# Board of Zoning Appeals



## Agenda for the Thursday, May 3, 2018 Regular Meeting

Members of the Board of Zoning Appeals

Wesley Summers

Chairman

Jim Newman Kathie Stallworth Kevin Scaggs Lynn Stembridge

CITIZEN ASSISTANCE: Individuals requiring special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development 48 hours prior to the meeting at 803-441-4221.

## **REGULAR MEETING**

- **1.** Call to Order 7:00 p.m.
- 2. Roll Call
- 3. <u>Approval of Minutes</u> Minutes of the Regular Meeting of November 2, 2017.
- 4. Confirmation of Agenda
- 5. <u>Application ZV 18-001</u> A request from Alan Reuber, Sr. for variances pursuant to Table 3-9, Dimensional Standards for the Highway Corridor Overlay District and Section 3.8.5.8.5, Front Setback Landscaping, of the North Augusta Development Code. The application affects property along Jefferson Davis Highway, Tax Parcel Number 013-18-01-001.
  - <u>Public Hearing</u> The purpose of the hearing is to receive public comment on the application.
  - Consideration Application ZV 18-001
- 6. Adjourn

# Board of Zoning Appeals



Minutes of the Thursday, November 2, 2017 Regular Meeting

Members of the Board of Zoning Appeals

Wesley Summers Chairman

Jim Newman Lynn Stembridge Kathie Stallworth
Kevin Scaggs

- 1. Call to Order Chairman Wes Summers called the meeting to order at 7:03 p.m.
- 2. Roll Call Board members present: Chairman Summers, Lynn Stembridge, and Kevin Scaggs. Vice-Chairman Kathie Stallworth and Jim Newman were absent. Also in attendance: Amanda J. Sievers, Interim Director of Planning and Development, and Kuleigh Baker, Engineering and Planning Secretary.
- 3. <u>Approval of Minutes</u> The minutes of the February 9, 2017 regular meeting were approved as written.
- 4. Election of Officers for 2018 Ms. Stembridge nominated Mr. Summers to serve as Chairman and Ms. Stallworth to serve as Vice-Chairman in 2018. Mr. Scaggs seconded the nomination. The Board unanimously elected Mr. Summers to serve as BZA Chairman in 2018.
- 5. <u>Consideration of 2018 Meeting Schedule</u> –Chairman Summers reviewed the proposed 2018 meeting schedule. Ms. Stembridge moved to change the July meeting date from July 5 to July 12 to avoid the Independence Day holiday. Mr. Scaggs seconded the motion. The motion passed unanimously.

Ms. Stembridge made a motion to approve the 2018 Meeting Schedule as amended. Mr. Scaggs seconded the motion. The motion passed unanimously.

**6.** <u>Adjourn</u> – Mr. Summers welcomed Mr. Scaggs to the Board of Zoning Appeals. With no objection, Chairman Summers adjourned the meeting at 7:09 p.m.

Respectfully Submitted,

Kuleigh Baker, Secretary

Departments of Engineering and Planning and Development

Secretary to the Board

## Department of Planning and Development

## Memorandum # 18-010

**To:** North Augusta Board of Zoning Appeals

**From:** Tom Zeaser, Interim Director

Subject: A request by Alan Reuber, Sr. for a variances pursuant to Table 3-9,

Dimensional Standards for the Highway Corridor Overlay District and Section 3.8.5.8.5, Front Setback Landscaping, of the North Augusta Development Code. The request affects property located along Jefferson

Davis Highway, Tax Parcel Number 013-18-01-001.

**Date:** April 26, 2018

#### Request

Johnson, Laschober & Associates, P.C. on behalf of Alan Reuber, Sr. has requested for the following variances pursuant to the North Augusta Development Code:

- 1. Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The applicant requests a variance to change the maximum front setback in the Highway Corridor Overlay District from ninety (90) ft to one-hundred ninety (190) ft.
- 2. Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The applicant requests a variance to change the minimum frontage buildout in the Highway Corridor Overlay District from thirty (30) percent to twenty (20) percent.
- 3. Section 3.8.5.8.5, Front Setback Landscaping. The applicant requests a variance to change the Type D buffer width from twenty (20) ft to ten (10) ft along the lot frontage.

