



1 you've got, if you've got documents to submit you may do so and then the Board will  
2 weigh all the evidence that you present in a, in a fair and equal manner. Are there any  
3 questions about, about what I've said so far? Okay at this time, if you're planning to  
4 speak to the Board and address and present evidence I do need you to stand and take  
5 an oath that you will speak the truth. So if you will stand please and raise your right  
6 hand. Do you solemnly swear that the, let me get this right. Do you swear of affirm that  
7 the testimony you give shall be the truth, the whole truth and nothing but the truth so  
8 help you God?

9 AUDIENCE MEMBERS: I do.

10 MS. LINDER: Okay, thank you and you may be seated.

11 CHAIRMAN MCDUFFIE: Alright at this time [inaudible] of the Minutes from last  
12 meeting.

13 MS. PERRINE: I have a couple of corrections if we could. Susanne, Ms., is your  
14 name spelled correctly this time?

15 MS. CECERE: No it's S-U-S-A-N-N-E.

16 MS. PERRINE: And when it has Chairman Rush, if we could put Vice-Chair I  
17 believe that's okay. And absent, I think we should put Chairman Joshua. Let's see, on  
18 page eight, line, I guess we could make it line 10, I think Mr. Branham had second the  
19 motion. I'm afraid I didn't put down how everybody voted either so if somebody else.  
20 That was it.

21 CHAIRMAN MCDUFFIE: Alright does anybody else have any amendments or  
22 corrections to the Minutes? Is there a motion to approve Minutes as, as amended?

23 MS. PERRINE: I make a motion we approve as amended.

1 CHAIRMAN MCDUFFIE: Second?

2 MR. COOKE: Second.

3 CHAIRMAN MCDUFFIE: All in favor?

4 *[Approved: Rush, Branham, Perrine, McDuffie, Cecere, Cooke, Smith]*

5 CHAIRMAN MCDUFFIE: Minutes are approved. At this point we'll move on to  
6 the, to the public hearing. At this time we'll move on to the public hearing portion of it.  
7 Mr. Price if you could present the first, first case on the Agenda.

8 MR. PRICE: Mr. Chair, we do have a couple of amendments to the Agenda.

9 CHAIRMAN MCDUFFIE: Okay.

10 MR. PRICE: Case 08-63 SE Leroy Jenkins and Case 08-64 SE, that's also  
11 Leroy Jenkins, have been deferred.

12 CHAIRMAN MCDUFFIE: Okay.

13 MR. PRICE: According to your, your by-laws that is only, that it will be the  
14 second administrative deferral.

15 CHAIRMAN MCDUFFIE: Okay.

16 MR. PRICE: Any future deferral requests would have to be granted by the Board  
17 of Zoning Appeals. Also, actually that will be it on your Agenda.

18 CHAIRMAN MCDUFFIE: Okay, thank you.

19 **CASE 08-73 SE:**

20 MR. PRICE: The first, the first item is case 08-73, it's a Special Exception. The  
21 applicant is Charles Medlin, the location is 1020 Medlin Road, the parcel size is about a  
22 three acre track. The applicant is requesting the Board of Zoning Appeals to establish a  
23 manufactured home on property zoned M-1, which is Light Industrial. The subject

1 property is primarily vacant with the exception of an unoccupied camper. As stated the  
2 applicant proposes to place a manufactured home on the property. The surrounding  
3 area is comprised of two, two residentially occupied structures and a number of  
4 commercial or industrial structures and uses. Medlin Drive is located off of Pineview  
5 Road, as you can see Shop Road that may be, make ya'll a little bit more familiar with  
6 the site. This seems to be the area for the placement of the manufactured home, as  
7 stated. This is a camper, the camper has actually been moved and it's not occupied of  
8 course and the applicant may move this off the property, I'm not exactly sure at this  
9 time. As you can see there was a utility service there at one time. I'm showing you this,  
10 this, if you look on your, on the aerial, as you can see it's a pretty large parcel. This  
11 would be the area where the camper is but this is also part of the property. So this is  
12 the rest of the vacant property. And if it is the Board's decision to grant this request I  
13 think we may need to be more specific as to where the home would be located on the  
14 property. This is a view from I guess where the camper was looking toward Pineview  
15 Road. As you can see there's a structure here, looks like it's used for commercial uses  
16 and it's a dirt road that leads back to this property. This is one of the residential  
17 structures, actually this is one which will be just across from where the proposed mobile  
18 home would be or manufactured home, and this is a second residential structure also, in  
19 the area. This is a view from Pineview Drive looking back toward the property, back in  
20 this area would be where the manufactured home more than likely will be placed. Here  
21 is one commercial establishment, which is The Scooter Store, and then the other side is  
22 Medlin Air Conditioning and Heating, LLC. And that would be it for the presentation.

1 CHAIRMAN MCDUFFIE: Alright we have the, the applicant I believe is signed  
2 up, signed up for this. Mr. Charles Medlin come to the, please come to the stand, tell us  
3 a little bit about what you're proposing.

4 **TESTIMONY OF CHARLES MEDLIN:**

5 MR. MEDLIN: Okay he's got most of it right except for that pole right there, that's  
6 new pole. The old pole rotted off at the bottom and fell down two years ago and the  
7 camper is not usable and it's been moved, just gonna do away with it. Basically I'm  
8 trying to get a mobile home in there to offset my mother's social security to give her  
9 some, to help her out is basically it. But there's been a manufactured home there for  
10 probably 40 years and we've owned the property around it and, and we still own it.  
11 That's basically it.

12 CHAIRMAN MCDUFFIE: Okay, thank you. There is no one signed up in  
13 opposition. The, we'd like to go through the -

14 MS. CECERE: I'd like to ask some questions.

15 CHAIRMAN MCDUFFIE: Some questions? Sure.

16 MS. CECERE: Mr. Medlin, I'd like to ask you a question. The business, Medlin  
17 Heating and Air is that your business?

18 MR. MEDLIN: Yes, ma'am.

19 MS. CECERE: And do you live there also?

20 MR. MEDLIN: I live up there with my mom.

21 MS. CECERE: I'm sorry?

22 MR. MEDLIN: I live with my mom in this house right here.

1 MS. CECERE: Okay, and you said, now the, and what will you use the mobile  
2 home for, the manufactured home for?

3 MR. MEDLIN: Just basically to give her some rent money.

4 MS. CECERE: Okay, so you're planning on leasing it to someone?

5 MR. MEDLIN: Renting it out, yes, ma'am.

6 MS. CECERE: Okay, thank you.

7 CHAIRMAN MCDUFFIE: Any more questions for the applicant? Would  
8 somebody like to go through the Findings of Fact?

9 MR. BRANHAM: I'll do it.

10 CHAIRMAN MCDUFFIE: Okay, thank you.

11 MR. BRANHAM: You want to start with number, number four?

12 CHAIRMAN MCDUFFIE: That'll be fine.

13 MR. BRANHAM: Were the specific requirements for the Special Exception met?  
14 I would think they would be. Would traffic be impacted? I don't see how traffic would be  
15 impacted by this proposal. Will this proposal affect vehicle and pedestrian safety? I  
16 don't see where it would if it's gonna be a residence. Is there a potential impact of  
17 noise, lights, fumes or obstruction of air flow on the adjoining properties? I don't see  
18 that being a problem. Will the proposed use have an adverse impact on the aesthetic  
19 character of the environments, environs? No. Is the orientation and spacing of the  
20 improvements of the building appropriate? And I would say yes on that.

21 CHAIRMAN MCDUFFIE: Alright, any discussion?

22 MR. RUSH: I [inaudible]. I think we're running into a few of these cases as of  
23 lately as far as putting manufactured homes on M-1 property. I still have an issue with

1 it. I just don't think that's the, the best use or, I just don't think it, it matches as far as  
2 putting the mobile home M-1 property. And then it's gonna be used for residential use,  
3 it's gonna be rented out to someone, I assume all the property around is also M-1, is  
4 that correct?

5 MR. PRICE: Yes, sir.

6 MR. RUSH: I, I just don't think that is, it goes along with [inaudible] as far as  
7 zoning and the, the highest and best use of the area by putting a mobile home on it.

8 CHAIRMAN MCDUFFIE: So noted. Although in this case we're actually talking  
9 about an area that already has some established residential buildings in it regardless of  
10 the actual site of, of where the, where the manufactured house is proposed. So, in this  
11 particular instance I don't see it as changing necessarily the character of the area as, as  
12 maybe in some other instances where you're talking about establishing a residential  
13 area where there currently is none. So that might be something that's, that should also  
14 be taken into consideration since there are other, you know, it's like four or five maybe  
15 other, maybe four or five other residences right there on that same stretch.

16 MS. CECERE: Well I feel that while those houses probably have been there  
17 before it was rezoned and what we're dealing with then is the limited spaces where M-1  
18 is and when we run out of those spaces then what are we going to, you know, look at?  
19 So, I mean, I think that when County Council proposed these new zonings and, they  
20 didn't take into consideration that possibly there were already former houses there but,  
21 you know, zoned it Industrial.

