

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

March 3, 2022

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The Board of Zoning Appeals held their regular scheduled meeting on March 3, 2022 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 Members Ronald Fisher and Reve´ Richardson. Board Member Justin Brown was absent.

Council and Staff members present were: Councilmember Ron Williams, Assistant Zoning Administrator Jessica Lybrand, Building License Inspector Walt Blackmer, I.T. Manager Bea Daniels and Municipal Clerk Becky Hildebrand.

Eight (8) citizens were present and no one from the news media was present.

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Chair Watts called the meeting to order at 5:30 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. **Appeal 2022-1 (V): Appeal of an Administrative Decision to Deny a Zoning Permit at 758 West Main Street:** Assistant Zoning Administrator Lybrand presented the request and stated that Mr. Hunt Mitchell with Enterprise Leasing

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wished to appeal a Staff decision to deny a permit allowing the company to offer medium duty (up to 26 feet) truck rentals within a Commercial Center. The denial of the permit was based on the uses allowed by right within a Commercial Center that are detailed in the Town's Zoning Ordinance. Transportation sales and rentals are allowed in a Commercial Center and are defined as: *"the wholesale or retail sale or rental of automobiles and related crafts together with accessory equipment and incidental maintenance provisions"*. Staff denied this permit because it was determined that the rental of medium duty trucks along with onsite cleaning or general washing of these vehicles was inconsistent with the definition and therefore not allowable by right within a Commercial Center. Ms. Lybrand also read the definition of an automobile per the Miriam Webster dictionary which reads *"an automobile is usually a four wheeled automotive vehicle designed for passenger transportation"* and added that medium duty box trucks are not automobiles.

Vice-Chair Fite confirmed that a Commercial Center is a strip mall which shares parking, etc. and is different than a stand-alone business.

Chair Watt confirmed that Staff's decision was based on rental and cleaning of medium duty rental trucks was not allowable in a Commercial Center. Chair Watts called on the applicant.

**Mr. T. J. Watkins, Enterprise Rent-A-Car, 101 Business Park Blvd., #1100, Columbia, SC**, stated that the applicant, Mr. Hunt Mitchell, was not present and he would represent Enterprise. He stated that GC Zoning allows for transportation sales and rental and therefore would include medium duty trucks up to 26 feet box trucks. Mr. Watkins added that they would only perform general washing and cleaning of the trucks but would not do any engine maintenance, oil or tire changes on the property.

Chair Watts called for a discussion, followed by a motion if there were no further questions. A motion was made by Chair Watts and seconded by Board Member Richardson to decline appeal #2022-1 (V) and uphold Staff's decision to deny a permit allowing the company to offer medium duty truck rentals within a Commercial Center: Chair Watts called for a roll call vote: Vice-Chair Fite, yes to the motion; Chair Watts, yes to the motion; Board Member Richardson, yes to the motion; Board Member Fisher, yes to the motion. The motion to decline Appeal 2022-1(V) was unanimously carried by all those present.

- 2. Variance 2022-2(V): Variance from the Sign Ordinance at 930 East Main Street:** Assistant Zoning Administrator Lybrand presented the request and stated that Mr. James (Marion) Duncan, SignTech Industries, LLC, requested a variance to replace a non-conforming sign at the entrance to Thornhill Apartments located at 930 East Main Street. One of the two signs at this site was recently destroyed. Section 159.06.02 of the Town's Sign Ordinance allows apartment complexes to have one sign. Further, Section 159.09.02 prohibits rebuilding, altering or repairing a non-conforming sign if it has been damaged more than 20%. To reinstall this sign a variance would be required.

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Ms. Lybrand added that the location previously had two permitted signs but the ordinance changed and now allows only one sign. She later confirmed that the Sign Ordinance changed in 2007.

Chair Watts called on the applicant.

**Mr. James Marion Duncan**, SignTech Industries, stated that he was representing Thornhill Apartments and he has been in business for 40 years. He added that it was common throughout South Carolina to allow entrance signs. Mr. Duncan stated that he had installed the original sign 17 years ago during the construction of the apartments. He stated that the non-lit, high density foam sign was destroyed about two months ago by a vehicle. Mr. Duncan stated that the sign could not be repaired on-site. He added that if the new duplex identification sign is not allowed, his customer will be stuck with the sign. He respectfully requested that the Board allow them to put the sign back like it was because it is not any larger and is still a non-lit sign.

Chair Watts asked if the sign could be made as a double face sign so it could be seen coming and going out of Lexington. Mr. Duncan responded that Thornhill had requested to put the sign back like it was.

Vice-Chair Fite asked Mr. Duncan if he had been in business for 40 years, why didn't he pull a permit. Mr. Duncan responded that he and his wife had been very sick with COVID during December and January, plus half of his company was out with COVID. Mr. Duncan stated that the sign was ordered during that time by his office. He added that when the sign came in was when he was told he could not put it up. Vice-Chair Fite confirmed that Mr. Duncan had not pulled a permit.