The request affects property located along Jefferson Davis Highway, Tax Parcel Number 013-18-01-001. The parcel is located with the TC, Thoroughfare Commercial District and also within the HC, Highway Corridor Overlay District. The subject property is ±9.53 acres in size. The proposed plan seeks to develop a car dealership on the property.

The applicant has provided a letter request addressing each of criteria established in the North Augusta Development Code (NADC) to provide their rationale for the request.

### Applicable Section of the North Augusta Development Code

Table 3-9, Dimensional Standards for the Highway Corridor Overlay District, is a chart that lists all of the applicable dimensional standards and setbacks for the parcels within the district. Included in the table is the maximum front setback of ninety (90) feet and minimum frontage building of thirty (30) percent on properties within the corridor. Section 3.8.5.8.5, Front Setback Landscaping, is a section that lists requirements for landscaping within the Highway Corridor Overlay District. Included in the text is a requirement for a landscaping buffer width of twenty (20) feet along the lot frontage.

## **Findings of Fact**

Section 18.4.5.4.2 of the North Augusta Development Code defines the Board's powers and duties related to hearing and deciding upon appeals for variances and provides the criteria which Board of Zoning Appeals must use in its review each request. After reviewing the evidence and facts in the case, the Board may grant an appeal for a variance if it concludes that the strict application of the North Augusta Development Code would result in an unnecessary hardship.

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 <u>all</u> of the following factors apply to the request:

- 1. An unnecessary hardship exists;
- 2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- 3. The conditions do not generally apply to other property in the vicinity;
- 4. 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
- 5. 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 Board of Zoning Appeals may not grant a variance under the following circumstances:

- 1. To allow the establishment of a use not otherwise permitted in a zoning district.
- 2. To extend physically a nonconforming use of land.
- 3. To change zoning district boundaries shown on the official zoning map.
- 4. If the unnecessary hardship is self imposed by the applicant, the variance should not be granted.
- 5. The fact that property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance.

## **Board Action**

The Board of Zoning Appeals may approve, approve with conditions or deny the request in Application ZV 18-001 based on the finding of facts and any additional information submitted in evidence at the hearing. In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to promote the public health, safety, or general welfare.

If the Board of Zoning Appeals approves the requested variance the following recommended conditions should be applied:

1. The variance shall be granted once the applicant secures a site plan approval from the city for a car dealership located on the subject property. The variance will be voided if the applicant cannot achieve such a site plan approval.

### **History and Evaluation**

- 1. The subject property is zoned TC, Thoroughfare Commercial. The property is also located within the HC, Highway Corridor Overlay District.
- 2. The subject project will affect approximately 9.53 acres in total area.
- 3. The applicant proposes to develop a car dealership on the property while working the design of the building and parking lot around existing easements.
- 4. The property has a proposed vehicular access from Jefferson Davis Highway.
- 5. The applicant has worked with staff to evaluate alternative layouts of the proposed building and parking areas in an attempt to find an alternative that complies with the requirements of the Development Code. No suitable solutions were discovered in the design layout process for the setback issue.
- A minor site plan is required to approve the proposed use for the subject property. The applicant has met with staff several times to discuss the project and submitted a minor site plan for review.

