

# LEXINGTON COUNTY BOARD OF ZONING APPEALS

## AGENDA

Regular Meeting – June 22, 2016  
County Administration Building  
6:00 PM – 2<sup>nd</sup> Floor Council Chambers

### CALL TO ORDER

### NEW BUSINESS

**Tab K---Zoning Variance #04-16:** Applicant requests additional wall signage for a proposed Food Services activity

1804 South Lake Drive  
TMS# 007600-04-124  
Tracey Diehl

**Tab L---Zoning Variance #05-16:** Applicant requests a reduction in buffer, setback and screening requirements for a Transport & Warehousing (Extensive) activity.

120 Pine Plain Road  
TMS#s 008098-02-001,002, 003 and TMS#s 009100-01-014, 064, 088  
John Reed

### APPROVAL OF MINUTES

**Tab M---April 19, 2016**

### 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](mailto: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 1302. 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 Application #04-16

- Applicant: Tracey Diehl
- Property Owner: WRS Centers LLC
- Location: 1804 South Lake Drive
- TMS#s 007600-04-124



This variance application is a request to increase the number of wall signs allowed per current zoning code. There is one street frontage. The applicant wants to place wall signage on three sides of the proposed structure. All three proposed wall signs will meet size requirements.

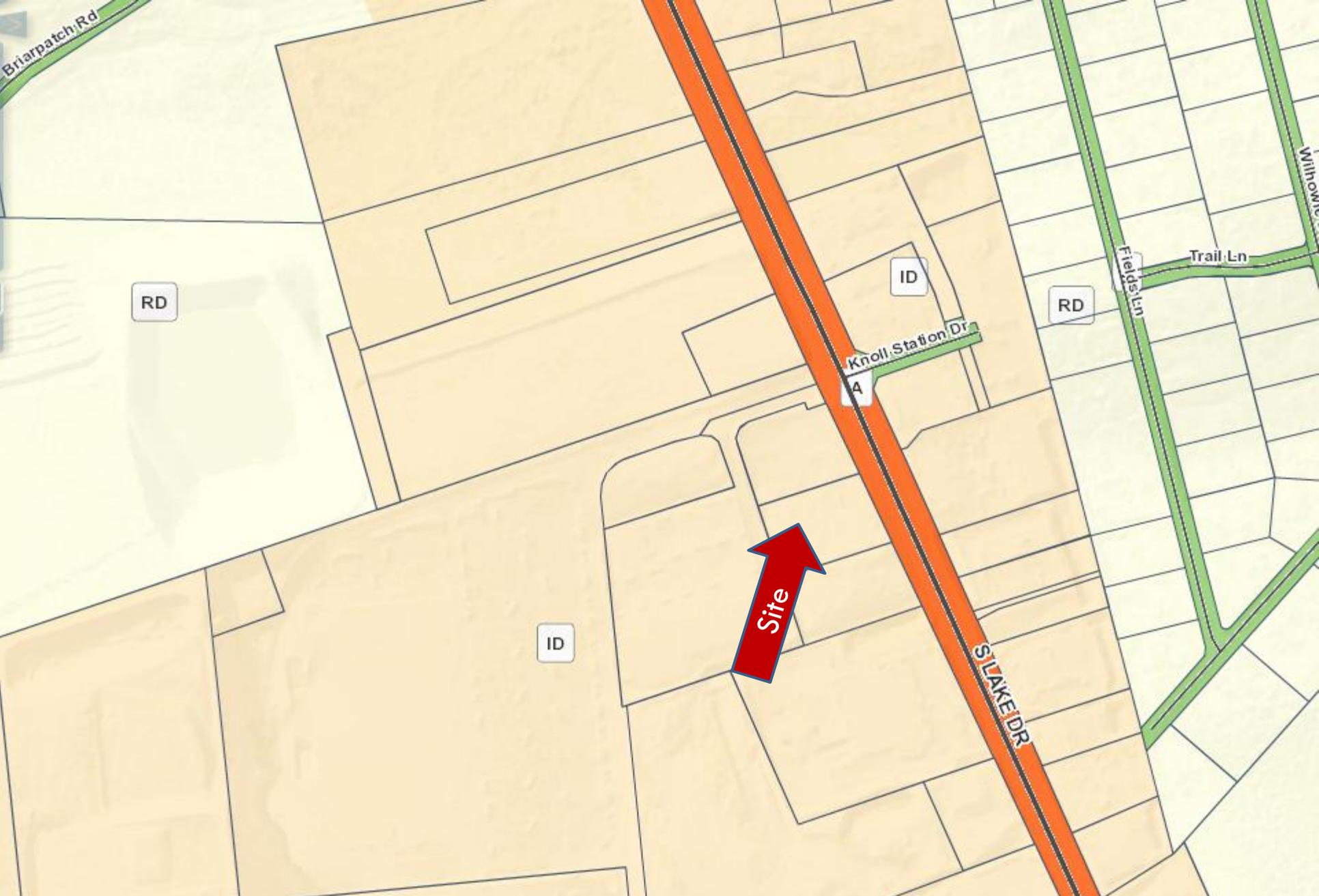
There is a proposed business sign out front which is not part of this request.

The zoning district is ID (Intensive Development).

Zoning staff does not make recommendations to the Board of Zoning Appeals to approve or deny a variance application.

Each application stands on its own merit





# Standards for Variance

## Expedite The Diehl

May 11, 2016

Lexington County Board of Zoning Appeals  
Department of Community Development  
212 South Lake Drive Suite 401  
Lexington SC 29072

Dear Members of the Board;

Taco Bell sign submittal for 1804 South Lake Drive is denied due to the number of wall signs proposed. Taco Bell has proposed three wall signs for this location whereas they are only allowed to have one wall sign. The proposal is consistent with Taco Bell's national image and necessary for citizens to locate their destination. A low profile monument sign is also proposed for this location at 6' overall height, this will comply with the code.

Taco Bell proposes a wall sign over their main entrance that faces the parking lot. Taco Bell also proposes a wall sign on the front elevation that faces the roadway, this elevation also houses an entrance to the restaurant. Taco Bell has proposed a wall sign on the drive thru elevation.

# Standards for Variance

Each sign serves a purpose:

- “Taco Bell” (12.16 sq. ft.) letterset measuring 12”H x 12’2” W placed over the main entrance is necessary for patrons entering from all northerly directions to identify their destination, this is the North Wall of the building and the sign is also necessary for patrons entering from the Walmart parking lot as well as those heading south on S. Lake Drive. There are pine trees along the front of property that will block most of the building and this wall sign will allow for motorists to see the Taco Bell from a distance.
- Bell logo sign (22.24 sq. ft.) with “Taco Bell” (14.23 sq. ft.) letterset measuring 4’10 ½” x 4’6 ¾” and 2’3 ½” x 6’ 2 ½” placed on the front elevation is the sign that they are entitled to have and this sign also identifies an entrance to the building. This would be their code allowed by right sign and does not require a variance. This wall faces S. Lake Drive.
- Bell logo sign (22.24 sq. ft.) with “Taco Bell” (14.23 sq. ft.) letterset measuring 4’10 ½” x 4’6 ¾” and 2’3 ½” x 6’ 2 ½” placed on the drive thru elevation is for patrons approaching from the south to locate their destination and prepare for their turn, this is the south wall of the building. There are pine trees along the front of property that will block most of the building and this wall sign will allow for motorists to see the Taco Bell from a distance when traveling northbound on S. Lake Drive.

Total proposed Sign area and Wall area information

- Total wall sign area proposed 85.10 sq. ft.
- The front elevation will measure approximately 26 linear feet when constructed.
- The side elevations will measure approximately 82 linear feet when constructed.
- Wall heights vary from 13’ at the lowest height to 24’ at the highest height.
- The monument sign proposed is 30 sq. ft. at 6’ overall height.



