

**MINUTES**  
**LEXINGTON COUNTY BOARD OF ZONING APPEALS**  
February 18, 2014

The Lexington County Board of Zoning Appeals held its regular monthly meeting on February 18, 2014, at 6:00 p.m. in the County Council Chambers on the second floor of the County Administration Building. Attendance was as follows:

**MEMBERS PRESENT**

James Spangler – Chairman  
J. R. Caughman  
Jane Cook  
Jennifer Nettles  
Tracy Mitchell  
Carl Sherwood  
Ed Yates

**STAFF PRESENT**

Synithia Williams  
Robbie Derrick  
Walt McPherson  
Laura Haney  
Susan Neil

**VISITORS PRESENT**

**MEMBERS ABSENT**

Sarah Wise

See Attached

**CALL TO ORDER**

Chairman James Spangler called the meeting to order and presented the invocation. Chairman Spangler welcomed everyone to the meeting and advised that the meeting was being broadcast live on the Lexington County website and on Time Warner Channel 2, and that a video of the meeting would be available for viewing at any time afterward on the County's website. He asked all visitors to sign in on the visitor roster as a matter of public record. He explained the functions of the Board and the method used by staff to advise the Board of variance requests. He stated that anyone addressing the Board should state their name and address for the purpose of the Minutes.

Chairman Spangler dispensed with the approval of the Minutes and other business until after requests were heard.

**NEW BUSINESS**

**ZONING VARIANCE REQUEST #01-14: THE APPLICANT REQUESTED A REDUCTION IN BUFFER, SETBACK, AND SCREENING REQUIREMENTS FOR A GROUP ASSEMBLY (INTERMEDIATE) ACTIVITY. THE PROPERTIES ARE TMS#S 001100-06-011, 001100-06-019, 001100-06-020, AND 001100-06-091; ZONED RD (RESTRICTIVE DEVELOPMENT). OLD BUSH RIVER ROAD AND EPTINGS CAMP**

**ROAD ARE CLASSIFIED AS L (LOCAL) STREETS, AND OLD BUSH RIVER ROAD IS DESIGNATED AS A SCENIC CORRIDOR 2. THE SITE IS IN THE NORTHERN LEXINGTON COUNTY PLANNING AREA, ZONED EFFECTIVE AUGUST 1, 1987.**

Wait McPherson, Zoning Administrator for Lexington County Community Development, presented Zoning Variance Request #01-14. Mr. McPherson used a PowerPoint presentation to explain the request. He identified the applicant as Jim Lawracy, KBS Associates, LLC; the owner of the properties as Irmo Chapin Recreation Commission; the location of the properties as Eptings Camp Road and Old Bush River Road; the Tax Map Numbers as 001100-06-011, 001100-06-019, 001100-06-020, and 001100-06-091; and the explanation of the variance request as, "Applicant requests a reduction in buffer from 70 feet to 30 feet, a reduction in setback from 100 feet to 30 feet, a reduction in total screening from 100 feet to 30 feet, and a reduction in partial screening from 150 feet to 30 feet. This reduction is from properties identified as TMS#s 001100-06-014, 001100-06-018, 001100-06-038, and 001100-06-040." A Council District Map illustrated the properties are within County Council District 6, represented by Council Member Johnny Jeffcoat, and in the Northern Planning Area, zoned in 1987. A Zoning Classification Map showed the properties are zoned RD (Restrictive Development), Old Bush River Road and Eptings Camp Road are classified as L (Local) streets, and Old Bush River Road is designated as a Scenic Corridor 2. The presentation also included the reason for the request using the Standards for Variances; excerpts from the Zoning Ordinance; a site plan submitted by the applicant; 2013 aerial photography; and ground photographs taken by staff.

Mr. McPherson read the reason for the variance request, submitted by the applicant, addressing Section 122.60 Standards for Variances of the Zoning Ordinance:

*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.*

**REQUEST FOR VARIANCE IN SETBACK AND BUFFER REQUIREMENTS  
FOR EPTINGS CAMP ROAD PARK**

The Irmo Chapin Recreation Commission has purchased land on Eptings Camp Road

which also fronts on Old Bush River Road. The sole purpose of the purchase being to provide expanded recreational facilities in the local community at the community's request. As the Commission attempted to plan the property, the Lexington County Planning Department determined that the Commission's land would have to meet setback and buffering requirements of 100 feet and 70 feet respectively, as per Group Assembly (Intermediate) zoning requirements. These requirements, effectively make 25 percent of the parkland unusable as neither roads nor grassed athletic fields may encroach in either. The ICRC is, therefore, requesting a variance in the setback and buffering distances. These reductions are only on the locations shown on the attached plans.

