# LEXINGTON COUNTY BOARD OF ZONING APPEALS

## AGENDA

**Regular Meeting – September 17, 2013**
**County Administration Building**
**6:00 PM – 2nd Floor Council Chambers**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**Tab C---August 20, 2013**

**NEW BUSINESS**

**Tab D---Zoning Variance #08-13:** Applicant requests an increase in height from 6 feet to 7 feet for a proposed business sign located on a Scenic Corridor 2.

246 Barr Road
TMS# 005300-01-022
Tyler Jackson/Rainbow Signs, Inc.

**Tab E---Zoning Variance #09-13:** Applicant requests an increase in hours of operation for a Mining Intermediate activity from 7am to 7pm to 5am to 7pm.

622 Boy Scout Road
TMS# 008900-01-111
Thomas F. Walker Sr./Carolina Aggregates LLC

**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

# 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 # 08-13

- Applicant: Tyler Jackson/Rainbow Signs, Inc.
- Property Owner: Lexington Presbyterian Church, Inc.
- Location: 246 Barr Road
  TMS# 005300-01-022

# Explanation of the Variance Request

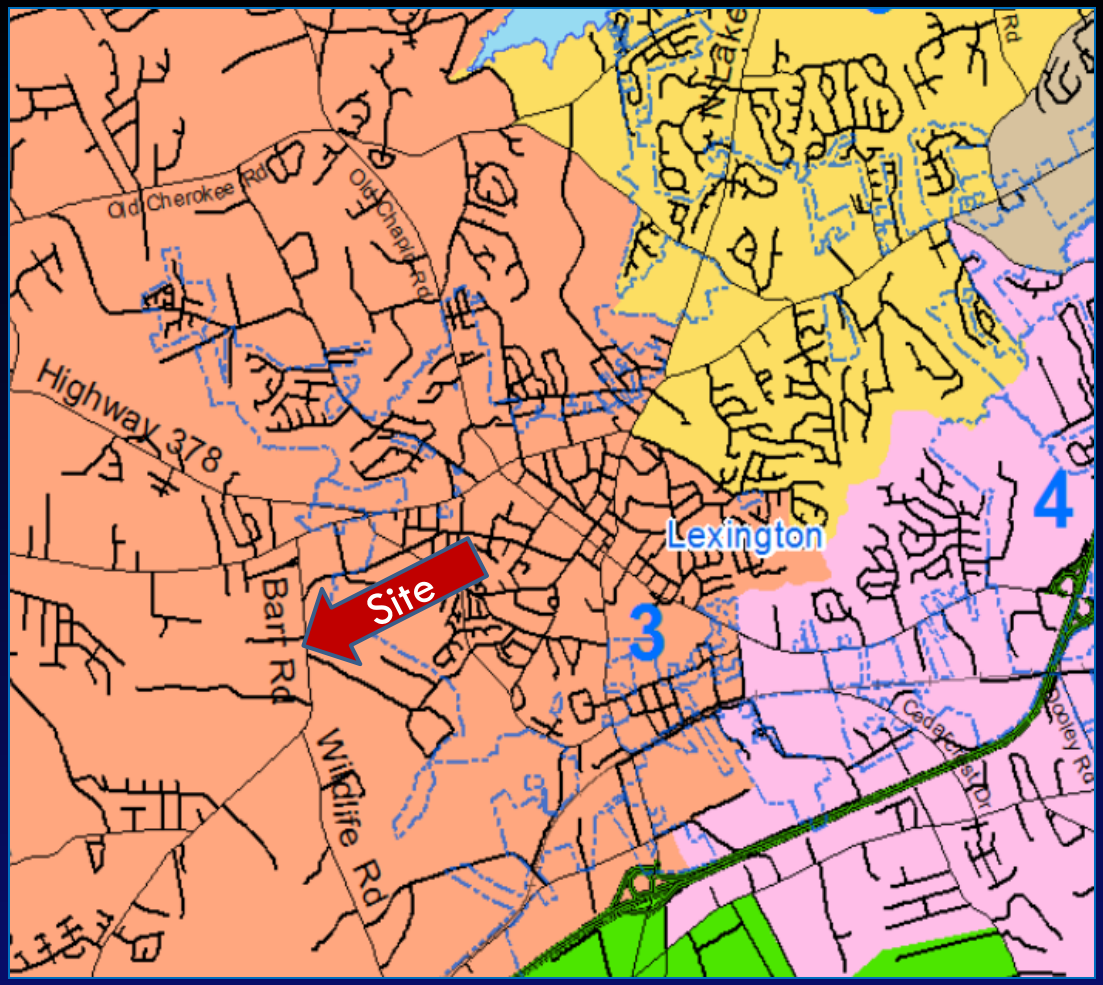
Applicant requests an increase in height from 6 feet to 7 feet for a proposed business sign located on a Scenic Corridor 2.

