

**CHAPIN BOARD ZONING OF APPEALS
REGULAR MEETING
COUCIL CHAMBERS, CHAPIN TOWN HALL
157 NW COLUMBIA AVENUE
February 27, 2025
4:00 PM**

AGENDA

Call to Order and Determine Quorum

South Carolina Freedom of Information Act Compliance

Approval of Minutes

1. December 19, 2024 meeting minutes

Action Items

2. Request for variance for appeal #25-02-04-001 for property located at TMS# 000721-02-024
 - a. Presentations
 - b. Public Comments
 - c. BZA Deliberation
3. Chair/Vice Chair Elections

Staff Updates

Adjourn

CHAPIN BZA MEETING
PUBLIC COMMENT POLICY

PROCEDURE:

Persons wishing to make public comments concerning items related to the current meeting agenda, with the exception of personnel and contractual matters, shall first sign in with the Municipal Clerk before the meeting and provide the following information:

1. Name, Address, and Contact Information;
2. Topic of Public Comment; and
3. Indicate whether a Chapin Resident, Chapin Water/Sewer Customer, or Reside in the Chapin Water/Sewer District.

Comments are limited to three (3) minutes per person and no personal or verbal attacks will be entertained. The Council is interested in hearing your concerns, but speakers should not expect action or deliberation on subject matter brought up during any Public Comments on the agenda. Topics requiring further investigation may be referred to Town Staff and may be scheduled for a future agenda.

DEFINITIONS:

Chapin Resident: Reside in Town limits.

Chapin Water/Sewer Customer: Customer of the designated Chapin Water/Sewer District - Including an owner or operator of a local business.

Reside in Chapin Water/Sewer District: Reside in the designated Chapin Water/Sewer District – Area of Lexington County north of Lake Murray.

APPEARANCE OF CITIZENS

Town Code 2.212 – Any citizen of the Town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters. Persons desiring to be placed on the agenda shall notify the Municipal Clerk not less than a week prior to the meeting. The request shall be in writing stating the reason therefor.

**BOARD OF ZONING APPEALS
MEETING MINUTES**

**Thursday, December 19, 2024
4:00 P.M.**

**Town Hall
157 NW Columbia Ave, Chapin**

Members Present: Pat Lewandowski, Brain Harbison, and Vice Chair Rosie Husbands

Members Absent: John Cybart, Margo Seddon

Staff Present: Town Clerk Shannon Bowers and Planning and Zoning Manager Reid Radtke

Call to Order: Vice Chair Husbands called the meeting to order at 4:00 p.m., determined a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member Lewandowski moved to accept the Board of Zoning Appeals (BZA) meeting minutes of January 25, 2024 as submitted. Chair Husbands seconded the motion. Motion passed unanimously.

Vice Chair Rosie Husbands: Yes
Member Pat Lewandowski: Yes
Member Brian Harbison: Yes

Action Items

2025 Calendar: Member Lewandowski noted that the January date was typed incorrectly and that the correct date for January will be January 23. Member Lewandowski moved to accept the 2025 calendar as discussed. Member Harbison seconded the motion. Motion to approved passed unanimously.

Chair Rosie Husbands: Yes
Member Pat Lewandowski: Yes
Member Brian Harbison: Yes

BZA By-Laws and Procedures: Member Lewandowski moved to accept the by-laws and procedures as submitted. Member Harbison seconded the motion. Motion to approved passed unanimously.

Chair Rosie Husbands: Yes
Member Pat Lewandowski: Yes
Member Brian Harbison: Yes

Staff Updates: Town Clerk Bowers introduced Reid Radtke to the Board of Zoning Appeals (BZA). He joined the Town staff in February. Mr. Radtke then informed the BZA that development is picking up, and there is a potential for a new development to come before the BZA for a special exception.

Adjournment: Member Lewandowski moved to adjourn the meeting. Member Harbison seconded the motion. Meeting adjourned at 4:17 p.m.

