



PENDLETON

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History, Hospitality & Happenings!

Board of Zoning Appeals
Regular Meeting and Public Hearing
January 14, 2010
6:00 pm Town Hall

1. Opening Comments, Establishment of a Quorum
2. Approve minutes for September 10, 2009 meeting
3. New Business
 - a) **Variance request for 125 East Queen Street** – Variance from Section 902.5.5 to allow a temporary sign for more than 30 days in a 3 month period – **Item for Public Hearing and Vote**
 - b) Nominate and vote for Chairperson, Vice Chairperson, and Secretary of the Board of Zoning Appeals
4. Old Business
5. Adjourn



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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

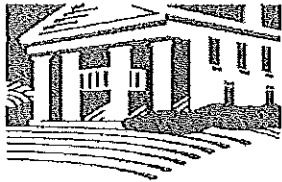
Mr. Mauro asked if anyone had any comments regarding the minutes from January 8th. No comments were made.

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.



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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.

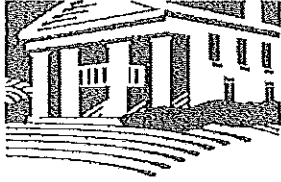
Ms. Burgess stated that currently only the center piece had been installed to show that the business is open.

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.



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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.



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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

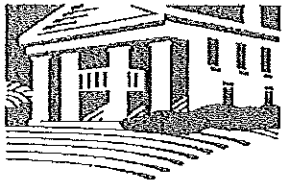
Mr. Mauro stated that the last item on the agenda was the discussion of Zoning Ordinance amendments that were adopted by the Town Council over the past year. He asked if any of the Board members had questions regarding these amendments or their purposes.

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



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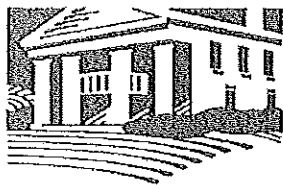
Mr. Mauro stated that Lon Abrams would no longer be serving on the Board of Zoning Appeals due to residing outside of the town limits. He stated that it might be a good idea to vote for a Vice Chairperson to fill the vacancy in case he was not able to make the next meeting. He asked if anyone would like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



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Variance for 125 East Queen Street

Town of Pendleton Board of Zoning Appeals Staff Report

Staff Case Manager: Kristopher Kurjiaka, Town Planner

Date of Meeting: December 10, 2009

Variance Request: Variance of Section 902.5.5 of the Zoning Ordinance, to allow a temporary sign for more than 30 days in a 3 month period (to allow a temporary sign for an indefinite period of time).

Property Location: 125 East Queen Street (TMS 040-10-03-001)

Existing Zone: CB (Central Business District)

Property Owners: Pendleton District Commission

Contact Persons: Vicki Fletcher, Jo McConnell

CRITERIA TO GRANT A VARIANCE:

- 1.) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- 2.) The application of the Ordinance on this particular piece of property would create an unnecessary hardship;
- 3.) Such conditions are peculiar to the piece of property involved; and
- 4.) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. Economic Hardship shall not be deemed the sole basis for relief.

PROPOSAL:

The Pendleton District Commission is continuing its efforts to raise funds in order to complete the renovations of its headquarters, Hunter's Store, located at 125 East Queen Street. Fund raising for this project will continue indefinitely until the target amount to complete the project is collected. This process, in all likelihood, will take well over 30 days. The Pendleton District Commission has applied for a sign permit for a temporary sign and is requesting a variance from Section 902.5.5 of the Zoning Ordinance to be allowed a temporary sign that may stay up for an indefinite period of time.

The purposes of "Section 902 – Sign Ordinance" in the Zoning Ordinance are as follows:

The purpose of the Ordinance is to promote health, safety, and general public welfare by governing the location, size, and other characteristics of signs in each of the use districts established in this Ordinance. Safeguards must be in place to:

- **Protect historic character of the Town**
- **Protect property values**
- **Encourage attractive community appearances**
- **Preserve natural environment and scenic beauty**
- **Improve pedestrian and traffic safety through the proper placement of signs**
- **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.**

The Zoning Ordinance defines a temporary sign as follows:

Temporary Signs: Signs which are not permanently attached to a building, the ground or other structures and which may not meet the structural and installation standards of the Standard Building Code or electrical standards of the National Electric Code.

The applicant is requesting a variance from Section 902.5.5, which states:

902.5.5 Temporary signs shall be displayed for not more than thirty (30) days in any three (3) month period, unless specifically stated otherwise.