# Standards for Variance

South Carolina Highway Route 6 (S. Lake Drive) is a four lane road with a center turning lane. The ground sign proposed will be mostly hidden by treescapes and only visible once motorists approach the parking lot and will not allow for motorists to identify their destination from a distance. The monument sign proposed will only be 6 ft tall and if not blocked by trees it will be blocked by traffic and vehicular congestion. Taco Bell's customer base is impulse driven and for potential patrons to be able to locate the restaurant safely is necessary for the citizens of the community to reduce the number of traffic incidents that could occur with the lack of proper signage. Motorists traveling on nearby Interstate 20 will be exiting the highway and they may not be familiar with the area while in search of a Taco Bell during their travels. This will bring transient motorists to the community.

# Standards for Variance

We hereby address the following criteria:

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

The pine trees that line the front of the property will obstruct the view of buildings and ground signs along the S. Lake Drive frontage. The nature of a fast food restaurant is exceptional because the persons that frequent these establishments are often driven by impulse. Signs are necessary for this business to be recognized among direct competitors in the area and for fair competition throughout. The property sits along a major road way that has a large amount of heavy traffic congestion during peak business hours which creates an extraordinary circumstance. In order for citizens to make their way safely to the destination they need to be able to locate the restaurant and to do that they will use signs. Many of the customers that visit this restaurant will not be familiar with the area and they will be traveling without the exact knowledge of their destination, lack of signs will create vehicular confusion. This is an extraordinary and exceptional condition that exists because of the location of the lot and the nature of the business that will occupy the lot. For the safety of the citizens of Lexington County, signs are necessary to eliminate vehicular confusion.

# Standards for Variance

**These conditions do not generally apply to other properties in the vicinity.**

Not all of the businesses in this vicinity are blocked by pine trees. Not all of the businesses in this area are impulse driven customer base. Those other businesses that share these conditions have variances for additional signs in place.

**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**

The application of the ordinance will prohibit Taco Bell from being able to take their place among their direct competitors. The strict application of the law would restrict Taco Bell from being able to take their place as a viable business in the community and fully represent themselves to potential impulse driven patrons that are approaching from the north and south. Additionally, the strict application of the zoning ordinance could create a hazard for the citizens of the county and a financial burden for the infrastructure of the community



# Standards for Variance

**The authorization of a variance will not be of substantial detriment to adjacent properties or to the public good and the character of the district will not be harmed by granting of the variance.**

The signs are cohesive with the other signs that businesses have in this area. Signs of this type and size are consistent with what adjacent properties have and they provide for the overall public good. The district will not be harmed by the granting of this variance, the variance would however enhance the overall safety of the citizens and allow for the proper use of this land as a fast food restaurant. Lack of signage has been proven over time to create situations where persons are seeking a destination and make sudden stops along busy roadways which in turns creates accidents. Transient guests that are not familiar with the area will be coming off the highway searching for Taco Bell and it will be hazardous if they cannot readily identify the building. The lack of signage will create vehicular confusion among motorists and that will result in a financial burden to emergency services and eventually that financial burden is shared by the tax payer. The signs prevent accidents by allowing potential patrons to identify their destination, not allowing the signs is unreasonable and will prevent for the full utilization of the property to it's fullest potential.

Respectfully we request the approval of the sign package as proposed because it is the minimum necessary for Taco Bell to fully use this property as intended and the signs are consistent with the overall intent of the zoning ordinance.

Sincerely,

Tracey  
Diehl

Digitally signed by Tracey Diehl  
DN: cn=Tracey Diehl, o=US,  
ou=City of The City,  
email=tracey@cityoftheahdhl.com  
Date: 2016.05.12 20:26:12 -0400

Tracey Diehl

Permit Manager



# Lexington County Zoning Ordinance

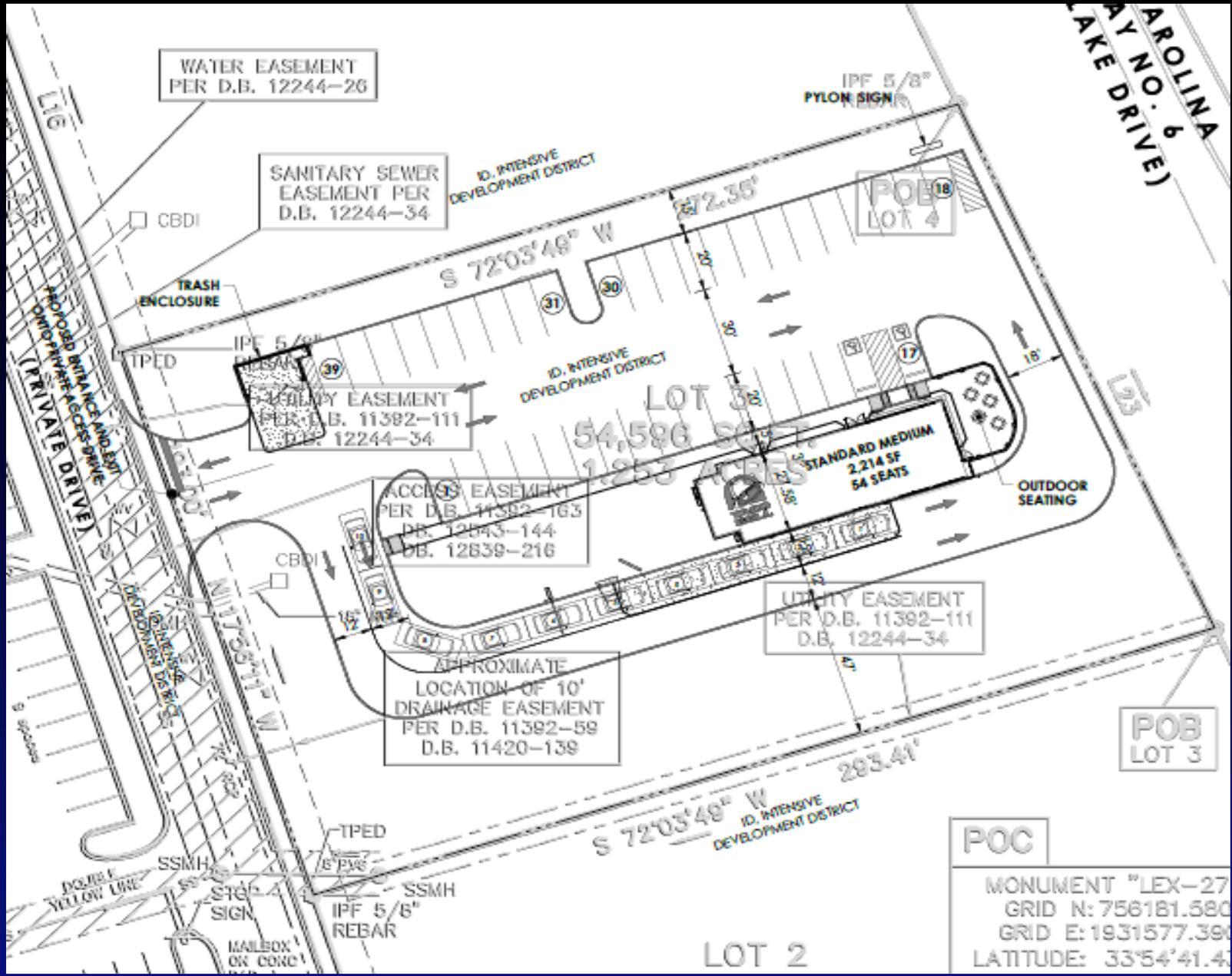
## 26.52 Maximum Display Area, Height, and Number of Signs

The maximum display area allowed for commercial centers and educational campuses includes any directory signs. In addition, each business within a commercial center or building on an educational campus may erect one wall, projecting, or marquee sign; and, each individual business not within a commercial center may erect one wall, projecting, or marquee sign per street frontage.