BZA APPROVED: _____

Rosie Husbands, BZA Chairman

ATTEST:

Shannon Bowers, Town Clerk

Memorandum

To: Board of Zoning Appeals
From: R. Radtke, Planning & Zoning Manager
Date: February 04, 2025
Re: Lexington Ave. – Out Parcel #2 Variance Request

Variance Application: Frank Dougherty is seeking a variance for use of property located at (Publix Outparcel #2) Lexington Ave. as a “Drive thru” and ATM for Bank operations, per the Downtown Overlay District regulations in **Section (6.11.3.c.7.a)** of the Zoning Ordinance states - *Drive-through or Pick-up Service Windows*
a. Not permitted, see accessory use table

Town Code Ordinance:

Accessory Use table require a Special Exemption and it starts the following:

Section (4.5.3.b)

b. Automated Teller Machine (ATM)

1. Location: Shall be located within or on the exterior façade of the principal use. For pedestrian accessible machines, it is encouraged to place adjacent to existing sidewalk connection.
2. Accessory: Shall only be an accessory to a use. ATMs shall not be considered a principal use.

Section (4.5.3.i.)

i. Drive-through

1. Applicability: Shall apply to all drive-through uses to include but not limited to signage, pick-up and service windows, and lane design.
2. Location: Drive-through, pick-up, or service windows shall be located on the side or rear of the principal use, and shall not face any public right-of-way. Menus shall be located on the side, secondary frontage, or rear of the building.
3. Drive-through lanes design: Lanes shall not be enclosed or bordered by curbs or any physical barrier as it restricts vehicular access. Lanes are encouraged to circulate behind or around the side of the principal use, however may circulate between the building and the primary frontage if adequate screening is provided in the form of a knee wall and/or an appropriate amount of landscaping to screen the lane from the public right-of-way.

Application Requirements:

All applicable forms as determined by Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 10.12.4

10.12.4. Criteria for Approval of Variances:

Required Findings: A variance may be granted by the BZA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, public welfare and safety will not be diminished, and substantial justice will be done. A variance may be granted in an individual case of

unnecessary hardship only when the BZA makes, and explains in writing, all of the following findings: **In red are comments from applicant**

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. **The ordinance does not allow for a drive-through ATM, however the adjacent property is permitted to have a drive-thru ATM.**
- b. These conditions do not generally apply to other property in the vicinity. **The adjacent property is permitted to have a drive-thru ATM.**
- c. The conditions are not the result of the applicant's own actions. **Since the drive-thru ATM is not permitted, this hinders the bank from operating most efficiently. The location of the drive-thru ATM is positioned so that it is visible to the traffic along Chapin Road since the location of the building is fronted on Lexington Avenue.**
- d. Granting of the variance would not substantially conflict with the Comprehensive Plan, other adopted regional plans, and the purposes and intent of this Ordinance. **The ATM and drive-thru location do not create a detriment to adjacent properties and are consistent with the nature of the surrounding properties.**
- e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. **The variance does not extend a nonconforming use of the land.**
- f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance.

Staff Review

The proposed use, Bank with ATM Drive-thru, which has compatibility with surrounding uses, as it is a commercial area in the Town, featuring Publix, eating and drinking places, a nail salon, a cell phone store, and other retail stores. There is potential non-compatibility with the proposed ATM- Drive-thru as it is not permissible in the Village Commercial District. There is adjacent public parking, and there should not be an impact on vehicle and pedestrian safety as use would not generate traffic outside what is normal for the area. There is currently a pre-existing ATM Drive-thru owned by Bank of America in this parking lot.

The proposed use of the Drive-thru and ATM would be located near the general parking area with an exit allowing traffic to enter onto Chapin Road. The applicant has provided a site-specific response to question 2 on the Variance Application and has provided a preliminary drawing that is specific to the site

Staff suggests that the application of Outparcel 2 be reviewed by the BZA and a decision be made under the above-mentioned criteria with a conclusion with Approve, Approve with Conditions or Deny the proposal.

Notice of Appeal - Form 1
Board of Zoning Appeals
Town of Chapin, SC

Date Filed: _____ Permit Application No. _____ Appeal No. _____

Instructions

This form must be completed on a hearing on **appeal** from action of a zoning official, application for a **variance**, or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible site plan showing property dimensions and locations of all structures and improvements must be attached to an application for variance or special exception. Please complete form and submit with **\$75 (residential)** or **\$150 (commercial) application fee**, made payable to Town of Chapin, PO Box 183, Chapin SC 29036.

