

The McClellanville Planning Commission met on the above-noted date and time. Notice of the meeting was published in compliance with the Freedom of Information Act. Planning Commission members present were Ginny Prevost (Chair), Oliver Thames, Scott Youngblood, Dan Fifis and Adam Freeze. Town Council members present included Jim Scott, Bob Gannon, Christopher Bates, Aaron Baldwin, and Mayor Rutledge Leland. Town Staff present included Michelle McClellan, Kathryn Basha, and Jessie Thomas. Numerous members of the public were in attendance.

Commissioner Prevost opened the meeting, confirmed quorum, and reviewed meeting procedures. She clarified that the purpose of this public hearing was to accept public input on proposed amendment to very specific sections of the zoning ordinance for which draft amendments had been referred back to the Commission for further review.

Dan Fifis made a motion to discuss Article 3.5.2(a) regarding clarification of language pertaining to conditions for Bed and Breakfast homes. The motion was seconded by Commissioner Youngblood and carried with an “aye” vote by all Commission members. Ms. Basha reviewed the current ordinance and recommended Section 3.5.2 keep the 50% requirement with clarification that this is measured as 50% of the total floor area of the premises to read as follows: *(3) The owner’s private residential quarters and common areas must constitute at least 50% of the floor area of the premises*”. Commissioner Prevost opened comments to the public. There were no public comments made. Commissioner Thames made a motion to pass the presented clarifications to Article 3.5.2(a). Motion was seconded by Commissioner Fifis and carried with an “aye” vote by all Commission members.

Kathryn Basha then reviewed section 3.5.5(e) pertaining to the storage of business vehicles and equipment in residential districts to be located on the side or rear of a principal structure.

Councilman Scott stated strong objection noting that McClellanville is a working community and the amendment was overbearing and unnecessary.

Councilman Gannon stated his intention to propose a motion aimed at providing a more precise definition of “business vehicles and equipment,” ensuring that it does not create undue difficulties for commercial fishermen.

Peden Dunn expressed his opposition to the amendment, explaining that as a contractor, he lacks alternative storage options for his equipment.

Jeri Nickerson also spoke in opposition of the amendment noting that tractors for personal use would be affected as well, not only equipment for business purposes.

Cheves Leland opposed making a distinction between commercial fishing and other livelihoods and argued that it would unfairly burden workers across several occupations.

Robert Medders also expressed his opposition to the amendment due to the amount of equipment necessary to maintain a large amount of personal land.

Commissioner Thames moved to send Section 3.5.5 back to COG and the Planning Commission for reconsideration and review of verbiage. Motion was seconded by Commissioner Fifis and carried with an “aye” vote by all Commission members.

Commissioner Youngblood made a motion to consider an amendment to Section 5.4.4(n) – Addition of “Offices/Contracting Services” as a permitted use in the Highway Commercial District and Article 14 to add a definition of “Office/Contracting Services”. Seconded by Adam Freeze and carried with an “aye” vote by all Commission members. There were no public comments made. Scott Youngblood made motion to approve as presented. Seconded by Adam Freeze and carried with an “aye” vote by all members present. Motion passes.

Commissioner Prevost opened the public hearing to discuss amendments to Section 7.1.1(e) to require a buffer adjacent to the DEC/BCM designated critical area and Section 7.2.3 establishing standards for an impervious surface setback and buffer adjacent to the DES/BCM designated critical area. Kathryn Basha conducted a review of critical area buffer considerations by the Planning Commission dating back to 2019 referencing sustainability and mitigation of erosion, flooding/sea level rise, water quality, and effects of other natural disasters on a working waterfront as the objective for having a vegetative buffer. Ms. Basha also notes that Jeremy Creek is currently on the state’s 303(d) list of impaired waters for Aquatic Life and Recreational Use. Ms. Basha confirmed the buffer would only apply to new structures or when improvements to existing structures were valued at more than at 50% of the current structure’s value. Kathryn also noted that the buffer cannot exceed 40% of the lot area and approval of larger reductions can be requested of the Board of Zoning Appeals. Ms. Basha proceeded to review the impact on protected trees and shared where the public can find further resources if interested in additional research. Commissioner Prevost opened the floor for questions for the Staff. No questions were asked from Council or the Commission. Commissioner Prevost opened the floor for public comment.

