

# Kershaw County Board of Zoning Appeals



## MINUTES

### KERSHAW COUNTY BOARD OF ZONING APPEALS OCTOBER 1, 2019 REGULAR SESSION COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER CAMDEN, SOUTH CAROLINA

Members Present: Mike Jones, Paul Holder, and Ben Strickland

Members Absent: David Brown

Staff Present: Michael Conley, Joey Adams-Raczkowski, and Rhonda Darity

#### CALL TO ORDER

Paul Holder, called the meeting to order at 5:37 p.m.

#### MINUTES

The minutes from the February 3, 2019 regular meeting were reviewed. The motion to approve was made by Ben Strickland, seconded by Mike Jones, and approval was unanimous.

#### Election of Chairman and Vice-Chairman

Delayed until a later date.

#### PUBLIC HEARING CASE #19-03

Paul Holder opened the public hearing:

Planning Manager, Joey Adams-Raczkowski, gave the Staff Report. He informed the Board that Rick Shuffield, on behalf of the property owner, Rose Rock Holdings, LLC is requesting a variance to the 50 sq. ft. maximum allowed sign surface area for a proposed on-site business sign located adjacent to an interstate highway interchange, as required in Section 3:4.2-17 of the Kershaw County Unified Code of Zoning and Land Development Regulations. The applicant is requesting an additional 613.16 sq. ft. of sign surface area, for a total sign area of 663.16 sq. ft. The property is located at 681 White Pond Road, Elgin.

Michael Conley, Planning and Zoning Director, briefed the Board on the 2017 variance request, which was denied. Mr. Conley discussed the multiple uses on the property, and the different types of traffic these uses would generate, along with the different signage to be located on the property.

Mr. Adams-Raczkowski informed the Board that the ordinance allows a maximum sign surface area of fifty (50) square feet. The current request represents a total reduction of 254 sq. ft. of sign surface area, as compared to the original request that was denied in June of 2017. Due to the location of the Love's Travel Stop, on-site interstate signage with significant sign area is necessary in order for traveling motorists to safely identify the development in time to exit from the interstate. Travel speed, vegetation, and sight distances all impact the location and necessary sign surface area of this request. Staff contends that the three businesses, providing a multitude of uses is a condition that is unique to the property, and lend justification to allowing the increased sign surface area. Only properties located adjacent to the rights-of-way for interstate highway interchanges are permitted to have a freestanding on-site interstate sign. Because the on-site interstate sign can only be placed in very limited locations

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in Kershaw County, the purpose and intent of the ordinance regulations are preserved and will not be detrimental to the public good.

Based upon the application materials as applied to the four (4) State law standards, in addition to the staff analysis and findings as proved in his staff report, staff recommends that the variance request to allow an additional 613.16 sq. ft. of sign surface area for an on-site interstate sign, located adjacent to an interstate interchange, resulting in a total sign area of 663.16 sq. ft., be granted.

Mr. Rick Shuffield addressed the Board. He stated that the report by staff was well written and covered everything. He would be glad to answer any questions the Board may have.

One individual signed up for public comment. She stated that she lived near the property, and totally approves anything to do with the sign. She is so glad that something as nice as Love's is going on the property.

There being no more testimony, the Chairman closed the hearing.

After a brief discussion among the Board members, it was determined that the request did meet all four (4) state standards as stated in the staff report. Mike Jones made the motion to approve the variance as recommended by staff. The motion was seconded by Ben Strickland, and approval was unanimous.

### **Public Hearing Case 19-04**

In giving his staff report, Mr. Adams-Raczowski informed the Board that Frank Berry, on behalf of property owner Essex Homes Southeast, Inc. is requesting a variance to the required 35 ft. minimum front yard setback for an existing new residential home built within a R-15 zoning district, as required in Sections 3:2.1 and Table 3-4 of the Kershaw County Unified Code of Zoning and Land Development Regulations. Specifically, to allow the southwestern corner of the front porch to encroach a maximum of 1-foot into the 35 ft. front yard setback, which would result in a 34 ft. front yard setback. Additionally, the applicant is requesting to allow the southeastern corner of the front porch to encroach 0.35 feet into the front yard setback, which would result in a 34.65 ft. front yard setback. The applicant has admitted to creating this setback encroachment, and offered no evidence that any unusual conditions of the property caused the hardship. The applicant admits that there are no extraordinary or exceptional conditions about this lot. No other homes in the subdivision that Essex Homes has constructed, violates the setback ordinance. This variance request is clearly a self-created and self-inflicted hardship, as evidenced by the application materials submitted. Based upon the application materials as applied to the four (4) State law standards, staff has not identified any justifiable reasoning for allowing a variance from the minimum 35 ft. yard setback for this property. Therefore, staff recommends that a variance not be granted for the front yard setback of the property.

Frank Berry informed the Board that an error was made in the staking. There was a porch that was changed in dimension after the house was staked. It is a basement house, which makes it a little more difficult to modify. There's not going to be a detriment to the neighborhood.

Ken Queen informed the Board that the purchaser is aware of the encroachment. It was just human error. The porch is a quality porch, and there are no exceptional or unusual conditions. This is what a variance is for.

After a lengthy discussion among the Board members, it was determined that the applicant failed to show that the variance request met the four (4) State standards. Mike Jones made a motion to deny the variance as recommended by Staff. The motion was seconded by Ben Strickland, and all voted to deny the request for a variance on the front setback.

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## ADJOURNMENT

At 6:14 p.m., the Chairman called for a motion to adjourn. The motion to adjourn was made by Ben Strickland, seconded by Mike Jones, and approval was unanimous.

Respectfully submitted,  
*Rhonda Darity*  
Rhonda Darity  
Secretary

In order to grant a variance, the Board of Zoning Appeals is required to determine that the application of the Ordinance will result in unnecessary hardship, and that all four standards for a variance set by State Law and the Ordinance are met by the following facts:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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.
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the surrounding area will not be harmed by granting the variance.

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