## 7. Land Use and Zoning

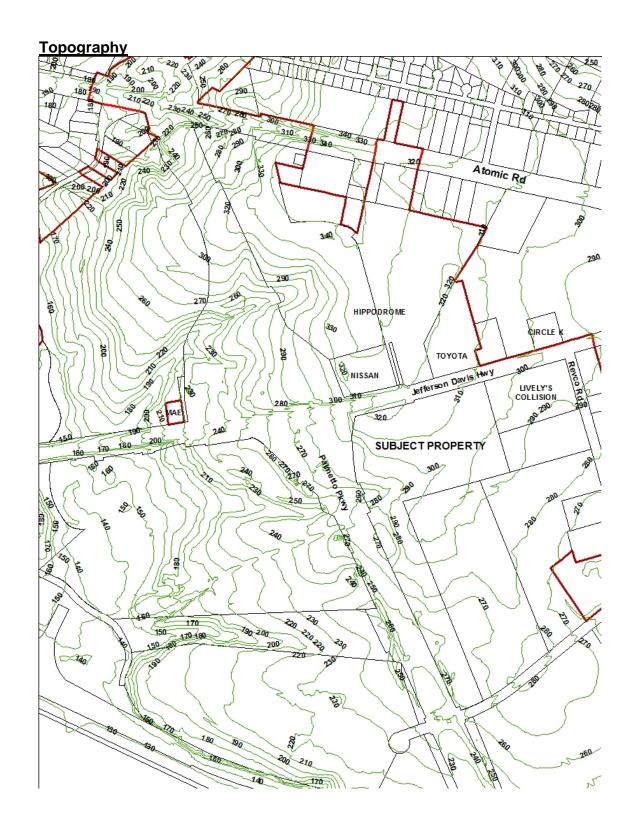
	Existing Land Use	Future Land Use	Existing Zoning
Subject Parcel	Vacant	Mixed Use	TC, Thoroughfare Commercial / HC, Highway Corridor Overlay District
North	Commercial	Mixed Use	TC, Thoroughfare Commercial / HC, Highway Corridor Overlay District
South	Vacant	Industrial	IND, Industrial
East	Commercial	Mixed Use	TC, Thoroughfare Commercial / HC, Highway Corridor Overlay District
West	Vacant	Mixed Use	TC, Thoroughfare Commercial / HC, Highway Corridor Overlay District

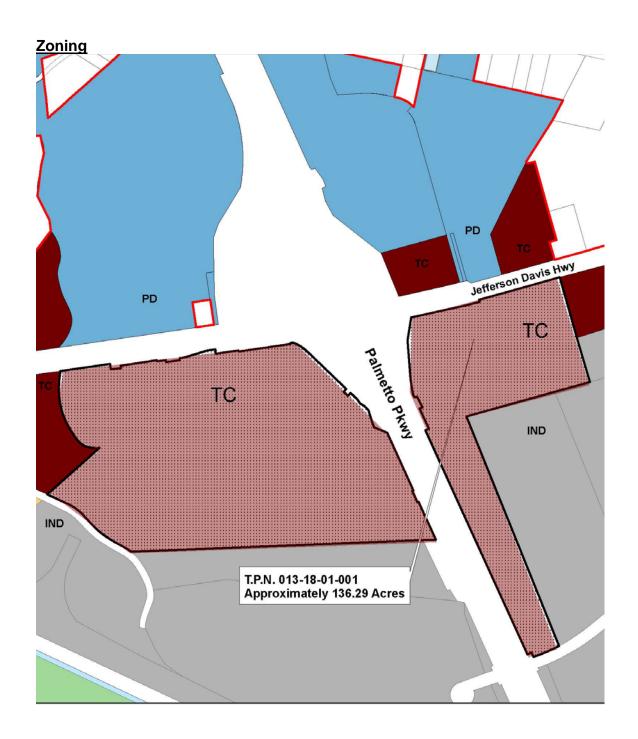
## **Public Notice**

A public notice describing the variance request and advertising the scheduled date of the Board of Zoning Appeals hearing was published in *The Star* on April 18, 2018. A written notice of the variance request and scheduled date of the Board of Zoning Appeals hearing was mailed to the owners of property within 200 feet of the subject property on April 17, 2018. The property was posted with the required public notice on April 18, 2018.

cc: Alan Reuber, Sr.
Justin Purucker, Johnson, Laschober & Associates, P.C.
Kelly Zier, City Attorney