THE APPLICANT HEREBY APPEALS [indicate one]:

- from action of a zoning official as stated on attached Form 2.
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print]: Cason Development Group, LLC

Address: 1514 Brentwood Dr. Ste:201 Columbia SC 29206

Telephone: 803-767-7781 [work] _____ [home]

Interest: _____ Owner(s): _____ Adjacent Owner(s): _____
Other: _____

OWNER(S) [if other than Applicant(s)]: Chapin Out Parcels LLC

Address: 0 Lexington Avenue 1002 Calhoun Street Columbia SC 29201

Telephone: _____ [work] _____ [home]

PROPERTY ADDRESS: 0 Lexington Avenue

Lot _____, Block _____, Subdivision _____

Tax Map No. 00072102024 Plat Book _____ Page, _____

Lot Dimensions: _____ Area: _____

Zoning District: Village Commercial Zoning Map Page: _____

DESIGNATION OF AGENT [complete only if owner is not applicant]

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 02-20-2025 | 8:21:00 AM PST _____
Spencer Fridman
Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: Feb. 19, 2024 _____
Funk Dufferty
Applicant signature(s)

Variance Application - Form 3
Board of Zoning Appeals
Town of Chapin, SC

Date Filed: _____ Permit Application No.: _____ Appeal No.: _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the Zoning Ordinance: Section 4.5.3.b

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: a free standing 1,900 square foot building with a drive-through
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: The shape of this parcel is unique in the fact that a small portion has frontage on Chapin Road. There is not enough space to reasonably fit the building, so we had to shift the location of the building to have frontage on Lexington Avenue. We are not being granted an entrance off of Lexington Avenue directly into the site either. The only egress onto the site is via the shopping center driving lane. The location of the freestanding ATM is positioned in the most visible spot, away from the building since the building is somewhat hidden.

b. These conditions do not generally apply to other property in the vicinity as shown by: _____
Other sites nearby do not have frontage on Chapin Road without the ability to fit their building.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: _____
The ordinance would prevent our building and ATM from having visibility on Chapin Road.

d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: The ATM and drive through location are do not create a detriment to adjacent properties and are consistent with the nature of the surrounding properties.

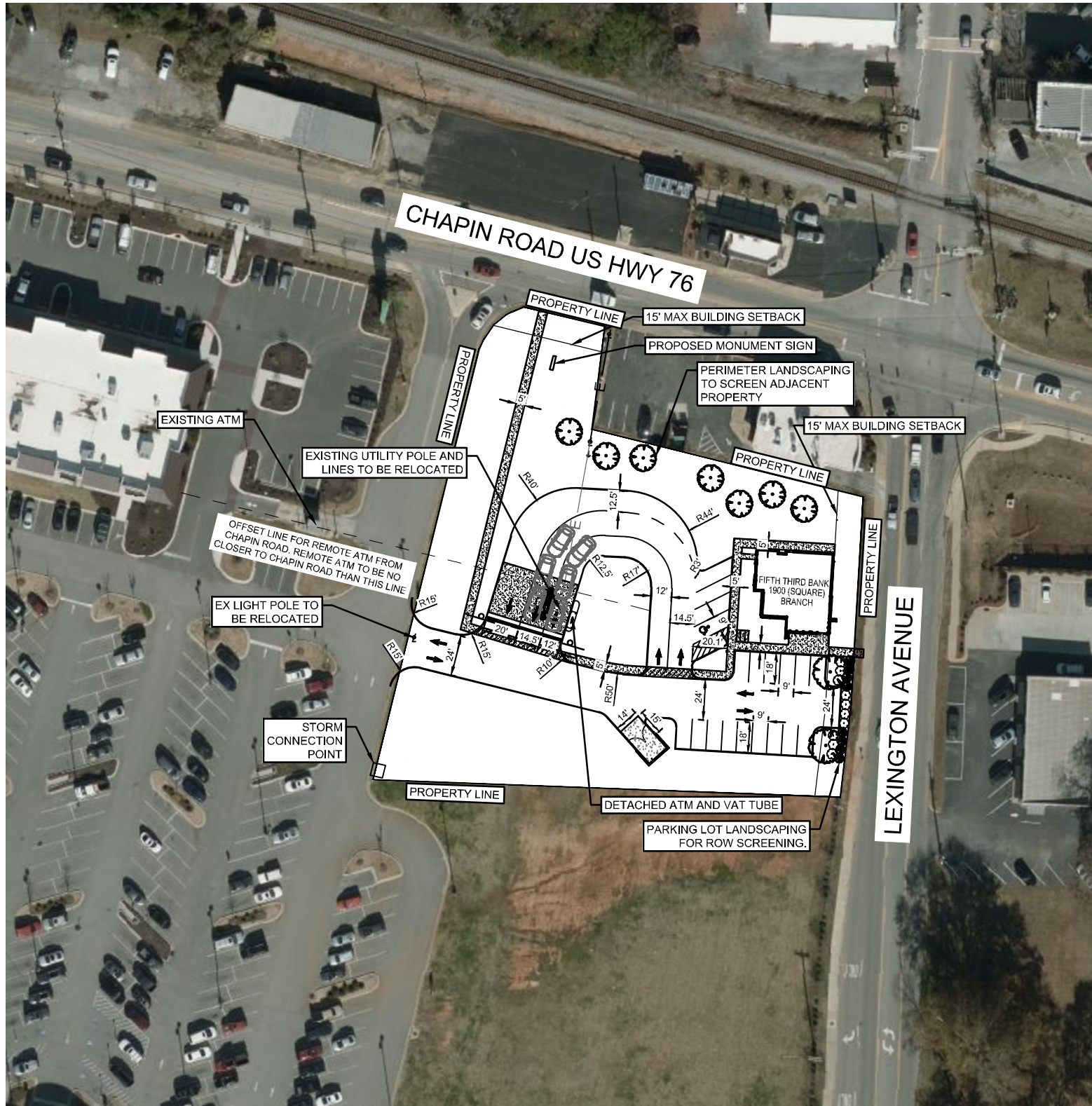
e. The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map: The variance does not extend a nonconforming use of the land.