#### STANDARDS FOR VARIANCE

- a. The property fronts on Eptings Camp Road and Old Bush River Road. The land mass totals over 53 acres. Due to the configuration of the parcel it has over 8,000 lineal feet of property line. The zoning setbacks require 100 feet from the property line to any element of the complex, including the painted edge of any grassed sport field or driveway. Also included is a 70 foot buffer within that 100 foot setback.
- b. The existing nearby Chapin Elementary and Middle Schools and Crooked Creek Park do not have these same setback and buffer requirements.
- c. Due to the setback and buffer requirements, over 25 percent of this property would not be usable for the intended recreational purpose.
- d. The Commission intends to provide heavy evergreen screening and controlled access. These commitments and the Irmo Chapin Recreation Commission's current best management practices, as evidenced at their existing parks, will not create a detriment to the existing neighbors and community. The addition of a well maintained and managed park will only add to the character of the community.

#### SUMMATION

Under the relief requested, the reduction in setback will allow: 1) the landscape entrance drive to be 30 feet from the property line after entering the park off Bush River Road; and 2) the sports fields to be from 20 to 30 feet off the property line. A variance in the buffering in these areas will also be required. In the reduced setback areas, the Commission requests the landscape buffers be reduced. The Commission will provide new dense evergreen screening in those areas.

The Irmo Chapin Recreation Commission feels that these variances will only provide an enhancement to the adjacent owners/community and to their peaceful enjoyment

of their property.

Mr. McPherson referred to Sections 23.20 Buffer, 23.30 Setbacks, and 23.40 Screening from Article 2 – Application of Regulations, Chapter 3. Buffering Restrictions of the Zoning Ordinance which were included in the agenda; the Board agreed it was not necessary to read them into record. Mr. McPherson reviewed Section 23.60 Chart of Maximum Buffering Restrictions for a Group Assembly (Intermediate) activity. He explained that the project was classified as a Group Assembly (Intermediate) activity based on the number of participants that could attend any one event, over 250 but less than 5,000. He added that in the Restrictive District, the buffering requirements were: 70-foot buffer, 100-foot setback, 50-foot setback from right-of-way, total screening at 100 feet, and partial screening at 150 feet. He added that if every part of the proposed activity in the 53 acres—tennis courts, baseball fields, soccer fields, grandstands, parking, driveways, etc., was designed at least 150 feet from property lines, a variance would not be required.

Mr. McPherson used a site plan and aerial and ground photography to review the posting of two Zoning Hearing signs, the proposed development comprised of four parcels, the four affected properties, and Eptings Camp Road and Old Bush River Road. He stated that ground photography showed the site had not been cleared and the site plan gave a better picture. He divided the site plan into sections for review. He began by stating that along the adjoining Stoney Pointe Subdivision property line, there was at least 100 feet of vegetation that would qualify as partial screening; therefore, there were no additional requirements on that side. He stated that the tennis courts on TMS# 001100-06-019 were approximately 30 feet from protected properties TMS#s 001100-06-038 (owned by James Bouknight) and 001100-06-018 (owned by Sharon Bouknight and Donna Dickert) for a total of approximately 1,200 feet along the two adjoining property lines. He added that although the tennis courts were in Phase II of the development, they wanted all of it to be reviewed at one time. He stated that the driveway access off Old Bush River Road on TMS# 001100-06-011 was about 30 feet from the protected property TMS# 001100-06-040 (owned by Kevin and Heather Kunkle). He added that the buffer requirement was 70 feet and anything less than 100 feet had to be totally screened; therefore, if the driveway and parking area were moved 70 feet from the property line, approximately 700 feet of total screening would still be required. He stated that the soccer fields on TMS# 001100-06-011 were about 30 feet from the protected property TMS# 001100-06-014 (owned by James and Tammy Hollis) for approximately 425 feet along the adjoining property line. He presented a site plan that showed the 70-foot buffer and the 100-foot setback areas blocked off in red to illustrate what would actually meet requirements. He explained that the red area represented the 70-foot buffer and 100-foot setback area for about 300 feet of property line of parcel -018 and about 900 feet of property line of parcel -038 (approximately 1,200 feet total) adjoining the proposed tennis courts, the 70-foot buffer and 100-foot setback area for about 425 feet of property line of parcel -014 adjoining a soccer field, and the 70-foot buffer area for about 700 feet of property line of parcel -040 adjoining a driveway and parking area. He stated that the Hollises, who were in attendance, had reached an agreement with the Irmo Chapin Recreation Commission and he believed a consent form was forthcoming; therefore, parcel -014 was no longer a part of the request. He added that applying the zoning requirements to the 53-acre site