## **Notice of Appeal**

Please type or print all information



Review Fee 4 200 Date Received 4 17	2/18
Pardary Eag. 9 (-1/1)	. 110
toview Fee 9 200 Date Paid 1	218
Project Name Hyunda of North Augusta	
Project Address/Location 5499 Jefferson Davis Hwy. Beach Island. SC 29842*	
Total Project Acreage 953 (6 8 deturbed). Current Zoning TC 5 H	C Overlay
Tax Percel Number(s)	
Applicant/Owner Name Alan Reuber, Sr. Applicant Phone 972/9	00-9312
Mailing Address 5131 Streemcrest Way	
City Fairview ST IX Zip /Scis Email smreuben@ya	shoo com
is there a Designated Agent for this project? Yes No No H Yes, attach a notarized Designation of Agent form, (required if Applicant is not p	roperty owner
Engineer/Architect/Surveyor Justin Purucker License No. 3465	
Firm Name Johnson Leschober & Associates Firm Phone 706/724 5756	
Firm Mailing Address 1296 Broad Street	
City Augusta ST GA Zip 30901 Email purchar@thejis	group dam
City Augusta 87 GA Zip 30001 Email puncher@thejia	
-s there any recorded restricted coversant or other private agreement that is contrary to prohibits the use or activity on the property that is the subject of the application?  (Check one )	conflicts with or
In accordance with Section 5.1.2.1 of the block Accords Occasionary	
In accordance with Section 5 * 2 J of the North Augusta Development Code i hereby request Augusta review the attached project plans. The documents required by the City of North Augusta Development Code are attached for the City's review for co-applicant acknowledges that all documents required by the City must be correct and complicing paylow process by the City.	ate, as outlined in impleteness. This late to imbate the
V GOTTO COMMO	
Applicant or Designated Agent Signature Date	
Alan Rauber Sr	
Print Applicant or Agent Name	

## **Notice of Appeal**

Please type or print all information



Staff Use Only			
Ą	pplication Number 2V 18 - 00 1  Date Received 1/12/2018  Date Paid 4/12/2018		
R	Date Pald 4/12/2018		
1.	Project NameHyundai of North Augusta		
	Project Address/Location 5499 Jefferson Davis Hwy, Beech Island, SC 29842*		
	Total Project Acreage 9.53 (6.8 disturbed) Current Zoning TC & HC Overlay  Tax Parcel Number(s)		
	Tax Parcel Number(s)		
2.	Applicant/Owner Name Alan Reuber, Sr. Applicant Phone 972/900-9312		
	Mailing Address 5131 Streamcrest Way		
	City Fairview ST TX Zip 75065 Email amreuber@yahoo.com		
3.	Is there a Designated Agent for this project? Yes X No If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)		
4.	Engineer/Architect/SurveyorJustin PuruckerLicense No34654		
	Firm Name Johnson, Laschober & Associates Firm Phone 706/724-5756		
	Firm Mailing Address 1296 Broad Street		
	City Augusta ST GA · Zip 30901 Email jpurucker@thejlagroup.com		
	City Augusta ST GA ZIP 30901 Email jpurucker@thejlagroup.com  Signature		
5.	Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?  (Check one.)  X no		
6.	In accordance with Section 5.1.2.3 of the North Augusta Development Code, I hereby request the City of North Augusta review the attached project plans. The documents required by the City of North Augusta, as outlined in Appendix B of the North Augusta Development Code, are attached for the City's review for completeness. The applicant acknowledges that all documents required by the City must be correct and complete to initiate the compliance review process by the City.		
	Applicant or Designated Agent Signature Date		
	Alan Reuber, Sr.		
	Print Applicant or Agent Name		

## JOHNSON, LASCHOBER & ASSOCIATES, P.C.

April 12, 2018

Board of Zoning Appeals
City of North Augusta
100 Georgia Ave, North Augusta, SC 29841
Aiken, SC 29801

Re:

Hyundai of North Augusta - Request for Variance Narrative

**Highway Corridor Overlay District** 

JLA No:

5065.1701

Letter No: 001

Esteemed Members of the Board of Zoning Appeals:

Johnson, Laschober, & Associates, P.C. (JLA), requests approval for the variances on behalf of the applicant, Alan Reuber representing AMTJ Land Company, LLC., for the property at the intersection of Palmetto Parkway (I-520) and Jefferson Davis Hwy (US-1). The appeal affects property located on Jefferson Davis Hwy (US-1) and identified as Tax Parcel Number 013-18-01-001 (refer to the attached exhibits). The parcel will be acquired pending approval of the variances hereon. The parcel is zoned Thoroughfare Commercial (TC) and is within a Highway Corridor Overlay District (HC). The zoning requirements as set by the HC Overlay District cannot be met due existing conditions and the proposed use of the property. The applicant requests for the following variances:

- 1.Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code. The applicant requests a variance to change the maximum front setback in the Highway Corridor Overlay District from ninety (90) feet to one-hundred ninety (190) feet.
- 2.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 (30%) percent to twenty (20%) percent.
- 3.Section 3.8.5.3.2 of the North Augusta Development Code. The applicant requests a variance to change the Type "D" buffer width from 20 (twenty) feet to 10 (ten) feet along the lot frontage.

The appeal for the variance listed above as #1 is warranted due to the location of the existing Colonial Pipeline, North Augusta water main, SCE&G gas main, and SCE&G electrical transmission/distribution lines and their corresponding easements (refer to the exhibits). The utilities do not permit structures<sup>1</sup> within the boundaries of their

<sup>&</sup>lt;sup>1</sup> Special permission is pending from SCE&G to install an approximately 13 feet high retaining wall within the electrical transmission easement. Complete design of retaining wall to be submitted with Building Permit Submittal.

## Request for Variance Narrative April 12, 2018

#### Page Two

respective easements for maintenance and safety concerns. Therefore, the building is proposed approximately 185 ft from the front property line of Jefferson Davis Hwy (US-1). The proposed location is to the rear of the water main easement that travels from the middle of the rear property line to the northeast corner of the property. The other optional area forward of the pipeline easement and east of the transmission easement was considered. However SCDOT requires the proposed driveway to align with the Shultz Hill Drive and the existing slopes do not allow for adequate spacing for the proposed drive. The adjacent sites are either vacant or car dealerships (across US-1). The developed properties are not within 90 feet of the property line per the Highway Corridor Overlay District (as measured on Aiken County GIS QPublic). The overall character of the area provides for a car dealership corridor spanning from Palmetto Parkway to Hitchcock Pkwy outside of the City Limits. The building setback varies throughout this corridor and the proposed variance has no foreseeable detriment to the adjacent property or the public good.

The appeal for the variance listed above as #2 is warranted due to the location of the existing utility lines and their corresponding easements as well (refer to the exhibits). The utilities do not permit structures within the boundaries of their respective easements for maintenance and safety concerns. Therefore, the building is proposed to buildout twenty (20%) percent of the frontage along Jefferson Davis Hwy (US-1). Calculations for the buildout percentage without the easement areas are as follows:

$$20.7\% = (120 \text{ feet} / 580 \text{ feet}) \times 100$$

The water main easement, transmission easement and colonial pipeline easement consumes approximately 60 feet, 125 feet, and 50 feet, respectfully. When these easements are removed from the buildable frontage, the appropriate buildout for the HC Overlay District is met at thirty-four (34%) percent. Calculations for the buildout percentages with the easement areas are as follows:

$$34.7\% = [120 \text{ feet} / (580 \text{ feet} - 235 \text{ feet})] \times 100$$

Expansion of the building to the east at the proposed location to meet the desired buildout frontage was considered. However, the buildout east would significantly hinder traffic flow through the parking area for maintenance and large inventory delivery vehicles. The overall character of the area provides for a car dealership corridor spanning from Palmetto Parkway to Hitchcock Pkwy outside of the City Limits. The minimum building frontage varies throughout this corridor and the proposed variance has no foreseeable detriment to the adjacent property or the public good.

