

# Board of Zoning Appeals



## Agenda for the Thursday, January 3, 2019, Regular Meeting

*Members of the Board of Zoning Appeals*

Wesley Summers

*Chairman*

Jim Newman

Kevin Scaggs

Kathie Stallworth

Lynn Stenbridge

*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. **Approval of Minutes** – Minutes of the Regular Meeting of November 1, 2018.
4. **Confirmation of Agenda**
5. **Application ZE 18-004** – A request by Gr8 Dealz Gun & Pawn for a special exception pursuant to Article 3, Zoning Districts and Table 3-2, Use Matrix of the North Augusta Development Code. The application is a request for a special exception to allow for light assembly of premanufactured parts at 215 Edgefield Road, Tax Parcel Number 012-09-02-003.
  - a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.
  - b. **Consideration** – Application ZE18-004
6. **Adjourn**

# Board of Zoning Appeals



## Minutes of the Thursday, November 1, 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 7:00 p.m.
  2. **Roll Call** – Board members present: Chairman Summers, Jim Newman, Kathie Stallworth, Lynn Stembridge, and Kevin Scaggs. Also in attendance: Libby Hodges, Director of Planning & Development; members of the public and press.
  3. **Approval of Minutes** – The minutes of the September 6, 2018 regular meeting were approved as written.
  4. **Confirmation of Agenda** – There were no changes to the agenda.
  5. **Application ZV 18-002** – A request from Tom Uskup for 714 Carolina Ave., for a variance to NADC 3.3.8.4.7.3, allow parking between structure and street, NADC 3.8.4.7.7, allow loading/unloading between structure and street, and NADC 3.8.4.7.9, allow a drive entrance greater than 20'. Parcel 007-10-09-001.
- Chairman Summers read the application summary, briefly reviewed the public meeting participation guidelines and opened the public hearing.

Mrs. Hodges introduced Application ZV 18-002–714 Carolina Ave.

Mrs. Hodges answered questions the board had for her.

The applicant, Mr. Tom Uskup, and site engineer, Mr. Tilden Hildebrand, were sworn in and provided additional information on the project and the site.

Mr. Combs, a concerned neighbor, asked several questions, which were answered by staff, the applicant and engineer.

- Chairman Summers closed the public hearing.

Comments and questions were addressed.

Ms. Stallworth recused herself from the proceedings.

After reviewing the findings, Mr. Newman motioned to approve parking between structure and street. Ms. Stallworth seconded the motion. The vote was approved 4-0.

After reviewing the findings, Mr. Newman motioned to approve loading and unloading. Ms. Stembridge seconded the motion. The vote was approved 4-0.

After reviewing the findings, Mr. Newman motioned to approve the drive entry based on SCDOT approval. Ms. Stembridge seconded the motion. The vote was approved 4-0.

#### **6. Election of Officers for 2019**

- The Board elected Mr. Wesley Summers as Chairman of the Board of Zoning Appeals.
- The Board elected Mrs. Cathy Stallworth as Vice-Chair.
- The yearly calendar was adopted and is attached for reference.

7. **Adjourn** – With no objection, Chairman Summers adjourned the meeting at 8:00 p.m.

Respectfully Submitted,



Libby Hodges, Director of Planning and Development  
Secretary to the Board of Zoning Appeals

## Board of Zoning Appeals



The Board of Zoning Appeals (BZA) meets as needed on the first Thursday of the month at 7:00 PM in the City Council Chambers, 3<sup>rd</sup> Floor, North Augusta Municipal Center, 100 Georgia Avenue. An exception is made in 2019 for the July meeting which is scheduled on the second Thursday.

### 2019 BZA Meeting Schedule and Deadlines

Application Due Date	Agenda Issued	Meeting Date
December 3	December 27	January 3
January 7	January 31	February 7
February 7	February 28	March 7
March 7	March 28	April 4
April 2	April 25	May 2
May 6	May 30	June 6
June 11	July 3	July 11 (2 <sup>nd</sup> Thursday)
July 1	July 25	August 1
August 5	August 29	September 5
September 3	September 26	October 3
October 7	October 21	November 7 (Business Mtg)
November 5	November 27	December 5

### Submitting an Appeal to the BZA

The appeals process begins with an initial application submittal followed by a completeness review. The initial application and supporting documents are submitted to the Department of Planning and Development on the 2<sup>nd</sup> floor of the Municipal Center. Information required at initial submittal is listed by appeal type on the application checklist which is available in the Document Library on the City website, [www.northaugusta.net](http://www.northaugusta.net).