22 MS. PERRINE: Mr. Price, do you know how long the other homes have been in  
23 the area?

1 MR. PRICE: No, ma'am. I may be able to get that information and maybe the  
2 applicant can answer that also.

3 MR. MEDLIN: Yes, my father and my uncle built the houses when I was a little  
4 boy. They've been there a long time.

5 MS. PERRINE: Is that all of the homes, is it all family that is in the area?

6 MR. MEDLIN: Basically from Shop Road to Bluff Road is 98% houses; from  
7 Shop Road to Garners Ferry is mostly industrial but from Shop Road to Bluff Road is  
8 basically residential.

9 CHAIRMAN MCDUFFIE: Thank you. Is there any additional questions or  
10 discussion?

11 MR. SMITH: Mr. Medlin, question for you. Is there any other industrial  
12 businesses in that, that local area at all besides your own?

13 MR. MEDLIN: Yes, it is, it is one or two across the street, yeah there are a  
14 couple across the street there.

15 MR. SMITH: Okay, that's one and, and then the other question is, are there any  
16 other mobile homes or manufactured homes? I see stick built homes that are in that  
17 surrounding, at all?

18 MR. MEDLIN: Yes, there's one right up the street.

19 MR. SMITH: Okay, so there's one up the street and I just want to make sure that  
20 there were others in that vicinity. And has that been there since the, the zoning  
21 change?

22 MR. MEDLIN: The mobile home, I would say, I don't know when it was rezoned  
23 but I would say in the last four years.

1 MR. SMITH: Okay. Thank you.

2 CHAIRMAN MCDUFFIE: Any, any discussion or any further questions?  
3 Anyone, would anyone like to make a motion?

4 MR. BRANHAM: I'd like to make the motion that Special Exception 08-73 be  
5 approved.

6 CHAIRMAN MCDUFFIE: Okay, is there a second?

7 MS. PERRINE: Second.

8 CHAIRMAN MCDUFFIE: Okay we have a second. All in favor?

9 MR. PRICE: Those in favor Branham, Perrine, McDuffie, Cooke, Smith.

10 CHAIRMAN MCDUFFIE: All opposed?

11 MR. PRICE: Those opposed, Rush, Cecere.

12 *[Approved: Branham, Perrine, McDuffie, Cecere, Smith; Opposed: Rush, Cecere]*

13 CHAIRMAN MCDUFFIE: Okay. Mr. Medlin you have your Special Exception,  
14 Mr. Price will be in touch, thank you.

15 MR. MEDLIN: Thank you.

16 CHAIRMAN MCDUFFIE: Mr. Price, please call the next case. I don't, I don't see  
17 anyone actually signed up at all for this one.

18 **CASE 09-01 V:**

19 MR. PRICE: Suzie has actually been attempting to contact the applicant the  
20 now.

21 CHAIRMAN MCDUFFIE: Shall we defer this one to the end of the Agenda?

22 MR. PRICE: If we can move it to the end.

1 CHAIRMAN MCDUFFIE: Let's move that one to the end of the Agenda and call  
2 Case 09-03.

3 **CASE 09-03 V:**

4 MR. PRICE: The next item is Case 09-03 Variance. The applicant is [Inaudible]  
5 Sign Company, Inc. The location is 120 Blarney Drive. The applicant is requesting the  
6 Board of Zoning Appeals to grant a Variance to exceed the allowable square footage for  
7 a wall sign in the GC, which is General Commercial district. The applicant proposes to  
8 exceed the allowed square footage for a wall sign by 155 square feet. The total  
9 [inaudible] will be 410; that would be including the sign that's on the front of the building.  
10 They're allowed 255. The surrounding area is dedicated to commercial uses. You'll  
11 see, familiarize you with the area, this is Interstate 77, Two Notch Road. Here's the  
12 IHOP, people are familiar with that and the Home Depot. Blarney Drive runs along  
13 here. There's a few medical facilities in this area. The applicant is proposing to  
14 establish this sign on the side of the building. This is a view on the front of the building,  
15 you can see this is the existing sign. The sign will be placed on this side, I just wanted  
16 you to see what was abutting the property. And this is actually an exit off of I-77.

17 CHAIRMAN MCDUFFIE: That's the, okay that's, that fence is actually adjacent  
18 to the exit road there?

19 MR. PRICE: Yes, sir. This is the area, proposed area of the new signage. This  
20 is a view from Two Notch Road, to kind of give you a little perspective on this. This is,  
21 and once again the side of the building where the sign would be located, I-77 and this is  
22 the exit ramp that leads onto Two Notch Road. I believe this is the applicant, from

1 discussions with them, trying to catch traffic going along 77 and get a little visibility on  
2 that side.

3 CHAIRMAN MCDUFFIE: Okay, and we have two people signed up to speak in  
4 support. Is the, one of them the applicant? Cause I've got different names. Yes, sir,  
5 come up and, and state your name for the Record.

6 **TESTIMONY OF CLANCEY SUBCALLA:**

7 MR. SUBCALLA: Clancy Subcalla, representing the hotel. I'm one of the owners  
8 of the hotel.

9 CHAIRMAN MCDUFFIE: Alright and if you could just tell us a little bit, or please  
10 give your, give your address for, also for the Record.

11 MR. SUBCALLA: Home address?

12 CHAIRMAN MCDUFFIE: Or business address.

13 MR. SUBCALLA: 223 Westpassage Drive, Columbia, SC 29212.

14 CHAIRMAN MCDUFFIE: And tell us a little bit about what you're proposing?

15 MR. SUBCALLA: Just opened the hotel December 19<sup>th</sup> and we, we feel we  
16 made a major improvements to that exit and as you can see from the signs that you  
17 guys put up, I've got some posters here that I'll show to you if you want to see it closer.  
18 Our intent, even though I think aesthetically it looks good and the Marriott requires to  
19 have, you know, proper exterior signage, the biggest reason why we'd like to appeal is  
20 because of the northerners and the people coming all ways from Lake Eerie on I-77 to  
21 the south and this is the first major exit into Columbia and we don't want to have any  
22 problems with them having to know what this building is. If you're getting off that exit  
23 I've driven it several times, you don't know what that building is and you keep, and see if

1 you see that right there, if I could point, you can't, if you're coming over where that truck  
2 is, see that truck's getting off. They can't see the front of the building and they don't  
3 have no, see if you're coming off right here and you're going around 70 something miles  
4 or whatever, they're going the speed limit, they're coming off real quick they don't know  
5 what this is on the side. And the only way they'll know is if they get probably way up to  
6 here and I tried it and you don't want, either you have to jerk your head while you're  
7 driving and I think that would be kind of a hazard for someone who's driving and, and  
8 also not having the visibility and the directional and the biggest thing you want have, for  
9 someone who's traveling from out of town is to give them a good sense of, they want to  
10 know, you know, as soon as possible what, where they're gonna stay or what that  
11 building is if that's their intention. And we think it's a, a hardship on the traveler and the  
12 visitor coming into Columbia and staying, possibly staying at our hotel. I think I also  
13 have a picture, and as you look it could also, here's what it looks like, I mean, we have,  
14 there has been, the hotel has been designed to have a sign there and unfortunately  
15 there was a mistake by the sign company cause they read, I think Columbia City rules  
16 instead of Richland County. Whereas most the, most of your municipalities have, they  
17 take all the square footage of the building and not just the front and it's a four story  
18 structure, which we feel it would fit and it wouldn't be, I think it would be aesthetically  
19 appealing. I think Geo, do you have a Marriott standard one there? You can show  
20 them the one that, the colored one [inaudible] – here, I can show it to you. Here's what  
21 it would look like [inaudible]. So it shows people coming from the side or from the front  
22 and [inaudible]. So the ratio's really small compared to the [inaudible] 30,000 of  
23 building, of wall space. I think we only have 200 and something combined, or 300 if we

1 got, if we got approved this Variance, if you approve this Variance. So we think it would  
2 be appealing, it would help directions and it would make life easier for everyone coming  
3 to our hotel.

4 CHAIRMAN MCDUFFIE: Thank you. Are there any questions for the applicant?

5 MR. RUSH: I've got one question. Just noticing on other hotels [inaudible] pylon  
6 sign you referred to, will you guys also have the pylon, a bigger one?

7 MR. SUBCALLA: No, that was one of the things of why we didn't want to do that.  
8 This building is approximately 50 to 55' high, which meets the Code and we felt it would  
9 be better to just put something on the building instead of having another big pylon sign,  
10 which we're approved to and we're allowed to have. And, and if we don't get this then  
11 it's possible, a possibility that we can do that, we were advised to do that but it's really, I  
12 mean, I think it's more appealing to have a sign on the building rather than having to put  
13 a 50' pylon sign up and add another big sign to, to the area. And, but we'll probably,  
14 you know, that would be some consideration we'd have to do but again, I think it's more  
15 appealing to, to all of us here and to, and to, to the area to have, have that on the  
16 building instead of having a pylon sign that we could put up.

17 MS. CECERE: I have a question. Will there be a sign on the interstate saying  
18 Fairfield Motel?

19 MR. SUBCALLA: No, there isn't one right now -

20 MS. CECERE: But will there be?

21 MR. SUBCALLA: We don't know because there's, the signs are all taken for  
22 right now. So there is no exit sign that says, well that's us. And we'll have to appeal to  
23 all, we can't even, we have to bid on it in August because of the South Carolina logos,

1 you have to bid, you're not guaranteed that sign. So we don't have any signage from  
2 the interstate logos program.