for the buffer, setback, and screening took a good bit of what was being proposed; however, it was zoned RD and protection was required for affected property owners. He reviewed the ground photography of the site which showed that the site had not been cleared. A photograph taken on site from behind the subdivision showed vegetation on the site behind the houses. He concluded that an agreement had been reached with parcel -014; therefore, the Board was looking at parcels -040, -038, and -018 for a reduction in the 70-foot buffer, 100-foot setback, 100-foot total screening, and 150-foot partial screening requirements to 30 feet, as shown on the site plan.

Chairman Spangler asked for clarification if the setback was being considered because the proposed activity would be within the setback distance even though there was no structure.

Mr. McPherson responded that if everything was 150 feet off the perimeter, they would not be requesting anything and a zoning permit could be issued. He added that the setback was not just for a building—it was for a principal activity, and in this case the principal activity was the ball field, tennis court, etc.

Mr. McPherson suggested that the Board could decide on one parcel at a time rather than group all three affected properties together.

J. R. Caughman stated he was concerned about lighting and noise. He added that he lives close to a facility and understood what it was all about. He stated that his biggest concern was the speed limit and traffic on Eptings Camp Road. He added that as you add more traffic, it could become a problem. He asked if there was any current traffic data on the road, and added that it was going to increase. He added that he would be concerned about traffic more than anything if he was a resident there.

Mr. McPherson responded that both Eptings Camp Road and Old Bush River Road were maintained by the SC Department of Transportation, and although he could not speak on their behalf, the speed limit might need to be reduced. He added that he was not aware of any traffic data. He added that his concern was very legitimate.

Carl Sherwood asked Mr. McPherson to go around the entire property and tell him how each of the protected properties were being used.

Mr. McPherson used an aerial photograph of the four parcels owned by the Irmo Chapin Recreation Commission. He added that the RD (Restrictive Development) zoning allowed the same protection to property whether it was undeveloped or had a house on it. He referred to the Assessor's Office property card information for the legal description on the protected properties and stated that parcel -038, owned by James H. Bouknight, Jr., etals, was 11.29 acres with a land use of rural unimproved, indicating the land was vacant with no improvements; parcel -018, owned by Sharon Bouknight and Donna Dickert, was 4.7 acres with a land use of residential improved; parcel -014 was the Hollis property where an agreement between the owners and the applicant had been reached; and parcel -040, owned by Kevin and Heather Kunkle, was 5.92 acres and was rural unimproved, meaning nothing had been built on the property yet.

Carl Sherwood asked if the woods shown in the aerial photograph were still there.

Mr. McPherson responded that they were as far as he knew, and added that the aerial photograph was taken about 14 months ago.

Carl Sherwood asked if a walk path would be incorporated between the tennis courts and the property line and would it be considered part of the activity.

Mr. McPherson responded that the tennis courts were about 50 feet off the property line, he assumed there was a walk path in there, and a walk path was part of the activity.

Chairman Spangler gave proponents the opportunity to speak.

Jim Lawracy stated his address as 144 Village Farm Road, Columbia, SC. Mr. Lawracy stated that he is a landscape architect with Ken Simmons & Associates and he worked with the County Recreation Commission to develop the property a couple of years ago. He added that they were requesting a variance for the buffer and setback primarily around the soccer area and the entry off Old Bush River Road. He added that they had discussed their proposal with adjacent neighbors and some of them had indicated they would agree. He added that the Irmo Chapin Recreation Commission had been very good stewards at other locations which gave them a track record and history of doing the right thing, and that was his primary focus as a landscape architect when he worked on properties—whether parks and recreation, residential, or commercial developments. He added that they had developed a plan in response to the neighborhood request through the Irmo Chapin Recreation Commission to address the needs of the community, but a variance was being requested because of the unusual configuration of the property. He stated that an approximately 250-foot buffer would be maintained on the side adjoining Stoney Pointe Subdivision. He added that the least amount of work would be done to the property so as not to create issues with runoff drainage. He indicated where there would be natural drainage for retention/detention facilities to control runoff, and added that his firm had been one of the leading ones in the state for the past several decades in terms of trying to make that happen. He added that the detention/retention ponds would be used to recycle the water trapped from runoff to irrigate the facility to mitigate 1) costs to the County and 2) runoff into the adjacent pond. He added that both they and the County had several meetings with the adjacent subdivision's homeowners' association who were pleased at the efforts being made. He added that everything tended to run toward the pond, so they were trying to make sure they made the least impact on the site and the neighborhood in terms of development. He stated again that it was a community generated request to develop additional parklands in that area.