**Completeness** – An application is determined to be complete if the application form, required fee(s) and all applicable supporting documents have been submitted to and received by the City. An applicant will be notified when an application is determined complete or if additional information is required. After an application is determined complete, it will be scheduled for consideration at the next Board of Zoning Appeals meeting.

**Public Hearing** – Every BZA appeal requires a public hearing that is advertised in the newspaper and on the City website two weeks prior to the meeting. Additionally, a notice is posted on the subject property and a public hearing notice is mailed to the owners of record of all property within two hundred (200) feet of the subject property at least fifteen days prior to a Board of Zoning Appeals hearing.

Please contact the Department of Planning and Development at 803-441-4221 for additional information on the appeals process.

# Department of Planning and Development



## Project Staff Report Special Exception # ZE 18-004

December 27, 2018

### Section 1 - Summary

Project Name	Gr8 Dealz Gun & Pawn Firearm Assembly
Applicant	Gr8 Dealz Gun & Pawn
Representative/Engineer	James R. Montgomery
Address/Location	215 Edgefield Road
Parcel Number	012-09-02-003 (portion)
Zoning District	Planned Development (PD)
Future Land Use	Mixed Use
Proposed Use	Firearm Assembly
Parcel Size	±8.35 acres (portion)

### Section 2 – Existing Site Conditions

	<i>Existing Land Use</i>	<i>Future Land Use</i>	<i>Existing Zoning</i>
Subject Parcel	Commercial	Mixed Use	PD, Planned Development
North	Commercial (Retail)	Mixed Use	GC, General Commercial
South	Public and Residential	Mixed Use, High Density Residential	P, Public; R-14, Large Lot Single-Family Residential; and R-5, Mixed Residential
East	Residential	Mixed Use	R-14, Large Lot Single-Family Residential
West	Commercial and Residential	Mixed Use and Low Density Residential	GC, General Commercial and Aiken County RC, Residential Single-Family Conservation

**Access** – The site currently has access from Edgefield Road. The use proposes no new access drives.

**Topography** – The area is relatively flat and slopes gently towards the southeast.

**Utilities** - An existing 12” water line and 8” sanitary sewer lines serve the site.

**Floodplain and Environmental Conditions** - The site is not within federally designated floodplain or wetlands. There are no environmentally sensitive areas currently identified within this project site in need of protection.

**Drainage Basin** – This project is located within the Storm Branch Basin as designated on the City of North Augusta Stormwater Management Drainage Basin Map. Data collection for this area of the Stormwater Management Stream Water Quality Assessment Summary is incomplete at this time.

### Section 3 – History & Analysis

Gr8 Dealz Gun & Pawn opened in 2016 at 205 Edgefield Road in Triangle Plaza. They received a Conditional Use Permit pursuant to NADC Article 3, Zoning, Table 3-2, Use Matrix item 5.65 for pawnshops and secondhand goods, retail sales. In January of 2018, the business relocated to a larger sublet of the strip shopping center at 215 Edgefield Road. The applicant now wishes to add light assembly of premanufactured firearm parts to their services.

The site is zoned Planned Development (PD). Triangle Plaza does not currently have an adopted PD Ordinance so General Commercial (GC) zoning is being applied in this case, as it is most similar to the current use. Table 3-2, Use Matrix of the North Augusta Development Code (NADC) lists the permitted uses within the General Commercial (GC) zoning district and specifies those uses that must be approved as special exceptions. Table 3-2, Item 6.9, Light assembly of premanufactured parts is listed as a special exception use within the GC zoning District. The proposed use is compatible with the Comprehensive Plan Future Land Use Map.