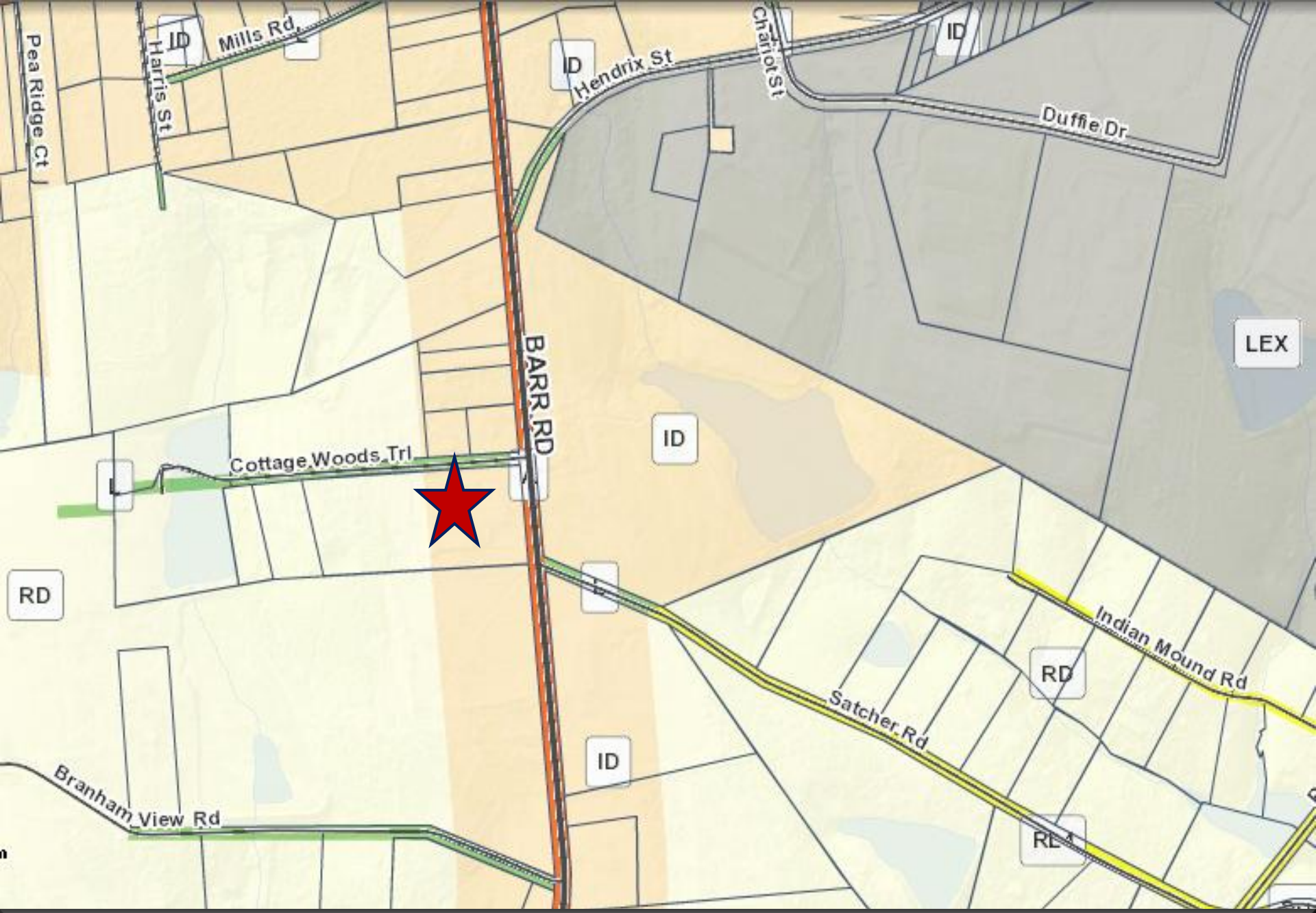
# Council District 3

Represented by:

## Kent Collins

Central Planning area zoned in 1986






Zoning Classifications

Community Development

# Standards for Variances

RAINBOW SIGNS, INC.

A. The church is a very tall structure made of brick, located on a lot that fronts Barr Road for 387.62 feet; it is not a commercial business establishment. Our proposed sign is under the allowable sign square footage in area. What we are seeking to achieve is to allow the sign to be up high enough that when we add landscaping around the base of the sign, to enhance the looks of our new sign, we want it to not block the lower copy on message board. If the sign height is limited to 6'0" high, more than likely in lieu of adding landscaping around the base of the sign we will have to pour a concrete pad, to prevent lawn equipment and weed eaters from doing major damage to the sign.