Chairman Spangler asked about a statement made in the application that said if they stuck to the current setbacks and buffers, they would lose about 25 percent of the property.

Jim Lawracy responded that there was approximately 8,000 linear feet of property line and a 100 foot setback from all of that would equate to about 25 percent of the total 53 acres of parkland.

Chairman Spangler asked for clarification if he meant the 25 percent was if they setback all the way around. He added that the setback area that was colored red did not seem like 25 percent.

Jim Lawracy responded that they had done their best to mitigate it—they'd worked with the topography of the land to have the least amount of grading and then they would create the facilities.

Carl Sherwood asked how long the site had been purchased.

Jim Lawracy asked Jay Downs who responded 4 years.

Carl Sherwood stated that Mr. Lawracy had mentioned communicating with neighbors, and he asked him to show on the site plan the neighbors that he himself had spoken to or he felt were in consent.

Jim Lawracy stated that he had not done it personally. He added that the Irmo Chapin Recreation Commission asked to be the contact for the neighbors. He added that Jay Downs was there from the Commission.

Ed Yates asked if there were any alternative plans for the park should that one be denied.

Jim Lawracy responded that the tennis courts were in Phase II which would be later on. He added that after meeting with the community and getting their input over the past couple of years, a master plan was developed and that layout was chosen.

Jay Downs introduced himself as the Superintendent of Operations and Facilities for the Irmo Chapin Recreation Commission.

Carl Sherwood asked Mr. Downs to indicate on the site plan how many property owners he had been in contact with, adding that they were already aware of the consent with the soccer field.

Jay Downs responded that they had met with the Kunkles, the Hollises, the Bouknights, and the two owners of the other property—Ms. Bouknight and Ms. Dickert. He added that the Hollises were the only ones they had a written consent with. He added that they had conversations with the Kunkles to explain what they were trying to accomplish.

Carl Sherwood asked if he had received opposition from the owners of the other three properties.

Jay Downs responded that no one had been opposed. He added that they wanted to look at the situation, but had not told them no.

J. R. Caughman asked about other surrounding communities because it would increase their traffic.

Jay Downs responded that they had met and addressed their master plan with the Stoney Pointe homeowners' association. He added it was important to note that the tennis court portion was not funded and would be in the next phase upon receiving funding, but they were trying to get everything cleaned up at one time.

Carl Sherwood expressed concern about splitting the park up when making their decisions because there wouldn't be a chance to change the baseball fields once they were configured.

Mr. McPherson responded that the baseball fields met the zoning requirements. He added that the tennis courts were part of Phase II, to be developed in the future; however, they wanted to take care of it all at one time.

Carl Sherwood asked that once the baseball fields were built, wouldn't the tennis courts have the same setback issue if they requested another variance in a year's time.

Chairman Spangler responded affirmatively.

No other proponents spoke and Chairman Spangler asked for any opponents.

Gerald Meetze stated that he lives across Eptings Camp Road from the proposed park, and added that he was the primary seller of the subject property. He stated that he wanted to ask about the buffer and setback requirements along Eptings Camp Road and Old Bush River Road. He added that he imagined Old Bush River Road, being a scenic byway, had more buffer and setback requirements, and that Eptings Camp Road would be the same as it was on the side which currently did not meet. He stated that when he sold the property, he restricted it in the contract and in the deed for a 50-foot natural buffer along the Eptings Camp Road right-of-way to be maintained, and added that it looked as though the proposed project eased into that buffer.

Mr. McPherson responded that if the seller put deed restrictions on the property then the buyer or developer must adhere to them. He added that the County did not enforce private restrictions, but needed to know about them. He added that the setback from road right-of-way was mainly for structures and buildings. He added that a private deed restriction to leave 50 feet undisturbed was between the seller and buyer; however, the County needed to know about it because there would be landscape requirements off the right-of-way.

J. R. Caughman asked Mr. McPherson if he had a copy of the deed restrictions.

Mr. McPherson responded that he did not.

Gerald Meetze responded that he did. Mr. Meetze asked about seeing the landscape plan.

Mr. McPherson responded there was not a landscape plan at that time. He added that a landscape plan would be submitted before zoning approval.

Gerald Meetze stated that he was concerned about the 50 feet of undisturbed natural buffer along Eptings Camp Road. He added that it was already pretty thick and he didn't want them to clear it and then build a wooden fence or plant Leyland cypress trees that would take 20 years to grow.