3 MS. CECERE: Okay, now the sign company is located in Columbia that did this  
4 from -

5 MR. SUBCALLA: The, the manufacturer's based out of South Dakota.

6 MS. CECERE: Okay, but the people that did the sign are, or you worked with to,  
7 to put up the sign -

8 MR. SUBCALLA: To, to install the sign is [inaudible] Signs out of Augusta.

9 MS. CECERE: They're out of Augusta, but they should be aware of what the  
10 size of the sign should be, correct?

11 MR. SUBCALLA: The people who, no, the people out of South Dakota were the  
12 ones who, when I applied for the signs, we tell them it has to be Marriott specs and all  
13 local municipal codes. Well they took, the person who made the sign thought we were  
14 in the City of Columbia, which allows to take not just the, which allows to take all four  
15 sides and then a percentage, that was the mistake. So then when, when we got our  
16 installer they told us the problem.

17 MS. CECERE: I have a question for Staff. Mr. Price, if they reduced the front of,  
18 the sign on the front of that building could they then have a smaller sign on the side of  
19 the building?

20 MR. PRICE: According to our calculations they're allow 255 square feet total  
21 signage on the wall. So that can be broken down any, you know, any square footage  
22 they want to, however many number of signs they propose to put on the building.

1 MR. SUBCALLA: If you, I think I can answer that. I think if you, you can't really  
2 reduce them much more or else people aren't gonna see that sign from the road and  
3 secondly if you add them both up it still doesn't meet the requirement. Even if I reduce  
4 that 42" letters, those are 48" letters. So to take that sign down and then, it wouldn't, it  
5 wouldn't meet the requirement cause that's 100 and something and the other one's 127  
6 so we're over, that's 100, I don't know how much that first one is but I don't think we, I  
7 don't, I don't, I'm not 100% sure but I don't think we can meet that. But I really think it's,  
8 it's not gonna, I mean, I think it's a four story building, it's not like a one story strip center  
9 where you can't put them on all four sides.

10 MS. CECERE: I'm familiar with the building, yes. I know where it is located.

11 CHAIRMAN MCDUFFIE: Any other questions for the, the applicant? We do  
12 have one more person signed up to speak. I believe it's Eddie Larson? Thank you.  
13 Please state your name and address for the Record.

14 **TESTIMONY OF EDDIE LARSON:**

15 MR. LARSON: My name's Eddie Larson [inaudible] sales manager of Fine  
16 [inaudible] Sign Company in Augusta, Georgia. The address is 426 Parkwest Drive,  
17 Grovetown, Georgia 30813. That's my memory test for today. What this applicant is  
18 asking for is well within the national program and we did reduce the letter size, the  
19 capital F on this size is 48" tall. The proposed sign on the other, other end of the  
20 building if it's allowed the F is 42" tall so it reduces the overall square footage to 127  
21 square feet and the other, the existing sign is 165 square feet. So we're just under 300  
22 square feet total and we're really asking for a Variance of about 50, 52 square feet. And

1 it's a major structure, so it's not going to look out of place. It's very small in relation to  
2 the surface area that it's placed upon. Thank you for your consideration.

3 CHAIRMAN MCDUFFIE: Are there, are there any questions for Mr. Larson?

4 MS. CECERE: Yes, what would you say would be the extraordinary and  
5 exceptional conditions pertaining to this property?

6 MR. LARSON: The, my analysis of the location is that you've got to go back,  
7 you've got to go almost to Home Depot before you come back in to get onto Blarney  
8 Road and it, so exiting, exiting there is the motorist who is seeking the, the place to stay  
9 will have difficulty identifying that building. As Mr. Subcalla pointed out once you drive  
10 past it you have to look back here to see that that was the unit that you were looking for  
11 and then you still look a quarter of a mile down to the exit before you get off onto  
12 Blarney Road. So that would be, that's a motorist problem, recognition and, and you  
13 want to give them time to make the proper decisions. So the faster they can see it the  
14 more safe it is.

15 CHAIRMAN MCDUFFIE: Thank you. Are there any other questions for, for Mr.  
16 Larson?

17 MR. LARSON: Thank you.

18 CHAIRMAN MCDUFFIE: Would someone like to go through the Findings of  
19 Fact?

20 MR. COOKE: Yes, Mr. Chairman I'll go through the Findings of Facts. Before I  
21 do that I wanted to ask Staff a quick question. It did state that in the vicinity the Holiday  
22 Inn and Wingate both had lettering on, on more than one side of their building, did you -

23 MR. PRICE: When was this?

1 MR. COOKE: This is here, it says Holiday Inn and Wingate both have lettering  
2 on more than one side of their building in the vicinity. Did we research any -

3 MR. PRICE: Speaking of the Holiday Inn -

4 MR. COOKE: Yeah, and that's on the other side of that highway, is that correct?

5 MR. PRICE: Yes.

6 MR. COOKE: Yeah.

7 MR. PRICE: Down Two Notch. Actually it should be here, that's probably the  
8 Holiday Inn that you're talking about.

9 MR. COOKE: Yeah that's the Holiday, it used to be a Ramada.

10 MR. PRICE: That is actually an issue Staff is dealing with Holiday Inn on -

11 MR. COOKE: Okay.

12 MR. PRICE: - on the legitimacy of their signs.

13 MR. COOKE: Thank you.

14 MR. PRICE: That's an issue we're dealing with now.

15 CHAIRMAN MCDUFFIE: It seems like we're frequently getting these where the  
16 sign company has fouled up and put a sign too large for the, you know, for the allowable  
17 frontage on the building and then they're coming to us to say can we keep our sign or  
18 can we, you know, add another sign or something like that. Is, is, is there, I mean, is  
19 there any kind of a concentrated effort by, you know, by Staff to kind of take care of this  
20 on the front end or is, you know, is it just, you know, cause we've definitely seen, you  
21 know, several of these in the last couple of months.

22 MS. CECERE: One more question real quick Mr. Price, I'm sorry.

23 CHAIRMAN MCDUFFIE: No, go ahead.

1 MS. CECERE: Pertaining to this. When the company buys this lot and then they  
2 plan on putting this building up, they have to have a building permit, correct?

3 MR. PRICE: Correct.

4 MS. CECERE: And at that building permit time do they know how big the sign  
5 has to be?

6 MR. PRICE: I'm not sure if they do. A lot of times the sign companies are  
7 independent from the actual builders of the building, usually come in later.

8 MS. PERRINE: But they would know that they're in the county, right?

9 MR. PRICE: Well, I mean, yes, they know they're in the county, you know, if they  
10 ever ask, if somebody asks we can tell them how you calculate it just based on the, the  
11 linear footage of the building.

12 MR. RUSH: And nine times out of ten I guess, well not nine, ten times out of ten,  
13 the sign requirements are in your ordinance.

14 MR. PRICE: Yes, sir.

15 MR. RUSH: So that doesn't fly when it comes to. My, the only, as far as  
16 extraordinary conditions being that there could be another, as they state a pylon sign if  
17 you will of, of some size that could be on that, on that site [inaudible] be able to -

18 CHAIRMAN MCDUFFIE: Now, now a pylon sign would actually reduce their  
19 allowable square footage on the, on the actual building sign itself correct, Mr. Price?

20 MR. PRICE: Well, actually they're using the one to one ratio because there is a  
21 pylon sign monument sign on the front of the building along Blarney Drive. So that's  
22 why they're using the one to one. If they were to place another pylon sign on the other  
23 side the one on the front would need to be removed.

1 MR. RUSH: [Inaudible] when you say monument signs, yeah, you're thinking  
2 about one that size but I guess more of a marquee type sign like I think Holiday Inn has  
3 one in front of their building.

4 MR. PRICE: Really the term that's typically used is freestanding, so signs not  
5 attached to the building. So we usually use a monument when we're referring to signs  
6 that are located on the ground typically limited in height. Your pole size, pylon size,  
7 typically have a pole and they go.

8 MR. SUBCALLA: Just to give you a suggestion -

9 CHAIRMAN MCDUFFIE: Yes, sir.

10 MR. SUBCALLA: - to what your comment was, or question, and we learn every  
11 time we build a hotel there's certain things you always, you never know what happens.  
12 But when, I guess if you want to help prevent this from future, when we, when we get  
13 our building permit we showed three signs on the building and so we got our building  
14 permit assuming that, a lot of people assume well this is where you put it and you put  
15 your electrical there and here's where you put everything and you price it out. I guess if  
16 you could have some coordination between the ones you're building, before you give  
17 your building permit out give it to the sign department, your zoning and say, is this okay  
18 for these signs, then you can have it beforehand and you won't even have this problem.

19 CHAIRMAN MCDUFFIE: Is, is that something that could be done or?

20 MR. PRICE: I mean, it could, I don't know if it's necessary.

21 MR. SUBCALLA: It does prevent some of these situations.

22 CHAIRMAN MCDUFFIE: We've definitely had a couple of these come before us  
23 recently.

1 MR. PRICE: But most of the ones that you've had come before you is not so  
2 much just an error, they're more or less, they need more visibility. I mean, typically  
3 that's the bottom line, what they have the front's on one side meets those needs but  
4 they need more on the other side.

5 CHAIRMAN MCDUFFIE: Any - go ahead then.

6 MR. COOKE: Okay the question would be, the first question would be are there  
7 extraordinary and exceptional conditions pertaining to the particular piece of property? I  
8 would go ahead and say no at this point, there is no, I mean, even though the property  
9 doesn't negatively impact the other properties by putting up the sign but the criteria, it  
10 just, the criteria, it don't have the necessary criteria.

