

Minutes
Regular Meeting of the Florence County Board of Zoning Appeals
Tuesday, February 17, 2026 at 6:00 p.m.
County Complex, Council Chambers, Room 803
180 N. Irby St., Florence, South Carolina 29501

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and lobby of the County Complex and on the information board in the lobby of the Planning and Building Inspection Department building.

The agenda was also mailed to the media.

I. Call to Order

Chairman, Brian Casey called the meeting to order at 6:13 p.m.

II. Attendance:

Board Members Present: Chairman Brian Casey
Vice-Chairman Brenda Deas
Craig Floyd
Kenneth Muldrow
Louie Hopkins
Jessica Wright

Board Members Absent: Wesley Martin

Staff Present: Mr. J. Shawn Brashear, Planning Director
Holly Smith, Senior Planner
Caroline Dunlap, GISP/Planner III
Geoff Akins, Planner I
Patrick Ward, IT Dept, A/V Support
Lisa M. Becoat, Executive Assistant/Secretary

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

III. Review and motion of the minutes:

- **Meeting of January 20, 2026**

Motion to approve the minutes as presented – Vice-Chairman Brenda Deas / **Second** – Commissioner Louie Hopkins / Minutes of January 20, 2026, meeting were unanimously approved 6 to 0.

IV. Public Hearing:

BZA#2026-02

A Variance Requested By Palmetto Sand Company, Inc., From Requirements Of The Florence County Code Of Ordinances, Chapter 30 - ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS, Sec. 30-117. – Mining And Extraction Operations, For The Property Located Off Of E. Hwy 378-Hannah, Johnsonville, SC 29555, As Shown On Florence County Tax Map No. 00418, Block 02, Parcel 006.

Mr. J. Shawn Brashear presented the staff report to the Board. A copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <https://www.florenceco.org/planning/bza/archives.php>.

Mr. Brashear stated that the property had access and is located off of Highway 378 in the Hannah, Johnsonville area. The owner of record is listed as Henry Family Farm Properties, LLC and the parcel of land is approximately three hundred and forty-six (346) acres. The requested variance would allow the applicant to obtain a Certificate of Zoning Compliance for a mining operation greater than forty (40) acres.

Mr. Brashear mentioned that there was an extensive public call log and a copy of that call log was provided to the Board as staff would briefly go through the inquiries indicating whether the content was in favor of, opposed to, or simply an inquiry of the request to be reviewed. The call log included a narrative of the comments of the inquiries received up to and until 4:00 p.m., on February 17, 2026. (A copy of the comments and inquiries are maintained at the Florence County Planning and Building Department.)

Mr. Brashear continued with the presentation showing images of the property and the surrounding areas of the property. The vacant unzoned parcel of land stretches across Highway 378. Based on the submitted site plan for the parcel addressed in the application all activity occurs on the Southside of the property on Highway 378. Mr. Brashear went over the narrative statement of the variance request and stated that it provided a briefing of the applicant's request; as outlined in the application, supported by the narrative, site plan and the operational plan. (A copy of the narrative is maintained at the Florence County Planning and Building Department.)

Within the application the applicant has requested variances as they have agreed to meet certain aspects and some portions of the ordinance. The requests are listed in the narrative as a variance from the one hundred yard (100 yd) setback from the property line to any extractions or processing and a total setback of six hundred feet (600') from any currently and occupied residence. The ordinance requires a wooden stockade fence and the applicant desires to place a ten foot (10') vegetative berm with landscaping per Florence County Ordinance Section 30-121 bufferyard (a) requirements. They are also requesting a variance from fees to allow a one-time fee payment of ten thousand dollars (\$10,000) for the application. A slight variance for the time of operation from 6:30 a.m. to 5:30 p.m., Monday through Friday except County observed holidays, for general operations and from 8:00 a.m. to 12:00 p.m., on Saturday for maintenance and shipping only. Another request is to include a height limit of thirty-eight feet (38') only for equipment located within one thousand feet of Highway 378. The request of a variance to meet the noise limit of sixty-five decibels (65 dB), except in the event where something occurred and it would allow that to be exceeded for not more