Paul Naglic gave his address as 36 Stoney Pointe, Chapin, SC 29036. Mr. Naglic showed his location on an aerial photograph. He stated that he did not recall any meeting with their homeowners' association by the Irmo Chapin Recreation Commission to discuss the property. He added that he had been concerned that the buffer zone would affect his side of the neighborhood, but it did not appear that it would. He added that in looking at the size of the four baseball fields, he was concerned about the significant increase in noise that would come, the intense lighting that would be needed to light the ball fields at night, and tournaments using all four ball fields running late because his kids went to bed at 8 o'clock for school. He added that he was concerned about traffic because Eptings Camp Road was a very small two-lane road, he had seen traffic increase over the 10 years he had been there, he wanted to know what they were going to do with all the traffic coming to the ball fields at 5 and 6 o'clock when he would be trying to get home, and he imagined there would be a pretty big traffic jam being that the parking lot was at that end on Eptings Camp Road. He added that even with the buffer area behind the subdivision, his house was quite visible through the woods on the ground photography that was shown.

Carl Sherwood asked Mr. Naglic if the homeowners' association had not discussed it with him.

Paul Naglic responded that unless some of the other neighbors could state otherwise, he did not know of any such meeting.

Carl Sherwood asked if he knew of any other discussion with his neighbors in disagreement.

Paul Naglic responded that his wife attended a meeting at the Crooked Creek Park Recreation Center that they were notified of by fellow neighbors. He added that he was not aware of anything else.

Chairman Spangler gave the applicants a chance to address the deed restriction.

Jim Lawracy stated that they were very aware from the very beginning of the deed restriction and it had been met or exceeded even with the largest field. He added that they actually moved the field back 20 feet to make sure it was well clear of 50 feet, and they were aware that it had to have natural vegetation along the property line.

J. R. Caughman stated that he lives two blocks from another complex with a lot of noise and light, and asked what would be done to protect the residents around there.

Jay Downs responded that current technology and lighting had the extreme ability to direct light where you wanted it and keep it off where you didn't want it. He added that they now employed those technologies in their parks and the lighting would be directed to the ball fields. He added

that they used Musco systems. He stated that as far as the noise, he was not aware of any complaints or issues from the neighborhoods that surround Crooked Creek Park in Chapin, and added that most of the activities were usually over by 10:00 p.m. at the latest.

J. R. Caughman asked what they were going to do about the traffic, because it was going to increase. He asked if there would be turn lanes. He added that there were probably a lot of people in that area that were not going to like everything once it was in place, and asked how they were going to protect them.

Jay Downs responded that a question came up during the homeowners' association meeting about their entrances and exits, and he added that they had noted to their engineers that they wanted to make sure as they went through the process with the Department of Transportation they provided proper excels and decels so there would be no stacking in the roadway. He added that they had also overdeveloped the parking to get people off the road, adding that there was not enough parking at Crooked Creek Park. He added that they did not want to have a lot of traffic because it would create a programmatic problem for them, and added that they would try to keep those things in consideration when scheduling activities.

J. R. Caughman stated that he was concerned that they came with a concept without having a final plan. He added that the traffic, contrary to what he might think, was a problem.

Jay Downs responded that they were a week away from having the construction drawings ready to bid out. He added that they wanted to find out where they were on the variances before they finalized them.

J. R. Caughman stated that one of the Board's responsibilities was the protection of people and traffic flow, and added that the setback was not all they should look at. He added that he did not have a comfort level because he was not seeing everything he needed to.

Ed Yates asked how many cars they had made allowance for in their parking lot.

Jim Lawracy responded that it was a little over 500 spaces in Phase I. He added that the project would be a little bit overkill.

Jay Downs illustrated that the parking was located all along the road within the park and in the area up front.

Ed Yates asked how many people to a car 500 parking spaces allowed for.

Mr. McPherson responded that the minimum parking requirement for the activity was one space per four participants. He added that if they projected a maximum capacity of 1,000 people at one time, they would need 250 spaces; and if they projected a 1,500 people during a tournament, 375 spaces would be needed.

J. R. Caughman asked Mr. McPherson what the County thought about the traffic flow on that road based on those numbers.

Mr. McPherson responded that the traffic flow was left up to SC Department of Transportation and the developer. He stated that he understood Mr. Caughman's concern about the traffic and performance standards; however, the variance request was for the buffer and setback. He added that even if the request was denied, the zoning district allowed it and it would also allow a Wal-Mart.