Subject to approval from the Board of Zoning Appeals for a special exception, final approval to utilize the site for light assembly of premanufactured parts will require a Certificate of Zoning Compliance signed by the Department of Planning and Development. Additionally, the property owner must acquire proper licensing from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

### Section 4 – Board Action

North Augusta Development Code (NADC) Section 18.4.5.b establishes the application process for a special exception. Section 18.4.5.4.3 of the NADC defines the criteria the Board shall use in hearing and deciding requests for special exceptions. As a part of the hearing, the BZA may impose additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

NADC Section 18.4.5.4.3 defines the criteria the Board shall use in to hearing and deciding upon requests for special exceptions. The Section reads:

- a. *Special exceptions are subject to additional scrutiny to insure that the health, safety and general welfare of the community and the area where the special exception use is proposed will not be harmed.*
- b. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
  1. *That the Special Exception complies with all applicable development standards contained elsewhere in this Chapter and with the policies contained in the Comprehensive Plan. (Rev 12-1-08; Ord 2008-18)*
  2. *That the Special Exception will be in substantial harmony with the area in which it is to be located.*
  3. *That the Special Exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*
- c. *In granting a special exception, the Board of Zoning Appeals may attach such additional stipulations, conditions, or safeguards that, in its judgment, will enhance the proposed special exception use and promote the public health, safety or general welfare.*

The Board of Zoning Appeals (BZA) shall approve the application with specified modifications, or disapprove the application. If approved, the Board of Zoning Appeals shall instruct the Planning and Development Director to issue such permit contingent on the specified modifications imposed. If disapproved, the applicant shall be notified in writing of the action disapproving the application, with the reasons therefore.

#### **Section 5 – 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 *Aiken Standard* on Thursday, December 20, 2018. A written notice of the special exception 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 Monday, December 17, 2018. The property was posted with the required public notice on Wednesday, December 19, 2018.

**Attachments**

- 1) Public Notice
- 2) Aerial
- 3) Topography
- 4) Zoning
- 5) Future Land Use
- 6) Site Photos
- 7) Application

cc: James Montgomery, Gr8 Dealz Gun & Pawn

**Attachment 1 – Public Notice**

100 Georgia Avenue  
North Augusta, SC  
20841-3843  
Post Office Box 14800  
North Augusta, SC  
20861-4800

City of North Augusta



December 17, 2018

RE: Special Exception hearing for Gr8 Dealz Gun & Pawn located at 215 Edgefield Road, Tax Parcel Number 012-09-02-003.

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

Dear North Augusta Property Owner:

Gr8 Dealz Gun & Pawn has requested a hearing for a Special Exception pursuant to Article 3, Zoning Districts and Table 3-2, Use Matrix of the North Augusta Development Code. The application is a request for a special exception to allow for light assembly of premanufactured parts within a Planned Development (PD) Zoning District.

The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting beginning at 7:00 PM on Thursday, January 3, 2019, in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina. Citizens and property owners interested in expressing a view on the requested hearing are encouraged to attend.

Copies of the application and related documentation will be available for public inspection in the Department of Planning and Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina.

Enclosed is a map of the project area and a copy of the public hearing notice that will be published in *The Star* on December 19, 2018. If you have any questions about this application or need additional information, please contact the Department of Planning and Development at 803-441-4221.

Sincerely,

Libby Hodges, Director  
Department of Planning and Development

Administration Office: 803-441-4200 Fax: 803-441-4203	Planning & Development Office: 803-441-4221 Fax: 803-441-4232	Engineering & Public Works Office: 803-441-4273 Fax: 803-441-4298	Building Standards Office: 803-441-4227 Fax: 803-441-4177	Finance Office: 803-441-4215 Fax: 803-441-4198	Parks, Recreation & Leisure Services Office: 803-441-4180 Fax: 803-441-4310	Human Resources Office: 803-441-4205 Fax: 803-441-4921	Public Utilities Office: 803-441-4240 Fax: 803-441-4243
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[www.northaugusta.net](http://www.northaugusta.net)



