

LEXINGTON COUNTY BOARD OF ZONING APPEALS

AGENDA

Regular Meeting – August 20, 2013
County Administration Building
6:00 PM – 2nd Floor Council Chambers

CALL TO ORDER

APPROVAL OF MINUTES

Tab A---July 16, 2013

NEW BUSINESS

Tab B---Zoning Variance #07-13: Applicant requests a reduction in lot size created by subdividing on an existing RL4 street classification from .25 of an acre to .17 of an acre.

255 Power Point Lane
TMS# 003422-01-018
Carolyn McNeill

STAFF REPORT

ADJOURNMENT

***If special accommodations are needed to participate in this public meeting, please contact the Lexington County Zoning Department at (803) 785-8121 or cdcustomerservice@lex-co.com at least two business days prior to the schedule meeting date.**



County of Lexington

Board of Zoning Appeals

PUBLIC HEARING

PUBLIC HEARING

BZA Opening Remarks

We would like to welcome all of you to this meeting of the Lexington County Board of Zoning Appeals. Before we begin this meeting, I want to inform everyone we are being broadcast live on the Lexington County website and Time Warner Channel 2. Our meetings are available for viewing any time on the County website.

A sign-in sheet has been provided by staff. Be sure that you have signed in by giving your name and address as a matter of public record.

This Board is what is known as a quasi judicial body which means that these hearings are held in the same general manner as a court of law.

Therefore, those in attendance must refrain from disruptive behavior, such as clapping; anyone who disrupts the proceedings will be asked to leave. There shall be no standing head counts of proponents or opponents and no show of hands will be allowed to indicate approval or disapproval of the request.

The purpose of this public hearing is to obtain facts and comments from proponents and opponents regarding subject matter specific and pertinent to the request. Since the meeting is being recorded for the purpose of Minutes, each speaker is to come to the microphone at the podium and provide his or her name and mailing address, including street, city, state, and zip code. Each speaker is encouraged to keep their comments concise and to the point and is limited to 3 minutes.

After everyone who wishes to speak has been heard, the opportunity for additional comments or rebuttal will be considered as time may allow.

We will dispense with the approval of the Minutes and other business until after the requests have been heard. At this time, the Zoning staff will present our first variance request of the evening.

Zoning Variance # 07-13

- Applicant: Carolyn McNeill
- Property Owner: Otis & Carolyn McNeill,
Trustees
- Location: 255 Power Point Lane
TMS# 003422-01-018



Explanation of the Variance Request

Applicant requests a reduction in lot size created by subdividing on an existing RL4 street classification from .25 of an acre to .17 of an acre.



