



Minutes  
Wednesday, January 27, 2021 at 6PM

**Members in Attendance**

Jim Codner  
John Eagar  
Bill Gilster  
Gwen Fowler  
Marty McKee

**Staff**

Adam Chapman, Secretary  
Vivian Kompier

**Media**

None

**ITEM 1- Call to Order**

Mr. Adam Chapman called the meeting to order at 6PM

**ITEM 2- Election of officers**

Mr. Chapman held the election for Chairman of the Board of Zoning Appeals.

Chairman – Mr. Bob Gilster nominated Mr. Jim Codner. There were no other nominees. The vote for Mr. Codner as Chairman was 5-0 in-favor.

Vice- Chairman- Mr. Codner held the election for Vice-Chairman of the Board of Zoning Appeals. Mr. Codner nominated Mr. John Eagar. There were no other nominees. The vote for Mr. Eagar as Vice- Chairman was 5-0.

Secretary Mr. Codner held the election for Secretary. Mr. Eagar nominated Mr. Chapman. There were no other nominees. The vote for Mr. Chapman was 5-0.

**ITEM 3- Approval of the 2021 calendar of meetings for the Board of Zoning Appeals**

1. Motion to approve the calendar of meetings as supplied by staff – Mr. Eagar
2. Second the motion- Mr. Gilster
3. Vote – 5-0 in-favor

**ITEM 4- Brief statement about rules and procedures**

- A. Applicant will provide a presentation about the needs for the variance for 5-minutes with the chairman having the unilateral ability to grant more time as needed.
- B. Staff will address any additional issues
- C. Citizen comment- 5-minutes each
- D. Applicant rebuttal and questions from Board members
- E. Voting

**ITEM 5- Approval of minutes - September 28<sup>th</sup>, 2020 meeting**

- Motion to approve – Mr. Eagar  
Second the motion – Mr. Marty McKee  
Vote – 5-0 in favor

**ITEM 6- Variance request for application #VA-20-06A related to number of free-standing signs located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001. An increase from the permitted one (1) sign per parcel to two (2) signs per parcel**

**1. Applicant presentation** – Mr. Bob Cash from CESO representing Speedway LLC gave an overview and the rationale for requesting more than one sign per property. Mr. Cash noted that having two signs, due to topography, safety and lay of the land was needed for the Speedway business model to work.

**2. Staff comment** – Mr. Chapman noted that approval of a second sign would be approving a sign of the currently permitted height and area in the code of ordinances.

**3. Citizen comment** – Mr. Kenneth Jackson asked several questions related to current ownership, residential usage and the need for a variance as a non-residential usage. Mr. Codner asked staff for clarification on ownership and usage. Mr. Chapman noted that Mr. Cash is doing due-diligence as is the industry norm to due prior to purchase. Mr. Chapman noted that the property is taxed residential but the underlying zoning is Control-Free within the I-85 / Carolina Gateway overlay.

**4. Applicant rebuttal** – None

**5. Board member questions** - None

**Board considerations:**

1. There *are* extraordinary and exceptional conditions pertaining to the particular piece of property;
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Vote: 5-0 in favor
2. These conditions *do not* generally apply to other property in the vicinity;

- a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. McKee
  - c) Discussion
  - d) Vote: 5-0 in favor
3. Because of these conditions, the application of this chapter to the particular piece of property *would* effectively prohibit or unreasonably restrict the utilization of the property; and
- a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Vote: 5-0 in-favor.
4. The authorization of a variance *will not* be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
- a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Vote: 5-0 in favor

Based on the evidence presented to the Board, do I hear a motion that the proposed Variance be approved.

- a) Motion/second: Mr. Eagar/Ms. Fowler
- b) Vote: 5-0 in favor

**ITEM 7 -** Variance request for application #VA-20-06B related to signage height located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001. **190' vertical-increase variance from the 10' height limit for a "high-rise" type sign.**

1. **Applicant presentation** – Mr. Bob Cash from CESO representing Speedway LLC gave an overview and the rationale for increasing the sign height to 200'. Mr. Cash stated that the requested height is essential for potential customers to know where the business is located. He referenced a sign study which showed that a 200' sign is visible ½ mile out, giving a driver the minimum distance to make a decision and safely exit the interstate. Mr. Cash added that the requested sign is typical of signs throughout the country and is nothing out of the ordinary.
2. **Board questions** – Mr. Codner questioned the absence of the Love's sign from the study and asked if Mr. Cash if he knew the height of the Love's sign. Mr. Cash did not know the height but stated that if you compare the elevation of the Love's sign to where they want their sign, they are very similar from the viewpoint of the highway. David Dafron, the official applicant and planning project manager for Speedway, presented pictures from the sign study that provided a visual for the requested height. Mr. Gilster raised concerns about the fall zone if the sign was compromised. Mr. Cash referred to sign site plan showing where the sign would be located in relation to the highway, the building and neighboring properties. He stated there would be no danger of sign hitting anything if it fell. Mr. Dafron added that they use a contracted foundation/geotech specialist to ensure they have the safest product in their foundations. Mr. Eagar asked what the sign design specifications were with regards to wind. Mr. Cash confirmed the sign was designed to State code as well as State and Federal highway standards. Mr. Dafron stated he could confirm and was

confident that their architects and designers make every effort to comply with all requirements and build to all specifications. Mr. McKee asked if the grade at the proposed location of the sign was the same as the site for the building to rule out an elevation advantage for the sign location. Mr. Cash stated the ask of a 200' sign is based on a balloon test to determine optimum visibility at a specific site. He added they would not move the sign from that proposed site to take advantage of a higher elevation.