Jeri Nickerson pointed out that a portion of her property is on the critical line even though it is not on the water. She expressed concern about how this would further affect her property when several feet is already cleared to help the county maintain water drainage in the village.

Erica Hansen raised the concern that if her home were destroyed in a hurricane, she would not be permitted to reconstruct it on its existing footprint, as this would then be classified as a new structure. Ms. Hansen also expressed concern of impacts on property values if ordinance is passed.

Richard Billington spoke in strong opposition to ordinance. Mr. Billington also expressed concern that due to a 24" Live Oak and the proposed buffer ordinance, he would not be able to build on his Broadmarsh lot at all if the ordinance passes.

Lisa Safford, owner of a lot on Mouzons Bluff, expressed concern about losing the opportunity to have a view and felt the ordinance would be far too burdensome for local residents.

Bill Bates spoke in opposition to the ordinance, stating that existing BCM setbacks already include restrictions. He raised concerns about buffer vegetation regulations and the confusion around erosion control structures. Mr. Bates asked the committee to reconsider the language and urged the Council to reject the proposal.

Dan Biggerstaff spoke in strong opposition to the ordinance. When the ordinance's regulations are applied to his property, the 50-foot guideline would divide his current house, making it impossible to rebuild if the home were destroyed by fire or natural disaster. Mr. Biggerstaff also raised concerns regarding the provision authorizing the Zoning Administrator to make adjustments, stating that he does not trust in the Zoning Administrator's ability to make such decisions.

Patrick Runey opposed the ordinance, echoing Erica Hansen and Dan Biggerstaff's concerns about being unable to properly rebuild homes that are lost to fire or natural disaster.

Debbie Thames opposed the ordinance, echoing earlier concerns. Ms. Thames also noted that residents are already burdened with expensive and complicated permitting procedures and advocated to find a better balance between environmental protection and ensuring the ordinances do not infringe on property rights.

Ross Thames also expressed firm opposition to the ordinance. He discussed the potential impact of the ordinance on his current residence and specifically raised concerns regarding the vegetation buffer provision. Additionally, he questioned the enforceability of the ordinance and noted that he is not aware of anyone who has been granted a variance.

George Geer expressed opposition describing the ordinance as excessively detailed included an over-abundance of unnecessary regulations.

Cheves Leland partly agreed with earlier speakers but voiced concern about environmental stewardship. She noted Jeremy Creek's polluted water is unsafe and emphasized the need to clean it up while seeking a compromise on regulations.

William Ross opposed the ordinance, citing excessive regulation and the impact on his property and building options. He raised concerns about property rights and questioned the reliability of water test results. Mr. Ross requested the ordinance be dismissed.

Daniel Bates thanked Councilman Bob Gannon for requesting a second Public Hearing before the Council vote. He expressed concern that the ordinance could create inequities between property owners, reduce views and breezes, lower property values, and impact property rights. He also noted challenges in requesting variances from the Board of Zoning Appeals.

Barry Slayden, in the process of buying a lot at 977 Ivory Bill Lane, described the ordinance as overly restrictive. Mr. Slayden expressed hesitation about proceeding with the purchase and encouraged the Commission to reject the ordinance.

Paul Gawrych expressed firm opposition to the ordinance, describing it as excessive. He emphasized the need for the public hearing and offered his appreciation to the Commission and Council for doing so.

Malcolm Baldwin opposed the ordinance, agreeing with earlier speakers, and noted that most waterfront lots already have setbacks in place. Mr. Baldwin's research suggested that about half of the current waterfront lots would require a variance in order to build.

Dan Fifis made a motion to close the public hearing portion of the meeting. Motion was seconded by Adam Freeze and carried with an "aye" vote by all members present.

Oliver Thames made a motion to rescind [sic] the ordinance. The motion was seconded by Adam Freeze and carried with an "aye" vote by all members present. Commissioner Prevost confirmed Committee chose to no longer process the ordinance.

*[Staff note – motion to rescind the ordinance was incorrect in that there were no provisions to "rescind". Motion intent was to rescind the Commission's prior recommendation in support of the proposed ordinance provisions.]*

Dan Fifis made motion to adjourn. Seconded by Scott Youngblood and with an "aye" vote by all members present.

Respectfully submitted,



Jessie Thomas

Executive Assistant