The Board of Zoning Appeals held their regular meeting on February 2, 2023 at 5:30 p.m. in the Council Chambers located in Town Hall at 111 Maiden Lane, Lexington, S.C. Those present for the meeting were Chair Mary Watts, Board Members Justin Brown and Ronald Fisher. Vice-Chair Troy Fite and Board Member Reve' Richardson were absent.

Council and Staff members present were: Director of Planning, Building and Technology John Hanson, Municipal Attorney Brad Cunningham, Assistant Zoning Administrator Jessica Lybrand, Digital Media Coordinator Michael Tolbert and Municipal Clerk Becky Hildebrand.

One (1) citizen was present and no one from the news media was present.

**CALL TO ORDER**

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 from the Sign Ordinance at Cava Grill Located at 5166 Sunset Boulevard 2023-2(V): Director of Planning, Building and Technology Hanson presented the item and stated that Ms. Carson Barcklow with St. Clair Signs requested a variance from the Sign Ordinance to install additional signage at Cava Grill located in the commercial center at 5166 Sunset Boulevard. Ms. Barcklow requested directional signage for the drive thru as well as an end cap sign. The Sign Ordinance allows each tenant in a commercial center to have one wall sign unless the tenant space is an end unit with a wall that faces the street. Signs directing traffic that are less than four square feet and bearing no commercial matter are exempt from the Sign Ordinance. In this case the applicant is requesting an end cap sign on a wall that does not face a street and directional signage that contains commercial matter.

Chair Watts called on the applicant.

Ms. Carson Barcklow, St. Clair Signs, stated that they are the sign contractor on this project and the tenant, Cava Grill, would like to have additional channel letters on the side of the building and another set of channel letters that says “pick-up” and two directions at the first turn into the complex and one on the back side of the complex. She added that they believe they should be able to have the signs on the side of the building because it is not taking away from the distraction of the road. Ms. Barcklow stated that the “pick-up” side by the road allows customers to find where to pick up their product. She added that the directional signage is needed because it is a multi-tenant complex and it will help the customers know where they are going in the complex.

Chair Watts called on the Board Members for any questions.

Board Member Brown asked if they were requesting any additional square footage for the signs. Ms. Barcklow responded she believed it was within the square footage allowed. Chair Watts stated not for the signs on the side of the building. Director Hanson stated that the sign they requested on the front of the building is already permitted and the one on the side would not have square footage allotted because it is not facing a street. Chair Watts wished to confirm the number and size of the directional signs. Director Hanson responded there are two and they are 3 ½ feet tall by 1 foot wide. He clarified that since they have commercial copy on the directional signs they count as a sign. He added that if they just said “drive thru” then it would be allowed as directional. Chair Watts commented that the old Zoës signs also had their name on the directional signs. Director Hanson responded that those signs were just put up and were not permitted. Chair Watts asked why were they not told to take them down. Director Hanson responded that some fights are not worth the trouble. Board Member Brown assumed the Town did not receive any complaints about the signs. He confirmed that they were asking for two directional signs. Ms. Barcklow stated that the “pick up” sign would be at the side elevation beside the second Cava sign facing Aldi’s. Chair Watts stated that it is not an end cap because it does not face a road so that would be a no go. Board Member Fisher confirmed some of the signs only said “pick up” and were allowed.
Chair Watts called on those who opposed. There were none. Chair Watts called for a discussion with the Board Members and if there were no further questions she would call for a motion.

Board Member Fisher asked about the old Zoës sign on the end of the building. Director Hanson stated that it went to the Architectural Board that way and was allowed. Chair Watts confirmed that it was not an end cap. She added that they have to have directional signs but with the name on the directional sign it counts toward the number of signs and if the Board approves them having “Cava” on the directional signs it would have to be an exception. Board Member Brown stated that he was okay with the name being on the directional signs because there are multiple restaurants in that shopping center and you have to pull in to the opposite end of the shopping center and go around the back of the building to the drive thru. Board Member Fisher stated that it was obvious when you come around the building. Chair Watts commented that two wrongs do not make a right. She called for a motion.

A motion was made by Board Member Brown and seconded by Board Member Fisher to partially approve Variance Request #2023-02(V) by only approving the directional signage based on the following findings and limitations: (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property because of its size, shape and topography and drive-thru path is unique and requires patrons to enter at the opposite end of the shopping center and drive around the back of building. (2) These conditions do not generally apply to other property in the vicinity because they do not have similar drive-thru paths. (3) Because of these conditions, the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property because it would cause confusion for patrons and could cause traffic issues within the center. (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 the granting of the variance because there was previous directional signage with commercial content.

Chair Watts called for a roll call vote: Board Member Brown, yes to the motion; Chair Watts, yes to the motion; Board Member Fisher, yes to the motion. The motion to partially approve Variance 2023-02(V) as stated was unanimously carried by all those present. Chair Watts advised the applicant that she had directional signs but no end cap signs.

**APPROVAL OF MINUTES**

A motion was made by Board Member Brown and seconded by Board Member Fisher to approve the minutes as submitted from the Board of Zoning meeting held on January 5, 2023. The motion was unanimously carried by all those present.
OTHER BUSINESS: Director Hanson advised the Board that they would not have a meeting in March.

ADJOURNMENT

Chair Watts made a motion to adjourn. The motion was seconded by Board Member Brown. The motion was unanimously carried by all those present. The Board of Zoning Appeals meeting adjourned at 5:41 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.