

Town of Lexington
**Board of Zoning Appeals
Minutes**

January 3, 2019

The Board of Zoning Appeals held their regular scheduled meeting on January 3, 2019 at 5:30 p.m. in the Council Chambers located in Town Hall, 111 Maiden Lane, Lexington, S.C. Those present for the meeting were Chair Mary Watts, Vice-Chair Troy Fite and Board Member Reve' Richardson. Board Members Justin Brown and Lindsay Sellers were absent (excused).

Ms. Lisa Gibson resigned from the Board of Zoning Appeals effective December 3, 2018. (Copy of email attached.) Ms. Lindsay Sellers was appointed by Town Council at their regular meeting on December 3, 2018 to fill one of three vacancies.

Staff members present were: Director of Planning, Building and Technology John Hanson, Municipal Attorney Brad Cunningham, Assistant Zoning Administrator Jessica Lybrand, Digital Media Coordinator Darrell Pritchard, and Municipal Clerk Becky Hildebrand.

No citizens were present and no one from the news media was present.

Chair Watts called the meeting to order at 5:30 p.m. and stated that even though the applicants were not present, the rules of procedure still apply to the meeting as follows and as normally read at each meeting.

All four points must be met and should be read as part of the official record. The Board of Zoning Appeals is a legal board operating under the Comprehensive Planning Act of the State of South Carolina; they make decisions within the parameters of State law and may hear and decide appeals for a variance from the requirements of the ordinance when strict application of the provision of the ordinance would result in unnecessary hardship and a variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing all their findings: (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. (2) These conditions do not generally apply to other property in the vicinity. (3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. State law further prohibits the board from granting a variance simply because the property could be used more profitably if the variance were granted. The board is not concerned with the use of the property because that is determined by others. If the applicant believes the board made an incorrect

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decision, they may appeal the decision through Circuit Court within certain time limits provided by State law. Those testifying at the meeting are asked to sign-in.

ACTION ITEMS

1. **Variance 2018-11(V): Variance from the Sign Ordinance at 911 S. Lake Drive (Shell station):** Mr. Terrell Tuten requested a variance from the Sign Ordinance to retain a fifty (50) foot tall high rise sign at 911 S. Lake Drive. The sign was permitted in 1987. Since then the Sign Ordinance was amended limiting sign height to ten (10) feet unless it is located on an interstate. Interstate signs also require approval from the South Carolina Department of Transportation. The applicants requested a variance because they are interested in changing the signage at the Shell station and would like to retain the high rise sign. The sign is located approximately twenty 750 feet from the closest I-20 exit ramp and there are two intervening properties between this sign and the exit ramp.

Mr. Hanson announced that the applicants had notified him today at 5:05 that they would not be able to attend the Board of Zoning meeting. He recommended that the Board hear the variance request at a later meeting. Mr. Hanson stated that he was not yet aware of any other items for February, therefore the next Board of Zoning meeting may be in March. The Board agreed to notify the applicant and hear Variance 2018-11(V) at a later meeting.

APPROVAL OF MINUTES

A motion was made by Vice Chair Fite and seconded by Board Member Richardson to approve the Board of Zoning Minutes from the November 1, 2018 meeting as submitted. The motion was unanimously carried by all those present.

OTHER BUSINESS

Mr. Hanson stated that he would advise the Board if any items were received for a February meeting.

ADJOURNMENT: There being no further business Chair Watts called for a motion to adjourn. A motion was made by Board Member Richardson and seconded by Chair Watts to adjourn the meeting at 5:32 p.m. The motion was unanimously carried.

Respectfully submitted by:

Becky Hildebrand, CMC
Municipal Clerk

APPROVED:

Mary Watts
Chair

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.