

Minutes
Regular Meeting of the Florence County Board of Zoning Appeals
Tuesday, March 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 6:20 p.m.

II. Attendance:

Board Members Present: Chairman Brian Casey
Vice-Chairman Brenda Deas
Kenneth Muldrow
Louie Hopkins
Wesley Martin

Board Members Absent: Craig Floyd
Jessica Wright

Staff Present: Mr. J. Shawn Brashear, Planning Director
Mr. Ethan Brown, Deputy Director
Mr. Malloy McEachin, Esq, County Attorney
Holly Smith, Senior Planner
Stephen White, 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.

Prior to the review and motion of the minutes for the February 2026 Board of Zoning Appeals Meeting, the Chairman, Brian Casey stated that there was some business from the February 17, 2026 meeting that needed to be addressed.

The Chairman, Brian Casey made a motion to reconsider the action taken at the February 17, 2026 Board of Zoning Appeals Meeting in which a motion passed to table BZA#2026-02 / Vice-Chairman Brenda Deas second the motion to reconsider the action taken / The motion to reconsider the action taken at the February 17, 2026, Board of Zoning Appeals Meeting was approved by a vote of 5 to 0.

The Chairman, Brian Casey made a motion to suspend the agenda taken up from the item of tonight's first agenda BZA#2026-02 / Vice-Chairman Brenda Deas second the motion to suspend the agenda item / The motion to suspend BZA#2026-02 was approved by a vote of 5 to 0.

III. Review and motion of the minutes:

- **Meeting of February 17, 2026**

Motion to approve the minutes as presented – Vice-Chairman Brenda Deas / **Second** – Commissioner Louie Hopkins and Commissioner Wesley Martin / Minutes of February 17, 2026, meeting were unanimously approved 5 to 0.

IV. Public Hearing:

BZA#2026-03

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 is located in County Council District Two (2) off of East Highway 378, Hannah, Johnsonville, South Carolina. The property is owned by Henry Family Farm Properties, LLC and the applicant is Palmetto Sand Company, Inc. The parcel is approximately three hundred and forty-six point eight acres in total (346.8 acres). The variances requested would allow the applicant to obtain a Certificate of Zoning Compliance for a mining operation greater than forty (40) acres.

Mr. Brashear mentioned that staff had received some public telephone inquiries and read those inquiries and narrative comments to the Board. All inquiries were opposed to the requested variances. (A copy of the comments and inquiries are maintained at the Florence County Planning and Building Department.)

Mr. Brashear continued with the presentation and reviewed the informational packet with the Board. He stated that on page fourteen (14) of the packet was background information of what the applicant was seeking in their request. The applicant is seeking relief from specific provisions of Section 30-117 of the Florence County Code of Ordinances to develop a proposed mining operation exceeding forty (40) acres, identified as the "Henry Tract" mine on the applicant submitted site plan.

The South Carolina Department of Environmental Services (SCDES) issued an Individual Mining Operating Permit (I-002403) for said mine on January 29th, 2025. Per Section 30-117 of the Florence County Code of Ordinances, a Certificate of Zoning Compliance must be obtained prior to the development of a mining or extraction operation within Florence County.

The application, including the Narrative Statement, Operations Plan, and submitted site plan detail the specific regulatory relief sought by the applicant and the proposed operational parameters for the Board's consideration.

If approved, the requested variances will enable the applicant to secure a Certificate of Zoning Compliance for a mine greater than forty (40) acres in accordance with the Narrative Statement, Operations Plan, and submitted Site Plan.

Mr. Brashear continued with the presentation as he went through the informational packet. He stated that on page forty-two and forty-three (42 and 43) of the packet was the applicant's application request. Page forty-eight (48) of the packet showed the applicant's operational plan and on page forty-four (44) was the supplemental statement in support of the variance application request. A letter addressed to the County's Attorney dated September 16, 2024 is included on pages fifty-one through fifty-three (51-53) of the Board of Zoning Appeals packet. On page fifty-four (54) is the signed letter of authorization which is required and signed by Henry Family Farm properties, their representative and managing member Roger Howard Henry, III. The letter of authorization gives the named authority to Martin Marietta Materials, Inc.; Palmetto Sand Company, Inc., Blue Water Industries, LLC; Kate Gallagher; Wayne Phears; and, Scott Gibbes, the named parties to apply for applicable permits on their behalf.

