

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

January 2, 2020

The Board of Zoning Appeals held their regular scheduled meeting on January 2, 2020 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, Board Member Reve Richardson, Justin Brown, and Ronald Fisher.

Staff members present were: Director of Planning, Building and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Digital Media Coordinator Darrell Pritchard 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 5:28 p.m. and read an opening statement to explain the rules of procedure for a Board of Zoning Appeals Meeting as follows:

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 2020-1(V): Variance from the Sideyard Driveway Setback at 104 Coventry Lake Drive:** Director of Planning, Building and Technology John Hanson presented the request. George and Shelley Metropol requested a variance from the driveway setback requirement for a home located at 104 Coventry Lake Drive. The Zoning Ordinance requires driveways to be located at least four (4) feet from a side yard property line. The Metropol's installed a driveway expansion that is closer than four (4) feet to the property line and need a variance for the property to be compliant.

Chair Watts asked for clarification of the variance distance. Mr. Hanson responded that from the plat provided by the applicant it appeared to be approximately 2 ½ feet. Chair Watts called on the applicant.

Ms. Shelley Metropol, 201 Muirfield Way, stated that her husband, George, was also present and she was the realtor for her daughter when she purchased the property. She added that the house is 25 years old and over time the trees and roots had affected the driveway and it needed to be replaced. Ms. Metropol stated that when they installed the driveway they were not aware of the four foot setback requirement. She added that due to the property line being at an angle, there is only ten (10) inches of concrete at the terminus at the 90 degree angle at the end of the drive that is not in compliance for several feet, which becomes a maximum of 10 inches. She stated that there is a retaining wall, but it is not subject to the variance. Ms. Metropol added that the adjacent property owner (Tony N. Barfield) submitted a letter stating that he does not have a problem with the variance. (Copy attached.) She stated that they expanded the driveway from its original 10 feet with room only for a single car, to being able to park two cars side by side due to their daughter's disability. Her daughter found that due to the limited street space in front of her property, on street parking is very limited and her daughter needed to access her driveway to get out of her car. Ms. Metropol added that her daughter does not drive right now, but if she came to her daughter's house access to the house would be very inconvenient for her. She added that the other side of the drive was not an option for expansion because the driveway would have ended at the front bay window. Ms. Metropol referred the Board to the photographs in their package for a better view of the driveway and offered to answer any questions from the Board.

Chair Watts confirmed that the expanded driveway had already been installed. She added that she was still not sure of the exact variance amount because she heard 10 inches and she heard two feet. Mr. Hanson responded that the requirement is for the driveway to be four (4) feet from the property line. He added that Ms. Metropol told them the driveway from three (3) feet and two (2) inches from the property line. Ms. Metropol advised the Board that one of the photographs showed a tape measure protrudes ten (10) inches over the end of the retaining wall and she thought that was the furthest point that is not in compliance.

Chair Watts asked if anyone was present who opposed the variance. There were none.

Board Member Fisher stated that the variance request should be for one (1) foot. Board Member Fite verified the variance number is 2020-1(V). Chair Watts called for a discussion with the Board. Chair Watts called for the motion, if there were no further questions from the Board.

A motion was made by Vice-Chair Fite and seconded by Board Member Brown to grant a twelve (12) inch variance for the driveway at 104 Coventry Lake Drive. Vice-Chair Fite stated his findings as follows: *(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property due to the disability of the resident and requiring access to her home. (2) These conditions do not generally apply to other property in the vicinity and the proposed remedy providing reasonable accommodations and safe access to the home. (3) Because of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict and put an unnecessary burden on the applicant. (4) The authorization of a variance will not be of substantial detriment to adjacent property given the fact that a letter was submitted by the adjacent property owner in support of granting the variance.*

Chair Watts called for a roll call vote. Roll call vote results: Board Member Brown, yes to the motion to grant the variance. Vice-Chair Fite, yes to the motion to grant the variance; Chair Watts, yes to the motion to grant the variance. Board Member Richardson, yes to the motion to grant the variance. Board Member Fisher, yes to the motion to grant the variance. The motion to approve Variance 2020-1(V) was unanimously carried.

