 09, 2021

The November 09, 2021 meeting of the Chester County Zoning Board of Appeals was held at 6:00 pm in council chambers at the R. Carlisle Roddey Government Building in Chester, SC.

Notice of Meeting: Notice of time, date, place and agenda for this meeting were posted in the County Office Government Complex, Chester County Court House and published in the October 25, 2021 issue of the Chester News & Reporter. All properties listed on the agenda were properly posted.

Quorum Established: Chairman Walley, Vice Chairman Jackson, Commissioners Mosley, Hayes, McBrayer Spann and Thomas were present.

Absent: All commissioners were present

Staff: Director Mike Levister, Nicole Hutchins and Morgan Carelock were present

Call to Order: Chairman Walley called the meeting to order

Approval of Agenda: Chairman Walley asked if there were any additions or amendments to the agenda as presented by staff. There were none. Commissioner Mosley made the motion to approve the agenda as presented; seconded by Commissioner Hayes. Vote was 7-0 to approve.

Approval of Prior Minutes: Chairman Walley asked if there were any additions or amendments to the minutes of the August 10, 2021 meeting as presented by staff. There were none. Commissioner McBrayer made the motion to approve the minutes as presented; seconded by Vice Chairman Jackson. Vote was 7 to 0 to approve.

New Business:

Reference: CCSE21-07

Applicant: MC Real Estate LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 – General Industrial District Regulations: Special Exception: Waste remediation and hazardous waste carriers

Tax Map #: 125-00-00-094-000

Michael Cannon of MC Real Estate LLC stepped to the podium. Mr. Cannon said I'm asking to move my used cooking oil business to this location. We pickup cooking oil from restaurants. We collect it in vacuum trucks. Consolidate it into trucks that are 2000 to 3000 gallons with a cone bottom. Heat it up. The water we remove with another truck to a disposable site. The oil we consolidate and sell in the commodity market. Since this is a waste business, it was required to be zoned ID-3. We've accomplished that. Now I'm asking for permission to construct my business there. A steel building around 5000 square feet.

Commissioner McBrayer made a motion to approve the special exception as requested; seconded by commissioner Mosley.

Vice Chairman Jackson asked how will this be processed? I noticed this is near the schools. Will there be a smell? Will there be traffic? And the building itself, it's a narrow piece a property, will the building be fairly big? Mr.

Cannon said It's a 5000 square foot enclosed and I've designed it with another 1000 square foot under a roof like a shed. It's not a large building at all. You asked how it's processed, it's very simple. Water and oil don't mix. With a little bit of heat, 140 degrees, the water goes to the bottom, the oil goes to the top. The cone bottom tank, you just open the valve, and the water comes off, you collect it and haul it away. You collect the oil and put it in a larger tank. My volume, traffic will be one tanker once a week for the outgoing oil. Everyday I will have one truck that brings raw oil to the plant. It's a non CDL truck. It's like a Dually, a 3500, a little bit bigger.

Vice Chairman Jackson asked if the building would be off to the side of the property. Mr. Cannon said no it would be centered on the property.

Commissioner McBrayer mentioned parking would be in the front and the back. Mr. Cannon said that was correct.

Vice Chairman Jackson asked with the building centered, you still need a variance? Mr. Cannon said in ID-3 it's my understanding you have to have 1000-foot setback. ID-3 I suppose is written for anything and everything that would fall into ID-3. Some of those could be admitting obnoxious odors or making loud noises. I'm assuming the ordinance is written as such that we need such a large setback for potential activity that could happen under ID-3. The nature of what we're doing is ID-3 by statue. It's not obnoxious. It's not loud. It's not a lot of traffic. It's super low volume. That's why I'm asking for the variance. It's not even 1000 in totality so it's impossible to get a 1000-foot setback with this property.

Commissioner McBrayer said speaking of volume, what do you plan on the volume being a week? What is the capability of this plant? Mr. Cannon said capability, maybe 3 times, which is 3 trucks a week.

Vice Chairman Jackson asked do you see an expansion? Mr. Cannon said no sir.

Commissioner Mosley asked is there a certain time that your trucks run, because of school traffic, just curious? Mr. Cannon said we're super flexible as far as that's concerned. As a business owner, the last thing I'd want is my truck sitting in traffic so we would just schedule around it.