## 26.53 Specialty Signs

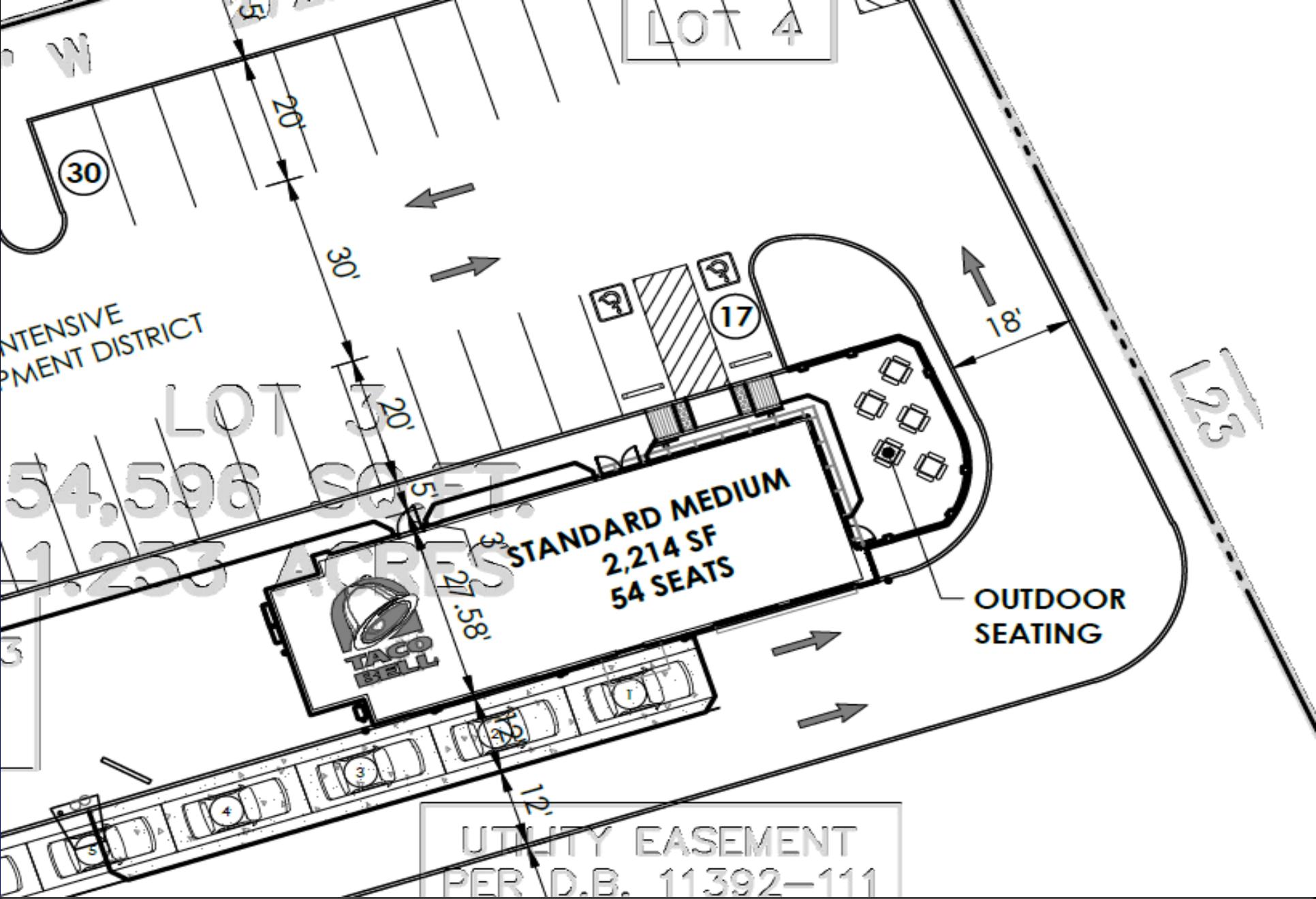
Wall Signs are signs attached to the exterior wall of a building or structure which do not extend beyond the building wall more than 12 inches. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a wall sign shall be permitted to project above the wall of the building to which it is attached except in the case of signs mounted to the roof in which case no portion shall project above the top of the roof. The wall sign information may be dispersed anywhere on the wall as long as the total display area of all information does not exceed the 15 percent requirement. A “mural” is a painting applied to a wall containing no advertisement for any business product or activity. A mural, as defined, will not be considered a wall sign.





Site plan per applicant







Sign drawing side elevation



Sign drawing front elevation



Community Development



Sign drawing front and side elevation





NOTE:  
BRICK BASE SUPPLIED BY OTHER CONTRACTORS



Site photograph



# ZONING HEARING

LEXINGTON COUNTY  
ADMINISTRATION BUILDING

6:00 P.M.

WEDNESDAY • JUNE • 22

FOR INFORMATION CALL 785-8121

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REAL ESTATE

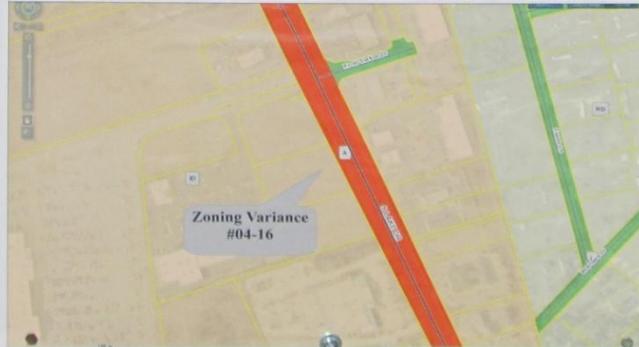
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www.wrsre

**ZONING VARIANCE REQUEST #04-16:** Applicant requests additional wall signage for a proposed Food Services activity. TMS# 007600-04-124.



06/09/2016 07:35





Site photograph





06/09/2016 07:35





Site photograph





06/09/2016 07:35



# Zoning Variance Application #05-16

- Applicant: John Reed
- Property Owner: Commercial Properties Associates
- Location: 120 Pine Plain Road
- TMS#s 008098-02-001,002,003
- 009100-01-014,064,088



This variance application is to reduce the buffer from 150 feet to 66 feet; reduce the setback from 200 feet to 66 feet; reduce total screening requirement from 200 feet to 66 feet; reduce partial screening requirement from 350 feet to 66 feet. The protected properties are across Charleston Highway and Pine Plain Roads. Both of these roads have a 66 foot right-of-way.

The zoning district is ID (Intensive Development).