**Ms. Erica Estes**, Manager, Thornhill Apartments, stated that the previous manager had taken a lot of pride in their entrance way. She added that there was a problem with the trees and being able to see the entrance sign and she could take the trees out but she did not think that was practical. Ms. Estes stated that a double sided sign would not be practical. She added that Griffin Chop House and Fatz Café were okay with the new sign. Ms. Estes asked the Board to make it whole again because they wanted a matching sign. She stated that the lady that hit the sign with her car is a resident at the apartments.

Chair Watts asked if the sign was a safety issue. Ms. Estes responded, no.

Chair Watts called for a discussion, followed by a motion if there were no further questions. Vice-Chair Fite stated that he understood what the applicant was saying, but it is not unique to only have one sign therefore he saw no reason to grant the variance. Chair Watts stated that it was a non-conforming sign and everyone else wanted to keep their non-conforming signs, like Kohl's which they had recently reviewed. A motion was made by Vice-Chair Fite and seconded by Board Member Richardson to deny variance request #2022-2(V). Chair Watts called for a

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roll call vote: Vice-Chair Fite, yes to the motion; Chair Watts, yes to the motion; Board Member Richardson, yes to the motion; Board Member Fisher, yes to the motion. The motion to deny Variance 2022-2(V) was unanimously carried by all those present.

- 3. Variance 2022-3 (V): Variance from the Buffer, Setback and Height Requirements at 103 Thompson Street (Lexington Medical Center):** Assistant Zoning Administrator Lybrand presented the request and stated that Mr. Todd Augsburger with Lexington Health, Inc. requested three variances for a medical office building being planned at 103 Thompson Street. The project is a 33,400 square foot building that will be built adjacent to several single-family residences. The size of the planned structure places it into the medical extensive zoning classification. The Zoning Ordinance requires buildings in this classification to have a 100-foot setback and a 70-foot buffer along the sides of the property that abut residential properties. The applicant has asked for variances to reduce the buffer to as little as six (6) feet on a portion of the project and to reduce the setback to as little as thirty-one (31) feet on a portion of the project. Additionally, the applicant requested a variance from the height control requirement for the project. Based on the distance, the building is proposed to be 39.4 feet tall at its closest point to the residential properties.

Chair Watts called on the applicant.

**Mr. Mike Greeley**, Vice President of Operations, Lexington Medical Center, described the new project in Lexington and presented an artist rendering of the new 33,000 square foot building. The new building would be located beside Lexington Medical Center in Lexington which faces West Main Street. He added that they would start out with three physicians' practices and later added women's health and pediatrics. He wished to point out that they had met with Town Staff on a number of occasions and Lexington Medical Center would also be investing \$700,000 for road improvements. Mr. Greeley stated that they had agreed to relocate the front entrance of the hospital building and install a decel lane; widen Thompson Street; improve the turning radius at Hendrix Street; move the power pole; and install sidewalks. He stated that Transportation Director Edwards had explained by moving the entrance of the hospital it would improve traffic flow between two intersections. Mr. Greeley stated that Lexington Medical Center is ranked in the top one percent of hospitals in the nation. He added that the Urgent Care in Lexington saw 45,000 patients this year and have 315 employees which makes them an economic engine for the Town. They hope to continue growing Lexington Medical Center in order to serve the growing Lexington community.

Mr. Greeley stated that Lexington Medical Center requested three variances in order to accommodate the Town and the neighbors. He stated that the three story building is needed for future growth as they have seen with other areas such as Lexington Pediatrics and Sandhills which are full. He stated that it is necessary for the hospital and doctor offices to grow just like the Fire Department, schools and the Police Department so they are not behind the eight ball and can provide more access for patients. He added that the proposed three story would help to be

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a solution to medical needs in the community. Mr. Greeley stated that due to the unusual shape and size of the property significant setbacks and buffers. He added that he had met several times with Ms. Constance Flemming, adjacent property owner, who supports the site plan proposal for the new medical office. He added that they have not kept the project a secret and in fact shared copies of the proposal with Ms. Flemming asked her to discuss it with other neighbors and they think the plan presented tonight is the best plan. Mr. Greeley stated that Alliance Consulting Engineers had drawn the placement of the building several different ways to determine the best location and to work in the new entrance for the hospital. He added that a privacy fence would be installed along with landscape and large arborvitae trees. Mr. Greeley stated that they had also agreed to allow two adjacent neighbors to have access to the back of the property. He added that with added security cameras it would also deter crime.

**Mr. Kyle Clampett**, Alliance Consulting Engineers, explained plans for lighting and parking at the proposed location. He added that lighting would not be directed at neighboring homes. He stated that parking could also be used at the current hospital location which would make up for any parking restrictions. Mr. Clampett stated that there are currently 344 parking spaces and they average no more than 215 people at that location at one time with 130 of that being patients. The new building would require 70 to 75 parking spaces. He added that the Harbison Medical Center just opened in the Harbison area, which is a 13,000 square foot building, with 85 parking spaces which works well and the Lake Murray Medical location is 20,000 square feet with 140 spaces. Mr. Clampett stated that the doctor offices would be an 8:00 a.m. to 5:00 p.m. location, therefore as neighbors came home in the afternoon, they would see an empty parking lot. Mr. Clampett stated that they were very excited to partner with Lexington Medical Center and the Town to bring this big improvement to Thompson Street.

