

Town of Lexington

**Board of Zoning Appeals
Minutes**

October 5, 2023

The Board of Zoning Appeals held their regular scheduled meeting on October 5, 2023 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 Justin Brown. Board Member Reve' Richardson was absent.

Staff Members present were: Director of Planning, Building and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Town Administrator Stuart Ford, Digital Media Coordinator Michael Tolbert and Assistant Municipal Clerk Karen Hanner.

Four 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 which explains the rules of procedure for a Board of Zoning Appeals meeting:

The Board of Zoning Appeals is comprised of volunteer Town Citizens. We are appointed by Town Council and we serve without pay.

We are a legal Board operating under the Comprehensive Planning Act of the State of South Carolina. Although this meeting may not seem as formal as a hearing in court, all statements must still be true, factual and not made in a manner to mislead us.

Board of Zoning meetings are not broadcast but may be filmed and minutes are taken and maintained as permanent records with the Town.

Under the Freedom of Information Act, public notification of this meeting was published, posted and mailed in compliance with the FOIA and the Town of Lexington requirements.

Please understand that we must make our decisions within the parameters of State law. State law requires us to grant a variance if and only if we find that each of the following four statements is true:

- 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 a particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property.*
- 4. The authorization of a variance will not be of substantial detriment to adjacent property or the public good and the character of the district will not be harmed by granting of the variance.*

Moreover, State law prohibits us from granting a variance simply because the property could be used more profitably if the variance were granted.

We are not concerned with the use of the property. Use of the property is determined by others. We ask that you please confine your remarks to the issue at hand.

Should we make a decision that you believe is incorrect, you may appeal our decision to the Circuit Court within certain time limits provided by State law. In case that such an appeal is made, it is important the Circuit Court know who testified at this meeting.

Please sign the Sign-In Sheet, identify yourself and speak into the microphone.

ACTION ITEMS

1. Variance 2023-4 (V): Variance from the Setback Requirement at 212 Gibson Forest Drive

Director of Planning, Building and Technology John Hanson distributed copies of a letter received from the neighbor (attached).

Director of Planning, Building and Technology John Hanson presented the application from Ms. Guo Hua Baughman who requested a variance from the side yard setback requirements for an addition that was constructed at her residence located at 212 Gibson Forest Drive. The purpose of the request is to allow the addition to encroach approximately three feet into the 5-foot side yard setback. The addition was constructed without a permit so the Town has no way of knowing if it meets current building code standards.

Ms. Guo Hua Baughman introduced herself and stated she needed the shed to keep stuff like a grass cutter and for an extra room to use. She said she wanted to keep it. Ms. Baughman said she didn't know she had to come to the Town and she was sorry. She said she saw her neighbor had a shed in the yard and asked if he just bought it and put it there. She stated he told her to go to the HOA and get approval so she could have one too. She said she didn't know she had to come to the Town and the HOA approved. She added she wrote down the place and they said no so she moved it and they said yes. She said she built it.

Chairman Watts asked if she had a builder. Ms. Baughman said no, they just did it themselves. She said she didn't know she had to have a builder. Chairman Watts said you do. Ms. Baughman said she was sorry and she didn't know. She said it is just stuff there and not a big deal.

Board Member Fisher asked how wide is the building. Ms. Baughman said six but she didn't know and it is not past 100 feet. She said it is about two feet from the house and about three from the fence. Board Member Fisher confirmed that she did not know the width of the building. Ms. Baughman said she gave all the information about it to them but did not know. Board Member Fisher stated he could not read the drawing provided in the packet.

Board Member Fite stated he did not see the dimensions of the shed on the drawing provided. Board Member Fisher said he could read it was one foot from the house but he could not read how wide the building is.

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Director Hanson asked Ms. Baughman how big is the shed. Ms. Baughman responded 295 square feet. Director Hanson asked how many feet long by how many feet wide. Ms. Baughman said 6 by 14. Board Member Fite and Board Member Brown said that would be 84 square feet.

Board Member Fite stated he didn't think the issue was the size but the concern that it wasn't built to code. He noted the letter received by the Board from a neighbor reported a water line and sewer line from the shed. Ms. Baughman stated the water was just to wash hands and she could take it out. Board Member Fite confirmed there was water coming in and drainage going out. She said the water was also for a refrigerator that she put in but she could take it out if they wanted. Board Member Fite stated he wanted her to understand it was not about what they wanted but that the building was not done to code which is for her safety and for her neighbors and based on the photos provided it doesn't appear to be built to code. He added if it was built to code, they could talk about a Variance but they can't approve a Variance on something that doesn't meet the code.

Ms. Baughman said no one was living there and it was far away from the neighbor and she did not understand. She said the HOA approved it.

Chairman Watts stated the HOA does not have any bearing on this. She added there was no building permit and it can't encroach on the setback. Director Hanson said you would have to have a permit to put a shed on the property. Ms. Baughman asked why her neighbor could just buy from the store and put it there. Chairman Watts explained they were not talking about a neighbor; they were talking about this particular situation. Chairman Watts continued that it was unfortunate that this was done without permission which if it had been requested, she would have found out she could not do it.

Board Member Fisher made a motion to deny the Variance 2023-4. Board Member Fite seconded the motion.

Chair Watts called for a roll call vote. Roll call vote results: Board Member Brown, yes to the motion; Vice-Chair Fite, yes to the motion; Chair Watts, yes to the motion; Board Member Fisher, yes to the motion. The vote was unanimous in favor of denial of Variance 2023-4.

Ms. Baughman asked why they did not come earlier. Chairman Watts said it has been denied. Director Hanson requested a directive on how quickly it needs to be removed. Chairman Watts said immediately. Ms. Baughman asked how long since she would need to do this by hand. Chairman Watts said thirty days.

**2. Variance 2023-5 (V): Variance from the Sign Ordinance at 5075 Sunset Boulevard
– deferred**

APPROVAL OF MINUTES

A motion was made by Board Member Brown and seconded by Board Member Fite to approve the Board of Zoning Appeals minutes from the August 3, 2023 meeting as submitted. The motion was unanimous in favor of approval.

OTHER BUSINESS

Assistant Zoning Administrator Jessica Lybrand reported there are training dates in November and December. She will email a reminder.

Board Member Fite asked about a meeting for November. Assistant Zoning Administrator Jessica Lybrand responded there is the item that was deferred and one other possible item.

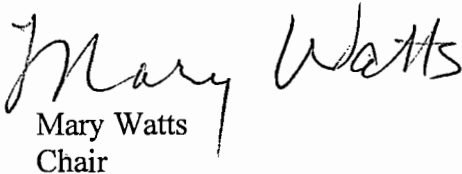
ADJOURNMENT: There being no further business, Board Member Fite made a motion to adjourn. Board Member Brown seconded. The vote was unanimous in favor. The Board of Zoning Appeals meeting adjourned at 5:45 PM.

Respectfully submitted by:



Karen Hanner
Assistant Municipal Clerk

APPROVED:



Mary Watts
Chair