

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

November 1, 2018

The Board of Zoning Appeals held their regular scheduled meeting on November 1, 2018 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 Members Justin Brown, Lisa Gibson, and Reve' Richardson.

Staff members present were: Director of Planning, Building and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Digital Media Coordinator Darrell Pritchard, I.T. Specialist Alan Parker, and Municipal Clerk Becky Hildebrand.

Three (3) 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 read an opening statement to explain the procedures of a Board of Zoning Appeals 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 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 2018-10(V): Variance from the Sign Ordinance at 162 Highway 378 West:** Mr. Howard Boyd requested a variance from the Sign Ordinance for a monument sign that is larger than allowed by the Sign Ordinance at the Carolina Paint and Body Shop on Highway 378 West. The maximum allowable size of a monument sign for a single business is 64 square feet. The business installed a sign that is 69.6 square feet so a variance of 5.6 square feet is needed for it to be compliant with the ordinance.

Mr. Hanson wished to make a comment regarding photographs in the Board's package that were provided by the applicant. He stated that the Dooley Bait Shop sign will be removed since the building is being repurposed; Cannonball Pools is not located in Town; the Genova Family Karate sign is larger than 64 feet because it is a multi-tenant sign; and Sutton Marine sign is scheduled to be taken down after it has been in Town for 10 years. He did not have the exact date available.

Chair Watts asked when was Carolina Paint and Body annexed into the Town. Mr. Hanson responded that it was annexed in November, 2009. Chair Watts confirmed that the applicant owned the property when it was annexed, therefore he would have been made aware of the Sign Ordinance.

Vice-Chair Fite confirmed that the Town Ordinance requires that a business sign be brought into compliance within 10 years following annexation.

Board Member Brown confirmed that the sign measurement is from the printed portion of the sign and does not include the brickwork at the bottom.

Chair Watts called for comments from the applicant and/or those *in favor* of the variance.

Mr. Howard Boyd, PE, representing Mr. Jack Brazell, the property owner. He added that Mr. Monroe Lindler was also present and a neighbor to the property. Mr. Boyd stated that Mr. Brazell was asked to bring the sign into compliance and he then asked for a sign to be manufactured based on the Town's requirements. He added that once Mr. Brazell received the sign from the manufacturer and proceeded to have it installed as shown in the photographs. Mr. Boyd stated that once they realized that they had an issue with the ordinance, they stopped the installation. He added that he still did not have a sense of how the measurement was taken and if it included the border. Mr. Boyd stated that they are now trying to address the issues in violation and in excess of less than 10% of the overall size of the sign which should be 64 square feet and their sign is 69.6. He also wished to note that the overall signage allowed is 128 with the signage on the building and the signage outside and they are currently at 101 so they are under total signage allowed. Mr. Boyd stated that the Board also had a picture of the old sign and he thought they had done a tremendous job on improving the appearance of the sign. He stated that he understood that money was not an issue here, but the sign cost \$18,000 and a reason they were asking to continue with the new sign which also is a nice looking sign and fits into the area. Mr. Boyd stated that the pictures give a sense of what that area

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looks like even though they are not all annexed into the Town, the Board will continue to face this issue as properties are annexed. He added that citizens do not realize which properties are in Town or out of Town. He stated that he did not think the Board would get any rebuttals from people in the area about the quality of their sign. Mr. Boyd stated that he hoped the minimal violation would be overlooked

Chair Watts asked who gave the dimensions to the sign company. Vice-Chair Fite requested that Mr. Hanson first review how measurements are to be taken for a monument sign. Mr. Hanson responded by reading the definition of “display area”. He stated that it reads as follows: “an area of a sign including the entire area representing a geometric shape...including all the elements of informational representational matter displayed”. Mr. Hanson stated that is the whole sign and the drawing Staff received shows 64 inches by 11 feet. Vice-Chair Fite stated that the applicant is allowed 128 feet. Mr. Hanson responded that he did not know where that number came from because the ordinance dictates that the maximum signage between two signs for that site would be 150 square feet and it limits the area of the wall sign to 10% of the first floor. He further explained that a monument sign can be 64 square feet or less and the wall sign can be 10% of the wall area on the first floor, but the total combined cannot exceed 150 square feet.

