

MINUTES
Board of Zoning & Appeals
June 1, 2016

MEMBERS PRESENT: Nathan Kaminski, Brenda Bessinger, Rhonda Green, James Dozier, Sandra Quinn, & John Kester

MEMBERS ABSENT: Johnny Wilson

OTHERS PRESENT: Matthew Millwood & Debra Grant

- I. **Call to Order**
- II. **Public Hearing: None**
- III. **Board Information:** Mr. Kaminski informed the Board of a telephone call he received concerning a variance that was granted on Broad Street to allow a garage and a second story living space; the applicant did go before the ARB for approvals also, the neighbor Mr. Phillip Lammonds called and was not pleased with the granting of the variance, he said the structure was too close to the side setback and it was blocking out the sun. Mr. Lammonds said he received a variance notification and the property had a sign posted, but he had spoken to Mr. Dawson who assured him the impact would not be great, so Mr. Lammonds assumed that everything would be ok. Mr. Kaminski said he encourages all property owners that may be having a variance requested close to their property to come to the meetings and hear all the information rather than assuming.
- IV. **Approval of Minutes for April 6, 2016; Ms. Rhonda Green made a motion to approve the minutes as written, seconded by Mr. James Dozier; the motion carried unanimously.**
- V. **Variance Request**

V# 16-06 A1 Signs and Graphics, representing owners of the new Bojangles' Restaurant at 1305 N. Fraser Street TMS #05-0002B-004-01-00, is seeking a variance to Article X (Signage) of the City of Georgetown Zoning Ordinance.

Matt Millwood/City Staff told the Board that the owners received a variance in the past for parking requirements and the request tonight is for signage. The Bojangles' currently has a monument sign as well as signage on the front of the building. The owner would like to place another Bojangles' sign on the south side of the building. Matt told the Board that the ordinance (1014.1) allows a maximum of 32 sq. ft. (40% of the building) and they are asking for a 25.2 sq. ft. wall sign. The ordinance allows either a perpendicular sign or a monument sign and they currently have a monument sign; they are asking for a variance to allow the perpendicular wall sign on the South side. Matt stated that the Bojangles did get a variance from the Community Appearance Board for the use of eifs. **Mr. Kaminski** read into the record the zoning ordinance 1014.1; *"Each parcel shall be permitted one (1) of the following types of signs.....; perpendicular or monument"* and the "Intent" (Article X; section 1000) which states that *"...these regulations are intended to enhance the City of Georgetown as a place to live, to conduct business, and to visit. It is declared that the regulation of signs within the City is necessary and in the public interest"* he also read letters "c" and "e" into the record and also 1001; "Interpretation". Mr. Kaminski asked

Matt if his interpretation was correct in the ordinance allowing either a monument or wall sign and Bojangles has chosen the monument sign. Matt agreed with the interpretation. Mr. Kaminski also listed many ways the public can locate businesses in the 21st Century. The question was asked if there is clear visibility of the current signs. Matt said one side of the property has trees but the opposite side is clear. **Ms. Green** asked about having a traffic light put in for safety. Matt said that is a SCDOT issue, but that has been addressed in the past, and he would keep them updated if anything develops with the issue.

Mr. Mark Kiskunas/Partner/Owner of Bojangles' Restaurant said that he is excited about being a part of the community, and that this location will hire approximately 40 employees. He said he also has concerns about the public safety and feels the additional signage will give their customers a chance to prepare to turn into the establishment. Mr. Kiskunas said there was an accident in front of the business on last Tuesday and feels the signage will help with preventing other accidents. Mr. Kiskunas said the monument sign is only 6 ft. high and there is a visibility issue and safety issue, and said had he thought of this in advance he would have asked for all channel signs or a larger monument sign. The Board told Mr. Kiskunas that other businesses in the area are off of the road and that he actually had the better signage and location for the public view. Mr. Kaminski explained that it would be difficult for the Board to change what the ordinance allows without proof of a hardship or exceptional conditions. Mr. Kester mentioned a previous application where the applicant was willing to remove his monument sign in order to have another wall sign. Mr. Kaminski said that the Bojangles was already listed on the website and has a robust Facebook page.

Public Input: None

Motion: Ms. Quinn made a motion to deny the variance request for an additional perpendicular wall sign, seconded by Ms. Bessinger; the motion carried 6 to 0. (The order was verbally published)

V#16-07

Stewart Altman of Marshall's Marine, 507 Church Street TMS #05-0030-017-00-00 is seeking a variance to Article X (Signage) of the City of Georgetown Zoning Ordinance.

Matt Millwood/City Staff told the Board this request comes from Marshall's Marine, it is in the General Commercial district on Church Street. The request is for an additional wall sign (parallel) on the new addition that has been constructed. This addition is an indoor showroom that is on the left side of the original building, the variance request is for a 68 sq. ft. parallel wall sign. **Mr. Kaminski** asked if the intent of the ordinance is for all businesses, Matt said yes the intent is City wide. Matt was asked if the addition is connected to the original building, and his answer was yes the new addition is connected making it one large building. Mr. Kaminski asked if the property is on a corner lot, and Matt said yes it is. Matt also noted that the sign in question is already on the building and has not been permitted. Mr. Kaminski asked if the owner could have window signs under "Window Signs"; 1014.102 of the ordinance. Matt said

yes window signs could be used, as long as there was only 2 signs using up to 25% of the window space. Mr. Kaminski mentioned public information being advertised on a web page or other electronic devices. It was also stated by Mr. Kaminski that the business was purchased in 2013 and the sign regulations were already in place (2007), Matt agreed with this information and said if this variance is not granted the sign will have to be removed. Mr. Kaminski asked about any reply from the public. Matt read a letter sent in by Ms. Ellen E. Grant PhD, the owner of 406 Queen Street, who was opposing the granting of the variance.