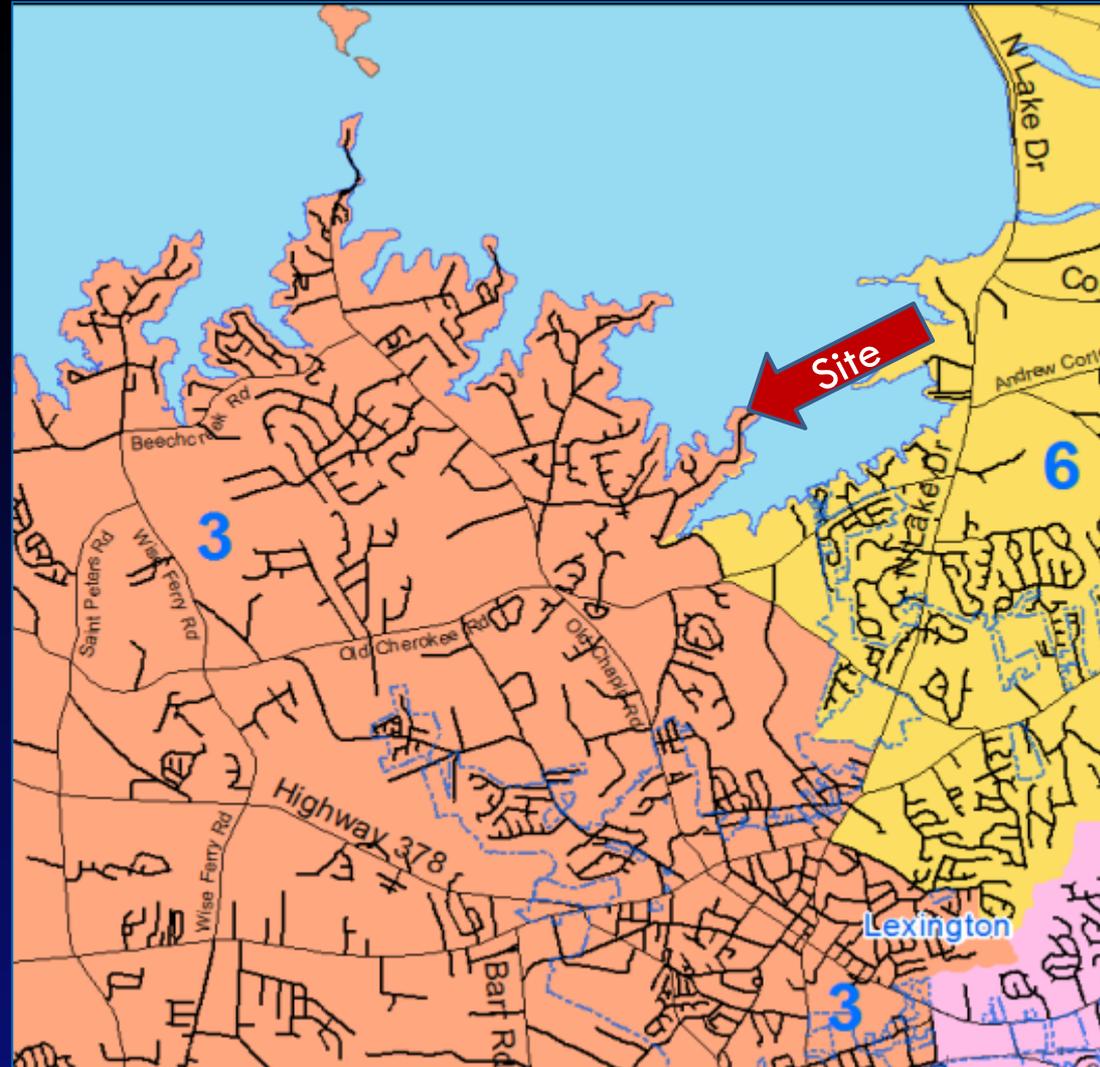
Council District

3

Represented by:

Kent Collins

Central Planning area
zoned in 1986





Standards for Variances

REQUEST FOR VARIANCE FOR 255 POWER POINT LANE LEXINGTON, SC 29072

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Answer: The zoning requirement for this particular road (RL4) requires that the minimum lot size must be .25 acre. There is a 28' R/W on this lot that is not being counted as part of the lot. This R/W is .15 acre. The remaining part of the lot is .17 acre. We are respectfully asking that we be allowed to count the .15 acre R/W to make the lot equal the required .25 acre. **We do not intend to build on this portion. We are only asking to be allowed to include it.**

There are exceptional conditions for 255 Power Point Lane and lots on the Point. At the time the road was built, all the owners were employed by SCE&G, and in order for the road to be paved in 1967, all the owners at that time signed a right-of-way at 255 Power Point Lane and some neighboring homes. This easement is only on this one small section of Power Point Lane, and not on others. This is an old type of right-of-way that SCDOT no longer uses. The owner still retains title to the property and property lines remain unchanged; however, owners agree not to build obstructions in this right-of-way, as is the case of the newer types of rights-of-ways in which SCDOT actually takes the land. The property line actually goes to the center of the road.



Standards for Variances

B. These conditions do not generally apply to other property in the vicinity.

Answer: (See above explanation)

C 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.

Answer: If we could count the R/W we would be able to utilize this property. We do not want to build on the R/W; just be able to count it to make the required .25 acre.

D. 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.

Answer: There are several other houses on Power Point Lane which are built on similar lot sizes as this one would be.



Lexington County Zoning Ordinance

ARTICLE 2 – APPLICATION OF REGULATIONS

Chapter 2. General Requirements

22.30 Residential Density

Residential types of activities as permitted in R1, R2, R3, D, and RA districts are subject to maximum density limits to support the contemplated activity. Density is to be measured as the total area of land within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement, proposed roads, or other grant of use. However, density calculations shall not include rights-of-way for existing roads.

