

Board of Zoning Appeals



Minutes of the Thursday, September 10, 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 September 10, 2020, having been duly publicized, was called to order by Chairman Wesley Summers at 7:00 p.m. The meeting was conducted virtually via GoToMeeting.
2. **Roll Call** – Board members present 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, Gary Thigpen, Philip Green, Chip Funderburk, and Brad Brodie.
3. **Approval of Minutes** – The minutes of the July 9, 2020, regular meeting were approved as written with one amendment. Chairman Summers noted that on page 2, paragraph 7 the closing of the public hearing was by Chairman Summers not Chairman Williams. Mrs. Stallworth moved that the minutes be approved as amended. Mr. Newman seconded the motion and the motion was approved unanimously.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **ZV20-006** -- A request by JSMG Development for lot widths less than the minimum permitted in the R-7, Small-Lot Single-Family Residential zoning district by Table 3-3, Dimensional Standards of Article 3, Zoning Districts, of the North Augusta Development Code. The request affects a proposed townhome development on ±5.63 acres located on Bradleyville Road, TPN 012-13-04-013.
 - a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.
 - b. **Consideration** – Application ZV20-006

Chairman Summers briefly reviewed the public meeting participation guidelines and read the application summary. The public hearing was opened at 7:02 p.m.

Chairman Summers asked if Mrs. Hodges had any information she would like to share. Mrs. Hodges summarized the case and explained that this is a proposed townhome development and they are asking for a reduction in minimum lot width. She said townhomes are an allowed use in the R-7 District but the requested lot width is generally required by the code. Mrs. Hodges stated she has received some public comments and will read them aloud accordingly.

Chairman Summers asked if the applicant had any comments.

Mr. Philip Green, Engineer with Southern Partners and representing the applicant, was sworn in by Chairman Summers. Mr. Green gave a brief overview of the requested variance.

Chairman Summers referred to the plat in the handout and questioned if that is what is being proposed. Mr. Green explained that it is an original survey of the property and the cul-de-sac to the west has already been subdivided out and they are on the remainder of that tract of 5-acres that they are looking to develop.

Mrs. Stallworth questioned if the kudzu-filled area, on Bradleyville Road, is what is being developed. Mr. Green presented a layout of the project to the Board. Mrs. Stallworth questioned how far back onto the property the lots would be. Mr. Green answered approximately 300-feet back off of Bradleyville Road on the one side and all the way back on the eastern side of the property. A copy of the presented layout was entered into the record.

Chairman Summers questioned how wide the townhomes are going to be. Mr. Green replied that the typical townhome lot will be 26-feet wide. Mrs. Stallworth questioned if the townhomes are joined together. Mr. Green replied yes and explained there will be a row of four or five and the lot lines will run down the common walls.

Mr. Gary Thigpen, representative of JSMG, was sworn in by Chairman Summers.

Chairman Summers questioned what the price was going to be on the townhomes. Mr. Thigpen answered \$110,000 explaining that it seems high but based on market progression studies that are shown now, and the areas where they are building, that is a very competitive ballpark number.

Chairman Summers questioned how Public Safety would get to the front or back of the development. Mr. Thigpen replied that all aspects have been reviewed in a way that they will provide adequate water, the width of the road will be adequate for an aerial truck and two pump trucks to operate with a command vehicle. Mr. Summers asked if the townhomes were single-story. Mr. Thigpen replied yes.

Mr. Scaggs asked for clarification that the 40-foot width could not be done because of the topography of the land and the cost would increase. Mr. Thigpen replied yes.

Mrs. Stallworth asked Mrs. Hodges if there were townhomes in the community now that are 26-feet wide. Mrs. Hodges referred to the aerial map in the handout explained that on the northeast side of the proposed project there is a development of which those will be a similar width. Mrs. Stallworth asked if it were a different zoning area. Mrs. Hodges replied she believed it to be R-5.

Mr. Scaggs asked for clarification that the development was to provide for affordable housing in the area. Mr. Thigpen replied yes.

Mrs. Hodges read an emailed comment submitted by Mr. Jeff Keefner and Mrs. Sharon Keefner, stating that the proposed change might adversely affect their home and property values. She said they oppose the zoning change. Mrs. Hodges read an emailed comment from Mr. Matthew Stoltzfus stating his concerns on the rezoning and requests the Board reconsider the building plan and deny the building project. She stated these public comments will be attached to the minutes.