Further, Section 902.5.10 sets forth specific regulations for signs pertaining to drives or events of general public interest:

902.5.10 Signs pertaining to Drives, Races, Civic, Educational, or Religious Events, or of General Public Interest:

- (a) Shall be erected no more than thirty (30) days prior to the event and shall be removed no later than seven (7) days following the end of such event.
- (b) Shall be allowed in commercial zoning districts and lots containing institutional or religious uses.
- (c) Maximum height = six (6) feet if free-standing.
- (d) Maximum area = forty-eight (48) square feet.
- (e) Minimum setback = five (5) feet from all property lines.
- (f) One (1) sign allowed per site.
- (g) Can be pole-supported, banner, window, etc.
- (h) See Section 902.5.4 for additional requirements and permissions.

RECOMMENDATIONS:

Variance assessment per the Criteria of the Zoning Ordinance:

- 1.) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

STAFF: The application for an extension of the time by which a temporary sign may stand is not affected by the property size, shape, or topography. The use and nature of the property provide and exceptional condition in that the building on the property has historical significance to the Town and allowance of a sign that may progress renovation of this building is exceptional compared to almost all other properties located within the Central Business District and Town in general.

- 2.) The application of the Ordinance on this particular piece of property would create an unnecessary hardship.

STAFF: The application of the Ordinance on this particular piece of property would create a hardship in that renovation of the building that is both historic and greatly significant to the Town's heritage would be unduly delayed. Further, location of the Pendleton District Commission's everyday operations outside of the building may adversely affect business done by the Pendleton District Commission, which benefits the Town of Pendleton in many ways.

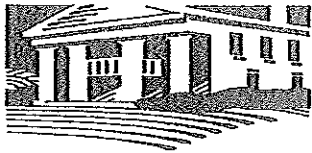
- 3.) Such conditions are peculiar to the piece of property involved.

STAFF: Such conditions are peculiar to how the application of the Ordinance affects the use located on the property. The Pendleton District Commission is a non-profit organization that functions for the benefit of tourism in the Town of Pendleton and the surrounding region. The allowance of a sign for a period extending beyond the time limitations in the Zoning Ordinance may help to re-establish the use at an earlier time.

- 4.) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building of structure that is prohibited in a given district by this Ordinance. Economic Hardship shall not be deemed the sole basis for relief.

STAFF: The public good is best served by getting the Pendleton District Commission back into their headquarters at 125 East Queen Street. The allowance of a temporary sign that may stay up longer than 30 days in a 3 month period may help achieve this goal and would not impair the intents or purposes of the Zoning Ordinance or Land Use Plan. Granting of the variance request would not contradict the Comprehensive Plan.

Planning Staff recommends **APPROVAL** of the variance request from Section 902.5.5 of the Zoning Ordinance to allow a temporary sign to stand for a duration of over 30 days in a 3 month period **WITH THE CONDITION** that the sign only stand for a period of one year with the opportunity to extend the variance if fundraising is not completed. Staff finds that the criteria for variance approval are adequately met and that the granting of the request conforms to the purposes stated in Section 902 in the Zoning Ordinance and for the Zoning Ordinance in general. Further, in order to retain the "temporary" status of the sign, Staff recommends that a time limit of one year be attached to the approval of the request and that this time limit may be extended by a definite length of time at the Board of Zoning Appeal's approval. The location of the Pendleton District Commission in the Hunter's Store building located at 125 East Queen Street benefits the Town and the general public and the Planning Staff wants to ensure that the Pendleton community is in position to obtain optimal benefits from the renovation of Hunter's Store and Pendleton District Commissions' location within Town.



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Application for Sign Permit

Date of Submittal: NOVEMBER 17, 2009 Request Number (to be filled by Staff) 809 □ 15

Applicant Name: PENDLETON DISTRICT COMMISSION

Address: 125 E. Queen Street, Pendleton

Phone number: 646-3782 Email: jo@pendletondistrict.org

Signature of Applicant: _____

Property Owner Name: Pendleton District Historical, Recreational and Tourism Commission

Address: 125 E. Queen Street, Pendleton

Phone number: 864-646-3782 Email: vicki@pendletondistrict.org

Signature of Property Owner: *Vicki Blanton*

Name of Business: _____ Bus. Lic. No: _____

Address of Proposed Sign: _____

TMS #: _____ □ _____ □ _____ □ _____ Zoning Classification: _____

Type of Sign Proposed: Fund Raising Banner

Size of Sign (dimensions and square feet): 36" x 72" 18 sq. ft Height: 72"

Size of Sign (dimensions and square feet): _____ Height: _____

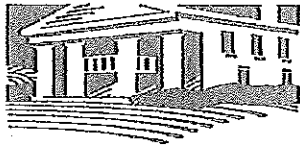
For **Temporary Signs**, permit date shall commence on: (_____) and shall end on: (_____)

