



PENDLETON

SOUTH CAROLINA

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Town of Pendleton Board of Zoning Appeals
Regular Meeting and Public Hearing
September 10, 2009
6:00 pm Town Hall

MINUTES

Members Present: Ted Mauro, Rob Silance, Tonnie Jackson

Members Absent: Jennifer Crenshaw

Staff Present: Kris Kurjiaka

1. Opening Comments, Establishment of a Quorum

Chairperson Ted Mauro called the meeting to order at 6:01 pm. He noted that Ms. Crenshaw was absent from the meeting. With 3 of 5 members present, a **quorum was established.**

2. Approval of Minutes from January 8, 2009 Regular Meeting

Mr. Mauro asked if anyone had any comments regarding the minutes from January 8th. No comments were made.

Mr. Mauro called for a motion to approve the January 8, 2009 Regular Meeting minutes. Mr. Silance made a **motion to approve the minutes**, and Ms. Jackson **seconded the motion.** The motion passed unanimously with a vote of 3-0.

3. New Business

- a) **Variance request for 164 Exchange Street – Variance from Section 902.6.2(c) to allow a sign larger than the 50 square foot maximum for wall signs in the CB – Central Business District – Item for Public Hearing and Vote**

Mr. Mauro opened discussion regarding the variance request for a sign larger than the 50 square foot maximum allowed in the Central Business District. He asked if any of the BoZA members had comments or questions.



Mr. Silance asked if the current sign that was on the building was a temporary sign.

Ms. Kim Burgess, request applicant and tenant of the building located at 164 Exchange Street, stated that the sign currently on the building was not temporary. The sign on the building was just the lettering that conformed to the Zoning Ordinance size requirements. Granting her request would allow her to put up the other two panels of the sign to be located on both sides of the current sign. The panels would completely fill the rest of the area on the building meant to hold a sign and would be white with the business's logo. She showed a picture of how the sign looks now and how it would look if the variance is granted.

Mr. Silance stated that the building seemed to be built for a sign of the size that Ms. Burgess was requesting, and that the sign would be a better fit for the building.

Ms. Burgess stated that currently only the center piece had been installed to show that the business is open.

Mr. Mauro asked if the Board had any additional comments. No one had additional comments.

Mr. Mauro **opened the public hearing section of the meeting**. He stated that if anyone from the public had comments that they speak out. He asked if Ms. Curlis would like to comment.

Ms. Curlis, owner of the building located at 164 Exchange Street, stated that the building had an area constructed specifically for a sign and that this area should be able to be used for that purpose, despite the area being larger than the maximum sign area allowed in the Zoning Ordinance. She stated that to attract more quality businesses like the Bridal Shoppe, the Town should allow variances on a case by case basis. She stated that a couple of aspects about the building should make the sign acceptable. The building has one of the larger frontages on the Square and should be allowed to have a sign that reflects that. Also, when the building was built, the Zoning Ordinance had not yet been adopted, and the area for signage was built into the building larger than the Sign Ordinance allows now.

Mr. Silance stated that in looking at the building, he could imagine that a sign that would not fit the built-in area on the building would be much like a picture that did not fully fit in a picture frame. He stated that he did not believe that would look correct.



Mr. Mauro asked if anyone else had a comments.

Ms. Jackie Gresham of the business Mountain Made located at 102 Exchange Street stated she believed the request was valid because proportionate to the building, the request sign area would be similar to those on the rest of the Town Square and within the Central Business District.

Mr. Mauro asked if the public had any additional comments. No one requested to speak.

Mr. Mauro **closed the public hearing section of the meeting.**

Mr. Mauro asked Mr. Kurjiaka if he would like to summarize the Town Staff's comments regarding this variance request.

Mr. Kurjiaka stated that with variance requests, the applicant must meet four criteria to be granted the variance. The applicant must show that the property has extraordinary or exceptional conditions, strict application of the Zoning Ordinance would cause an unnecessary hardship, the conditions of the variance are peculiar to the piece of property, and that granting of the variance would not result in substantial detriment to the public good or impair the purpose and intent of the Ordinance. Mr. Kurjiaka stated that **Town Staff recommended approval of the request** due to the fact that all requirements were satisfied. The large frontage of the building is an exceptional condition to the district, strict application of the Zoning Ordinance would cause less than optimal use of the building, and the built-in sign area on the building is peculiar to the piece of property. Further, the approval of the variance request would not cause any detriment to the Zoning Ordinance, as the Sign Ordinance specifically lists as its purposes:

- Protect historic character of the Town
- Protect property values
- Encourage attractive community appearances
- Preserve natural environment and scenic beauty
- Protect the public from unsafe signs and require that signs be properly constructed, installed and maintained
- Lessen the confusion, visual clutter and sight impairment that can be caused by the proliferation, improper placement, excessive illumination and disproportionate size of signs when such signs are not properly controlled and regulated.
- Create a balance between the need to advertise, identify, and communicate, and desire to maintain a safe, healthful and attractive community.



Staff believes that the first four purposes would be enhanced by the granting of the variance while no detriment while the other purposes would not be compromised.

Mr. Mauro asked if any BoZA members had further questions or comments. No one had further comments.

Mr. Mauro asked if anyone would like to make a motion to approve the variance. Mr. Silance made a **motion to approve the variance** based on the facts provided by the applicant and the staff that 1) Extraordinary and exceptional conditions pertaining to the particular piece of property existed, 2) Application of the Ordinance on the particular piece of property would create an unnecessary hardship, 3) Such conditions are peculiar to the piece of property involved, and 4) Relief from the Ordinance would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or Land Use Plan. Ms. Jackson **seconded the motion**. The motion passed unanimously by a vote of 3-0.

Mr. Silance commended Ms. Burgess for requesting the variance and spending more money to make the building and the Town look more attractive.

4. Old Business

a) Discussion of amendments to the Zoning Ordinance adopted by the Town Council over the past year

Mr. Mauro stated that the last item on the agenda was the discussion of Zoning Ordinance amendments that were adopted by the Town Council over the past year. He asked if any of the Board members had questions regarding these amendments or their purposes.

Ms. Jackson stated that she would like to have time to look at the amendments more closely before commenting or asking questions. Mr. Silance stated the same.

Mr. Kurjiaka stated that if any of the Board members had questions that they could call or drop in to Mr. Kurjiaka's office anytime and he would be glad to discuss the Board member's comments.

Mr. Mauro stated that there would be no need to further discuss this item at this meeting.

b) Vote to fill the position of Vice Chairperson vacated by Lon Abrams



Mr. Mauro stated that Lon Abrams would no longer be serving on the Board of Zoning Appeals due to residing outside of the town limits. He stated that it might be a good idea to vote for a Vice Chairperson to fill the vacancy in case he was not able to make the next meeting. He asked if anyone would like to nominate a Board member for the position of Vice Chairperson.

Mr. Mauro asked if there would be a motion to vote for a new Vice Chairperson at the meeting. Mr. Silance made a motion to vote for a new Vice Chairperson. The motion was not seconded.

Mr. Mauro stated that the Board would attempt a vote to fill the vacancy of the Vice Chairperson position at the next meeting.

4. Adjourn

With no more business left, Mr. Mauro called for a motion to adjourn. Ms. Jackson made the **motion to adjourn** and Mr. Silance **seconded the motion**. The motion passed with a unanimous vote of 3-0. The meeting adjourned at 6:29 pm.