11 CHAIRMAN MCDUFFIE: Does anybody else, does anybody have a difference of  
12 opinion on that, anybody want to discuss that?

13 MR. COOKE: Yeah, cause I move to entertain discussion.

14 MR. SMITH: I'm looking at highway property, I mean, this is property which is  
15 viewable from the highway and that's somewhat the purpose of purchasing a property in  
16 that location is to be able to be seen and looking at the actual expressway and, and  
17 where it can be seen because of the way it's sitting on the property there. It's, to me I  
18 see, it seems necessary to have that there for it to be able to be seen and I don't see an  
19 exception in comparison to being able to put another sign up. But the question is for us  
20 to be able to figure out and be sure that that can be a difference and if it can be used as  
21 an exception instead of as a, a cause to or to not approve this. So, I mean, I wanted to  
22 make sure I expressed that because I'm looking at this from a, an accent of facts and -

23 MS. CECERE: I don't think it's really visible from the interstate until you exit.

1 MR. SMITH: Exactly.

2 CHAIRMAN MCDUFFIE: Well I would think you'd have to really be already off  
3 onto the exit before you would, I mean, you would have already made up your mind  
4 certainly before it would be where the sign would be visible. I think even the proposed  
5 one if, if I've got everything, if everything's laid out the way I believe it is.

6 MR. SMITH: There's a premium to have that kind of property there, and I mean,  
7 I understand what we're doing here with the facts but to be able to have something on  
8 that, in that, on that location on the highway and for Holiday Inn across the street to  
9 already have, have that in place [inaudible].

10 CHAIRMAN MCDUFFIE: We're not considering the Holiday Inn today.

11 MR. PRICE: Just for the Record, Holiday Inn has been found to be in violation  
12 and that is something that Staff is looking into.

13 MR. SMITH: Okay. I just wanted to make sure I put my opinion.

14 CHAIRMAN MCDUFFIE: Please come back [inaudible].

15 MR. PRICE: This is just another view, just I had a few more pictures but I'll try  
16 not to bombard you with too many. This is a view once again from Two Notch Road,  
17 kind of give you an idea of what the current sign looks like from that distance.

18 MR. SUBCALLA: I understand what you said that may not meet that criteria but I  
19 guess we've got to look at what is, you know, practical thing and like you said, you  
20 know, we can put a 50' pylon sign up there. Okay and we can if we, and we may have  
21 to do that if you guys vote no. Now the question is what's gonna look the best and  
22 what's gonna be best for the community and for the visitor. And probably a 50', 55' sign  
23 would probably give us more identification cause it's gonna be higher, it's gonna be

1 offsite but then from a cost standpoint no it's not gonna be good for us in these tough  
2 economic times. And secondly I don't think it looks good for, for the, for that sight. Who  
3 wants another 50' pylon sign going up? And that's what we would probably be, most  
4 likely have to do. I mean, the pylon signs are going out, I mean, I don't want to put one  
5 up. It takes more electricity, takes everything, you've got to service it. I mean, not, you  
6 know, expense wise issue but it just doesn't, it looks a lot better, looks a lot cleaner and  
7 that's what we're trying to get approved and hope that you will take that as, you know, in  
8 consideration when you make your decision.

9 CHAIRMAN MCDUFFIE: Thank you, Mr. Subcalla.

10 MR. SUBCALLA: Thank you.

11 CHAIRMAN MCDUFFIE: Yes, please go ahead.

12 MS. CECERE: Mr. Price, if, how much would it be over if it's, if the sign would  
13 say just Fairfield Inn and left out all the other stuff?

14 MR. PRICE: Than the Marriott?

15 MS. CECERE: Yes, if it left out, I think it says Inn and Suites or something and  
16 then Marriott underneath it. What if it said just Fairfield Inn, can you do that? No? You  
17 can't do that? Okay.

18 CHAIRMAN MCDUFFIE: I, I certainly think that it may be a stretch to find that  
19 there are in fact, you know, extraordinary and exceptional conditions for this particular  
20 piece of property. You know, given it's location on the, on the interstate exit, proximity  
21 to the highway and everything like that, I mean, that is certainly a, you know, a  
22 consideration. However, I'm not certain that those, you know, particular conditions  
23 wouldn't apply to all the properties along the exit and that type of thing. If, if we could

1 let's, let's continue to go through the Finding of Facts and see, look at, look at the other  
2 findings.

3 MR. COOKE: Okay. Do these conditions generally apply to all the properties in  
4 the vicinity?

5 MS. PERRINE: Could I ask a question? If we said no to number four, do we  
6 need to continue?

7 MR. PRICE: You have your staff attorney there but I believe that all of these are  
8 ands, in each condition it's and [inaudible].

9 CHAIRMAN MCDUFFIE: But I don't know that we've necessarily said -

10 MS. PERRINE: Oh, we didn't say -

11 CHAIRMAN MCDUFFIE: Well, I mean I, I said it's possible perhaps or maybe a  
12 stretch to, to determine such a thing.

13 MS. PERRINE: But I think Mr. Cooke had said -

14 MR. COOKE: Yeah, I did say, I did say no in, in the beginning but if we want to  
15 explore this then, yeah I opened up the floor for discussion. The reason why I said no is  
16 cause I said the criteria and the guidelines and -

17 CHAIRMAN MCDUFFIE: Well, let's go ahead and discuss that then before we,  
18 before we continue on whether or not there is in fact, whether in fact there is an  
19 extraordinary or exceptional condition pertaining to this particular parcel of property.

20 MR. SMITH: Well when you look at the actual, if you don't mind me saying this  
21 Mr. Chairman. On the actual side here, I mean, there are no other properties in that, in  
22 that local area that I would think would be affected that way and when it comes to  
23 exceptions being made if we approve this, I don't believe that there would be exceptions

1 because of the vicinity that's in there. And, actually do you have another outlook of that  
2 area there with other businesses in the surrounding area?

3 MR. PRICE: Not really, it's probably more just an aerial of it, I mean.

4 MR. SMITH: Okay.

5 CHAIRMAN MCDUFFIE: Well I guess, would anybody want to make the case  
6 that there is an extraordinary and exceptional -

7 MR. SMITH: I, I believe it is, I truly believe it is especially in that area.

8 CHAIRMAN MCDUFFIE: Are there any other discussion on that? Anyone else  
9 have an opinion?

10 MR. COOKE: Okay.

11 CHAIRMAN MCDUFFIE: [Inaudible] let's then continue through the Finding of  
12 Facts.

13 MR. COOKE: So we'll say that's yes. So do these conditions generally apply to  
14 other properties in the vicinity? That's gonna be, these conditions do apply to other  
15 properties in the, in, in the vicinity. These conditions, not the, not, not the exceptional  
16 conditions, I'm sorry. No it does apply, the other ones have it so that would be no.  
17 Would application of this chapter of this particular piece of property effectively prohibit,  
18 unreasonably restriction, restrict utilization of the property because of the aforesaid  
19 extraordinary or exceptional conditions? I'm gonna go ahead and go out on a limb and  
20 say yes now.

21 CHAIRMAN MCDUFFIE: Well, I mean, obviously they're operating a hotel there,  
22 without the additional signage. So I think I would have to take exception to that.

1 Obviously it would be nice to have, you know, have additional signage and additional  
2 visibility.

3 MR. SMITH: So you're saying no?

4 CHAIRMAN MCDUFFIE: I guess I'm not saying definitively I'm just saying it's  
5 possible that the answer is no.

6 MR. COOKE: That the actual sign will not affect the, restrict the utilization of the  
7 property?

8 CHAIRMAN MCDUFFIE: One moment, Mr. Subcalla. As soon as we're done  
9 with the discussion I'll allow you to rebut .

10 MR. COOKE: Giving you a little exercise over there.

11 CHAIRMAN MCDUFFIE: Sorry about that. What about, what about the final, the  
12 final condition there?

13 MR. COOKE: Will the granting of the Variance be a substantial detriment to  
14 adjacent property, to the public good, or would it harm the character of the district? No,  
15 it's, it's not gonna harm the character of the district but, Mr. Price?

16 MR. PRICE: I notice y'all are going on to some of the other conditions that must  
17 be met so my assumption is that there are extraordinary and exceptional conditions?

18 CHAIRMAN MCDUFFIE: I think we've, we're still sort of not in agreement on  
19 whether there is or not at this point.

20 MR. PRICE: Okay, well we need to probably state that I'm sure, what those are.

21 CHAIRMAN MCDUFFIE: When it comes to time to make a motion I'll make sure  
22 that's stated. Thank you, Mr. Price.

23 MR. COOKE: Yeah, I said no to the, that one.

1 CHAIRMAN MCDUFFIE: To number seven?

2 MR. COOKE: Yeah it, it won't affect the public good, it won't harm the character  
3 of the district by having the sign but at the same time by having the sign it, I mean, it's,  
4 it's, it would exceed the allowed square footage by what 155 square feet?

5 CHAIRMAN MCDUFFIE: It would be approximately 50% larger than, than is  
6 allowable, I think. Is that correct Mr. Price?

