

KIG Advocacy, Inc.

P.O. Box 1922
Pawleys Island, SC 29585

A nonprofit public interest law firm.

Cynthia Ranck Person, Esquire
Chief Legal Counsel & Executive Director

Email:
kig.advocacy@gmail.com

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VIA EMAIL

Georgetown County Planning Commission
129 Screven Street
Georgetown, SC 29442

RE: Micheaux Resource Management, LLC
Request to rezone from R-1 to R-10
TMS 04-0166-019-00-00
Case No. REZ 3-22-30300

Dear Planning Commission Members:

I am writing on behalf of the McMaster family and the Powell family who own lots and homes to the immediate south of the parcel in question, as well as other neighboring residents, members of the greater community, and Keep It Green, Inc., in opposition to this request to change zoning from R-1 to R-10 on a 1.4 acre parcel that borders the marsh on Pawleys Island Creek.

The applicant is Micheaux Resource Management, LLC, an out-of-state company that has purchased seven properties in Georgetown County in the past two years, four of them on the Waccamaw Neck in the general vicinity of this parcel.

The requested zoning amendment would increase residential density by SIX TIMES. Current zoning allows one single family home on the lot and an amendment would allow up to 6 homes.

This application does not establish a legitimate legal basis for a zoning change and we respectfully request you to summarily recommend denial for the following reasons.

1. Official Zoning Map is the only and final authority to determine zoning.

The only reason cited by the applicant as a basis for this zoning change request is that the GIS map and/or some other unidentified record had mislabeled the zoning designation on this parcel as split zoned R-1 and R-10 rather than straight R-1, and the buyer allegedly relied on this erroneous label in deciding to purchase the property.

R-1 is and always has been the only zoning classification shown on the Official Zoning Map for Georgetown County, and if the buyer had consulted this map in its investigation of the zoning, it would have clearly confirmed that this parcel was zoned as straight R-1.

Georgetown County Zoning Ordinance, Article V, Section 501, makes it very clear that there is only one authoritative source from which to confirm zoning classification and that is the “Official Zoning Map, Georgetown County, South Carolina,” as defined in the ordinance.

501.1 The Official Zoning Map shall be identified by the signature of the Chairman of the County Council of Georgetown County, attested by the Clerk of the County Council of Georgetown County, and bearing the Seal of the County under the words: "Official Zoning Map, Georgetown County, South Carolina," together with the date of the most recent amendment to that particular map.

501.4 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published, the Official Zoning Map which shall be located in the Office of the Administrative Officer or a designee of County Council shall be the final authority as to the current status of land and water areas, buildings and other structures in the County.

The ordinance makes it very clear that no other sources, including copies of the official map itself, are authoritative. Accordingly, the GIS map and/or other unnamed records upon which the buyer reportedly relied were not authoritative sources and provide no legal justification for a zoning change.

The “Official Zoning Map, Georgetown County, South Carolina,” was at all times available to the buyer for review as was the Zoning Code which sets forth the existence and authority of the map. If the buyer had chosen to review the proper source, it would have confirmed the R-1 zoning. The county is not responsible to change zoning on a parcel because someone chose not to consult the one designated authoritative source and instead relied upon an error in a document that is clearly characterized by the code as not authoritative.

Even in instances where an authoritative source had been erroneous, which was not the case in this situation, South Carolina appellate court case law requires substantial evidence of justifiable reliance and significant expense on the part of the buyer or landowner beyond the mere decision to purchase the property in order to warrant consideration of a zoning change. Nothing has been presented here that comes close to meeting that threshold requirement.

2. Georgetown County specifically disclaims the reliability of GIS and other maps.

In addition to the plain language of the ordinance as set forth above, our county makes it abundantly clear that GIS maps and other maps are provided for convenience and are not intended to be an authoritative or even necessarily accurate source.

When one clicks on the GIS link from the county website, a warning immediately displays explaining that this is a “third-party website . . . provided solely for visitors’ convenience” and to be used at their “own risk.” The maps are constantly being updated and corrected and sometimes contain incomplete or inaccurate information.

Moreover, the GIS website itself contains this prominently displayed disclaimer:

DISCLAIMER: These data are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, and fitness for or the appropriateness for use rests solely on the user. Georgetown County makes no warranties, express or implied, as to the use of these data. There are no implied warranties or warranties of fitness for a particular purpose or merchantability, and Georgetown County shall have no liability for actual or consequential losses arising from use of these data. The user acknowledges and accepts the limitations of these data, including the fact that these data are dynamic and are in a constant state of maintenance, correction and update.