Fee is \$30.00. Submit a copy of the **plans for the proposed signs**, drawn to scale which include the following information:

- (1) Show the specific location of all existing and/or proposed sign(s) on the site, with each sign labeled as existing or proposed.
- (2) If the sign is free-standing, then the distances from the proposed sign to the nearest adjacent property line(s) and right(s)-of-way shall be shown and labeled.
- (3) If the sign is free-standing, then all applicable setbacks for the signs shall be shown and listed on the site plan. The proposed sign shall obey the applicable setbacks, unless a variance from the Board of Zoning Appeals is approved.
- (4) The dimensions of the proposed sign(s), including the height, width, and square footage, shall be provided.
- (5) Where applicable, provide the dimensions of the wall surface of the building or window to which the sign is to be attached.
- (6) If the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached shall be provided with the Sign Plan.
- (7) Two (2) copies of a photograph or drawing depicting the proposed sign with the wording to be contained on the sign, along with any emblems, insignias, and other adornments, shall be provided along with the Sign Plan.
- (8) If the sign will be lighted or requires concrete footings, a **building permit** must be submitted and approved.

*****OFFICE USE ONLY*****

Date Received: 11/17/2009 Fee Paid: \$30.00 Receipt number: 93093



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VARIANCE APPLICATION

(For Variances from the Zoning Ordinance)

SUBMITTAL

For Variance applications, applicant must submit:

- 1) A completed application form with the owner's signature.
- 2) A drawing (site plan/plot plan/plat) to scale must be submitted showing the property boundaries and dimensions, north arrow, scale, property address, owner's name, all structure's footprints, distance of each structure (STRUCTURE INCLUDES SIGNS) to the nearest property line, label each structure "existing" or "proposed," show all vehicle use areas, parking spaces, and buffer areas (if required), with the variance area highlighted.
- 3) A written narrative describing and supporting the variance request with information per Section 502.2 of the Zoning Ordinance. See attached supplemental information sheet for details.
- ~~WAIVED~~ 4) Application Fee: Residential \$100.00, Commercial \$200.00
- 5) Deadline is 30 days prior to next meeting for adequate time to advertise request.

Variance Request from Zoning Ordinance Section(s): 902.5.5

Briefly describe variance request (attach description if necessary): The Pendleton District Commission (PDC) is continuing its efforts to raise fund in order to complete the renovations of our headquarters, Hunter's Store, located at 125 E. Queen Street. To date, we have spent \$400,000 and need to raise an additional \$700,000. This effort will take more than the 30 days allowed in the ordinance. We need permission to leave the sign up for an indefinite period of time as we continue our fund raising efforts.

Property Address: 125 E. Queen Street

Subdivision Name (if applicable): _____

Zoning District: CB Tax Map Number: 40-10-03-001-000

Applicant(s) Name (if other than owner): _____

Address: _____

Phone number: _____ Email: _____

Applicant(s) Signature: _____

Owner(s) Name: Pendleton District Commission

Address: 125 E. Queen Street (mailing address is PO Box 565, Pendleton, SC 29670)

Phone number: 646-3782 Email: vicki@pendletondistrict.org

Owner(s) Signature: [Handwritten Signature]

*****OFFICE USE ONLY*****

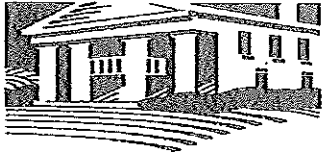
Date received: 11/17/2009 Fee Paid: WAIVED (MAYOR) Receipt number: _____

Date Advertised: 11/24/2009 Hearing Date: 12/10/2009 Date Sign Posted: 11/24/2009

TOWN STAFF RECOMMENDATION: APPROVED: _____ DENIED: _____

BOARD OF ZONING APPEALS DECISION: APPROVED: _____ DENIED: _____

Comments: _____



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SUPPLEMENTAL INFORMATION SHEET FOR VARIANCES

(Per Section 502 of the Zoning Ordinance)

To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship only upon finding by the Zoning Board of Adjustment that all of the following factors exist. This is a provision of Act 487 of 1967 South Carolina Code of Laws.

