

# City of Barnwell Order on Special Exception Application Board of Zoning Appeals

Date Filed: 07-23-2024 Permit Application No. 2024-02 Appeal No. 2024-02.1

The Board of Zoning Appeals held a public hearing on 07-22-2024 to consider the appeal of Peter Palmer for a special exception which may be permitted by the Board pursuant to Section 4-115 of the City of Barnwell Zoning Ordinance as set forth on Zoning Appeals Form for the property described to be used for:

NAICS CODE 722 - Restaurant

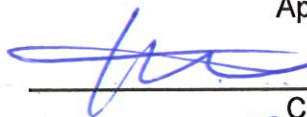
After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. The Board concludes that the standards in Section 4-115 SE 3 of the City of Barnwell Zoning Ordinance which are applicable to the proposed special exception  **have** -  **have not** been met based on the following findings of fact: The City has addressed the issues that are stated within the special exception (“(1) the use is compatible with the district, (2) no outside speaker is allowed, (3) exterior and vehicle lights will be directed away from the residential property, (4) parking & service areas will be separated from residential areas by planting screen, fence or wall at least 6 feet high, (5) adequate provisions are made for access and traffic safety; and (6) hours of operation are limited to prevent late night noise.
2. The Board concludes that the proposed special exception  **will** -  **will not** substantially diminish value of adjacent property or property in the district based on the following findings of fact: The Palmer's have updated the building and renovated it to accommodate a full service restaurant for locals and visitors of Barnwell.
3. The Board concludes that the proposed special exception  **will** -  **will not be** compatible with uses in the district based on the following findings of fact: If rules are kept in accordance with this application and that no other issues are brought to the attention of the board.

THE BOARD, THEREFORE, ORDERS that the special exception is  **DENIED** -  **GRANTED**, subject to the following conditions: The Palmer's understand that if there are complaints made to the city through any means (City Hall or Police Dept.) of noise or other issues during the late night hours, that the hours of operation would need to be cut back to 10 pm instead of 11 pm on the weekend nights.

Approved by the Board by majority vote.

Date issued: 7-23-2024



Chairman

Date mailed to parties in interest: 8-15-24



Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

**CITY OF BARNWELL— BOARD OF ZONING APPEALS**  
**MINUTES OF PUBLIC HEARING — JULY 22, 2024, 5:40 PM**

**MEETING LOCATION**

**CITY HALL, CITY COUNCIL CHAMBERS**

**130 MAIN ST., BARNWELL, SC 29812**

City of Barnwell Board of Zoning Appeals met for a hearing: Peter Palmer to request an exception in NC Zoning.

Board Members Present: Acting Chairman Kent Kirkland, Cameron Halford, Linda Knapp, Wil Alexander

Board Member Absent: Marty Harvey (conflict)

Others Present: City Administrator/Zoning **Administrator** Lynn McEwen, Peter Palmer, and other witnesses for the Palmer's.

**STATEMENTS OF THE BOARD FOR THE RECORD**

Board Member Cameron Halford stated that he had lived in the neighborhood in which the Palmer's live and has had no files or cases with them. He wanted it on the record as well. No one had any objection.

**HEARING**

Chairman Kirkland called the hearing to order and stated that there was a quorum of the members of the board to be able to proceed.

Lynn McEwen, Zoning Administrator, stated the facts of the case: The Palmer's had purchased this property and have prepared it to be a restaurant in a NC zoned district. In order for the special exception for a restaurant to be approved, it must come to the Board of Zoning Appeals and they can approve based on the following criteria: 1) the use is compatible with the district, 2) no outside speaker is allowed, 3) exterior and vehicle lights will be directed away from the residential property, 4) parking & service areas will be separated from residential areas by planting screen, fence or wall at least 6 feet high, 5) adequate provisions are made for access and traffic safety; and 6) hours of operation are limited to prevent late night noise. Administrator McEwen stated that the use is compatible, that there is no evidence of outside speakers, the lighting will be directed away from the residential areas, they have built a 6 foot high fence around the property, that a letter from SCDOT has been provided that there are no issues with traffic safety. Administrator



McEwen stated that the hours of operation were provided in the email from Mr. Palmer and that the board would need to decide about the hours.

Letters had been sent to all surrounding neighbors, a notice of the hearing had been posted in the newspaper.

#### **COMMENTS FROM THE PALMER'S**

Mr. Palmer had no comments at this time.

#### **COMMENTS FORM THE NEIGHBORS OR OTHER PUBLIC**

Nakesha Owens, whose father had run the TV repair place up on Dale St. stated that they had lived there and gave support for this new restaurant.

Chairman Kirkland also mentioned that there were several letters from neighbors sending support for the restaurant.

Council Member Davis spoke in support of the restaurant as it is in her district and she believes that the Palmer's have done great work to the restaurant and deserve to be given the chance to get started on it.

#### **RULING FROM THE BOARD**

Board member Linda Knapp asked Mr. Palmer how many parking spaces were available on the lot and he stated about 20. There is no drive-thru planned for the restaurant. A question was brought up about the distance from the school, and Administrator McEwen gave the distance from the school property as 367.5 feet from the edge of the school property, which is over the minimum amount for sale of alcohol near a school. There were several questions brought up about the hours of operation, especially on the weekend nights of Friday and Saturday (11pm). Concern is about the lateness of the hours even after the business is closed and noise may disturb the residential neighbors. After much deliberation on this particular issue, Board Member Cam Halford made a motion to approve the special exception with the understanding that if there are issues with late-night noise complaints brought to the city, that the ending hour of 11 pm on Fridays and Saturdays be brought back to 10 pm. Wil Alexander seconded the motion and it was unanimously approved.

Minutes Provided by Zoning Administrator Lynn McEwen