Commissioner McBrayer asked should we consider or be concerned about potential growth? Vice Chairman Jackson then asked if he does decide to grow, how would this variance affect the expansion of the building? Mr. Cannon said just being truthful, if I were to expand, just say if I were to hire 20 salespeople and I had all this volume coming in, the footprint would not change. I guess you would add a shift, and you could have more trucks coming in and out.

Commissioner Hayes asked basically you're housing a furnace to cook this oil process? Mr. Cannon said no sir, it's not a furnace. It's a hot water heater. A commercial hot water heater like what you would see in a restaurant. Residential is maximum 140 degrees. The one I am running now is 180 degrees.

Chairman Walley asked if anyone had any other questions. There were none. He asked all in favor of Commissioner McBrayer's motion please raise your hand. (Commissioner McBrayer made a motion to approve the special exception as requested; seconded by commissioner Mosley) Vote was 7-0 to approve

Reference: CCV21-01

Applicant: MC Real Estate LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 – General Industrial District Regulations: Variance: Structures and operations are setback minimum of 1,000 feet from property lines

Tax Map #: 125-00-00-094-000

Michael Cannon of MC Real Estate LLC stepped to the podium. Mr. Cannon asked Director Levister to help explain the request. Director Levister said the variance says because of his NAICS code in ID-3, he has a 1000-foot setback from the side property. He can't meet that with the building and the width of the property ain't even 1000 feet. He needs a variance to put a new structure on the property. He's asking for 940 feet. That's the way he's applied on the application.

Chairman Walley asked it's operational as is, it just doesn't meet that 1000 feet pretty much all the way around the building. Director Levister said correct. Mr. Cannon said it's a 3-acer narrow, long piece.

Commissioner McBrayer made a motion to approve the variance as requested; seconded by Commissioner Mosley.

Vice Chairman Jackson said when you bought this land, and you knew what you wanted to do when you bought it, it seems like you would have done the research on that. While this may pass, I think we are setting ourselves for other incoming businesses. Not that I'm against that, but it seems like someone should have told you this is what you're looking at if you buy this land. Mr. Cannon said I've been told that I needed to go through this process. And I'm not sure if you are aware of this, but when I was granted to rezone to ID-3, when I sell the business and I am no longer in operation, it reverts back to ID-2. So, if your concern is the next person would come in and run another business that should be zoned as ID-3, they can't run it there. Mr. Cannon said what I'm asking you to ask yourself is, the business that I've described, if I center this in the center of that property do you have an objection? That's it in a nutshell. Vice Chairman Jackson said no, if you set it in the center of the property, would you still need a variance. Mr. Cannon said yes. You can't put anything on that property without asking for a variance. Vice Chairman Jackson said you have clearance for the property lines. You have clearance. You have your 1000 feet on each side of the property lines. Commissioner McBrayer said actually if I am seeing this right, it's 200 plus some change feet and 400 something wide. Director Levister said it's hard to read but you are correct Mike. Commissioner McBrayer said, that being the case, whoever uses this land for whatever, there is going to have to be a variance. Director Levister said it's 211 feet wide and 720 long.

Commissioner Walley asked if you went out of business, it converts back to ID-2. If someone wants to run a business that required ID-3 they would have to start over just like you did and go before the zoning board and then go back to get the variance. Mr. Cannon said that is my understanding.

Chairman Walley asked if anyone had any other questions. There were none. He asked all in favor of Commissioner McBrayer's motion please raise your hand. (Commissioner McBrayer made a motion to approve the variance as requested; seconded by commissioner Mosley) Vote was 7-0 to approve

Commissioner Walley asked staff if they had any additional information for the commission. There was none.

Commissioner Mosley made a motion to adjourn; seconded by commissioner Hayes. Vote 7-0 to adjourn.

This is a summary of proceedings at the November 09, 2021, meeting of the Zoning Board of Appeals: and not a verbatim transcript of the meeting. This summary, and an audio recording of the meeting is retained by the Chester County Building & Zoning department, and available if requested. This summary represents the facts of this meeting, not the opinion or interpretation of the Secretary.