

CITY OF DARLINGTON
BOARD OF ZONING APPEALS
MEETING MINUTES

5:30 p.m. Monday, May 15, 2017, at City Hall, 400 Pearl St.

Attending were Board members, Calvin King, William Jackson, and Kay Pierson; staff members, Lisa Rock and Howard Garland; and Jay Ervin and David Tucker.

Mr. King called the meeting to order at 5:35 p.m.

Upon reading the minutes from the December 5, 2016, meeting, Mrs. Pierson made a motion to accept the minutes as presented. Mr. Jackson made the second. The motion carried unanimously.

Variance Request (Item #04/21/17) for relief from Article V of the Zoning Ordinance regarding signage at 102 Lamar Highway.

Ms. Rock explained that the business at 102 Lamar Highway requested a digital sign. The property is located in the General Commercial District, but there are two dwellings within 300 feet of the sign, so the application was denied. Ms. Rock then read a statement from a member of the public, Mr. Francis Parnell, which was submitted to her office in regards to the matter:

- (1) Since I don't know how large it will be, what is its initial daytime brightness in "Nits?"
- (2) If it's going to be a fairly large sign, and since these things have computer controlled brightness settings, it can/should be lowered to less than 100 Nits at night to cut way back on glare for drivers and light trespass for any homes in the area. That way, where glare and light trespass are involved, it could easily be brought into compliance with our lighting ordinance.

Ms. Rock then read the reasons the Board may grant a variance:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- These conditions do not generally apply to other property in the vicinity;
- 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; and
- The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Mr. Jay Ervin, representing the business owner, spoke on their behalf pleading that the Board grant the variance request. He said the fourth reason to grant the request was the most important, that this was in the best interest of Darlington. The area where this is located is a commercial district, and the two dwellings in question are both rental properties. He said he spoke to the Weinbergs, who own one of those houses, and he said they had no objection to the sign. He submitted a layout of the sign and showed the dimensions are the same as the existing signage. This sign will allow them to change the prices by computer and is commonly used by other convenience stores and gas providers. He said that this situation fit the variance provisions because the extraordinary conditions were that it is a commercial district with other digital signs in the area, one at Fitness World and several down the

street. The application of this rule is unreasonable because there are not many homes in the area, and the digital sign would not change the character of the district. It is not a historic district but a commercial one. He said it does not diminish the public good. He said he thought this was a reasonable request, and he had not heard of any objections from the property owners.

Mr. David Tucker with Tucker Oil said he is a Shell distributor. The signage would be in keeping with the Shell branding guidelines and consistent with signage at the 22 other outlets he services.

Mr. Jackson made a motion to accept the variance request to allow the digital sign at 102 Lamar Highway. Mrs. Pierson made the second.

Mr. King asked if property owners were notified of this hearing. Ms. Rock said certified letters were sent to the immediately adjacent properties and letters sent to other neighboring properties, seven in total. Also, a sign about the hearing time was posted on the site.

The motion carried unanimously, 3-0.

The meeting adjourned at 5:45 p.m.

CITY OF DARLINGTON
BOARD OF ZONING APPEALS
MEETING MINUTES

5:30 p.m. Monday, September 18, 2017, at City Hall, 400 Pearl St.

Attending were Board members, Ms. Pierson, Mr. King, and staff, Ms. Rock and Mr. Gainey. Guests included Mrs. Byrd, Mr. Spearman, and Mr. Patel.

Having no quorum, the Board will reschedule for Tuesday, October 10, 2017.

CITY OF DARLINGTON
BOARD OF ZONING APPEALS
MEETING MINUTES

5:30 p.m. Tuesday, October 10, 2017, at City Hall, 400 Pearl St.

Attending were Board members, Calvin King, William Jackson, Parker Howle, and Kay Pierson; staff members, Lisa Rock and Alex Gainey; and Francis Parnell, Warren Spearman, Linda Byrd, and Piyush Patel.

Mr. King called the meeting to order at 5:35 p.m.

Upon reading the minutes from the May 15, 2017, meeting, Mr. Jackson made a motion to accept the minutes as presented. Mr. Howle made the second. The motion carried unanimously.

Ms. Rock noted the reasons the Board may grant a variance were provided in the Board packets, as written in the City of Darlington Code of Ordinances.