J. R. Caughman asked when did the people get protected on traffic; did they have to depend on DOT.

Mr. McPherson responded that in this case it would be with the SC Department of Transportation. He added that for a County-maintained road, it would be with Public Works.

Jim Lawracy stated that in the almost 40 years in his work, he had never developed a park where there were not excel/decel lanes, even when the Department of Transportation didn't require it. He added that they knew they could not have people stopped in the middle of the road when the volume of traffic came in.

J. R. Caughman responded that was what he wanted to see.

Jim Lawracy responded that they did not have the final construction drawings yet; they were not at the final stage. He added that it had been difficult to get with DOT and work out the final details because of all the things that had been going on in the past month; however, they were very conscious of it and that was part of the reason why the parking was laid out as it was interiorly. He added that their original plan was before they straightened out the parking lot and the entrance road associated with it. He added that it was currently a straight shot which was not what they normally desired. He added that they would like to have it bend so people could not use it as a straightaway when they entered, but they had to straighten the road out to try to meet the buffer and setback requirements. He added that the road would normally curve around the ball fields with planted islands and painted crosswalks so it wouldn't become a raceway.

J. R. Caughman asked Mr. McPherson again if he had any data on any of those roads.

Mr. McPherson responded that he did not have any traffic data at that time. He added that DOT would have to look at the plan and issue encroachment permits. He added that before any zoning or landscape permits were issued, they would probably have a development review meeting with the developer and DOT. He added that there was no question it would be a very big impact, especially if there were tournaments there.

Chairman Spangler stated that he did not disagree with any of that; however, the variance request was for the buffer, setback, and screening requirements. He added that regardless of what they decided, the parking and impact on traffic would impact others.

There were no other opponents. Chairman Spangler asked if anyone else had any opinion they wished to comment on.

Heather Kunkle stated that she and her husband owned one of the adjacent parcels, TMS# 001100-06-040. She added that they met with the Irmo Chapin Recreation Commission and had not come up with an agreement yet. She added that their property was family land deeded to them and it would become their forever home in a few years. She added that they were extremely nervous of what kind of disaster would ensue by making it a private residence because of all the traffic, people, kids from the neighborhood walking across their land to get to the soccer fields, litter, and noise. She added that they came because they were interested to hear what the Board had to say. She added that they had talked with them about putting up fencing and planting trees but they were not sure what exactly they had to do. She asked if they were given the setback, would it mean there would be no fence and it would be natural as it was. She wanted to know what each side would be responsible for doing, and added that they didn't mind coming to an agreement but they didn't know what would happen after the Board granted or denied the variance.

Mr. McPherson used the site plan to show how the driveway off Old Bush River Road and the parking needed to be a minimum of 70 feet from their property line, and how it was currently proposed at 30 feet. He added that even if they moved them to 70 feet, total screening such as a 6-foot privacy fence would still be required down the 700-foot property line and probably going back up the other way a little bit too. He added that as part of the Landscape and Open Space Ordinance, any large unadorned building or fence also had to be 50 percent landscaped. He added that if they moved the driveway and parking 70 feet off the property line, screening could go anywhere between the 70-foot setback and the property line; and added that under the Landscape Ordinance, the Kunkle side of the fence would be required to be at least 50 percent vegetated unless there was natural vegetation that would qualify. He added that the Board could deny or approve the request, or they could grant the buffer and require the screening.

Kevin Kunkle asked what was considered a privacy fence and would it be maintained.

Mr. McPherson responded that a privacy fence was total screening—100 percent opaque like a solid wood fence with a minimum height of 6 feet. He added that it would be maintained for the life of the activity. He added that in RD zoning, it didn't matter if there was a house next door or not—it got protected.

Carl Sherwood asked the Kunkles if they would be comfortable with landscaped solid protection between them, whether or not the Board granted the variance.

Heather Kunkle responded that she would not be comfortable with a 6-foot fence, but an 8-foot fence would be better so people could not go over it. She added that other than that, she guessed that she would in order for them not to lose their parking and she understood what they were trying to do. She added that she was afraid they were going to park on the roads which would also be on the curve in front of her land. She added that her sister-in-law lives across the street

and has always had a problem with people parking in her yard from the elementary and middle schools, she added that made her nervous. She added that she really didn't want them to lose their parking, but she didn't want to lose her privacy either.

Carl Sherwood asked if she agreed that they needed to have as much parking as possible and she wanted as much blockage as possible.

Heather Kunkle responded affirmatively.

Carl Sherwood asked if they understood that the ballpark was probably coming there anyway.