The allowable density of residential development shall be in accord with the following listings for the zoning districts and street classifications, the most restrictive of which shall apply. Minimum lot areas are then established via this table in conjunction with adherence to the buffering restrictions of Article 2, Chapter 3. However, nothing contained herein shall be construed so as to circumvent the specific lot area requirements of DHEC regulations as administered by the Lexington County Health Department for individual wells and septic tanks.



Lexington County Zoning Ordinance

STREET CLASSIFICATION

DENSITY (dwelling units per gross acre)

| | | |
|-----|------------------------|-----------|
| A | Arterial | Unlimited |
| C | Collector | 12 |
| L | Local | 8 |
| RL6 | Residential Local Six | 6 |
| RL5 | Residential Local Five | 5 |
| RL4 | Residential Local Four | 4 |
| LL | Limited Local | 4* |

* Refer to Section 22.00 for a full understanding of the Limited Local restrictions.

A lot in existence prior to the adoption of this Ordinance, which does not comply with the requirements of this section, shall be allowed to support one dwelling unit without regard to density or lot area, provided the activity complies with all other zoning requirements and any applicable health and safety standards.

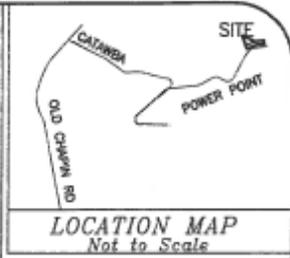




AREA SUMMARY
TM# 003422-01-018(P/O)

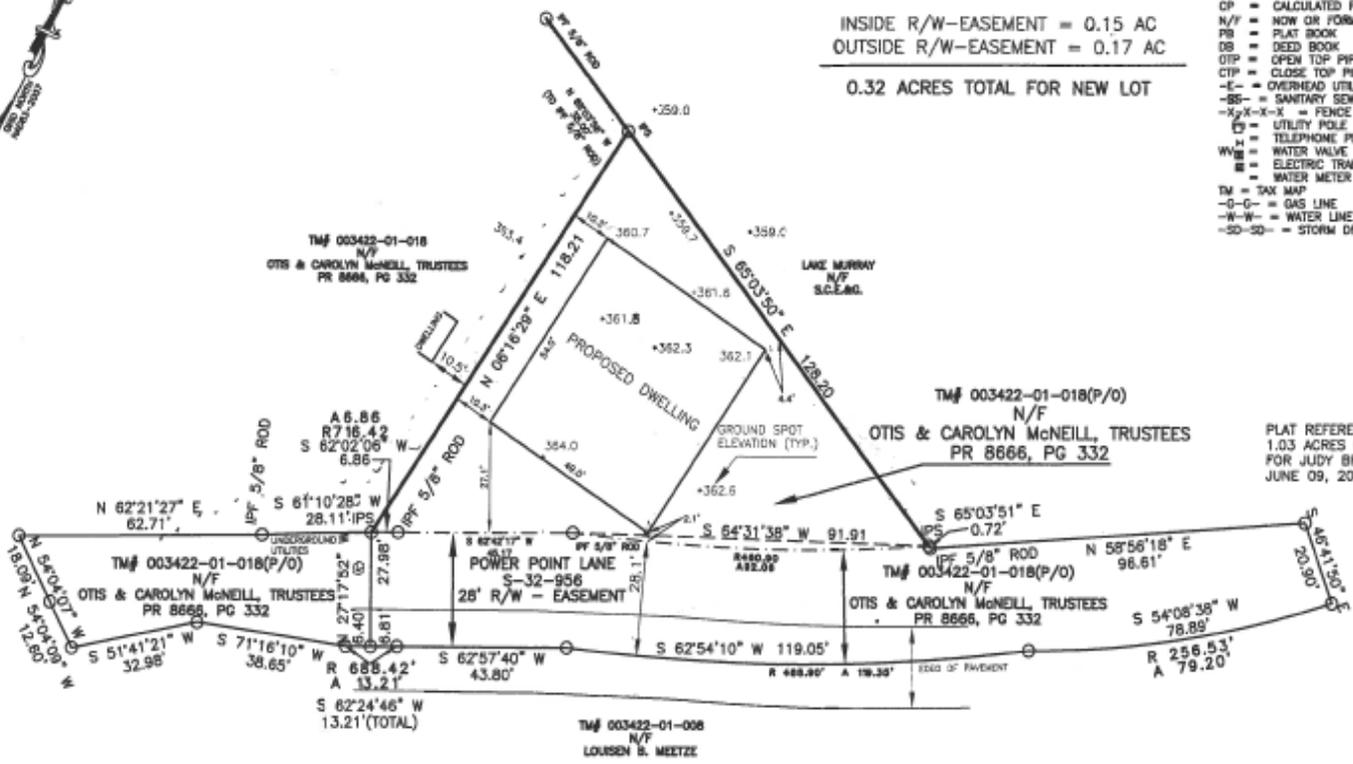
INSIDE R/W-EASEMENT = 0.15 AC
 OUTSIDE R/W-EASEMENT = 0.17 AC
0.32 ACRES TOTAL FOR NEW LOT