Variance Request (Item #08/14/17) for relief from Article V of the Zoning Ordinance regarding signage at 1002 Pearl St.

Ms. Rock said that the business at 1002 Pearl St. Highway requested a digital sign. The property is located in the General Commercial District, but there are multiple dwellings within 300 feet of the sign, so the application was denied.

Ms. Rock then read two letters from adjacent property owners.

- (1) W.C. & Borathy Bateman wrote on Aug. 22, 2017, that, "We have no objection to the installation of this sign."
- (2) Mr. Lincoln Privette Sr. wrote in a letter dated Aug. 28, 2017, "I am NOT in favor of the Article V Sign Regulations variance requested by the owner of 1002 Pearl Street, Darlington, SC for the purpose of installing digital signage. In my opinion, the signage that they currently have is more than adequate to advertise their business."

Mr. Patel said the sign would improve the view of the City. He said on windy days, the letters fly and could hit somebody or a car because the letters can come off. He said a professional company Signs Ltd. Would be installing the sign. He said Sav-Way got permission for the same type of sign and already has installed it nearby. He said the sign has a timer and it can be set to turn off the sign at night. He said he closes at 9 o'clock. Mr. King asked if he would turn it off if awarded a variance. Mr. Patel said he would turn off the sign when he is closed. Mrs. Pierson asked about the brightness. Mr. Patel said it was the same sign as the other gas station. Mr. Parnell asked about what type of timer. Mr. Patel presented a photo and said this old fashioned type of time was better. Mr. Parnell asked if it could be dimmed and the color of the light. Mr. Patel said his business is closed on Sunday, that there was no dimmer, and the colors would be red or green just to give the price of the gas. Mr. Jackson asked about the display size. Mr. Patel said the size of the numbers would be the same as now and would not required new or larger posts.

Mr. Jackson made a motion to accept the variance request to allow the digital sign at 1002 Pearl St. with the stipulation that it be turned off by 9 p.m. seven days a week. Mr. Howle made the second. The motion carried unanimously.

Variance Request (Item #08/15/17) for relief from Article IV of the Zoning Ordinance regarding Religious Organizations at 109 Pearl St.

Mr. Gainey said that it was brought to the attention of the Codes Enforcement Office that a church had started occupying 109 Pearl St. The Core Commercial District is supposed to be reserved for commercial ventures. There are two other churches in that area, one across the street. The ordinance says that if the churches vacate those commercial spaces another church can't go back in. That's why the ordinance was put in place. After doing other research, the old theater across the street, which may not even be holding services anymore, we have to check. We have a couple issues. This church moved into the City, and no inspections were done. The classification of the building would have to change to assembly, and a different occupational class requires different standards. Myself and the fire marshal would have to inspect the building to see if it meets those safety standards. Neither of our offices were notified, so no inspections were done.

Mr. Jackson said when other churches change or vacate, the intent of this ordinance is to have retail businesses in them, rather than a building that is essentially vacant other than maybe two days a week for church services.

Mr. Gainey said that the intent of the ordinance was to have businesses on the Square. Like the B.C. Moore building, the church is still operating and operated prior to this ordinance.

Mr. King said that the ordinance reads that if a commercial business was there previously, you can't put a church. Mr. Gainey said it has to be opened back up as a commercial space.

Ms. Rock read the ordinance, *"Religious and other groups and organizations relying on assembly space in commercial districts shall not occupy previously occupied commercial buildings. Such buildings shall be reserved exclusively for commercial, business and/or economic development use."*

Mr. Gainey said that the other two churches on the Square were purchased or leased prior to this ordinance.

Mr. Spearman said he would like to speak. He said, being in the military for 20 years, I'm not one to break laws. He said I started to reach some of the young men in the alleyways. On a Thursday morning at 10 a.m., men were drinking and asked for prayer. Prayer changes things. He (Jesus) healed those people, and they were able to get jobs and become productive. I believe the Upper Room has been put there for this. We live in perilous times. I hear whispers that we should have kept prayer in schools. When they hear Jesus healed these people. We have a lot of drug addicts, prostitutes, and gang bangers. People are scared to open their businesses with the killings and shootings in the City. All I am asking is that the laws be revised. I lost my son to drugs, my daughter. What I'm able to do for Christ is by his anointing. If a bar comes to town, that's not helping the town. If two gathered for prayer, that helps the town. You might shut me down, but it will not stop Christ. If we can get a hold of the parents in a biblical way, we can help. There is no greater law than God's law. I'm here to try to reach out and help the people of Darlington. If Christ is in the midst, things can change. I'm a teacher, not a preacher.