than ninety minutes (90 min) in any calendar day. The applicant understands that if the Board grants the requested variances the proposed mining use will be in compliance with applicable county regulations and as such a certificate of zoning compliance would be issued to the applicant. The applicant has also submitted some conditions as approval of the requested variances; such as, utilization of a water truck such as is commonly used to minimize dust under the air quality plan shall be located on the site and used as needed to suppress dust on roads. All extraction and operating areas shall be fenced by a six foot (6') security fence. The gate to said fence shall be locked except during the hours specified for general and maintenance operations and for plant personnel that shall be allowed access to the site one hour before and one hour after hours solely for purposing of operating or closing the site. All signage shall comply with Florence County Code of Ordinances Section 30-117(4)(f) and be installed before operations. Lastly, no blasting will be permitted on site.

Mr. Brashear continued through the presentation showing images of the property and surrounding properties in relation to the requested site. The property was properly posted, notices mailed to adjacent property owners, notices in the newspaper, information posted on the counties website and some public facilities per the Florence County Ordinances. Mr. Brashear showed an image of the site plan and discussed the content of the Site Plan. (A copy of the site plan is maintained at the Florence County Planning and Building Department and is also a part of the staff meeting report and presentation on the Florence County Webpage at [https://www.florenceco.org/planning/bza/archives.php/February 17](https://www.florenceco.org/planning/bza/archives.php/February%2017)). He further stated that there were lots of wetlands on the site, which will restrict the applicant from being able to use a portion of the proposed site. The applicant has an approved Department of Environmental Control (DHEC) permit to operate the site. Mr. Brashear continued with the presentation and went through the comments of the applicant's submitted application. He read the content of the application as follows:

1. Applicant here appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal Form I of the following provisions of the Zoning Ordinance. Applicant's Response: So, the zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: (the site plan was attached and previously reviewed during the presentation). Mr. Brashear stated that the site plan illustrated was denied by a zoning official on the grounds that the proposal would be in violation of the cited sections(s) of the Zoning Ordinance.

2. The application of the ordinance will result in the unnecessary hardship, and the standards for a variance set by state law and the ordinance are met by the following facts. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Applicant's Response: The property is a large tract that was acquired at considerable expense for a specific lawful use. The strict application of the ordinance to the property would make it completely unusable for the exact purpose for which it was acquired and which was lawful at the time.

These conditions do not generally apply to other property in the vicinity as shown by: Applicant's Response: Applicant is not aware of any other property in the area that is subject to the specific use and unique facts of this property. The specific facts of acquisition and proposed lawful use of this property do not apply to other properties in the area.

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: Applicant's Response: The application of the ordinance to this property would completely prohibit

the use of the property for the specific use for which it was purchased and which was lawful at the time of the purchase. The size of the buffer renders the property completely useless for the purpose for which it was acquired.

The authorization of the variance will not be 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: Applicant's Response: Granting this variance will not be substantially detrimental because the use will not have significant off-site impacts. Blasting will not be used for mining on the site and the use of the site for mining is highly regulated by DES. Other provisions of Florence County Ordinances will continue to apply to matters not regulated by DES. The use is located on a United States Highway and will not use local roads that are not designated for such use. Applicant has proposed a hundred (100') foot buffer, larger than that required for most uses in Florence County, a screening berm no less than ten (10') feet in height and six hundred (600') foot extraction setback from any now existing inhabited residence. The applicant has provided attachments of the site plan, narrative and an operational plan.

Mr. Brashear reminded the Board that Florence County could not take any enforcement action against anything that is currently regulated under South Carolina Department of Environmental Services (SCDES).

There were questions and comments from the Board.

In response to questions and comments from the Board, Mr. Brashear stated that the applicant's request included a reduced buffer and a ten foot (10') vegetative berm.

There were no additional questions, comments from the Board and the Chairman Brian Casey requested a presentation from the applicant or representative for the requested variance.