Mr. Brashear further stated that on page nineteen (19) of the packet was the applicant's actual request. He read through the request as follows: The 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: The applicant's response was that a zoning permit may be issued to allow the use of the property in a manner shown on the attached plot plan, described as; a sand mining dredging operation greater than forty (40) acres for which a permit had 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.

The application of the ordinance would result in 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 in that the subject property was originally utilized as productive agricultural land before being converted to timber production and subsequently clear-cut between approximately 2009 and 2010, with replanting occurring thereafter; the existing pine stand is immature and less than twenty (20) years old. The land management history has resulted in a previously disturbed, transitional tract with characteristics that differ from surrounding undisturbed agricultural and rural residential parcels, including limited near-term agricultural viability and early-stage timber regrowth. The property's large, contiguous acreage and long-standing use for agriculture and silviculture distinguish it from nearby lands and create conditions inherent to the tract rather than self-imposed by the applicant. Accordingly, the site's physical condition, scale, and documented land use history constitute extraordinary and exceptional conditions that support consideration of a variance for a resource-based use such as sand mining. These conditions do not generally apply to other property in the vicinity as shown by nearby properties because most surrounding parcels remain in active agriculture, rural residential use, or mature timber stands and have not experienced recent large-scale clear-cutting and replanting. Unlike those properties, the subject tract is large, contiguous two hundred and fifty-six acre (256-acre) parcel that was extensively harvested and is now in an immature, transitional silvicultural state, creating physical and land-use characteristics that are not typical of other lands in the vicinity.

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 by limiting viable, resource-based uses on a large, previously disturbed tract of land that is not well-suited for immediate agriculture production or mature timber harvesting, thereby constraining the property to less practical uses that do not reflect its scale, land management history, and current transitional silvicultural condition. 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 as the subject site is a large rural tract with a history of agricultural and silvicultural use, surrounded by similarly low-density residential and resource-based land uses. Its size, rural setting, and previously disturbed condition provide natural buffering and ensure the proposed use remains consistent with the existing character of the area rather than introducing an incompatible land use. All operations adhere to strict South Carolina Department of Environmental Control (SCDES) regulations and enforcement.

Mr. Brasher further stated that the previous documents mentioned the site plan, SCDES individual mining permit, narrative statement, operations plan, and notarized authorization letter from the property owner and applicant's identification were all part of the packet for review. Mr. Brashear continued with the presentation and stated that on page forty-six (46) of the packet was the narrative of the actual variances that were being requested by the applicant. The information of the variances were read out in the meeting as follows:

1. A variance is requested for a one-hundred foot (100') setback from the property line to any extraction or processing and a total setback of six hundred feet (600') from any existing inhabited residence for extraction or processing of material for sale. The one-hundred foot (100') setback will not allow mining or processing within it and by way of example allows an access road to cross it, vegetated berms to be built in it to limit visibility, sound, access for construction, landscaping and similar matters, but not for shipping.
2. To the extent that Section 30-117(b) might require wooden fencing under Section 30-121, a variance is requested to omit a wooden stockade fence and construct a vegetative berm not less than ten feet (10') in height where shown on the site plan. The berm shall be landscaped pursuant to a landscape plan complying with buffer yard "A" requirements and the plan shall be submitted to the Planning Department for approval. Construction of the berm and landscaping may be done as the site is developed and material becomes available to build the berm.
3. Section 30-117(1)(c) requires payment of one thousand dollars (\$1,000) per acre to obtain a certificate of zoning compliance. A variance to allow a one-time fee payment of ten thousand dollars (\$10,000) is requested. For a use that does not require a large structure, this is one of the County's highest fees. No other company has paid the per acreage fee in Section 30-117(1)(c).
4. Section 30-117(4)(a) limits mining hours to 7:30 a.m. to 5:30 p.m.. A variance is requested to allow general hours of operation from 6:30 a.m. to 5:30 p.m., Monday through Friday, except County observed holidays; and, from 8:00 a.m. to 12:00 p.m. (noon) on Saturday for maintenance and shipping only, no operations on County observed holidays.
5. Section 30-117(4)(d) a variance is requested to include a height limit of thirty-eight feet (38') that applies only to equipment located within one thousand feet (1,000') of Highway 378.