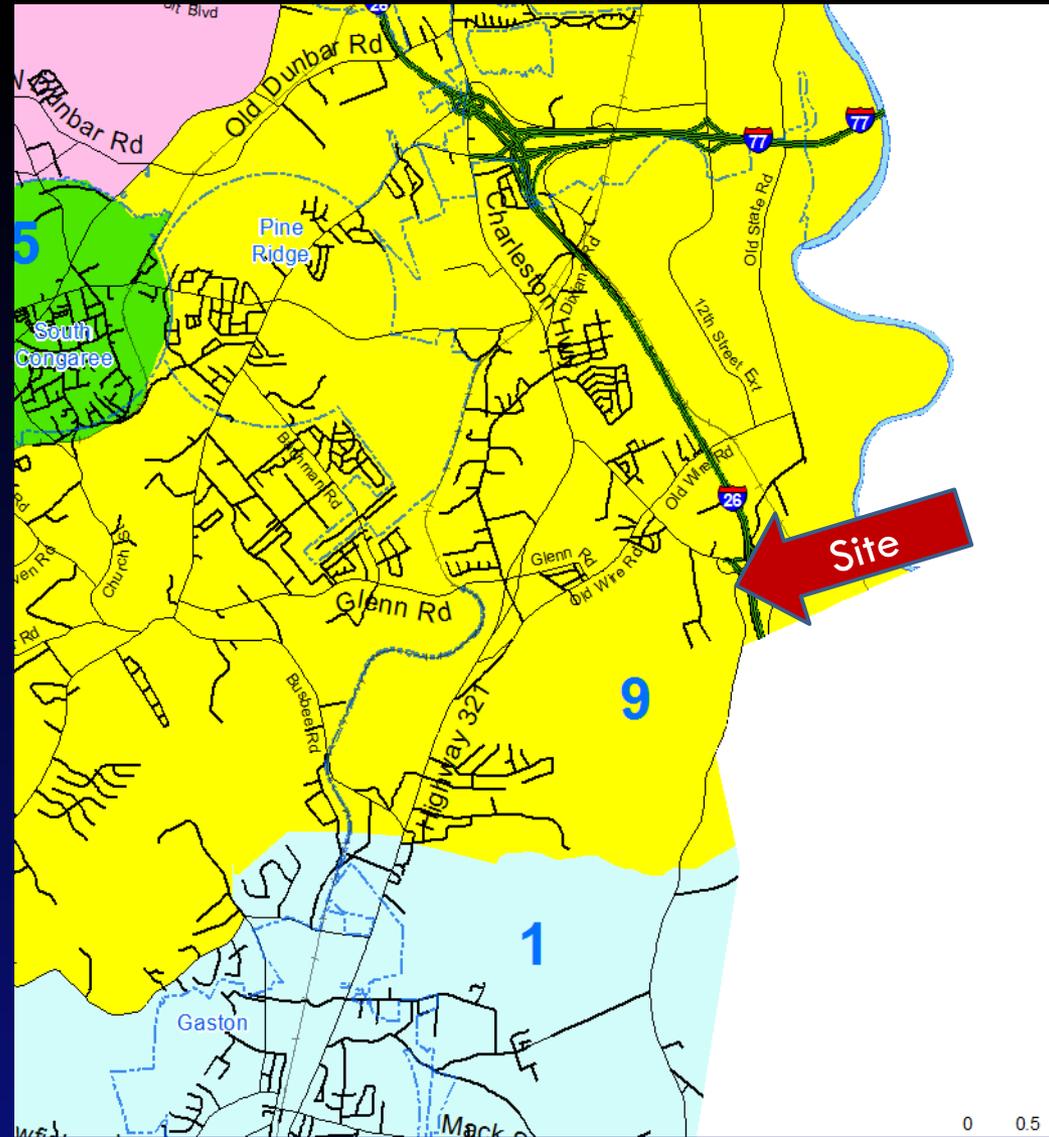
Zoning staff does not make recommendations to the Board of Zoning Appeals to approve or deny a variance application.

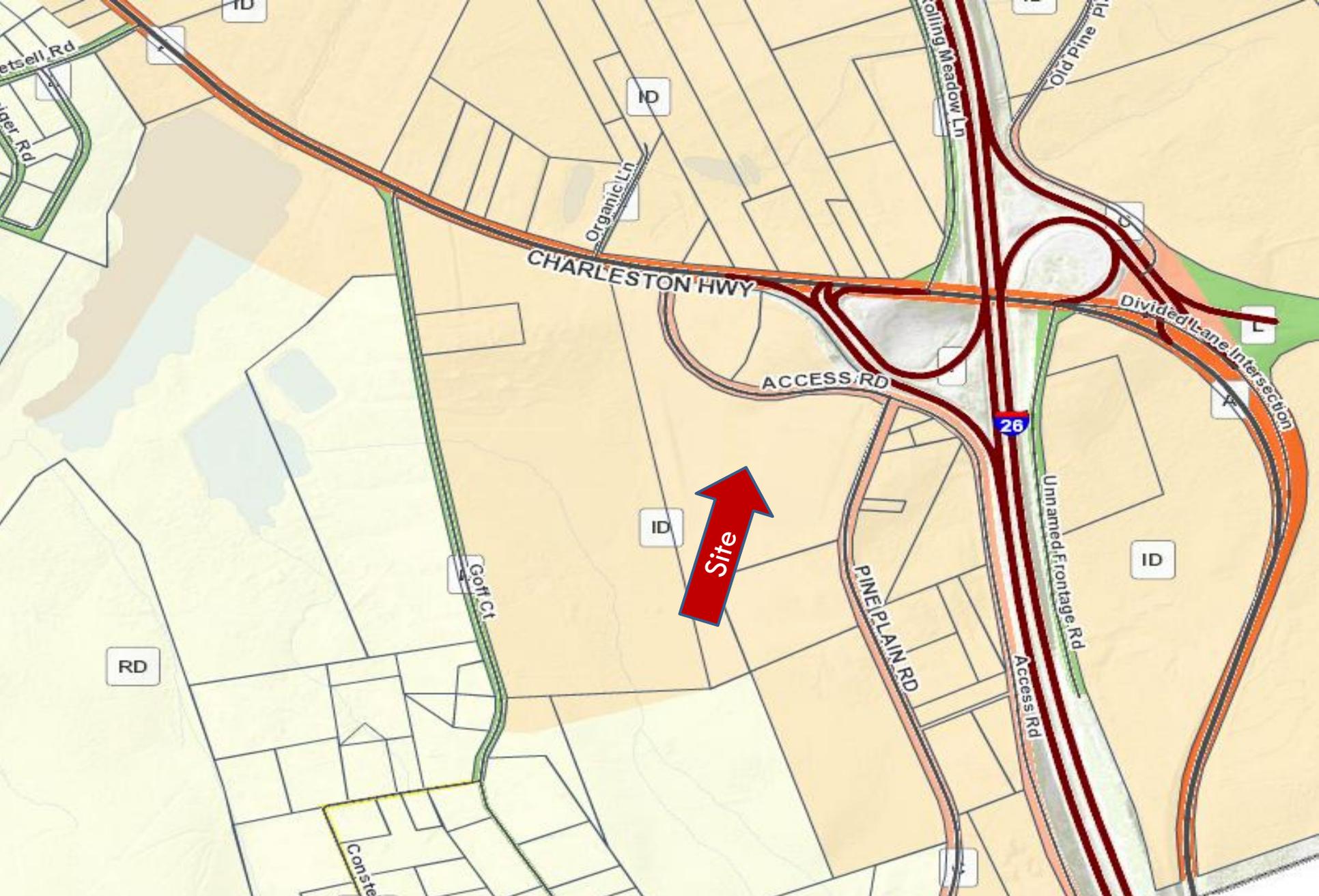
Each application stands on its own merit

# Council District 9

Represented by:  
Todd Cullum

Southern Lexington  
County zoned in 1998





# Standards for Variance

[copart.com](http://copart.com)

14185 Dallas Parkway, Suite 300

Dallas, Texas 75254



May 12, 2016

Mr. Walt McPherson

Department of Community Development  
Lexington County, SC  
212 South lake Drive, Suite 401  
Lexington, South Carolina 29072

Re: 120 Pine Plain Road  
Zoning Variance Application  
Standards for Variance Explanations

To whom it may concern,

Copart, in support of our application and request for variances, offers the following explanations as they relate to the Lexington County Standards for Variance:

Copart submits the following explanation of extraordinary and exceptional conditions pertaining to the particular piece of property;



# Standards for Variance

The property had been previously developed for a manufacturing use that required the large scale building (approximately 80% warehouse fabrication+20% office), high power electric service, outside canopy shelters, level outside durable utility surface for outdoor storage, and perimeter security fencing. This property was vacant and underutilized at the time Copart considered this site. Copart operations, with its national clients, found this to be an exceptional and ideal site setup as it (a) had been developed with similar needed conditions and was ready for move in, and (b) provided for a previously developed industrial site that could be utilized instead of the construction of a different site, leaving this one vacant. The property has operated well in support of our regional operations.

