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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Honorable H. Steven DeBerry, IV, Circuit Court Judge 2771

Appellate Case No. 2024-000868
Case No. 2023-CP-33-00500

Thomas & Nicole Betancourt, Jimmy & Amie Boatwright, and Norman & Kristina Whetzel.....Appellant(s),

v.

City of Mullins Zoning Board and Dr. Todd Blevins of Blevins Dentistry.....Respondent(s)

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF Marion
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP3300500

Thomas & Nicole Betancourt, Et Al.
PLAINTIFF(S)

City Of Mullins Zoning Board Et Al. et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCPP; Rule 41(a), SCRCPP (Vol. Nonsuit); Rule 43(k), SCRCPP (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCPP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This court respectfully denies the Plaintiff's relief sought on Appeal. On Tuesday, August 20, 2023, The Zoning Board of Appeals conducted a public hearing as to the Application granting the Defendant a Variance for the construction of a parking lot on his property located at 624 S Main Street Mullins, South Carolina. A certified copy of the findings and discussions of the August 20, 2023 hearing were filed and made part of the record on March 4th, 2024. The Zoning Board of Appeals decision in granting the variance substantially complies with the requirements found in Section 9.3-2 of the Mullins South Carolina Code of Ordinances which is the subject of the Appeal.

It is important to note that the applicable permits, building codes, zoning regulations, and plan submittal requirements must still be complied with through out the construction process.

And it is so ordered.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/09/2024 .

Jimmy Boatwright for Thomas & Nicole Betancourt, Et Al.
Thomas & Nicole Betancourt, Et Al. for Thomas & Nicole Betancourt, Et Al.
Kristana Whitezel for Thomas & Nicole Betancourt, Et Al.
Norman Whetzel for Thomas & Nicole Betancourt, Et Al.
Thomas & Nicole Betancourt, Et Al. for Amie Boatwright, Norman Whetzel, Kristana Whitezel, Thomas & Nicole Betancourt, Et Al., Jimmy Boatwright
Amie Boatwright for Thomas & Nicole Betancourt, Et Al.

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Marion Common Pleas

Case Caption: Thomas & Nicole Betancourt, Et Al. VS City Of Mullins Zoning Board Et Al. , defendant, et al
Case Number: 2023CP3300500
Type: Order/Electronic Form 4

H. Steven DeBerry, IV

Circuit Court Judge 2771

Electronically signed on 2024-05-09 11:12:38 page 3 of 3

ELECTRONICALLY FILED - 2024 May 09 1:50 PM - MARION - COMMON PLEAS - CASE#2023CP3300500

The South Carolina Court of Appeals

Thomas Betancourt, Nicole Betancourt, Jimmy Boatwright, Amie Boatwright, Norman Whetzel, and Kristana Whetzel, Appellants,

v.

City Of Mullins Zoning Board and Dr. Todd Blevins Of Blevins Dentistry, Respondents.

Appellate Case No. 2024-000868

ORDER

On May 28, 2024, Appellants filed a notice of appeal from a circuit court order affirming a decision rendered by the City of Mullins Zoning Board of Appeals. On May 29, 2024, Appellants submitted a letter to this court regarding Rule 241 of the South Carolina Appellate Court Rules. Appellants' letter stated they filed a motion for an emergency stay pending appeal on May 24, 2024, but the circuit court had not ruled on the motion yet. We construe this letter as a petition for writ of supersedeas. After careful consideration, we grant a temporary stay of the circuit court's May 9, 2024 order to allow the circuit court to hear the pending motion. *See* Rule 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order . . . for supersedeas must first be made to the lower court . . . which entered the order or decision on appeal."). According to the public index, the circuit court will hear the motion on June 17, 2024. Within five days of the circuit court's decision on the motion, Appellants shall notify this court of the circuit court's decision. Failure to do so will result in dismissal of the appeal. Upon receipt of the circuit court's decision, we will rule on Appellants' petition for writ of supersedeas.



FOR THE COURT

Columbia, South Carolina

cc:

Thomas Betancourt

Nicole Betancourt

Jimmy Boatwright

Amie Boatwright

Norman Whetzel

Kristana Whetzel

John Paul Williams, Jr., Esquire

Hampton Grainger Tiller, Esquire

Honorable Michael G. Nettles

Honorable Christy M. Gray

FILED
May 30 2024

IN THE CIRCUIT COURT OF MARION COUNTY, SOUTH CAROLINA

Thomas & Nicole Betancourt, Jimmy & Amie

Boatwright and Norman & Kristina Whetzel

Plaintiffs,

vs

City of Mullins Zoning Board and

Dr. Todd Blevins of Blevins Dentistry

Defendants

SUMMONS - APPEAL

CASE # 2023-CP-33-00500

TO THE DEFENDANTS, City of Mullins Zoning Board and Dr. Todd Blevins;

YOU ARE HEREBY SUMMONED and required to answer the Complaint in the above-title action, a copy of which is herewith served upon you (and which has been filed with the office of the Clerk of the Court) and to serve a copy of your answer upon the above named parties within thirty (30) days after the date of such service, exclusive of the day of service, and if you fail to answer the said Complaint within such time, the relief demanded in the Complaint will be rendered against you by default. During the course of this proceeding, any and all intended work is to cease and desist until further notice.

Thomas & Nicole Betancourt
Jimmy & Amie Boatwright
Norman & Kristina Whetzel

Signed Originals have been sent via Regular mail on September 12, 2023 to:

Certified mail

Dr. Todd Blevins
Blevins Dentistry
622 S Main Street
Mullins, SC 29574

*Certified #
7019 1640 0001 8106 2305*

City of Mullins Zoning Board
151 East Front Street
Mullins, SC 29574

*Certified #
7019 1640 0001 8105 7509*

MARION COUNTY SC
CHRISTY M. GRAY
CLERK OF COURT

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IN THE CIRCUIT COURT OF MARION COUNTY, SOUTH CAROLINA

MARION COUNTY CLERK
CHRISTY M. GRAY
CLERK OF COURT

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)
 Thomas & Nicole Betancourt, Jimmy & Amie)
 Boatwright and Norman & Kristana Whetzel)
 Plaintiffs,)
 vs)
 City of Mullins Zoning Board and)
 Dr. Todd Blevins of Blevins Dentistry)
 Defendants)
 _____)

COMPLAINT APPEAL

CASE # _____

Plaintiffs, Thomas & Nicole Betancourt, Jimmy & Amie Boatwright and Norman & Kristina Whetzel (herein referred to as Mr. & Mrs. Betancourt Boatwright Whetzel), brings this Complaint for Appeal against Defendants, the City of Mullins Zoning Board (herein referred to as Zoning Board) and Dr. Todd Blevins of Blevins Dentistry (herein referred to as Dr. Blevins), as follows:

CAUSE OF ACTION

1. On August 29th, 2023, the City of Mullins Zoning Board held a special public meeting for the approval of a parking lot for Dr. Todd Blevins' vacant lot at 624 S Main Street, Mullins, SC (Originally 615 S Main Street), across the street from Blevins Dentistry.
2. During the Public Meeting, residents spoke either in support of or opposed to the proposed parking lot.
3. Chairman Spencer Jordan asked the Building Official, Curtis L Richardson to explain the zoning and restrictions. At this time Mr. Richardson told all in attendance that the lot is

zoned AC-1, therefore Dr. Blevins has the ability to put in a parking lot. No further information or details were given other than property zoned AC-1 can be used for a parking lot.

4. A few Board Members, as well as residents, were visibly confused as to the reason of the public meeting for the parking lot if it was allowed regardless. Chairman Jordan made a motion to approve the parking lot due to Mr. Richardson saying Dr. Blevins had the right

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CHRISTY H. GRAY

APPEAL

5. This Complaint is being filed due to the lack of information that was provided to the Board and Community in attendance, as well as the many rules and guidelines that must be followed, per the Code of Ordinances, Mullins, SC (Municode Library).
6. Dr. Blevins supplied the Zoning Board and Community with a handmade Google map parking lot layout (Exhibit A).
7. As set forth in Code of Ordinances, Article 6 – Supplemental off-street parking and loading regulations (Exhibit B), there are numerous requirements Dr. Blevins needed to provide and/or comply with in order to move forward with his proposed parking lot.
8. Section 6.1 – Off-Street Parking
 - a. 6.1-1. Wherever a building has been changed or enlarged, parking spaces need be provided per the Ordinance guidelines.
 - b. 6.1-2. Land for parking must be contiguous to the building as the principal use for the off-street parking.
 - c. 6.1-3 For Off street parking with more than Ten (10) vehicles (Dr. Blevins' Google map drawing indicates Eleven (11) spots), specific design and development standards need

apply: Parking Dimensions, Paving, Drainage, Separation from walkways and streets, Entrances and exits, marked lines, lighting and landscaping. Not one of these requirements have been included in Dr. Blevins' drawing, nor even mentioned by Mr. Richardson, to the Board, as needing to be included in the permit application. As stated in Section 6.3 – Approval of parking and off-street loading plans and layouts (Exhibit C), all the aforementioned designs and plans for the off-street parking are subject to the approval of the Zoning Administrator, who has the right to withhold a permit if the proposal causes avoidable safety, traffic congestion or missing documents and engineered drawings.

9. With that being said, Dr. Blevins has failed to provide a full and complete permit application detailing his design plan for his proposed parking lot to include engineered plans for drainage to ensure neighboring residential homes are not impacted, walkway and street buffering wall design, entrance and exit layout following regulations being at least 40 foot away from an intersection (E Lloyd & S Main), parking lot measurements plan showing parking spots properly measured at 9' x 19' each, divider lines, along with a lighting layout Dr. Blevins proposes for the 24 Hour/ 7 Day use of his "employee" parking lot, as he allows the Tenant, Mr. William Davis, who resides at 613 S Main Street, to utilize the lot as his own drive way, as well as a landscaping design plan must be provided, taking in to account visibility, buffering, safety and keeping from adversely affecting the neighborhood.

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CHRISTY N. GRAY
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10. Moving on to Article 8 – General and Ancillary Regulations, Section 8.1 – Application of Regulations clarifies the various zoning district requirements apply to all classes (Exhibit D).

a. Section 8.3 – Measurements explains the proper way to measure yards, setbacks and buildable areas, with a diagram for reference (Exhibit E).

b. Section 8.5 – Visibility at intersections (Exhibit F) explains the regulations for landscaping at intersection corners to ensure safe sight from all directions, with a diagram for reference.

c. Section 8.6 – Accessory buildings and uses precisely details in Section 8.6-3 (Exhibit G) that off street parking IS permitted in all required yards and setback areas. Therefore, Dr. Blevins has ample room in front of his dentist office to create more onsite parking spaces, without causing any potential safety issues of crossing over a busy street like South Main Street. This would eliminate many issues at hand. Dr. Blevins can easily request for a permit for up front parking. He currently has 16 parking spots and 1 Handicap spot.

d. Section 8.7 – Nonconformities (Exhibit H) specifically speaks of buildings or structures “Grandfathered” in although they no longer conform to the new ordinances.

e. Section 8.7-2(2) Enlargement or Expansion of Nonconforming Use explicitly states that if any nonconforming building is enlarged, it must meet all setbacks, buffer areas and off-street parking requirements (Exhibit I).

11. In or about March 2019, Dr. Blevins expanded his dentistry building by adding a new office area. This expansion was approximately 14’ x 16’ in size, about 224sq ft added to the

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CHRISTY YANNA
CLERK OF COURT

footprint. With this addition, Dr. Blevins increased his GFA (Gross Floor Area), immediately rendering him in violation of his off-street parking requirements. Prior to this addition, Blevins Dentistry was approximately 2,500sq, which per the Code of Ordinance, Article 2 – Zone District Regulations (Exhibit J), for a C-1 zoned health services Offices & Clinics of Dentists, parking is mandated to be 1 spot per 150sq ft GFA. The current 17 parking spots sufficed. However, with the addition of 224sq ft, Dr. Blevins was required to add, at a minimum, 1 more parking spot. This he did not do. A permit was approved for the addition, but no other ordinance was looked in to or verified to be in accordance with the rules of the City of Mullins.

12. In or about early to mid-2020, Dr. Blevins then decided to expand his dentistry even further. He had another, much larger, addition built of approximately 30' x 31' in size, adding an additional 930sq ft of footprint. 930 sq ft equals a minimum of 6 more parking spots. Again, a permit was approved, but nothing done about the lack of required parking spaces per the Code of Ordinance. To date, Dr. Blevins is taxed on 3,658sq ft, which lawfully obligates he should have been maintaining, at a minimum, 18 parking spots since 2019 and 24 parking spots since 2020. None of which exists. And no code violation notices have ever been sent to Dr. Blevins. It was just ignored.

13. Now, three (3) years later, Dr. Blevins is requesting to utilize a vacant lot he owns, across the street from his dentistry, for “employee” parking, claiming he needs 11 spots for just employees. Dr. Blevins previously had no luck in purchasing any adjacent property to his business. Typically, this type of situation calls for a request for a variance, if and only if certain criteria is met and proven.

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MULLINS COUNTY SC

14. As defined in Article 10 of the Code of Ordinance (Exhibit K), a Variance can only be entertained if there is an unnecessary hardship. The most significant one an Applicant is obligated to prove, is that the "unnecessary hardship" is NOT a self-created hardship. The applicant bears the burden of providing competent, substantial and relevant evidence to meet all the statutory standards for a variance. Mere inconvenience, personal preference, or just stating it is a hardship are not considered sufficient evidence.

15. With all information provided regarding Dr. Blevins and Blevins Dentistry, it is evident that there is not a valid unnecessary hardship in compliance with the stipulations required in the State of South Carolina or the Code of Ordinance, Mullins, SC to even justify a variance being entertained to begin with. Dr. Blevins had enough parking. Dr. Blevins chose to add 224sq ft for offices, placing him in violation of the parking code, yet nothing was done. Then Dr. Blevins chose to add an additional 930 sq ft, again, gaining a permit and no code violation. He added over 1,100sq ft to his building and never once was reprimanded for any violations. These, by law, are ALL self-created issues. These are not hardships. Blevins Dentistry has not had any parking issues in over three (3) years since his last addition. Dr. Blevins is not capable of providing evidence to support these additions and expansions were not of his own doing. Furthermore, he took away a good ¼ of his area in the back to build his 30' x 31' addition, which could have been utilized for parking.

16. Going back to Section 8.6, as mentioned previously, Blevins Dentistry has the entire front of his building, in his setback area, to create ample parking for his employees and guests without causing any undue safety concerns of crossing S Main Street all hours of the day. Along with the available frontage, there is also a large grass area available in the back of

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MULLINS, SOUTH CAROLINA
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the office to enlarge the parking lot and add more spots. Currently only a table and chairs accompany that area. With all due respect, Dr. Blevins has the ability to add quite a bit more parking on his primary business lot.

17. Blevins Dentistry also has the ability to maintain their scheduling of appointments in a more responsible way, by ensuring appointments are spread out throughout the entire week, so as not to be inundated with too many vehicles at once. If growth of the business cannot be met with the current hours kept, Blevins Dentistry should extend their hours to accommodate the increased clientele. Tuesday the office closes at 2pm. Friday the office closes at 1pm and Saturday the office is closed. Here are three (3) days where extending hours would make a world of difference and allow for nonexistent parking issues.

18. Keeping in mind that Dr. Blevins is currently in violation of the Code of Ordinance, he need be responsible to bring his business and property up to code. With his 3,658sq ft of GFA, he must get, at a minimum, 7 more parking spots secured, or he should be fined. He has had five (5) years already of being in violation.

19. Regarding the variance for the parking lot across the street, it is evident this parking lot would no longer be for just "employees", as we now know he needs more parking, by law. This opens up a whole new can of worms if the City of Mullins allows the parking lot to move forward. Safety measures, crosswalks, street lights, stop signs, etc. must come in to play along with much more stringent requirements of land surveys, easements, traffic flow, etc. The emphasis would need to change to the safety of Blevins Dentistry customers crossing over a very busy street during normal work hours. S Main Street has been a major thoroughway for many years and is not the best road to have nonstop pedestrian

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MULLINS COUNTY, SC
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(customer) traffic walking back and forth where, in this neighborhood, that type of foot traffic is not normal. Blevins Dentistry and the City of Mullins will need to shoulder the responsibility and liability of keeping the pedestrians (customers) safe.

20. In closing, we, the residents, who live here 24/7 adamantly oppose the variance for the proposed parking lot across the street. The variance that was approved on August 29th, 2023 should immediately be revoked due to the fact that no unnecessary hardship exists to cause a variance to be considered, the lack of information provided the Board from Mr. Richardson regarding the code of ordinance and requirements, and Dr. Blevins not furnishing a correct and complete permit application.

21. The requested variance all began because Dr. Blevins desires to have parking across the street and is merely stating "unnecessary hardship". The public meeting never should have taken place. The variance should not have been entertained. Dr. Blevins has plenty of space on his business C-1 lot to create the parking spots he would like to have, as well as bring his required parking spots up to code. In order to approve a variance for off street parking on a lot not contiguous, again, it must be proven, with evidence, of an unnecessary hardship NOT self-created. Dr. Blevins reasons do not qualify for a variance request, nor approval.

Plaintiffs request judgment against the Defendants as follows:

A. Deny the previously approved plan for a variance for Blevins Dentistry's proposed noncontiguous parking lot.

B. Require Defendant, Dr. Todd Blevins to bring his primary business location up to code per the Code of Ordinance.

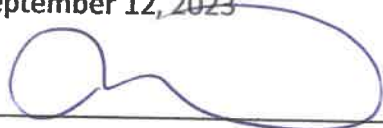
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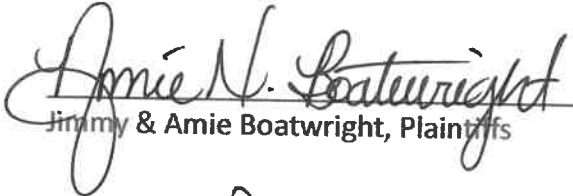
C. Granting such other and further requirements and violations as is just and proper.

Dated: September 12, 2023


By:


Thomas & Nicole Betancourt, Plaintiffs

By:


Jimmy & Amie Boatwright, Plaintiffs

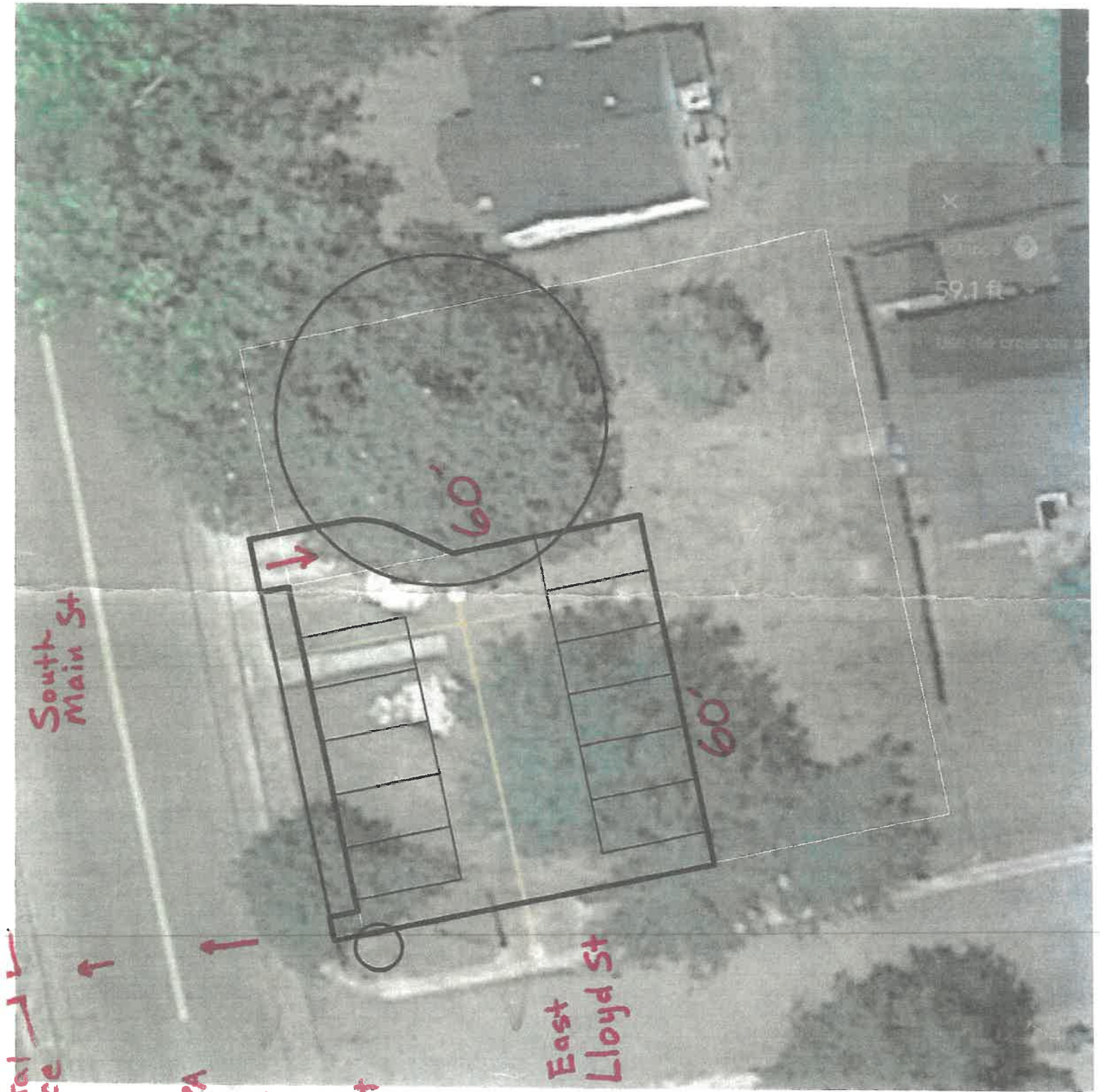
By:


Norman & Kristina Whetzel, Plaintiffs

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EXHIBIT A



South Main St

East Lloyd St

Dental Office

Blevins
Dentistry, PA
Proposed
60' x 60'
Employee
Parking Lot

EXHIBIT B

ARTICLE 6. - SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table 1 of this Ordinance.

Sec. 6.1. - Off-street parking.

6.1-1. General requirements.

- (1) Where application of the requirements of Table 1 result in a fractional space requirement, the next larger requirement shall apply, except that off-street parking shall not be required in the C-1 District.
- (2) Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (3) Off-street parking facilities provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.

6.1-2. *Land to provide parking.* The land to provide off-street parking must be contiguous to and under the same ownership or lease agreement as the principal use for which the off-street parking is to be provided.