6. Section 30-117(4)(g) provides for a noise limit of sixty-five (65) decibels, but does not otherwise define how the limit is measured or applied, especially as to sound or short duration. A variance to limit any exceedances of the noise limit to no more than ninety (90) minutes in any calendar day.
7. The variances specified are deemed to satisfy the requirements of Florence County Code of Ordinances Section 30-117 and related provisions and shall be so construed. To the extent the variances and conditions herein vary from Section 30-117 of the Florence County Code of Ordinances, these variances and conditions shall be deemed a variance from Section 30-117 of the Florence County Code of Ordinances, these variances and conditions shall be deemed a variance from Section 30-117 of the Florence County Code of Ordinances and shall be controlling.

The applicant additionally consented to the following conditions of approval. That a water truck such as is commonly used to minimize dust under an air quality plan shall be located on 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 such fence shall be locked except during the hours previously specified and that plant personnel shall be allowed access to the site one hour before and one hour after such hours solely for purposes of opening or closing the site. Signage complying with Section 30-117(4)(f) of the Florence County Code of Ordinances shall be installed before operations commence. No blasting is permitting on site.

Mr. Brashear continued with the presentation showing images of the site and the adjacent properties on the north, south, east and west sides of the site. The property was properly posted and the public meeting advertised.

Chairman Brian Casey inquired if there were any questions or comments from the Board.

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

Mr. Wayne Phears, the spokesman for Martin Marietta Materials, the applicant, 4123 Parklake Avenue, Raleigh, NC was present in the meeting and provided the presentation in the public hearing. He stated that he was going to focus his comments on items that were asked at the last meeting but answers were not sufficiently supplied. He stated that everyone by now knew that a lawsuit is pending between the Board, Florence County and Martin Marietta and during mediation procedures, the outcome was that the parties worked to identify how the applicant could work within the Florence County Ordinance. How it could live with the ordinance, drop its challenge to the ordinance and allow the ordinance to survive. A list of items were submitted to adjust items in the ordinance, the variances. The list of variances are what the applicant felt it could live with. The application specifically states the applicant desires to live with and by the ordinance and not strike it down. If the request for variances fail then they will continue to litigate over the ordinance. The ordinance does contain an exemption for companies which had mining permits before the ordinance was passed and effected. The applicant did have a mining permit but it was after the mining ordinance became effective. The ordinance has a two thousand foot (2,000') set back. There is nowhere in the ordinance where a two thousand foot (2,000') set back buffer applies. The applicant could build anything else, i.e. rendering plant, chemical plant, that they desired on their parcel other than a mine and not have a two thousand foot (2,000') buffer set back. The two thousand foot (2,000') buffer set

