



**City of Cayce
South Carolina**

**APPROVED MINUTES
Board of Zoning Appeals
Friday November 02, 2012
City of Cayce Council Chambers
5:30 p.m.**

I. CALL TO ORDER

Chair T. Almond called the meeting to order at 5:30 p.m. Board members present were Tara Almond, Frank Dickerson, David Murray, and Leo Dryer. Robert McArver was absent excused. Staff present was Shaun Greenwood, Teddy Luckadoo, Monique Ocean and Michelle Paulchel.

Mrs. Almond confirmed that the press and public were duly notified of the meeting.

II. APPROVAL OF MINUTES

A motion was made by Mr. Murray to approve the October 15, 2012, minutes as written. Mr. Dickerson seconded the motion and it passed unanimously.

III. OPEN PUBLIC HEARING VA023-12

Mrs. Almond began by explaining how the public hearing would be conducted. Mrs. Almond then opened the public hearing:

A request by Dan Creed, representing Tuma Enterprise, to be granted a variance to increase the maximum required front yard setback (20 feet) for the property located in the 500 block of Knox Abbott Drive (TMS# 004676-01-016).

Mr. Joe Walker began by stating he is the owner of the Marco's Pizza local franchise and a partner with Tuma Enterprises. He further explained that the local franchise has 3 existing locations, two in Richland County and one in Lexington County.

Dan Creed (site engineer for Heritage Engineering Inc.) began by stating the 20ft. maximum set back is not feasible due to the location of an existing City of Cayce sewer line easement and an existing storm drain. He mentioned that the sewer easement occupies most of the setback and the existing storm drain is located partially in the setback. Mr. Creed continued by stating that any structure would have to be located between the sewer easement and the storm drain. Mr. Leo Dryer asked Mr. Creed for clarification on his variance request. Mr. Creed replied by saying that he could not place the building as close to the road as the maximum setback requires. He further stated that, unlike most setbacks where there is a minimum requirement, this one has a maximum requirement. Mr. Dryer asked Mr. Creed if he was putting the building farther back than regulation requires or if he was crowding the street. Mr. Creed answered that he was placing the building farther back than the maximum setback allows. Mr. Dryer replied that he understood. Mr. Murray asked if the setback from the road would have grass and trees as required by the City of Cayce. Mr. Greenwood explained that the builder would have to maintain the 5ft buffer from the main street. Mr. Dryer asked Mr. Creed if there were any problems with CVS and the curb cut, because it was noted in the paperwork as a shared driveway. Mr. Greenwood clarified that the driveway is a fixed access easement by CVS. Mr. Murray asked if the entrance is in any way going to conflict with the exit coming out of CVS. Mr. Creed answered that the curb cut is already constructed, it aligns with the front drive for the CVS, and it was planned when the CVS was constructed. Mr. Dryer stated if there is no direct curb cut on Knox Abbott, the only access is the existing curb cut that now services the CVS. Mr. Dryer then asked if anyone was present from CVS to complain about this. Mr. Greenwood explained that when the CVS was originally built, the lot was intended to be a bank and it was agreed that access to that piece of property and CVS would be shared. Mr. Murray inquired if there has been any intervention by residents since it is county property behind this property. Mr. Greenwood replied that one resident requested staff look into how structures are lined up going down the road and whether this variance would have any visual effect on the existing street view. Mr. Greenwood went on to explain that typical zoning requires construction farther from the street, but Cayce's C-3 zoning requires structures to be placed closer. He further explained that parts of Knox Abbott have water and sewer lines interfering. Mr. Greenwood noted that he consulted with the City Engineer and confirmed that there is a 15ft. easement. The City Engineer indicated that the farther a building is setback from the utility lines the better.

Mrs. Almond asked if there was anyone present to speak. No one was present to speak.

Mrs. Almond closed the public hearing. Mr. Murray made a motion to grant the variance. Mr. Dickerson seconded the motion, which passed unanimously.

IV. OPEN PUBLIC HEARING VA020-12

A request by John Wise of Love Automotive, 1255 Knox Abbott Drive, to be granted a variance from the 75 sq. ft. maximum sign area in order to construct a sign containing 80 sq. ft. of sign area.

Mr. John Wise (Executive Manager with Love Automotive) and Mark Lowery (contractor with Flagship Signs) discussed the diagram of the sign and explained, that as part of their franchise agreement with Mitsubishi and Suzuki, they are required to install a sign manufactured by the franchise. The proposed sign has a sign surface area of that is 5 sq. ft. larger than the ordinance allows.

Mrs. Almond confirmed that no one was signed up to speak.

Mr. Greenwood clarified the hardship pertaining to the variance request. Mr. Greenwood explained that the manner in which the property is subdivided would not be permitted under current zoning regulations. The properties are divided into several parcels and buildings, each, with separate tax map numbers. Under the current zoning regulations, all tax map numbers with street frontage would be permitted to have a free-standing sign. The subdivision of the property creates a unique situation that does not apply to neighboring properties.

Mrs. Almond closed the public hearing. Mr. Murray made a motion to grant the variance. Mr. Dickerson seconded the motion, which passed unanimously.

V. OPEN PUBLIC HEARING VA021-12

A request by John Wise of Love Automotive, 1255 Knox Abbott Drive, to be granted a variance from the 75 sq. ft. maximum sign area in order to construct a sign containing 90 sq. ft. of sign area.

Mr. John Wise (Executive Manager with Love Automotive) and Mark Lowery (contractor with Flagship Signs) referred to Exhibit 10 in regards to the Suzuki sign.

Mr. Greenwood made a point of order, further explaining that in the original application, the Suzuki sign (Exhibit 10) only included the surface area that showed the big "S" at the top. Adding the word Suzuki, in the signage area would require approving more square footage than requested. Mr. Greenwood mentioned that he consulted with the City Attorney and the attorney said the Board could hear the case or require the applicant to submit a separate application.

A motion was made by Mr. Murray to include in the current variance request addition to increase the sign to 108 sq. ft. Mr. Dickerson seconded the motion, which passed unanimously.

Mrs. Almond closed the public hearing. Mr. Murray made a motion to grant the variance. Mr. Dickerson seconded the motion, which passed unanimously.

VI. OPEN PUBLIC HEARING VA022-12

A request by John Wise of Love Automotive, 1255 Knox Abbott Drive, to be granted a variance from the zoning ordinance allowing only 1 freestanding sign, to permit construction of a second freestanding sign. The property is located at 1255 Knox Abbott Drive.

Mr. John Wise (Executive Manager of Love Automotive) explained there is a driveway dividing the signs. Love Automotive was unaware both signs would fall onto the same parcel. Mr. Wise stated that this request is based on the same reasons as the other variance requests and that he did not have any new information to share.

Mrs. Almond confirmed that no one was signed up to speak.

Mrs. Almond closed the public hearing. Mr. Murray made a motion to grant the variance request. Mr. Dickerson seconded the motion, which was unanimously approved.

VII. OTHER BUSINESS

A motion was made by Mr. Leo Dryer to appoint Michelle Paulchel as the new secretary. The motion was seconded by Mr. Murray and was unanimously approved.

VIII. ADJOURNMENT

A motion was made by Mr. Leo Dryer to adjourn. Mr. Dickerson seconded the motion, which passed unanimously.