6.1-3. *Design standards.* Where off-street parking for more than ten (10) vehicles is required, the following design and development standards shall apply:

- (1) *Parking Dimensions.* Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

 EXPAND

90 degree parking	25 feet
60 degree parking	18 feet
45 degree parking	13 feet

EXHIBIT B

Code of Ordinances

- (2) *Construction, Paving.* Where 10 or more off street parking stalls are required by this ordinance, such stalls and all ingress and egress drives shall be surfaced with an all-weather, impervious surface material, approved by the Zoning Administrator.
- (3) *Drainage.* Parking lots shall be designed so as not to drain into, across public sidewalks, or on to adjacent property, except into a natural watercourse or a drainage easement.
- (4) *Separation From Walkways and Streets.* Off-street parking spaces shall be separated from walkways, sidewalks, streets, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator (See Section 4.2-6).
- (5) *Entrances and Exits.* Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. Except for single-family homes and duplexes, off-street parking areas shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least forty (40) feet, measured along the curbline, from the intersection of the nearest curbline.
- (6) *Marking.* Parking lots shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to ensure efficient traffic operation of the lot.
- (7) *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.
- (8) *Landscaping.* Off-street parking areas shall be landscaped in accord with the provisions of Section 4-2.

6.1-4. *Maintenance.* All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

6.1-5. *Parking space for the physically handicapped.*

- (a) When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:



Code of Ordinances Number of Required Spaces	Number of Spaces Reserved For Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required

EXHIBIT C

(b) Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access aisle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

Sec. 6.2. - Off-street loading.

- (a) All uses except those located in the C-1 District, shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, or walk.
- (b) Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

Sec. 6.3. - Approval of parking and off-street loading plans and layouts.

Code of Ordinances

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Zoning Administrator, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

EXHIBIT C

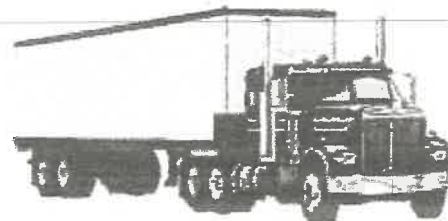
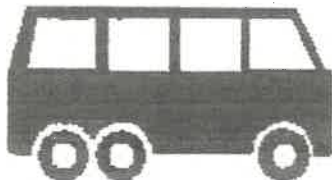
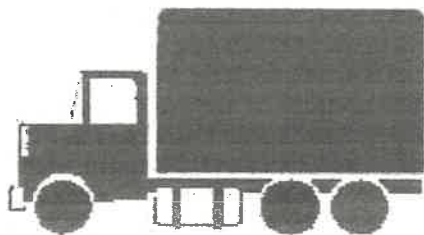
Sec. 6.4. - Parking, storage or use of travel trailers or recreational vehicles in residential zones.

Not more than one recreational vehicle or boat shall be parked or stored in any required front or side yard setback area or within 5 feet of the rear lot line in a residential district; however, such use may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

Sec. 6.5. - Parking, storage and use of non-recreational vehicles and equipment in residential zones.

- (1) Up to but not exceeding two automobiles, trucks or trailers of any kind or type, without current license plates, may be parked or stored on any lot zoned for residential up to 45 days. Unlicensed vehicles parked more than 45 days must be in completely enclosed buildings.
- (2) Within any Residential Zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle with a carrying capacity of not more than two tons.

Specifically prohibited from parking in any residential zone, including the street right-of-way, when not actively involved in commerce, are flat bed trucks, tow trucks, buses, dump trucks, tractor cabs and/or trailers or combinations thereof, and vehicles meeting the following general description:



- (3) Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any residential zone; provided such uses shall be parked or stored in completely enclosed buildings.

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

EXHIBIT D

Sec. 8.1. - Application of regulations.

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Sec. 8.2. - Exceptions and modifications.

1. *Setbacks - Corner Lots.* The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.
2. *Setbacks - Through or Double Frontage Lots.* Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.
3. *Setbacks - Partially Developed Areas.* Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners.

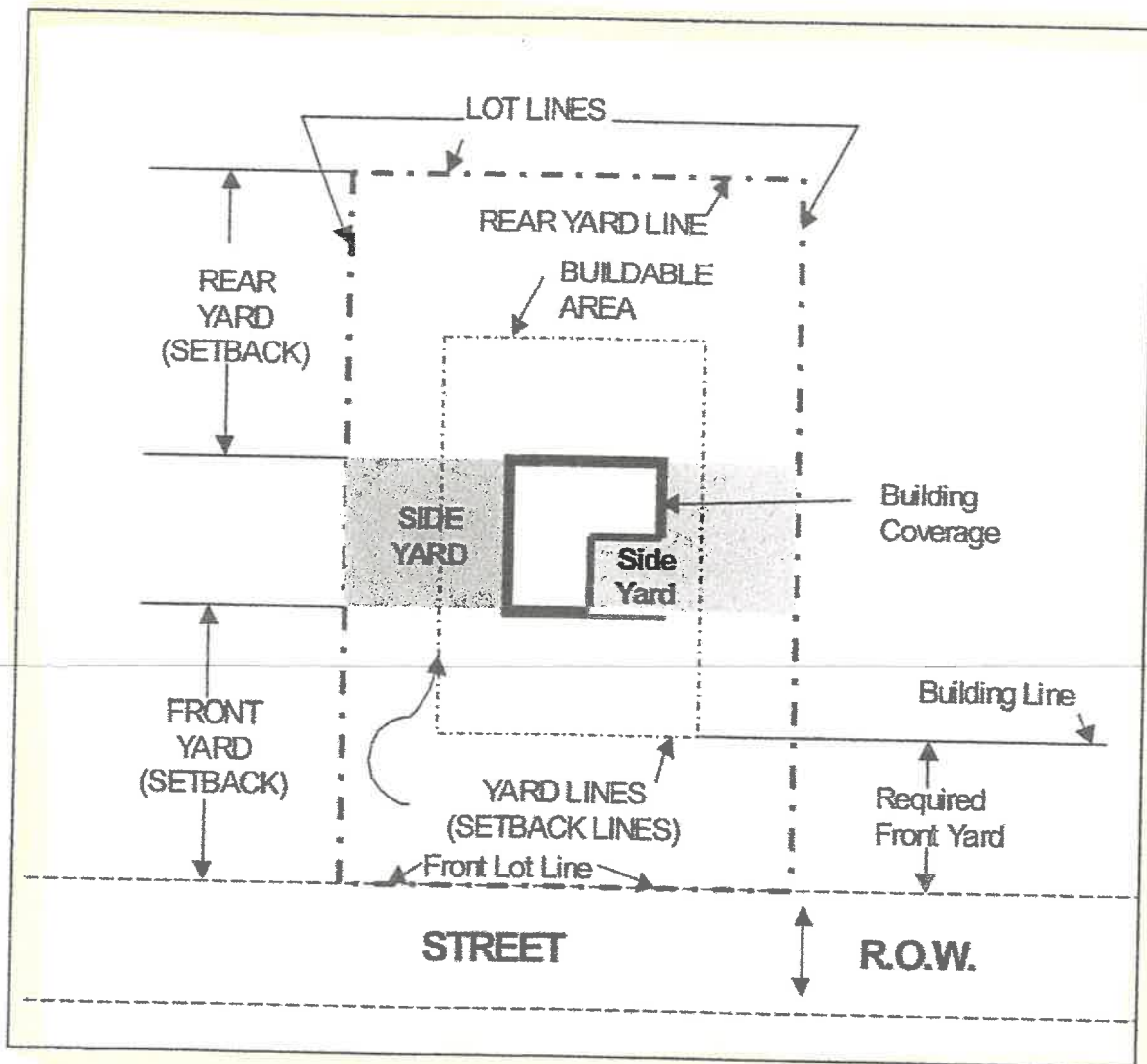
Code of Ordinances ⁶ Projections

EXHIBIT E

- (a) The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.
- (b) Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line.

Sec. 8.3. - Measurements.

1. **Yards, Setbacks, Buildable Area.** The required front, side, and rear yards for individual lots, as set forth for by Table 2 shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.



2.

Height. The height of a building or structure shall be measured from the base of the structure to the highest point of the building or structure.

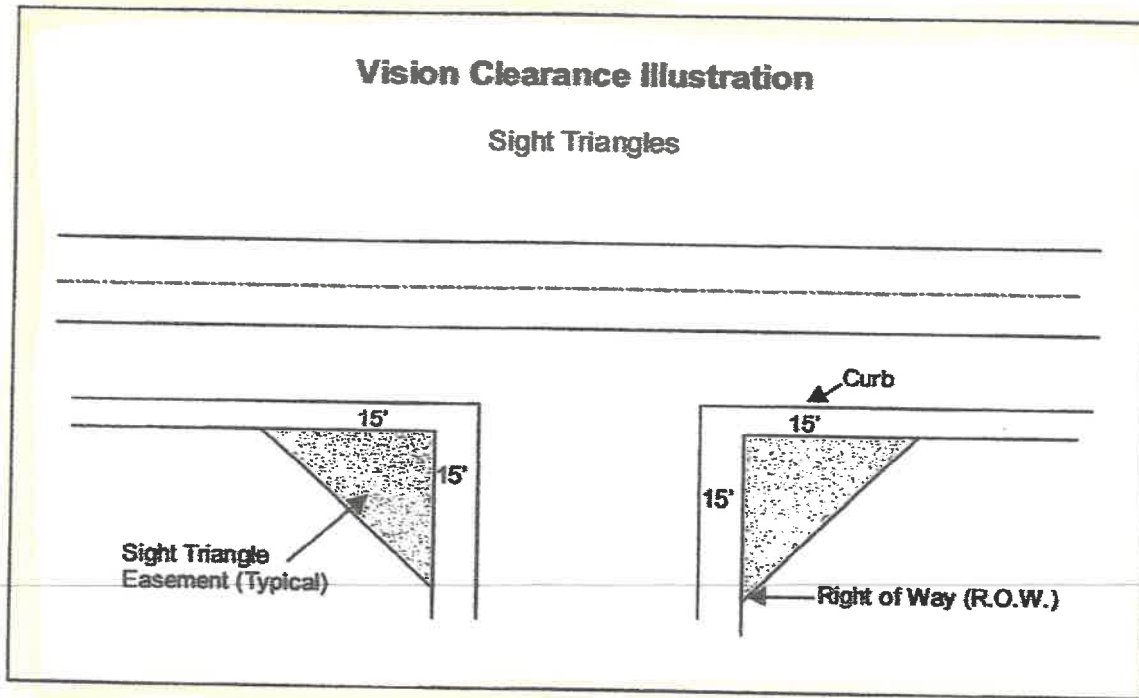
EXHIBIT F

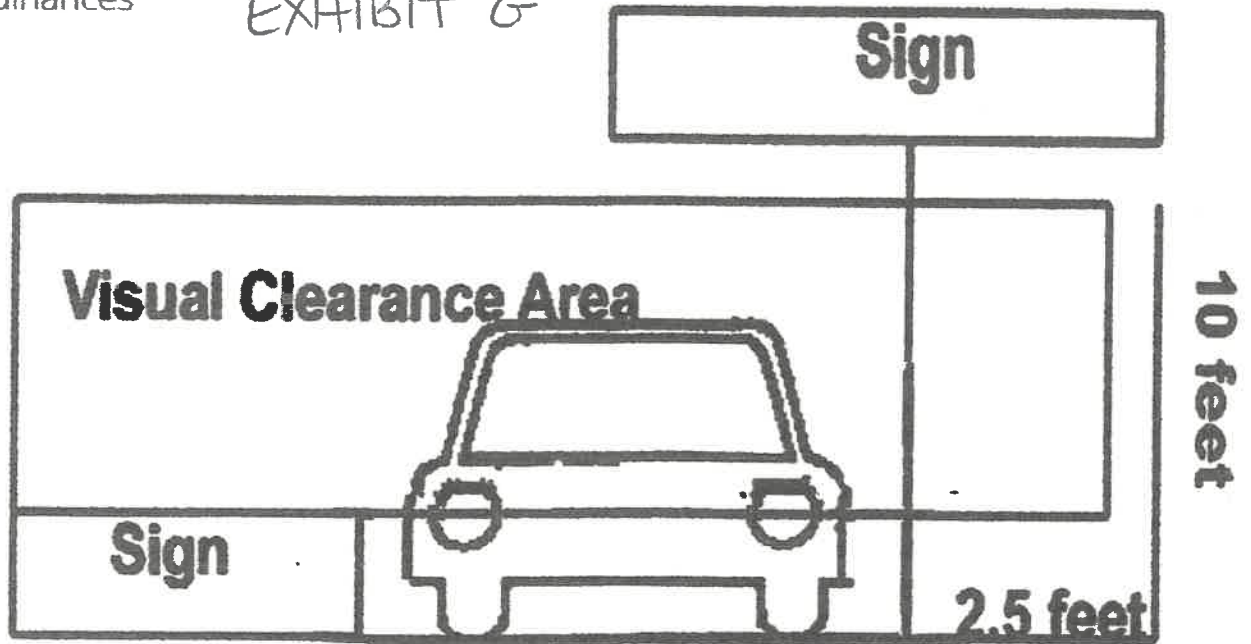
Sec. 8.4. - Number of principal buildings/uses on a lot.

- (a) No more than one single-family dwelling, residentially designed manufactured home or duplex shall be allowed on a single lot or parcel.
- (b) There is no limit on the number of other principal buildings or uses; provided all setback and other applicable requirements of this Ordinance are met.

Sec. 8.5. - Visibility at intersections.

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the following vision clearance illustrations. However, poles and support structures less than 12" in diameter may be permitted in such areas.





Sec. 8.6. - Accessory buildings and uses. :

8.6-1. *Accessory uses to observe required setbacks.* Unless specifically provided herein, accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

8.6-2. *Requirements applicable to all accessory uses.*

1. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 12 feet in height.
2. No accessory building may be located in a required front yard. Where an accessory building is erected in the required rear yard on a corner lot, it shall not be located closer to any street than the required front yard distance.
3. No accessory use shall occupy any part of a buffer area.

8.6-3. *Requirements applicable to specific accessory uses.* Requirements applicable to Specific Accessory Uses are as follows:

1. *Off-Street Parking and Loading Space.* Paved off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than 5 feet to a residential property line and two feet to any other property line.
2. *Free-Standing Signs.* Free-standing signs are permitted in all required yards, but no closer than 5 feet of a property line.
- 3.

Code of Ordinances

Buildings, Sheds, and Structures for Dry Storage; Greenhouses. Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than 3 feet to a residential property line.

EXHIBIT H

- 4. *Domestic Animal Shelters and Pens.* Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than 10 feet from any side or rear residential property line.
- 5. *Swimming Pools, Tennis Courts, Recreational Uses.* These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
- 6. *Ground Supported Communication and Reception Antennas.* These uses may be located in required rear and side yards only, but no closer than 5' to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.
- 7. *Fences and Walls.* Fences and walls are allowed within required yards and setback areas, and may extend to the property line; provided that when located within a required front yard in a Residential District, fences and walls in excess of 4.0' in height must be of decorative nature and open design. A chain link fence in excess of 4.0' is prohibited in the front yard.

Sec. 8.7. - Nonconformities.

⋮

8.7-1. Continuation.

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grand Fathered) even though such use, building, or structure does not conform with the provisions of this Ordinance.

8.7-2. Modification. A proposed change or modification of a nonconforming use shall be governed by the following:

- 1. *Change of Nonconforming Use.* If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:
 - a. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
 - b.

The proposed change will have little discernable impact over the existing nonconforming use.

EXHIBIT I

- (1) If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.
- (2) Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.
- (3) Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

2. *Enlargement or Expansion of Nonconforming Use.* Enlargement or expansion of a nonconforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district within which it is located.

3. *Repair or alteration of Nonconforming Use, Building, or Structure.* The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

4. *Replacement of Nonconforming Use.*

a. A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 6 months of the time of the damage or destruction or forfeit the right of replacement.

b. Replacement, if initiated within 6 months of the time of damage or destruction, shall adhere to all applicable requirements of Table 2. Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.4 of this Ordinance.

8.7-3. *Discontinuance.* No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

8.7-4. *Existing lot of record.* Where the owner of a lot of record at the time of the adoption of this ordinance does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 20%. Setback reductions greater than 20% shall be referred to

EXHIBIT J

Code of Ordinances	A-1 A-2	A-3	MH	AC-1	C-1	C-2	U-1	Required Off-Street Parking Space (a)
Miscellaneous amusement	N	N	N	N	P	P	P	1.0 per 250 sq. ft. GFA
Physical fitness facilities	N	N	N	P	P	P	P	1.0 per 300 sq. ft. GFA
Public golf courses	P	P	P	N	N	P	P	5.0 per hole
Coin operated amusements	N	N	N	N	P	P	P	1.0 per 350 sq. ft. GFA
Amusement services	N	N	N	N	P	P	P	1.0 per 250 sq. ft. GFA
Golf, tennis, & swimming clubs	P	P	P	P	N	P	P	1.0 per 4 members
Video Tape Rental	N	N	N	P	P	P	P	1.0 per 300 sq. ft. GFA
Pool Parlors (Sec. 3.12)	N	N	N	N	C	C	P	1.0 per 350 sq. ft. GFA
Public parks & playgrounds	P	P	P	P	P	P	P	Review of Zoning Administrator
Health Services								
Offices & clinics of doctors	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA
Offices & clinics of dentists	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA

and/or relief from any part or provision on this Ordinance, of which there are three types of applications:

1. Amendment - is a change to the text or map of the Ordinance.
2. Variance - is an adjustment or modification of any regulation alleged to impose on unnecessary hardship on the use or development of land.
3. Appeal - is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Sec. 10.4. - Eligible applicants.

(a) Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Ordinance, or to seek relief from or change requirements of this Ordinance are identified on Table 5.

(b) Parties not listed may petition the Planning

Related insights

ARTICLE 6. - SUPPLEMENTAL

OFF STREET PARKING AND LOADING

STATE OF SOUTH CAROLINA
COUNTY OF MARION

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Case No.: 2023-CP-33-00500

Thomas & Nicole Betancourt, Jimmy &
Annie Boatwright, and Norman & Kristana
Whetzel,

Plaintiffs,

vs.

City of Mullins Zoning Board, and
Dr. Todd Blevins of Blevins Dentistry,

Defendants.

ANSWER OF

DR. TODD BLEVINS OF BLEVINS
DENTISTRY

Defendant, Dr. Todd Blevins of Blevins Dentistry, would show to this Honorable Court:

1. Each and every allegation of the Plaintiffs; complaint not hereinafter expressly admitted, qualified, or explained is hereby denied.
2. Defendant admits the allegations in Paragraph 1.
3. Defendant admits the allegations in Paragraph 2.
4. Defendant admits the allegations in Paragraph 3.
5. Defendant admits a portion of Paragraph 4 which states "Chairman Jordan made a motion to approve the parking lot." Defendant denies the rest of Paragraph 4.
6. Defendant is without sufficient information or knowledge to admit or deny Paragraph 5, therefore, denies those allegations.
7. Defendant admits the allegations of Paragraph 6.
- ~~8. Defendant is without sufficient information or knowledge to admit or deny Paragraph 7,~~
therefore, denies those allegations.
9. Paragraph 8 appears to be recitation of a portion of the City of Mullins Municipal Ordinances does not require a responsive pleading.

10. Defendant denies the allegations in Paragraph 9.
11. Paragraph 10 appears to be recitation of a portion of the City of Mullins Municipal Ordinances does not require a responsive pleading.
12. Defendant admits the portion of Paragraph 11 in so much as there was an addition in March of 2019. However, he denies any violation as he obtained proper building permits and approval. Defendant denies the rest of Paragraph 11.
13. Defendant admits the portion of Paragraph 12 that states there was an addition and that he received the proper permits and approvals to do so. Defendant denies the rest of Paragraph 12.
14. Defendant admits to the portion of Paragraph 13 that states he sought a variance to use a non-contiguous vacant lot he owns across the street from his dentistry for parking for employees only and that he has been unable to purchase or lease any contiguous property for parking. Defendant lacks sufficient information and knowledge to admit or deny the rest of the allegations in Paragraph 13 and, therefore, denies those allegations.
15. Defendant believes Paragraph 14 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 14.
16. Defendant denies the allegations of Paragraph 15.
17. Defendant believes Paragraph 16 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 16.
18. Defendant believes Paragraph 17 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 17.
19. Defendant believes Paragraph 18 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 18.

20. Defendant believes Paragraph 19 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 19.

21. Defendant believes Paragraph 20 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 20.

22. Defendant believes Paragraph 21 does not require a responsive pleading. To the extent any response is required, Defendant denies the allegations of Paragraph 21.

Wherefore, the Defendant asks the Court to dismiss the Complaint of the Plaintiff, finding that the City of Mullins Zoning Board properly approved the variance for a non-contiguous parking lot, on a vacant lot, zoned as AC-1.

s/ Hampton G. Tiller

Hampton G. Tiller, SC Bar No. 104761

WHITTINGTON TILLER LAW FIRM LLC

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PO Box 653

Mullins, SC 29574

843-464-7821

Hampton@WhittingtonTiller.com

Attorney for Dr. Todd Blevins of Blevins Dentistry

October 11, 2023

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

H. Steven DeBerry, IV, Circuit Court Judge 2771

Case No. 2023CP3300500

Thomas & Nicole Betancourt;
Jimmy & Amie Boatwright; and
Norman & Kristina Whetzel

Appellant(s),

v.

City of Mullins Zoning Board and
Dr. Todd Blevins of Blevins Dentistry

Respondent(s)

2024 MAY 22 AM 9:18
MARION COUNTY
CLERK OF COURT

FILED

NOTICE OF APPEAL

Appellants Thomas & Nicole Betancourt, Jimmy & Amie Boatwright and Norman & Kristina appeal the Order of the Honorable H. Steven DeBerry, IV dated May 9, 2024. Appellants received written notice of entry of this Order on May 9, 2024.

May 22, 2024

Nicole Betancourt
618 S Main Street
Mullins, SC 29574
(843) 561-3253
Appellant

Other Counsel of Record:
Whittington Tiller
219 S Main Street
PO Box 653
Mullins, SC 29574
(843) 464-7821
Attorney for Todd Blevins (Respondent)

JP Williams Jr
PO Box 883
Marion, SC 29571
(843) 423-7630
Attorney for City of Mullins (Respondent)

STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
COUNTY OF MARION) CASE NO. 2023-CP-33-00500

April 22, 2024

BEFORE: The Honorable Judge H. Steven DeBerry, IV

Thomas & Nicole Betancourt, Jimmy & Amie Boatwright, and
Norman & Kristana Whetzel,
 Plaintiffs,

vs.

City of Mullins Zoning Board and Dr. Todd Blevins of Blevins
Dentistry,
 Defendants.

APPEARANCES:

 Thomas and Nicole Betancourt, Jimmy and Amie
Boatwright, et al.
 Pro Se Plaintiffs

 Hampton Tiller,
 John P. Williams,
 Attorneys for the Defendants

Official Court Reporter/Transcriber
Cynthia D. Weaver

1 (COURT REPORTER'S NOTE: Due to remote platform
2 interruption and audio interference throughout the
3 hearing, those instances are denoted with
4 (inaudible) in the transcript.)

5 P-R-O-C-E-E-D-I-N-G-S

6 THE COURT: So this is Case Number
7 2023-CP-33-00500. It's Thomas and Nicole Betancourt and
8 others versus of City of Mullins. Typically, when we get
9 this recall we've got two devices running in the same place.
10 Is that the case for anybody?