B. 1. The parcel of land exceeds most parcels located on Barr Road @387.62 Feet
2. The overall size of the church structure is much larger, than a large majority of the other structures located on Barr Road.
3. A very large majority of all signage currently located on Barr Road exceeds the height of the sign we are requesting a variance for (See Pictures and measurements).
4. The right of way on most secondary roads in South Carolina is 50'0". On Barr Road the right of way is 66'0". This means the leading edge of the sign would have to be 33'0" feet + 10'0" feet = 43'0" from the center line of the road to the leading edge of the sign.

# Standards for Variances

C. If we are not granted the variance on the small increase in the height of the sign this would not cause end to the church. It will only mean that the base of the sign will not be landscaped and more than likely will have a concrete pad around the base of the sign to protect the sign from damage. I personally think it would be more pleasurable to see a well landscaped base around the base of the sign. It would certainly enhance the appearance of the area.

D. In no way would the new low profile monument sign be detrimental to the surrounding area. The property that the sign is to be located on fronts Barr Road for **387.62 feet.** Lexington Presbyterian Church is a very tall brick church structure as seen in Picture #DSCN1540 if anything, the sign appears small in relationship to the size of the church. The well landscaped church and new sign would enhance the area. The 12" height addition to the height of the sign would allow the sign to be raised enough to allow for the planting of annual flowers around the base of the sign, while not blocking the visibility of the copy on the sign. This most assuredly cannot affect the appearance of Scenic highway as much as the mobile home sales lot, Brad's Bail Bond, Mills Mobile Home Park or Lexington School District One School Bus Shop (located across the street) from Lexington Presbyterian Church on Barr Road.

1306 E. Durst Avenue, Ext. • P.O. Box 712 • Greenwood, South Carolina 29648
(864) 223-8423 • Fax: (864) 223-6211

# Applicant Description of Sign

RAINBOW SIGNS, INC.

Description of the signage:

The sign we are proposing for **Lexington Presbyterian Church** is made up of two (2) components. The top box will have all copy routed out in aluminum faces, backed up with white acrylic, and the background being metal will not be illuminated. This will project a very low profile type of illumination. The lower portion of the sign is an L.E.D. board. The board will not be full color. The only color that will be used for all copy is **amber**, and it is the lowest in light intensity. The sign will come with an automatic dimmer; it will be brighter in the full sunlight during the day and will automatically dim itself, at night or when the sun starts going down.

*Tyler E. Jackson*
Rainbow Sign Company, Inc.
803/356-0442
803/606-1836 (Cell)

# Lexington County Zoning Ordinance

**26.55 Business Signs on Scenic Corridors**

The following additional restrictions shall apply on Scenic Corridors as defined in the Lexington County Landscape and Open Space Ordinance.

| Location | Maximum Static Display Area per Sign | Maximum Changeable Copy Area | Maximum Height |
|---|---|---|---|
| Business Sign in Scenic Corridor 1 | 60 square feet | 30 square feet | 6 feet |
| Business Sign in Scenic Corridor 2 | 60 square feet | 30 square feet | 6 feet |
| Business Sign in Scenic Corridor 3 | 100 square feet | 60 square feet | 10 feet |
| Commercial Center in Scenic Corridor 1 or 2 | 150 square feet | 40 square feet | 15 feet |
| Commercial Center in Scenic Corridor 3 | 200 square feet | 60 square feet | 20 feet |

# Lexington County Zoning Ordinance

**122.60 Standards for Variances**

The Board may grant a variance if it makes the following findings:

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

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

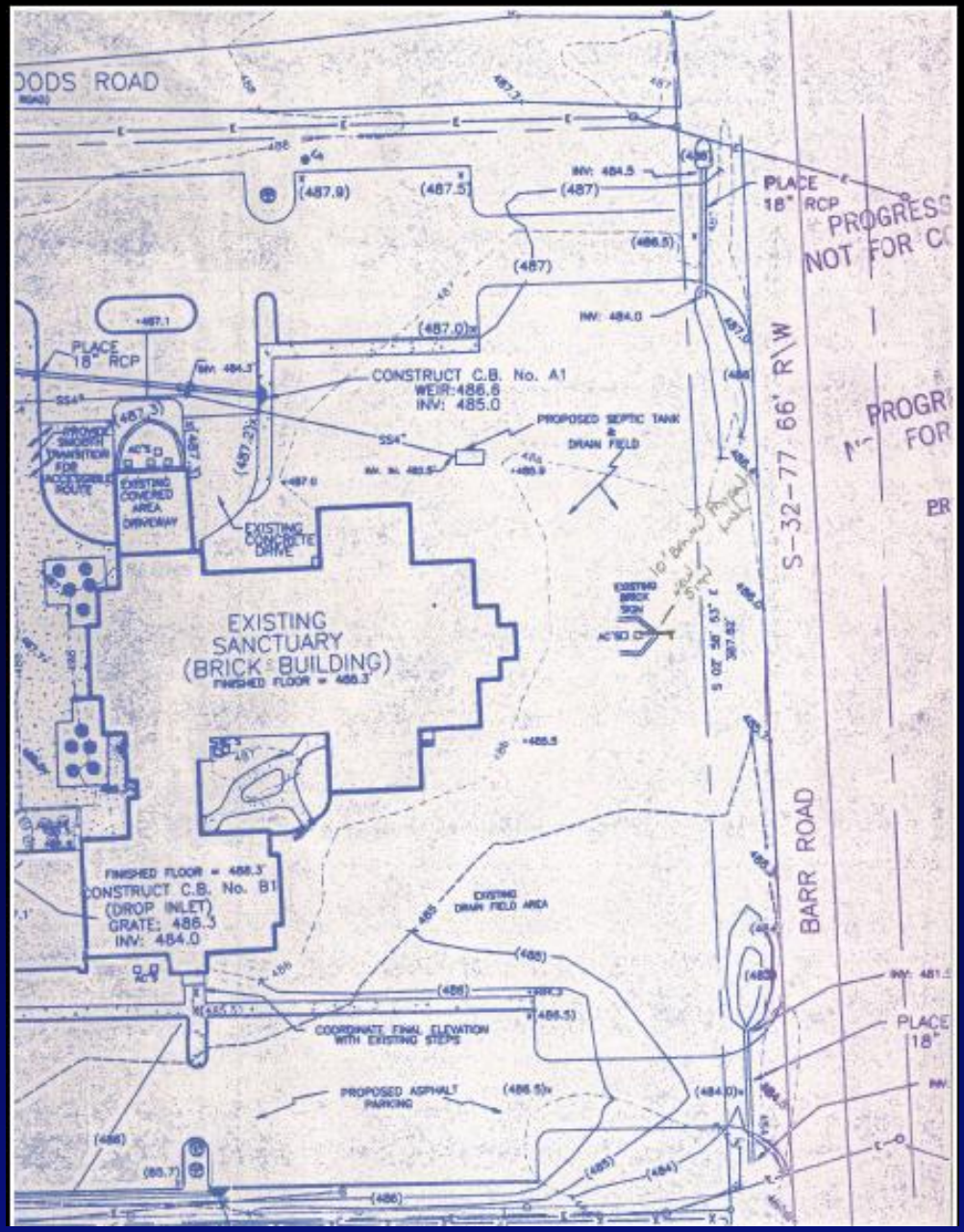
c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

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.

The Board shall also consider the following when hearing a variance request in these sections of the Ordinance:

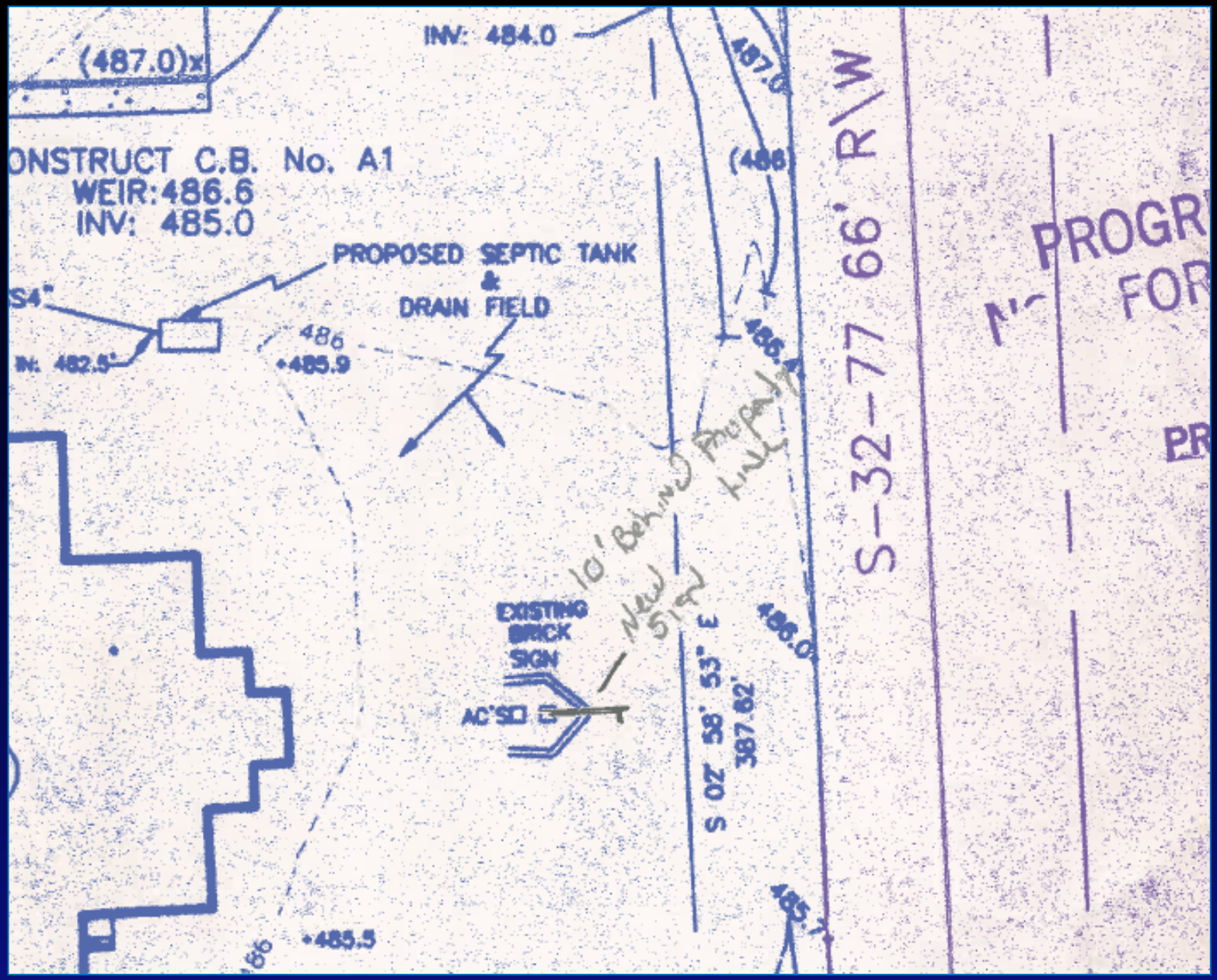
Section 22.10 Driveway and Street Restrictions – Many of the regulations found in this section are based upon laws of physics and engineering standards that help achieve sight lines, sight distances, etc., that provide for safer movement of motorists and pedestrians. Such restrictions should not be decreased without the support of a qualified engineering study.