back came about because the County decided to have a mining ordinance. In the dispositions no one could identify where the two thousand feet (2,000') came from. The applicant has agreed to a six hundred foot (600') setback because there is no residence closer currently than six hundred feet (600'). On the inside of the property is a one hundred foot (100') buffer all around the property in which the applicant has specified a ten foot (10') berm. A berm is a pile of dirt, ten feet (10') high with approximately thirty feet (30') base at the bottom of it. It will be in that one hundred foot (100') buffer around the property. The applicant is required and has committed to landscaping the buffer per Florence Counties bufferyard requirements, which has to be approved by the Florence County Planning Staff; and when that is completed the site will not be visible. With the buffer berm and a six foot (6') high security fence, the applicant did not see the need for the wooden fence. There is a part of the ordinance which requires that the applicant pay one thousand dollars (\$1,000) per acre, two hundred plus thousand dollars all together, just to get a permit. No other business in the County has to abide by that requirement and, as such the applicant has proposed a one-time ten thousand dollar (\$10,000) permit application fee. The applicant is proposing hours of operation from 6:30 a.m. to 5:30 p.m. Monday through Friday and from 8:00 a.m. to 12:00 p.m. on Saturday with no operations on holidays, including County holidays and no operations on Sunday. A height limit that applies to anything within one thousand feet (1,000') of the road. Based on the Site plan and the image that was in the presentation the plant is far away from the road, so there is nothing close to the road. The noise limit applies and measured over a combined interval of ninety (90) minutes. It will not be an issue. There is no blasting or crushing on the site and a six foot (6') security fence will be placed around the site. Water trucks will be on site and utilized. The goal is to resolve this dispute in a civilized way and most of the mining ordinance still survive; and the applicant can operate and live within the limits of the mining ordinance. It is a constructive resolution and they hope that it passes the Boards' recommendation.

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.

There was no other public in attendance who desired to speak in favor of the requested variance request.

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

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 he was opposed to the variance request but believed the community had no standing after reading through the Board of Zoning Appeals packet of information. It would have been nice if the Board and Florence County Council could protect the citizens of the County. It appeared through mediation that Martin Marietta gave a list of items they wanted and the Community just has to accept it and he did not feel that was in the best interest of the County. He did not agree with the fees for obtaining a permit, as of his understanding of the market, it showed that you could get seven (\$7) to ten (\$10) dollars gross a ton for sand. A fifty foot (50') deep hole one acre large could produce approximately one hundred thousand (100,000) tons of sand. That would equate to approximately one million dollars (\$1,000,000) an acre. If the applicant intends to dig one hundred and twenty (120), one hundred and thirty (130), one hundred and ninety (190) acres of sand. That would approximately be one hundred thousand (100,000,000), which could ultimately lead up to approximately one hundred and ninety million

dollars (190,000,000) of gross income. As such it is not out of the ordinary for the County to expect them to pay additional money, as ten thousand dollars (\$10,000) appears rather cheap. It is only about one percent (1%) of what the ordinance requires. As for the setbacks, the east side of the community is the only place where residence presently are. Two thousand foot (2,000') setback in that case would have only been required on that side of the property. The setback may seem erroneous but it just would have been nice if the community had in on the decision as opposed to the applicant just submitting their request of six hundred foot (600') setback, which is not even half of what the ordinance required. They feel like a precedent is being set with the approval of the variances as others could also come forward and challenge the ordinance. The ordinance became effective after the permit was applied for but the permit had not been approved for by the state. It was not because anything was wrong with it, but because the County still had the chance to provide their guidance.

Ms. Sterling Sandler, 5948 Clearbrook Road, Effingham, SC, was present in the meeting and spoke in opposition to the requested variance request. She stated that she read across the minutes from the last meeting and that there was a disparaging remark made about Florence County Council that concerned her greatly. She feels that County Council in reviewing the mining ordinance did not do it for one person, or one business but about community, the Salem Community. She has been involved with conservation districts and attending to wildlife and natural resources for over fifty (50) years in Florence County. She stated that she could remember when Mr. Jerry Keith, A. C. Allen, Ted Voss and men like Chief Mumford, worked together as County Councilman for the good of their communities and their districts. She felt that was what County Council was doing when they passed the mining ordinance. That is what the Board did when they denied the variance request the first time. Take that into consideration as the decision is made on this variance request matter. It is not about just one person or one business it is about a community and how that community lives and survives for the rest of their days.