Mr. Wayne Phears, the spokesman for Martin Marietta Materials, 4123 Parklake Avenue, Raleigh, North Carolina was present in the meeting and provided the presentation in the public hearing. He stated they were agreeing to be bound by the Florence County Mining Ordinance, except for some limited variances that were being requested. Presently, Florence County and the company is in court over the Florence County Ordinance and as part of the mediation and discussions the company along with Florence County has identified certain items which the company could manage with and still conduct their mining business operation. The county has also identified what they would be willing to accept in terms of deviations from their ordinance. The applicant is present in the meeting to obtain the variances that would enable the ordinance to be applied to the site and eliminate the litigation over the validity of the ordinance. If the variances pass, the ordinance will apply, and there will be rules out there. If it does not pass and Court strikes the ordinance down later, the parcel is an unzoned area and there will be no rules. The applicant has acquired all South Carolina Department of Environmental Services (SCDES) Permits, which includes an air quality permit. Mr. Phears further stated to the Board that the mining operation was a wet operation. It is like creating a pond, the material is dredged. It is a large area approximately one hundred plus acres (100 acres). The material is dredged, which then goes into a plant, and is processed in various ways. Sand is separated from the gravel. Then the gravel goes through different sizes of screens, and then dropped to a particular size screen and come out at a given size at the end. A specific size is needed for concrete and another specific size is needed for asphalt and the likes. That is what they do and every step of the process is what they have agreed upon. Water trucks will be on site but the applicant doubts there will be a need for water as the entire process is wet. They have also obtained a National

Pollutant Discharge Elimination System (NPDES) Permit, which is what everybody has to get if you discharge water. The county probably has dozens of NPDES permits. Those permits specify what can be in your discharge. They also require you to sample your discharge, typically once a month. They don't expect the proposed site to discharge at all as there is a large pond on the property and most of the water will be recycled internally and reused. They also have a mining permit which regulates the grading and stormwater management and all the other things that go along with mining on a given site. They have proposed to put the ten foot (10') berm along the front of the property and part of the way down the side. They have also agreed to apply the buffer yard (A) requirement for landscaping and they have to be submitted to the Planning Department for approval. They prefer that their sites look good as they have no intention of advertising to the world that that is where they are. They would just like to have a nice looking berm on the property. The largest component is the buffer yard requirement. The Florence County Ordinance requires a two thousand foot (2,000') buffer where the previous version had a five hundred foot (500') buffer. There is no other business in the entire county which has a two thousand foot (2,000') buffer. The site does not blast, nor crush, they dredge material out of the ground, that is it. There has never been a need for a two thousand foot (2,000') buffer. They have asked for a very small change in operating hours 6:30 a.m. versus 7:30 a.m. start and will close at 5:30 p.m.. A height limit for their processing equipment and about fifteen hundred feet (1,500') from the road so with the berm the site should not be intrusive to anyone. Mr. Phears stated that it would be nice to have the variances passed and everything resolved with the County. Mr. Phears reiterated that the site is not the big bad operation that people think. It is a sand and gravel mine, not a quarry where people blast explosives and crush rock, it is far more limited.

There were questions from the Board.

In response to questions from the Board Mr. Phears stated that other than the requested variances, the applicant has all the necessary permits to operate the mining operation. The screening plan for the site will be fifteen hundred feet (1,500') off of the main road, per Ellen, their Environmental Engineering Manager, who was also present in the meeting.

Chairman Brian Casey inquired if there were any additional questions or discussion from the Board. As there were no other questions or discussion from the Board the Chairman Brian Casey inquired if there was any public who desired to speak in favor of the requested variance.