Chapter 5. Signs, from Article 2 – Application of Regulations – This chapter contains many standards that implement comprehensive aesthetic and safety initiatives of Lexington County. Most of these regulations are articulated in a manner that provides an equal opportunity for all to advertise their activity and many help businesses avoid becoming a nonconformity upon annexation into a municipality. The Board should not approve a variance that destroys this equitable balance of opportunity, that damages the County's aesthetic and safety initiatives, or that creates a nonconformity problem for a business in future years.




Location of proposed sign

Community Development




Location of proposed sign

Community Development

| | | | | |
|---|---|---|---|---|
| Rainbow Signs, Inc. GREENWOOD, SC 864-223-8423 | CUSTOMER NAME: LEXINGTON PRESBYTERIAN CHURCH | ACC. EXEC: T. Jackson | JOB NO. 12-193-D-9 | APPROVED BY CUSTOMER: |
| | ADDRESS: 246 Barr Road - Lexington, SC, SC | DESIGNER: C. Johnson | DATE: 09/20/12 09/25/12 05/08/12 07/08/13 09/19/12 07/11/13 | DATE: / / |
| | SIGN TYPE D/F Non-Illuminated | SCALE: AS NOTED | | FILE: Lexington Presbyterian Church-09 |

COPY RIGHTS NOTICE: This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.

Electrical current to sign location and final connection not by Rainbow Sign Co., Inc.

Proposed sign shown at 6 feet

Community Development

Rainbow Signs, Inc.
GREENWOOD, SC 864-223-8423

| | | | |
|---|---|---|---|
| CUSTOMER NAME: LEXINGTON PRESBYTERIAN CHURCH | ACC. EXEC. T. Jackson | JOB NO. 12-193-D-10 | APPROVED BY CUSTOMER: |
| ADDRESS: 246 Barr Road - Lexington, SC, SC | DESIGNER: C. Johnson | DATE: 09/20/12 09/25/12 05/08/12 07/08/13 09/19/12 08/05/13 07/11/13 | DATE: / / |
| SIGN TYPE D/F Non-Illuminated | SCALE: AS NOTED | | FILE: Lexington Presbyterian Church-D10 |

COPY RIGHTS NOTICE: This design, artwork and printed presentation is the sole property of Rainbow Sign Company, Inc. and may not be used without written permission from Rainbow Sign Company, Inc.

Electrical current to sign location and final connection not by Rainbow Sign Co., Inc.