11 DR. BLEVINS: I don't believe I do, Your Honor.

12 THE COURT: And it sounds like it's been resolved
13 now.

14 So at this time we're going to hear from
15 Betancourt to present your case.

16 MS. BETANCOURT: We bring this motion due to
17 Dr. Blevins requested for a variance for a parking lot to be
18 built across the street from his dentistry on South Main
19 Street. First and foremost, Dr. Blevins, when he purchased
20 his dentistry he was more or less as you say grandfathered
21 in to what the original Municode was of the City of Mullins,
22 Marion County. It was the original footprint of the
23 dentistry and as long as you do not alter the footprint or
24 the GFA of the building, you can under the guidelines of the
25 Municiple Code of Ordinance.

1 However, in March -- in or about March of 2019
2 Dr. Blevins had decided to build an addition of
3 approximately give or take we do not know the exact amount
4 but it's approximately, give or take, we do not know the
5 exact amount, but it's approximately 224 square feet, it's
6 about a maybe 14 by 16 addition that he did towards the
7 front right of his dentistry, he added 224 square feet. He
8 was originally, approximately, 2,500 square foot when he
9 purchased the dentistry.

10 Then, in or about mid 2020, Dr. Blevins again
11 expanded towards the back right with a very large
12 approximate 930 square foot addition to the back of his
13 dentistry. With that footprint he is confirmed by Marion
14 County taxed on 3,658 square feet currently for his
15 business.

16 With that being said, he built both additions on
17 his own accord for his growth and expansion of is business.
18 He did them, I mean, by himself and then he decided that he
19 needed to have more parking and he purchased the property
20 across the street. And what happens is the minute that you
21 alter anything, per the Municode, which all 50 states have a
22 Municode, and they all are pretty much governed under the
23 same exact guidelines and rules in every state regardless of
24 where you live, is the rules, it's what you're supposed to
25 do.

1 And in 2019 -- well, prior to any of these
2 additions he had 17 parking spots, he actually had 16, but
3 then he had 17 parking spots, which worked per the
4 guidelines and we had attached that in the exhibits. And I
5 believe in the original exhibit, which was Exhibit J in the
6 original, where it has for offices, clinics, and dentists,
7 if you have a commercial lot for every 150 square feet of
8 GFA you're supposed to have one parking spot.

9 So when he originally bought his building he the
10 parking spots that he needed. When he did the first
11 addition in 2019 he actually needed to add one parking spot.
12 So as of 2019 he was actually in violation of parking spots
13 by one. After he did the second addition he in 2020 he was
14 actually in violation of where he needed to have 24 parking
15 spots.

16 So he was violation from 2019 where he needed to
17 have 18 parking spots and from 2020 he needed to have 24.
18 So this has gone (inaudible) the City of Mullins hasn't
19 really done anything about that. Now, the rules and the
20 guidelines for variances are straight forward, again, in any
21 state. The variance is typically if it is an unnecessary
22 hardship, which is what Dr. Blevins is saying that he has.
23 However, we also added them into our exhibits, that it's
24 clear and precise facts it's unnecessary hardship, it is not
25 self-inflicted.

1 An owner is not entitled to relief from a
2 self-created or self-inflicted hardship. A claim of
3 unnecessary hardship cannot be based on conditions created
4 by the owner. Then it goes on that there is no
5 justification of a variance if it's self-imposed or if you
6 just ignore the requirements. It's not a justification for
7 a variance, okay. And the court systems have uniformly held
8 that a hardship that's created by an applicant does not
9 qualify for you to have relief. Typically, if you are going
10 to add parking in the rules and the guidelines it must be a
11 parcel that's connected to your business.

12 Now, while, I agree that Dr. Blevins had asked to
13 purchase property that is our -- we reside next door. He
14 also tried to buy property that was behind him. It's not
15 our duty to sell our property to him because he --
16 (inaudible).

17 So he chose to add these additions and take away
18 what could have been parking space if that was his intention
19 was to grow his business. And a variance is if more people
20 say yes to allow the variance versus no that's also not a
21 justification for a variance to be allowed.

22 Either which way he is the one that created this
23 issue, it was self inflicted. Across the board if you cause
24 this you are not even allowed to request for a variance. It
25 shouldn't have even gotten to where we were or where this

1 all began.

2 So we feel firmly that his request for a variance
3 to build a parking lot across the street, which as much as
4 we know that it is residential/commercial, everywhere around
5 his business is residential homes, everybody is residential.
6 And the parking lot is what he wants to do across the
7 street. He does not live there, he wants to put a parking
8 lot across the street because he decided to put additions.
9 So we feel firmly that it should not -- he doesn't even have
10 the right to request a variance.

11 Now, moving forward -- well, yeah, we also added
12 into the exhibits that the reality of the fact is he has
13 plenty of room on his current business lot, which we
14 provided photos of his property. His property used to be a
15 home that I believe at one point was a nursing home or
16 something. Dr. Blevins, the front of his house it looks
17 more like a home than anything else. When you look at the
18 footprint of his home, the rules and the guidelines and the
19 Municode, outside of buildable area, Dr. Blevins has plenty
20 of room along the front of his building and the back of his
21 building to add many more parking spots.

22 So he has the ability to actually utilize his
23 property as a business which is what it is instead of having
24 grass and landscaping he should be putting the parking lot
25 there on the space that he has for his business he should be

1 using that space first before trying to make parking across
2 the street, okay. Because their parking should be next to
3 or where your business is.

4 So now moving forward we now come to this August
5 29 public hearing that we attended. In the Municode, in the
6 rules and guidelines set forth in Marion County and in
7 Mullins there is protocol that must be followed.

8 Now, my husband and I are also business owners
9 here in the City of Mullins so we know very well how the
10 process works, apply permits and what process we need to
11 follow in order to get things done. Now, at the time you
12 were supposed to give a full and complete permit package for
13 application to the Zoning Administrator.

14 At the time Mullins did not have a Zoning
15 Administrator. But I do know that Curtis Richardson, whose
16 title is Building Inspector, he's the one who I had to go to
17 pull a permit. So I don't know if we're supposed to assume
18 that Curtis is also the Zoning Administrator or is he like a
19 the role of the Zoning Administer, I do not know, because
20 his title is Building Inspector, but I do have to go to him
21 for permits.

22 So the first step in trying to get a variance for
23 something that is normally not allowed, which is a parking
24 lot across the street or not attached to a business is to
25 provide a full and complete permit application to the Zoning

1 Administrator for him to review the application for
2 completeness. And we also attached in the exhibits a full
3 and complete permit application especially when you are
4 looking to add a parking lot.

5 Included in that permit application must be, you
6 need to show the land that's provided for parking, you have
7 to have the design up, you have to have the parking lot and
8 the parking dimensions --

9 THE COURT: All right. Ms. Betancourt.

10 MS. BETANCOURT: Yes.

11 THE COURT: Yes. And I apologize for
12 interrupting, but please understand I need to know what did
13 the Zoning Board do that's against the law that's the basis
14 for your appeal, okay? We got to hear from everybody here
15 and everybody here has got a lot of big --

16 MS. BETANCOURT: Okay. So what the Zoning Board
17 did is the Zoning Board, as far as we know there was no
18 permanent application ever put in, nothing was ever put in,
19 it bypassed the Zoning Administrator. And then the next
20 step was supposed to be that the Zoning Board of Appeals was
21 supposed to review a complete package prior to public
22 notice, which was not put out. Well, public notice -- a
23 sign was put on the lot. So, it bypassed the first two
24 steps, they did not do it. Then it just went to a public
25 notice and public hearing. There was not supposed to be any

1 decision made at the public hearing. The board -- the
2 Zoning Board had not one clue about anything regarding
3 variances, the board that sat up there didn't know anything
4 about anything when we went to the meeting. Nothing was
5 provided other than what we put into the original motion,
6 which was Dr. Blevins' handmade map that he drew out that
7 was literally all that was ever provided.

8 And Curtis, who was the Building Inspector and
9 we're assuming playing the part of the Zoning Administrator
10 was in that public hearing who should be knowing everything
11 in the zoning in administrative -- the only information that
12 was given was it's zoned residential commercial, he's
13 allowed to do it. No rules no regulations no laws, no,
14 nothing was discussed.

15 So the Zoning Board had no clue what was going on.
16 The Zoning Board knew nothing and no decision was supposed
17 to be made. After this -- after the public hearing, it's
18 supposed to go on to the planning commission for review.
19 Just so that they could do back research, back history, back
20 everything. The Zoning Board just made a decision based off
21 of what Curtis said, and the fact that there was -- the
22 residents who said, Yeah, we like it, we think it's a good
23 idea. That's it.

24 THE COURT: All right. Okay, I understand.

25 MS. BETANCOURT: So no rules, nothing was -- and I

1 had numerous meetings with Curtis trying to go over the
2 Municode with him. I had meetings with Mayer Woodbury, in
3 which he also agreed with me about the fact that is why
4 Dr. Blevins is already using it as a parking lot. He is
5 using it, he's claiming he just wants it for employees. But
6 he has been using it for years now as literally public
7 parking for whatever. We, our neighbor across the street
8 uses it as driveway, parks there 24/7.

9 So in his permanent application he should have
10 been having a lighting -- a lighting survey, a drain survey,
11 everything. There's -- there's so many things that are
12 missing from this that were not done properly from the
13 Zoning Board and from Blevins' standpoint.

14 THE COURT: Okay.

15 MS. BETANCOURT: On top of the fact that it never
16 even should have went to the public hearing because he
17 doesn't qualify to request the variance.

18 THE COURT: All right. Thank you, ma'am.

19 MS. BETANCOURT: Had the Zoning Board should have
20 shut it down.

21 THE COURT: I understand your position.

22 Is there any other plaintiff that would like to
23 speak?

24 MS. BOATWRIGHT: Yes, we would -- we can't
25 speak -- well, she's already covered --

1 THE COURT: All right. And I can't tell who's
2 speaking.

3 MS. BOATWRIGHT: Your Honor, I'm Amy Boatwright
4 and I have to (inaudible) my husband.

5 THE COURT: All right. Hang on one second for me.

6 MS. BOATWRIGHT: Okay.

7 THE COURT: Are you the plaintiff?

8 MS. BOATWRIGHT: Yes, sir.

9 THE COURT: Ms. Boatwright; is that right?

10 MS. BOATWRIGHT: Yes, Your Honor.

11 THE COURT: All right. Let me only hear from you
12 in addition, to what Ms. Betancourt said, so that's what's
13 already been covered, please understand that, okay.

14 MS. BOATWRIGHT: Okay. This was just a --
15 (inaudible). In addition we bear the burden of having the
16 most impact with the addition of the parking lot because our
17 whole property line is on the back end of where the parking
18 lot would be is right on that property lines. So, we would
19 be leaving right beside parking lot.

20 For, us, we have a huge issue with flooding. And
21 since we move in any type of major storm or hurricane or
22 anything, puts us at a potential for a huge loss. Back in
23 2016 we had 10,000 dollars worth of damage due to flooding.
24 It terrifies us to know that a parking lot will be beside
25 us. We need that ground to absorb as much moisture as we

1 can when we have these massive amounts of rainfall. And so
2 that's our main concern with the building of this parking
3 lot and would we have to move. How bad would flooding be
4 once this parking lot is there. We've been here since 2009,
5 we don't want to end up having to sell our home because
6 every time we get a good rain it just floods and we're left
7 with thousands of dollars damage to repair.

8 THE COURT: Okay. I understand that, thank you,
9 ma'am.

10 MR. BETANCOURT: Inaudible Zoning Board had a
11 meeting --

12 THE COURT: Sir, tell us who you are. I'm sorry,
13 we can't hear you.

14 MR. BETANCOURT: It's Thomas Betancourt, Nicole's
15 husband.

16 THE COURT: All right, sir.

17 MR. BETANCOURT: All day (inaudible) and by some
18 board made decision. They can't (inaudible) (inaudible)
19 (inaudible) and whatever we could blurt out in three minutes
20 we did. We -- we weren't, you know, (inaudible) issues, it
21 was just supposed to be a meeting. Nobody asked us to bring
22 (inaudible) and especially with our -- all this should have
23 been compiled by the Zoning Board, by somebody and
24 (inaudible) (inaudible).

25 THE COURT: I understand that.

1 MR. BETANCOURT: That's all I wanted to add.

2 THE COURT: All right. Thank you, sir.

3 Mr. Tiller and Mr. Williams.

4 MR. WILLIAMS: I'll let Mr. Tiller go first if he
5 would like or I will either way, Your Honor.

6 THE COURT: All right.

7 MR. TILLER: I'll go ahead, I think.

8 Your Honor, first off just, you know, standard of
9 review here, there should be no outbound backs other than
10 what was part of the meeting under 629848. And then, you
11 know, the standard review is the wide discretion to the
12 board arbitrary and capricious.

13 So, it should not be overturned if it is possible
14 to offer a reasonable explanation or based on a reasonable
15 explanation of plans. And then that is from Hodge v.
16 Pollock, 223 S.C. 342, and I can email a copy of that if
17 you'd like when we finish up.

18 Other than that just kind of a couple of things
19 they went over and Mr. Williams, you may can correct me
20 here, but it's my understanding that Mr. Richardson acted as
21 the Zoning Administrator in the city as well as Building
22 Inspector.

23 MR. WILLIAMS: That's what I understand.

24 MR. TILLER: And so that would have been his
25 position in this. As far as the permitting and stuff goes,

1 the variance is kind of separate from that in my view. You
2 know, as far as the drainage and all that stuff that you
3 need to do to get permits, it's kind of outside of getting
4 the variance. And then there was public notice provided as
5 the members showed up addressing the concern about it
6 residential commercial, which is the AC-1 designation.

7 So I think they were saying that it wouldn't allow
8 for parking lot if the variance was granted, that the
9 parking be separate from the parcel that the business is
10 own. So another business could go there and put a parking
11 lot there, so it is all important in that sense.

12 You could also build a building there or a home
13 there, so as far as water run off goes, you know, the same
14 concern would be pad there for flooding as, you know,
15 parking lots. And then, you know, some of that can be
16 addressed with drainage and that kind of thing whether it be
17 the city or whoever's responsible for that. And it's just
18 going to be a lot for employee park and once it's done so
19 that, you know, the patients have more accessible parking
20 and not have to walk as far or parking in tight spots and
21 that kind of thing.

22 Other than that I believe that's about all I have
23 on this.

24 THE COURT: All right. Thanks, sir.

25 Mr. Williams.

1 MR. WILLIAMS: Your Honor, the city's position is
2 pretty simple. The application had to go to the board
3 because it was technically a variance, what makes it events
4 in my view is just as Mr. Tiller just said, it is not
5 attached to Dr. Blevins' property. All of the issues
6 regarding water and plans and so forth and so on will be
7 addressed when he applies for a permit. The question is
8 whether or not is allowed to use it for as non-adjoining
9 touching property.

10 They had a meeting, they had a public -- they
11 listened to vote -- to people talk and just made a decision
12 and the property is very clearly zoned that would permit a
13 parking lot, somebody could sell it, somebody could put a
14 store there, a commercial building there with parking.

15 I mean, It's not that they're using it for
16 something, you know, a residential lot for some commercial
17 property. The only issue of variance is non-contiguous and
18 the board's decision was that they would grant the variance
19 and there's no harm to anyone that we can see, that the city
20 can see and the benefits certainly outweigh any issue as a
21 benefit to the city and to Dr. Blevins is their view.

22 THE COURT: All right. So you're telling me that
23 at this point permit has not been issued for this project?

24 MR. WILLIAMS: That's correct, Your Honor. The
25 permitting would come when he gets -- he will apply for a

1 permit and say how he's going to drain it and how he's going
2 to lay it out and so forth, whatever lighting he's going to
3 do and so forth.

4 THE COURT: All right. Anything further, Mr.
5 Tiller?

6 MR. TILLER: I don't know that a permit has been
7 issued, but the plans and stuff has been reviewed, so there
8 are some plans out there that have been reviewed by the
9 Building Inspector and would, you know, possibly be ready
10 for approval, but I don't think it's been officially granted
11 a permit yet.

12 THE COURT: Okay. And Ms. Betancourt, would y'all
13 like to respond at all? All right. We can't hear you.

14 MS. BETANCOURT: Can you hear me now?

15 THE COURT: Yes, ma'am. Yes, ma'am.

16 MS. BETANCOURT: Okay. It is laid out in direct
17 order in the (inaudible) ordinance exactly how it's supposed
18 to be. So for both attorneys to say that a current
19 application is not required it absolutely is essential to
20 turn in a permanent application is the first step in order
21 to request a variance, because the Zoning Administrator, as
22 I said is most likely, Curtis, his first job is to review a
23 fully complete permanent application in which he is supposed
24 to look into the property and see what has been done to the
25 property that is his job to do to see if he even qualifies

1 to request for variance. If he has a full complete package
2 and he believes that it should move forward and it falls
3 into every category to request for a variance, then it
4 should move forward to the Zoning Board. It's all in the
5 Municode, can't make up the Municode, it's in there and it's
6 been turned in, in the exhibits.

7 So, yes, a permit application must be turned in.
8 You don't turn it in a permit application after a variance
9 has been approved, because you cannot approve of variance
10 until the person can justify his actions and justify why a
11 variance and explain every single thing that you plan on
12 doing to that property. We are not making it up, all you
13 have to do is go into the Municode and we had it printed out
14 and we have turned it in.

15 If there is protocol that must be filed, the same
16 thing that us as business owners, when I turn in a permit
17 application, I have to turn in a full and complete permit
18 application in order for Curtis to give me that permit. You
19 don't do that ask her if you decide that you want to do
20 something. You must turn that in and have it reviewed
21 first. There is a course of action that must be.

22 THE COURT: All right. I understand.

23 MS. BETANCOURT: So he does not qualify to ask the
24 variance. And now it has now changed from when he -- when
25 we were originally in the public hearing because Dr. Blevins

1 adamantly said in the public hearing that this was only to
2 be for his employees that is it. And we tried to bring up
3 in the public hearing that there is no safety where he
4 planned to putting a parking lot to allow where he wants his
5 patients to cross the street that has street sign, no
6 crosswalk, on South Main Street, okay. Where --

7 THE COURT: All right. I mean, I'm sorry for it,
8 we have to stay on the perimeters. I completely understand
9 both sides position.

10 MS. BETANCOURT: Well, that's been our motion.

11 THE COURT: Well, I've heard your motion. I'm
12 going to review that.

13 MS. BETANCOURT: Right.

14 THE COURT: And I'm going to make a decision and
15 I'll certainly let, you know, okay.

16 MS. BETANCOURT: All right.

17 THE COURT: All right. Thank y'all so much. I
18 appreciate it. Is there anything for?

19 MR. WILLIAMS: Nothing further, Your Honor.

20 MS. BOATWRIGHT: Can add I one more thing, Your
21 Honor, if I can?

22 THE COURT: Yes, ma'am.

23 MS. BOATWRIGHT: Ms. Boatwright here. I think we
24 failed to mention that how all this started was, probably
25 middle of last year 2023, I noticed a huge noise outside one

1 of my windows, I looked and saw all of this equipment,
2 machines digging huge holes is what would be the parking
3 lot. I had no idea what was going on. And my main concern
4 was pipeline damage. was going to happen to my, you know,
5 did not know. So we contacted the City of Mullins to see,
6 Hey, what's going on beside our house, is everything okay?

7 THE COURT: Ms. Boatwright, I'm really sorry and I
8 apologize for interrupting you, but we have to stick to this
9 docket and that's just --

10 MS. BOATWRIGHT: Okay.

11 THE COURT: -- and we're past that. I'm going to
12 have to take a look at everything and certainly let you know
13 my decision, okay?

14 MS. BOATWRIGHT: Okay, thank you.

15 THE COURT: Thank you, ma'am.

16 MR. WILLIAMS: Thank you, Your Honor.

17 THE COURT: All right. Thank y'all.

18 END OF REQUESTED PROCEEDINGS

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

Case Name/Number: Thomas & Nicole Betancourt, et al. v. Dr. Todd Blevins, et al, 2023-CP-33-00500

Date of Hearing: April 22, 2024

Court Reporter/Monitor: Webex

I, Cynthia D. Weaver, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither Counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

September 1, 2024

Cynthia D Weaver

Cynthia D. Weaver,
Official Court Reporter/Transcriber
State of South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Thomas & Nicole Betancourt, Jimmy & Amie Boatwright and Norman & Kristana Whetzel
Plaintiffs,

VS

City of Mullins Zoning Board and
Dr. Todd Blevins of Blevins Dentistry
Defendants

) IN THE COURT OF COMMON PLEAS
) TWELFTH JUDICIAL CIRCUIT
) Case No.: 2023-CP-33-00500

MOTION FOR
EMERGENCY STAY
PENDING APPEAL

MOTION FOR EMERGENCY STAY PENDING APPEAL

Plaintiffs, Thomas & Nicole Betancourt, Jimmy & Amie Boatwright and Norman & Kristana Whetzel, respectfully move that this Court grant an Emergency Stay of this Court's Order dated May 9, 2024, pending Appellate review of that Order.

FILED
2024 MAY 21 AM 9:53
MARION COUNTY
CLERK OF COURT

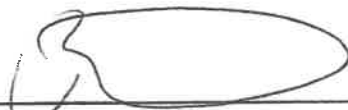
A Stay is appropriate because Defendant, Dr. Todd Blevins, has previously continued to proceed with work on his parking lot during court proceedings when he was not to move forward. A Notice of Appeal to the South Carolina Court of Appeals was served upon all parties on May 22, 2024. Today, May 24, 2024, Dr. Blevins has multiple crews on the lot moving forward with the parking lot (Pictures attached). Per SC Rule 241(a) the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order and to automatically stay the relief ordered in the appealed order. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court.

Due to Dr. Blevins history of proceeding regardless of protocol and procedures, it is imperative to grant an emergency stay immediately to stop all construction, demolition, etc on the parking lot pending review of the order by the Appellate Court.