Mr. Gary Finklea, Esq, of Finklea, Hendrick & Blake, LLC, was present in the meeting and spoke in favor of the requested variance request. He stated that he wanted to impress upon the board the importance that mines play in economic development and in the region of Florence County. He further stated his frustration and disappointment with County Council passing the mining ordinance, from what was originally written. He believed that County Council made some poor choices in recent decisions regarding the planning and ordinances. Especially with the recent lost of a multi-million dollar lawsuit. The County unfortunately has not been following good, substantive planning procedures. He believes this has put planning staff in a bad position because County Council is not listening to planning staff and are not listening to the Commissions. As such, County Council now has put this rotten egg in front of you to try to solve their mistakes, and unfortunately creates problems for everybody here. If County Council had done the right thing to begin with, we would not be here. He could not speak to the negotiations that the applicant has taken with the County, but did want the Board to know that mines are an important part of the economic economy in South Carolina and in Florence. Unreasonable regulations, such as the ones posed on this particular site drive up the cost of housing, commercial construction and things in general. We should try to avoid

that when we can. He previously had a mine and it was highly regulated. His father has a mine and he handles the paperwork and it is highly regulated. Even his little mine had to come up before the Board of Zoning Appeals for an exception because, the County ordinance is just to strict. In regard to the elements that they had to consider, there are extraordinary, exceptional conditions pertaining to the property, because of its size, its location, is perfect, and it has the ingredients, the soil. Not all soils in Florence County are appropriate. Along with the soil, you also have connectivity to a four lane road, which makes travel very safe for the public and those around us. He further stated to the Board that they must consider that the conditions of the proposed site do not apply to other properties in the vicinity of the County, because they do not have the soil or the connectivity. Although the property is not rendered useless, it is deprived of all economical viable commercial usage. The area is not suited for a commercial location or residential development, due to lack of infrastructure. These are the things the Board should consider in the applicants request for the requested variances. He stated that he wished that there was additional time for negotiations, particularly front yards and requiring some slope in connection with the buffer yards and that might be something that could be addressed, since the community may be concerned about the slope of the mining operations in connection with the buffer yards.

Ms. Ellen Price, Regional and Environmental Manager of permitting and compliance for Martin Marietta was present in the meeting and requested to speak regarding the slope. She stated that in regard to sloping and if there was any concerns, the State of South Carolina Department of Environmental Services did regulate sloping down to the open body of water to make sure that it is safe for both wildlife and people. That information was addressed as part of the state permits.

There were questions and discussions from the Board.

In response to questions and discussions from the Board, Ms. Price stated that any slope down to an open body of water would be required to be constructed at three (3) to one (1) and vegetated over seventy-five percent (75%) coverage over seventy-five percent (75%) of the area. If wildlife were to fall in, they would be able to get out and if anyone were to trespass and get into a body of water, there is a safe means to get out.

Chairman Brian Casey inquired if there was any public who desired to speak in opposition to the requested variance request.

Mr. Ernest Groover, 411 Seabrook Road, Johnsonville, SC, was present in the meeting and spoke in opposition to the requested variance request. He stated that he has lived on his property for eighteen years (18), there are trees all around and presently there is no dust. Once the trees are removed from around the area and on the site there will not be enough water to keep the dust down. When the residence of the area get sick from all the dust, who, can they see about their issues and how will that be addressed. That was his concern.

Mr. David Yannello, 1795 W. Highway 378, Pamplico, SC, was present in the meeting and spoke in opposition to the requested variance request. He stated that this was a surprise because they previously asked staff what the variance was for and the information provided was pertaining to the whole mining ordinance, not just parts of it. It is difficult to speak specifically about the variance because they were unaware of the specifics of the variance until now. SCDES is in the business of approving permits. If you look at the permit process, they tell you what is wrong with it, you fix it and then they approve it. That are basically in business to approve permits. The County Council is in the business of zoning and that is what they mentioned in the community meeting they attended in

2023. In 2023 approximately two hundred and fifty (250) people came to the community meeting held by SCDES regarding the mining operation. Most of the people in attendance at the meeting were opposed to the proposed mining site. It is a huge piece of property approximately three hundred and forty-six acres (346 acres) and the mining operation portion of it is two hundred and ninety-six acres (296 acres). He stated that he was a kid once and used to mess around at all kinds of places. Although the mine will be manned and the front gate locked, he doesn't feel that this will prevent children from coming in from the backside and entering the property. There are many families in and around the area of the site with young children. Having the six foot (6') fence around the site, maybe even a chain linked fence, something that would help keep the children from getting in and getting into those deep ponds of water.