Mr. Thigpen responded, for the record, that he built both the houses located at 1793 and 1799 Womrath Road and their information is inaccurate.

Chairman Summers clarified that Mr. Thigpen was not asking for twenty-six and he stuck with forty and he could build without coming before the Board. Mrs. Hodges answered that is correct.

Mr. Thigpen explained that they will have an HOA that will maintain the property, vast street lighting, and a proposed gated community towards the backside of the property.

Mr. Newman questioned how big the units were going to be. Mr. Thigpen replied 1122 square feet. Mrs. Hodges presented a copy of the floor plan which will be entered into the minutes. Mrs. Stallworth asked what size the unit would be for a three bedroom. Mr. Thigpen explained they would be proposed as end-units with garages.

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

Chairman Summers closed the public hearing at 7:28 p.m.

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

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

Board Member Kevin Scaggs made a motion that ZV20-006 a request by JSMG Development for lot widths less than the minimum permitted in the R-7, Small-Lot Single-Family Residential zoning district by Table 3-3, Dimensional Standards of Article 3, Zoning Districts, of the North Augusta Development Code. The request affects a proposed townhome development on ±5.63 acres located on Bradleyville Road, TPN 012-13-04-013 be approved with the following condition:

1. Development is similar to the sketch provided with minor alterations at the discretion of the Planning and Development Director.

Mr. Jim Newman offered a second and the motion passed unanimously.

6. **ZE20-001** – A request by The Charles Hammond House, LLC for a Special Exception to allow for a Bed and Breakfast and associated uses as required by Table 3-2, Use Matrix and Section 4.7, Bed and Breakfast, of the North Augusta Development Code. The request affects ±1.46 acres located at 908 W. Martintown Road, TPN 006-09-03-002, within the NP, Neighborhood Preservation Overlay District and zoned R-10, Medium Lot, Single-Family Residential.

- a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.
- b. **Consideration** – Application ZE20-001

Chairman Summers asked if Mrs. Hodges had any information she would like to share. Mrs. Hodges stated after discussions with the applicant, Mr. James O'Neal, they are requesting that the Board table the application so that additional research can be done. She said all public comments will be saved and presented when the case returns.

Chairman Summers asked for a motion from the Board.

Chairman Summers made a motion to table ZE20-001 a request by The Charles Hammond House, LLC for a Special Exception to allow for a Bed and Breakfast and associated uses as required by Table 3-2, Use Matrix and Section 4.7, Bed and Breakfast, of the North Augusta Development Code to allow for more research to be done. Mr. Jim Newman offered a second and the motion passed unanimously.

7. **ZE20-002** – A request by Storage Development, Inc. for a Special Exception to allow for a Mini Warehouse/Self-Storage Facility as required by Table 3-2, Use Matrix and Section 4.23, Miniwarehouses of the North Augusta Development Code. The request affects ±4.61 acres located at 108 Market Plaza Drive, TPN 010-18-10-001 and zoned GC, General Commercial.

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

b. **Consideration** – Application ZE20-002

Chairman Summers briefly reviewed the public meeting participation guidelines and read the application summary. The public hearing was opened at 7:52 p.m.

Chairman Summers asked if Mrs. Hodges had any information she would like to share. Mrs. Hodges summarized the case and the applicant request. She explained that this is an application for storage units in the same location as we have had a previous application and the reason this coming back is because they have proposed a different architectural style, changed some of the layout from the previous Special Exception that was granted, and some of the conditions from the previous set were specific to that site.

Mrs. Stallworth questioned if it was the same developer. Mrs. Hodges replied that it has been sold to a new developer.

Chairman Summers asked if the applicant had any comments.

The applicant, Mr. Brad Brodie, was sworn in by Chairman Summers. Mr. Brodie explained they were before the Board two years ago and at the time were going to build a storage facility for Meybohm Group and they had a specific architectural design in mind for that. He said they ultimately decided to build a facility in Evans, Georgia and they are keeping the same design and they have requested that we do not use their design. Mr. Brodie said that in the interim his firm purchased the property and developed a new design.

Chairman Summers questioned if the facility would look similar to the one on Riverwatch Parkway. Mr. Brodie replied yes.

Mr. Scaggs clarified that what the Board will be approving is the exterior elevation. Mr. Brodie said yes and explained to maximize the property they are adding twenty-three canopied RV parking in the rear at the lower portion of the property.

