

**BOARD OF ZONING APPEALS
CITY OF BARNWELL, SOUTH CAROLINA**

IN THE MATTER OF
Marcus Rivera and/or Shonda Rivers

EX PARTE
Meadowbrook Property Owners as Interested Parties

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

A hearing was held October 5, 2021 by the undersigned Appeals Board members upon appeal by certain property owners in Meadowbrook Acres arising from a decision to grant a permit to operate a hair salon at the residence of Marcus and Shonda Rivera. The Zoning Administrator issued a building permit on June 7, 2021, along with a business license.

The Board has reviewed the record consisting of the written testimony and attached exhibits of the Zoning Administrator, the written testimony and exhibits of Tim Bennett on behalf of Meadowbrook property owners, and the presentation of Marcus Rivera.

Based upon its review of record, the Board makes the following findings of fact:

- 1) That the Restrictive Covenants imposed on Meadowbrook Acres dated September 16, 1983 and recorded September 19, 1983 in Book 17-C, at Page 083, of the Barnwell County records prevent the operation of a business at a residence and prevent Zoning Administrator from issuing a permit;
- 2) The Restrictive Covenants are sought to be enforced by many of the property owners;
- 3) That the Zoning Administrator had actual knowledge of the Restrictive Covenants;

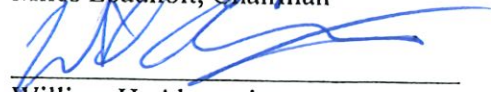
As a matter of law, we find that S.C. Code § 6-29-1145(B)(3) requires zoning administrator to refuse a permit when there is actual knowledge of restrictive covenants which would prevent the requested activity.

THEREFORE, IT IS ORDERED that the Zoning Administrator shall rescind the building permit previously issued, as well as the business license previously issued.

AND IT IS SO ORDERED.



Miles Loadholt, Chairman



William H. Alexander



Kent Kirkland

October 18th, 2021