3. The following documents are submitted in support of this application: [A site plan must be submitted.]

Date: February 4, 2015 *Frank Dougherty* Frank Dougherty
Applicant Signature Applicant Name [print]

PROJECT: 5/3 CHAPIN

TITLE: SITE ADAPTATION PLAN



SITE DATA

SITE ADDRESS:	203 LEXINGTON AVENUE CHAPIN, SC 29306
EXISTING PARCEL NUMBER:	000721-02-024
EXISTING BUILDING AREA:	1900 SF
EXISTING ZONING:	VC - VILLAGE COMMERCIAL
EXISTING OVERLAY:	DOWNTOWN DISTRICT
EXISTING LOT AREA:	~1.34 ACRES
EXISTING USE:	VACANT LOT
FUTURE USE:	BANK WITH ASSOCIATED PARKING AND DRIVE THROUGH
SETBACKS:	FRONT: MINIMUM 0', MAXIMUM 15' SIDE: 0' REAR: 10'

PARKING DATA AND DRIVE THROUGH

PARKING REQUIRED:	1 SPACE PER 400 SF 1900 SF / 400 SF = 5 SPACES MIN *MAX = 125% OF MINIMUM = 6 SPACES *PARKING STUDY REQUIRED TO EXCEED MAX ALLOWABLE
TOTAL PARKING:	18 STANDARD SPACES 1 ACCESSIBLE SPACE = 19 TOTAL SPACES
PARKING SPACE SIZE:	9' X 18' FOR 90° PARKING, 24' AISLE 9' X 20.1' FOR 60° PARKING, 14.5' AISLE
ACCESSIBLE PARKING:	96" WIDE
MINIMUM REQUIRED QUEUE:	NOT SPECIFIED IN ZONING CODE
DRIVE THRU REQUIREMENTS:	DRIVE-THROUGH, PICK-UP, OR SERVICE WINDOWS SHALL BE LOCATED ON THE SIDE OR REAR OF THE PRINCIPAL USE, AND SHALL NOT FACE ANY PUBLIC RIGHT-OF-WAY
LOADING ZONE:	*NOTE: FINANCIAL INSTITUTIONS DO NOT USE LOADING ZONES FOR SECURITY PURPOSES
BICYCLE PARKING:	BICYCLE PARKING IS ONLY REQUIRED FOR USES WITH 25 PARKING SPACES OR MORE

BUILDING REQUIREMENTS

HEIGHT LIMIT: 35'

FLOODPLAIN

FLOOD ZONE X

STORMWATER

CONNECT TO EXISTING STORM NETWORK IN THE SOUTHWEST CORNER OF THE LOT THAT LEADS TO THE POND BEHIND PUBLIX.

