**MINUTES**

**BOARD OF ZONING APPEALS PUBLIC HEARING**

**FEBRUARY 16, 2023**

**6:00 P.M.**

Members Present: Andrew Miles (Chair) and Elizabeth Faulk

Member Absent: Anna Buddin

Others Present: Bill Taylor, Town Administrator

 Herbert Mims, Town Councilman

 Curt Whaley, Code Enforcement Officer

 Steven Gamble

 Cal Land

 Michael D. Kirby

 Richard Kirby

 Juanita Welch

 Renea Carter

 Pat Coker

 Scott Green

The public hearing was called to order at 6:00 p.m. by Board of Zoning (BZA) Appeals Chairman **Andrew** **Miles**. Miles announced that the purpose of tonight’s meeting was to hear a variance request from Gamble Family Farms and asked if anyone was present who wanted to make any comments regarding this request.

**Mr. Cal Land**, the attorney for Gamble Farms, thanked the board for the opportunity to meet with them tonight. He noted that Gamble Farms had made a similar request before this board last year for a variance to the side yard set back to allow the company to erect a new grain silo within six (6’) feet of the adjoining residential property line. That variance was approved by the BZA at that time, and he hoped that everyone was pleased with how that took place. The objective of the Gambles is to use the property as it has been used for the past sixty (60) years with the same characteristics.

With that in mind, this new request is for another variance to the side yard setback requirement that would allow the company to install an identical silo as the one installed last year and called the board’s attention to a copy of a plat submitted with the variance application. Mr. Land indicated that he’d be glad to answer any questions or concerns by the board or by any of the residents.

BZA Chairman Miles asked if anyone present wanted to make any comments regarding this variance request.

**Michael Kirby** stated that last year Mr. Gamble, father of Steven, came to him and indicated that he hoped that Kirby would not object to the new silo and if it was approved then there would be no additional bins installed. Kirby said that he took Mr. Gamble at his word and did not object to last year’s request and that there would be no additional silos at the site. Now he’s being asked, less than a year later, to support a new silo. Kirby said he does not want another silo sitting right next to his property, Last year when he agreed to the variance request being given he was told that the company would erect a wooden fence between that properties and that the fence erected is not a wooden fence.

**Mrs. Kirby** said that she supported everything that Michael had to say. She indicated that the fence that was installed is a “semi-privacy” fence that one can see through and that this was not what approved last year. She also noted that in the variance application to the BZA the company indicated that the “adjacent property owners don’t object” to the request and that this is clearly not the case with this new proposed silo. She stated that this property has been in use for agricultural purposes for over fifty (50) years and it should be “grandfathered in.” Being grandfathered in would allow the property owner to use the property as it has in the past and make improvements to the property but not add additional structures to the property.

**Juanita Welch** asked the members of the audience if any of them would want to live next door to these grain bins and no one indicated that they did. She said that she lives two houses down from the operation and talked about all of what they have to put up with in the summer when the bins are in operation and the dust covers the entire area.

**Scott Green** said the only thing that bothers him is the dust. He said that the lights, the bins, and the noise don’t bother him… just the dust. If there was a way to filter the dust or keep it from leaving the site; it just sticks to everything. Another individual mentioned that they had to wash off their car every day during those operations.

**Attorney Land** indicated that Gamble Farms has maintained their bins and fans well over the years. He noted that certainly any environmental issues would be something that SCDHEC would address. He said that he was not aware of any such issues and that the characteristics of the use of that property had not changed over the years. Also, it is only during certain times of the year that these dust issues take place. He said that they were not wanting to change any of that but just to allow Gamble Family Farms to use their property to the fullest and support their operations which have some direct and indirect benefits to the town and the county.

Another individualasked why the company did not place these bins out on their farm instead of in a residential neighborhood. She said that she had asked the same question previously but had not received an answer. **Land** indicated that it was primarily due to economies of scale and that it makes better sense to keep the operations where it’s been handled efficiently over the years. He further stated that any characteristics of the property, good or bad, are not going to change with the addition of this new bin. He did note that the zoning ordinance in Turbeville does have some uncharacteristically restrictive setbacks and that is the reason for asking for this side yard setback variance.

Another individual reiterated that the reason that so many are upset with this request is that last year Mr. Gamble indicated that there would not be any additional silos installed on that site once that other one was erected.

It was also noted by another individual that they have had to endure the corn dust all over the sidewalks, houses, and cars during corn season and that they did not feel that their voices were ever heard by the town. She indicated that they, too, pay taxes and support local businesses and live well in this town, but just want their voices to be heard.

**BZA Chairman Miles and Commissioner Faulk** adjourned to confer about the request. After meeting for sone twenty (20) minutes they reconvened the meeting. Chairman Miles announced to those in attendance that the board was not ready to make a decision at this time. He indicated that they want to do a little more research and confer with the board member who was absent from this meeting. The BZA will take all of the comments from the public and from the Gamble Farms under advisement and will reconvene another meeting at a latter date to render their decision.

He thanked everyone for attending the meeting and for being patient with the board.

**Miles** adjourned the meeting at **6:45 p.m.**

Respectfully submitted,

**J. William Taylor**

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Town & Zoning Administrator