- LEGEND:**
- IPF = IRON PIN FOUND
 - IPS = IRON PIN SET(1/2" rod)
 - CMF = CONCRETE MONUMENT FOUND
 - CP = CALCULATED POINT
 - N/F = NOW OR FORMERLY
 - PB = PLAT BOOK
 - DB = DEED BOOK
 - OTF = OPEN TOP PIPE
 - CIP = CLOSE TOP PIPE
 - E- = OVERHEAD UTILITIES
 - SS- = SANITARY SEWER LINE
 - X-X-X-X- = FENCE
 - UT = UTILITY POLE
 - TP = TELEPHONE PEDESTAL
 - WV = WATER VALVE
 - ET = ELECTRIC TRANSFORMER
 - WM = WATER METER
 - TM = TAX MAP
 - G-G- = GAS LINE
 - W-W- = WATER LINE
 - SD-SD- = STORM DRAIN LINE



State of South Carolina
 County of Lexington
TM# 003422-01-018 (P/O)

State of South Carolina
 County of Lexington
TM# 003422-01-018 (P/O)



PLAT REFERENCE:
 1.03 ACRES ON A PORTION OF A REVISED BOUNDARY SURVEY FOR JUDY BROWN JENKINS & ELIZABETH REID JENKINS DATED JUNE 09, 2003, RECORDED IN PLAT RECORD 8666, PAGE 332

- NOTE:**
- 1) THIS PLAN DOES NOT REPRESENT A LAND SURVEY, WAS NOT PREPARED FOR RECORDATION, AND IS NOT SUITABLE FOR DEEDING OF PROPERTY.
 - 2) ALL ELEVATIONS ARE ON NGVD29 DATUM
 - 3) UNDERGROUND UTILITIES SHOWN WERE PAINTED AND FLAGGED BY OTHERS. THE LOCATION OF OTHER UNDERGROUND UTILITIES AND THEIR SERVICES UNKNOWN. PALMETTO UTILITIES PROTECTION SERVICE CALL BEFORE YOU DIG 1-800-922-0983

4) THIS SURVEY AND PLAT IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH, WHICH MAY INCLUDE EASEMENTS OR ENCUMBRANCES RECORDED OR OTHERWISE.

CERTIFICATION IS MADE ONLY TO THOSE PERSONS OR IDENTITIES FOR WHICH THE PLAT WAS PREPARED AND IS NOT TRANSFERABLE.

SURVEY IS VALID ONLY IF THE COPY HAS AN ORIGINAL SIGNATURE WITH A RAISED EMBOSSED SEAL OVER THE SIGNATURE. A COPY USED OTHERWISE MAY BE IN VIOLATION OF THE FEDERAL COPYRIGHT LAW.

This plot plan does not represent a land survey, was not prepared for recording, and is not suitable for deed of property.



| | |
|-----------------|----------|
| DESIGN: | REP/ITD |
| CHECKED: | D.G.J. |
| SCALE: | 1" = 30' |
| DATE: | 03/29/13 |
| PROJECT NUMBER: | 13-069 |



