

Board of Zoning Appeals



Minutes of the Thursday, June 11, 2020 Regular Meeting

Members of the Board of Zoning Appeals

Wesley Summers
Chairman

Jim Newman
Kevin Scaggs

Kathie Stallworth
Lynn Stembridge

1. **Call to Order** – The regular meeting of June 11, 2020, having been duly publicized, was called to order by Chairman Wesley Summers at 7:00 p.m. and conducted via teleconference.
2. **Roll Call** – Board members present via teleconference were Chairman Summers, Board members Jim Newman, Kathie Stallworth, and Kevin Scaggs. Board member Lynn Stembridge was absent. Also in attendance were Libby Hodges, Director, Department of Planning & Development, Tyson Schuetze, Paul Lawler, and Matthew Cotton.
3. **Approval of Minutes** – Board member Jim Newman moved that the minutes of the Special Called Meeting of November 14, 2019 be approved as written. Board member Keven Scaggs seconded the motion and the motion was approved unanimously.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **Application ZV20-002**– A request by Auben Realty to allow for a parking pad in the front yard of a residential structure. Parking is prohibited between structures and the corridor street per North Augusta Development Code, Article 3, Section 3.8.6.5, NP, Neighborhood Preservation Corridor Overlay District, Access and Parking. The application affects a ±.12 acre portion of Tax Parcel Number 007-07-16-006 located at 1013 Georgia Avenue zoned OC, Office Commercial.
 - a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.
 - b. **Consideration** – Application ZV20-002

Chairman Summers briefly reviewed the public meeting participation guidelines and read the application summary. The public hearing was opened at 7:05 p.m.

Chairman Summers asked if Mrs. Hodges had any information she would like to share.

Mrs. Hodges stated this is a request to provide a 24'x24' parking pad in front of the structure at 1013 Georgia Avenue. She said this would not be something that would be allowed under the Overlay Standards.

The applicant, Tyson Schuetze, was sworn in by Chairman Summers. Mr. Schuetze gave a brief overview of the requested variance.

Mrs. Stallworth questioned if the lot was always chopped like it is or at some point did it sell off. Mr. Schuetze replied that he purchased the property from a long time resident of the property and to his knowledge he is not sure that it was sold off at some point. He stated that part of the challenge is not only the depth, but the narrowness between the adjoining structures.

Chairman Summers referred to the submitted site plan and commented he did not see how even a small car could get through there. Mr. Schuetze agreed that between the building and the hedge growth there is almost no way to get through and he has spoken with the person that is purchasing the adjacent property and he is open to trimming down the hedge growth. He said when backing out it is hard to see down Georgia Avenue, and from a safety standpoint, he is considering placing a mirror on an existing utility pole to assist with backing out.

Chairman Summers asked if staff had looked at the possibility of putting a driveway on the northern side. Mrs. Hodges replied that she is not 100% sure that SCDOT would allow any further driveway cuts in that area due to its proximity to Martintown Road.

Mrs. Stallworth questioned how much room there was behind the house. Mr. Schuetze replied there is room to park a car or two in the back and one of the biggest challenges is maneuvering between the back and Georgia Avenue because it is narrow with no opportunities to turn around in the back or the side of the property.

Mr. Scaggs questioned how far the existing gravel driveway extends. Mr. Schuetze explained it is a version of gravel and crush-and-run along the back of the property and there is nothing paved there.

Mrs. Hodges stated there was one citizen comment submitted by Ms. Elizabeth Rowland for this application and read the comment to the Board Members.

Mr. Scaggs questioned if a back entrance could be made to the property by renting some of the parking spots from an adjacent business. Mr. Schuetze stated he is open to exploring any options with the neighboring properties on either side. He said ultimately the objective is an easier and safer access to the property.

All comments and questions from the Board were addressed by Staff and the applicant.

Chairman Summers questioned if the decision from the Board was tabled for a month would it allow for time for something to be worked out with the neighbors. Mr. Schuetze replied that it may be the best option.

Mrs. Stallworth and Mr. Scaggs concurred with Mr. Summers.

Mr. Scaggs questioned if something is worked out where he can come across the back of the property or park in the back will Mr. Schuetze need to return to the Board. Mrs. Hodges replied probably not and he can withdraw the application with no penalty.

After reviewing the findings, Chairman Summers asked for a motion from the Board.

Chairman Summers made a motion to table Application ZV20-002 a request by Auben Realty to allow for a parking pad in the front yard of a residential structure. Parking is prohibited between structures and the corridor street per North Augusta Development Code, Article 3, Section 3.8.6.5, NP, Neighborhood Preservation Corridor Overlay District, Access and Parking, with the understanding that the applicant may return for the August 13, 2020 meeting. Mrs. Kathie Stallworth offered a second and the motion passed unanimously.

6. Application ZV20-003– A request by JRHuang, LLC for a variance to the required 30% minimum frontage buildout required in the North Augusta Development Code Article 3, Section 3.8.5.3, Highway Corridor Overlay District and Table 3-9. The application affects a ±1.43 portion of Tax Parcel Number 010-10-04-062 zoned GC, General Commercial.

