



# City of Clemson

## PLANNING & CODES ADMINISTRATION

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### Board of Zoning Appeals June 20, 2013 – 6:00 p.m. City Hall Council Chambers

**Members Present:** Del Kimbler, Cynthia Robinson, Brian Roberts, and Mindy Spearman

**Members Absent:** Marvin Dixon and David Senn

**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 6:03 pm. He reviewed the agenda.

#### 2. Approval of Minutes:

Brian Roberts moved that the Minutes of the January 17, 2013 meeting be approved as presented. Cynthia Robinson seconded the motion. Minutes approved.

#### 3. Action Items:

- a. **Variance Request, 2013-V-02:** Mr. James Williams is requesting a variance to construct a deck into the rear yard setback at his residence, 108 Santee Trail. (This item was postponed from May 16<sup>th</sup> meeting.)

**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 reminded the Board that this agenda item was originally on the May 16<sup>th</sup> meeting agenda. Mr. Williams is unable to be here tonight but his Contractor will be presenting his request.

Mr. Vecchio gave a brief history of the property. Mr. Vecchio reported that this property is located in Calhoun Forest and was built prior to the annexation into the city. This property was built under the Deed Restrictions, not under the Zoning Ordinances. Mr. Vecchio stated that the property is located in the R-20 Zoning District.

Mr. Vecchio reported that the home is built deep into the lot with Corp of Engineers property in the rear. The lot is approximately .55 acre with challenging topography in the rear up to the Corp property and on the east side. Mr. Vecchio pointed out that there is no other spot within the footprint for the deck.

**Applicant:** Milton Chupp of Seneca reiterated the fact that there is no other support or outlet on the side for the deck and pointed out that there is no yard space.

Mr. Chupp informed the Board that the neighbors have been asked about this request and no one has an issue with this.

Del Kimbler read the justification points and confirmed that all the requirements for a variance were met.

Mr. Kimbler asked about dealing with the setbacks within Calhoun Forest in mass. Mr. Vecchio responded that that would violate the spirit of the variance and commented that in all the time he has been with Planning that there have been very few variance requests from Calhoun Forest.

Brian Roberts moved the Board approve the request as presented. Mindy Spearman seconded the motion. Variance unanimously approved. 4-0

- b. Special Exception Request, 2013-SE-01:** The City of Clemson is requesting a Special Exception approval to be allowed to use the vacant parcel of land on the east side of Issaqueena Trail between the Trinity Wesleyan Church and East Briar Subdivision to be used to locate a future fire station.

Mr. 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 stated that there had been a couple inquiries but neither a pro or con comment given.

Mr. Vecchio reported that the use is permitted within the ordinance with Special Conditions. There will be a Public Hearing during the design phase where the public will be able to present their comments to the City Council

Mr. Vecchio stated that this is a permitted use of the property for a fire department substation with a training room, community room and possibly a police substation as well. Mr. Vecchio said that this parcel is 9 plus acres of land. The property has 526 feet of frontage. Mr. Vecchio said that the project will be required to have a minimum 25 foot buffer with fence along the property that abuts the residential property.

Mr. Vecchio informed the Board that it was within their prevue to increase the buffers and add conditions within the motion. Mr. Vecchio also stated that there could be parking standards added to motion as well.

Mr. Vecchio again stated that this is a heavily wooded site.

Mr. Vecchio said that the City will give a brief synopsis of their plans. If the Board desires renderings, they must vote first. Mr. Vecchio also said that this project must go to City Council because funding will partially come from public funds.

Del Kimbler asked if the City will come back to the Board at some point with details. Mr. Vecchio said that they will have to appear before a Board, but it will not be the BZA.

**Applicant:** Andy Blondeau, Assistant City Administrator, gave a history of the project. Mr. Blondeau reminded the Board that the City has a contract with the Clemson Fire Department and the City is now in the second year of a 4 year contract.

Mr. Blondeau said that the public would be involved in the designs.

Mr. Blondeau explained that there was a Comprehensive Study performed by the Planning Department. This study was available to anyone who may be interested in City Hall.

Mr. Blondeau said that they were looking for a site approximately 4-5 acres in size so that it would hold a building that was minimally 13,000 square feet, although the City would prefer a 25,000 square foot building.

Mr. Blondeau described the criteria used in seeking a location and the current situation.

Mr. Blondeau informed the Board that there were 4 sites considered and the pros and cons with each location.

Mr. Blondeau stated that they looked at parcels at the following locations:

- Old Greenville Highway
  - Access issues
  - Expensive piece of property
  - Bad sight lines
  
- Issaqueena Trail near Nettles Park
  - Meets requirements
  - There are 2 single family homes within this parcel
  - Sight line issues
  - Lots of private driveways
  
- Old Towne Square
  - Outside City limits, Pickens County would need to give us access
  - Meets requirements
  
- Bishop of Charleston property located on Issaqueena Trail near East Briar Subdivision
  - Property has a mature buffer
  - Property is tax exempt, so the City won't lose tax money
  - Sight line and drive time is good

Mr. Blondeau showed aerial photos of each of the property to the Board.