Mr. King asked if we received any comments on this item. Ms. Rock said we got no comments back at all.

Mr. Spearman said if we had known, but we just received a letter saying that you need to vacate the premises immediately. We came to the first meeting where we discussed possible options to make it a school. I called and never got a call back. If we work together, we can have something powerful going on with God on our side.

Ms. Byrd spoke. She said I am the building owner. I have been a merchant in Darlington since 1974. Darlington is a hard place to get someone to use a building. It's hard to get a shoe store or a dress store. Look at all of the vacant buildings. If I agree to rent the building to a record shop or music place, that only brings more harshment to Darlington. The night club in back of the building and all the shootings in Darlington is not good for business. The City needs a lot of prayer. We are not going to get stores in Darlington unless something changes.

Mr. Jackson made a motion to deny the variance request. Ms. Pierson made the second. The motion carried unanimously.

Variance Request (Item #09/25/17) for relief from Article V of the Zoning Ordinance regarding signage at 1212 S. Main St.

Ms. Rock said that the City had not received a response from the certified letter notifying this property owner of the meeting. Upon calling, they did not know of it, and this item will be rescheduled for a future date.

The meeting adjourned at 6:11 p.m.

CITY OF DARLINGTON
BOARD OF ZONING APPEALS
MEETING MINUTES

5:30 p.m. Tuesday, November 13, 2017, at City Hall, 400 Pearl St.

Attending were Board members, Calvin King and William Jackson; staff members, Lisa Rock and Alex Gainey; and Renee Owens, Chad DuBose and Robert Kilgo.

The meeting was rescheduled for Monday, Dec. 11, due to lack of a quorum.

CITY OF DARLINGTON
BOARD OF ZONING APPEALS
MEETING MINUTES

5:30 p.m. Monday, December 11, 2017, at City Hall, 400 Pearl St.

Attending were Board members, Calvin King, William Jackson, Parker Howle, Ryan White, and Kay Pierson; staff members, Lisa Rock and Alex Gainey; and Renee Owens.

Mr. King called the meeting to order at 5:30 p.m.

Upon reading the minutes from the October 10, 2017, meeting, Mr. Jackson made a motion to accept the minutes as presented. Ms. Pierson made the second. The motion carried unanimously.

Variance Request (Item #09/25/17) for relief from Article V of the Zoning Ordinance regarding signage at 1212 S. Main St.

Ms. Rock presented the Board with the sign application, image of the sign, and a map of the property. Mr. Gainey said that the business at 1212 S. Main St. requested a sign of 66 square feet in size and with a 6-foot clearance. Based on the formula in the Code, the sign could be a maximum of 55 square feet and needed an 8-foot clearance, so the application was denied.

Ms. Rock read the reasons the Board may grant a variance from Section 9-11.3 of the City of Darlington Zoning Ordinance.

Ms. Rock then read a letter dated November 8, 2017, from an adjacent property owner, Mr. Chad DuBose: "To Planning Department, I, Chad DuBose, recommend that the property owner adhere to the code of ordinance with regards to Article V Sign Regulations."

Ms. Owens, representing Mr. Tuttle and Nova Builders, said they were asking for less than one foot additional space on the sign. She said they have cleaned up the property considerably, removing 400 toilets and other debris. She said the sign would be placed between the two trees and that they want to beautify the property and make it look more like a business and add landscaping.

When asked why the sign was 66 square feet instead of 55, Ms. Owens said he already had the sign made. When asked about the lighting of the sign, she did not have those details. When asked if there would be an objection to the sign being taller or at ground level to remove the issue of the clearance, Ms. Owens said she did not think so.

Mr. Gainey said that whatever decision is made will set a precedent. Mr. Howle said that the statute says there needs to be a reason to vary from the ordinance and he didn't see one.

Mr. Jackson made a motion to deny the variance request. Mr. White made the second. The motion carried unanimously.

The meeting adjourned at 5:52 p.m.