Mr. Jerry Evans, 2763 Crepe Myrtle Road, Florence, SC, was present in the meeting and spoke in opposition to the requested variance request. He stated that he owns a small parcel of land that borders the proposed mining site on the north. A sanding operation just does not fit well in the Salem Community. The operation brings heavy equipment, background noise, dust and safety concerns for families living nearby. He listened to Mr. Groover speak about dust and he also remembers the dust at Salem prevailing out of the Southwest. It would blow right into some of the homes and the trees have made it better but when the trees are removed, they will be back in a dust bowl. They are really concerned about the dust. They have safety concerns also on the Eastern border of the site as those family have small children in those areas. He noted that many of the Board members and staff probably live in subdivisions and their residential areas are totally protected from commercial operations. They just can't come into the subdivisions it is not suitable. But the rural Salem Community has no such protections, as the subdivisions. The only protections it has are the ordinances which the County has put into place. These ordinances are not perfect, but they do give some relief, and they need every bit of the relief that the ordinances provide and still even more. The ordinances should be allowed to stand without variances. They understand some of the efforts and discussions that have taken place to try to make it workable. Nevertheless, the requirements of the Ordinance need to stand without variances. The Palmetto Sand Company would argue that the Ordinances are too restrictive, but they are restrictive for a reason, they need to be restrictive. Our homeowners would say that the Ordinances are not restrictive enough. Florence County Council realized the restrictions were needed, and when the Ordinance was drafted it was intentionally made restrictive. This sand mining project will span multiple decades, once it is started up in the Salem Community, as such they will be stuck with the negative consequences of the site for a long time. Martin Marietta additionally requested a variance at this site in 2024 and the Board of Zoning Appeals denied their request for a variance. Nothing has changed, the community is exactly the same and the need for protection is exactly the same. The only thing changed is the name of the company making the request. The Board denied this variance previously and it must deny this variance request again.

Mr. Jimmy Poston, 4472 Mill House Road, Johnsonville, SC, was present in the meeting and spoke in opposition to the requested variance request. He stated that he is against the variance as the Board has already heard the argument from Martin Marietta before. He thanked all of his Community members for being in attendance and for all the telephone calls staff received. This shows the Board just how concerned they are about what is happening within their Community. He stated that there was no one in the meeting who would not be doing the same thing as his community is presently doing, if they had a piece of property and children or grandchildren that would be adjacent to the proposed site of a mining operations of this magnitude. None of County Council would want it. Mr. Finklea has departed the meeting and he wished that he had not, as he desired to respond to one of his comments. Mr. Finklea stated that County Council made all the wrong moves, and they feel that

County Council made the only smart move to try and protect the people that they are supposed to serve their constituents. That is what everyone should be doing. Mr. Finklea also stated that the sand was good for the County and it was in a perfect location. If it were his location, his home, or any others home, it would not be so perfect. They understand that the Board has a job to do and they appreciate what County Council has already done. He encourages the County to not back up, take this to the end. The things that happen today can change our County now and into the future in a better way, not a bad way. When large companies come with powerful pocketbooks, we should not bow down, but stand up and protect the citizens of our County. Mr. Poston encouraged the Board to make the right decision. The decision that the people the Community is crying about. This is not a short term project. If it had been a twenty acre (20 acre) mine it would have been done, the digging would have been completed. Mr. Finklea also stated that most of the sand stays in our County or it would be used in our County to grow our County and to make housing cheaper. But he lives in that area and knows where the sand goes from all of those areas around us. It goes straight to Horry County, Georgetown County and out of state. At least ninety (90%) percent of it and it will continue to go there. He stated that he appreciated the Board and all their consideration of the comments received and mentioned in the meeting, they just want the Board to do the right thing.