Vice-Chair Fite asked if all the parking spaces would be standard spaces. Mr. Clampett responded that there would not be any “compact” spaces.

Chair Watts called for comments from the public.

**Ms. Linda Black**, 508 ½ Hendrix Street, stated that she came tonight to see if the new doctor office building was going to cross her property line. Her home has been in her family for five generations and she did not want it to get lost in the process. Ms. Black added that her property is small so if any portion of it was taken by the hospital it would not benefit her or her family.

Chair Watts responded to Ms. Black and stated that the hospital could not take her property and this Board would not let them take any of her property.

**Ms. Constance Flemming**, adjacent property owner with interest in 604 ½, 604 and 606 Hendrix Street, wished to speak in favor of the hospital project. She stated that her home at 604 ½ Hendrix had originally belonged to her grandparents and dates back to 1904. She added that she was raised here, her daughter was

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raised here and now her grandchildren. Ms. Flemming stated that when she was growing up there was not any local health care for her family and they would have to hitch a ride to Columbia to see a doctor, so when the Lexington Medical Center came to Lexington it meant a lot to her, her family and the community. Ms. Flemming added that when her grandmother split the property up for family members she told them that this property is just dirt so do something with it that will benefit someone. She stated that as a retired teacher she has always been concerned about health care for the children. Ms. Flemming stated that her only concern with the project was if she could get in and out of her property and since that has been resolved she hoped and prayed that the variances would be granted for the Lexington Medical Center.

Vice-Chair Fite stated that he has known Ms. Flemming for approximately 26 years and she is honest and he trust her. He asked if she was speaking for all the neighbors in the area behind Lexington Medical Center and the proposed project. Ms. Flemming responded that when the hospital had a meeting at the neighborhood community center she was there. She added that when COVID came along a lot of the senior citizens did not want to get out to attend a meeting so her phone started ringing asking her for answers about the project. Vice-Chair Fite commented that if Ms. Flemming said it, it is true. Ms. Flemming added that all the neighbors have been concerned, but to have a doctor's office on that property would benefit everyone when if something else was put on that property it may not be the best for everyone. She thanked the Board Members for what they do for the community.

Chair Watts called for a discussion, followed by a motion if there were no further questions. Chair Watts called on Mr. Clampett to explain the proposed setback and buffer. Mr. Clampett stated that the interior line is for the six foot buffer on a portion of the project. He added that the 31 foot setback is also for a portion of the project. He also explained the mild slope of the roof created the height of 17.5 feet taller than regulations and a flat roof would be taller but would reduce the height at the center. He directed the Board to the Building Elevation Exhibit (copy attached). Assistant Zoning Administrator Lybrand stated that they were asking 39.4 feet at the peak and based on the distance of the building from the property line, the maximum allowable height for the building is 22.75 feet tall. Chair Watts asked the Board Members if they had any further questions. There being none, she called for a motion.

A motion was made by Vice-Chair Fite and seconded by Board Member Richardson to approve the variances requested under Variance #2022-3 (V) including the six (6) foot buffer on the southwest half; the setback to 31 feet on the south side; and, the roof height variance to 39.4 feet at its closest point to the residential properties. Vice-Chair Fite stated that there are exceptional conditions pertaining to the property regarding size and shape; these conditions do not apply to other properties in the vicinity; these conditions would prohibit or unreasonably restrict the utilization of the proposed project and would challenge any other projects property; and,

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approval of these variances will not be a substantial detriment to adjacent properties or to the public good and the character of the district will not be harmed by granting the variances as stated. Chair Watts called for a roll call vote: Vice-Chair Fite, yes to the motion; Chair Watts, yes to the motion; Board Member Richardson, yes to the motion; Board Member Fisher, yes to the motion. The motion to approve three (3) variances under Variance 2022-3(V) was unanimously carried by all those present.

**APPROVAL OF MINUTES**

A motion was made by Vice-Chair Fite and seconded by Board Member Fisher to approve the Board of Zoning minutes from the December 2, 2021 meeting as submitted. The motion was unanimously carried by all those present.

**OTHER BUSINESS:** Ms. Lybrand advised the Board Members that she would soon send out the dates for training opportunities. Vice-Chair Fite stated that the required training takes up too much time for volunteer Board Members.

**ADJOURNMENT:** There being no further business Chair Watts call for a motion to adjourn. A motion was made by Board Member Richardson and seconded by Vice-Chair Fite to adjourn. The motion was unanimously carried by all those present. The Board of Zoning Appeals meeting adjourned at 6:28 p.m.

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.*