Copart submits that this property is in an area where these conditions do not generally apply to other property (ies) in the vicinity;

This property is in somewhat of a rural and undeveloped area of the county where there is intermittent residential, commercial, industrial and undeveloped land. There are many varied examples of this description along the Pine Plain Road and the US Hwy 21 to IH 26 Access road, most of which are in good condition and others of which show age and abandonment. A review of the industrial uses in the area show many examples of non-screening and subjective buffering. Photos presented on the attached page exhibit some of these examples that the required screening and buffering may not apply.



# Standards for Variance

Copart submits that this property is in a diversified use area that includes residential uses, 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 due to setback requirements, which would encroach far within the site as it currently developed. Also the application of the setback and buffering will cause substantial removal, relocation and replacement of much of the perimeter which is of considerable cost and area concern. Our proposed site and landscape plan takes this into account and provides for an adjusted requirement.



# Standards for Variance



[copart.com](http://copart.com)

14185 Dallas Parkway, Suite 300

Dallas, Texas 75254

Copart submits that 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. By adhering to the proposed requirements of Landscaping, reduced Setback and buffering Copart will be able to maintain a great presence and improved professional appearance at this location and to the area.

It is at this time we request this variance to the standards and your authorization to proceed with the adjustments exhibited on the submitted Site and Landscape Plans.

Signed,

A handwritten signature in black ink that reads "John R. Reed".

John R. Reed  
Director of Property and Development  
Copart, Inc.  
(972) 391-5064 (O)



# Lexington County Zoning Ordinance

## 23.60 Chart of Maximum Buffering Restrictions

The columnar chart below lists the maximum buffering restrictions defined in this chapter as they apply to the list of principal activities. The procedure for determining the actual buffering restrictions that will apply to a particular project or site shall be as outlined in the following paragraphs.

A request for a zoning permit which utilizes the maximum buffering restrictions as published shall be approved with respect to the requirements of this chapter. A request for a zoning permit which proposes to utilize buffering restrictions less than the maximum numbers listed must employ the following procedure:

If the owner of any protected property wished to sanction the selection of a lesser specific restriction, such consent shall be noted on a form provided by Lexington County. This consent shall become valid only upon verification by the Zoning Administrator and attachment to the applicable zoning permit.

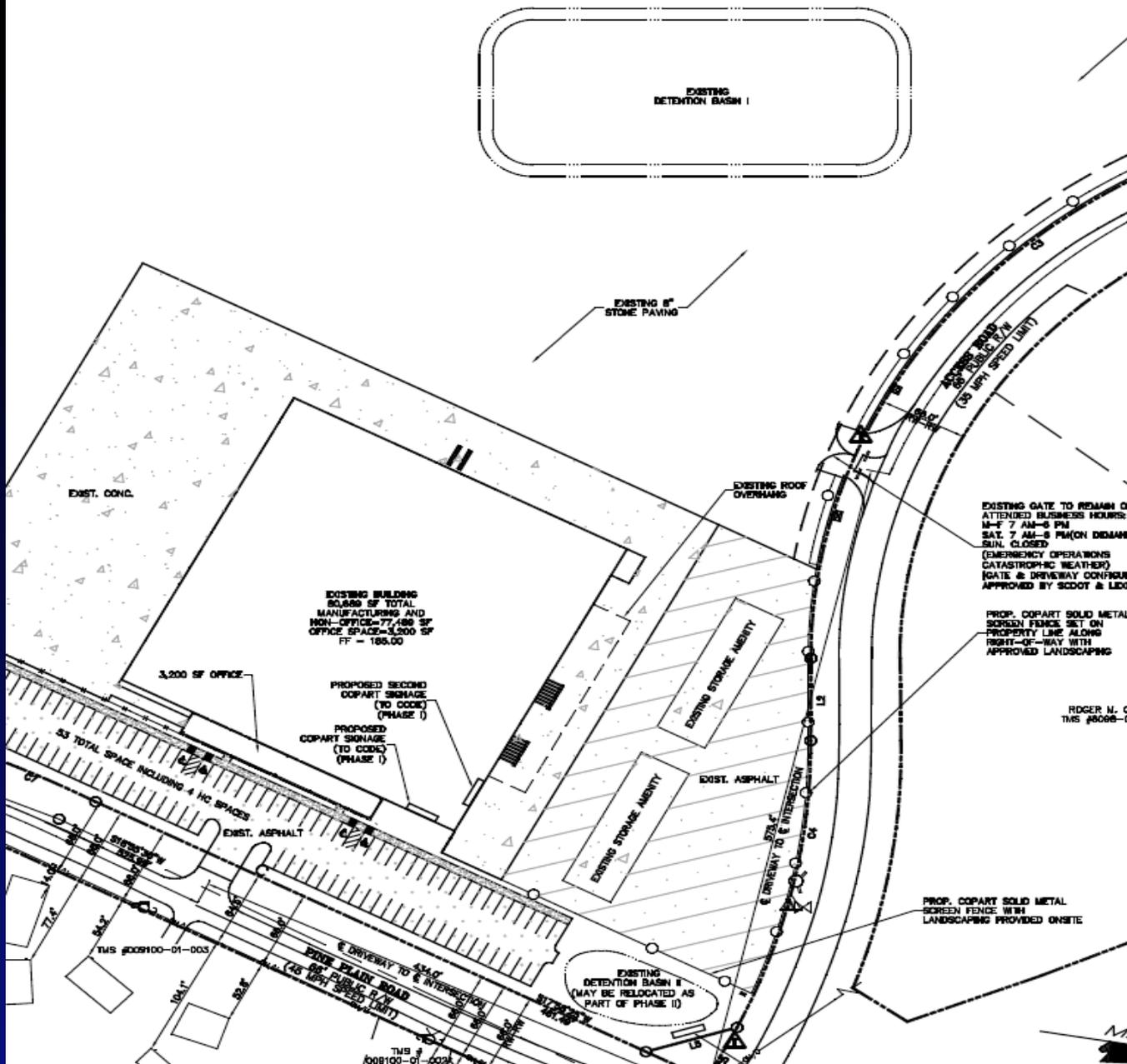
If the process outlined above does not produce the buffering restriction desired by the applicant requesting a zoning permit, the applicant may apply to the Board of Zoning Appeals for a decision following the variance procedures outlined in Chapter 2 of Article 12 – Administration. Once the Board renders a decision, the applicant may not utilize the process outlined in the previous paragraph unless significant aspects of the permit request have been modified or the ownership of the protected property has changed.