City of  
 North Augusta, South Carolina  
**Board of Zoning Appeals**

**PUBLIC HEARING NOTICE**

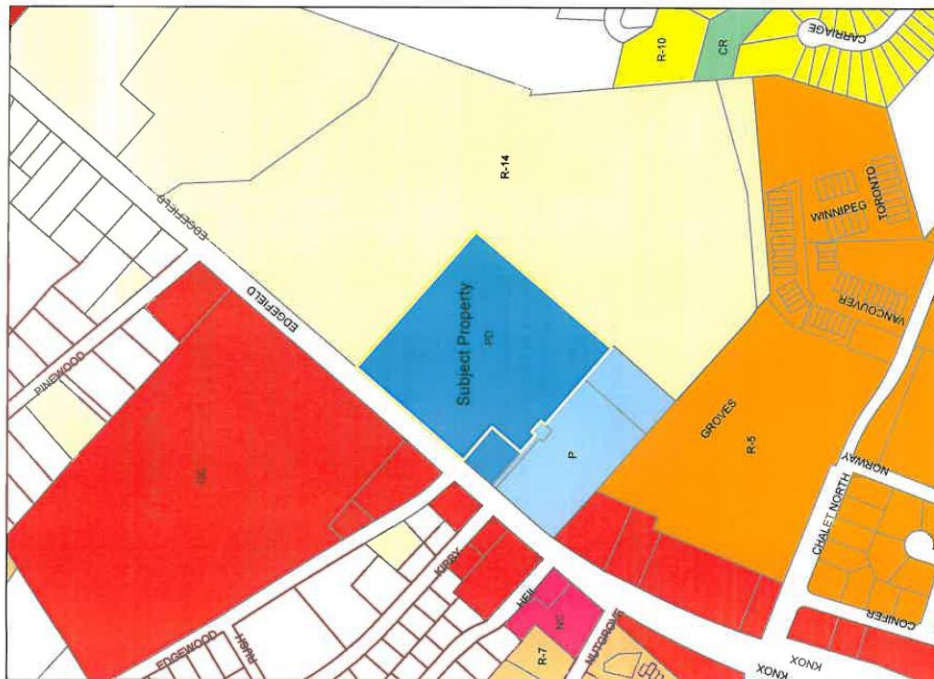
The Board of Zoning Appeals will hold a Public Hearing beginning at 7:00 PM on Thursday, January 3, 2019 in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina on the following application:


Application ZE 18-004 -- A request by Gr8 Dealz Gun & Pawn for a special exception pursuant to Article 3, Zoning Districts and Table 3-2, Use Matrix of the North Augusta Development Code. The application is a request for a special exception to allow for light assembly of premanufactured parts at 215 Edgefield Road, Tax Parcel Number 012-09-02-003.

Documents related to the application are available for public inspection in the offices of the Department of Planning and Development on the second floor of the 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 please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to meeting.




 Application Number ZE18-004  
 A Request for a Special Exception for  
 Light Assembly of Premanufactured Parts  
 at 215 Edgefield Road  
 Tax Parcel Number 012-09-02-003