**3. Citizen comment – None**

**4. Staff comment –** Mr. Chapman clarified that this request was for the height of one of The two signs that were just approved. This request is not for the height of an additional sign. Mr. Chapman confirmed that there are no sign ordinances that requires a safe fall zone.

**5. Applicant rebuttal – None**

**Board considerations:**

1. There *are* extraordinary and exceptional conditions pertaining to the particular piece of property;
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. McKee
  - c) Vote: 5- in favor
  
2. These conditions *do not* generally apply to other property in the vicinity;
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Vote: 5-0 in favor
  
3. Because of these conditions, the application of this chapter to the particular piece of property *would* effectively prohibit or unreasonably restrict the utilization of the property; and
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. McKee
  - c) Vote: 5-0 in favor
  
4. The authorization of a variance *will not* be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Vote: 5-0 in favor

Based on the evidence presented to the Board, do I hear a motion that the proposed Variance be approved.

- a) Motion/second: Mr. Eagar/Mr. McKee
- b) Vote: 5-0 in favor

**ITEM 8-** Variance request for application #VA-20-06C related to signage sign-face area located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001. **552 square-foot increase variance from the 75 square-foot limit for the sign faces on the “high-rise” type sign.**

1. **Applicant presentation** – Mr. Bob Cash from CESO representing Speedway LLC gave an overview and the rationale for increasing the sign face on the high-rise sign by 552 square-feet. Mr. Cash explained that expanding the sign face goes hand-in-hand with increasing the height—the sign face and lettering must be increased so motorist can read the sign.
2. **Staff comment** – None
3. **Citizen comment** – None
4. **Applicant rebuttal** – None
5. **Board member questions** - None

**Board considerations:**

1. There *are* extraordinary and exceptional conditions pertaining to the particular piece of property;
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Ms. Fowler
  - c) Vote: 5-0 in favor
2. These conditions *do not* generally apply to other property in the vicinity;
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Ms. Fowler
  - c) Vote: 5-0 in favor
3. Because of these conditions, the application of this chapter to the particular piece of property *would* effectively prohibit or unreasonably restrict the utilization of the property; and
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Vote: 5-0 in favor
4. The authorization of a variance *will not* be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
  - a) Motion (in the Affirmative): Mr. Eagar
  - b) Second: Mr. Gilster
  - c) Discussion
  - d) Vote: 5-0 in favor

Based on the evidence presented to the Board, do I hear a motion that the proposed Variance be approved (or denied if even one criterion is not met).

- a) Motion/second: Mr. Eagar/Mr. McKee
- b) Discussion:

c) Vote: 5-0 in favor

**ITEM 9-** Variance request for application #VA-20-06D related to signage height located at 132 Grubbs Road, Fair Play, SC 29643 TMS# 341-00-04-001. **10' vertical-increase variance from the 10' height limit for a "goal-post" type sign.**

1. **Applicant presentation** – Mr. Bob Cash from CESO representing Speedway LLC gave an overview and the rationale for increasing the goal post sign. Mr. Cash stated this sign would be the sign at the entrance. Increasing the height to 20' would allow motorist to see the store location and pricing once off the exit ramp. Mr. Cash added that this is a standard Speedway sign and is very similar to the Love's sign across the street.
2. **Staff comment** – None
3. **Citizen comment** – None
4. **Applicant rebuttal** – None
5. **Board member questions** – None
  1. There *are* extraordinary and exceptional conditions pertaining to the particular piece of property;
    - a) Motion (in the Affirmative): Mr. Eagar
    - b) Second: Mr. Gilster
    - c) Vote: 5-0 in favor
  2. These conditions *do not* generally apply to other property in the vicinity;
    - a) Motion (in the Affirmative): Mr. Eagar
    - b) Second: Mr. McKee
    - c) Vote: 5-0 on favor
  3. Because of these conditions, the application of this chapter to the particular piece of property *would* effectively prohibit or unreasonably restrict the utilization of the property; and
    - a) Motion (in the Affirmative): Mr. Eagar
    - b) Second: Mr. Gilster
    - c) Vote: 5-0 in favor
  4. The authorization of a variance *will not* be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.
    - a) Motion (in the Affirmative): Mr. Eagar
    - b) Second: Mr. Gilster
    - c) Vote: 5-0 in favor

Based on the evidence presented to the Board, do I hear a motion that the proposed Variance be approved (or denied if even one criterion is not met).

a) Motion/second: Mr. Eagar/Ms. Fowler

b) Vote: 5-0 in favor

**ITEM 10-** Adjourn – a) Motion/second: Mr. Eagar/Mr. Gilster

b) Vote: 5-0 in favor