

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

April 7, 2022

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The Board of Zoning Appeals held their regular scheduled meeting on April 7, 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.

Staff members present were: Director of Planning, Building and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, I.T. Manager Bea Daniels and Municipal Clerk Becky Hildebrand.

One (1) citizen was 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 2022-4 (V): Variance from the Sign Ordinance at 914-A North Lake Drive (Moe’s Southwest Grill):** Director Hanson presented the request and stated Mr. Craig Hull with Signs to the Nines requested two variances from the Sign

**Board of Zoning Appeals Minutes**  
**April 7, 2022**

Ordinance for Moe's Southwest Grill located at 914-A North Lake Drive. The Sign Ordinance allows each business in a commercial center to have space on the center's freestanding sign and one wall sign. The allowable size of a wall sign is limited to 15% of the area of the first story of the building or business to which it is attached. Mr. Hull requested to install a second wall sign on the rear of this business and to slightly exceed the allowable size of the sign.

Director Hanson added that the requested sign on the rear of the business exceeds the allowable amount by approximately one (1) foot. Assistant Zoning Administrator Lybrand confirmed that the allowable size is 72.6 square feet and the applicant requested 73.5 square feet.

Vice-Chair Fite asked if both signs (front and rear) were being replaced. Director Hanson responded that the front sign had already been replaced as part of Moe's rebranding. He added that when a permit was requested for both signs, Staff permitted the sign on the front because it met the standards, but the sign on the rear of the building required a variance.

Chair Watts confirmed that the variance request is for a second sign and the size of the sign. She asked if other businesses in that building had signs on the rear of the building. Director Hanson responded that the other two units in that building have signs on the back and one received a variance in 2011 and one had their sign before the ordinance was changed. He wished to add that the sign variance being reviewed by the Board tonight is significantly larger than the other two signs. Director Hanson stated that this Board does not set precedence, but they have had similar requests before at different locations and typically this Board has limited the size of the sign.

Vice-Chair Fite confirmed that 72.6 square feet could be the size if it were a single sign. He added that the applicant is actually requesting two full size signs.

Chair Watts called on the applicant.

**Ms. Ashley Haynes**, Commercial Signs, 715 Burnside Drive, Columbia, S.C., stated that Moe's was requesting permission to add a rear sign. She stated that there was an existing sign on the rear. Director Hanson clarified that they did have a rear sign but it was removed due to rebranding and currently there is not a sign on the rear of the building.

Board Member Richardson confirmed that the rear sign was already removed. Ms. Haynes confirmed that the sign on the front of the building was already approved and replaced. Assistant Zoning Administrator Lybrand stated that the reason for the variance was because the old sign on the rear of the building was installed in 2005 which was prior to the 2007 Sign Ordinance change. She added that anything new after that time requires a variance. Director Hanson directed the Board to several photographs in their package of which one picture was the old sign as it appeared on the rear of the building and another picture was the new sign design which they want to reinstall.

Chair Watts called for a discussion if there were no further questions for the applicant. She stated that she did not have a problem with the rear sign. Vice-Chair Fite stated that he did not have a problem with a sign on the rear of the building, but he did have a problem with the size of the sign because it is bigger than the sign on the front. Board Member Richardson agreed that the size of the sign was a problem.

Chair Watts asked Ms. Haynes if Moe's would have a problem with a smaller sign. Ms. Haynes responded, no and she could go back and let Moe's know that the sign would have to be reduced. Vice-Chair Fite stated that the typical rear sign is about half the size of the sign in the front of the business. Director Hanson confirmed that in the past the Board has allowed five percent (5%) of the wall allowance. Chair Watts wished to confirm the size allowed if it were five percent. Mr. Hanson responded that five percent of 48 square feet would be approximately 25 square feet, or a little smaller, for the rear sign which would be consistent with what is already there. Assistant Zoning Administrator Lybrand confirmed that the previous rear sign was 39 square feet. She added that she was not using square footage of the wall area because they were older permits. The Board agreed that half the size of the front sign would be reasonable. Chair Watts stated that half the size would be 35 square feet. She asked Ms. Haynes if her client would be happy with a reduced size of 35 square feet. Ms. Haynes responded yes.

Chair Watts called for a motion.

Vice-Chair Fite made a motion to approve Variance Request 2022-4(V) for allowance of a second wall sign for the rear of the building with the condition to limit the size of the sign not exceed 35 square feet based on the following findings: (1) The building does face two road frontages; (2) Most buildings in the area do not have dual road frontage; (3) A second sign will make it easier for the business to be seen from North Lake Drive; and (4) allowing a second sign will not affect existing businesses in the area. The motion was seconded by Board Member Richardson.

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 Variance request 2022-4(V) was unanimously carried by all those present.

**APPROVAL OF MINUTES**

A motion was made by Vice-Chair Fite and seconded by Board Member Richardson to approve the Board of Zoning minutes from the March 3, 2022 meeting as submitted. The motion was unanimously carried by all those present.

**OTHER BUSINESS**

Director Hanson advised the Board that they would need to meet next month on May 5, 2022 for two variance requests. It was determined that a quorum could not be obtained on that date and the Board would meet again on June 2, 2022.

Assistant Zoning Administrator Lybrand reminded the Board that there was another training opportunity on June 24, 2022.

**ADJOURNMENT:** There being no further business, Chair Watts called for a motion to adjourn. A motion was made by Board Member Richardson and seconded by Board Member Fisher to adjourn. The motion was unanimously carried by all those present. The Board of Zoning Appeals meeting adjourned at 5:47 p.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC  
Municipal Clerk

**APPROVED:**

Mary Watts  
Chair