Mr. Stewart Altman/Owner of the Marshall's Marine told the Board that he didn't feel the letter submitted by Ms. Grant was fair because the property was commercial before he bought it and doesn't see how putting a sign on the wall of his business would prevent her from selling her home. Mr. Altman also told the Board that the variance for the monument sign was done because the base of the sign was put in before the sign ordinance and had he complied with the ordinance the sign would have been a few feet from the front door. The reason he is before the Board tonight is because he had to build an indoor showroom because of having items stolen as well as the climate causing damages to his inventory. He said someone from the City Police Department suggested that he move his inventory inside when he first opened, and he soon learned that he should have listened. After building this new addition he found out that his customers thought that he was leaving town and did not realize that the new addition was a part of Marshall's Marine. Mr. Altman said he had no idea that this sign was not legal. The Building department did tell him he could put a sign on the corner of his lot, but he felt the sign on the building would be better. Mr. Altman said his hardship is not being able to notifying the public of the indoor showroom; without having items stolen or under the elements of the weather. He feels that the location of his store is more important than a website or Facebook, and would actually like to have more signage to notify the public of what he has to offer and draw them in to do business. Mr. Kaminski explained that the ordinance applies to all businesses and it does not take into consideration of how the building is configured. He said that the business does have signage, and does have the option to add a sign on Cannon Street. Mr. Altman asked that if the sign is not a detriment to anyone and could possibly be a plus to Marshall's Marine to allow for more business and could allow more employment if a variance is granted, would that be something that would be reasonable, or does the Board have to go by the law. Mr. Kaminski said they do have to go by the law and have to prove that there are exceptional conditions or an unnecessary hardship to the particular piece of property, which makes it hard to change the laws. Mr. Kaminski said if he grant this variance it would set a precedence for others, because every business wants more signage. Mr. Altman said his hardship is not being able to display his product because of the reasons he listed earlier. Mr. Kester asked about the other sign that could be displayed, Matt said that he could put an additional sign on the secondary frontage, on Cannon Street. Mr. Altman said he was told that he could put another monument sign on the Cannon Street corner. Mr. Kaminski read into the record Section 1014.2; #3, referring to a wall sign, and said if there is

evidence of a second monument sign on the corner of Cannon Street as Mr. Altman referred to, it may have been before the sign ordinance or when the lots where divided into two lots. Mr. Dozier questioned if the lot is one parcel, Matt said that the City GIS system shows this as one parcel. Mr. Altman said if need be he could cut the parcel. Mr. Kaminski said there is a provision under 1014.306 (Window Signs) that may help. Mr. Altman said a window sign would not help, and he brought his business in and help the community by renovating the building and bringing business to the area. Ms. Green asked how many boats did Mr. Altman had in his inventory, and when did he open originally. Mr. Altman said he has 25 to 30 boats, and he open in 2013. He said he did put a few boats outside to let the public know that he is still in business. Ms. Green said that the indoor showroom should be refreshing for those people that will be coming in the summer months, having a cool place to shop. Ms. Green also said that the location was chosen by Mr. Altman because of the Myrtle Beach and Charleston traffic, and it is a good location, however she has a problem with the fact that the sign was placed on the building without a sign permit which is breaking the law, as a business owner he should have gotten a sign permit, especially since this is the second time this has been done and it could set a precedence of doing something and coming in and asking for forgiveness, because of this Ms. Green said she could not vote in favor of this variance. Mr. Altman said he would not be doing his job if he did not try and get more business for his company. Ms. Bessinger said he did go through this before and should have known that he needed a sign permit before putting the sign up. Mr. Altman said he did not know he needed a permit for the side of the building, and he is in for forgiveness and a variance. Mr. Kaminski said he viewed the website and it looks to be very effective, and he could advertise the indoor showroom on the website. Mr. Altman said he is trying to reach the people that does not go on the website as well. Mr. Kester said he understands that the boats being on the lot is the best advertisement, but doesn't feel the requested sign will accomplish a lot. Mr. Altman said he is just trying to tie the new building into the original building. Mr. Kester said that the Board cannot change the ordinance that is not their job, perhaps the ordinance may need to be changed but all they are charged to do is enforce the ordinance. Mr. Altman said he had pictures of businesses that have signs that are on both sides and in front; the new Verizon business has those types of signs. Matt said the Verizon building is on a corner lot and the larger sign is grandfathered in and has been refaced. Mr. Altman said Pizza Hut has more signs also, and wanted to know what he needed to do to get more signs also.

Public Input: None

Motion: Ms. Bessinger made a motion to deny the variance request for a second parallel wall sign, seconded by Ms. Quinn; the motion carried 5 to 1 (Mr. Dozier cast the opposing vote). (The order was verbally published)

Mr. Altman asked if he could remove the sign that is over the door and keep his new indoor showroom sign, Matt said yes he could do that. Mr. Altman also said

he feels that the sign ordinance needs to be re-examined, because the laws are killing businesses.

VI. Board Discussion:

Matt read into the record that the last variance that Mr. Altman received stated that it was contingent upon there being no other sign variances given.

VII. Adjournment: With there being no further business the meeting was adjourned.

Submitted By,

*Debra Grant
Board Secretary*