7 MR. KOCY: Sixty percent.

8 CHAIRMAN MCDUFFIE: Sixty percent larger.

9 MR. COOKE: So sixty percent larger. What was, Mr. Price we have here that  
10 the application proposed to exceed the allowed square footage for a wall sign by 150  
11 square footage, I mean, square feet. It's 410 total, the normal allowed for these  
12 particular properties is 255 square feet, is that correct?

13 MR. KOCY: That's correct.

14 MR. COOKE: If the normal, the normal square footage is 255 feet [inaudible]

15 CHAIRMAN MCDUFFIE: I have 235.

16 MR. PRICE: Allowable. The allowed.

17 MR. COOKE: The allowed.

18 MR. SMITH: That's a push.

19 MR. COOKE: So it would exceed by 155 square, square feet is that correct?

20 MR. PRICE: Correct.

21 CHAIRMAN MCDUFFIE: Any more discussion at this time?

22 MS. PERRINE: Can I read something here that's in the discussion from Staff? It  
23 says, While Staff feels that the granting of the Variance will not negatively impact

1 adjacent properties or the character of the surrounding area, Staff believes that the  
2 subject parcel does not meet all of the criteria necessary for the granting of a Variance.

3 So if, you all are saying that they're not meeting all of the criteria, right?

4 MR. PRICE: Yes.

5 MS. PERRINE: Can you tell us kind of what that criteria is?

6 MR. PRICE: Well using the same criteria that you have before you, one of the  
7 first things that Staff looks for and, you know, not just, you know, with Staff but also with  
8 discussing with the applicant what is exceptional or extraordinary. Now more conditions  
9 are present, you know, about this property, about, you know, the situation and if we  
10 can't determine that there's one we pretty much stop there because as stated, you  
11 know, previously it was kind of like and, and, and conditions must be met rather than  
12 just some. So if, you know, if we can't find that there is something extraordinary or  
13 exceptional about the property or in the area then that's where it ends. That's why Staff  
14 couldn't find anything further.

15 CHAIRMAN MCDUFFIE: Now if, if - please go ahead I'm totally on a different  
16 track, so.

17 MS. PERRINE: Oh, okay. So if you found that, okay like in the question number  
18 four and I hate that we're just stretching this out so are there extraordinary [inaudible]?

19 CHAIRMAN MCDUFFIE: If the applicant was to receive a Variance and then  
20 allow themselves more, you know, more wall signage at that point they would not be  
21 able to [inaudible] the pylon sign or at some point they could still come back and build a  
22 larger pylon sign or a larger freestanding sign if they wanted to.

23 MR. PRICE: You mean if the Variance were denied?

1 CHAIRMAN MCDUFFIE: No, if the Variance were granted they could still  
2 continue, they could still build a larger pylon sign at some point if they felt like it.

3 MR. PRICE: Yes.

4 CHAIRMAN MCDUFFIE: Are there any more? Alright. Mr. Subcalla you have,  
5 you had one more thing?

6 MR. SUBCALLA: Yes, we are open but the biggest complaint we have now is  
7 they can't find us and they're, it's tricky to get to and it would be a lot clearer if they had  
8 [inaudible] limited amount of guests we've had since we've only been opened since  
9 December 19<sup>th</sup> that they'd like to see that that was a Fairfield, that it was our hotel  
10 initially. And I would say my partner's here but I doubt if we would do a pylon sign if we  
11 had the wall sign. It would be, I mean, we could put that in writing or pretty much get  
12 [inaudible] if we get approved.

13 CHAIRMAN MCDUFFIE: Alright thank you, thank you very much.

14 MR. RUSH: I think the issue with finding that hotel may be bigger than the sign  
15 [inaudible] you have to come off Old Two Notch and then get back on the frontage road,  
16 I mean, I had to think. I live here and I had to think for a minute how would I get back in  
17 there to be honest with you.

18 CHAIRMAN MCDUFFIE: Yeah, I was the same way.

19 MR. COOKE: You get off on, right by the IHOP and have to go down there  
20 [inaudible].

21 CHAIRMAN MCDUFFIE: And it does seem like, like it would already be past the  
22 exit by the time that they could even see the proposed -

1 MS. CECERE: I think that the hotel sits between two roads, one that is that  
2 frontage road that goes back around to the medical buildings and the other one is the  
3 road that goes by Home Depot and it's, it's, it's in that part.

4 MR. COOKE: No, that's a different, that's Home Depot down there. That's a  
5 different -

6 MS. CECERE: That's not the same lot?

7 MR. SMITH: No.

8 MR. RUSH: That's a different hotel.

9 MR. COOKE: Home Depot has got the orange top, about a mile away.

10 MR. PRICE: You're right there's a, there's a hotel down Dalton Drive that you  
11 may be thinking of.

12 MR. RUSH: So I think, I think that's the point right there is that the issue is  
13 bigger than the sign itself. I think it's -

14 CHAIRMAN MCDUFFIE: Would anyone like to make a motion?

15 MR. SMITH: I'll make a motion to approve the Variance.

16 CHAIRMAN MCDUFFIE: Okay, and if you would [inaudible] make your motion  
17 please, please state what you believe the, the extraordinary conditions pertaining to this  
18 particular property might be.

19 MR. SMITH: By what, again, adding on what Torrey just mentioned, I believe it's  
20 extraordinary because of the location where it sits, one. The dimension of 60, is it 60  
21 degrees, excuse me 60% more, Geo? Excuse me?

22 MR. KOCY: [Inaudible]

23 MR. SMITH: Sixty percent more.

1 MR. LARSON: May I address that issue?

2 CHAIRMAN MCDUFFIE: We're actually entertaining a motion at the moment.

3 MR. SMITH: And when it comes down to the size of the property, the location,  
4 when it comes down to a, a community business that's there, I'm looking at this from the  
5 aspect of being on this Council would want to make sure that it's understood that we're  
6 trying to make sure that the area that's there is viable and it's, it will only be viable with  
7 the sign as it's on the street that's there from my perspective. And I'd like to make a  
8 motion from that perspective that that would be a special exception in this case, to be  
9 seen.

10 CHAIRMAN MCDUFFIE: Alright and, and just to clarify then what was the  
11 extraordinary and exceptional condition that you found on the property?

12 MR. SMITH: Well with the, because of the location, where it sits -

13 CHAIRMAN MCDUFFIE: Okay.

14 MR. SMITH: - and where it sits coming off the highway I believe the exception is  
15 with, it's not being able to be seen coming from that location. And if it was any further  
16 up I don't believe this would pass by, from my perspective.

17 CHAIRMAN MCDUFFIE: Okay so, so based on, so we have a motion on the  
18 floor based on the, based on the lack of visibility for this particular parcel of property we  
19 have a motion to approve, or we have a, a potentially, a potentially extraordinary or  
20 exceptional condition and motion to approve. Is there a second? Is there a second?

21 MR. BRANHAM: I'll second.

22 CHAIRMAN MCDUFFIE: Okay we have a second. All in favor?

23 MR. PRICE: Those in favor of the motion Branham, Smith.

1 CHAIRMAN MCDUFFIE: All opposed?

2 MR. PRICE: Those opposed Rush, Perrine, McDuffie, Cecere, Cooke.

3 *[Approved: Branham, Smith; Opposed: Rush, Perrine, McDuffie, Cecere, Cooke]*

4 CHAIRMAN MCDUFFIE: Okay the motion fails. Is there a, is there a counter  
5 motion?

6 MS. CECERE: I make a motion that Variance 09-03 be denied. I feel that there  
7 are no extraordinary and exceptional conditions pertaining to this property.

8 CHAIRMAN MCDUFFIE: So we have a motion that Special Exception, or that  
9 the Variance rather be denied based on the fact that it does not meet all the criteria for a  
10 Variance. Is there a second?

11 MR. RUSH: Second.

12 CHAIRMAN MCDUFFIE: Alright we have a second. All in favor?

13 MR. PRICE: Those in favor of the motion Rush, Perrine, McDuffie, Cecere,  
14 Cooke.

15 CHAIRMAN MCDUFFIE: All opposed?

16 MR. PRICE: Those opposed are Branham, Smith.

17 *[Approved: Rush, Perrine, McDuffie, Cecere, Cooke; Opposed: Branham, Smith]*

18 CHAIRMAN MCDUFFIE: Mr. Subcalla your Variance has been denied, Mr. Price  
19 will be in touch. Mr. Price, if you would call the next case please.

20 **CASE 09-04 V:**

21 MR. PRICE: The next item is Case 09-04 Variance. The applicant is the  
22 Genesis Consulting Group. The applicant is requesting the Board to reduce the  
23 required driveway separation on property zoned General Commercial. Alright, just a

1 moment. The subject property is undeveloped at this time. The applicant proposes to  
2 reduce the minimum driveway separation of 250' by approximately 144, it would be  
3 about 150. The surrounding area is dedicated to commercial uses. Once again to  
4 familiarize you with the area, this is I-20 and this is Clemson Road if you're familiar with,  
5 there's a McDonald's and a Frank's Car Wash and it's just, just down the street from  
6 Sparkleberry Lane, it's north of Sparkleberry Lane. I'll show you a couple of photos, this  
7 is a picture of the site as you see next to it is McDonald's. This is a view down Clemson  
8 Road, this is facing north on Clemson Road. You see this is Frank's Car Wash, which  
9 is abutting the property also. This is a view of the intersection. This is a view south of  
10 the property going toward I-20. Once again another view toward the intersection,  
11 Frank's Car Wash, which is located next to it. This is their drive and you'll see where  
12 Sparkleberry Lane crosses over Clemson Road, it's a short I guess road that runs into  
13 Frank's Car Wash. You cannot, at least, for one I've noticed when I was out there, you  
14 cannot enter Frank's Car Wash from this location. You can exit and come to the light to  
15 leave but you cannot enter through the car wash. Here is the site and the McDonald's.