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Transport and Warehousing (Extensive)	R	¼	150	200	100	200	350
	I	2					

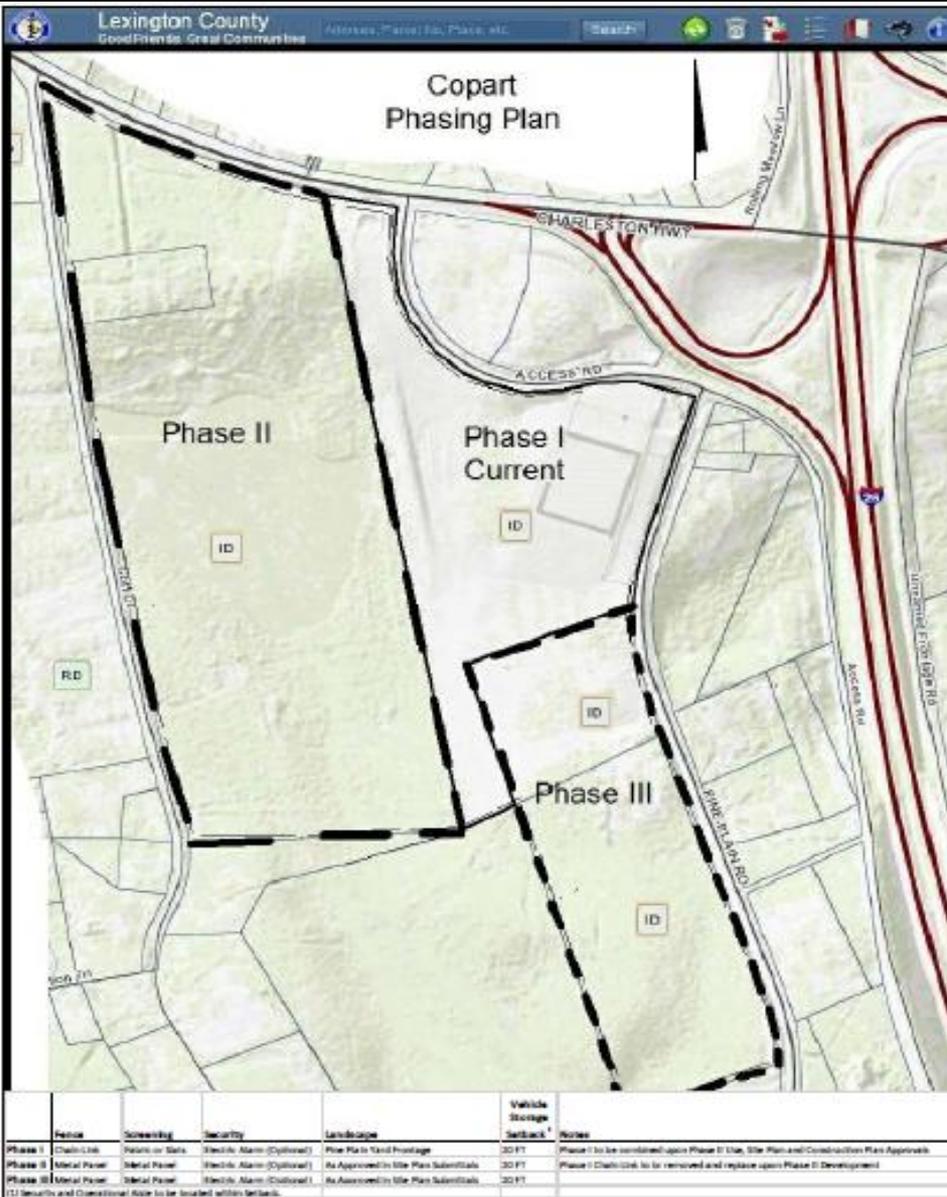








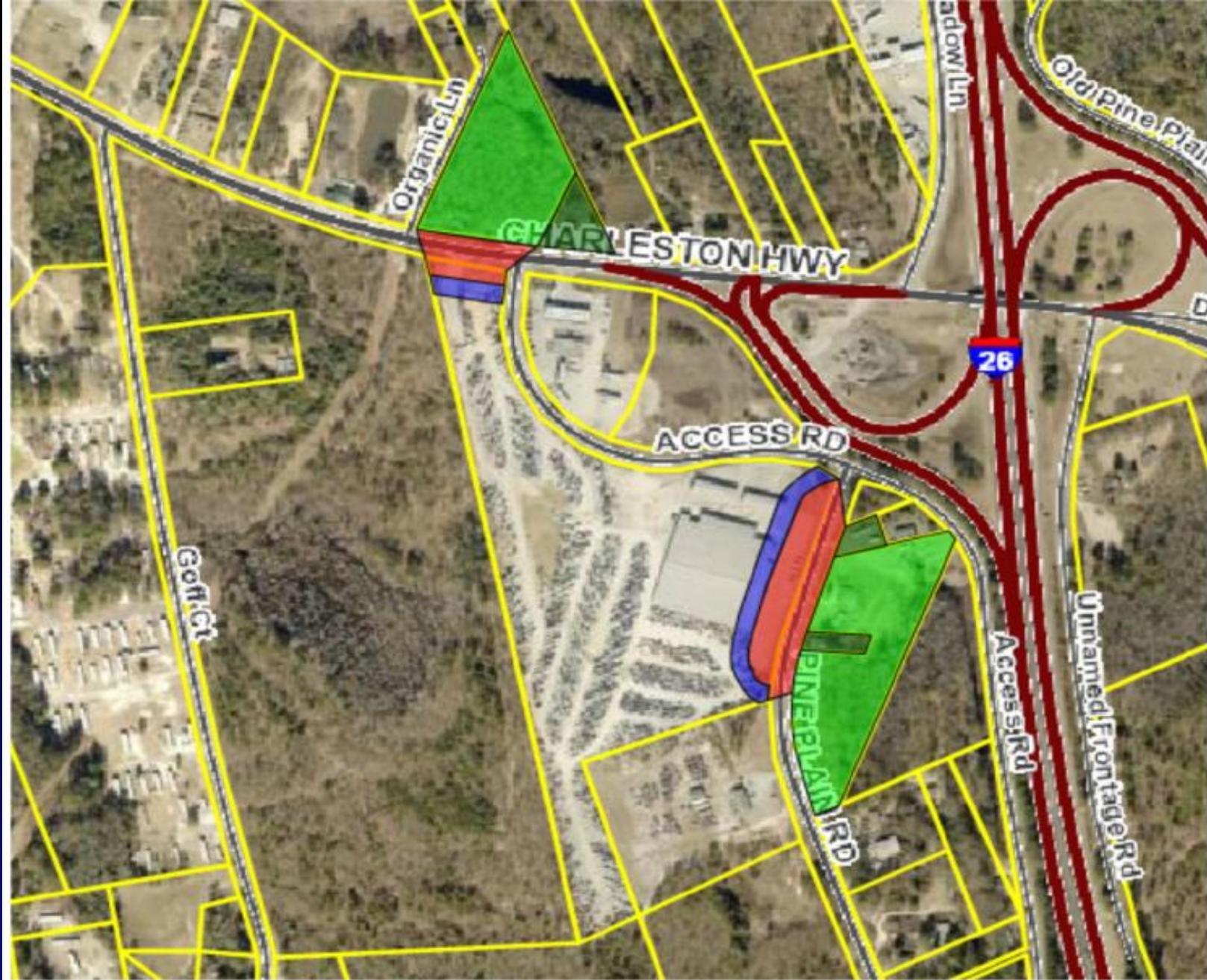




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22-001

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Limits of protection



Community Development







Site photograph



# ZONING HEARING

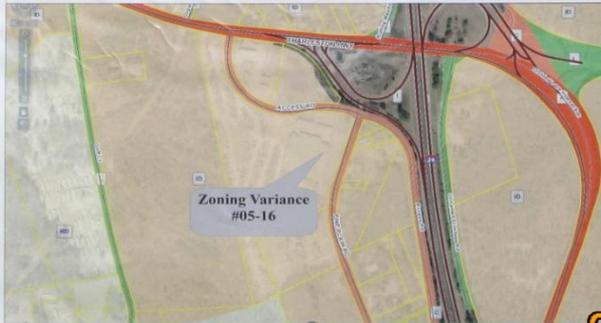
LEXINGTON COUNTY  
ADMINISTRATION BUILDING

6:00 P.M.