The appeal for the variance listed above as #3 is warranted due to the proposed usage of the property. The existing 6-lane divided highway is approximately 50 feet from the property line to the curb line. The inventory will be displayed as close to the property line as conditions allow. The proposed 10 foot buffer at the frontage is to provide for landscaping, lighting and storm sewer. The landscaping within the buffer will be designed to meet the requirements of the type "D" buffer as space allows. The overall character of the area provides for a car dealership corridor spanning from Palmetto Parkway to Hitchcock Pkwy outside of the City Limits. The frontage landscaping is

Request for Variance Narrative April 12, 2018

Page Three

minimal throughout this corridor and the proposed variance has no foreseeable detriment to the adjacent property or the public good.

The three (3) variances are requested based on the appeals provided above. In JLA's professional opinion the proposed site improvements will greatly improve the Highway Corridor Overlay District by providing a gateway into the City of North Augusta and utilizing the existing easements. Documents not provided with the letter and related to the application will be provided upon request from JLA.

Respectfully submitted,

JOHNSON, LASCHOBER & ASSOCIATES, P.C.

Justin D. Purucker, P.E.

Civil Engineer

Cc: Alan Reuber, Sr

File

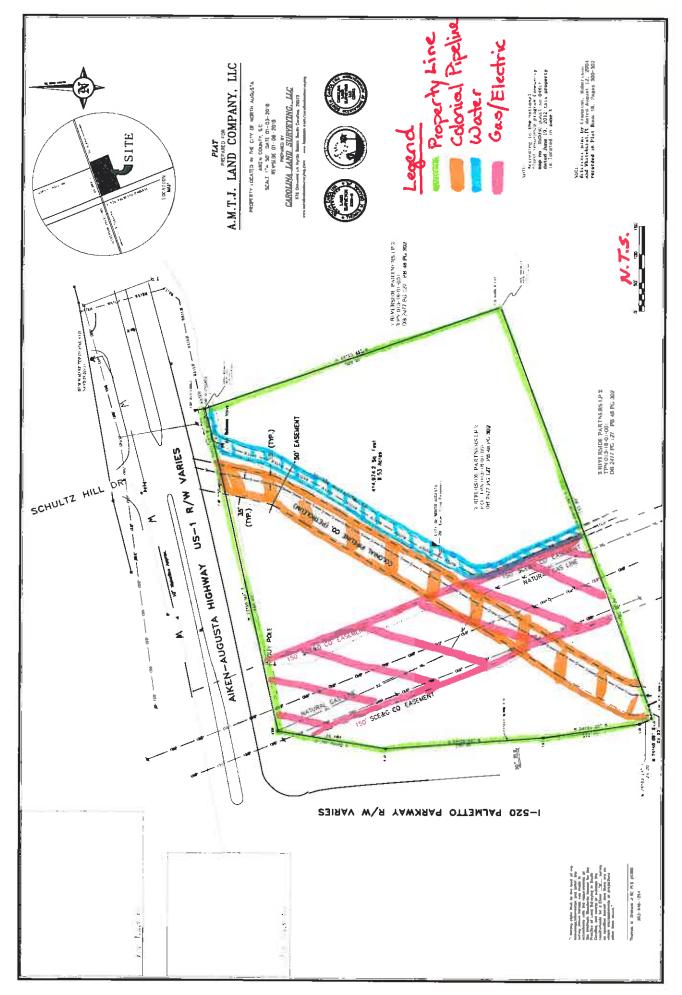


Exhibit 2



#### ARCHITECTS + ENGINEERS + LANDSCAPE ARCHITECTS

## **EXHIBIT 3 - EXISTING FRONTAGE**



1. Jefferson Davis Hwy and Palmetto Parkway off ramp intersection facing southeast. Provided by Google Maps Street View.



2. Electrical Transmission & Distribution lines onsite. Provided by Google Maps Street View.



## **EXHIBIT 3 - EXISTING FRONTAGE**



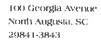
3. Dirt Road for access of Colonial Pipe line easement. Provided by Google Maps Street View.