LANDSCAPE REQUIREMENTS

- WALKWAYS SHALL HAVE LANDSCAPING ALONG AT LEAST 30% OF THEIR TOTAL LENGTH. LANDSCAPE LIGHTING IS LIMITED TO 900 LUMENS PER FIXTURE.
- CROSSWALKS SHALL BE IN COMPLIANCE WITH SECTION 8.6.4. MATERIALS USED FOR CROSSWALKS SHOULD BE COMPATIBLE WITH PREDOMINANT MATERIALS USED FOR THE SITE AND/OR BUILDING FACADES. THE ARB MAY ALLOW STAMPING OR OTHER FORMS OF GIVING TEXTURE TO THE CROSSWALK WHEN APPROPRIATE.
- SCREENING OF DUMPSTERS SHALL BE ACCOMPLISHED WITH AN OPAQUE WALL OF MASONRY, ROT-RESISTANT WOOD, OR COMPOSITE MATERIAL. THE MATERIALS OF THE SCREEN SHALL BE COMPLEMENTARY TO THE MATERIALS FOUND ON THE PRIMARY BUILDING.
- ALL NEW OR EXPANDED PARKING AREAS SHALL BE SCREENED FROM THE PUBLIC RIGHT-OF-WAY OR PRIMARY VEHICULAR ACCESS POINT(S) WITH VEGETATION. AN OPAQUE SCREEN IS INTENDED TO EXCLUDE ALL VISUAL CONTACT WITH THE SCREENED FEATURE FROM AN ADJACENT PROPERTY, PUBLIC STREET, OR RIGHT-OF-WAY. AN OPAQUE SCREEN MAY BE COMPOSED OF A WALL, FENCE, BUILDING, OR BERM; PLANTED VEGETATION; EXISTING VEGETATION; OR A COMBINATION THEREOF; AS APPROVED BY THE ZONING ADMINISTRATOR.

- MINIMUM HEIGHT OF SCREEN: SHALL INCLUDE A HEDGE, DENSE SHRUB PLANTING, MASONRY WALL, WOOD FENCE, OR COMBINATION OF SUCH FEATURES THAT RESULTS IN A CONTINUOUS VISUAL SCREEN ALONG THE LENGTH OF ITS FRONTAGE. HEDGES AND SHRUBS SHALL BE INSTALLED AT A HEIGHT OF 2', AS LONG AS THE SPECIES SELECTED GROWS TO AT LEAST 4' IN HEIGHT WITHIN 4 YEARS OF INSTALLATION.
- MINIMUM LENGTH OF SCREEN: THE LENGTH OF A REQUIRED SCREEN SHALL BE THAT WHICH IS NECESSARY TO TOTALLY VISUALLY SCREEN THE FEATURE FROM PROTECTED PROPERTIES, STREETS, AND RIGHTS-OF-WAY AS PROVIDED IN THIS SECTION.
- MINIMUM PLANTINGS: PARKING LOT SCREENS SHALL COMPLY WITH THE FOLLOWING LANDSCAPING STANDARDS: PARKING LOT SHALL CONTAIN AT LEAST ONE CANOPY TREE FOR EVERY 40 LINEAR FEET OF STREET FRONTAGE, EXCLUDING PORTIONS OF THE FRONTAGE WHERE DRIVEWAYS ARE LOCATED AND AREAS NECESSARY TO AVOID INTRUSION INTO CLEAR SIGHT TRIANGLES. EXISTING TREES THAT ARE CONSIDERED ICONIC, SIGNIFICANT, OR HISTORIC MAY COUNT TOWARDS THIS REQUIREMENT.

INTERIOR LANDSCAPING REQUIREMENTS

- NO PARKING SPACE SHALL BE FURTHER THAN 60' LINEAR FEET FROM A LARGE CANOPY TREE.
- ONE LARGE CANOPY TREE SHALL BE REQUIRED AT THE END OF EVERY ROW OF PARKING. THIS INCLUDES TREES LOCATED WITHIN REQUIRED LANDSCAPE ISLANDS.
- LANDSCAPED AREAS WITHIN OR ADJACENT TO PARKING AREAS MUST BE PROTECTED FROM VEHICULAR DAMAGE BY A RAISED CURB, WHEEL STOPS OR APPROVED EQUIVALENT BARRIER OF AT LEAST SIX INCHES IN HEIGHT.
- CREATIVE LANDSCAPING PLANS THAT INCORPORATE LARGER ISLANDS OR DIFFERENT SPACING OF LANDSCAPED AREAS THAN REQUIRED IN THIS SECTION MAY BE APPROVED BY THE ZONING ADMINISTRATOR, AS LONG AS THE MINIMUM AREA OF LANDSCAPING AND MINIMUM NUMBER OF TREES IS PROVIDED.

