

Board of Zoning Appeals



Minutes of the Thursday, May 3, 2018 Regular Meeting

Members of the Board of Zoning Appeals

Wesley Summers
Chairman

Jim Newman
Kevin Scaggs

Kathie Stallworth
Lynn Stembridge

1. **Call to Order** –Chairman Wesley Summers called the meeting to order at 7:01 p.m.
2. **Roll Call** – Board members present: Chairman Summers, Kevin Scaggs, Kathie Stallworth, and Lynn Stembridge. Board member Jim Newman was absent. Also in attendance: Tom Zeaser, Director of Engineering and Public Works; Kuleigh Baker, Secretary of Engineering and Planning and Development; Justin Purucker, P.E. and Lee Dorn, P.E. the project engineers; Alan Reuber, Sr., the project developer; and the press.
3. **Approval of Minutes** – The minutes of the November 2, 2017 regular meeting were approved as written.
4. **Confirmation of Agenda** – There were no changes to the agenda.

Application Number ZV18-001 – A request by 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.
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.

- Chairman Summers read the application summary, briefly reviewed the public meeting participation guidelines and opened the public hearing at 7:03 p.m.

Alan Reuber, Sr. of Dallas, TX was sworn in and introduced his plans to develop a Hyundai car dealership and service center on the site.

Justin Purucker, Johnson, Lascchober, and Associates, P.E., 1296 Broad Street, Augusta, GA, the project engineer, was sworn in and offered to answer any questions raised by the Board.

Tom Zeaser, Director of Engineering and Public Works, Interim Director of Planning and Development, was sworn in to answer any questions of staff raised by the Board.

Mr. Reuber, Mr. Purucker, and Mr. Zeaser responded to all comments and questions.

With no comments from the public, Chairman Summers closed the public hearing at 7:24 p.m.

- **Consideration – Application Number ZV 18-001** 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.

There are extraordinary and exceptional conditions pertaining to the particular piece of property. The Board discussed and agreed that the subject parcel is the only property in the vicinity that has a City waterline, Colonial Pipeline, SCE&G powerline, and SCDOT encroachment running through the property.

The conditions do not generally apply to other property in the vicinity. The Board discussed and agreed that the conditions of the subject property, listed above, do not generally apply to other property in the vicinity in that the surrounding properties do not have multiple utility lines, easements, and encroachments that converge.

Because of the conditions, the application of the requirements of Table 3-3 of the North Augusta Development Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. The Board discussed and agreed that the strict application of the maximum front setback standard, front buildout, and landscaping buffer would require the applicant to develop the site in a manner that is inefficient and could pose safety hazards for neighboring property owners. The application of the requirements of the North Augusta Development Code to this site unreasonably

restricts the utilization of the property and the Engineer has attempted to situate the building on the site various ways prior to applying for a variance.

An unnecessary hardship exists. The Board discussed and agreed that an unnecessary hardship exists.

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 discussed and agreed that the car dealership location, if the variance is granted, is consistent with existing setbacks for neighboring properties and will not be detrimental to adjacent properties or to the public good. The surrounding businesses have setbacks, buildouts, and landscaping plans that are not compliant with the current NADC because they were developed prior to the adoption of the existing code or are located slightly outside of the city limits.

Based on the findings previously discussed and voted upon, Ms. Stembridge moved that Application ZV 18-001, a request by 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.
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 for property located along Jefferson Davis Highway, Tax Parcel Number 013-18-01-001, be granted subject to the following conditions:
 - a. The applicant shall comply with all City water, SCE&G, SCDOT, and Colonial Pipeline requirements.
 - b. If the applicant's minor site plan application is not approved by staff or is withdrawn, the variance shall be void.

Mr. Scaggs seconded the motion. The motion carried 4-0.

6. **Adjourn** – With no objection, Chairman Summers adjourned the meeting at 7:49 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. Hodges", written in a cursive style.

Libby Hodges
Director of Planning and Development
Secretary to the Board