



City of Clemson
PLANNING & CODES ADMINISTRATION

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**Board of Zoning Appeals
July 25, 2013 – 6:00 p.m.
City Hall Council Chambers**

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

Members Absent: Marvin Dixon

City Staff Present: Sharon Richardson, Planning and Codes Director and Beth Connor, Recording Secretary

1. Call to Order:

Chairman Del Kimbler called the meeting to order at 6:02 pm. He reviewed the agenda.

2. Approval of Minutes:

Cynthia Robinson moved that the Minutes of the June 20, 2013 meeting be approved with correction. Mindy Spearman seconded the motion. Minutes approved.

Chairman Del Kimbler informed the Board that the Election of Officers was not included in the Agenda. Mr. Kimbler proposed holding the Elections under item number 7 Other Items. The Board agreed.

3. Action Items:

- a. Variance Request, 2013-V-03:** A variance request to provide relief from the setbacks on the secondary street frontage on Summey Street. The applicant is requesting a setback change from 35 feet to 25 feet due to site layout and topographic challenges.

Applicant: Jonathon Silkworth, 115 Fort Rutledge Road explained that the parcel of land is 75 feet deep and is a triangular shaped lot. Mr. Silkworth said that the parcel taper to impact usable space and that there is a minimal depth of usable lot.

Del Kimbler read Mr. Silkworth's application and expressed that he did not feel that the information submitted for item d does not address the issue. Mr. Kimbler stated that concerns expressed by the public will be discussed later.

Cynthia Robinson questioned Mr. Silkworth about item d, asking him for further information. Ms. Robinson read the text of item d.

Mr. Silkworth explained the drop in elevation which is 10-12 feet and the buffer zone which he intends to preserve will keep the project from being seen by neighbors.

Staff: Sharon Richardson reported to the Board that the parcel is zoned CP-1 and that it is an odd shaped piece of property. Ms. Richardson said that the topography is different on Old Greenville Highway and Summey Street.

Ms. Richardson also informed the Board that she has received a letter from Annette Gamble and a petition signed by neighbors expressing concern regarding vehicular intrusion in the neighborhood and noise. Ms. Richardson did include these items in the packet that was sent to Board members.

Mr. Kimbler asked Ms. Richardson what type of buffer is mandated in this zoning district. Ms. Richardson informed Mr. Kimbler that the buffer would be the concern of the Board of Architectural

Review. However, Ms. Richardson read Section 19 explaining the composition of the buffer 15-c, which is the type of buffer that would be required.

Ms. Richardson said that the 15-c buffer must consist of the following:

- 6 upper story trees
- 4 lower story trees
- 40 shrubs
- No curb cuts
- Retention of current materials

Mr. Kimbler asked how it is affected by Summer Street. Ms. Richardson said it is not. The buffer described as 25-c would not work.

Ms. Richardson informed the Board that the BAR cannot change the buffer and will take the existing trees and growth into consideration.

Mr. Kimbler asked Ms. Richardson to specify the restrictions as to what the BZA is charged with. Ms. Richardson stated that the BZA is to give relief to the applicant in regards to the property.

Ms. Robinson asked how the Board can be sure that the other Board will not change things. Mr. Kimbler said that if there are conditions to the approval of the variance that someone may go out and actually count trees to be sure and request additional plantings if necessary.

Public Session Open: Mr. Kimbler opened the Public Session and asked if there was anyone that would like to make a comment regarding the issue being discussed.

Annette Gamble sent a letter with neighbor's signature expressing the concerns of the area. Ms. Gamble's biggest concern is with the loss of the trees which is the beauty of the area and enhances her privacy. Ms. Gamble explained that at some point someone took out some of the trees and now she is able to see the house across the highway and it has created a noise problem, as well as eliminating most of her privacy. Ms. Gamble spoke with someone in the City and they apologized but said the trees will grow back. Ms. Gamble spoke of the very old Wisteria that grows within some of the trees and how she would hate to have that killed. Ms. Gamble asked if they would put the trees back.

Mr. Kimbler informed Ms. Gamble that if the variance is granted they would have to maintain the existing vegetation, and the number of trees and shrubs the buffer requires are per 100 square feet and they would have to be of a reasonable size. This condition would also include maintaining the wisteria and if there was any section that was insufficient to serve as a buffer they would have to fill it in with some form of vegetation.

Mr. Kimbler asked Ms. Gamble who did the removal of trees. Ms. Gamble said she thought it was the City. Mr. Kimbler asked if it was part of a project and Ms. Gamble responded no.

Ms. Richardson asked if the trees were in the right-of-way. Ms. Gamble said that they were on the other side of the guardrail. Ms. Richardson said that she would check into it.

David Senn commented that the cutting of trees may have no bearing on this project.

Mr. Kimbler stated that there may be 2 different problems. Mr. Kimbler asked Ms. Gamble if making a condition of granting the variance is the maintenance of existing vegetation would make her happy.

Ms. Robinson reminded the Board that there was also the concern of vehicular traffic on Summey Street going to the business. Ms. Gamble said that she would like to see it stay as it is, but she would also like to fix the privacy concern.

Ms. Richardson again said that she would look into the removal of the trees.

Public Session Closed

Mr. Senn asked about the 25 foot buffer in the parking area. Ms. Richardson said that affects the back section of the property.

Ms. Robinson pointed out that she feels the applicant satisfied the requirements for a variance and is concerned about the affect it will have on neighborhood.

Mr. Senn asked for clarification on the setbacks. Ms. Richardson addressed his concern.

Mr. Kimbler stated that the buffer not be increased but require the maintenance of the existing vegetation.

Brian Roberts asked what would happen if some of the existing trees fell. Mr. Kimbler responded that they would have to make up the difference to maintain the density of the buffer.

Mindy Spearman moved to approve the variance request with the following two conditions:

- existing vegetation maintained within the buffer, and
- no vehicle access be allowed from Summey Street.

David Senn seconded the motion. Motion approved by unanimous vote.

- 4. Reports:** Sharon Richardson asked the Board members would give Beth Connor their cell phone numbers so that staff can get ahold of them if a meeting is cancelled at the last minute. Board members were willing to do that.
- 5. Other Items:** Election of Officers: Cynthia Robinson nominated Del Kimbler for another term. Mr. Kimbler declined and Ms. Robinson withdrew the nomination. Del Kimbler nominated Mindy Spearman for Chairman and Mindy Spearman nominated Del Kimbler for Vice Chairman. Both accepted the nomination and were unanimously elected by the Board.
- 6. Adjourn:** 6:40 p.m.

Respectfully Submitted by:

Beth Connor, Recording Secretary

Note: This meeting has been recorded on audio tape