



City of Clemson
PLANNING & CODES ADMINISTRATION

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**Board of Zoning Appeals
January 17, 2013 – 6:00 p.m.
City Hall Council Chambers**

Members Present: Del Kimbler, Marvin Dixon, David Senn, Cynthia Robinson, Brian Roberts, Mindy Spearman and Clarence Balch

Members Absent: None

City Staff Present: Robert Vecchio, Zoning and Codes Administrator and Beth Connor, Recording Secretary

1. Call to Order:

Chairman Del Kimbler called the meeting to order at 6:00 pm. He reviewed the agenda.

2. Approval of Minutes:

Marvin Dixon moved that the Minutes of the August 16, 2012 meeting be approved as presented. Mindy Spearman seconded the motion. Minutes approved.

3. Action Items:

- a. Variance Request, 2013-V-01:** The Tile Council of America is requesting a variance to be relieved from installing a required landscape buffer along the property lines of the property located at 1007 Tiger Blvd.

Todd R. Davidson, Attorney with Gallivan, White & Boyd, P.A., 55 Beattie Place, Suite 1200, Greenville, South Carolina, is the Attorney for Tile Council of North America, 1920 Pearman Dairy, Anderson, South Carolina introduced Eric Astrachan, President of the Tile Council of North America.

Mr. Davidson explained that the Tile Council of America moved to Clemson in 1994 to 1007 Tiger Blvd., Suite #100. Mr. Davidson explained what the Tile Council does.

The Tile Council of America is requesting a variance from installing a 5 foot landscape buffer. Mr. Davidson stated that this property has been vacant, but at this time there is an option to lease the building, therefore they need to bring it up to current standards. Mr. Davidson pointed out that at the back of the property there is an easement with the driveway to Heritage Health. If the Applicant is required to install the buffer on the side it would take up most of the parking spaces.

Mr. Davidson distributed pictures of the existing landscape buffer. Mr. Davidson pointed out that if the buffer needs to be, it will create a safety issue. He stated that they would be willing to maintain the current landscape.

Brian Roberts asked for clarification of the orientation of the pictures.

David Senn asked if the property line exists where the big trees are. Mr. Davidson said it did.

Del Kimbler indicated that it appears that the landscape buffer requirement does create a hardship for all the properties.

Staff Report: Bob Vecchio reported to the Board that the property was posted for the required 2 week period, an ad was run in the newspaper and notices were sent to all landowners within 200 feet of the property. Mr. Vecchio heard from SunTrust Bank and Re-Max and they both endorse the request.

Mr. Vecchio gave a brief history of the property. In 1994 the property was owned by one owner, Tile Council of America. This property was subdivided in 1995. Mr. Vecchio described the property as an inverted 'L' on parcel.

Mr. Vecchio said that the property at 1011 Tiger Blvd consists of 8-10 suites with separate ownership. The parking lot is common ownership.

Mr. Vecchio said that this property has been vacant for a period of time. Had this property been occupied, this would not have come before the Board. Mr. Vecchio informed the Board that if this variance request is not approved the property will be deemed unusable, short of demolishing buildings and start over. Mr. Vecchio strongly recommends the approval of this request. Mr. Vecchio offered the option of adding to the variance approval if the Board felt it was appropriate, that the landscape stay intact and if altered or removed the variance approval is nullified.

Mr. Vecchio said that the parking ratio is okay.

David Senn asked if the existing landscape is being maintained, front and side. Mr. Vecchio responded that all would be maintained except some of the overgrown will need to be tended to.

Clarence Balch asked about the viability of the large growth trees. Mr. Balch asked if an arborist has been contacted to look at them. Mr. Vecchio said that was up to the Applicant.

Mr. Kimbler pointed out that the 5 foot landscape buffer must be continuous.

Mr. Roberts asked if there is a need to replace a tree if the Applicant would need to come back to the Board. Mr. Vecchio said that the replacement tree would be a 2 ½ to 3 foot caliper tree.

Mr. Roberts also asked if this property could be converted to all one use, as it is mixed use presently. Mr. Vecchio said it would have to be office space or mixed use only.

Mr. Kimbler asked to have a landscape plan submitted to Planning staff. Mr. Vecchio said yes.

Mr. Davidson thanked the Board for the help in putting this request together and assured the Board that they would maintain control of the landscape.

Mr. Kimber asked that the plan document the current shrub types, including size and species.

Mr. Davidson asked if this could be drawn on a survey. Mr. Vecchio said that it could.

Marvin Dixon moved that a variance on the 5 foot landscape buffer be approved contingent on the existing landscape buffer be maintained. Clarence Balch seconded the motion.

Mr. Kimbler read the application and justifications. Mr. Kimbler stated that all justifications were met.

Motion passed unanimously.

4. Staff Reports: Bob Vecchio will send next year's meeting schedule.

5. Adjourn – 6:45 p.m.

Respectfully Submitted by:

Beth Connor, Recording Secretary

Note: This meeting has been recorded on audio tape