16 CHAIRMAN MCDUFFIE: Can you go back one? You cannot enter?

17 MR. PRICE: Well you can, if you go in here, Frank's Car Wash, these are exit  
18 and -

19 CHAIRMAN MCDUFFIE: Not, not this particular piece of road.

20 MR. PRICE: Right. Once again across the street is Exxon and here's the site  
21 plan for the area. I have Carl Gosline, he's the, he's our transportation planner, actually  
22 had him involved with this and actually prepared a report and you can see how  
23 extensive it is. So you can tell, I didn't do it but Mr. Gosline -

1 MS. CECERE: We're gonna, we're gonna make Mr. Price do exactly what you  
2 did.

3 CHAIRMAN MCDUFFIE: From now on.

4 MS. CECERE: From this day forward. [Laughter]

5 MR. GOSLINE: He needs, you know, he needs to earn his money, don't you  
6 think?

7 MR. PRICE: I will defer all questions regarding this to Mr. Gosline as it relates to  
8 the traffic and if you have any zoning questions I'll be happy to help answer. But we  
9 have here presenting the case for the applicant would be, it's gonna be you David,  
10 David Brandies from Genesis Consulting Group.

11 CHAIRMAN MCDUFFIE: Please state your name and address for the Record?

12 **TESTIMONY OF DAVID BRANDIES:**

13 MR. BRANDIES: My name is David Brandies with Genesis Consulting Group.  
14 My address is 1330 Lady Street Columbia, South Carolina. What we're asking for today  
15 centers around the right turn in, right turn out – did the guy take the pointer?

16 MR. PRICE: I'm sorry.

17 MR. BRANDIES: Just to give you some, some perspective this is a private drive,  
18 it's not a state road or county maintained road. There is a traffic light here and  
19 Sparkleberry Lane continues this way, this is the Frank's Car Wash sitting here. What  
20 we're asking today is to consider this right turn in, right turn out and we'll explain it a  
21 little bit more in detail why we think it meets the requirements of a, of a Variance. This  
22 is the driveway for the McDonald's. Looking at some of the reasons why we're asking  
23 for this Variance, the Code currently allows for this amount of frontage 200 to 600' of

1 frontage. In one portion of the Code, section 26-175, it will allow a maximum of two  
2 driveways in this location. If you look across the street, you can see someone else has  
3 taken advantage of that as well. In another location in the Code, for a road of 45 miles  
4 per hour, it restricts the distances between driveways to be 250'. What this particular  
5 property has done by the construction of the McDonald's driveway so close to the  
6 property line and if we consider this as a driveway it has effectively eliminated that right  
7 which is granted under another section of the Code, that being a driveway access to  
8 Clemson Road. Also what we're requesting is a right in, right out driveway. The Code  
9 really does not address that type of driveway, let me take just a minute to explain what  
10 we're talking about. Full access driveways, if you tell them to take a left out you could  
11 come from this direction and take a left in, so it's a full access driveway. The Code is as  
12 currently written only addresses those driveways as the spacing. South Carolina  
13 Department of Transportation has an access manual for access to roads and they allow  
14 a different requirement for right in, right out. Our point, in the asking for the Variance is  
15 that the Code doesn't address right in, right out so in our minds it's kind of a hole in the  
16 Code, there's a place where the Code just doesn't address what the DOT addresses as  
17 access. Their requirement from a signalized intersection where this is we'd be 150'. As  
18 we met with Staff they said, listen one of the most important things we need to do is, is  
19 to get with DOT as, as of this morning I received back from the DOT, an email indicating  
20 that they approve this location as it relates both [inaudible] and to McDonald's I'd like to  
21 present that to you.

22 MR. PRICE: We made a number of copies. I left it up to the applicant to deliver  
23 those two.

1 MR. BRANDIES: I appreciate Geo doing that.

2 MR. GOSLINE: We'll send you the bill.

3 MR. BRANDIES: Another important point to why we, we feel like we want the  
4 right turn right, right out is truck access. What's being proposed for this particular  
5 location is a vehicle tire store, which will do some repair work. They get their shipments  
6 in by what's called a WB60 semi, it's a, it's a large tractor trailer. If there was not an  
7 access off of Clemson Road you would have to come in a much smaller, and you can  
8 see sort of the distances between these roads and here, you'd have to come in this light  
9 and access the property through here and then would, could not make this turn out.  
10 Consequently the truck would have to back up within the parking lot. By allowing this  
11 right turn, right out the truck can enter, drop off and then leave out this way by the light,  
12 which is a much safer connection. Going sort of specifically to the criterias that you  
13 guys look at, the extraordinary conditions, you know, we feel like there are four reasons  
14 why this is extraordinary. First, the Code provision does not allow for right in, right outs  
15 it's written as 250', it makes no distinction between the driveway as a full access  
16 driveway or right in, right out. The South Carolina Department of Transportation does  
17 have that particular distinction and so we feel like the Code just did not anticipate this  
18 type of use. Secondly, one part of the Code would allow for 204' of frontage for a  
19 maximum of two parking, driveways, excuse me, and another portion of the Code, the  
20 250' spacing. Because of what McDonald's has built then removes that right from us.  
21 So we feel like that's extraordinary. Again, being squeezed between these two  
22 driveways takes that away. If this driveway were located further down in the middle of  
23 this parking, in the middle of this parcel then this wouldn't be an issue, we'd have the

1 250' spacing. Secondly, treating Sparkleberry as a driveway puts us back into that  
2 problem again. If for example Sparkleberry was a road, not a driveway then our  
3 spacing requirement this way would not be a problem. Now we'd still have a problem  
4 this way but it wouldn't give us that same problem to the north. Looking at other  
5 properties that have similar type of access, there are other right in, right outs throughout  
6 the city, throughout the county that have a similar type of access. We really feel like  
7 that this access on Clemson Road is, is an appropriate use for, for the property and is  
8 consistent with the access to other properties along Clemson. We don't feel like by  
9 granting this, you're grounding a right to this property that other properties don't have.  
10 In terms of if this was not granted would this restrict the utilization, the particular client  
11 who is looking to move here would not construct this facility if there was not a means to  
12 safely get the tire deliveries into the property. Really, primarily this is for access by the  
13 semi truck. There is an ability for, for trucks to, to, for cars to access here but certainly if  
14 they're taking this right they would go out this way or they'd still have access back to the  
15 traffic light, which is, is a much safer, much easier access. We don't think that this,  
16 granting this right would, would impact or harm the district in any way. We feel like it  
17 would still be a, a good use to the property. Two other things I want to point out the,  
18 we've used the minimum remedy possible. We're using a right in, right out, we're not  
19 asking for a full access, and with the property to the north we're, again, using a single  
20 driveway to access both properties and there's a cross easement access so that they  
21 can access the light, again trying to solve the problem with the least amount of change  
22 as possible.

1 CHAIRMAN MCDUFFIE: Mr. Brandies, quick question. You're showing this right  
2 in, right out but there's nothing really on Clemson Road at all that would prevent  
3 somebody from making illegal or unanticipated left turn into this lot or out of this lot?

4 MR. BRANDIES: What we've – we're working with the DOT, there are two things  
5 that they requested. One, if you look at the angle of these driveways they're placed  
6 very sharply. Secondly, it's a little difficult to see but this is a raised concrete median  
7 that would prevent anyone from going over and turning left. In fact, if you were to come  
8 out of here and turn left, you'd actually have to up the, the opposite way, you know, that  
9 is, is, as much of a restriction as we can possible do and it's the reason why the DOT  
10 wanted such a wide entrance and why they wanted that structural prevent. It would  
11 almost be like going up a, an off ramp. You could do it but it would have to be  
12 somebody looking specifically to break the law.

13 CHAIRMAN MCDUFFIE: I mean, certainly though if it's gonna be passable by  
14 semis in the right direction it would be passable by, say a small car in the opposite  
15 direction.

16 MR. BRANDIES: Sure. No different than you could go down a one way street if  
17 you so choose.

18 CHAIRMAN MCDUFFIE: Alright, thank you very much. We may have some  
19 questions for, for Mr. Gosline as well I believe. Anyone?

20 MS. CECERE: Did you say -

21 CHAIRMAN MCDUFFIE: For either Mr. Brandies or Mr., oh I also a Jenkins  
22 Williamson signed up to speak as well.

23 MR. WILLIAMSON: I have no further comments.

1 CHAIRMAN MCDUFFIE: Alright, thank you. At this point -

2 MR. COOKE: I move to entertain a discussion. Oh, do you have a question?

3 Okay.

4 MS. CECERE: Wait, I have a question.

5 CHAIRMAN MCDUFFIE: Go ahead.

6 MS. CECERE: Yes. The company has already bought this piece of property?

7 MR. BRANDIES: The client that we are, we are, are representing owns the  
8 property they're a development corporation. They, the lower piece of the property is  
9 going to be purchased from them. So in other words the property owner owns the  
10 property but they would not develop or build this facility. They're trying, they're seeking  
11 to sell it for this, this use.

