

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

June 2, 2022

---

---

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

Staff members present were: Director of Planning, Building and Technology John Hanson, Digital Media Coordinator Michael Tolbert and Municipal Clerk Becky Hildebrand.

Two (2) 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 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 2022-5 (V): Variance from the Setback and Size Requirement at Leventis Lane:** Director Hanson presented the request and stated Mr. Andy Johnson requested a variance of the accessory structure ordinance to construct a

**Board of Zoning Appeals Minutes  
June 2, 2022**

detached garage building at his residence. The Zoning Ordinance requires a five (5) foot setback for accessory structures and limits the size of these buildings to no larger than the primary structure. Mr. Johnson requested a variance to allow him to build on the property line with no setback and to exceed the allowable size of the building by 160 square feet. The residence on this site is 3,290 square feet. Mr. Johnson would like to build an accessory building that is 3,450 square feet. (Copies attached.)

Vice-Chair Fite stated that he would be required to recuse himself from the discussion and the vote based on The Ethics Act, SC Code §8-13-700 since he is related to the applicant. (Copy of Recusal Statement form attached.)

Chair Watts called on the applicant.

**Mr. Andy Johnson**, 225 Leventis Lane, wished to correct the square footage of the building to 2,450 square feet. Mr. Hanson stated that if the building is to be 2,450 square feet only one variance would be needed because the building would be smaller than the resident's house. He added that he had not yet received building plans. Mr. Johnson stated that it would be under 2,450 square feet.

Chair Watts confirmed that Mr. Johnson wished to correct the square footage to 2,450 and he still requested that the building be placed on the property line with no setback.

Board Member Fisher stated that he is a land surveyor and buildings are never allowed to be built on a property line. He added that Mr. Johnson has a seven and one-half foot utility easement on the side and rear of his property, plus there is a flood plain at the rear of the property. He added that these are bigger issues than wanting it on the property line. Board Member Fisher stated that there is also a 15 foot storm drain easement on the Northeast side which is further into the lot. Mr. Johnson stated that it was not his intention to encroach on the utility easement or the storm drain easement. Board Member Fisher stated that it would if he still wants to go zero lot line. Mr. Johnson responded, just on the back side. Board Member Fisher stated that he would still be in the utility easement based on his plat. Mr. Johnson stated that he was not aware of that but he would like to build up to where ever he could build. He added that he understood that he had a 10 foot easement. Board Member Fisher stated that his information is from the subdivision and from Mr. Johnson's plat.

Chair Watts stated that based on Board Member Fisher's information, the Board could not approve a zero lot line and that Mr. Johnson may want to rethink the size and position of his building. Mr. Johnson responded that he would do that and this was his first step. He added that the flood plain was well into the Town's property. Mr. Fisher responded that it was well into Mr. Johnson's property as well.

Chair Watts called for a motion to deny the request based on the information provided by Board Member Fisher. A motion was made by Board Member Fisher to deny Variance Request 2022-5(V). The motion

**Board of Zoning Appeals Minutes  
June 2, 2022**

was seconded by Board Member Richardson. The motion to deny the request carried with a vote of four (4) in favor of the motion and one (1) recused (Fite).

(Withdraw by the applicant.) **Variance 2022-6 (V): Variance from the Parking Requirements at the Home Depot located at 5600 Sunset Boulevard.** Mr. Hanson announced that the applicant was delayed at the airport and could not attend the meeting tonight. He would bring the item back to the Board at their July meeting.

**APPROVAL OF MINUTES**

A motion was made by Board Member Richardson and seconded by Board Member Fisher to approve the Board of Zoning minutes from the April 7, 2022 meeting as submitted. The motion was unanimously carried.

**OTHER BUSINESS**

It was determined that a quorum could not be obtained for the next regular scheduled meeting and Mr. Hanson confirmed that July 21, 2022 would be set for the next Board of Zoning meeting..

**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 Vice-Chair Fite to adjourn. The motion was unanimously carried. The Board of Zoning Appeals meeting adjourned at 5:38 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.*