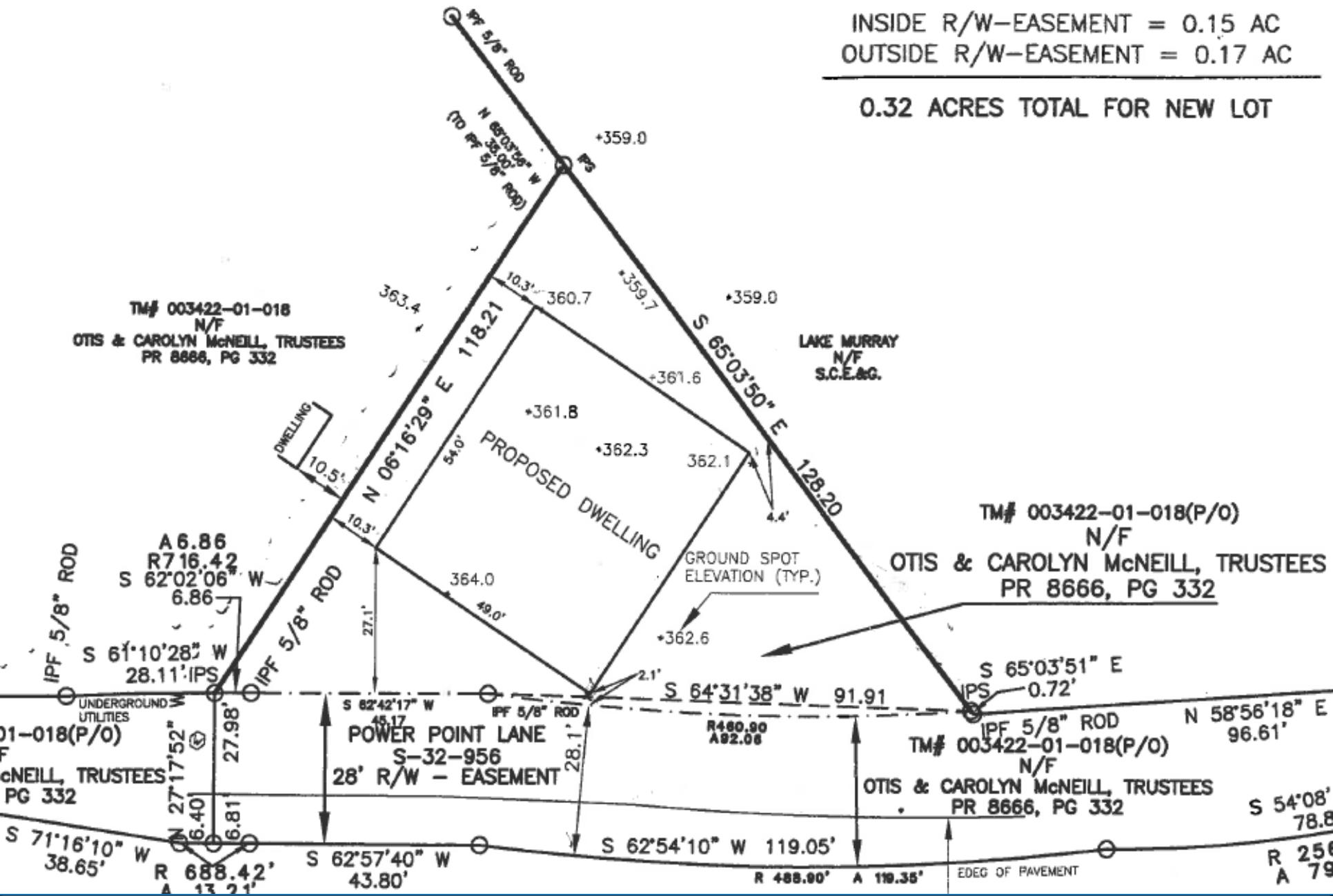
SITE SKETCH / PLOT PLAN
 PLAT PREPARED FOR
OTIS MCNEILL & CAROLYN MCNEILL

CAROLINA SURVEYING SERVICES, INC.
 415 North Lake Dr.
 Lexington, SC 29072
 (803) 953-9191