Mr. Jack Brazell, owner Carolina Paint and Body, stated that the sign was manufactured by Concepts Unlimited. He added that he was building a new location on I-26 and they did both signs at the same time, however they were used to doing signs in Columbia and they used Columbia’s code instead of Lexington’s which is where they all made the mistake. Board Member Richardson confirmed that Mr. Brazell had asked the company for the largest sign he could have in Lexington. Mr. Brazell confirmed that he asked for the largest sign he could have because he has large billboards above his building. Chair Watts asked if Mr. Brazell had obtained a permit for the sign. Mr. Brazell responded that he did not get a permit and that was also one of his mistakes and he didn’t realize how a permit meant at that time. He thought since he already had a sign it could just be swapped out and it would be over, but now he wished he had obtained a permit then he would have known about the regulations. Chair Watts asked if Mr. Brazell had any repercussions from the sign company. Mr. Brazell responded no and he had talked to the sign company and they told him that they built what he requested. He added that a drawing was submitted which he ok’d. He stated that he had not done his homework.

Vice-Chair Fite asked if the \$18,000 cost that was previously mentioned was for one sign or all the signs that were ordered. Mr. Brazell responded that was for the one sign in Lexington to build it and deliver and he would install it. He confirmed that he had four other locations as of this month.

Mr. Monroe Lindler, 180 Highway 378, is a residential neighbor, two doors down from the applicant’s property. He stated that he has lived there for a long time and owned the Red Barn Kennel which he closed in 2017 and took his sign down. He added that Mr. Brazell’s sign is well off the road and presents no issues from exiting

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his driveway but the two trees in front of the auto body business is another problem. Mr. Lindler stated that when leaving his property you have to “dive” to the center median because of all the traffic on Highway 378 which has greatly increased over the 54 years that he has lived there and will probably increase some more. He stated that Mr. Brazell’s sign is A-ok and is not a problem at all. He added that he did not know that it was outside the ordinance limits because it is such a small amount.

Chair Watts called for comments from those *opposed to* the variance. There were none. She then called the Board’s discussion. Chair Watts stated that this is not a new annexation and dates back to 2009. She added that Lexington is well known to be very hard on signs yet the Town gives 10 years to comply with the Sign Ordinance. She could not see why you could not come and find out the proper dimensions for a sign because it is such a big thing. Vice-Chair Fite stated that unfortunately, the owner did not obtain a permit for the sign. Chair Watts stated that a business should receive information as a business when they are annexed explaining what is expected of them if their signage is not in compliance and how long they have to come into compliance. Chair Watts stated that she finds no reason to grant the variance. Vice-Chair Fite agreed. Chair Watts added that she was sorry it was such a large expense but maybe they would build another shop and put it there.

Mr. Brazell asked if he could just cut down the size by removing two to three inches of the outer frame on the sign. Mr. Hanson responded as long as it did not exceed 64 square feet of the black area. He added that they could discuss it further after the meeting. Chair Watts called for a motion.

A motion was made by Vice-Chair Fite and seconded by Board Member Richardson to deny the variance request #2018-10(V). Chair Watts called for a roll call vote. Roll call vote results: Brown – Yes to the motion to deny. Fite - Yes to the motion to deny. Watts – Yes to the motion to deny. Richardson – Yes to the motion to deny. Gibson – Yes to the motion to deny. The motion to deny variance request #2018-10(V) was unanimously carried.

Chair Watts stated that she hoped Mr. Brazell could work it out with the Town because the sign was very nice. Vice-Chair Fite stated that they do like the sign and the graphics.

APPROVAL OF MINUTES

A motion was made by Board Member Gibson and seconded by Vice-Chair Fite to approve the Board of Zoning Minutes from the October 4, 2018 meeting as submitted. The motion was unanimously carried.

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OTHER BUSINESS

Mr. Hanson stated that since several Board Members would be out of Town in December, the Board of Zoning Appeals would meet again on January 3, 2019.

Mr. Hanson reminded the Board Members about upcoming training dates.

ADJOURNMENT: There being no further business Chair Watts called for a motion to adjourn. A motion to adjourn was made by Board Member Brown and seconded by Vice-Chair Fite. The motion was unanimously carried.

Respectfully submitted by:

APPROVED:

Becky Hildebrand, CMC
Municipal Clerk

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.