- a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.
- b. **Consideration** – Application ZV20-003

Chairman Summers briefly reviewed the public meeting participation guidelines and read the application summary. The public hearing was opened at 7:35 p.m.

Chairman Summers asked if Mrs. Hodges had any information she would like to share.

Mrs. Hodges stated there are two proposed buildings to be developed on this property and due to the layout and the vehicular circulation needed, the applicant is requesting a variance to the frontage requirements. She said they do not meet it quite at the setback line the way it is written in the Code.

Mr. David Banks, of Southern Partners Engineering, Inc., representing the owner and the proposed developer of the property was sworn in by Chairman Summers and gave a brief overview of the requested variance.

Chairman Summers read the Board of Zoning Appeals considerations for a variance and reviewed the rules of procedures.

Mrs. Stallworth questioned if the driveways are going to exit onto Highway 25. Mr. Banks answered no. Mrs. Hodges explained that the two driveways shown on the concept plan that are coming out onto Highway 25 are existing cuts.

All comments and questions from the Board were addressed by Staff and the applicant.

Chairman Summers asked Mrs. Hodges if there were any comments submitted from the public and she replied that there were none.

Chairman Summers closed the public hearing at 7:42 p.m.

After some discussion and reviewing the findings of fact, the Board found in the affirmative that the appeal meets all of the standards required to issue the variance. Chairman Summers asked for a motion from the Board.

Mr. Kevin Scaggs made a motion that Application ZV20-003 a request by JRHuang, LLC for a variance to the required 30% minimum frontage buildout required in the North Augusta Development Code Article 3, Section 3.8.5.3, Highway Corridor Overlay District and Table 3-9 be granted with the following conditions:

- The property will be developed in general conformance with the layout provided. Minor changes to the layout may be allowed as determined by the Planning & Development Director. In no case will a less conforming layout be allowed.
- No additional curb cuts onto Hwy. 25 will be allowed.

Mrs. Kathie Stallworth seconded the motion and the motion was approved unanimously.

7. Application ZV20-004– A request by Circle K Stores, Inc. for a variance from the maximum setback required by the North Augusta Development Code Article 3, Section 3.8.5.3, Highway Corridor Overlay District Dimensional Standards and Table 3-9. The application affects a ±1.69 portion of Tax Parcel Numbers 006-18-05-016, 006-18-05-017, and 006-18-05-018 located at 421 W. Martintown Rd., zoned GC, General Commercial.

- a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.

b. **Consideration** – Application ZV20-004

Chairman Summers briefly reviewed the public meeting participation guidelines and read the application summary. The public hearing was opened at 8:00 p.m.

Mr. Paul Lawler, Engineer for Bowman Consulting Group, Ltd., was sworn in by Chairman Summers and spoke on behalf of Circle K giving a brief overview of the requested variance.

Mrs. Stallworth questioned if the carwash next to the property was purchased by the applicant.

Mr. Matthew Cotton, with Circle K, was sworn in by Chairman Summers. He explained that they are currently under contract for the carwash next door as well a portion of property next to the site.

Chairman Summers asked if Mrs. Hodges had information she would like to share.

Mrs. Hodges stated there is a significant portion to the north of the property that will remain vacant until someone else wants to develop it. She said part of the importance of this request is proposal of those access points going across Martintown Road.

All comments and questions from the Board were addressed by Staff and the applicant.

Chairman Summers asked Mrs. Hodges if there were any comments submitted from the public and she replied that there were none.

Chairman Summers closed the public hearing at 8:11 p.m.

After some discussion and reviewing the findings of fact, the Board found in the affirmative that the appeal meets all of the standards required to issue the variance. Chairman Summers asked for a motion from the Board.

Mr. Kevin Scaggs made a motion that Application ZV20-004 a request by Circle K Stores, Inc. for a variance from the maximum setback required by the North Augusta Development Code Article 3, Section 3.8.5.3, Highway Corridor Overlay District Dimensional Standards and Table 3-9 be granted with the following conditions:

- The applicant proposes a sidewalk along N. Hills Dr. to allow pedestrian access to the convenience store. The applicant should maintain sidewalk access on all right-of-ways. The Highway Corridor also requires pedestrian passageway to the front entry door of the building.

- The applicant proposes large shrubs, ornamental grasses, and trees to screen the front canopy area. Staff notes the screening of the canopy with vegetation is likely impossible, and sight distance considerations will be critical to maintain the safety of the new driveway cut.
- Contact with and approval of neighboring properties with shared access should be documented prior to final site plan approval.
- Provide buffers (8') along all internal property lines or as close as practicable.
- Move the vacuum/air pump from the Martintown Road frontage.

Mr. Jim Newman seconded the motion and the motion was approved unanimously.

8. **Adjourn**-- With no objections, the meeting was adjourned at 8:32 p.m.

Respectfully Submitted,



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