## **EXHIBIT 3 – EXISTING FRONTAGE**



4. Aerial of property provided by qPublic.



Post Office Box 6400 North Augusta, SC 29861-6400

## City of North Augusta



April 17, 2018

RE: A request by Alan Reuber, Sr. for variances pursuant to Table 3-9, Dimensional Standards for the Highway Corridor Overlay District and Section 3.8.5.8.5, Front Setback Landscaping, of the North Augusta Development Code. The request affects property located along Jefferson Davis Highway, Tax Parcel Number 013-18-01-001.

<u>Please note</u>: Your property is not included in the variance request application. You are receiving this notice only because you own property within 200 feet of the proposed project area.

Dear North Augusta Property Owner:

The City received a request from Alan Reuber, Sr. for the following variances pursuant to the North Augusta Development Code:

- 1. Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The applicant requests a variance to change the maximum front setback in the Highway Corridor Overlay District from ninety (90) ft to one-hundred ninety (190) ft.
- 2. Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The applicant requests a variance to change the minimum frontage buildout in the Highway Corridor Overlay District from thirty (30) percent to twenty (20) percent.
- Section 3.8.5.8.5, Front Setback Landscaping. The applicant requests a variance to change the Type D buffer width from twenty (20) ft to ten (10) ft along the lot frontage.

The appeal affects property located along Jefferson Davis Highway, Tax Parcel Number 013-18-01-001. A map of the affected parcels is enclosed, along with a copy of the public hearing notice that will be published in *The Star* on April 18.

The North Augusta Board of Zoning Appeals will hold a public hearing and meeting to consider the variance request on Thursday, May 3, 2018. The hearing will begin at 7:00 p.m. and will be held in the City Council Chambers on the third floor of the North Augusta Municipal Center, 100 Georgia Avenue. You are welcome to attend this public hearing. Following the public hearing, the Board of Zoning Appeals will consider and decide on the application.

If you have any questions or need more information, please contact the Department of Planning and Development at 803-441-4221.

Sincerely,

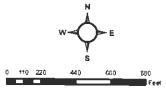
Kuleigh Baker, Secretary

Department of Planning and Development





Application Number ZV 18-001 Tax Parcel Number 013-18-01-001



E:\2018 ReZone\ZV 18-001.MXD April 17, 2018

## City of North Augusta, South Carolina

## **Board of Zoning Appeals**

## **PUBLIC HEARING NOTICE**

The Board of Zoning Appeals will hold a Public Hearing at its monthly meeting beginning at 7:00 PM on Thursday, May 3, 2018, in the Council Chambers on the third floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to consider the following appeal:

<u>ZV18-001</u> – A request by Johnson, Laschober & Associates, P.C. for the following variances pursuant to the North Augusta Development Code:

- 1. Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The applicant requests a variance to change the maximum front setback in the Highway Corridor Overlay District from ninety (90) ft to one-hundred ninety (190) ft.
- 2. Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The applicant requests a variance to change the minimum frontage buildout in the Highway Corridor Overlay District from thirty (30) percent to twenty (20) percent.
- 3. Section 3.8.5.8.5, Front Setback Landscaping. The applicant requests a variance to change the Type D buffer width from twenty (20) ft to ten (10) ft along the lot frontage.

The appeal affects property located along Jefferson Davis Highway, Tax Parcel Number 013-18-01-001.

Documents related to the application will be available for public inspection beginning April 18 in the Department of Planning and Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, 803-441-4221. All citizens and property owners interested in expressing a view on any matter that is the subject of a public hearing are encouraged to attend.

#### **CITIZEN ASSISTANCE:**

Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.