There was questions or discussions from the Board regarding a question Mr. Poston had earlier during staff's presentation.

Mr. Poston in response to the questions and discussions from the Board stated that he was not meaning to be disrespectful during the meeting, but during staff's presentation the presenter was reading fast and they did not know exactly what variances the applicant was requesting. It was just hard to keep up. He didn't even understand the ten thousand dollars (\$10,000), was it per acre or just a flat fee. It was just not understandable.

The Chairman explained to Mr. Poston that the amount was an adjustment of the fees of the variance and that it was a request for a flat permitting fee of ten thousand dollars (\$10,000).

Ms. Becky Ryan, 301 Allied Drive, #160E, Conway, SC, North Coast Office Director for the Coastal Conservation League, was present in the meeting and spoke in opposition to requested variance request. She stated that she wanted to offer a different perspective of what she had seen from other counties. She applauded Florence County for taking steps to protect their communities as SCDES requirements are not sufficient to protect the communities or their environments. She did not remember the exact numbers, but she had requested information from the first variance request from SCDES pertaining to the number of denials they had given for mining applications. It was just a handful of them, approximately seven (7) back in 2024. By and large if a mining application did not go through most times it was because it was withdrawn rather than an actual denial of the permit. It has been beneficial for Florence County to pass its own ordinance. Horry County went through a similar situation when they went through litigation against their mining ordinance and rather than adjust theirs after an unsuccessful case on their side, they withdrew their ordinance entirely. They just wiped it and relied solely on SCDES's mining ordinance and now they have more sand mines than any other county in the state. Horry County has about ten percent (10%) of all sand mines. It is like the Wild West. Hardly ever does a permit not go through. There have been four (4) that she has worked on that have been immediately proposed, immediately adjacent to conservation lands and to a community. There is one adjacent to Lewis Ocean Bay Heritage Preserve, there is also one next to a community that lives on a one lane dirt road, and it has become almost impossible for kids to go outside and play. It has really impacted their quality of life. They were able to get litigation and a

settlement agreement to put in place some guardrails for the community, but that was through litigation, not through an ordinance. She thanked Florence County for stepping the steps to draft and approve an ordinance to protect their communities. The proposed variances, the setbacks are unacceptable to go from five hundred feet (500') to one hundred feet (100') for adjacent to the property line, that is way too much. From two thousand feet (2,000') to just six hundred feet (600'), if it is an occupied residence, that is way too much to consider. That deviation is almost three times the reduction for it. It is just unacceptable. She continued to applaud Florence County for having an ordinance in place and wished that Horry County did the same.

Ms. Kathy Poston, 4472 Mill House Road, Johnsonville, SC, was present in the meeting and spoke in opposition to the requested variance request. She thanked the Board for the volunteered time and for being present to hear the item presented. She stated that she would have liked to have had information prior to the meeting of what Palmetto Sand was requesting as variances prior to the public hearing. The community was at a loss as they did not know the particular of what variances were being requested. The applicant and others make promises but they do not keep them. The communities of people in the room have lived it and know that the promises are not kept. She mentioned that she totally disagreed with all the comments mentioned by Mr. Finklea. When the citizens of the community received the notice that Blue Water desired to apply for a mining permit for the proposed site, they got concerned due to the enormity of the parcel of land. The community did what they were supposed to do, they pulled together, got a petition and contacted their representatives, council members and their state members. They contacted people and did what they needed to do and requested meetings with SCDES. This caused our Council Members to take a look at things and say; we might need to look at this situation in Florence County as we may have a problem. The citizens, the community they brought it to their attention and then did the right thing. She asked the Board to do the right thing and deny the variance request. If they allow the applicant a variance, it will not end there, they come with a huge arsenal, there are many, arrows in there quiver and they will pull them all out and use every last one. She did not feel that they will and would be good neighbors. They have the permit and they want it all and they will not quit. Their community will be destroyed and their health, and it will not end there. The citizens in their community today and the ones present in the room fear that if the variances are granted now they will not end. She thanked the Board for allowing her to speak and for listening to all of their concerns. She implored the Board to do the right thing.