Kevin Kunkle responded that he thought they had come to terms that it was going to be there.

Heather Kunkle added that they were willing to work something out.

Kevin Kunkle stated that when they met with the Irmo Chapin Recreation Commission, it was his understanding that they said if they weren't allowed the setback, they wouldn't be able to put up the privacy fence and vegetation.

Mr. McPherson responded for clarification that when they mention privacy fences, it was total screening. He added that total screening was something 6 feet tall, and added that it could be vegetation such as three or four staggered rows of 6-foot Leyland cypress. He asked the Board not to be specific if they decided screening was required, but let the protective property owner and the developer work it out. He added that the required buffer was 70 feet; therefore, if they moved the driveway back to 70 feet, privacy fence screening and landscaping or vegetation screening could go in the buffer.

Kevin Kunkle stated that the back of his property was also a concern where they imagined kids from the neighborhood would make a pathway through his property. He asked if a fence would go around the whole property.

Mr. McPherson responded that they could, but it wouldn't be required.

Heather Kunkle asked if the fence needed to go all the way even though they were only asking for a variance on that a portion.

Mr. McPherson responded that it would not go all the way down.

Kevin Kunkle asked for clarification that the fence would go where the red was shown on the site plan.

Mr. McPherson responded that the fence being required would go at least 700 feet.

Kevin Kunkle asked if there would be a sidewalk or path from the neighborhood that would lead

that way.

Mr. McPherson responded that if there was, it would be looked at in Zoning. He added that amenity areas in subdivisions were permitted, as well.

Mr. McPherson stated that a lot of issues had come up—there were property owners with concern, there was an agreement, and there was a seller with the private deed restrictions. He added that was a lot to digest; however, the variance was before the Board and they had the option to approve, deny, or even continue the request.

Chairman Spangler asked for clarification that they had been discussing total screening and that did not necessitate a privacy fence.

Mr. McPherson responded affirmatively.

Chairman Spangler asked Mr. Downs if they typically fenced parks.

Jay Downs responded that typically, as with Saluda Shoals Park, people asked them to install a chain link fence and then about two or three years later, they asked them to put gates in the fence so they could access the park. He added that there were several areas of Crooked Creek Park that were not fenced next to property owners. He added that some neighborhood associations wanted access and some wanted them to stop access, and that was something they would consider in their decision.

Chairman Spangler asked what the current plan was for fencing the park.

Jay Downs responded that there were no plans to fence other than to install a privacy fence in accordance to their agreement with the Hollises. He added that they also had spoken to the Kunkles about installing a privacy fence along their portion of the property if they requested it.

Chairman Spangler asked if he could put the assurance in an agreement, if one was reached, that the Kunkle property would be fenced.

Jay Downs responded affirmatively.

Carl Sherwood asked Mr. Downs if he was willing to make that commitment.

Jay Downs responded affirmatively.

Carl Sherwood asked the Kunkles if they were willing to move forward without any more resistance if a privacy fence was committed by the Recreation Commission, as was done with the Hollises.

Kevin Kuckle responded that they would like to have a privacy fence.

J. R. Caughman asked if that would be a 6-foot fence.

Jay Downs responded that it would be an 8-foot fence as agreed to with the Hollises.

Kevin Kuckle stated that an 8-foot fence would be good. He asked if that included vegetation.

Jay Downs responded affirmatively, and added that vegetation was required.

Kevin Kuckle asked about the type of vegetation.

Robbie Derrick, Landscape Administrator, responded that it could vary. He added that it could be natural vegetation or evergreens, and that a landscape plan would be provided for review.

J. R. Caughman asked if Eptings Camp Road was a county or state-maintained road.

Mr. McPherson responded that it was state maintained. He added that encroachment permits would have to be obtained for access on Eptings Camp Road and Old Bush River Road.

Chairman Spangler called for discussion.

Carl Sherwood asked if the other two property owners, the Bouknights, were there.

Chairman Spangler responded that they did not appear to be.

J. R. Caughman stated that the traffic on that road was not going to be fun for anybody. He recommended homeowners fight with DOT to make sure they got turning lanes and things like that because they would pay for it later if they didn't. He added that he hoped the County would do it.

Jane Cook stated that there was a grammar and middle school that adjoined and covered a lot of area there, and added that regardless of what the park did, the neighborhoods were going to have school traffic and school kids cutting through properties.

Carl Sherwood stated that regardless of their decision, it was good to build a park because the community needed to keep kids involved—better to keep them at a park and off the streets.

Chairman Spangler stated that they were down to the tennis court area, and he asked for any discussion on that area or a motion.