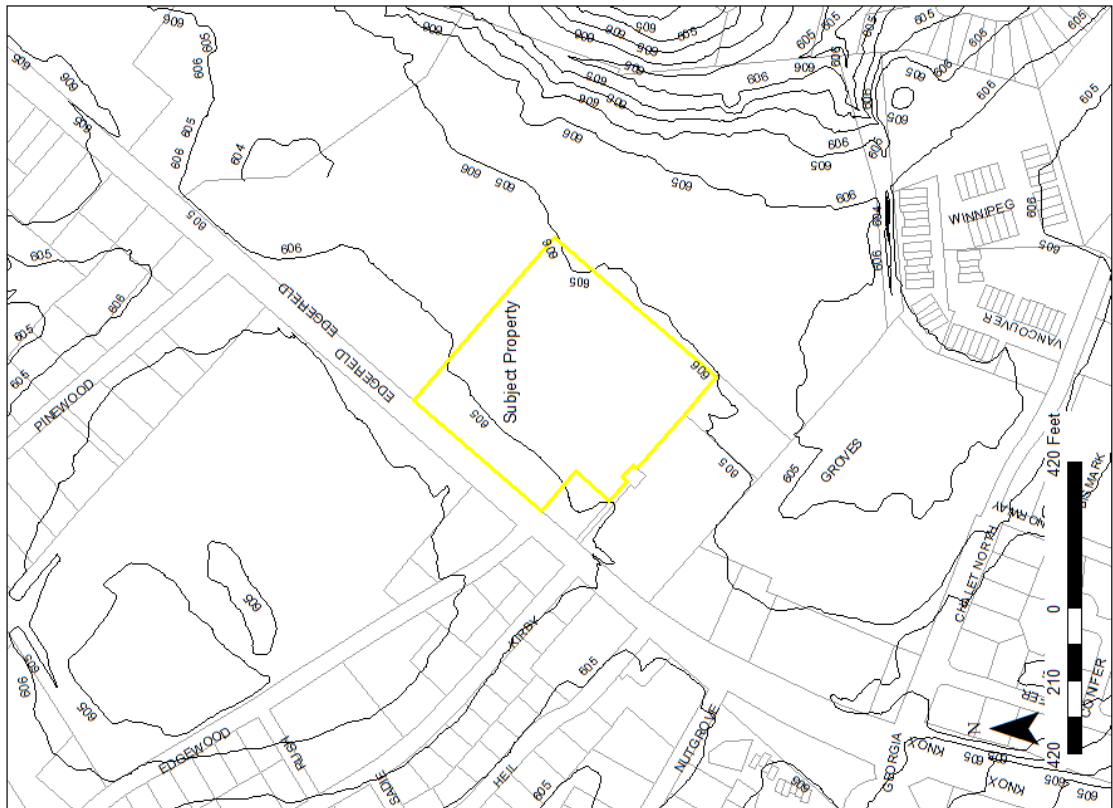


**Attachment 2 – Aerial Map**  
**Attachment 3 – Topography**

ZE18-004 Gr8 Dealz Gun & Pawn Firearm Assembly  
Aerial Map

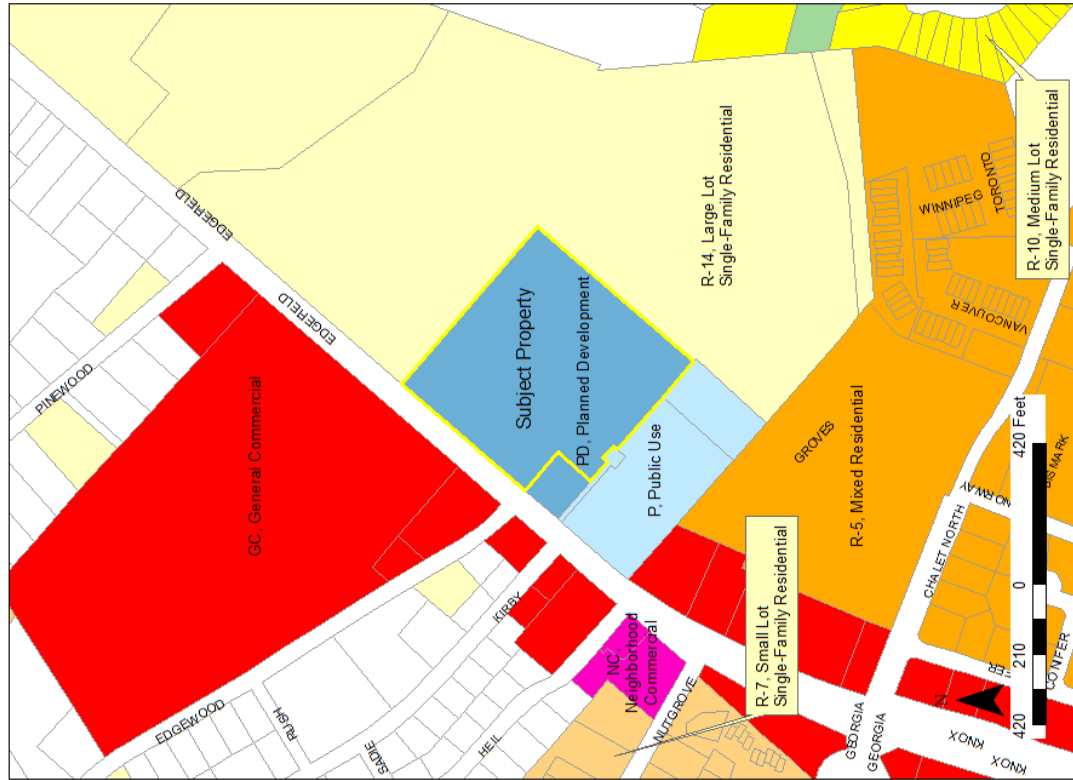


ZE18-004 Gr8 Dealz Gun & Pawn Firearm Assembly  
Topo Map

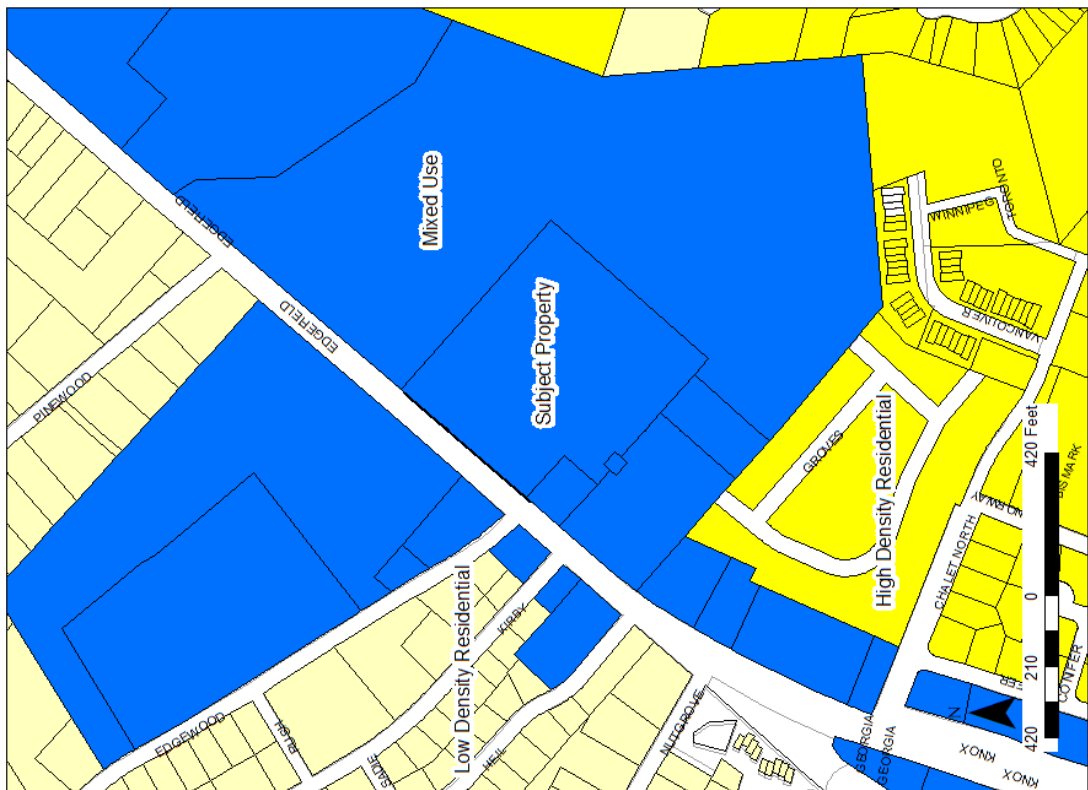


**Attachment 4 – Zoning**  
**Attachment 5 – Future Land Use**

ZE18-004 Gr8 Dealz Gun & Pawn Firearm Assembly  
Zoning Map



ZE18-004 Gr8 Dealz Gun & Pawn Firearm Assembly  
Future Land Use Map



Attachment 6 – Site Photos



**Attachment 7 – Application Documents**



**Notice of Appeal**

Please type or print all information

Staff Use Only  
 Application Number ZE 18-004 Date Received 12/3/18  
 Review Fee \$ 200 Date Paid 12/13/18 CKP 10/19