Respectfully Submitted,

Dated: May 24, 2024

By:

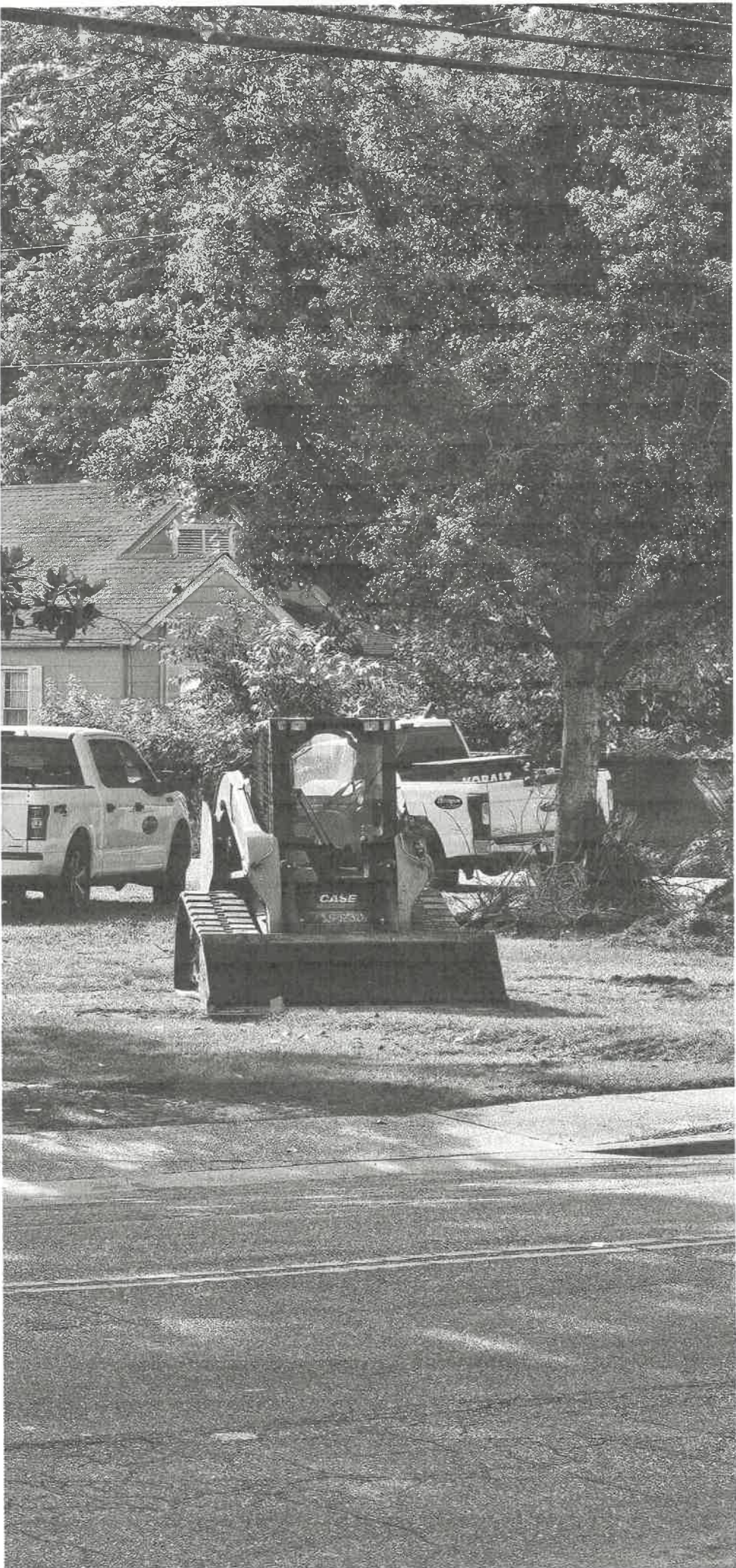


Nicole Betancourt, Plaintiff

FILED

2024 MAY 24 AM 9:54

MARION COUNTY
CHRISTY M. DEAN
CLERK OF COURT

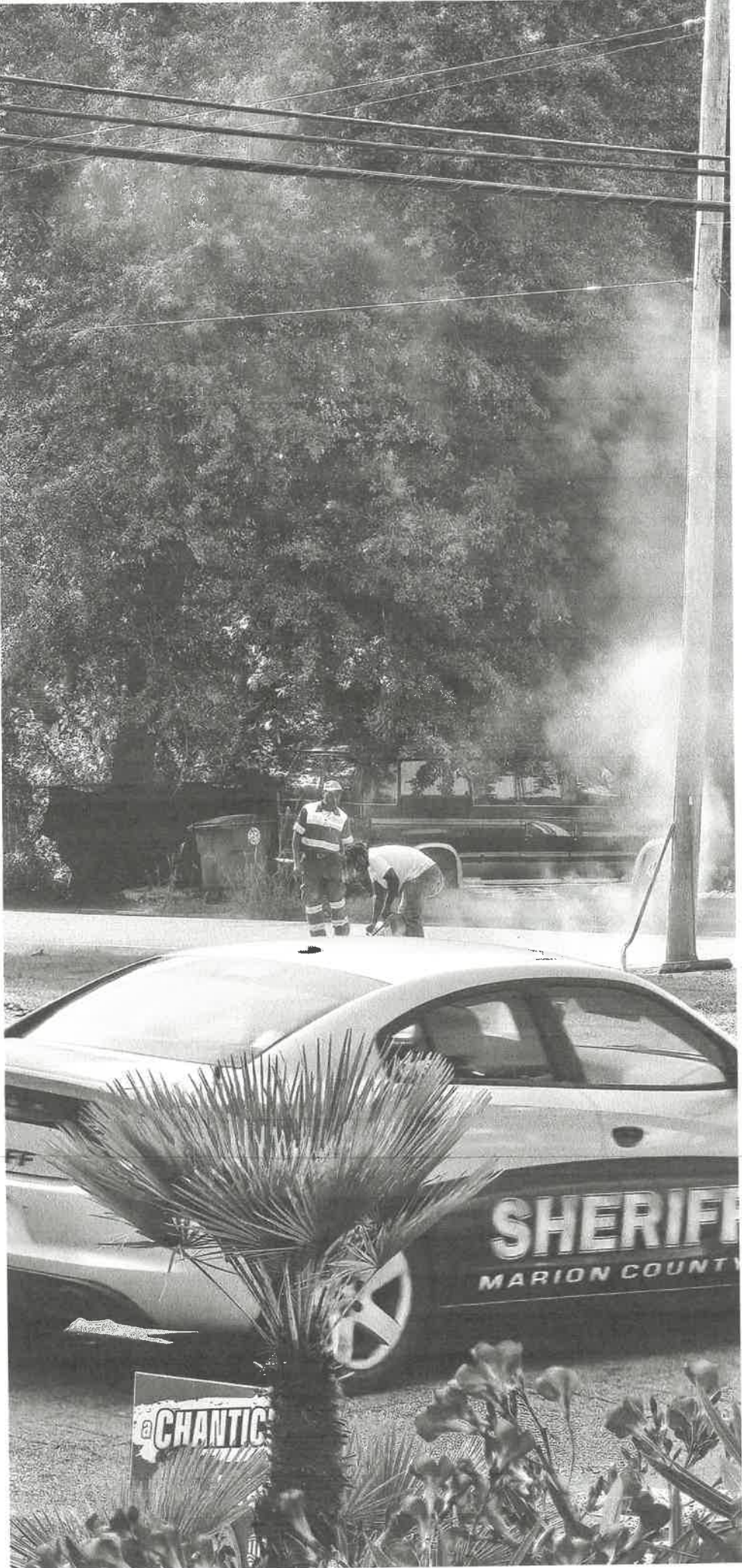


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MARION COUNTY
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2024 MAY 24 AM 9:54

MARION COUNTY, GA
CHRISTY H. GRAY
CLERK OF COURT

Betancourt, Boatwright & Whetzel

April 24, 2024

RE: Response to Zoning Board 4/22/24 additional Filing
Case #: 2023-CP-33-00500

Updated Google Maps, as of today, April 24, 2024, shows Blevins Dentistry's current parcel and parking lot layout, confirming 17 parking spaces. As of April 24, 2024, Blevins Dentistry remains in violation of the parking requirements per the Municipal Code of Ordinances. Per guidelines, for a dental office, 1 space per 150 sq ft constitutes 24 spaces are mandatory for Dr. Blevins's 3,658 sq ft/GFA dental office.

The attached drawing conveys more than ample space available to Dr. Blevins to improve his parking situation on his existing lot. There is an approximate 48 x 30 grassy area in the back, where, per guideline dimensions, would allow for a minimum of Five (5) parking spaces at 9'x19', or more at 8.5'x18' (Section 6.1-3).

One (1) parallel employee parking stall at the rear of the building at 9'x24', possibly two if configured differently.

And, Dr. Blevins has approximately 93sq ft of frontage available to him to utilize for a parking lot. At 9'x19', there is a potential for about Ten (10) parking spaces in front alone. There are currently multiple businesses with pull in/out parking on S Main Street, therefore creating parking up front is not an issue.

Dr. Blevins has the space and ability to generate, approximately Sixteen (16) more parking spaces on his current business lot without impacting the safety of his employees, patients or drivers on S Main Street. This would bring him up to code as well as give him more parking than he is asking for on the lot across the street.

Jimmy & Amie Boatwright



Norman & Kristina Whetzel

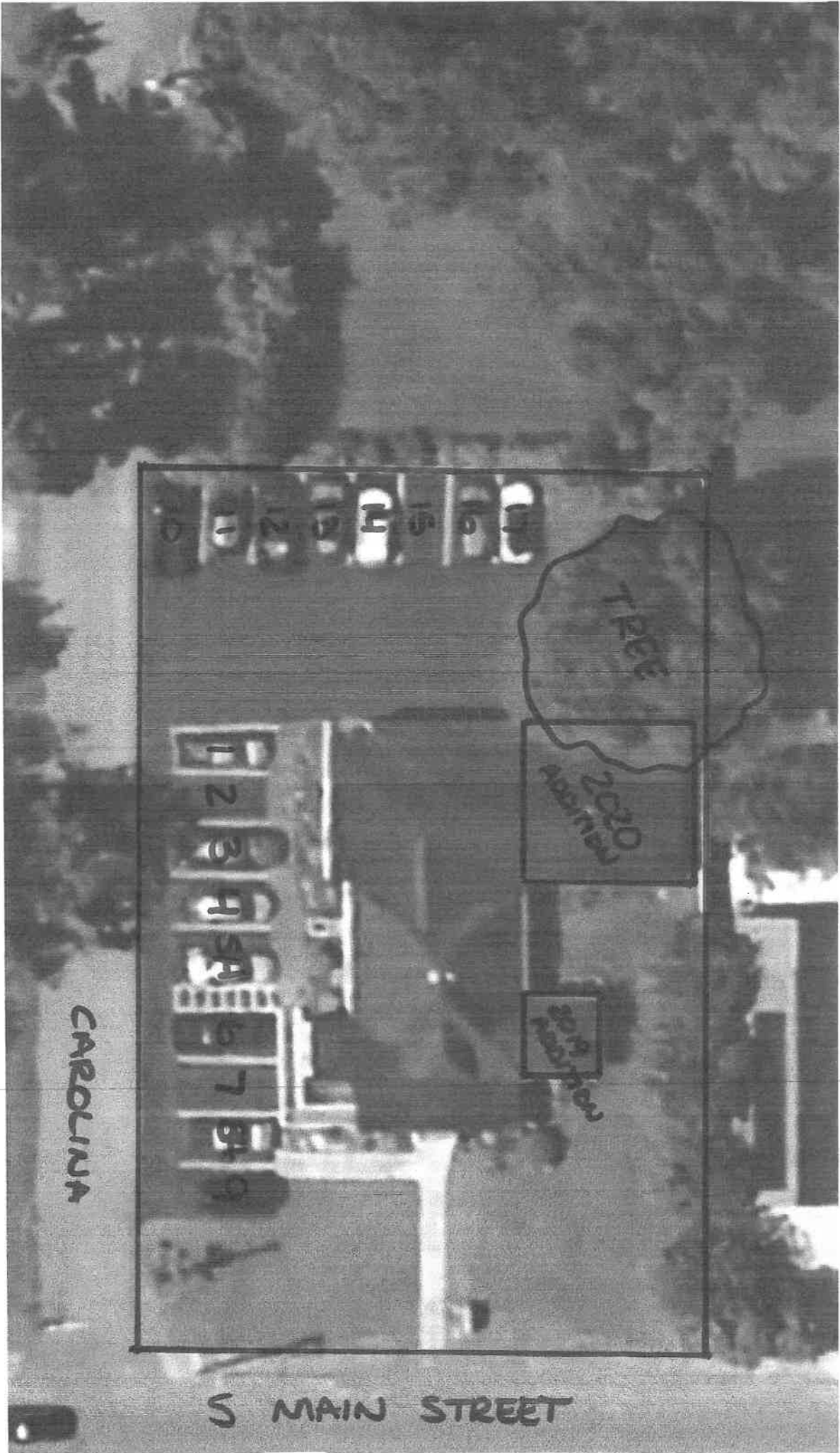


Thomas & Nicole Betancourt



cc: JP Williams
Whittington Tiller
County of Marion, Case #:2023-CP-33-00500 (Hand Delivered)

FILED
2024 APR 24 AM 9:34
MARION COUNTY, SC
CHRISTINA STAY
CLERK OF COURT



10 11 12 13 14 15 16 17

TREES

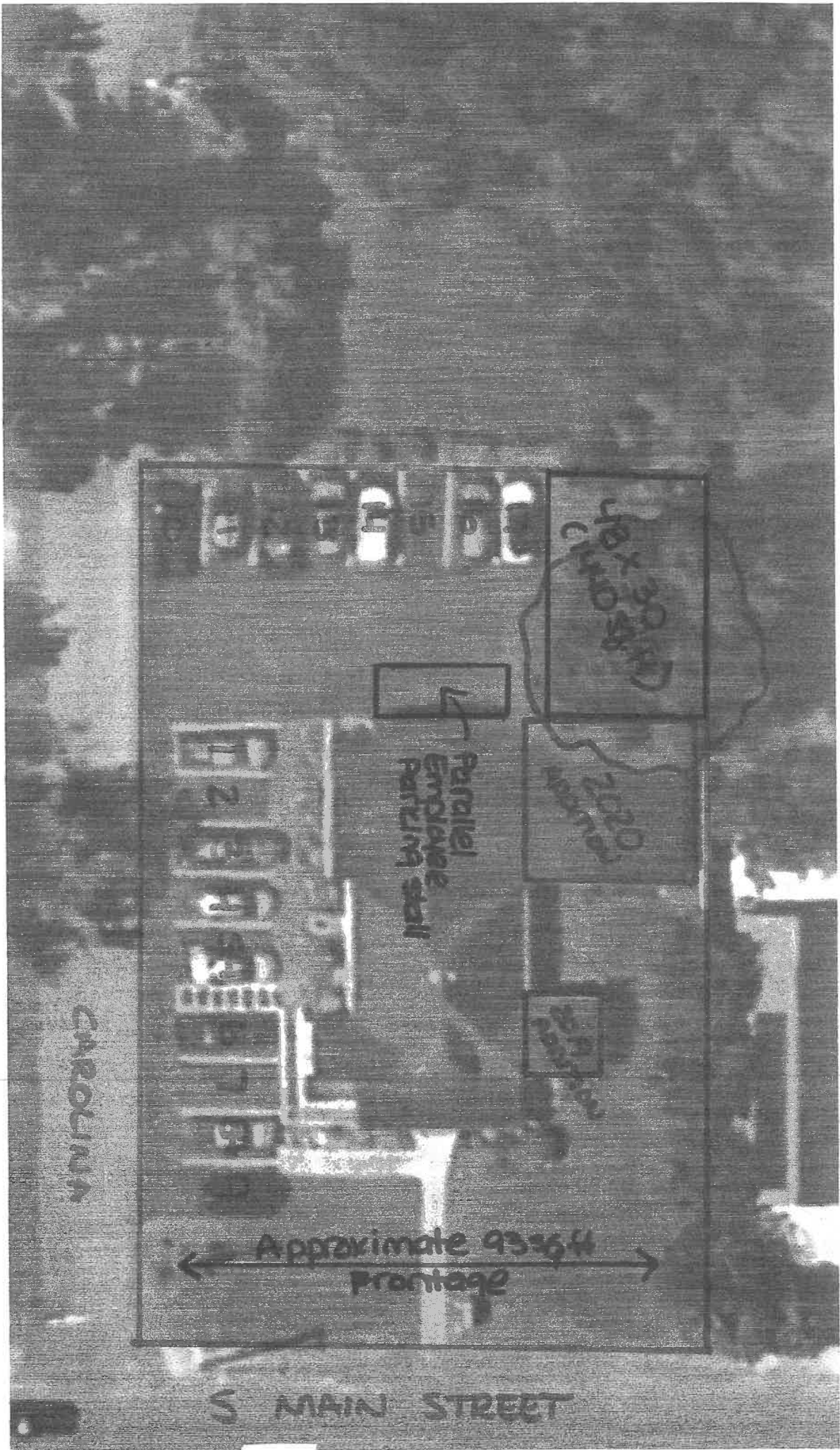
PAVING 2000

SPRINKLER

CAROLINA

S MAIN STREET

602



CAROLINA

HOT 3000
(INDS) 1000

7000

2000

Parallel
Employee
Parking stall

← Approximate 935 ft Prontage →

S MAIN STREET

603

RECEIVED

Jul 01 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Marion County
Court of Common Pleas

The Honorable H. Steven DeBerry, IV, Circuit Court Judge 2771

Appellate Case No. 2024-000868
Civil Action No. 2023-CP-33-00500

Thomas Betancourt, Nicole Betancourt, Jimmy Boatwright, Arnie Boatwright, Norman Whetzel and
Kristana Whetzel.....Appellants,

v.

City of Mullins Zoning Board, Dr. Todd Blevins and Blevins Dentistry.....Respondents.

MEMORANDUM OPPOSING SUPERSEDEAS

This is an appeal originally filed with this Court on May 28, 2024 appealing the Order of Circuit Judge H. Steven DeBerry, IV dated May 9, 2024 which affirmed a decision of the City of Mullins Zoning Board. The City of Mullins Zoning Board had approved a variance for the Respondent property owner to allow a non-contiguous commercially-zoned lot to be used for parking for Blevins Dentistry.¹

The Record in the Circuit Court included a summary of the testimony and findings of the City Building Official, Mr. Curtis Richardson, who “testified as an expert” before the Board providing findings of fact in support of allowing the variance; specifically he gave a summary of

¹ Judge DeBerry’s Order found that “The Zoning Board of Appeals decision in granting the variance substantially [complied] with the requirements found in Section 9.3-2 of the Mullins South Carolina Code of Ordinances which is the subject of the Appeal.” Order of May 9, 2024. Notably, the subject of the appeal *was* – and *is* – only the granting of the variance for non-contiguous parking lot *use*; the construction of the parking lot itself does not require a variance – only the non-conforming use of the lot for a non-contiguous business. Nevertheless, construction of the concrete parking pad had been halted after half-completion in compliance with Judge McDonald’s Order. (Work was actually halted upon the filing of the Motion to Stay in Circuit Court – upon the advice of trial counsel).

the existing area zoning (AC-1 Residential/Commercial) , testified that this zoning classification was not in conflict with the construction of a parking lot; and, in response to question, he explained that the need for a variance arose from the plan for the parking to serve a non-contagious building (across the street private parking for growing number of employees)(see also ¶ 8(b) of the Complaint); and he testified as to the growth of the dental practice and the consistency of the requested variance with the growth of the City of Mullins businesses.

The Petition for Writ of Supersedeas

This matter is *now* before the Court of Appeals based upon an Appellant’s May 29, 2024 letter raising the stay provisions of SCACR 241, which has been leniently construed by this Court as a petition for writ of supersedeas.² See Order of Judge McDonald acting for the Court, filed May 30, 2024. A corresponding “Motion for Emergency Stay Pending Appeal” was filed by the Appellants in Circuit Court and it has now been heard by that Court, in accordance with the provisions of SCACR 241(d)(1), and as allowed and anticipated by Judge McDonald’s Order (noting the June 17th Motion’s Roster in Marion County set for Judge Nettles).

Today (July 1, 2024) the Circuit Court (the Honorable Michael G. Nettles) denied any supersedeas and the matter is now back in the Court of Appeals with the anticipation that this Court will now rule on Appellants’ concomitant petition for writ of supersedeas. A copy of Judge Nettle’s July 1, 2024 Order is attached. Respondents oppose any supersedeas and submit this memorandum in opposition to the same.

No Automatic Stay, No Presumptive Supersedeas

Unlike many cases where an automatic stay is imposed upon the filing of a Notice of Appeal, SCACR 241(a), the legislature has provided that the filing of an appeal in the Circuit Court from the local zoning Board under the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 “does not ipso facto act as a supersedeas” but the Circuit Judge may “in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable

² Although originally signed and submitted by a singular non-attorney pro se litigant, the group of pro se litigants have submitted corrective documents with additional *pro se* signatures – documents received in the Court of Appeals on June 3, 2024.

and proper.” S.C. Code 6-29-830(B); *accord* SCACR 241(c)(3). As noted above, the Circuit Court has determined not to grant Appellants the requested supersedeas.³

No Irreparable Harm, No Change of Zoning, No Loss of Jurisdiction without Supersedeas

As noted by Judge Nettles today, SCACR 241(c)(2) provides that “In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” As noted in the footnote above, and in Judge Nettle’s Order, the construction of the parking lot did not require a variance and thus is not the subject of the appeals herein – it is only the non-contiguous use of the parking lot.

The non-contiguous *use* of the parking lot, as approved by the Zoning Board and affirmed by the Circuit Court, has not been shown harmful in any way. *To the contrary*, the City Building Official testified that the proposed use was consistent with the desired growth of City of Mullins businesses. Indeed, as noted by Judge Nettles at the hearing on the Motion for Stay, the adjacent property of Appellant Betancourt is presently used for commercial purposes. (See Authenticating Affidavit with Exhibits submitted by Respondents in Opposition to Motion to Stay). ***Moreover, any non-contiguous use of the parking lot (even fully completed)⁴ can be enjoined, without intervening harm or loss of jurisdiction, if this Court were to find some defect in the variance process or Judge DeBerry’s affirmation thereof.***

Even before the matter was considered in Circuit Court, significant efforts had been spent addressing the issues. The City Building Official had met with the parties and studied the matter. Dr. Blevins has made his plans, met with persons, and set forth his proposal. Thereafter, the

³ ~~Although Respondents continue to fully oppose any supersedeas, they did argue in the alternative in the Circuit Court hearing held June 17, 2024 and repeat that alternative argument here – that the property is rendered useless to Respondent owner if a supersedeas is imposed and therefore a bond, at least equal to the purchase price of the property, should be posted by Appellants if a supersedeas is considered at all. The purchase price of \$13,249 was disclosed at the Circuit Court hearing on June 17, 2024.~~

⁴ As noted by Judge Nettles in his Order today, part of the proposed parking lot has already had concrete poured. This is also shown in the photographs submitted with authenticating affidavit in the Circuit Court.

Zoning Board heard from each of the Plaintiffs and made their findings of fact. As noted by Judge Nettle's Order, footnote 4, the scope of review in Zoning Appeals is generally narrow where Zoning Board findings of fact are treated like jury findings.

Conclusion

Accordingly, this Court should also refuse the extraordinary step of issuing a supersedeas and should allow the planned parking lot development to continue and allow that non-contiguous parking lot to become operational for the owner's dental practice during the pendency of this appeal. As a result of such a ruling, this Court's jurisdiction will not be usurped and the appellate review of the Zoning Board variance and the Circuit Court will not be rendered moot.

July 1, 2024

Florence, South Carolina

By: /s/ J. Rene Josey

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ATTORNEYS FOR RESPONDENTS
DR. TODD BLEVINS AND BLEVINS DENTISTRY

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Honorable H. Steven DeBerry, IV, Circuit Court Judge 2771

Appellate Case No. 2024-000868
Case No. 2023-CP-33-00500

Thomas & Nicole Betancourt, Jimmy & Amie Boatwright, and Norman & Kristina Whetzel.....Appellant(s),

v.