Mr. Newman clarified that the Board had stipulations on what it was to look like. Mrs. Hodges replied yes there were very specific conditions that it had to be the same or better than what was shown on the previous application. She said what is shown, in her opinion, it is significantly different. Mrs. Hodges explained there are some other site considerations and when she wrote the staff report she included some conditions that will resolve anticipated issues with the site plan approval.

Chairman Summers asked if there were any public comments. Mrs. Hodges answered no.

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

Chairman Summers closed the public hearing at 8:00 p.m.

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

Board Member Kevin Scaggs made a motion that ZE20-002 a request by Storage Development, Inc. for a Special Exception to allow for a Mini Warehouse/Self-Storage Facility as required by Table 3-2, Use Matrix and Section 4.23, Miniwarehouses of the North Augusta Development Code. The request affects ±4.61 acres located at 108 Market Plaza Drive, TPN 010-18-10-001 and zoned GC, General Commercial be approved with the following conditions:

1. The applicant agrees to a compact, multi-dimensional design with adequate landscaping.
2. The applicant shall comply with all additional requirements of Section 4.23 as verified by site plan approval.
3. The final building elevation shall maintain the same architectural finish and design standards or better as presented in the application.
4. Any outdoor vehicle, boat or other equipment storage, covered or uncovered, will be screened on the southern side to the standards of a Type C buffer with applicable visual separation and a black vinyl chain link fence with matching slats. This buffer may be planted anywhere between the screening fence and the property line. The east side shall be screened with a solid fence that is a black vinyl fence with matching slats with added shrubs and plantings as approved by the Planning & Development Director.
5. Landscaping will not be required for the internal storage area or for internal access aisles within the facility.
6. The perimeter of the building footprint shall be planted along exterior frontages (not interior to the storage buildings) of the buildings at a rate of 1 shrub per 5' of building foundation and 1 large tree per 50' of building foundation. These planting should be distributed evenly along the foundation. Buffer plantings may count as foundation plantings only for the portions of buildings abutting a buffer.
7. Parking will be restricted to no more than 10 spaces and will be landscaped as required by Article 10.
8. Truck, car, trailer and any other rental vehicles or other items will not be parked overnight or stored in the required parking spaces. These vehicles or other items shall not be visible from off site, including the right-of-way or main development internal drives. These shall be stored in the vehicle storage area.
9. All signage on site must meet the requirements of Article 13.

Mrs. Kathie Stallworth offered a second and the motion passed unanimously.