3. Facts weigh against a zoning change.

In the event the Planning Commission considers the merits of this zoning change application, the following are the relevant facts.

- This is a request to allow more than SIX TIMES the current density.
- No plan has been submitted in support of this request nor has any legitimate reason been given to justify a zoning amendment.
- The current zoning (R-1) allows one single family home on this lot which is consistent with neighboring properties along the marsh.
- The requested zoning (R-10) would allow for 6 single family homes on 10,000 square foot lots which is not consistent with neighboring properties on the marsh.
- This request is not consistent with the Comprehensive Plan Future Land Use Map (FLUM) which classifies this and all surrounding property as LOW DENSITY.
- The requested increase in residential density translates to substantial additional impervious surfaces that would have a severe negative impact on the surrounding natural environment, including the marsh, and would create additional flooding and stormwater problems on neighboring properties.
- The homes in this area are served by individual septic systems and it would be neither practical nor desirable, and perhaps not even possible, to install six separate septic systems on this small lot along the marsh.
- The Waccamaw Neck is experiencing unprecedented stormwater flooding and the county has invested more than \$700,000 in a stormwater study that is not yet complete. It would

not be prudent to allow zoning changes that increase density anywhere in the neck until that study has been completed.

4. Not in accordance with the Georgetown County Comprehensive Land Use Plan.

Page 23 of the Georgetown County Comprehensive Land Use Plan states:

The overriding issue in the Pawleys-Litchfield area is population density. The general concept of allowing higher density to prevent sprawl is no longer applicable in this area. The key now is to limit the number of new residential units that are added so that the impacts of additional development (i.e. increased traffic congestion, increased storm water runoff, greater pressures on our overall infrastructure) are minimized as much as possible.

The Comprehensive Plan further states as follows at Page 25 with respect to goals for the South Waccamaw Neck:

“Density increases in new development should only be allowed if open space is provided by use of planning tools: as part of a Planned Development District, Transfer Development Rights, Cluster Development, or land placed in a Conservation Easement, etc.”

The goals and objectives for the South Waccamaw Neck explicitly restrict density increases to these four very limited and exceptional circumstances none of which apply to this request.

This restrictive language was deliberately included in the Comprehensive Plan because the South Waccamaw Neck was then and is now facing unprecedented population growth resulting in critically overburdened infrastructure, increasing volumes of traffic that exceed road design capacity, increasing numbers of serious and life-threatening motor vehicle accidents, increasing flooding and stormwater problems as a consequence of clear cutting and filling in wetlands, as well as other environmental and safety challenges resulting from overdevelopment of the limited geographic space of the South Waccamaw Neck.

This restrictive language was intended to prevent the kinds of arbitrary increases in density requested in this case which proposes a six-fold increase without offering any need, reason or plan or otherwise meeting any of the explicit exceptions set forth in the Comprehensive Plan.

State law requires zoning ordinances and zoning ordinance amendments to be in accordance with the comprehensive plan and to be for the public good. This is neither and should be denied without further consideration.

5. No Public Benefit.

According to Georgetown County Ordinance 1701, amendments to zoning ordinances are proper only when the “public necessity, convenience, general welfare or good zoning practice justifies such action.” The burden of proving this justification is on the applicant.

This is an empty and unsupported request with no public benefit. A zoning change in this case would advance the interests of no one other than the applicant.

6. Inconsistent with Neighborhood.

This entire neighborhood along the creek consists of single family homes on large lots consistent with R-1 zoning. An increase in density to permit R-10 zoning which would allow this company to pack six homes onto one lot in the midst of this community would be inappropriate and inconsistent with the neighborhood.

A zoning change of this property would set a very dangerous precedent. There are no sound reasons to approve it and many sound reasons to deny it.

7. Neighboring Property Owners Oppose

The McMaster and the Powell families have owned the lots to the immediate south of this parcel for generations and they have witnessed the cumulative negative impact of over development. Our marsh lands, which are critical to the mitigation of flooding, are rapidly disappearing and we are experiencing the negative effects. This damage cannot be undone.

These neighboring property owners vehemently oppose this zoning change for all the reasons stated herein and because they will be personally harmed. Under South Carolina law, these neighboring landowners have standing to offer input into zoning decisions that affect them and to challenge them if necessary. Please take their input into consideration as you make this decision

For these reasons, we respectfully request you to recommend denial of this application.

Thank you for your kind attention and consideration.

Very truly yours,



Cynthia Ranck Person, Esquire

cc: John Watson, Esquire