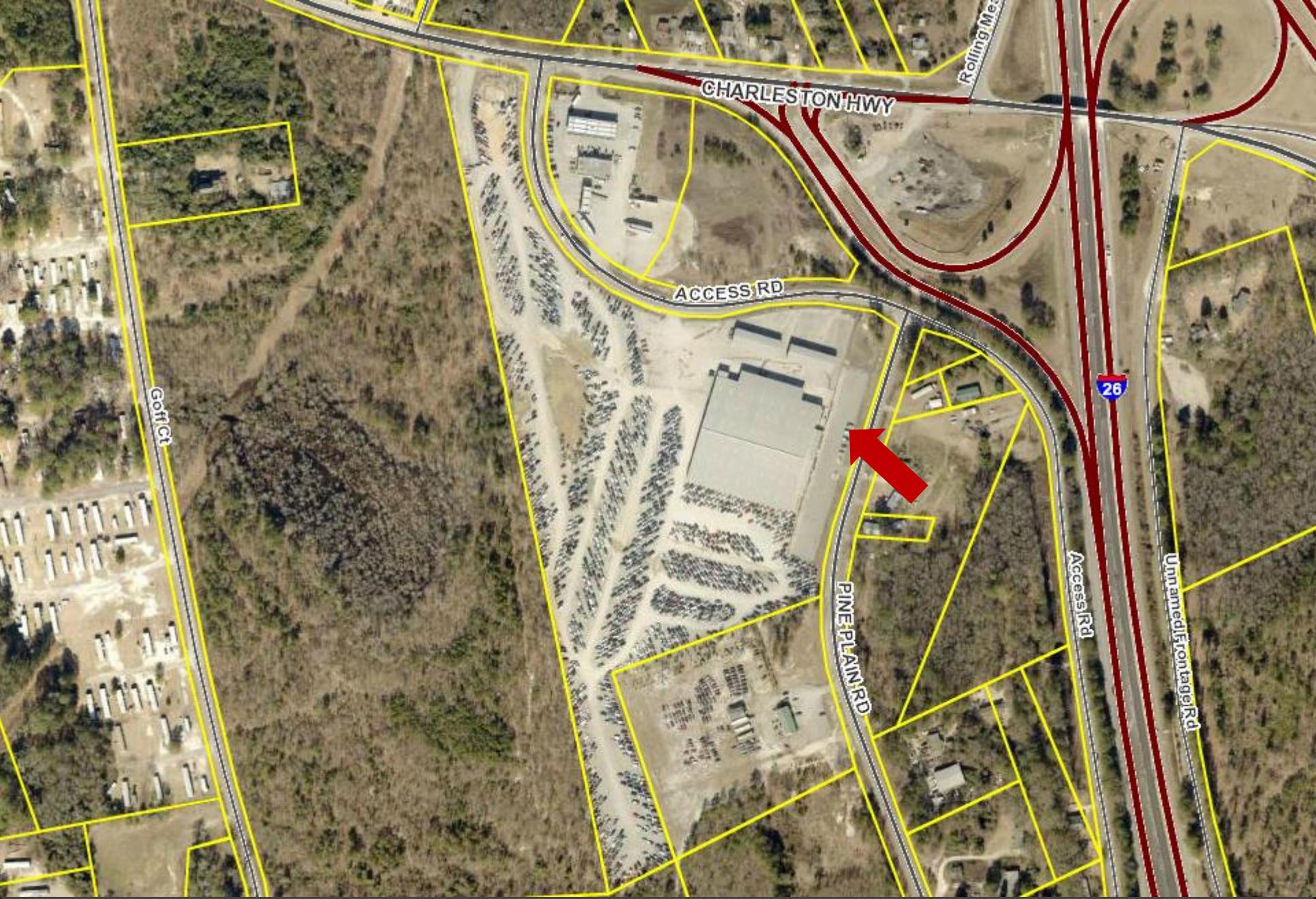
WEDNESDAY • JUNE • 22

FOR INFORMATION CALL 785-8121

**ZONING VARIANCE REQUEST #05-16:** Applicant requests a reduction in buffer, setback and screening requirements for a Transport & Warehousing Extensive activity. TMS#s 008098-02-001,002,003 and TMS#s 009100-01-015,064,088.



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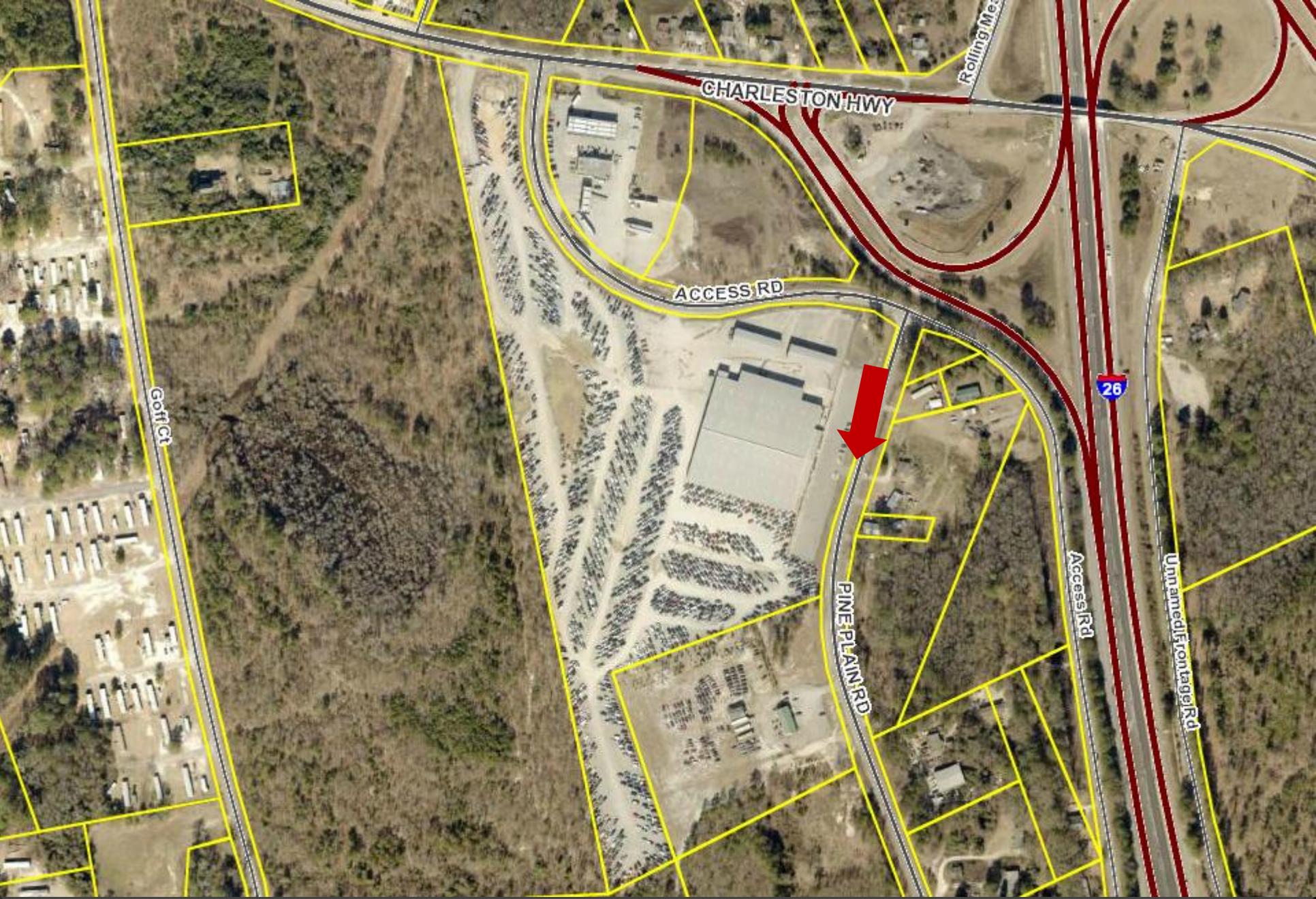
Site photograph