Mr. Kimbler asked about the use of traffic signals that would be activated when the alarm sounded. Chief Daniel responded to his question by saying that this type of signal would not be needed at this site as it has a good sight line.

Mindy Spearman reiterated that there would be a fire department, police substation and a recreation area indicating that there would be multiple agencies using this facility. She asked whether the 50 parking spaces indicated would be for all uses. Chief Daniel stated that initially there would only be the fire department substation, training room and Community Room.

Mr. Vecchio interjected that the Planning department ran into this with the new CATS building. There were no parking standards within the Zoning Ordinance. Mr. Vecchio stated that the CATS director gave the results of a study done regarding the parking situation in regards to the bus and driver's schedule and the effects this has on parking to justify this public facility.

Mr. Kimbler reiterated that the parking plan was done by an approved authority. It was pointed out that this is a large lot and there is a process to allow public service. Mr. Vecchio stated that a Parking Needs Assessment needs to be provided to the Zoning Administrator for review.

Cynthia Robinson questioned how the noise impact would be handled. Chief Daniel said that currently the fire department is averaging 30 calls per month. He pointed out that the calls will increase, but with the ability to see the oncoming vehicles, there is no need for sirens as they leave the station. Chief also stated that they are very considerate of their neighbors and always minimize noise. Chief also pointed out that the buffer will help with the noise.

### **Public Session opened**

Craig Campbell, 142 Briar Lane asked whether or not the City had first refusal to the property.

Rick Cotton, City Administrator responded that the City has a Letter of Agreement with the Bishop of Charleston. Mr. Cotton informed the Board that the City has 60-90 days to purchase. He also said that if the Board approves this request, he will begin the process to finalize the purchase of this land.

Mr. Cotton informed the Board that the actual building of the substation would not be for approximately 3 years, but the purchase of the property will be finalized before the close of the calendar year.

Mr. Campbell also commented that he felt there was plenty of room to leave a large buffer and the trees. Mr. Campbell pointed out that Chimney Ridge is visible from Briar Lane. Mr. Campbell was reminded by Mr. Vecchio that Chimney Ridge is located in Pickens County not within Clemson.

Mr. Campbell also pointed out the very large Oak Tree on Issaqueena Trail. He suspects that the tree is 200 years old and suggested that an Arborist be retained to look into it. Mr. Kimbler informed Mr. Campbell that this was not part of the charge of this Board and suggested that Mr. Campbell take this concern to City Council.

Mr. Campbell spoke of the sounds and traffic. He stated that he didn't feel that the traffic would increase on either Issaqueena Trail or Cambridge Drive.

Mr. Campbell stated that he preferred a fire substation rather than a Student Complex.

Don Collins pointed out that there are 9 absentee owners on Briar Lane.

**Public Session closed.**

Ms. Spearman stated that she feels that the parking plan suggestion is important.

Brian Roberts asked for if this proposal will go before City Council. The response was 'yes'.

Mr. Kimbler stated that this request is for an approved use of the parcel, details of the site plan complies with ordinance, there will be a public process because of the use of public funds, and the use is appropriate for the parcel.

Mr. Roberts asked what the R-20 zoning district requires. Mr. Vecchio responded that it is 25 foot buffers with a 6-8 foot high opaque fence by residential property. Mr. Vecchio also said that there is a 40 foot setback required.

Mr. Kimbler asked what type of buffer is required. Mr. Vecchio said a C-type.

Mr. Vecchio stated that there are multiple uses of fence. Mr. Vecchio informed the Board that they have the option of adding a condition to increase the buffer up to 40 feet and eliminate the fence.

Ms. Spearman pointed out that this is the same situation as the Dentist Office.

Ms. Spearman asked if it would be reasonable to ask for a 40 foot landscape buffer, which is maintained to save the trees. The response was 'yes'.

Mindy Spearman moved to accept the request as presented with the condition that the landscape buffer be increased from 25 feet to 40 feet, therefore no requirement of a fence or wall as long as vegetation is maintained and that a parking plan be presented to the Zoning Administrator for review.

Cynthia Robinson seconded the motion. Motion unanimously passed. 4-0

**4. Election of Officers:**

Mr. Vecchio suggested that this item be tabled until the meeting in July because there is a minimum number of members present and there will be a new member in July. Board agreed. Item was tabled until July.

**5. Staff Report:**

Mr. Vecchio reminded the Board that this is his last meeting. Mr. Vecchio stated that it has been a pleasure to work with the members and has appreciated the respect that the Board has shown.

Mr. Kimbler on behalf of the Board thanked Mr. Vecchio for everything he has done for the Board and its members and wished him well.

**6. Adjourn:** 7:00 p.m.

Respectfully Submitted by:

Beth Connor, Recording Secretary

*Note: This meeting has been recorded on audio tape*