In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.) **All questions must be answered.**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

SEE ATTACHED SHEET

2. The application of the Ordinance on this particular piece of property would create an unnecessary hardship. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

SEE ATTACHED SHEET

3. Such conditions are peculiar to the piece of property involved. DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

SEE ATTACHED SHEET

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. **Economic Hardship shall not be deemed the sole basis for relief.** DESCRIBE HOW THIS APPLIES TO YOUR PROPERTY:

SEE ATTACHED SHEET

Designation of Agent [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application:

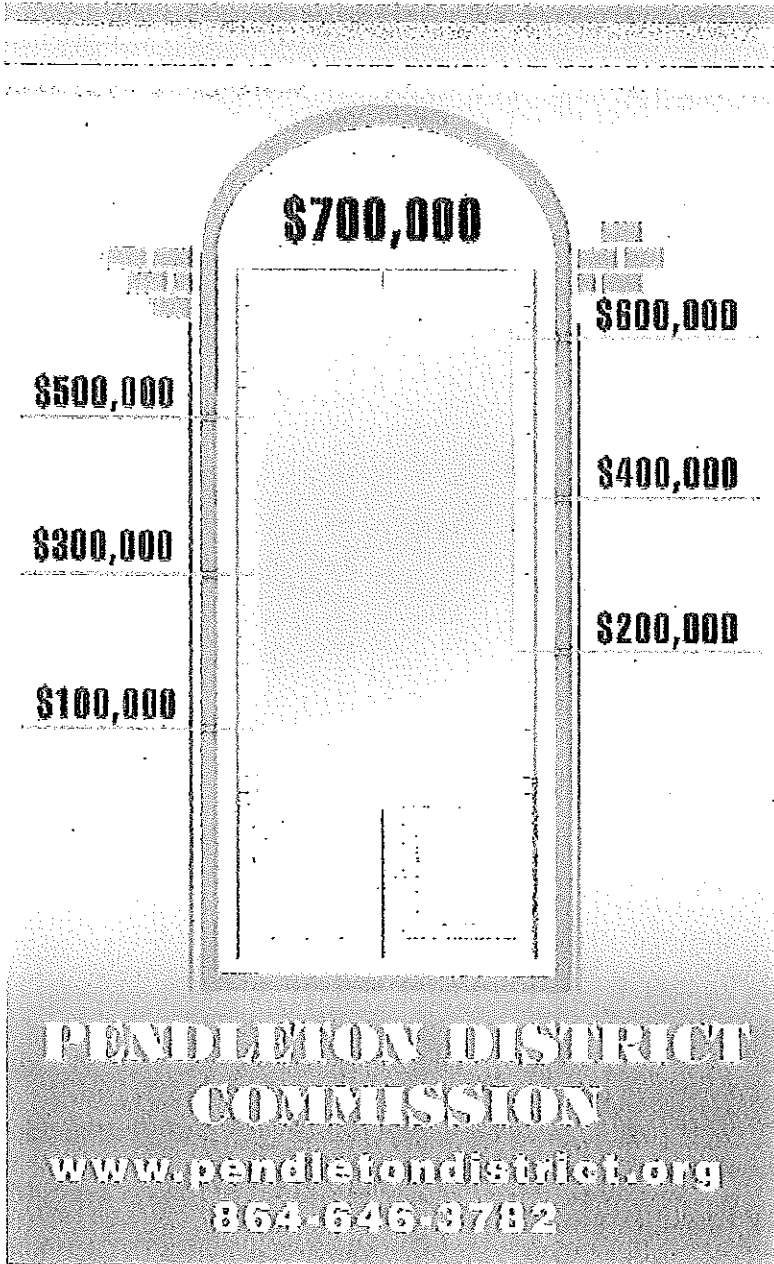
Date: _____ Owner Signature: _____

Date: _____ Owner Signature: _____

SUPPLEMENTAL INFORMATION SHEET FOR VARIANCE

1. Hunter's Store is a prominent and important building in the Town of Pendleton. Its location at the traffic light in town makes it visible to people traveling through the town. Its vacant appearance and need to be occupied as soon as possible makes it imperative that funding be obtained to complete the renovations in a timely fashion. A temporary sign will not be effective. A permit to display a banner for a long period of time is essential to our efforts.
2. The importance of letting people know of our need for funding is imperative to our success in raising the necessary funds to complete the renovations. A temporary banner that can only be displayed for 30 of 90 days will not keep our efforts and progress visible to the public. The requested sign would keep people abreast of our progress and the need for additional funding.
3. The scope of the renovations of Hunter's Store has not been seen in a historic building in Pendleton for many years. Hunter's Store was first renovated for our use in 1968 and many repairs and changes are now necessary to make it a safe and attractive building and a continued asset to the Town of Pendleton.
4. Considering the scope of our fund raising efforts and the downturn in the economy, it is reasonable to believe that an extended fund raising effort is needed. Mounting a sign on our façade is the most effective way to keep people involved and interested and aware of our continued efforts. This cannot be a detriment to the town but an attractive and informative means to let our needs and progress be known.

**HELP US OPEN THE DOOR
TO A RENOVATED
HUNTER'S STORE!**



Deborah E. Bzdyl
IMPACT! Graphics, Inc.
524 Woodland Circle
Pendleton, SC 29670

Ph/Fax: 864-646-9464