Proposed sign shown at 7 feet

Community Development

Site location on aerial photograph (2013)

Community Development

Site photography

Community Development

Site photography

Community Development

Site photography

Community Development

Site photography

Community Development

Site photography

Community Development

Site Photography

Community Development

Site photography

Community Development

Site Photography

Community Development

Site photography

Community Development

Site photography

Community Development

# Zoning Variance # 09-13

- Applicant: Thomas F. Walker, Sr.
- Property Owner: Carolina Aggregates, LLC
- Location: 622 Boy Scout Road
  TMS# 008900-01-111

# Explanation of the Variance Request

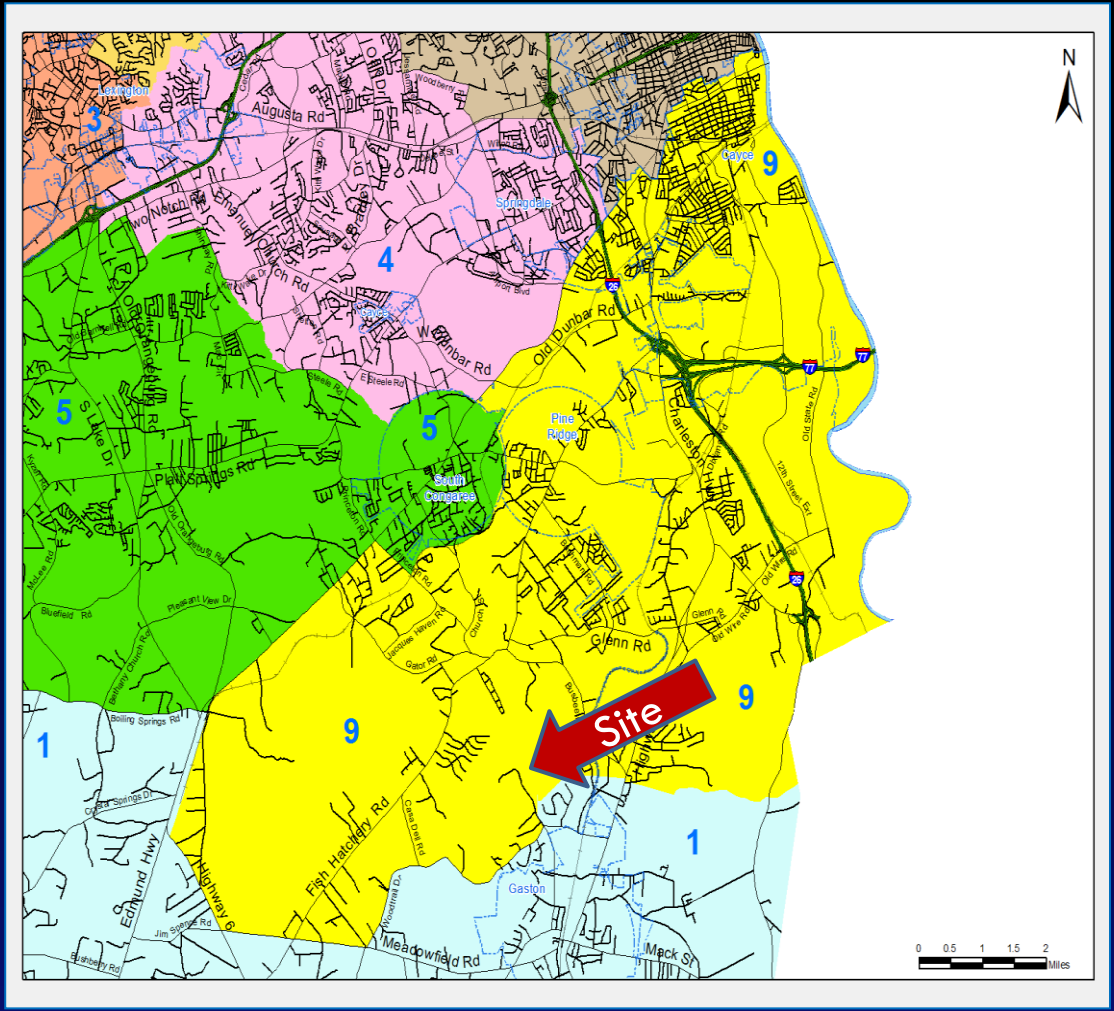
Applicant requests an increase in hours of operation from 7am to 7pm to 5am to 7pm. This type of mining activity (Mining Intermediate) may operate Monday through Saturday

# Council District 9

Represented by:

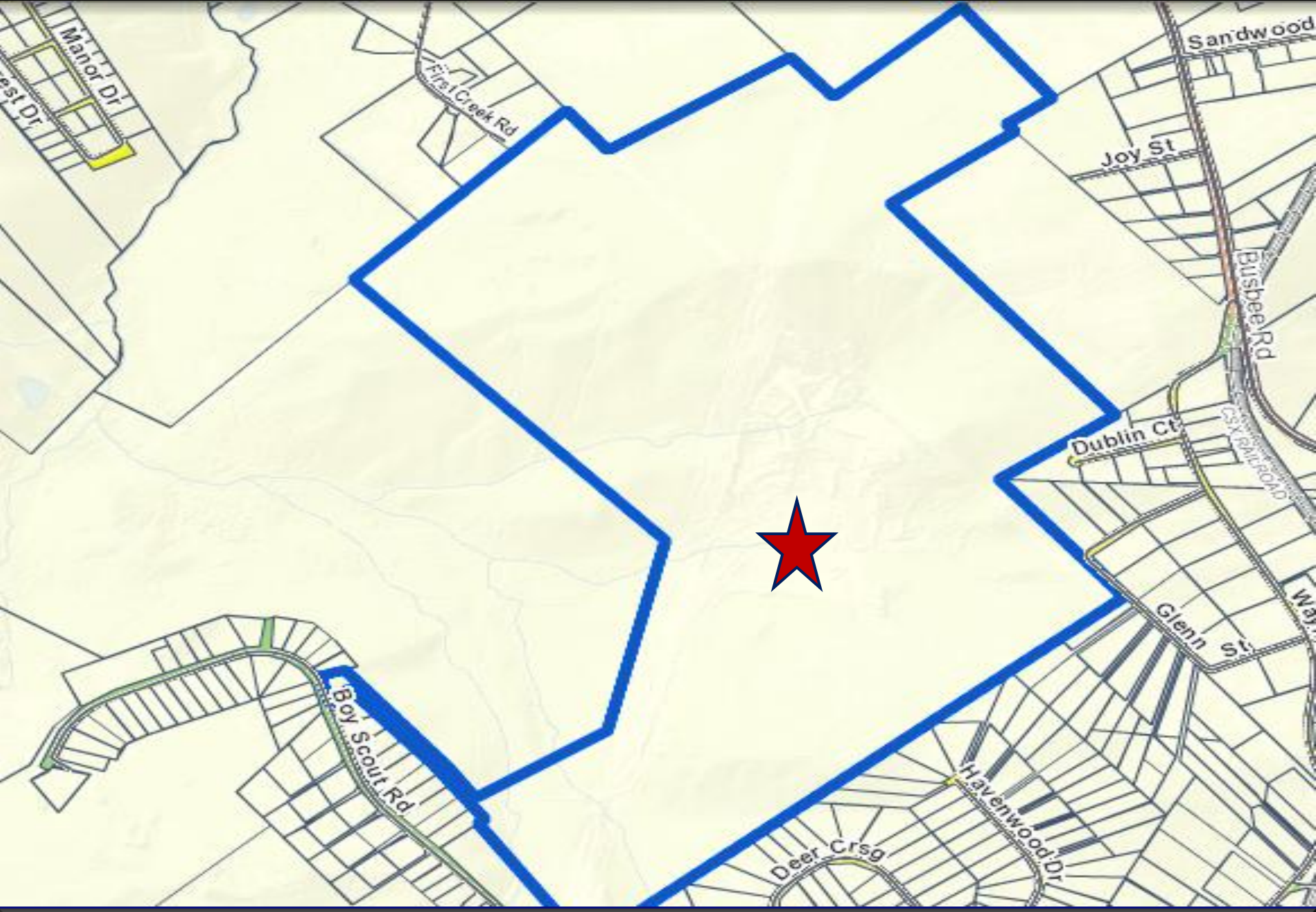
## Todd Cullum

Southern Planning area zoned in 1998



2013 Aerial photograph

Community Development




Zoning Classifications

Community Development

# Standards for Variances

CAROLINA
AGGREGATES

P.O. BOX 711 BLYTHEWOOD, SC 29016
Phone: 803.513.8746
Fax: 803.754.2668

August 8, 2013

Ms. Gayle Packard
Zoning Assistant
Community Development
212 South lake Drive, Suite 401
Lexington, SC 29072

Dear Ms. Packard:

Carolina Aggregates LLC would like to propose a variance to change operating hours from 7 am - 7 pm to 5 am – 7 pm.

The following demonstrates how we plan to satisfy the four Standards for Variances:

1. The exceptional conditions are to get business traffic away from the residential homes and to turn business traffic before it gets to the homes. A proposed new straight entrance to mine down power easement will allow traffic to be further from the homes, it will be a safer entrance, and will also be easier to maintain relative to water runoff.

2. Due to These conditions do not generally apply to other property in the area.

# Standards for Variances

3. Similar operations in the county have extended hours and are able to load earlier in the morning when there is less traffic on the road system. A large proportion of the buyers of material are located over 100 miles away from the operation, thus, early transport is an essential requirement. Also, it allows for the loading to curtail earlier in the day when there is more residential traffic.

4. The variance will improve the impact on the surrounding property owners by loading trucks prior to morning traffic. Additionally, relocating the staging area for loading to the interior of the property will substantially reduce potential disturbance to surrounding residents. Finally, earlier loading allows for the loading to curtail earlier in the afternoon when there is more residential traffic.

Sincerely,

CAROLINA AGGREGATES, LLC

By: Thomas F. Walker, Sr.
Its: Manager

# Lexington County Zoning Ordinance

**82.30 Access**

A Mining (Intermediate) activity is allowed access by a Local road provided that road is paved, and a Mining (Extensive) activity is allowed access by a Collector road provided that road is paved.