City of Mullins Zoning Board and Dr. Todd Blevins of Blevins Dentistry.....Respondent(s)

REPLY TO RESPONDENTS' MEMORANDUM OPPOSING SUPERSEDEAS

This matter is in regard to an appeal filed against the City of Mullins Zoning Board and Todd Blevins of Blevins Dentistry on the approval of a variance request for a parking lot across the street from Mr. Blevins' office. The only correct information by the Respondents and Counsel, is that the lot in question is zoned AC-1 (Residential/Commercial).

In Judge DeBerry's May 9, 2024 Order, he stated that "The Zoning Board of appeals decision in granting the variance substantially complies with the requirements found in Section 9.3-2 of the Mullins SC Code of Ordinances which is subject of the appeal." However, attached, is Article 9, Section 9.3-2 of the SC Municipal Code of Ordinances, which simply details how the Chairman and Vice-Chairman shall be elected, their length of service, how they are to adopt rules and by laws in accordance with the provisions of the ordinance and statutes and that meetings shall be open to the public. This has nothing to do with the appeal or facts presented in this case

taken directly from the Municode. With all due respect, Judge DeBerry's response and decision, simply disregarded every fact presented that the City of Mullins Zoning Board and Todd Blevins ignored.

Counsel for Todd Blevins, J. Rene' Josey, mentions the August 20, 2023 meeting minutes in his proposed order, and Judge DeBerry references same as "certified copy of the findings...". These documents were filed the day after our April 22, 2024 court date with Judge DeBerry. The "certified copies" meaning the original Two (2) page meeting minutes, available online, and the newly added third page, written in April 2024, by Chairman Spencer Jordan, certified by City Clerk Felicia Sawyer-Norton, not available online. The third page writing by Spencer Jordan, did not exist. This was detailed in our April 23, 2024 response to the Zoning Boards 4/22/24 additional filing in Marion County. With that being said, as of June 25, 2024, we now have in our possession, the audio recording of the entire August 29, 2023 Public Hearing meeting, 51:10 minutes long. The original date was August 20, 2023, but moved to August 29, 2023 because Todd Blevins was on vacation. The audio recording confirms that Spencer Jordan's recollections of irrigation and drainage concerns were not discussed by Curtis, but mentioned by Jimmy & Amie Boatwright, with no response on the matter from Curtis. Curtis did not mention fencing or lighting, Bo McMillan asked Todd Blevins about it. No mention was made by Curtis about codes, regulations, landscaping, elevation, etc. As previously expressed, and now confirmed, Spencer Jordan's writing was written in an attempt to justify their actions and seek to portray Curtis as an "expert witness". For Spencer to sign his name and Felicia to certify this writing as true, is unacceptable, immoral and truly unbelievable. The extent to which the City of Mullins has gone to cover up their own negligence of the law, is despicable. Spencer Jordan and Felicia Sawyer-Norton have perjured themselves with that third page, knowingly signing their names to untrue statements. The audio recording also validates that not one member on the Zoning Board of Appeals had/has any knowledge regarding zoning and variance issues. They were confused and did not understand the reasoning for the Public Hearing. The flashdrive was available for Judge Nettles' review and will be emailed under separate cover to the Appellate Court for their review.

Even more detrimental, we come to Curtis Richardson, "Building Official". On August 10, 2022, Mayor Robert Woodbury welcomed to Mullins our new Building Official, Curtis Richardson, with a Facebook post. However, what Mayor Woodbury failed to mention was that our new

Building Official was not and is not a Licensed/Certified Building Official (CBO) at all. Mr. Richardson is currently holding only a Provisional Building Official License (License #2993). He was issued his Provisional License on 7/19/2022. As a Provisional Building Official, per the South Carolina Code of Regulations, Chapter 8, Article 1, Section 8-115, G, (Classifications and Qualifications for Registration), Provisional must have proof that he is presently employed by a municipality and *is actively in training for a specific certification as a new employee or for advancement to a higher classification.* In Section 8-120, A, (Requirements for Provisional Certification), *A Person registered in the Provisional classification of "Building Official" shall be under the direct supervision of the building official for the local jurisdiction for which employed or actively registered as a residential or commercial inspector.* Curtis Richardson is not doing any of these. He is not actively training. He is not under direct supervision of the building official, as we do not have a certified Building Official and he is not registered as a residential or commercial inspector. Section 8-120, A, again, Curtis has a timeline he is to follow as prerequisites for his classification to becoming a certified building official. One (1) certification for classification within six (6) months of receiving his provisional license, a second prerequisite for certification for the classification within twelve (12) months and any remaining certifications must be completed within twenty-four (24) months of issuance of his provisional registration. This means Curtis is expected to complete his certifications by 7/19/2024. Nicole Betancourt did have a meeting with Mayor Robert Woodbury shortly after the Public Hearing in early September, 2023 regarding Mr. Richardson's position, title and provisional status. Mayor Woodbury was well aware of Curtis's Provisional status and responded that Curtis is "working toward his certificates" and "he was a GC. I am confident he will do a good job".

With that being said, the City of Mullins has Curtis employed in a position he does not have the credentials, qualifications, knowledge, training, certifications or experience to handle. Curtis is not a Building Official. He is "training" to be a Building Official. Someone who does not have the education, understanding and credentials, cannot, in any capacity, have the ability to be considered an "expert witness", or give testimony, on any issue he is not qualified to give. Since Curtis took office as the City of Mullins Building Official, every permit, every inspection, zoning, variance, every plan, drawing, blueprint approved by Curtis Richardson is in jeopardy. It is evident Curtis has yet to learn everything he needs to know to make informed decisions. He absolutely

has not mastered the rules and guidelines of the Municode, which is clear throughout this entire proceeding. Every document Curtis has worked on should be redacted, reviewed, denied or reissued properly and legally by a Certified Building Official or similar classification. Curtis does not have the right to sign his name to anything as the Building Official, as he is not certified to do so, it is unethical, illegal and cause for his Provisional status to be revoked under Section 8-170, C, (Denial, Suspension and Revocation), Defrauded the public or attempted to do so; and, D, displayed incompetence, negligence or misconduct in the practice of code enforcement. When one has yet to complete his training, his prerequisite certifications for classification, he does not have the knowledge to make informed decisions on permitting, zoning, variances, etc. As this entire proceeding confirms, every rule required, in step-by-step detailed order, from the very beginning was not followed and blatantly discarded. To date, by way of Freedom of Information Act Request Forms (FOIA), the City of Mullins cannot provide pertinent information regarding the variance request. Plaintiffs received a Zoning Permit form for the Planning Commission, signed by Todd Blevins on 9/1/23 (after the Public Hearing), with NO signatures of approval from any committee member from Mullins, a Variance Request Form, signed by Todd Blevins on 6/5/23, again with NO signatures of approval from any committee member from Mullins. It is important to note, this request form, and its explanation, was filled out by Curtis Richardson, as the June 5, 2023 emails between Curtis and Todd show, provided by Curtis, via FOIA. This, as well, is unethical and the sole responsibility of the applicant to bear the burden of providing the evidence to support his request. Still missing, although Curtis states it was provided, is the Application for Certificate of Zoning Compliance for the Planning Department, which is what he said is "all he needed" to move forward. We did receive the signed Application for Certificate of Zoning Compliance for a Valerie G Blevins and when asked about it, Curtis said he gave copies of everything related to Blevins. Further questioning his ability to handle a job he is not qualified to do. All of these errors, of the laws, ordinances and administratively, and the fraudulent display of a title he is not permitted to hold, has put the City of Mullins in a very dangerous situation. One wrong approval or decision can be catastrophic, if not handled correctly and by the rules. In Respondents July 1, 2024 Memorandum, attorney J. Rene' Josey, continues to insist and use as his main evidence that Curtis Richardson, the *City Building Official*, "testified as an expert". The South Carolina Department of Labor, Licensing and Regulation has laws in place for anyone who would like to become certified and/or licensed in a trade or classification. As of July 8, 2024,

Curtis Richardson is still a registered Provisional Building Official, NOT a Building Official. He is not and cannot be considered an expert in any way. Curtis's "testimony" and every other decision he has made since July 19, 2022 is invalid and against the law.

As mentioned, Mr. Blevins turned in a Zoning Permit form for the Planning Commission, signed 9/1/23. However, as City Council meeting minutes are public knowledge, it is difficult to understand who the Planning Commission is. The July 11, 2023 meeting minutes, Page 3, #8, Mayor's Report clearly reads Mayor Woodbury's notice for the CREATION of a new Planning Commission. In the August 8, 2023 meeting minutes, Page 2, #5(c), he explains, again, the need to get the Planning Commission/Committee up and running. Included in the August 8, 2023 minutes is the SC Code of Laws Section 6-29-340, the Planning Commissions duties, which also corroborates the many laws that were not followed. After August 8, 2023, no mention is made again of the Planning Commission. To date, the City of Mullins still does not have a Planning Commission. So, a question to ask is, who did that Zoning permit form go to? FOIA requests have been ignored from both Curtis Richardson and Felicia Sawyer-Norton regarding any forms, meetings, signatures of approval.

Prime example, Curtis has in the Todd Blevins file, printed by either Curtis or Todd, a printout of a FEMA map indicating our general area is not in a flood zone. However, the map itself was last updated on 10/18/2011. This is severely outdated. With a bit of research, and speaking with FEMA, we learned that each County, City, Municipality, etc. has the right to participate in FEMA, or not. Marion County and the City of Mullins do participate. FEMA does not automatically update areas. It relies on each respective county to monitor changes and inform FEMA. While other Counties, such as Horry, Georgetown & Charleston chose to keep their FEMA data current, (2023), Marion County and the City of Mullins have not informed FEMA of any changes since 2011. (The Pee Dee River constantly flooding, Hurricane Matthew in 2016, Hurricane Florence in 2018), not to mention the known flooding problems right in our area every time it rains hard. This 2011 FEMA map, cannot appropriately be used to claim no flooding issues, hence, why the Municode calls for surveys, blueprints, elevation, drainage plans and research to effectively determine flooding risks. More common and up to date websites such as RiskFactor show a much different picture. The first photo shows the flood risk level. You can see Blevins Dentistry and the Betancourt's elevation is high, across the street (the proposed parking lot) is still higher elevation,

the next house (Boatwright's) is the first in line to the elevation decline on E Lloyd Street heading toward Sandy Bluff Road/917 and moderate flooding. The Boatwright's finished basement flooded with 2018's Hurricane Florence (Photo two) and FEMA did step in to help. The final photo shows the current and future risk of flooding, which is worse. Todd Blevins did not submit any drainage plans, surveys or elevation charts and Curtis allowed Mr. Blevins to begin construction on May 24, 2024. His contractor, Herrington's, cleared the lot, prepped and framed the lot for concrete with no precaution to pitch, no drainage system was installed to offset the additional water that now has nowhere to go but flow directly toward the E Lloyd Street homes who are already dealing with flooding issues for years. Half of the lot has been concreted and the water runoff has already increased water issues in the backyards of E Lloyd Street. The flooding, in itself, is a serious problem. For the City of Mullins to allow Todd Blevins to expand on an already existing detrimental issue, with no regard to the residents in our community, is mind boggling. Pictures of the half-completed parking lot, from E Lloyd Street view, shows the grading decline of the ground, directly towards Boatwright's side fence. This is a recipe for further disaster of the homes on E Lloyd Street.

Respondent's attorney mentions in his July 1, 2024 Memorandum, in his Footnote #1, that the variance request was only for the non-contiguous parking lot use, not the parking lot itself. However, the subject of this entire appeal is the fact that, if the proper rules had been followed, Mr. Blevins is not even eligible for a variance considering, per the Municode, as previously supplied, a variance can only be permitted if it is proven to NOT be self-inflicted. With Two (2) additions to his office in the last couple of years, he has, by law of the Municode, caused his own problem. This does not give him an open door to be granted a variance. As far as the concrete and parking lot, this has been a part of this case from the beginning, as no rules and laws were followed from the beginning regarding the variance OR the parking lot itself. The variance and the concrete go hand in hand. Attorney Josey attempts to state that work was halted upon filing of the Motion to Stay, dated May 22, 2024, however, work actually begin on the parking lot two (2) days later, on Friday, May 24, 2024, right before the holiday weekend. The building permit, supplied by the *Provisional* Building Official, Curtis, was actually "approved" ON May 24, 2024. (Permit attached by way of FOIA). Giving way to more questions of how could work begin on Friday, May 24 at 7am, when the City of Mullins offices do not open until 8:30am and the permit

was not approved until that same day? Herrington's continued work on the parking lot over the weekend and continued after the holiday weekend. Construction did not halt until May 30, 2024, with the Appellate Court's Order to Stay. Again, Counsel for Respondent, fabricates a story without consideration of the evidence available to contradict his claim.

Attorney J. Rene' Josey, references the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, stating that the filing of an appeal in the Circuit Court from the local Zoning Board "does not ipso facto act as a supersedeas", although Rule 241(a) clearly states that the service of a notice of appeal in a civil matter act to automatically stay matters. This is a civil matter. The notice of appeal enacted an automatic stay. Appellants, ALSO filed an emergency motion to stay to reinforce the stay pending appeal due to Mr. Blevins beginning construction two (2) days after filing the Notice of Appeal. In SC Code of Laws Article 9, Section 6-9-80, for a violation of the building codes, "...an adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding".

He continues to be in violation of parking spaces for his current property. In SC Code of Laws, Chapter 9, Section 6-9-70, a person in violation of the building codes and regulations must be fined, and given seven (7) days to correct the violation. Further fines are to be issued if the violation is not rectified. To date, Respondent is still in violation of his parking spaces.

The City of Mullins claims it is consistent with the growth of Mullins, yet we are on South Main Street, not North Main Street. Every home is zoned Residential. Every one. The Betancourt's, next to Blevins Dentistry, are the only other property zoned AC-1, besides the lot. However, the Betancourt property is utilized as a full-time residence. There is NO business growth when you are the only Commercial property surrounded by homes. A parking lot does not belong ~~in the middle of a residential neighborhood. As the Municode itself states, a C-1 property~~ (Commercial) "...is intended to promote the concentration and vitality of commercial and business in Downtown Mullins...", which is not S Main Street, but routinely known as N Main Street. C-1 property is defined as "...wall to wall, lot line to lot line, development, sidewalk and public parking". Again, this is NOT S Main Street.

Respondents Authenticating Affidavit attempts to demonstrate that the Betancourt's adjacent property is currently being used for commercial purposes, is incorrect. The Betancourt property is an AC-1 property, zoned residential AND commercial. The Betancourt family reside in the home full time 24/7 as their primary residence. The Betancourt's are owners of an electrical contracting company, with a sign outside of their house. There are no employees, no customers, no parking lot, no business office, etc. There is one service van, with the business name, phone number and trade license numbers for each state, as required by the South Carolina Labor Licensing Regulation and the South Carolina Contractor's Licensing Board. The household truck has magnetic business signs when travelling for estimates. Whatever point Respondent's attorney tried to make is not comparable to Mr. Blevins and his dentistry, in addition, the Betancourt property is not in question in the matter.

Consequently, from the beginning of this proceeding, Curtis Richardson's unqualified title of Building Official, the City of Mullins negligence of following laws and guidelines, the Zoning Board members being unknowledgeable of their duties, the absence of committees, the lack of proper documentation, plans and surveys presented by Todd Blevins, the fact that Todd Blevins is legally not eligible for a parking lot variance due to his two (2) additions and the multitude of facts presented by the Appellants, is cause for many questions and concerns as to the validity of the City of Mullins and Mr. Blevins in this case and decisions that have been made. To allow Mr. Blevins to complete his parking lot and make it operational pending this appeal would cause further irreparable damage to the residents dealing with water and flooding issues already. Knowing the City of Mullins did not follow proper procedure of a variance request, did not have the required Committees in place to research and perform their due diligence, and demand the correct documentation be supplied to make an informed decision, has opened the door for a myriad of disasters and irreparable damage throughout this City.

Accordingly, this Court should find it is not in the best interest for the residents in the area, for the proposed parking lot to be completed or become operational. With the imminent danger of water issues and flooding with every rainstorm, the variance and permitting laws ignored and the parking lot itself not being properly surveyed, planned, graded and pitched, the Emergency Stay Pending Appeal and the Petition for Writ of Supersedeas should continue in effect pending this appeal. The parking lot need remain as is and should not become operational.

July 8, 2024

By: /s/ Thomas Betancourt & Nicole Betancourt
Thomas & Nicole Betancourt, Pro Se Appellants
618 S Main Street
Mullins, SC 29574
chapnicoleb@gmail.com
(843) 561-3253

/s/ Jimmy Boatwright & Amie Boatwright
Jimmy Boatwright & Amie Boatwright, Pro Se Appellants
107 E Lloyd Street
Mullins, SC 29574
Amieboatwright@gmail.com
(843) 289-1323

/s/ Norman Whetzel & Kristina Whetzel
Norman Whetzel & Kristina Whetzel, Pro Se Appellants
701 S Main Street
Mullins, SC 29574
Kristina.shaw@gmail.com
(571) 235-8634

9.3-2. *Proceedings.* The Zoning Board of Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected and appoint a secretary, who may be a municipal Officer, an employee of the City, or a member of the Zoning Board of Appeals. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, Title 6, Chapter 29, Article 5, Code of Laws of S.C., 1976 as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.



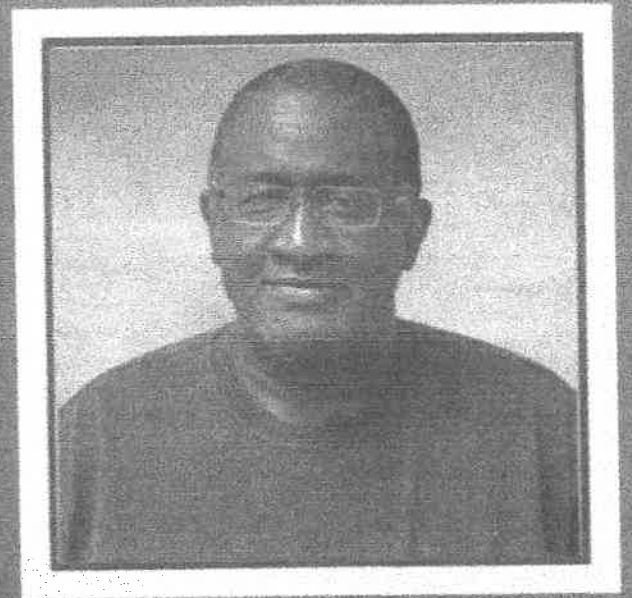
City of Mullins, South Carolina



Aug 10, 2022 · 

The City of Mullins welcomes our new Building Official, Curtis Richardson. He can be reached at City Hall for all questions and concerns regarding permits, zoning and signage. His number is 843-464-5660. We are thrilled to have him in Mullins!

**CITY OF
MULLINS
WELCOMES OUR
NEW BUILDING
OFFICIAL**



Curtis Richardson

843-464-5660

CRichardson@MullinsSC.US

Reimagine Mullins

78

[Print this page](#)

Board: Building Codes Council

CURTIS L RICHARDSON
FLORENCE, SC 29506

Phone: (843) 464-5660

Jurisdiction: CITY OF MULLINS

License number: 2993

License type: Provisional Building Official

First Issuance: 07/19/2022

Expiration: 07/19/2024

Board Public Action History:

[View Orders](#)

[View Other License for this Person](#)

License Number	Board	Has Board Orders
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[File a Complaint against this licensee](#)

14. "Recognized code organization" means any state or national organization approved by the Council, which administers a testing and certification program specifically for building code enforcement officers or special inspectors.

15. "Registered/Registrant" means approved by Council to practice as a building code enforcement officer, special inspector or contract inspector and listed in a register maintained by the Department.

16. "Residential Inspector" means a person who performs onsite building, plumbing, electrical and mechanical inspections on one and two family dwellings, multifamily dwellings three stories or less in height and not exceeding sixteen (16) dwelling units per building or other buildings or structures of light frame construction and not exceeding five thousand (5,000) square feet in total area.

17. "Single Discipline Inspector" means a person who performs onsite inspections in one construction discipline, as determined by position description for the local jurisdiction for which employed, for all types of construction in all occupancy groups.

HISTORY: Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010.

8-110. Registration Required.

It is unlawful for any person to practice as a building code enforcement officer, special inspector or contract inspector as defined in these regulations, without first being registered as provided herein.

As evidence of registration, a certificate of registration must be issued by the Council, to each qualifying individual. The certificate of registration must set forth the classification for which the individual is qualified to practice.

HISTORY: Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010.

8-115. Classifications and Qualifications for Registration.

A person applying for registration as a building code enforcement officer, special inspector or contract inspector must be certified in accordance with these regulations. An applicant is deemed to be qualified for registration upon submittal of the following documentation.

A. Building Official--A certificate or examination record from a recognized code organization, indicating that the applicant has been certified as a building official.

B. Commercial Inspector--Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in two or more commercial inspector disciplines.

C. Residential Inspector--Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in the residential building, electrical, plumbing and mechanical inspector disciplines.

D. Residential Plans Examiner--Certificates or examination records from a recognized code organization that the applicant has been certified in the residential building, electrical, plumbing and mechanical plans examiner disciplines

E. Commercial Plans Examiner--Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in the commercial building, electrical, plumbing and mechanical plans examiner disciplines.

F. Single Discipline Inspector--A certificate or examination record from a recognized code organization, indicating that the applicant has been certified in the discipline for which employed.

G. Provisional--Proof that the building code enforcement officer is presently employed by a municipality or county in South Carolina and is actively in training for a specific certification as a new employee or for advancement to a higher classification.

H. Limited

I. Special Inspector--A certificate or examination record from an approved organization, indicating that the applicant has been certified for the specific type of construction or operation requiring special inspection, for which application is being made, including one or more of the following.

1. Reinforced Concrete
2. Welding

S.C. Code Regs. § 8-120

Section 8-120 - Requirements for Provisional Certification

A. Building Official

A person registered in the provisional classification of "Building Official" shall be under the direct supervision of the building official for the local jurisdiction for which contracted or employed or actively registered as a residential or commercial inspector or plan reviewer. If under the direct supervision of the building official, the provisional registrant must provide LLR with written fifteen (15) days' notice when the supervisory relationship changes or terminates. Failure to provide such timely notice of a change or termination in the supervisory relationship may result in cancellation of the provisional certification.

A person registered in the provisional classification of Building Official shall obtain certification within the following time periods: one (1) certification, which is a prerequisite for classification as a certified building official, shall be completed within six (6) months of the issuance of the provisional registration. A second prerequisite for certification for the classification as a certified building official shall be completed within twelve (12) months of the issuance of the provisional registration. Any remaining prerequisite(s) for certification(s) for the classification as a certified building official shall be completed within twenty-four (24) months of the issuance of the provisional registration.

B. Other provisional classifications

A person registered in the following provisional classification shall obtain certification within the time stated.

1. Commercial Inspector - one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.
2. Residential Inspector - one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.
3. Plans Examiner - one (1) certification within the first year, then a maximum of one (1) year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction.
4. Property Maintenance Inspector - twelve (12) months.