1. Project Name 608 Dealz Gun - Pawn Firearm Assembly  
 Project Address/Location 215 Edgefield Rd  
 Total Project Acreage PD/HC  
 Tax Parcel Number(s) 012-09-02-003  
 Applicant/Owner Name James R. Montgomery Applicant Phone 803-599-5540  
 Mailing Address 215 Edgefield Rd  
 City North Augusta ST SC Zip 29841 Email grdealzgunandpawn@gmail.com
2. Is there a Designated Agent for this project?  Yes  No  
 If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)
3. Engineer/Architect/Surveyor N/A License No. \_\_\_\_\_

Firm Name \_\_\_\_\_ Firm Phone \_\_\_\_\_  
 Firm Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

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.) \_\_\_\_\_ yes \_\_\_\_\_ no  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 [Signature] Date 11-19-2018  
 Print Applicant or Agent Name JAMES R. MONTGOMERY

1/2013



**Designation of Agent**

Please type or print all information

This form is required if the property owner is not the applicant.

Staff Use Only  
 Application Number ZE 18-004 Date Received \_\_\_\_\_

1. Project Name 608 Dealz Gun Pawn Firearm Assembly License  
 Project Address/Location 215 Edgefield Rd  
 Project Parcel Number(s) 012-09-02-003  
 Property Owner Name Lago's Shopping Center INC Owner Phone 937-323-5555  
 Mailing Address 750 Shore Rd  
 City Spaulding ST OH Zip 45604 Email 937-323-6564  
 Designated Agent James R. Montgomery  
 Relationship to Owner Leasee  
 Firm Name 608 Dealz Gun Pawn Phone 803-599-5540  
 Agent's Mailing Address 215 Edgefield Rd  
 City North Augusta ST SC Zip 29841 Email grdealzgunandpawn@gmail.com  
 Agent's Signature [Signature] Date 11-13-2018

4. I hereby designate the above-named person (Line 3) to serve as my agent and represent me in the referenced application. To serve as my agent, the designated agent must be a resident of the City of North Augusta.  
 Owner Signature [Signature] Date 12/3/18

Sworn and subscribed to before me on this 3 day of December, 2018.  
 Notary Public \_\_\_\_\_ Date \_\_\_\_\_



Commission Expiration Date \_\_\_\_\_

12/013

To: Thomas Legos Page 3 of 3

2018-11-15 16:32:32 (GMT)

19007841757 From: Brad Barker

Gr8 Dealz Gun & Pawn  
215 Edgefield Road  
North Augusta, SC 29841  
(803) 599-5540

LICENSEURE ACKNOWLEDGEMENT

To Whom It May Concern:

I hereby acknowledge that Gr8 Dealz Gun and Pawn, LLC owned by James Montgomery, Bradford Barker and Gwen Barker are pursuing an application for the Manufacture of Firearms on my premises at 215 Edgefield Rd., North Augusta, SC, 29841. I am aware that this manufacture will involve the assembly of pre-manufactured firearm parts.

It was explained to me before we leased the rental space to Gr8 Dealz Gun & Pawn, LLC the scope of the work performed with the sale and repair of firearms. I find no reason to object to the addition of assembly of firearms to this business.

If there are any further questions regarding my support of this application please call Lagos Shopping Center, Inc. at 937-323-5555.



Name & Signature THOMAS LEGOS  
Representative PLEASE DON'T  
Lagos Shopping Center, Inc.

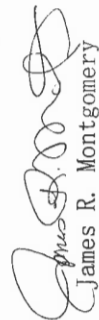
Board of Zoning Appeals:

In order to be compliant with the Bureau of Alcohol, Tobacco, and Firearms (BATF) we are applying for a #07 license to cover the manufacture (assembly) of firearms from pre-manufactured parts.

We have notified our lease holder & property owner, Thomas Lagos, at Lagos Shopping Center Inc. and there was no problem from the owner (see attached letter). He supports our application to add assembly to our present selling and repair of firearms.

No changes are being made to the exterior or interior of our leased property. The repair portion of our store will remain the same. This is merely a license required by BATF.

Thank you for your consideration on this matter. We are not able to assemble guns until this license is received. Anything you could do to assist us with this matter is greatly appreciated.



James R. Montgomery  
Owner, Gr8 Dealz Gun & Pawn