Mr. J. Chris Riddle, Esq., of Law Offices of J. Christopher Riddle, LLC, was present in the meeting and spoke in opposition to the requested variance request. He stated that he was a landowner of a property nearby on Half Moon Road and that the Board's position would be easy as there was no application in front of them. He directed them to look at their packet on page 19 at the top of the page and read what the instructions required. If the applicant was not the owner, the owners must sign the declaration of agent. He further stated that the applicant was not the owner and that the designation of agent was not signed. Without that information the application was invalid. He stated that there was nothing that Board had to do at the meeting as the owner of the property was listed as Henry Family Farms. He was not able to locate any records conveying the property and since that did not seem to exist, without the owner's consent and approval on the form, there was no pending application. If the Board reviewed the intent of the applicant, he would question the words used on page twenty (20) of the packet, which used the words, was acquired, acts of acquisition, specific use for which it was purchased and was acquired. Five instances where the applicant says they purchased or acquired the property, but that information was not located within the record. Without that information the Board had an invalid application and there was nothing the Board could take any action on.

As there were not others in attendance who desired to speak in opposition to the requested variance request Mr. Wayne Phears requested to make a short rebuttal.

Mr. Wayne Phears in rebuttal stated that he desired to clarify a few things. That there would be a six foot (6') chain link security fence in the conditions of the mine. The lawsuit case mentioned previously regarding Horry County was exactly what the applicant is attempting to avoid. In that case the Horry County Ordinance was struck down by a Federal Judge. If the County continues going in that direction, that is probably what will happen in the present case as the cases are very similar. The applicant is trying to submit to the mining ordinance with some actual modest changes. The material from the mining operation would be used locally, as it cannot be hauled very far. Most people who know anything about the trucking industry, will know that such material as described sells relatively for a modest cost a ton and cannot be hauled very far. Permits, mean conditions, SCDHEC, SCDES has an interactive process back and forth with an applicant to ensure that they can get a set of conditions that comply with the law. If those conditions are met, SCDHEC issues the permits.

There were questions and discussion from the Board.

In response to questions and discussion from the Board, Mr. Phears stated that a signed declaration was submitted.

There were questions and discussion from the Board.

In response to questions and discussion from the Board, Mr. Brashear stated it was not included within the packet, but staff did have a letter of authorization from Henry Family Farms for the applicant on file within their system of records.

There were questions and discussions from the Board as they reviewed the application concerning the designation of agent.

In response to questions and discussion from the Board, Mr. Brashear stated that within the normal course of operations staff would accept the letter of authorization and that one was on file for the project. He further stated that the County Attorney was not present in the meeting, but other County Attorneys representatives were present in the meeting.

The Chairman of the Board stated that the Board would like additional information on the application and subject at hand prior to moving forward in the meeting. He stated that the Board would take a brief recess.

The Board recessed at 7:19 p.m..

The Board reconvened at 7:30 p.m.

Chairman Brian Casey called the meeting back to order. He stated that the Board had requested to have the County Attorney present at the meeting to discuss how the Board should proceed in the meeting in light of the events that were brought forward. As the County Attorney was not present the Board made a motion.

Motion: Commissioner Louie Hopkins made a motion to table the requested variance BZA #2026-02 until the Board had received further information from the County Attorney regarding the requested variance request / The motion was seconded by Vice-Chairman Brenda Deas / Six Board members voted to table the requested variance BZA #2026-02 until the Board had received further information from the County Attorney regarding the requested variance request ./ The motion to table carried with a vote of 6 to 0 for the requested variance BZA #2026-02.

There was no further business, discussion or questions by the Board.

VI. Adjournment

Chairman Brian Casey declared the meeting adjourned at 7:36 p.m.

Lisa M. Becoat, Secretary

Approved by:

J. Shawn Brashear, Planning Director

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