12 MS. CECERE: And what would you, what would you say were the exceptional  
13 and extraordinary circumstances?

14 MR. BRANDIES: Sure. I think the exceptional circumstances are that the Code  
15 does not differentiate between a right in, right out and a full access driveway so I think  
16 that's one item. Secondly because of the way that the McDonald's has constructed  
17 their driveway they've ineffectively removed a use on this piece of property because it  
18 no longer allows 250'. The distance from here to here is just slightly over 250 so it, in  
19 effect another construction or another piece of property, has taken a right that would  
20 normally be provided under the Code. And then the third thing is, from an access safety  
21 standpoint, this is a much better way to access this property for the semi trucks and  
22 from here.

1 CHAIRMAN MCDUFFIE: Any other questions for the applicant? Okay, any  
2 questions for, for Staff?

3 MS. CECERE: Yes, I have one. Mr. Price, when McDonald's built their driveway  
4 did they have to have a Special Exception or a Variance?

5 MR. PRICE: There were different standards in place when, I'd say most of the,  
6 most of this area was developed.

7 MS. CECERE: Okay, yeah. I'm familiar with the area and it's, it gets really  
8 crowded in there because right after this light and pretty soon that road narrows down to  
9 one and I've had a couple of near misses out there where people switch lanes and I  
10 have switched lanes and almost took somebody out but it is real congested in there  
11 cause some people turning off and all the businesses there. So, but what my concern  
12 is, what could we do, is there anything we can do if they wanted like just right in and  
13 right out, we couldn't build anything or, I mean, or we couldn't ask them or the highway  
14 department to build anything so people couldn't make a left turn out of there because  
15 people, you know, sometimes like in a hurry and they'll go like no I need to go left cause  
16 I need to go to I-20.

17 MR. PRICE: You can place any, pretty much any conditions that you want on  
18 your, you know, on, on an approval. I don't know if it would necessarily, you know, that  
19 the, talking to Mr. Gosline, that the DOT would, you know, have to respect any  
20 restrictions that we place on any access.

21 CHAIRMAN MCDUFFIE: I think Mr. Gosline had a comment.

22 MR. GOSLINE: Yes, if you'll, page 34 of the Agenda package, the bottom of the  
23 page, I quote from the, the document that David was talking about, which is the access

1 and roadside management standards issued by DOT in August and this is a little bit of  
2 background. They've had this, a book like this for some time, this radically changed a  
3 lot of things, made a lot of things a lot better but in both our Code and in their  
4 regulations as, as Mr. Price says, directed to the Code it says department shall not  
5 issue a permit for encroachment that meets local standards but doesn't meet the  
6 ARMS, the access management stuff. Similarly the department issuing the  
7 encroachment permit does not relieve the applicant of the need to comply with local  
8 requirements even if more restrictive. So [inaudible] Mr. Price was saying and I think  
9 that in, in the Staff response the issue here is access management and I think David  
10 would agree the question is what? The fact that everybody else has got unlimited cuts  
11 is, as I explained is why we're in this bad condition in the first place. And the important  
12 principle here from the department's point of view is that the county needs to get much  
13 more stringent about controlling access because that's how you minimize accidents,  
14 that's how you maximize, or to the extent you can, the traffic to flow through by  
15 controlling access. Places like this there's not a whole lot you can do cause it's so  
16 much done. So you have to kind of do it as you, in what little pieces you can. So it, and  
17 one of the things that was brought up in the applicant's application was well this, this  
18 property was subdivided some time ago and they cut off, well that's nice but that doesn't  
19 necessarily mean we need to follow it. So our position is that the, that the Variance  
20 should be denied.

21 MR. RUSH: I guess to sort of add to that it's not like the property can't be used.  
22 It may not be, be used for this specific -

23 MR. GOSLINE: That's correct.

1 MR. RUSH: - cause if something with less demand as far as a tractor trailer  
2 delivery could be sufficient by using that shared driveway with the car wash up there.  
3 So I can, I can see that.

4 MR. GOSLINE: I think, Mr. Chairman if I might, it's important that, that the  
5 extension of Sparkleberry Lane, which I referred to as road several times but it's proper  
6 name is lane, is that it's owned by both parcels. So the road is already there and it's,  
7 it's, would be a simple matter of a cross access easement, which is easy to do to  
8 accomplish the legal access. I think Mr. Brandies brings up a reasonable point about  
9 the truck turning movements in terms of supplying the proposed tenant of Firestone.

10 CHAIRMAN MCDUFFIE: That could, that could potentially be accomplished  
11 through how they lay out the site. The truck, excuse me, the truck access could also be  
12 accomplished through how the site's laid out could it not? I mean, other than where the  
13 access -

14 MR. GOSLINE: I think Mr. Brandies is correct. Coming in is not the problem,  
15 getting out would be a little bit more difficult if there was no access there. Because they  
16 would be forced to go across the shaded portion there and then have to make a 270  
17 degree turn and come back. That would be difficult to do but as Mr. Rush says there's  
18 nothing that guarantees that, that the Firestone has to be there. I mean, the issue here  
19 is really the access to whatever happens there.

20 MS. CECERE: From a safety standpoint it would be better anyway if you came  
21 in by the light and went out by the light.

22 MR. GOSLINE: That's absolutely correct.

1 CHAIRMAN MCDUFFIE: Any other questions or discussion? The Chair  
2 recognizes Mr. Brandies one more time.

3 MR. BRANDIES: One point I want to make to you in terms of congestion is that  
4 regardless of whether those right turns happen at this location or happen 150' north at  
5 the other locations it's just almost exactly the same impact traffic. Whether you're able  
6 to come to here and make a right turn in or make the right turn a little bit quicker is, is  
7 absolutely no impact to traffic. In fact it would allow, if there is people stopped at this  
8 red light, it would allow access into this property quicker than it would coming up to this  
9 light. The, the issue about the left turn we really can't legislate, zone, build or construct  
10 for, for things that could happen in terms of someone breaking a law and this is as much  
11 a protection as anyone can build to keep people from making that left turn. Additionally  
12 what you end up doing is if people need to come out of this property and make a left  
13 you are central, you're noting them, putting them at a location and a light versus  
14 someone who could make a right turn quicker if the traffic is available. So they have the  
15 option. We really do feel that the right turn, right out is a, is an appropriate use here that  
16 wouldn't then further restrict traffic, it wouldn't add to congestion. The second thing is  
17 the, the particular use that we're talking about here, the Firestone is a very, very, very  
18 low traffic generator for this particular type of commercial use. If this, for example were  
19 a McDonald's we'd be talking about, you know, thousands of trips a day. A Firestone is  
20 50 trips a day so it is one of the lowest uses that you could possibly look at this  
21 particular commercial, commercial use. And so that's, that's the reason why we're  
22 asking this. Again, we go back to an important point in our mind is that the Code is  
23 written without deference to right in, right out. It is written towards a full access and

1 really as we're standing in front of you as the Board of Zoning Appeals, that is one of  
2 our primary arguments is that had the Code identified a right in, right out and had the  
3 Code more clearly matched what the DOT was providing then this would not have been  
4 an issue and we would not have come in from of the Board of Zoning Appeals. We  
5 really do feel like this was an eventuality that the Code didn't anticipate and that's why  
6 we're in front of you today.

7 CHAIRMAN MCDUFFIE: Thank you. Yes, Mr. Gosline.

8 MR. GOSLINE: Mr. Chairman, Members, the issue of access management is,  
9 when you talk about access management you talk about any kind of access point to the  
10 mainstream of traffic, it doesn't matter what right in or out. He's correct some are safer  
11 than others. Signalized access points are safer than unsignalized. Right in and right  
12 out is definitely safer than full. It, it, I suppose that you could require a raised median  
13 strip to totally prevent the left turn movement into the site at that point. I don't know how  
14 DOT would feel about that, but that's kind of immaterial if that's what we think we ought  
15 to do. My point is, again that the access to this site should be, is best done through a  
16 signalized interchange. It's, the traffic there is terrible, traffic flow is bad a lot of times.  
17 Mr. Brandies is correct this particular land use doesn't add a whole lot of traffic through  
18 it, whatever goes next door though may. So again, come back to me that the issue here  
19 is the access to the site kind of regardless of what goes in there.

20 CHAIRMAN MCDUFFIE: Any other discussion?

21 MR. RUSH: I guess one more thing is we also have to look at the fact that the  
22 reason why there is a 250' difference is because speed limit, I think it's 45 miles per

1 hour. So if that's the speed limit on a heavily, that is a heavily [inaudible] area  
2 [inaudible].

3 MR. GOSLINE: Yeah.

4 MR. RUSH: And coming out of McDonald's or right turns, there's another light  
5 further up that, I don't know [inaudible] it just seems to me -

6 MR. GOSLINE: [Inaudible]

7 MR. PRICE: Good luck doing 45 on there.

8 MR. RUSH: But I'm just saying, though that the reason for that is a reason just  
9 with the [inaudible]. I think it's hard enough in that little area.

10 MR. COOKE: It's a Firestone that's going there?

11 CHAIRMAN MCDUFFIE: Any other discussion? The Chair will entertain a  
12 motion at this time.

13 MR. COOKE: You going to go through the Variance [inaudible]?

14 CHAIRMAN MCDUFFIE: What's that? Oh I'm sorry, I'm sorry yes, let's go  
15 through – would somebody like to go through the Finding of Fact. I got ahead of myself.