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 the requested variance request. She stated that at the previous meeting she tried to remember some of the statistics from November 2024 pertaining to mines, but she got a bit of them wrong. She was able to locate her notes from March of 2024 and at that time there were four hundred and ninety-six (496) active mines in South Carolina and fifteen (15) of them were in Florence County. In comparison to Horry County, which does not have any local regulations for mining and relies solely on Department of Health and Environmental Services (SCDES) to oversee mining operations has fifty-seven (57) active mines. In February of 2024 she spoke with Jeremy Eaddy, the manager of Mining and Reclamation section of SCDES and he shared that over the past five (5) years, 2019 to 2024, SCDES had received a total of eleven (11) applications for new permits, general and individual in Florence County. Seven (7) of those were approved, four (4) were still being processed and zero (0) had been denied or withdrawn. She looked at the active mines viewer recently and statewide it showed there are four hundred and sixty-five (465) active mines now with sixteen (16) of them in Florence County. She is guessing but not sure but it appears that four (4) of the mines are still being processed, some of the mines may have closed in the interim and some of those were approved. She wanted to provide the updated information as the numbers had come up at the previous meeting. SCDES does regulate mines, but they also rely on local ordinances to really say where mines may or may not be appropriate. That is why it is important for the local counties to have their own ordinances, to be on the ground and saying what works best for their community, just like many of the community members in the

meeting and prior have been saying. She wanted to reiterate that information and clarify the mining numbers.

There were no further comments or discussion in favor or opposition to the requested variance request and the public hearing portion of the meeting was closed.

There was discussion by the Board as they discussed the variance application of questions and responses by the applicant.

The recommendation and findings of the fact considered by the Board were as follows:

That there are extraordinary and exceptional conditions pertaining to the particular piece of property:

Finding: The property was originally used as productive agriculture land prior to its conversion to timber production and clear-cut between 2009 and 2010. Replanting occurred thereafter and existing pine stand was and is immature and less than 20 years old. The land management history resulted in a previously disturbed transitional tract with characteristics that differed from the surrounding undisturbed agricultural and rural residential parcels, including limited near-term agricultural viability and early-stage timber regrowth. The properties large, contiguous acreage and long-standing use for agriculture and silviculture distinguish it from nearby lands and create conditions inherent to the tract rather than self-imposed by the applicant. The site's physical condition, scale and documented land use history constitute extraordinary and exceptional conditions that support consideration of a variance for a resource-based use such as sand mining.

That this conditions do not generally apply to other property in the vicinity:

Finding: The surrounding properties remain in active agriculture, rural residential uses, or mature timber stands and have not experienced recent large-scale clear-cutting and replanting. The contiguous two hundred and fifty-six acre (256-acre) parcel was extensively harvested and is now in an immature transitional silvicultural state, creating physical and land-use characteristics that are not typical of other lands in the vicinity.

That 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:

Finding: By limiting viable, resource-based uses on a large, previously disturbed tract of land that is not well-suited for immediate agricultural production or mature timber harvesting, thereby constraining the property to less practical uses that do not reflect its scale land management history, and current transitional silvicultural condition

Will the character of the district be harmed by the granting of the variance:

Finding: The parcel is a large rural tract of land with a history of agricultural and silvicultural uses, surrounded by similarly low-density residential and resource-based land uses. It's size, rural setting and previously disturbed condition provide natural buffering and ensure the proposed use remains consistent with the existing character of the area rather than introducing an incompatible land use. All operations adhere to strict South Carolina Department of Environmental

Control regulations and enforcement and authorization of the variance will not be of substantial detriment to adjacent properties or to the public good.

There was no further discussion or questions by the Board and the Chairman requested a motion.

Motion: Commissioner Louie Hopkins made a motion that the requested variance request BZA #2026-03, be approved as submitted / The motion was seconded by Vice-Chairman Brenda Deas / The requested variance request as submitted in BZA #2026-03 was unanimously approved with a vote of 5 to 0.

Chairman Brian Casey stated that the Board needed to reconsider the previous variance request in BZA #2026-02 as the information of the request was expounded on from the previous meeting and that nothing had changed within the request. He would accept a motion on that item to accept the variance.

Motion: Commissioner Wesley Martin made a motion that the requested variance request BZA#2026-02 be approved as submitted / The motion was seconded by Vice-Chairman Brenda Deas / The requested variance request as submitted in BZA #2026-02 was unanimously approved with a vote of 5 to 0.

The public hearing was closed.

VI. Adjournment

There was no further, discussion or questions by the Board and Chairman Brian Casey declared the meeting adjourned at 6:57 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.