**82.40 Driveways**

Driveway access to a paved road must consist of an asphalt apron 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Lexington County or the South Carolina Department of Transportation.

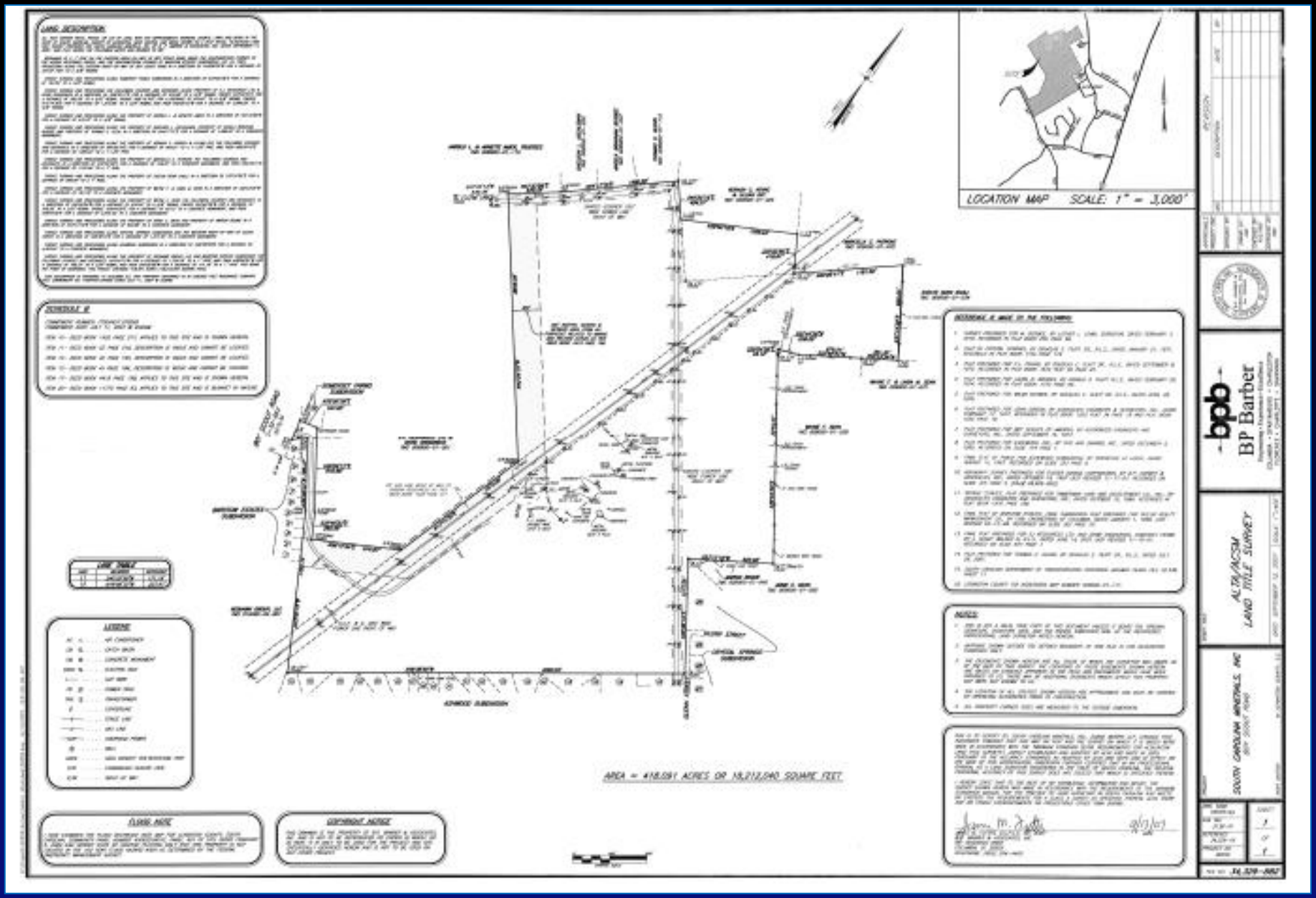
**82.50 Hours of Operation**

The following hours of operation restrictions shall apply:

| | |
|---|---|
| Mining (Limited): | 7:00 a.m. to 7:00 p.m., Monday through Friday |
| Mining (Intermediate): | 7:00 a.m. to 7:00 p.m., Monday through Saturday |
| Mining (Extensive): | No restriction for hours of operation |

**82.60 Performance Standards**

Each Mining Operation shall adhere to the Performance Standards as outlined in Chapter 4 of Article 2.




Location of proposed sign

Community Development

2013 Aerial photograph

Community Development

Site photography

Community Development

Site Photography

Community Development

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County of Lexington

# Board of Zoning Appeals

# PUBLIC HEARING