- 2. Variance 2019-9 (V): Variance from the Height and Size of an Interstate Sign for 925 South Lake Drive** (as deferred from the December 5, 2019 Board of Zoning meeting): Director of Planning, Building and Technology John Hanson presented the request. Ms. Judy Allie requested a variance from the Sign Ordinance for an interstate sign to be located at a new QuikTrip being constructed at 925 South Lake Drive. The Sign Ordinance allows businesses along the interstate to have one additional sign that is 50 feet tall and 100 square feet. Ms. Allie requested a variance to allow the interstate sign to be 100 feet tall and 362 square feet.

Chair Watts called on the applicant.

Ms. Judy Allie, Project Manager for QuikTrip, stated that she was requesting what seemed to be a substantial variance but if you calculate their use, their need, and the location, it is 260 feet over what is currently allowed. She stated that if you consider the topography of the road at I-20 and the SCDOT trees along the off ramp that block visibility, if they installed a 50 foot sign there it would not be visible. Ms. Allie stated that 70% of their traffic comes from a 3-mile radius of the store and 60% of that

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comes from I-20, therefore having visibility to the interstate would be a huge substantial accommodation. She offered to answer any questions from the Board.

Chair Watts asked if QuikTrip had any signage on the interstate. Ms. Allie responded that they do not, but they have applied for a trailblazer sign (interstate logo sign), but SCDOT does not allow the sign to go up until after they open the store and if they have space.

Vice-Chair Fite stated that he travels a lot and has been in several QuikTrip stores in other places. He did not remember any of the other stores being located on the interstate and asked if this was the first one. He also asked if the sign size was standard for the company. Ms. Allie responded that this is a new move for the company and they will be doing remote locations and Columbia will have a small network of approximately ten stores. She added that they are looking more into remote locations in response to short haul trucking. Ms. Allie stated that gas prices have gone up and down and the need for auto diesel has gone down, but short haul trucking is on the increase. She added that she has done three high rise signs with two being in South Carolina and one in North Carolina and it is very common for their interstate locations, but again, they are new in the trucking business. Ms. Allie stated that when they looked at this location their competitor across the street has a high rise sign and they would like to have the same competitive advantage even though they are in the town limits and the other store is in the county.

Vice-Chair Fite asked if the sign was shown on the plat that was provided. Ms. Allie referred the Board to the upper right corner of the plat where they have a small paved path to the proposed sign. She added that the location is tucked way back off Highway 6 and will not be an eyesore. Board Member Fisher asked if the sign would sit on top of the hill. Ms. Allie responded that it is actually eight feet below the ramp and they had no plans to raise it due to dirt costs.

Chair Watts asked if anyone was present who opposed the variance. There were none.

Chair Watts stated that she could not justify 100 feet of anything. Vice-Chair Fite stated he keeps coming back to the fact that they want a sign that is twice the height allowed and three times the square feet so it seems excessive. Ms. Allie responded that she agreed and she had proposed a smaller sign, but anything short of 100 feet cannot be seen based on the curvature of I-20 and the ramp plus it would not give you enough time to exit which is the reason they had to go big. Chair Watts stated that she could not determine any justification for the request. Chair Watts called for a motion to deny the variance, if there were no further questions from the Board.

A motion was made by Board Member Fisher and seconded by Board Member Brown to deny variance request #2019-9(V). Chair Watts called for a roll call vote. Roll call vote results: Board Member Brown, yes to the motion to deny the variance. Vice-Chair Fite, yes to the motion to deny the variance request; Chair Watts, yes to the motion to deny the variance request. Board Member Richardson, yes to the motion to deny

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the variance request. Board Member Fisher, yes to the motion to deny the variance request. The motion to deny Variance 2019-9(V) was unanimously carried.

APPROVAL OF MINUTES

A motion was made by Board Member Richardson and seconded by Board Member Brown to approve the Board of Zoning minutes from the December 5, 2019 meeting as submitted. The motion was unanimously carried.

OTHER BUSINESS

Mr. Hanson advised the Board that they would have a meeting on February 6, 2020.

ADJOURNMENT: There being no further business Chair Watts called for a motion to adjourn. A motion was made by Board Member Brown and seconded by Board Member Fisher to adjourn the meeting at 5:46 p.m. The motion was unanimously carried.

Respectfully submitted by:

Becky P. 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.