16 MR. COOKE: That's okay.

17 CHAIRMAN MCDUFFIE: Anyone?

18 MR. COOKE: Are there extraordinary and exceptional conditions pertaining to  
19 the particular piece of property? I'm gonna say no due to the fact that this piece of  
20 property, I mean, the Code, the DOT, I know he says that the Code does not have a  
21 clear distinction but at the same time it's stating that as a whole that there should be,  
22 within 250' there's a, there's a requirement. And like I'm saying there's no exceptions,  
23 exceptional conditions. From my point of view to be honest, to make people go out

1 through Sparkleberry with the controlled light seems like a great idea because you,  
2 McDonald's has created, I mean, even though it's right next door and people may  
3 choose to cut back through McDonald's but I think people coming in and out onto  
4 Clemson Road like that, McDonald's, the customers have created a blind spot. And too  
5 much traffic going in and out these access points and also to the DOT, to the DOT's  
6 point there has to be adequate access, it doesn't say it has to be convenient but in the  
7 name of safety, you know, coming in and out cause there are a lot of people turning in  
8 and out of McDonald's and turning in and out of the Exxon station that's on the opposite  
9 corner. So I'm gonna say at this time no there's no, the answer is no.

10 CHAIRMAN MCDUFFIE: Is there, is there anyone that would entertain a  
11 different representation of that? Does anybody believe that there are in fact any special  
12 conditions? If, if we're all in agreement on that then would somebody like to make a  
13 motion at this time?

14 MR. COOKE: Mr. Chairman, I'd like to make a motion to deny Variance 09-04  
15 based on the Findings of Fact.

16 CHAIRMAN MCDUFFIE: Alright, so we have a motion to deny Variance 09-04  
17 based on the Finding of Fact that there are not extraordinary and exceptional conditions  
18 pertaining to this particular piece of property. Is there a second?

19 MS. CECERE: I second.

20 CHAIRMAN MCDUFFIE: Okay, there's a second. All in favor?

21 MR. PRICE: Those in favor are Rush, Branham, Perrine, McDuffie, Cecere,  
22 Cooke, Smith.

23 *[Approved: Rush, Branham, Perrine, McDuffie, Cecere, Cooke, Smith]*

1 CHAIRMAN MCDUFFIE: Alright, Mr. Brandies your motion is denied, Mr. Price  
2 will be in touch. Alright at this time do we have a -

3 MR. RUSH: Mr. Chair, what about that other case?

4 CHAIRMAN MCDUFFIE: That's what I, that's what I'm -

5 MR. RUSH: Oh, okay, I'm sorry.

6 CHAIRMAN MCDUFFIE: Is there someone here for 09-01?

7 MR. PRICE: No one has come in for that one.

8 CHAIRMAN MCDUFFIE: What's that?

9 MR. PRICE: I said no one has come in for that one.

10 CHAIRMAN MCDUFFIE: What, what would, what's normal to do at this time?

11 MR. PRICE: My suggestion would be, Staff recommendation would be just to  
12 defer this until next month and that gives us an opportunity to see what happened to the  
13 applicant.

14 CHAIRMAN MCDUFFIE: Alright, do we need a motion on that or? Okay is there  
15 a motion to defer Case 09-01 V till next month?

16 MR. RUSH: So moved.

17 CHAIRMAN MCDUFFIE: Okay.

18 MS. PERRINE: Second.

19 CHAIRMAN MCDUFFIE: Alright we have a motion and a second, all in favor?

20 *[Approved: Rush, Branham, Perrine, McDuffie, Cecere, Cooke, Smith]*

21 CHAIRMAN MCDUFFIE: Motion carried 09-01 Variance is deferred until next  
22 month.

1 MR. PRICE: There are two items, one is the approval of the 2009 calendar,  
2 meeting calendar. We're passing those out right now.

3 CHAIRMAN MCDUFFIE: Mr. Price, are these all on first Wednesdays with the  
4 exception of, of, are they all first Wednesdays or, December 9<sup>th</sup> is probably not a first  
5 Wednesday.

6 MS. HAYNES: The only reason in December is with the tax sale and we can't  
7 get the Chambers for that. That's the only one.

8 CHAIRMAN MCDUFFIE: Do we need a formal motion to adopt the calendar  
9 then? Okay. Is there a motion to adopt the proposed calendar?

10 MS. CECERE: I make a motion that we adopt the Board of Zoning Appeals  
11 calendar for 2009.

12 CHAIRMAN MCDUFFIE: Okay, is there a second?

13 MR. SMITH: Second.

14 CHAIRMAN MCDUFFIE: Alright, all in favor?

15 MR. PRICE: Those in favor are Rush, Branham, Perrine, McDuffie, Cecere,  
16 Cooke, Smith.

17 *[Approved: Rush, Branham, Perrine, McDuffie, Cecere, Cooke, Smith]*

18 CHAIRMAN MCDUFFIE: Opposed? None. What other business?

19 MR. PRICE: Yeah, I think we need to go back to the beginning of the Agenda,  
20 I'm not sure, we didn't do the appointment officers.

21 CHAIRMAN MCDUFFIE: I thought we had done that -

22 MR. COOKE: In December.

23 MR. PRICE: We did that in December?

1 MS. HAYNES: We did them in -

2 MR. PRICE: I wasn't here.

3 CHAIRMAN MCDUFFIE: I thought we did them in November.

4 MS. HAYNES: It was when Margaret left.

5 CHAIRMAN MCDUFFIE: Yeah.

6 MR. COOKE: Yeah, so we did, well we did that because Margaret left so we  
7 have to do another one?

8 MS. HAYNES: Cause Joshua moved into Margaret's seat.

9 MR. COOKE: Okay.

10 MS. HAYNES: And it's a new year.

11 MR. COOKE: Okay.

12 MR. PRICE: You need to do it.

13 CHAIRMAN MCDUFFIE: What's that?

14 MR. PRICE: You need to go ahead and do it for this year.

15 CHAIRMAN MCDUFFIE: Okay, we need to go ahead and have elections or -

16 MR. PRICE: Yes.

17 CHAIRMAN MCDUFFIE: Okay. We, we did but apparently since this is a new  
18 year, that was the expiration of Ms. Perkins' time and so this is a new, a new calendar  
19 year, yes.

20 MR. RUSH: I would like to nominate Joshua McDuffie for Chair.

21 MR. COOKE: I second it. All in favor?

22 CHAIRMAN MCDUFFIE: Are there any other nominations?

23 MR. COOKE: I'd like to nominate Torrey Rush for Vice-Chair.

1 CHAIRMAN MCDUFFIE: We haven't done Chair yet.

2 MR. SMITH: We've got to do Chair first.

3 CHAIRMAN MCDUFFIE: Alright, okay all in favor of Mr. McDuffie, of me  
4 continuing on as Chair?

5 MR. PRICE: Those in favor are Rush, Branham, Perrine, McDuffie, Cecere,  
6 Cooke, Smith.

7 *[Approved: Rush, Branham, Perrine, McDuffie, Cecere, Cooke, Smith]*

8 CHAIRMAN MCDUFFIE: Okay. Nominations for Vice Chair.

9 MR. SMITH: I nominate Torrey Rush for Vice-Chair.

10 CHAIRMAN MCDUFFIE: I'll second. Any other nominations? All in favor of Mr.  
11 Rush continuing on as Vice-Chair?

12 MR. PRICE: Those in favor are Rush, Branham, Perrine, McDuffie, Cecere,  
13 Cooke, Smith.

14 *[Approved: Rush, Branham, Perrine, McDuffie, Cecere, Cooke, Smith]*

15 CHAIRMAN MCDUFFIE: Alright.

16 MR. PRICE: That's it.

17 MR. RUSH: I've got one thing. As far as the training, I know we cancelled  
18 training in December. When, it's going to be February now that we -

19 MS. HAYNES: I have, yes I've been in touch with the COG where you go for the  
20 training, they also have two staff members now and we're gonna get a third that can do  
21 training here at the county, which will be easier. It probably would not be at night or if  
22 you wanted it afterwards you can do it at night over at the COG. But the orientations  
23 they're, they're gonna send me a schedule within, by the end of this month and the new

1 Members of the Board and you all know who have not sat on for a year, you've got to  
2 get six hours of orientation. Members who have been on the Board for a while, and you  
3 all know who you are, need three additional education hours and that's different from  
4 the six orientation hours. You can break the six orientation hours up and do two three-  
5 hour courses. The continuing ed courses, you can take two hour and a half courses but  
6 once I get you the schedule you'll see all that and you have until your term date. For  
7 example I believe [inaudible] I think you started, I think it was the 14<sup>th</sup> of October so you  
8 have, you have until a year from, you have until October 14<sup>th</sup>, if that's the correct day.  
9 That's how it goes, whatever your starting date is you have a year from then to get your  
10 orientation hours in, your anniversary day. And I will send you, as soon as I get a copy  
11 of the dates.

12 MR. SMITH: Sounds good, just let me know.

13 CHAIRMAN MCDUFFIE: Any further business at this time? If there is none I'd  
14 like to call this meeting to a close.

15

16

*[Meetings Adjourned at 2:35 p.m.]*