Dennis G. Johns, PLS No. 8102

INSIDE R/W-EASEMENT = 0.15 AC
 OUTSIDE R/W-EASEMENT = 0.17 AC

0.32 ACRES TOTAL FOR NEW LOT



TM# 003422-01-018
 N/F
 OTIS & CAROLYN McNEILL, TRUSTEES
 PR 8666, PG 332

TM# 003422-01-018(P/O)
 N/F
 OTIS & CAROLYN McNEILL, TRUSTEES
 PR 8666, PG 332

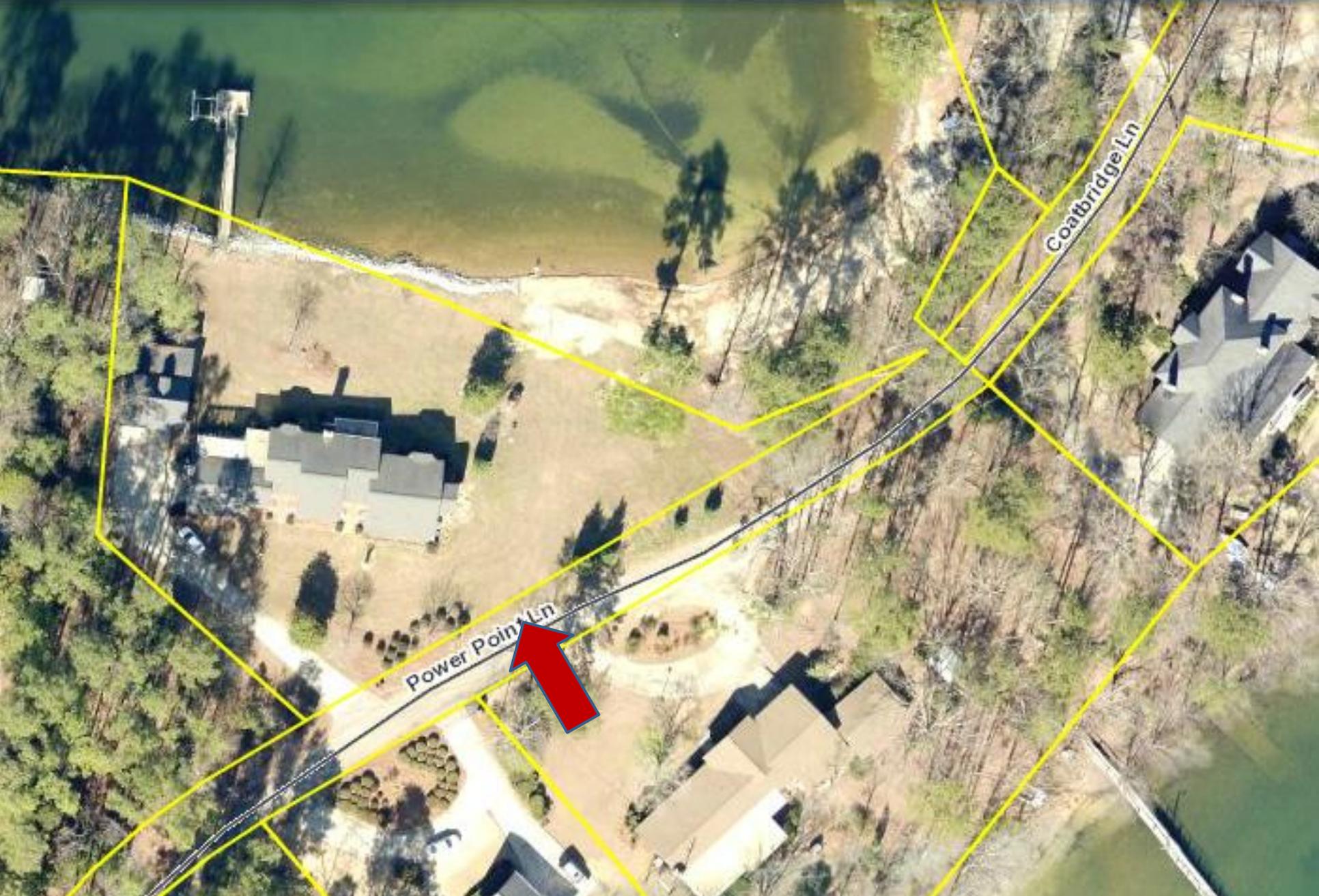
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 McNEILL, TRUSTEES
 PG 332

TM# 003422-01-018(P/O)
 N/F
 OTIS & CAROLYN McNEILL, TRUSTEES
 PR 8666, PG 332

Site plan



Site location on aerial photograph (2013)



Coatbridge Ln

Power Point Ln



ZONING HEARING

LEXINGTON COUNTY
ADMINISTRATION BUILDING

6:00 P.M.

TUESDAY • AUGUST • 20

FOR INFORMATION CALL 785-8121

ZONING VARIANCE REQUEST #07-13: Applicant requests a reduction in lot size created by subdividing on an existing RL4 street classification from .25 of an acre to .17 of an acre.







ENDING HERE













County of Lexington

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