C. If any of the times referenced above are not met for the completion of certification or for the completion of a prerequisite for certification, the provisional registration shall be lapsed and cancelled and cannot be renewed. Any request for an extension of the provisional registration must be filed within thirty (30) days prior to the registration's expiration date and heard by the Council.

S.C. Code Regs. 8-120

S.C. Code Regs. § 8-170

Section 8-170 - Grounds for Disciplinary Action or Denial

In addition to the grounds provided for in Section 40-1-110, the Council, upon a majority vote, may cancel, suspend, refuse, deny, revoke, or restrict a registration for any of the following reasons:

- A. been convicted of a felony in any court of competent jurisdiction;
- B. obtained certification or registration through fraud, deceit or perjury;
- C. defrauded the public or attempted to do so;
- D. demonstrates by act or omission, willful misconduct, gross negligence or gross incompetence in the performance of the practice of code enforcement;
- E. material failure to meet code enforcement duties as evidenced by failure to note serious violations of any adopted code in the performance of an inspection or a material error or omission in an inspection report relating to compliance with any adopted code;
- F. violated or aided or abetted any person in violation of any provision of the act or these regulations.
- G. performed any code enforcement activity at a time when their registration was lapsed, inactive or suspended.

S.C. Code Regs. 8-170

Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Amended by State Register Volume 34, Issue No. 6, eff June 25, 2010; State Register Volume 48, Issue No. 05. eff. 5/24/2024.



MULLINS PLANNING COMMISSION
 POST OFFICE BOX DRAWER 408
 Mullins, South Carolina, 20574
 Planner's Telephone No. (843) 273-6068



ZONING PERMIT

Name: Todd Blevins
 Address: 622 South Main St
 City/State/Zip: Mullins SC 29574
 Telephone: 843-464-6162

SITE INFORMATION

Location: _____
 Tax Map No.: _____ Block #: _____ Parcel: _____
 Lot Size: _____
 Current Use of Property: OPEN LOT
 Proposed Use: Commercial Industrial Residential Other
 Describe Activity: _____
 Total Square Footage Existing Structure: _____ Proposed Structure: _____

A plat or scaled drawing of the property showing existing and proposed structures must accompany this application.

OWNER INFORMATION

Name: Todd Blevins
 Address: 622 S. Main St
Mullins SC 29574

APPLICANT INFORMATION (If different from Owner)

Name: _____
 Address: _____

Signature: Todd Blevins Date: 9-1-23

OFFICE USE ONLY

Current Zoning	<u>AC1</u>	Parking Space	Required		Flood Zone?	Yes		
			Proposed	<u>11</u>		<u>No</u>		
Sign characteristics	Number of signs (Circle one)	1	Type of signs	Free-standing	Square footage of sign			
		2		Wall				
		3		Address				
				Other				
Setbacks	Front Yard	<u>35</u>	Side Yard	<u>5</u>	Secondary Front Yard	<u>5</u>	Rear Yard	<u>15</u>
Permit Approved	Yes		No					
Zoning Official Signature						Date		



CITY OF MULLINS VARIANCE REQUEST FORM



1. This form must be completely filled out before the applications will be accepted and placed on the City of Mullins Zoning Appeals Agenda.
2. The Board of Zoning Appeals will hold a public hearing on the variance request and call a meeting with thirty days of receiving a completed variance request form.
3. The Zoning Appeals Committee will hear evidence to determine if the conditions set forth in the City of Mullins Zoning Codes for the requested variance are met.
4. All variance request reviewed by the Zoning Appeals Committee shall be decided within Forty-Five (45) days of the day of applications, with a written notice being provided of approval or denial.

PROPERTY OWNER

Name: Dr. Todd Blevins

Address: 622 Main St. Mullins, SC 29574

Phone numbers (Work) 843-333-4992 (Home) _____

REPRESENTATIVE (IF DIFFERENT FROM PROPERTY OWNER)

Name: _____

Address: _____

Phone numbers (Work) _____ (Home) _____

PROPERTY DESCRIPTION & LOCATION

Address: 615 S Main St. Mullins SC 29574

Tax Map Identification #: 4110713000000 Block # _____ Parcel # _____

Size of Property (Acreage/Square feet) @ 10,000 SF

Attach Property Map

Zoning (Required):

Current Zoning Classification: AC1

Variance Requested: Exemption from 6.1-2. Land to provide parking. The land to provide off-street parking must be contiguous to and under the same ownership or lease agreement as the principal use for which the off-street parking is to be provided. Current parking at 622 S Main St. does not provide sufficient parking for patients and Employees at the Dentist Office. I request that a Employee parking lot be allowed for off-street parking directly across the street from the business. The parking lot will comply with all ordinance requirement as it pertains to off-street parking.

Under CHAPTER IV – VARIANCE PROCEDURES, Sec. 15.32.680. - Considerations.

In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (9) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- (10) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the special flood hazard area and no other alternative locations for the structure are available.

Todd S Blum DMD
Property Owner Signature

6/5/23
Date

Representative Signature (If different form property owner)

Date

You are requested to attend the Public hearing to answer any questions concerning your variance request

For Official Use Only

Date Received: _____ By: _____

\$100.00 Fee Paid _____ Date Approved _____ Date Denied _____

Condition(s) listed in granting of variance request, or reason(s) _ for denial.

Condition Agreed to by Applicant

Signature

Date:

Curtis Richardson

From: Todd Blevins <toddblevins@icloud.com>
Sent: Monday, June 12, 2023 8:13 AM
To: Curtis Richardson
Subject: Re: Phone number correction needed

Hey Curtis,
How is it going with getting the zoning variance?
Thanks

Todd S. Blevins, D.M.D.
www.BlevinsDentistry.com
843-333-9992

On Jun 5, 2023, at 3:49 PM, Todd Blevins <toddblevins@icloud.com> wrote:

Curtis,
The phone number on the form needs to be changed to
Work: 843-464-6162
Mobile: 843-333-9992
Thanks
Todd

On Jun 5, 2023, at 3:46 PM, Todd Blevins
<toddblevins@icloud.com> wrote:

Excellent! Thanks so much Curtis.
Todd Blevins, DMD

<Variance Request Application 615 S Main St..pdf>

On Jun 5, 2023, at 3:11 PM, Curtis Richardson
<crichardson@mullinssc.us> wrote:

Files attached. Please feel free to modify the
document or attached any additional documents
that you prefer.

Curtis L. Richardson
Building Official

Curtis Richardson

From: Curtis Richardson
Sent: Tuesday, July 25, 2023 9:03 AM
To: 'Spencer Jordan'
Subject: FW: Signed Variance form
Attachments: Variance Request Application 615 S Main St..pdf; 622 S Main St. Mullins SC.pdf; 615 S Main St. Mullins SC.pdf; Variance Request Application 615 S Main St..pdf

Variance Request

From: Todd Blevins <toddblevins@icloud.com>
Sent: Monday, June 5, 2023 3:46 PM
To: Curtis Richardson <crichardson@mullinssc.us>
Cc: Todd Blevins <toddblevins@icloud.com>
Subject: Signed Variance form

Excellent! Thanks so much Curtis.
Todd Blevins, DMD

On Jun 5, 2023, at 3:11 PM, Curtis Richardson <crichardson@mullinssc.us> wrote:

Files attached. Please feel free to modify the document or attached any additional documents that you prefer.

Curtis L. Richardson
Building Official
Building and Planning Department



City of Mullins
151 E. Front St.
P.O. Box 408
Mullins, SC 29574
Phone: 843-464-5660
Fax: 843-464-5202
crichardson@mullinssc.us



**CITY OF MULLINS PLANNING AND
PERMITTING DEPARTMENT**

151 E. Front St.
P.O. Box 408
Mullins, SC 29574
Phone: 843-464-9583
Fax: 843-464-5202

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

[This Section to be Completed by the Applicant] [A \$25.00 application fee is required.] [A Site Map must be submitted along with application that show building location with measurements.] See example

Applicant's Name: Valerie G. Blevins
Applicant's Address: 307 Barnes St
Applicant's Contact Number: 843-615-4200
Business Name: Laugh-N-Learn Childcare Center LLC
Business Address: 800 S MAIN ST.
Existing Building: Yes New Building: _____
Do you intend to make any renovations? Yes _____ No
If yes, what are the renovations? PER ARCHITECT DESIGN

Is business a home occupation? _____ Yes No
Applicant's Printed Name: Valerie G Blevins
Applicant's Signature: Valerie G Blevins
Date: _____

[For Zoning Staff Use Only]

Tax Map Number: 414031800000
Zoning District: AC-1 NAICS Number (if applicable): 62410
Required Parking Spaces: 6 Proposed No. of Parking Spaces: 6

If Nonconforming category is checked, please reference Section 30-249 of the Zoning Ordinance for approval in accordance with this section.

Is a Common Signage Plan required and attached as stipulated by Section 30-203 of the Zoning Ordinance? Yes _____ No

Is the sign permit application approved in accordance with pertinent stipulations as set forth in Article 5 – Sign Regulations of the Zoning Ordinance? Yes No

comments, if any:

This proposed use meets does not meet all of the requirements of Chapter 30 - Zoning Ordinance based on the information as provided by the applicant. The approval of the Zoning Compliance and issuance of same is done in good faith based on information as provided by the applicant. This certificate does not grant the right nor privilege to erect any structure nor to use any premises described for any purpose or in any manner that is prohibited by Chapter 30 - Zoning Ordinance or by any other ordinance, code or regulation of the City of Mullins Planning Commission.

The Application for Certificate of Compliance is approved disapproved this 13 day of FEBRUARY, 2024.
Zoning Compliance Fee: _____
Zoning Compliance Issuance Date: _____
Zoning Official: Jessica Sany. Norton

**Minutes
City Council Meeting Tuesday,
July 11, 2023**

The regular meeting of the Mullins City Council was held Tuesday, July 11, 2023 at 6:00 P.M. The following were notified of the time, date, and place of the meeting: Mayor Robert L. Woodbury and Members of City Council, the City Staff, and the press. Present at the meeting were the following: Mayor Robert L. Woodbury, Council Members: Mayo Phillips, Eddie Kitchen, Terry Davis, Kindra Brewton-Pompey, Albert Woodberry, Mayo Phillips, Mayor Pro Tem Carolyn Wilson, City Administrator Holly Jackson, City Attorney Bob Corley, Chief Mike Bethea, Captain Phil Mostowski, Lt. Justin Turner, Fire Chief Robert Stetson, Don Strickland, Miko Pickett, Michael Hayes, Reggie Washington, Jimmy Collins Special Events Coordinator Ogleretta White, Museum Curator Ronda Bain, Graduates from the MCSD Fire Fighter 1 Class and many others.

1. **Call**
2. **Meeting To Order & Welcome:** Mayor Woodbury called the meeting to order and welcomed all present.

Chief Robert Stetson gave The Pledge of Allegiance.

Mayor Pro Tem Carolyn Wilson gave the invocation.

Mayor Woodbury read the Civility Pledge.

3. **Disclosure that local media has been informed of meeting pursuant to South Carolina Freedom of Information Act:** Mayor Woodbury stated the local media had been contacted regarding the time, date, and place of the regular meeting for July 11, 2023.

4. **Approval of Agenda:**

Council Member Kitchen made a motion to accept the Approval of the Agenda. Council Member Davis seconded the motion.

5. **Consent Agenda:**

- (a) Approval of Minutes - June 13, 2023 – City Council Meeting
- (b) Approval of Minutes – June 16, 2023 – Special City Council Meeting
- (c) Approval of Monthly Bills

Mayor Pro Tem Wilson made a motion to accept the Consent Agenda. Council Member Davis seconded the motion.

Page Two

**Minutes - City Council Meeting Tuesday,
July 11, 2023**

6. New Business:

- (a) **PDRTA Presentation:** Don Strickland of PDRTA gave an overview of the new and existing services PDRTA is offering Marion County. Showed graphics with increased usage of services in Mullins.

- (b) **Reading of Resolution 2023-008, "BURIAL PERMIT FEES RESOLUTION"**

Council Member Davis made a motion to approve Resolution 2023-008 "RESOLUTION TO ESTABLISH THE FEES FOR BURIAL PERMITS AS \$750.00" Council Member Kitchen seconded the motion.

7. Executive Session: (UNNEEDED)

7. Committee Reports:

Reggie Washington presented the first class of graduates of the Marion County School District Fire Fighter ONE program. They have been working with our Fire Department and went to the Pee Dee Youth Day representing Mullins Fire and Rescue.

Museum Curator Ronda Bain announced the Museum is working on digitizing the City Council Minutes from as far back as possible.

Special Projects Coordinator Ogleretta White went over the Main Street Program plans and upcoming events.

Council Member Mayo Phillips reported on the 1st Annual Pee Dee Youth Day Initiative, held Saturday, July 8th at the Barnes Street Activity Center in Florence from 10am to 2pm. The Mullins Fire Fighters set up the inflatable burn house.

Council Member Terry Davis stated Council is in the middle of FY Budget 23-24. The monthly reports are included in the packet.

Council Member Davis also announced that there are violation letters going out to home owners concerning weeds and vegetation violations as well as dilapidated homes violations.

Council Member Brewton-Pompey brought up some interest in a recycling program and she had seen a successful program being run in Rockhill and would pass that information on.

Page Three
Minutes - City Council Meeting Tuesday,
July 11, 2023

Council Member Kitchen spoke about the honoring Police Chief Mike Bethea for his years of dedicated service to the City of Mullins.

Mayor Pro Tem Phillips brought attention to the need for vehicles and equipment for the Street Department. She also pointed out some spots that need attention, particularly behind some businesses on Highway 76.

Mayor Pro Tem Phillips also presented a tentative change in the recreation fee schedule. This will be discussed at the next City Council Meeting.

8. Mayor's Report:

All Council Members received a notice for the creation of a new Planning Commission. This group is important to creating a plan for growth in Mullins. Each council members is asked to nominate one person from their district.

July 24th is Rural Transit Day

Bethel Word Church is hosting a Back To School event on July 15th from 6 to 7:15pm, all are welcome.

9. Comments:

Pick 42 Foundation will be distributing fresh vegetables and other items, check the postings for where and when.

10. Adjournment:

Mayor Pro Tem Wilson made a motion to adjourn. Council member Davis seconded the motion.

Mayor Robert L. Woodbury

ATTEST:

Felicia Sawyer- Norton

**Minutes
City Council Meeting Tuesday,
August 8, 2023**

The regular meeting of the Mullins City Council was held Tuesday, August 8, 2023 at 6:00 P.M. The following were notified of the time, date, and place of the meeting: Mayor Robert L. Woodbury and Members of City Council, the City Staff, and the press. Present at the meeting were the following: Mayor Robert L. Woodbury, Council Members: Mayo Phillips, Eddie Kitchen, Kindra Brewton-Pompey, Albert Woodberry, Mayo Phillips, Mayor Pro Tem Carolyn Wilson, City Administrator Holly Jackson, City Attorney Bob Corley, Captain Phil Mostowski, Lt. Justin Turner, Fire Chief Robert Stetson, Michael Hayes, Reggie Washington, Special Events Coordinator Ogleretta White, Building Official Curtis Richardson, Edla Vaughn, Street & Sanitation Director Tarus Gilchrist, Spencer Jordan, and many others.

- 1. Call Meeting To Order & Welcome:** Mayor Woodbury called the meeting to order and welcomed all present.

Reggie Washington gave The Pledge of Allegiance.

Mayor Pro Tem Carolyn Wilson gave the invocation.

Mayor Woodbury read the Civility Pledge.

- 2. Disclosure that local media has been informed of meeting pursuant to South Carolina Freedom of Information Act:** Mayor Woodbury stated the local media had been contacted regarding the time, date, and place of the regular meeting for August 8, 2023.

- 3. Approval of Agenda:**

Council Member Kitchen made a motion to accept the Approval of the Agenda. Mayor Pro Tem Wilson seconded the motion.

- 4. Consent Agenda:**

- (a) Approval of Minutes - July 11, 2023 – City Council Meeting
- (b) Approval of Minutes – July 6, 2023 – Police Committee Meeting
- (c) Approval of Monthly Bills

Mayor Pro Tem Wilson made a motion to accept the Consent Agenda. Council Member Brewton-Pompey seconded the motion.

5. **New Business:**

- (a) **Recreation Fee Schedule (included in agenda)**
Mayor Pro Tem Wilson made a motion to accept the Recreation Fee Schedule as presented. Council Member Kitchen seconded the motion. A vote was taken and approved unanimously.
- (b) **ARP Money Usage – Creation of Asbestos Abatement Team.**
Building Official Richardson explained what this team would be capable of doing and presented information on costs for training. Council Member Phillips made a motion to approve the usage of ARP funds for creation of the team. Mayor Pro Tem Wilson seconded the motion. A vote was taken and approved unanimously.
- (c) **Planning Committee Appointments**
Mayor Woodbury explained the need to get the Planning Committee up and running. He asked for appointments and one was presented. He gave the rest of council until Wednesday, August 9, 2023 to turn in nominees.
- (d) **First Reading Ordinance 2023-008 "AN ORDINANCE TO ADOPT AND ESTABLISH A STORM WATER UTILITY WITHIN THE CITY OF MULLINS."**
Street and Sanitation Director Gilchrist explained to Council the need for a storm water department and the equipment and personnel that would be needed to run the department efficiently. There was discussion on the fee schedule and the Mayor asked Council to meet before the 2nd reading to finalize fee amounts. Mayor Pro Tem Wilson made a motion to accept the first reading of Ordinance 2023-008 "AN ORDINANCE TO ADOPT AND ESTABLISH A STORM WATER UTILITY WITHIN THE CITY OF MULLINS." Council Member Phillips seconded the motion. A vote was taken and was not approved unanimously with Council Member Kitchen abstaining.
- (e) ~~Resolution 23-009 "RESOLUTION COMMITTING THE CITY OF MULLINS TO PROVIDING A LOCAL MATCH FOR A MUNICIPAL ASSOCIATION OF SOUTH CAROLINA HOMETOWN ECONOMIC DEVELOPMENT GRANT AND FOLLOWING ITS PROCUREMENT POLICY WHEN SECURING SERVICES AND PRODUCTS WITH GRANT FUNDS."~~ Special Projects Coordinator presented the information regarding this grant and informed council that the amount would be \$1,250.00 for the match. Mayor Pro Tem Wilson made the motion to approve Resolution 2023-009. Council Member Brewton-Pompey seconded the motion. A vote was taken and approved unanimously.

Page Three

**Minutes - City Council Meeting Tuesday,
August 8, 2023**

(f) First Reading Ordinance 23-009 "ORDINANCE TO AMEND SECTION 9.12.010-CARRYING A CONCEALED WEAPON." This was tabled until next Council Meeting.

(g) Multi-Use Park Options (Images included in agenda) Mayor Woodbury explained the need to make a decision between the two options presented so that the City can move forward with more detailed plans. A video from the NFC Center was shown regarding outdoor exercise facilities. A vote was taken and there were 5 votes for option 2 and 1 vote for option 1.

6. Committee Reports:

Special Projects Coordinator Ogleretta White went over the Main Street Program plans and upcoming events. She asked the Council to grant the Main Street Program all revenue that is collected from the use of Smith-Haven Park. Council Member Phillips made a motion to award all revenue from the use of Smith-Haven Park to the Downtown Mullins Program. Council Member Brewton-Pompey seconded the motion.

Council Member Kitchen invited Captain Mostowski to present information regarding the Cadets both at the academy and those finishing up on-site. All are doing well.

Mayor Pro Tem Phillips agreed to speak with Recreation Director Floyd about making improvements to the restroom facilities at the Gapway Street Ballfields.

7. Mayor's Report:

The Mayor noted that Building Official Richardson will need a special council meeting to discuss some needs and issues with local businesses. The meeting will be held next with times and dates to follow.

The City of Mullins and the Mayor were inducted into the Marion County NAACP Hall of Fame. Council Members Phillips and Brewton-Pompey were spotlighted as well.

MUSC and Clemson University are joining together for the "Healthy Me Healthy South Carolina" initiative. They will be holding an event in Mullins on October 14th from 10am to 2pm. We will post the details as we get them.

8. Comments:

Business Owner Edla Vaughn of the "Vaughn Room" made comment on Fire Suppression Installation Requirement.

Page Four
Minutes - City Council Meeting Tuesday,
August 8, 2023

9. Executive Session: Personnel Matters

Council Member Kitchen made a motion to go into Executive Session, Mayor Pro Tem Wilson seconded the motion.

Council Member Kitchen made a motion to come out of Executive Session with no action taken, Council Member Brewton-Pompey seconded the motion.

10. Adjournment:

Council Member Brewton-Pompey made the motion to adjourn, Mayor Pro Tem Wilson seconded the motion.

Mayor Robert L. Woodbury

ATTEST:

Felicia Sawyer- Norton

Planning Commission

Code of Laws

TITLE 6. LOCAL GOVERNMENT—PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS

CHAPTER 29. South Carolina Local Government Comprehensive Planning Enabling Act of 1994

Article 1. Creation of Local Planning Commission

SECTION 6-29-340. Functions, powers, and duties of local planning commissions.

- (A) It is the function and duty of the local planning commission, when created by an ordinance passed by the municipal council or the county council, or both, to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The local planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.
- (B) In the discharge of its responsibilities, the local planning commission has the power and duty to:
- (1) prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and
 - (2) prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area;
 - (3) zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
 - (4) regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;
 - (5) an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;

- (6) a landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
- (7) a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and
- (8) policies or procedures to facilitate implementation of planning elements.

City of Mullins

Code of Ordinances

Sec. 9.2. - Planning commission.

Establishment. The Mullins Planning Commission is hereby reestablished under the provisions of the S.C. Code, § 8-29-320.

Representatives/Districts

- (1) _____ District 1
- (2) _____ District 2
- (3) _____ District 3
- (4) _____ District 4
- (5) _____ District 5
- (6) _____ District 6

CITY OF MULLINS
FREEDOM OF INFORMATION ACT
REQUEST FORM

Mail completed form to: City of Mullins Administrator's Office, 151 E. Front St., P.O. Box 408, Mullins, SC, 29574.
When completing the form below, please print the requested information.

Date of Request: May 30, 2024

Name: Nicole Betancourt

Address: 618 S Main Street

City: Mullins State SC Zip 29574

Phone Number: 843-561-3253 E-Mail Address: TLBetancourtElectric@gmail.com

When completing the request, it is VERY important to be as SPECIFIC AS POSSIBLE. Your request may be delayed if you are not clear about the information you are seeking.

Information Requested/Detailed Description:

Any and all documents filed, including but not limited to, permits, surveys, engineer reports, design plans, lighting, setbacks, blueprints, drainage, etc. for the following address owned by Todd BEVINS

Parcel #: 411-07-13-000-000
(Formerly known as 615 S Main Street)

§30-2-50 prohibits a person or private entity from knowingly obtaining personal information from a local government or other political subdivision for commercial purposes. Violators are guilty of a misdemeanor and upon conviction are subject to a \$500 fine and/or jail time up to one year. By signing below you are acknowledging that you have read the above statement regarding § 30-2-50 and the information you seek shall not be used for commercial purposes.