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Site photograph





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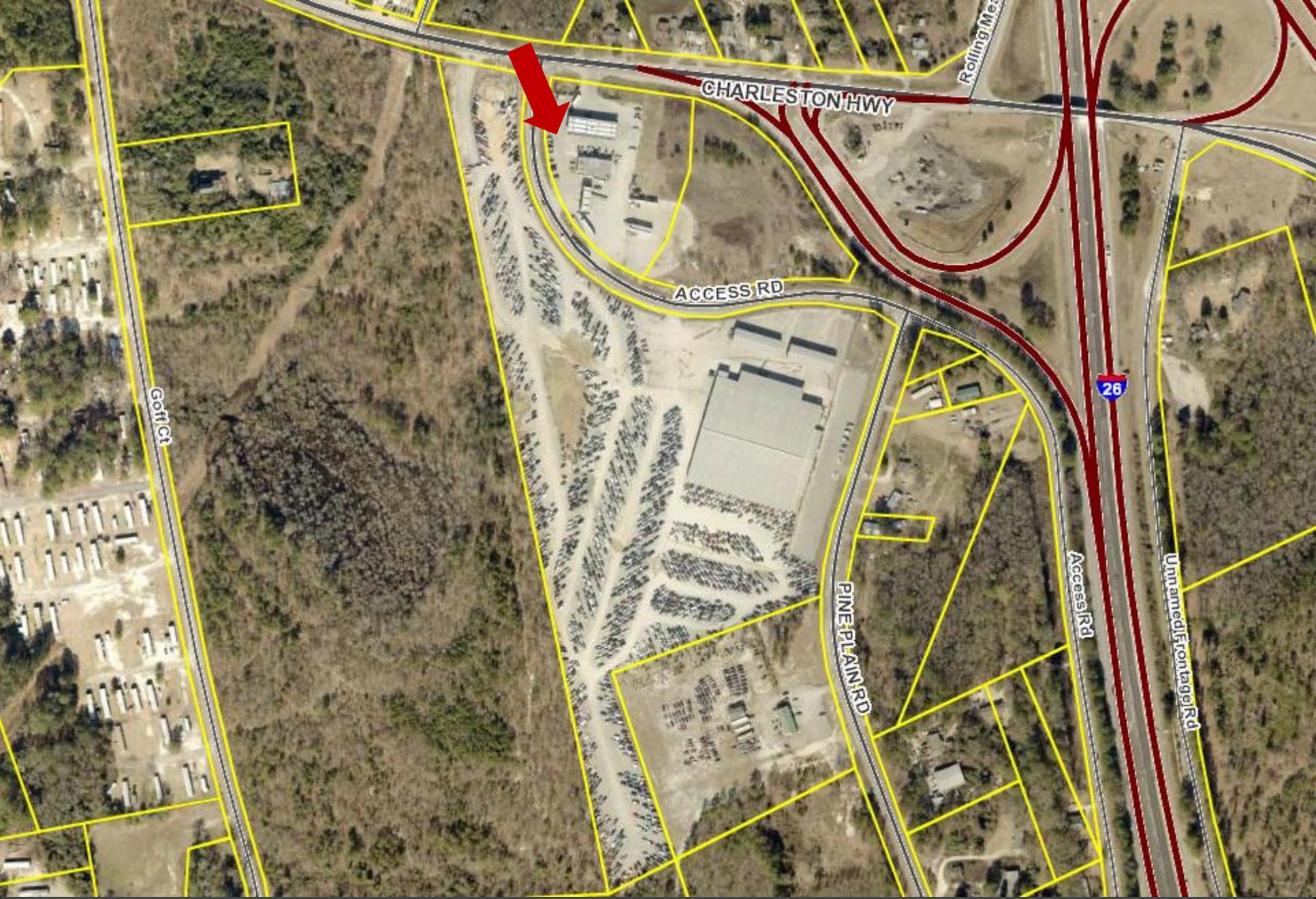
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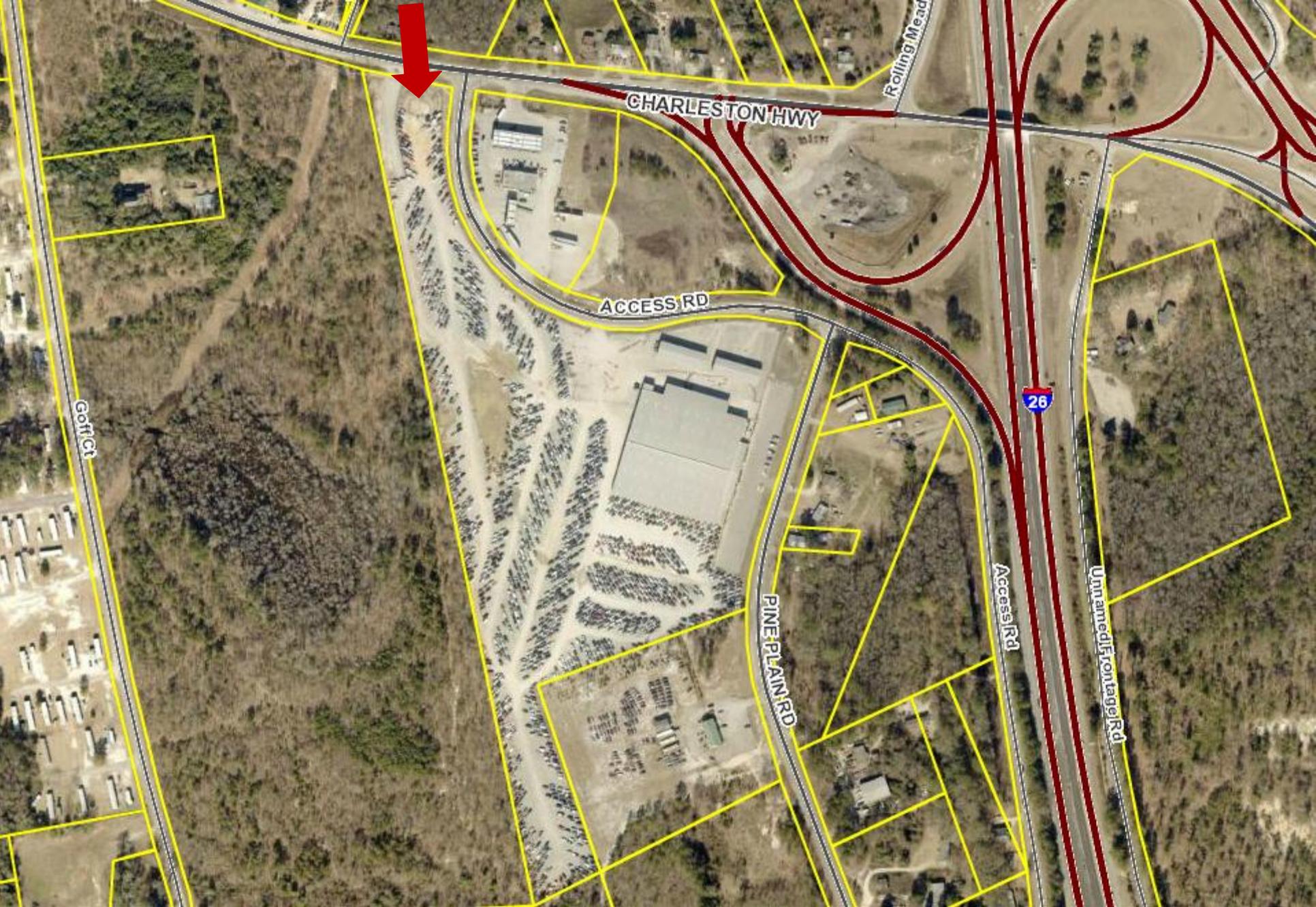
Site photograph





06/09/2016 08:08





Site photograph





06/09/2016 08:11





County of Lexington

Board of Zoning Appeals

**PUBLIC HEARING**

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