Mr. McPherson responded that since there was an agreement with the Hollises, lot -014, and an apparent agreement with the Kunkles, lot -040, they could reference those lots as being worked out with the developer in their motion, and then vote on lots -038 and -018.

Chairman Spangler stated that a continuance for lot -040 was worth consideration because it

would allow them a month to work something out.

Jane Cook made a comment for clarification that there would not be an entrance to the property at the tennis courts and they were trying to preplan the tennis courts to where it would not be a problem later, if and when they got funding.

Kevin Kunkle asked if the park would be closed off at night.

Jay Downs responded that they planned to have entrances gated and closed.

Chairman Spangler made a motion for a continuance on Variance Request #01-14 regarding the buffer, setback, and screening requirements for TMS# 001100-06-040 until the March meeting. Jane Cook seconded the motion. There were seven votes in favor of the motion (Caughman, Cook, Mitchell, Nettles, Sherwood, Spangler, and Yates). The motion carried unanimously.

Jane Cook made a motion to approve Variance Request #01-14 regarding the buffer, setback, and screening requirements for TMS#s 001100-06-038 and 001100-06-018 due to meeting the four Standards for Variance. Carl Sherwood seconded the motion. There were seven votes in favor of the motion (Caughman, Cook, Mitchell, Nettles, Sherwood, Spangler, and Yates). The motion carried unanimously.

Chairman Spangler stated for the record that an agreement had been reached between the applicant and the affected property owners of TMS# 001100-06-014; therefore, the Board had not taken into consideration Variance Request #01-14 for that property.

### **OLD BUSINESS**

**ZONING VARIANCE REQUEST #15-13: THE APPLICANT REQUESTED THE APPROVAL FOR A REDUCTION IN BUFFER, SETBACK, AND SCREENING FOR A GENERAL RETAIL (LIMITED) ACTIVITY. THE PROPERTY IS TMS# 003400-04-016 AND IS ZONED ID (INTENSIVE DEVELOPMENT). NORTH LAKE DRIVE IS CLASSIFIED AS AN A (ARTERIAL) STREET. THE SITE IS IN THE CENTRAL LEXINGTON COUNTY PLANNING AREA, ZONED EFFECTIVE DECEMBER 9, 1986.**

Walt McPherson, Zoning Administrator, gave an update on Variance Request #15-13 for a reduction in buffer, setback, and screening requirements which was granted a continuance from the January 21, 2014 meeting. He stated that included in the agenda packet was a letter from the applicant which indicated that they were still working to resolve the requirements with the affected property owners.

Carl Sherwood made a motion to extend the continuance on Zoning Variance #15-13 until the next Board meeting, with the stipulation not to exceed 60 days, or the April meeting, to come to a resolution. J. R. Caughman seconded the motion. There were seven votes in favor of the

motion (Caughman, Cook, Mitchell, Nettles, Sherwood, Spangler, and Yates). The motion carried unanimously.

**APPROVAL OF MINUTES**

Carl Sherwood made a motion to approve the Minutes of the January 21, 2014, meeting. J. R. Caughman seconded the motion. There were seven votes in favor of the motion (Caughman, Cook, Mitchell, Nettles, Sherwood, Spangler, and Yates). The motion carried unanimously.

**STAFF REPORT**

Walt McPherson, Zoning Administrator, advised the Board that no variance request was scheduled for the March 18, 2014, meeting. He added that Zoning Assistant Laura Haney may have a variance request for a sign in April.

Mr. McPherson introduced and welcomed Jennifer Nettles to the Board who was appointed by Council Member Debbie Summers, replacing Mark Bostic who did not wish to be reappointed.

Mr. McPherson advised that Morris Phillips had resigned from the Board and that position was now vacant.

Synithia Williams, Development Administrator, advised that they would continue with training after the meeting was adjourned.

**ADJOURNMENT**

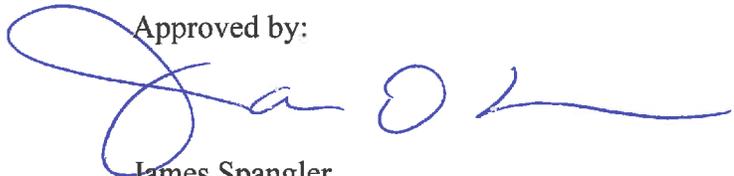
There being no further business, Chairman Spangler called the meeting adjourned at 7:25 p.m.

Approved by:



Walt McPherson  
Zoning Administrator

Approved by:



James Spangler  
Chairman