Signature: [Signature]

For Office Use Only:

Received: Hand-Delivered Mail Fax E-Mail by Curtis Richardson

Request assigned to: C. Richardson
Date of Assignment: 30 May 2024

Date of Completion: 6 June 2024

Comments: 33 pages

Fee for Services Rendered: _____

71 PAGES ADDED ON 12 JUNE 2024

Method of Payment: _____

I have received _____ pages in response to the Freedom of Information Act request above.

Signature: [Signature] Date 6/16/24

To View the South Carolina Freedom of Information Act in its entirety, go to <http://www.scstatehouse.gov/code/t30c004.php>

Revised April 18, 2023

SIGNATURE

[Signature] 99

DATE 6/12/24

TO: Zoning Appeals Committee
 Board of Zoning Appeals
 Planning Commission, Zoning Administrator,
 Zoning Official or
 other responsible
 party

**CITY OF MULLINS
 FREEDOM OF INFORMATION ACT
 REQUEST FORM**

Mail completed form to: City of Mullins Administrator's Office, 151 E. Front St., P.O. Box 408, Mullins, SC, 29574.
 When completing the form below, please print the requested information.

Date of Request: June 14, 2024 Requesting again June 25, 2014
 Name: Nicole Betancourt Phone conversation with
 Address: 618 S Main Street Curtis Richardson on 6/24.
 City: Mullins State SC Zip 29574 Stated he is not responsible
 Phone Number: 843-561-3253 E-Mail Address: TLBetancourtElectric@gmail.com
 for this.

When completing the request, it is VERY important to be as SPECIFIC AS POSSIBLE. Your request may be delayed if you are not clear about the information you are seeking.

Information Requested/Detailed Description: All documentation related to the Zoning Appeals Committee meeting for the City of Mullins Variance request from Todd Blavins for a parking lot on 622 S Main Street (Parcel #411-07-13-000-000). The meeting date, the meeting minutes, the attendees to the meeting, recording. All evidence provided by Todd Blavins for variance request, as required. Documentation and/or proof reviewed to confirm request is in compliance with the City of Mullins Zoning Codes, and are met. Variance request form was signed by Todd Blavins on June 5, 2023. Please provide attachments with the request. Please provide request form with signatures of approval from the Zoning Appeals Committee.
 §30-2-50 prohibits a person or private entity from knowingly obtaining personal information from a local government or other political subdivision for commercial purposes. Violators are guilty of a misdemeanor and upon conviction are subject to a \$500 fine and/or jail time up to one year. By signing below you are acknowledging that you have read the above statement regarding § 30-2-50 and the information you seek shall not be used for commercial purposes.

Signature: [Signature]

For Office Use Only:
 Received: Hand-Delivered Mail Fax E-Mail by _____
 Request assigned to: _____ Date of Completion: _____
 Date of Assignment: _____ Fee for Services Rendered: _____
 Comments: _____ Method of Payment: _____

I have received _____ pages in response to the Freedom of Information Act request above.

Signature: _____ Date: _____

To View the South Carolina Freedom of Information Act in its entirety, go to
<http://www.southcarolinahouse.gov/code/f30c004.htm>

confirming due diligence and review of evidence provided by Todd Blevins, as well as, City of Mullins. Did not receive a signed copy of approval from City of Mullins.

I am attaching Todd Blevins' signed Variance Request form, received from Curtis Richardson on 6/13/24.

TO: Felicia Sawyer-Norton (City Clerk / Zoning Official)

**CITY OF MULLINS
FREEDOM OF INFORMATION ACT
REQUEST FORM**

Mail completed form to: City of Mullins Administrator's Office, 151 E. Front St., P.O. Box 408, Mullins, SC, 29574.
When completing the form below, please print the requested information.

Date of Request: June 25, 2024

Name: Nicole Betancourt

Address: 6018 S Main Street

City: Mullins State SC Zip 29574

Phone Number: 843-561-3253 E-Mail Address: TLBetancourtElectric@gmail.com

When completing the request, it is VERY important to be as SPECIFIC AS POSSIBLE. Your request may be delayed if you are not clear about the information you are seeking.

Information Requested/Detailed Description:

Meeting Recording from Public Hearing originally dated August 20, 2023, actually took place August 29, 2023.

Meeting Recording from when the Zoning Appeals Committee met to discuss and review Todd Bevins' June 5, 2023 Variance Request.

Copy of signed Variance Request Form, Planning Commission Zoning Permit and Planning & Permitting Department Application for Certificate of Zoning Compliance with all required documents and attachments

§30-2-50 prohibits a person or private entity from knowingly obtaining personal information from a local government or other political subdivision for commercial purposes. Violators are guilty of a misdemeanor and upon conviction are subject to a \$500 fine and/or jail time up to one year. By signing below you are acknowledging that you have read the above statement regarding § 30-2-50 and the information you seek shall not be used for commercial purposes. *rules and guidelines*

Signature: [Signature]

For Office Use Only:

Received: Hand-Delivered Mail Fax E-Mail by _____

Request assigned to: _____ Date of Completion: _____

Date of Assignment: _____ Fee for Services Rendered: _____

Comments: _____ Method of Payment: _____

I have received _____ pages in response to the Freedom of Information Act request above.

Signature: _____ Date _____

To View the South Carolina Freedom of Information Act in its entirety, go to <http://www.scstatehouse.gov/code/t30c004.php>

National Flood Hazard Layer FIRMette

39°15'28"W, 34°12'6"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

Without Base Flood Elevation (BFE)
 Zone A, V, A99
 With BFE or Depth Zone AE, AO, AH, VE, AR
 Regulatory Floodway

0.2% Annual Chance Flood Hazard, An
 of 1% annual chance flood with avera
 depth less than one foot or with drai
 areas of less than one square mile. 200

Future Conditions 1% Annual
 Chance Flood Hazard Zone X
 Area with Reduced Flood Risk due to
 Levee. See Notes, Zone X
 Area with Flood Risk due to Levee Zone

OTHER AREAS OF FLOOD HAZARD

NO SCREEN Area of Minimal Flood Hazard Zone X
 Effective LOMRS
 Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall

20.2 Cross Sections with 1% Annual Chance
 17.5 Water Surface Elevation
 8 Coastal Transsect
 Base Flood Elevation Line (BFE)
 Limit of Study

OTHER FEATURES

Jurisdiction Boundary
 Coastal Transsect Baseline
 Profile Baseline
 Hydrographic Feature

MAP PANELS

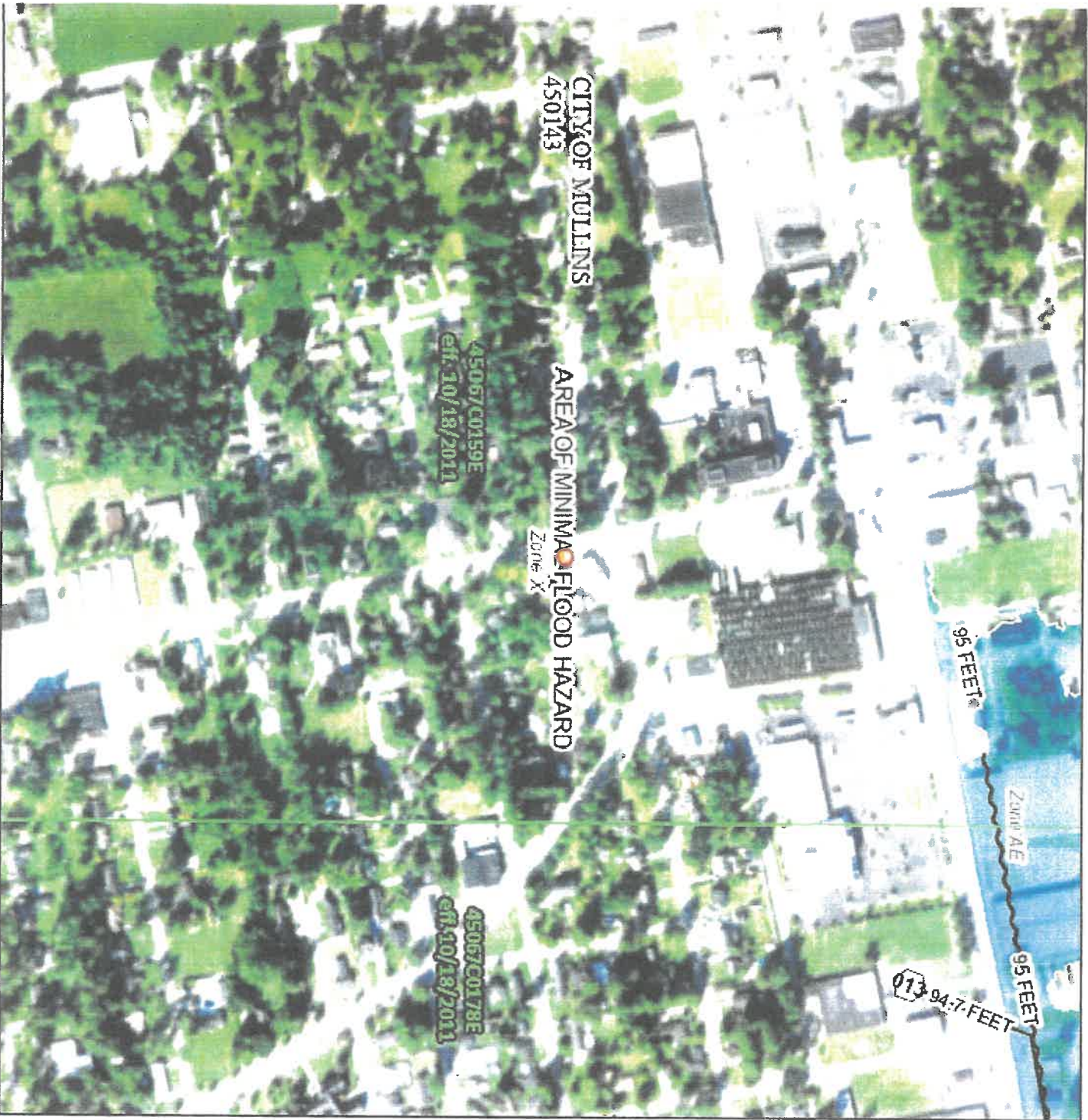
Digital Data Available
 No Digital Data Available
 Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps. If it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/1/2023 at 4:07 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



79°14'50"W, 34°12'6"N

1:6,000

Feet



RISK FACTOR



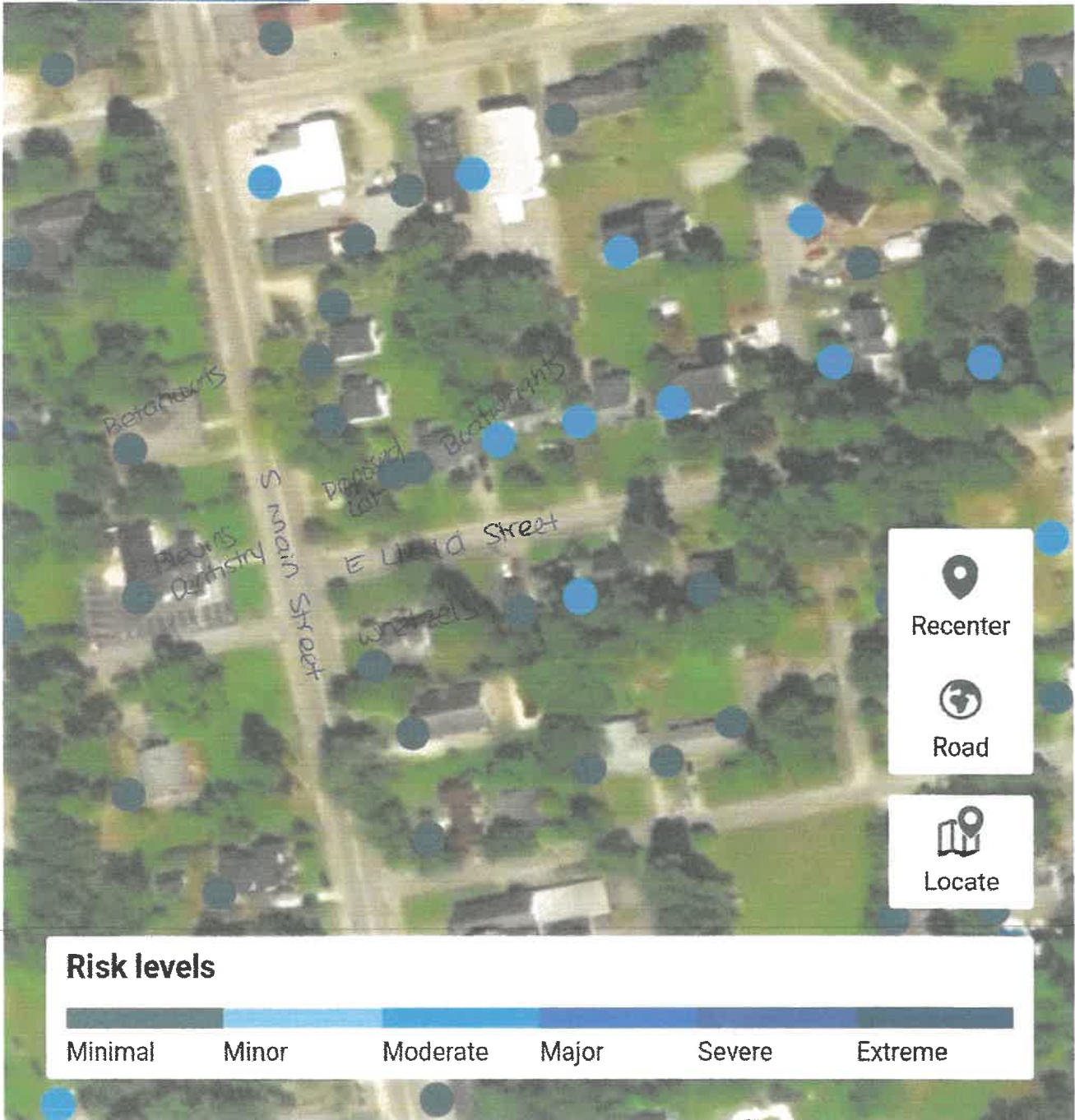
Mullins SC

Flood Factor

Fire Factor

Wind Factor

A

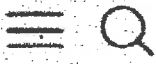


Map Layers

104

Community Risk ▼

[Read more](#)



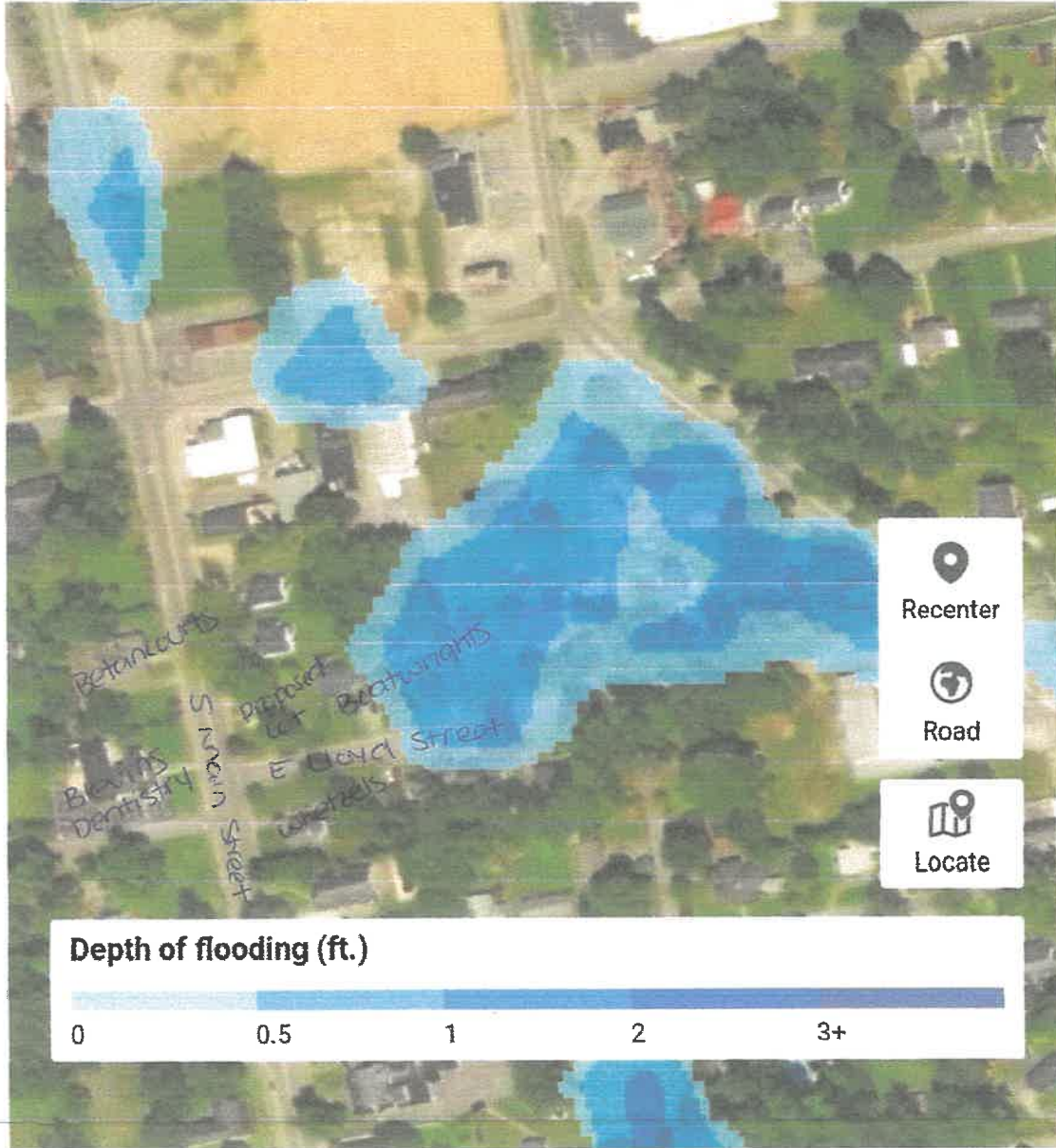
Mullins SC

Flood Factor

Fire Factor

Wind Factor

A



Recenter
 Road
 Locate

Map Layers

Historic Risk ▼

[Read more](#)

105

Historic event

September, 2018: Hurricane Florence ▼



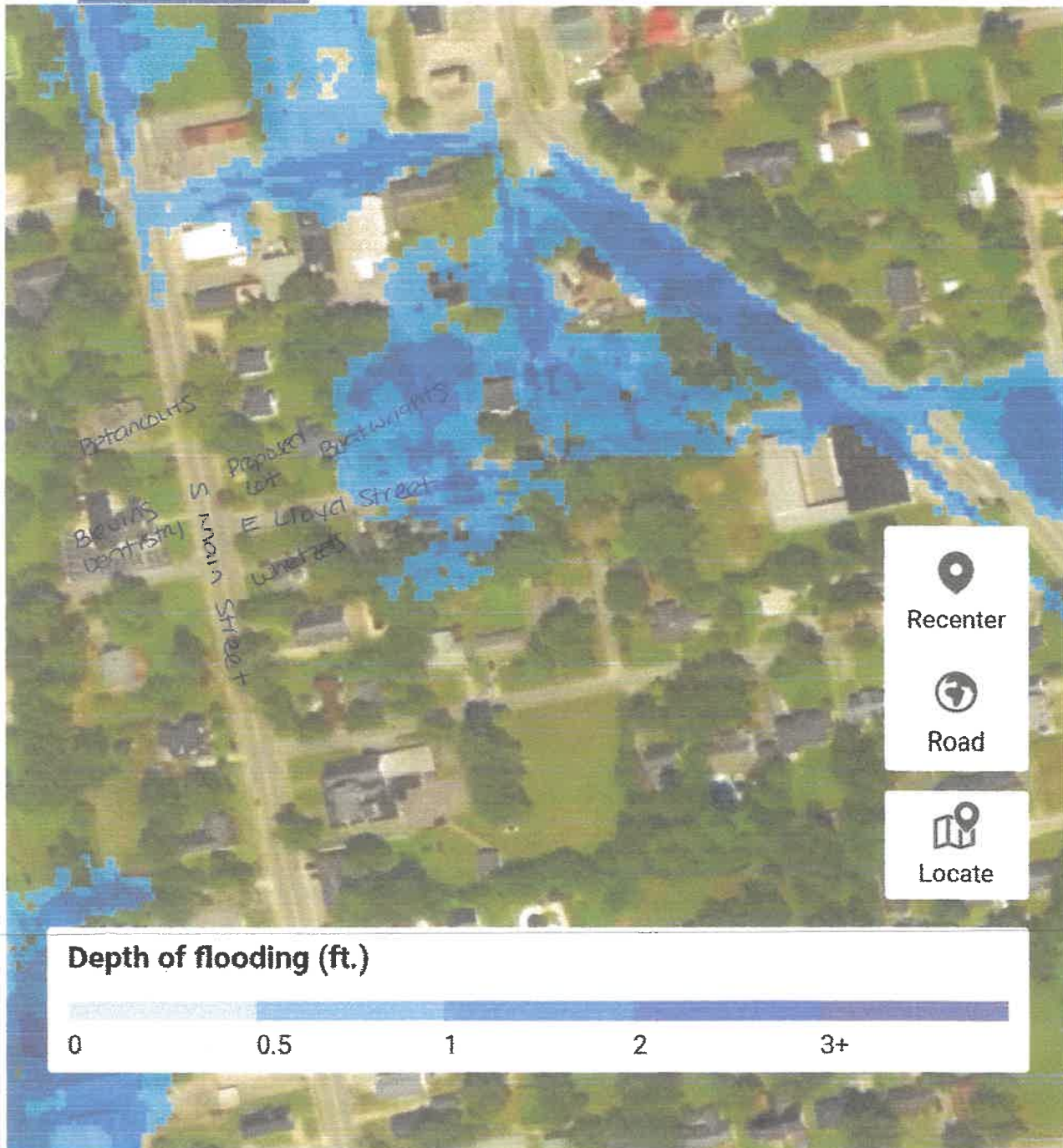
Mullins SC

Flood Factor

Fire Factor

Wind Factor

A



Map Layers

106

Current & Future Risk ▼

[Read more](#)



107





109



City of Mullins

Building



Work Permit Building Department

Issued: **24-May-24** Expires **20-Nov-24**

Owner: **Todd S Blevins** Issued to: **James C Herrington**

Address: **622 S Main St.** Business: **Herring General Contractors LLC**

Description of Work: **Install concrete parking lot per design.** Contractor: **James C Herrington**



PERMIT NO.

2024-000369

This card must be kept posted at the entrance and visible from the road. If lost or defaced another must be obtained.

Phone No: 843-464-5660

Curtis L. Richardson

Curtis L. Richardson

BUILDING OFFICIAL:

110

SECTION 6980. Mandamus and injunctive relief for violation of code or regulation.

For a violation of the building codes or regulations adopted pursuant to this chapter, the local building officials, municipal or county attorneys, or other appropriate authorities of a political subdivision, or an adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding.

SECTION 6990. Imposition of fees upon vote; exceptions.