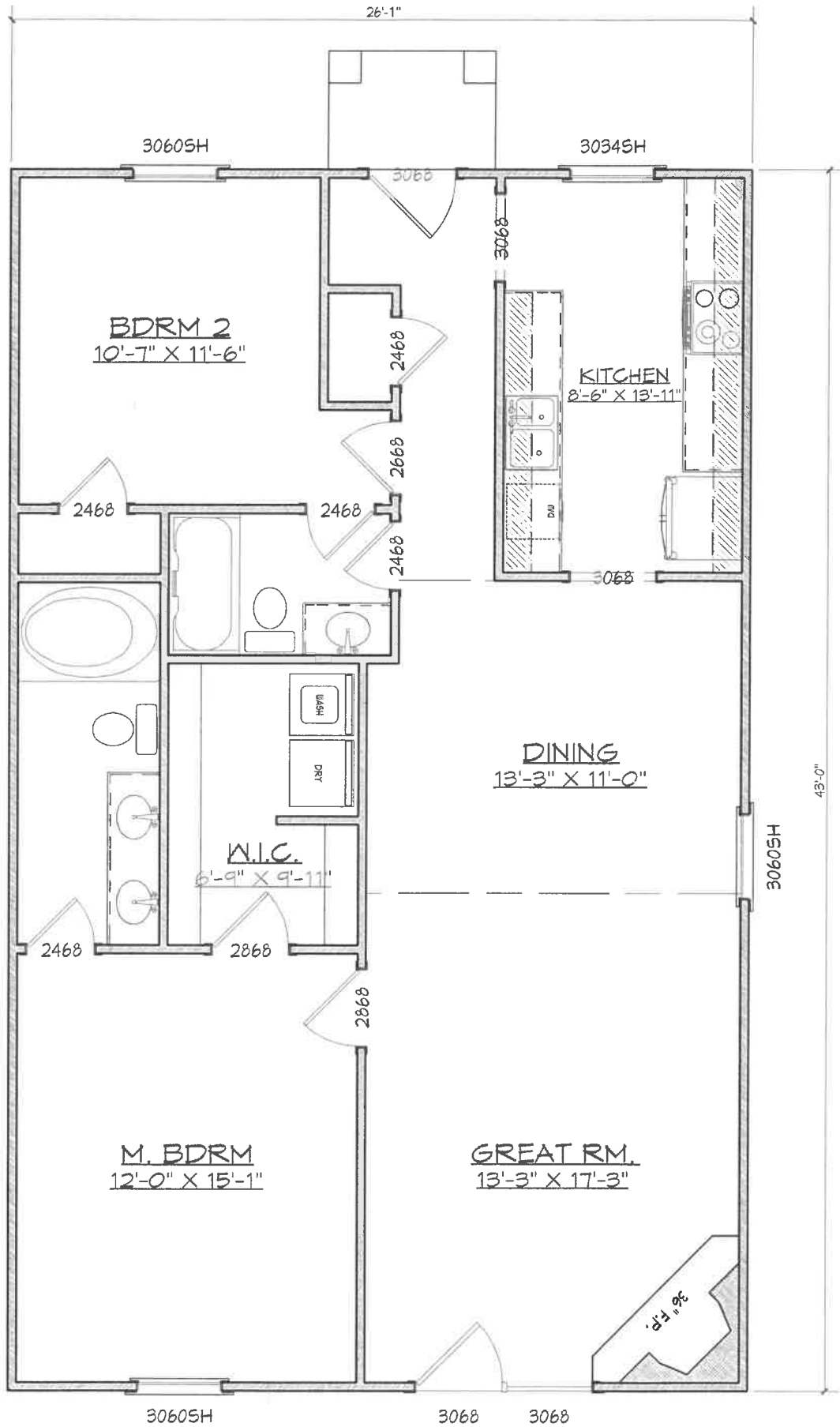
8. **Adjourn**-- With no objections, the meeting was adjourned at 8:42 p.m.

Respectfully Submitted,

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

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

Attached Public Comments and Layout information as noted.



LIVING AREA
1122 SQ FT

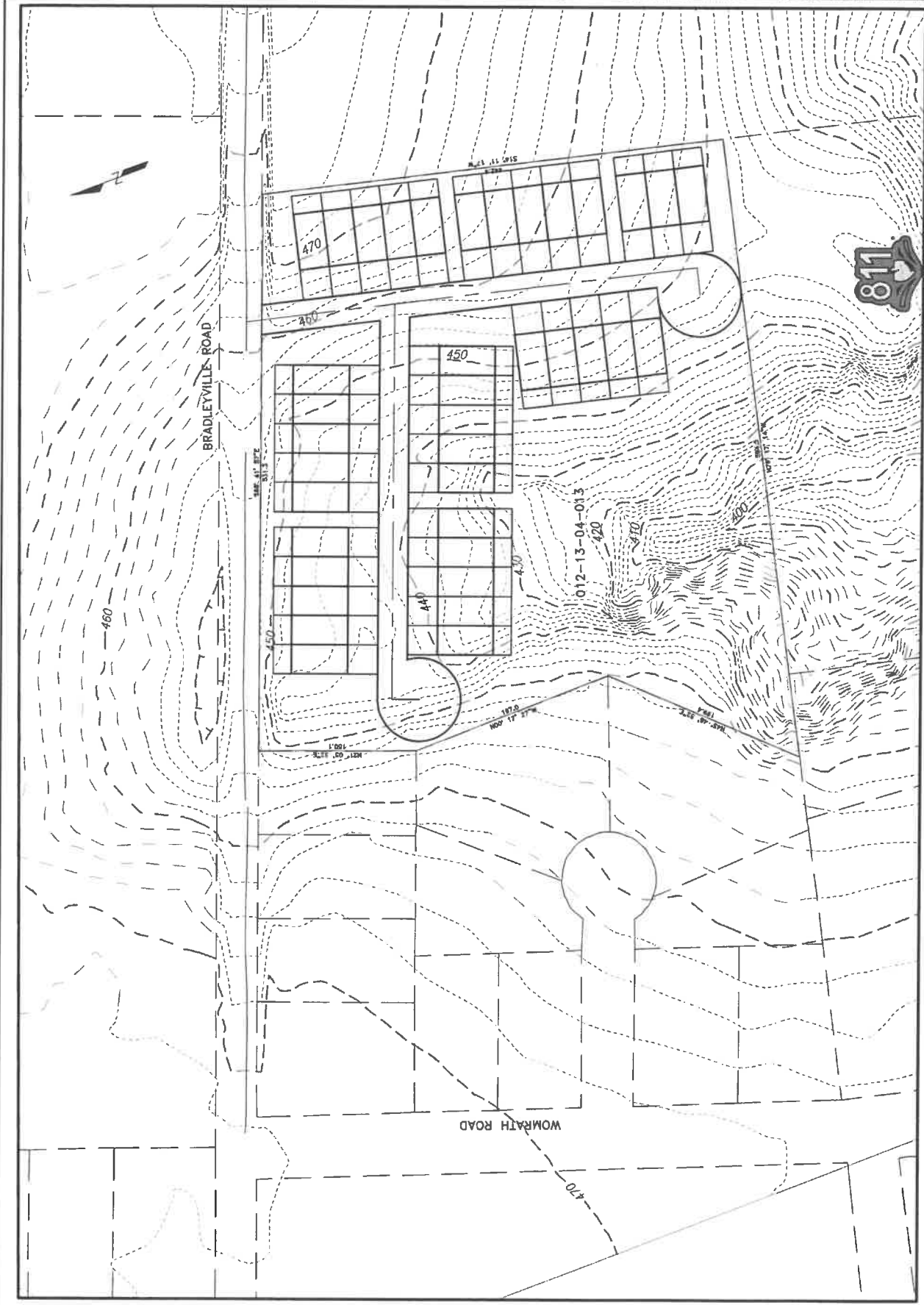
2020-006
Floor Plan
Entered into record
9/10/2020

