

Board of Zoning Appeals



Minutes of the Thursday, February 9, 2017 Regular Meeting

Members of the Board of Zoning Appeals

Wesley Summers
Chairman

Jim Newman
Lynn Stenbridge

Kathie Stallworth
Bob Pettit

1. **Call to Order** –Chairman Wesley Summers called the meeting to order at 6:00 p.m.
2. **Roll Call** – Board members present: Chairman Summers, Jim Newman, and Bob Pettit. Also in attendance: Charles Martin, Interim Director of Planning and Development; Donna Young, City Clerk; Todd Glover, City Administrator; the applicant’s representative, James Vandercrake; and the public.
3. **Approval of Minutes** – On motion by Jim Newman, seconded by Bob Pettit the minutes of the November 3, 2016 regular meeting were approved as written.
4. **Application Number ZV 17-001** – A request by Brett Nevaril, representing Bright-Meyers NA, LLC, for a variance pursuant to Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code. The applicant requests a variance to change the minimum frontage buildout in the Highway Corridor Overlay District from thirty percent (30%) to twenty-four percent (24%). The appeal affects property located on Edgefield Road and identified as Outlot 4, Tax Parcel Number 010-14-12-004.
 - Chairman Summers read the application summary, briefly reviewed the public meeting participation guidelines and opened the public hearing at 6:01 p.m.

The applicant’s representative, James Vandercrake, Infinity Engineering Group, LLC, was sworn in and provided background information on the variance request. The applicant plans to construct a Wendy’s restaurant with drive-through on the subject property. The proposed building dimensions, which are standard for Wendy’s, provide for 46.9 feet of frontage. Based on an Edgefield Road property frontage of 200 feet, the project will provide a 24% frontage buildout, short of the 30% minimum frontage buildout required in the Highway Corridor Overlay District. The applicant has tried different building placement configurations, but the proposed

building dimensions, together with the proposed traffic circulation pattern and the site dimensions, do not permit the 30% minimum frontage buildout.

Mr. Martin reviewed the variance request, referring to staff memorandum 17-01. He also noted that the Sonic Restaurant, built before the effective date of the Development Code and located across the street from the proposed Wendy's site, has approximately the same frontage buildout percentage as the applicant's site.

Also cited was an approved variance for LuLu's Car Wash, Project #ZV 15-001 dated March 18, 2015, a similar request for changing the minimum frontage buildout.

Mr. Vandercrake and Mr. Martin responded to all comments and questions.

There were no citizens present to comment on the request.

Chairman Summers closed the public hearing at 6:06 p.m.

- **Consideration – Application Number ZV 17-001** To determine that an unnecessary hardship would result, and to grant a variance, the Board must find and explain in writing that the evidence and facts of the case prove that each of five mandatory factors apply. After consideration of the evidence and arguments presented, the Board of Zoning Appeals reached the following findings of fact and conclusions. The Board considered each of the five criteria separately and unanimously concurred with each.

An unnecessary hardship exists. Wendy's is seeking approval from the City of North Augusta for a variance from the minimum frontage buildout in the Highway Corridor Overlay District. The proposed building dimensions and position facing major roadway, which are standard for *The Wendy's Company*, provide for 46.9 feet of frontage. Based on an Edgefield Road property frontage of 200 feet, the project will provide an approximately 24% frontage buildout, short of the 30% minimum frontage buildout required in the Highway Corridor Overlay District pursuant to Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code. The applicant has tried different building placement configurations, but the proposed building dimensions, together with the proposed traffic circulation pattern and the site dimensions, do not permit the 30% minimum frontage buildout.

- Several hardships exist due to this requirement. Using the available Wendy's corporate trademarked prototypical design, an alternate design turning the direction of the building 90 degrees had the following issues:
 - A loss of significant parking arises from the lack of lot width; the required queuing lane and bypass lane take up most of the available lot width.
 - Safety becomes a problem when forcing pedestrian traffic to cross the bypass and queuing lanes when entering from the drive-through side of the

building. The classic Wendy's trademark design has shown to be historically safer.

- Another safety issue may arise if the queuing lane is filled more than intended. Traffic may not be able to come or go as easily especially if overcrowded during peak hours. The Wendy's corporate trademark design was intended to use a bypass lane for this reason.
- The Wendy's corporate trademark design was developed to present its architectural features from the front of the building as shown in the previously-built building photos instead of the drive-through windows.
- The pedestrian connection to Edgefield Road's sidewalk currently meets ADA standards; Exhibit B's design would require the loss of even more parking, and may be less safe.

There are extraordinary and exceptional conditions pertaining to the particular piece of property.

- Outlot #4 of Sweetwater Square is rectangular (200' X 299.83') with the narrower edge facing the roadside. This does not allow for as much building frontage.

The conditions do not generally apply to other property in the vicinity.

- Outlot #1 of Sweetwater Square (Lulu's Car Wash) has a frontage buildout of approximately 24%. This facility was granted a variance for similar traffic pattern and safety reasons.
- The parcel directly across Edgefield Road (Sonic) has a frontage buildout of approximately 24%.
- Parcel located South along Edgefield Road (Zaxby's) has a frontage buildout of approximately 23.6%.

Because of the conditions, the application of this Chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- Because of the conditions, the application of the requirements of Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- Possible options would include:
 - Turning the building prototype 90 degrees.
 - (This would prohibit safe traffic function on site, or eliminate too much parking to be viable.)
 - Buying more land adjacent to the property.
 - (Available land would be too expensive and would mostly go to waste, even if the building is turned 90 degrees).
 - Using a different building prototype.
 - (Building prototypes are designed and optimized for use ahead of time. Completely redesigning the building at this point would be costly and may cause the design/construction schedule too much delay to be viable).

The authorization of a 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. Harm to the character of the district may include structures that are significantly out of scale, and the creation or potential for the creation of excessive noise, light, traffic or incompatible late night activity.

- The variance would not cause any detriment to adjacent property or public good. The proposed job valuation would not change should the building be turned 90 degrees.
- Voluntary conditions on the variance to minimize any potential adverse impacts:
 - Wendy's has provided a site plan using a building prototype that uses the maximum frontage available in accordance with their design.

Based on the findings previously discussed and voted upon, Mr. Newman moved that Application ZV 17-001, a request by Bright-Meyers NA, LLC, for a variance, pursuant to Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code to change the minimum frontage buildout in the Highway Corridor Overlay District for property located on Edgefield Road and identified as Outlot 4, Tax Parcel Number 010-14-12-004, from thirty percent (30%) to twenty-four percent (24%), be granted. The variance is subject to the City's approval of a pending minor site plan, MSP 17-001. If the site plan is not approved or is withdrawn the variance shall be void.

On motion by Jim Newman, seconded by Bob Pettit, Chairman Summers adjourned the meeting at 6:16 p.m.

Respectfully Submitted,

Charles B. Martin
Interim Director of Planning and Development
Secretary to the Board