Notwithstanding any other provision of law, the governing body of a county or municipality may impose fees necessary to implement and continue the programs required by this chapter upon a vote of a simple majority of the governing body unless (1) a super majority vote is required by local ordinance, or (2) prior to December 1, 1998, the General Assembly specifically amends, repeals, or otherwise affects this law by direct reference to this section, or (3) after November 30, 1998, the General Assembly provides otherwise by law. ¹¹¹

SECTION 6970. Penalties for violation of code or regulation; opportunity to remedy certain violations.

(A) A person found to be in violation of the building codes or regulations adopted pursuant to the provisions of this chapter must be fined, by civil fine, in an amount not more than two hundred dollars. Each day the violation continues is a separate offense. However, this provision does not prevent a county or municipality from exercising its authority to impose by ordinance criminal sanctions of a fine of not more than two hundred dollars or imprisonment for not more than thirty days in lieu of the civil penalties required by this provision.

(B) However, before being charged with a second violation, an individual must be given seven calendar days to remedy the violation if in the opinion of the inspector or official it does not place the public in imminent danger or create an emergency situation. Each day a violation continues is a separate offense if the inspector or official determines the situation places the public in imminent danger or creates an emergency situation. In a situation which does not place the public in imminent danger or create an emergency situation, if in the opinion of the inspector or official no substantial progress is made toward correcting the violation by the end of the seventh calendar day, each day the violation continues thereafter is considered a separate offense.

(4) *AC-1 Residential-Commercial District.*

The AC-1 District is intended to accommodate office, institutional, limited personal service and residential uses in areas whose character is mixed, in transition, or otherwise suitable for mixed use development. It is designed principally for use along major streets and subdivision borders characterized by older houses to help ameliorate the consequences of change impacting these areas, and provide a transitional buffer between potentially incompatible commercial and residential development. It is also intended to accommodate "planned" mixed use projects in single ownership.

(5) *C-1 Central Commercial District.* The C-1

District is intended to promote the concentration and vitality of commercial and business uses in Downtown Mullins. This district is characterized by wall-to-wall and lot-line-to-lot-line development, sidewalks, and public parking.



CARDUINA

S MAIN STREET

E LLOYD

R = RESIDENTIAL
C = COMMERCIAL

AC = RESIDENTIAL COMMERCIAL

**Minutes
Board of Zoning Appeals
Tuesday, August 20, 2023**

The special meeting of the Board of Zoning Appeals was held Tuesday, August 20, 2023 at 2:00 PM. The following were notified of the time, date, and place of the meeting: Members of the Board of Zoning Appeals, the City Staff, and the press. Present at the meeting were the following: Chairman Spencer Jordan, Committee Members: Miko Pickett, Mary White, Annette Frazier, Curtis Richardson, Todd Blevins, Bo McMillan, Tammy Lewis, Amber Vick, Jimmie Boatwright, Shonte Jordan, Joel Jordan, Nicole Bettencourt, William Davis, Amy Boatwright, Mr. & Mrs. Wetzel, and many others.

1. Call Meeting To Order & Welcome: Chairman Jordan called the meeting to order and welcomed all present.

2. Disclosure that local media has been informed of meeting pursuant to South Carolina Freedom of Information Act: Chairman Jordan stated the local media had been contacted regarding the time, date, and place of the Zoning meeting for August 20, 2023.

3. (a) Approval of Parking Lot for Dr. Blevins 624 S. Main St

Zoning Chairman, Spencer Jordan recognized Dr. Todd Blevins. Mr. Blevins addressed the committee seeking a variance for a 60 x 60 parking lot to accommodate his employees. The property was purchased 3 years ago with the sole purpose of parking.

Speaking in support of the parking lot were as follows: Shonte and Joel Jordan, Bo McMillan, Tammy Lewis, Amber Vick, William Davis. Opposed were: Mr. & Mrs. Wetzel, Nicole Bettencourt, Jimmie and Amy Boatwright.

Building Official, Curtis Richardson addressed the parking lot variance. The lot is zoned AC-1 – Residential/Commercial. Richardson noted the need for the parking lot and the restrictions it would have.

Miko Pickett made a motion to approve the variance for 624 S Main Street. Mary White seconded the motion.

Miko Pickett then nayed the motion. There were enough votes to approve the motion as stated. The variance was approved to allow the parking lot at 624 S Main Street.

Page Two
Minutes - Board of Zoning Appeals
Tuesday, August 20, 2023

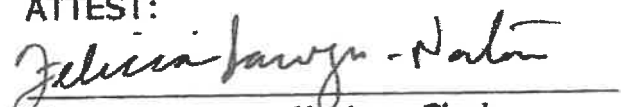
4. Adjournment:

Chairman Spencer Jordan adjourned the meeting.



Spence Jordan, Board of Zoning & Appeals Chairman

ATTEST:


Felicia Sawyer - Norton, Clerk

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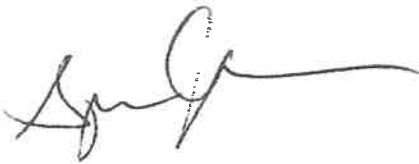
Duly certified
Felicia Sawyer - Norton
4/18/2024

Chairman of the Zoning Committee called upon Mr. Curtis Richardson, the Building Official, to testify as an expert witness regarding the requested Variance by Dr. Blevins.

Curtis Richardson's comments are as follows: The variance issue concerns whether Dr. Blevins has the authority to convert the land into a parking lot for his employees. The requested variance is not a zoning issue for the area Dr. Blevins wants to construct a parking lot. It can be constructed according to the City of Mullins zoning designation of (AC-1 Residential/Commercial). Hence, the mitigating factors raised by residents regarding this lot, such as irrigation and drainage concerns, can be overcome. Construction of the land into a parking lot, irrigation, and drainage will not pose a problem. Before Dr. Blevins converts the land to a parking lot, a drawing must be submitted for approval before any landscaping or construction begins. As the Building Official, I must review such drawings to ensure they meet all code and regulations regarding construction, drainage, and proper elevation requirements. Given that Dr. Blevins has indicated that he will include fencing and lighting within the drawing, it would eliminate any concerns among the citizens regarding public safety as well.

The Zoning Board of Appeals Board Members questioned Mr. Curtis Richardson regarding the following: Vice Chairman Mikko Picken asked whether the parking lot has to be adjacent to the business. Mr. Curtis Richardson responded that Dr. Blevins already has a parking lot adjacent to his business with the required number of public parking spaces; however, this variance is to construct a private parking lot for the use of his employees only. Given the growth of his business and staffing his request for said, variance is to ensure that public parking is available for customers and private parking for staff only. Therefore, the requested variance is in line with the growth of the City of Mullins businesses and meets the necessary elements for a variance.

No further questions were posed by the Board Members, and a motion was made on the requested variance.



Duly Certified
Felicia Sawyer - Norton
4/18/2024



Blevins Dentistry:
Todd Blevins, DMD



na Ave

Carolina Ave

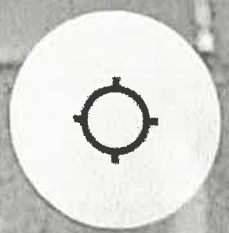


EXHIBIT A

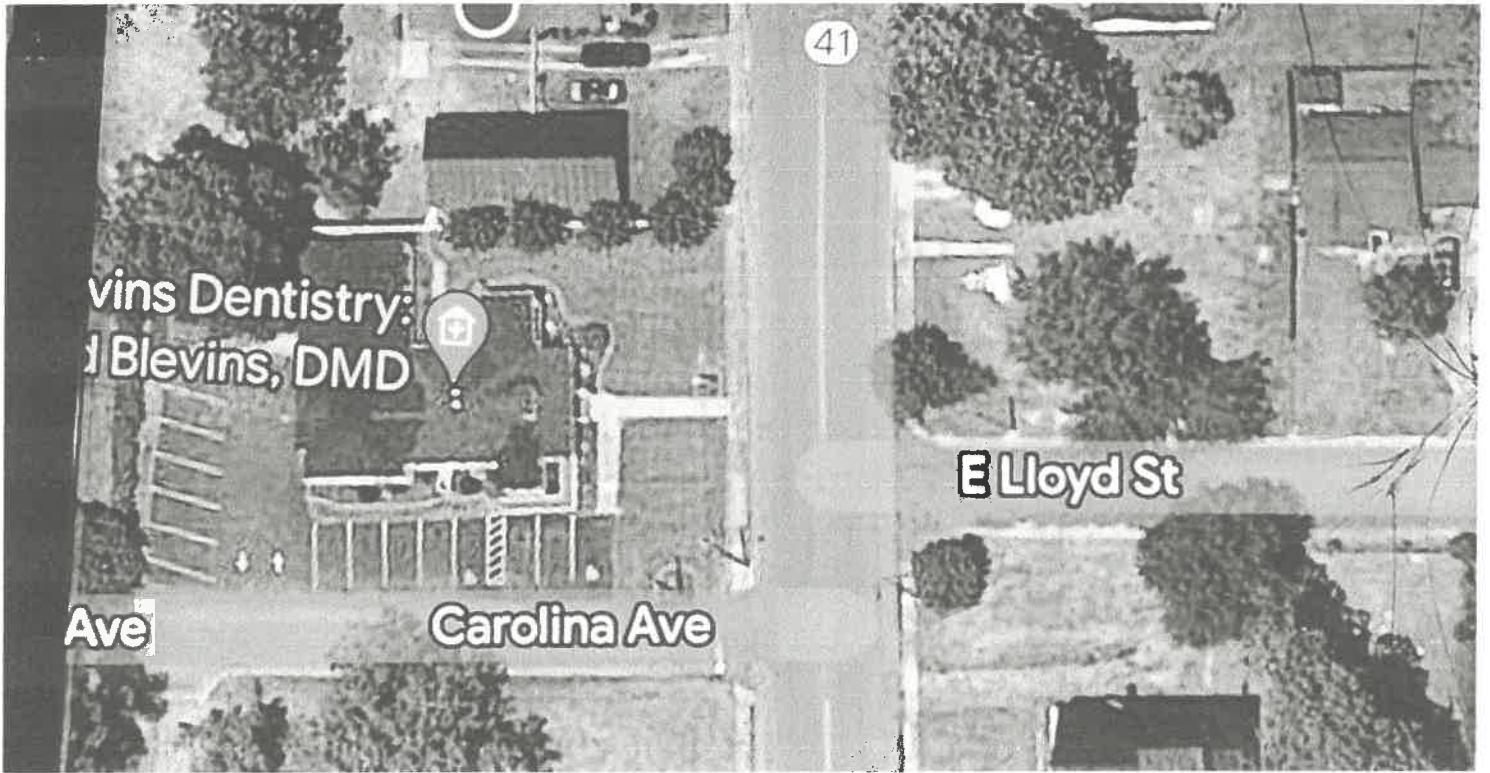


EXHIBIT B



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EXHIBIT B

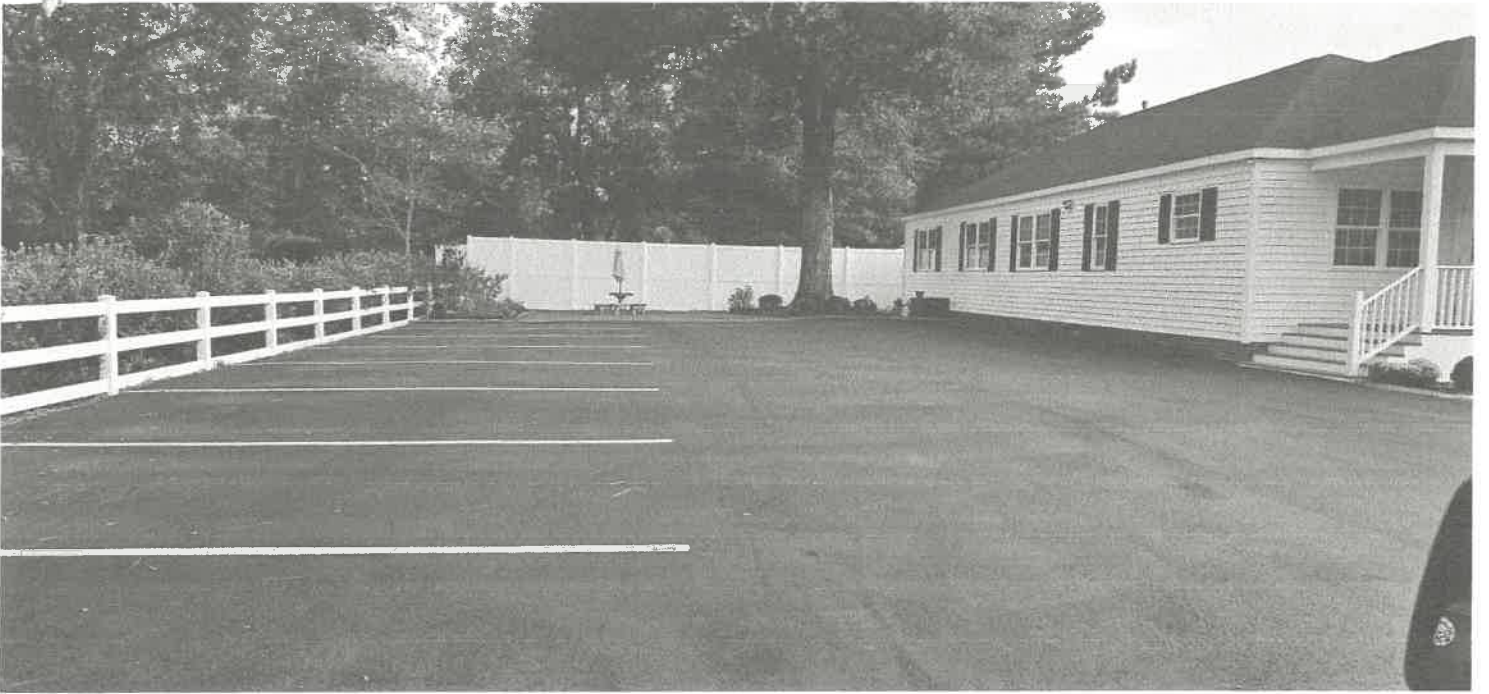


EXHIBIT B

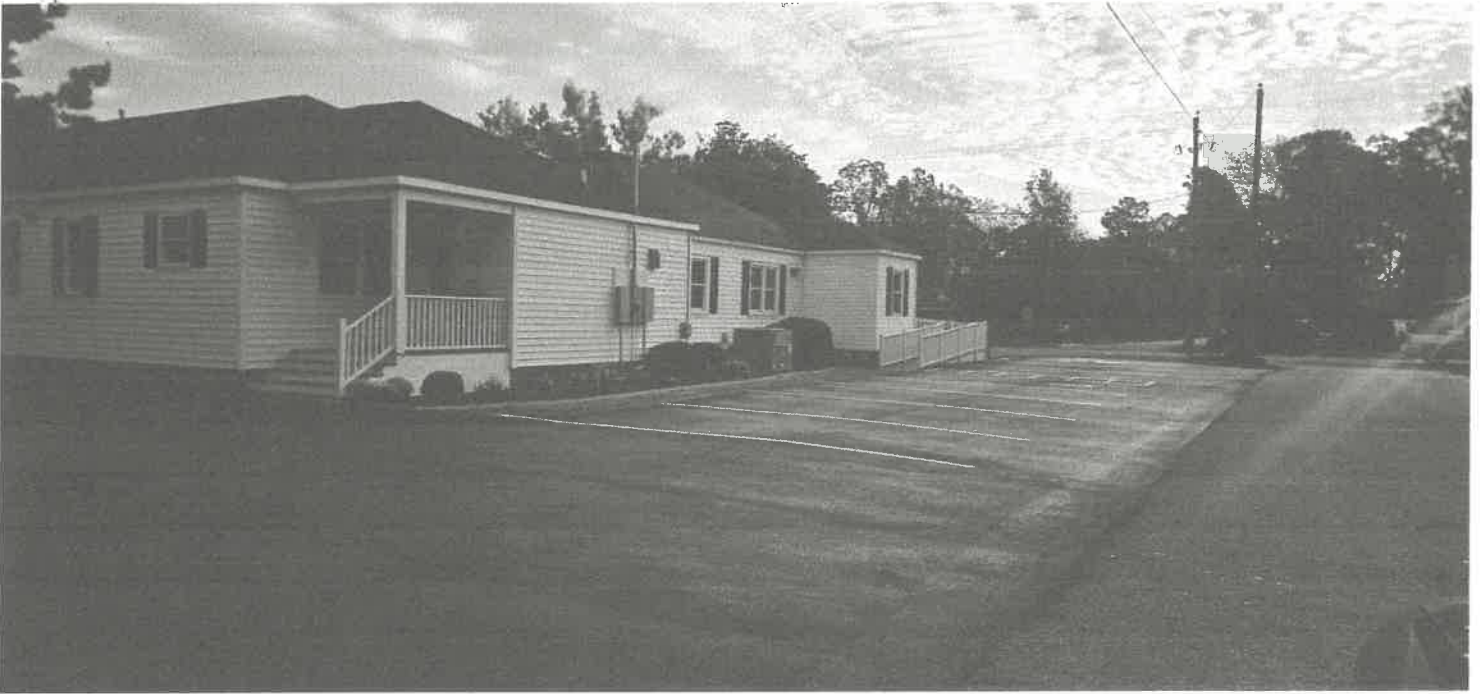


EXHIBIT B



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STANDARDS FOR GRANTING VARIANCES

The applicant must provide sufficient evidence to support an unnecessary hardship. A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of "unnecessary hardship," there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him.

EXHIBIT C

1. It is the responsibility of the applicant who is seeking the variance to provide "proof" that strict enforcement of zoning regulations will result in a legal hardship. A variance cannot be granted as a convenience to the property owner.
2. The legal hardship must come from the zoning regulations. A self-imposed hardship cannot serve as justification for a variance; i.e., the problem was self-created by the action or negligence of the applicant; the applicant commenced work on a project without first obtaining required permits or had failed to inform him/herself on permit requirements, etc.
3. The legal hardship or difficulty stated as the reason why a variance is necessary must be particular to the zoning parcel in question and different from that of other area parcels. The applicant for a variance must clearly show the Board that the request is due to the very unusual qualities of the property.
4. The expenditure of money does not constitute a legal hardship. In other words, the courts do not recognize financial hardship as a basis upon which a Board of Adjustment can give a variance (i.e., the fact that a structure erected in violation of the Zoning Code would be expensive to move, that an alternative location which would be in compliance with zoning regulations might be somewhat more expensive on which to build, etc.). The courts have uniformly held that, when a hardship was created by the applicant's own acts, they are not entitled to relief.
5. Zoning violations by others in the area, nonconformity of structures on other properties or other variances given in the area do not automatically entitle an applicant to the approval of his or her variance request. What constitutes a legal hardship and substantial justice is a matter to be determined by the Board from the facts and circumstances of each individual appeal.
6. In granting variances, the Board of Adjustment may impose special conditions to ensure that the public welfare will not be damaged.
7. Under certain fact circumstances, a variance may be approved on the basis that it is necessary in order to secure the applicant the right of rights that are enjoyed by other property owners in the same area.
8. A variance will not be granted simply because there is no objection to it or because those who do not object outnumber those who do.

EXHIBIT D



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EXHIBIT E



Property
Line

Blevins Dentistry

EXHIBIT E

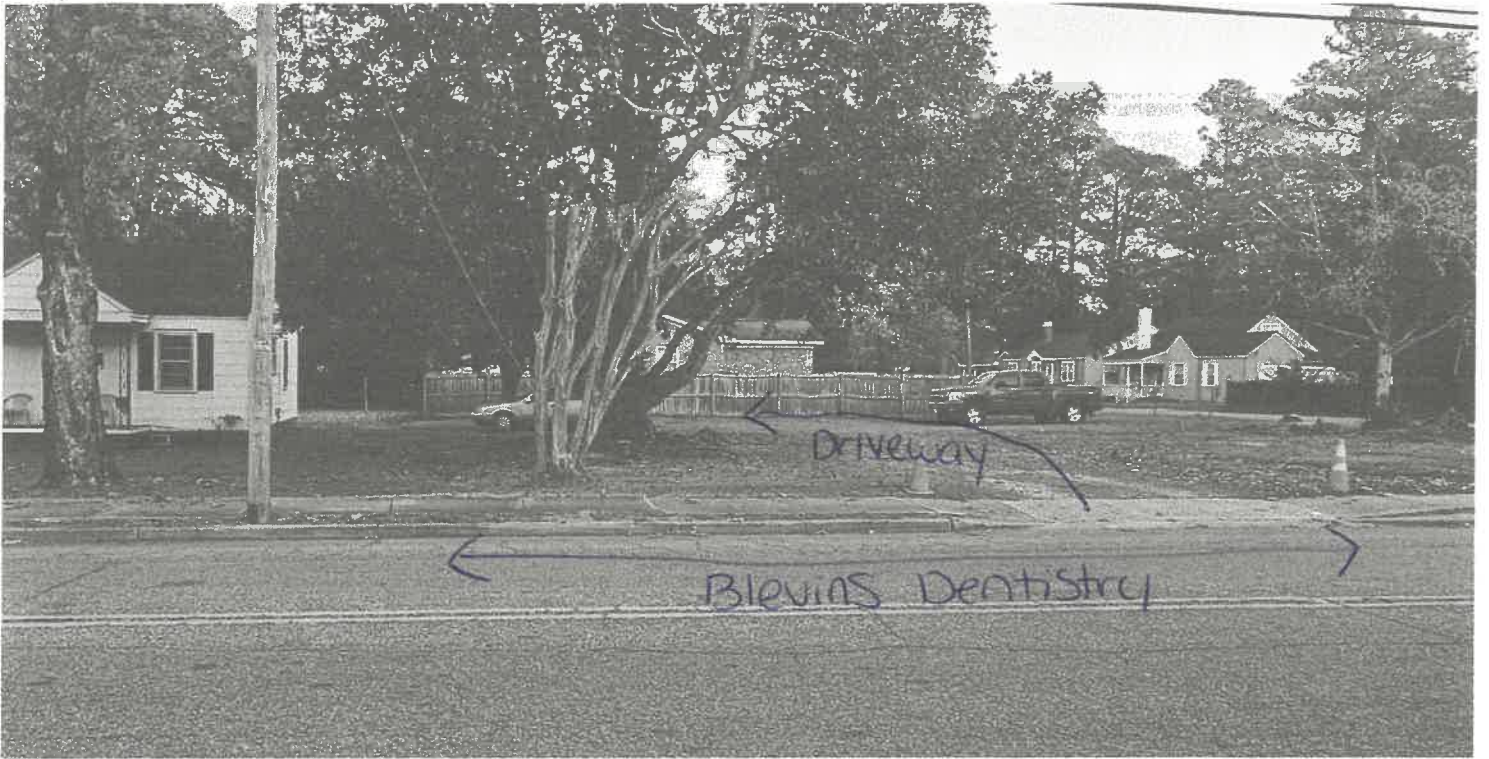


EXHIBIT E



EXHIBIT E



EXHIBIT F





EXHIBIT F



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EXHIBIT F



CERTIFICATE OF APPELLANTS

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 8, 2025

/s/ Thomas & Nicole Betancourt
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Jul 11 2025

SC Court of Appeals

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