

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

September 3, 2020

The Board of Zoning Appeals held their regular scheduled meeting on September 3, 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: Assistant Zoning Administrator Jessica Lybrand, Municipal Attorney Brad Cunningham, Digital Media Coordinator Darrell Pritchard, Parks and Sanitation Director Dan Walker, 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.

Chair Watts added that if remote participation is utilized in this meeting, it is only being allowed pursuant to an Emergency Ordinance passed by the Town of Lexington due to COVID-19 pandemic restrictions. She stated that remote

participation is not normally allowed and in the event is it used tonight, it will not set a precedence.

ACTION ITEMS

1. **Variance 2020-4(V): Variance from the Sign Ordinance at 5579 Sunset Boulevard:** Assistant Zoning Administrator Jessica Lybrand presented the request. Mr. Greg Sistrunk requested a variance from the Sign Ordinance for an additional sign at a Murphy's Express convenience store being planned at 5579 Sunset Boulevard. The Sign Ordinance allows two signs to be located on the site. The applicant requested an additional sign on the property to allow customary signage to be placed on the fuel canopy as well as the building. If the applicant is allowed a third sign the total square footage of all three proposed signs will remain under the 150 square foot maximum allowable signage for the property.

Mr. Greg Sistrunk, Engineer and Project Manager, Keck & Wood, Inc., 300 Technology Center Way, Suite 400, Rock Hill, S.C., representing Monts Investment Properties, LP d/b/a Murphy's Express. Mr. Sistrunk announced that he had Carlos Gueteriz, Murphy's Representative and Kevin Horne, MC Signs, on speaker phone so they could listen in and in case there are any technical questions from the Board. Mr. Sistrunk stated that this issue came up as they were preparing for a similar store at the corner of Old Chapin Road and West Main Street. He added that the rendering presented to the Board is exactly the same architecturally, colors and everything that was approved at the Public Hearing for the Old Chapin Road location. Mr. Sistrunk stated that the only difference is the Old Chapin Road project faces two roads and the 5579 Sunset Blvd. location only fronts one road. He added that the road in front of the IHOP is a private access road with a cross access to Tractor Supply. He added that the variance request is because they considered the private access road as a road when technically it is not based on Section 159 of the Sign Ordinance. Mr. Sistrunk stated that Murphy's has typically selected the star logo for the main building as shown in the rendering dated April 8, 2020 and the star logo is approximately six feet by six feet. He stated that the Murphy Express text located on the canopy is the second sign and both signs are wall signs. He added that the third sign is the free standing monument sign at the far right corner. He stated that there is only one monument sign proposed for this location which is seven feet tall, a reduction of 30% to help with the overall signage allowed because the allowable height is 10 feet, not to exceed 150 square feet. Mr. Sistrunk stated that the Murphy star logo is fairly new being used in the past few years. He added that normally the Express text includes a much larger star than shown on the canopy. Mr. Sistrunk stated that Murphy's decided to separate these two portions of the logo, the star and the text, which is basically the identification of the business. He stated that rather than trying to squeeze the text and the star into one sign, in order to meet the two sign requirement, the two pieces are broken up with the star on the building and the Express text on the canopy. Mr. Sistrunk stated that they are proposing three signs with a total of 134 square feet by using smaller signs on two different sections of the building.

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Chair Watts asked for clarification for the location of the monument sign. Mr. Sistrunk stated that the monument sign will be at the corner of the private access road and Sunset Blvd and it will be closer to the access road. He presented a site plan for the monument sign location. The Board reviewed the site plan. (Copy attached.) Chair Watts asked if the sign on the pump station would be seen from the road. Mr. Sistrunk stated that the Express text, the business identifier, and the star logo on the canopy (also called the fueling dispensers), would be seen when driving down Sunset Blvd. He further explained that Hardee's also has a logo with an emblem and their name in one logo. He named other businesses such as Chick-fil-A and O'Reilly's Auto Parts which have similar logos.

Vice-Chair Fite confirmed that the Murphy's building is perpendicular to Sunset Blvd. and actually faces the access road. He added that he did not realize that was not a road. Mr. Sistrunk agreed that the building is turned 90 degrees and faces the bank which is across the access road. Vice-Chair Fite asked if the two small stars as shown in the rendering would be included in the "Express" text portion of the sign. Mr. Sistrunk stated that the two small stars would be included to finish out the logo and they are usually much larger. He added that Murphy's does not have a star logo and an Express logo so it was reduced in size and separated in order to fit on the building.

Chair Watts stated that she liked that the signage square footage was less than 150 square feet. She added that if the star is going to be the new logo, Murphy's would have this issue again if built facing one road. Vice-Chair Fite stated that he liked that the monument sign was only seven feet and that the applicant made concession to make it work.

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

Chair Watts called for a motion. A motion was made by Vice-Chair Fite and seconded by Board Member Fisher to approve Variance Request 2020-4 as stated for Murphy's Express at 5579 Sunset Blvd. Vice-Chair Fite stated his findings as follows: *(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property* due to a significant amount of traffic that utilizes the side access road which is effectively functioning as a road and would normally allow for additional signage. In addition, the applicant has made concessions in reference to the monument sign on Sunset Blvd. *(2) These conditions do not generally apply to other property in the vicinity* because the side access road is a heavily traveled road and not a typical driveway thus acting like a road. *(3) Because of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict* and the additional signage would allow the business to be identified earlier when traffic is using the side drive to access the area, thus reducing the potential for traffic issues. *(4) The authorization of a variance will not be of substantial detriment to adjacent property* because of the considerable concession made by the

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applicant, the additional sign will not negatively impact the adjacent properties.

Chair Watts called for a roll call vote. Roll call vote results: Board Member Brown, yes to the motion to approve the variance. Vice-Chair Fite, yes to the motion to approve the variance; Chair Watts, yes to the motion to approve the variance. Board Member Richardson, yes to the motion to approve the variance. Board Member Fisher, yes to the motion to approve the variance. The motion to approve Variance 2020-4(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 January 2, 2020 meeting as submitted. The motion was unanimously carried.

OTHER BUSINESS

Ms. Lybrand advised the Board that they would have a meeting on October 1, 2020. She added that Board Training would be available at 2:00 on September 25th, November 20th and December 28th, 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.