SOUTHERN PARTNERS ENGINEERING, INC.
 1000 W. BRADLEYVILLE RD., SUITE 100
 BRADLEYVILLE, MO 64017
 (417) 881-1111

BRADLEYVILLE TOWNHOMES APPEALS EXHIBIT
 PROJECT LOCATED WITHIN CITY OF BRADLEYVILLE, MOORE COUNTY, MISSOURI

APPROVALS:
 CITY OF BRADLEYVILLE
 MISSOURI DEPARTMENT OF REVENUE

PROJECT DATA:
 SHEET NO. 1
 TOTAL SHEETS 1
 SHEET TITLE: APPEALS EXHIBIT



Know what's below
 Call before you dig

811

1" = 40'

0 10 20 30 40 50 60 70 80 90 100

DATE: 9/10/20
 DRAWN BY: [Name]
 CHECKED BY: [Name]

2V20-006 Site Plan
 Entered into record
 9/10/20

Hodges, Libby

From: Jeffrey Keefner <[REDACTED]>
Sent: Thursday, September 10, 2020 11:05 AM
To: Hodges, Libby
Subject: 9-10-20 BZA Comments

Dear Sirs,

We live at [REDACTED] and this proposed change to TPN 012-13-04-013 might adversely affect our home and property values. We prefer the zoning to remain single family homes, please, and not townhomes.

Plus it might disturb the peace and quiet of the green space thst is now there.

Please do not allow this change to go through.

Best Regards,

Jeff and Sharon Keefner

Hodges, Libby

From: Matthew Stoltzfus <[REDACTED]>
Sent: Thursday, September 10, 2020 11:27 AM
To: Hodges, Libby
Subject: Comments Regarding Zone of Appeals Meeting 9-10-2020

Dear members of the board,

My wife Shelby and I (Matthew), live at [REDACTED] and we are writing you concerning the proposed plan request ZV20-006 for re-zoning on Bradleyville rd (TPN 012-13-04-013).

This land and the surrounding woods provide shelter and resources for a great number and diversity of flora and fauna and building here would destroy that.

Have there even been any environmental studies of what the detrimental impact of building here would cause?

This Building project here also disrupts the image that has been cultivated with the rest of this area which has historically been Single family homes. Aside from the Bradleyville apartments every other housing structure in the area is houses.

Your board denied plans to build townhomes for the plot of land that my house and my neighbor live on now [REDACTED].

Why would you change course now and not deny this building plan of townhomes for the same reasons?

We ask that you please reconsider this building plan, deny the building project and the disruption and damage it will cause to the environment, the wildlife, and the people that already call this area home.

Thank you for your time,
Matthew and Shelby Stoltzfus