LANDSCAPE ISLANDS

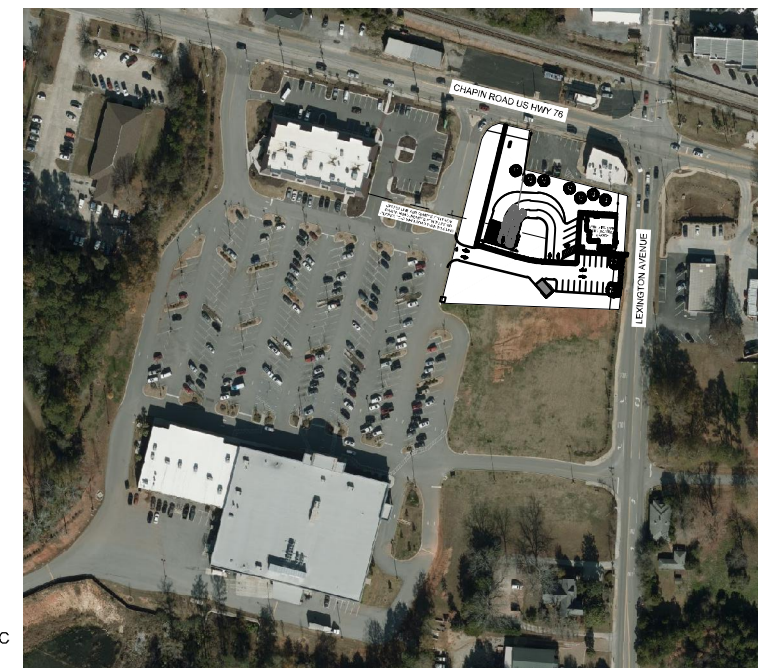
- LANDSCAPE ISLANDS SHALL BE PROVIDED WITHIN EACH ROW OF PARKING SPACES SO THAT THE MAXIMUM AMOUNT OF UNINTERRUPTED PARKING SPACES IS NO GREATER THAN TEN (10).
- NO MORE THAN 10 CONTINUOUS PARKING SPACES SHALL BE PERMITTED IN A ROW WITHOUT AN INTERRUPTING LANDSCAPED ISLAND, EXCEPT IN THE FOLLOWING CIRCUMSTANCE: THE PARKING LOT IS GRAVEL, OR COVERED WITH OTHER SOFT PERVIOUS PAVEMENT MATERIALS, AND SPACES ARE NOT STRIPED.
- LANDSCAPED ISLANDS WITH A PLANTING AREA OF AT LEAST 12 FEET WIDE BY 18 FEET LONG AREA SHALL BE ESTABLISHED PARALLEL TO PARKING SPACES AND AT THE END OF THE PARKING AISLE IN ORDER TO SEPARATE THE LAST SPACE FROM ANY ADJACENT DRIVEWAYS.
- ISLANDS SHALL BE CURBED FOR TRAFFIC CONTROL AND SAFETY.
- AT LEAST ONE (1) CANOPY TREE SHALL BE PROVIDED WITHIN EACH LANDSCAPED PENINSULA. ALL LANDSCAPED PENINSULAS AND MEDIANS SHALL BE LANDSCAPED WITH MULCH, SOD, SHRUBS, OR GROUND COVER VEGETATION. IF THERE IS A CONFLICT WITH OVERHEAD UTILITIES, TWO UNDERSTORY TREES SHALL BE PROVIDED PER ISLAND

BUILDING EXTERIOR PERIMETER PLANTINGS

- PLANT MATERIAL IS REQUIRED ALONG 10 PERCENT OF THE LENGTH OF EXTERIOR BUILDING WALLS AND STRUCTURES TO PROVIDE SEPARATION BETWEEN THE BUILDING AND THE VEHICULAR SURFACE AREA.

LIGHTING

- APPLICABLE LIGHTING STANDARDS CAN BE FOUND IN SECTIONS 6.11.6, 7.3.10, AND 8.7 OF THE CHAPIN ZONING CODE.



PROPOSED FIFTH THIRD SITE ADAPTATION PLAN

