

# Board of Zoning Appeals



## Minutes of the Thursday, December 10, 2020 Regular Meeting

### *Members of the Board of Zoning Appeals*

Wesley Summers

*Chairman*

Jim Newman

Kathie Stallworth

Kevin Scaggs

Lynn Stembridge

1. **Call to Order** – The regular meeting of December 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 was Libby Hodges, Director, Department of Planning & Development and James O’Neal.
3. **Approval of Minutes** – The minutes of the Regular Meeting of October 8, 2020 and the Special Called meeting on November 5, 2020 were approved as written. Mrs. Stallworth moved that the minutes be approved. Mr. Newman seconded the motion and the motion was approved unanimously.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **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 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 Mrs. Hodges if she had any information she would like to share. Mrs. Hodges stated she wanted to address a few items prior to the BZA review of the request saying this is a quasi-judicial hearing which means that hearsay may be taken into consideration, but will not substitute for expert testimony. She said the Board may request expert testimony at any time if they feel it is needed to aid their decision.

Mrs. Hodges stated that there have been two text amendments recently that do affect the property, but these Text Amendments are available for any similar conditioned use across the City and there has been no special consideration for this property in particular although they are partially spurred by this project. The first was ORD2019-20 that allows Bed and Breakfasts as a special exception, issued by the Board of Zoning Appeals, in all residential districts subject to certain additional conditions. The second was ORD2020-30 that allows the Board of Zoning Appeals to hear Special Exceptions in a Neighborhood Preservation Overlay District. Mrs. Hodges said these were subject to the normal proceedings of a Text Amendment and were adopted by City Council. She explained this request is only to allow the use, it is not a rezoning, the property will be subject to a site plan review and held to any conditions placed on the property, additional Variances or Waivers may be required at that time depending on what is submitted by the applicant. Mrs. Hodges stated the applicant has provided a preliminary plan for review. She said the streets surrounding the property are owned and maintained by SCDOT and any changes to the road or driveway cuts will have to be approved by SCDOT.

Chairman Summers asked Mrs. Hodges if she had received any public comments. Mrs. Hodges acknowledged that several comments had been received regarding the case, nine were generally against the project and ten were generally supportive. She read comments from supportive and opposing sides. Full comments will be attached to the minutes.

Mrs. Hodges stated a request was made for a copy of the BZA decision to be sent via certified mail. She explained that this will need to be done by submittal of a Freedom of Information Act (FOIA) request which will need to be submitted to the City Clerk.

Chairman Summers asked the Board if there were any questions for Mrs. Hodges and there were none.

Chairman Summers asked if the applicant had any comments.

The applicant, Mr. James O'Neal, was sworn in by Chairman Summers. Mr. O'Neal stated he has nothing but respect for the neighbors and the surrounding community. He said they have gone through a lot of research and a lot of time trying to replicate the building techniques that have been discovered as repairs are being done. Mr. O'Neal explained that the tent area is not for a

tent to be left there but an area that is actually a green space that has been set aside, outside the parking, which was shown to be put on the property. He said the property can safely accommodate 65 cars and he was not thinking he would need this type of capacity but he would love for people to be able to have a wedding on the property. Mr. O'Neal stated he wants develop in a way that honors the house and the Hammond family. He said he does not own the cemetery, which he believes is owned by the City and the Hammond family, nor have they done anything to disrespect the Hammond family members that are resting there. Mr. O'Neal said this property has a story he wishes to share and he feels it will be a benefit to the City of North Augusta.

Chairman Summers asked the Board if they had any questions for the applicant.

Mrs. Stallworth questioned if concerts were part of the vision for the property. Mr. O'Neal replied no.

Chairman Summers asked Mr. O'Neal if he owned the lot next to him in front of the cemetery. Mr. O'Neal replied no stating he owns the lot to the right adjacent to the cemetery.

Mr. Scaggs referred to Table 4-2 Bed and Breakfast Related Activities and the accessory uses listed in the staff report and questioned if any of these activities would be on the property. Mr. O'Neal replied no. Mr. Scaggs questioned if there would be any other use that has not been mentioned. Mr. O'Neal explained that an organization would have the ability to schedule meetings, or specialty events at the house.

Mr. Scaggs asked Mrs. Hodges what the standard is for the noise that is not detrimental to the neighborhood. Mrs. Hodges explained that some jurisdictions have decibel levels that cannot be exceeded. She said the City's noise restrictions are within the Municipal Code and is not directly in the Development Code. Mrs. Hodges stated the City does have time limits and after 10 PM the noise is to cease and Public Safety does enforce that.

Mrs. Stallworth questioned how much noise would be generated from the barn that would affect the neighbors in Chanticleer. Mr. O'Neal replied he was considering insulating the barn walls as well as establishing some shrubbery to lessen the noise.

Chairman Summers questioned the type of outdoor lighting that would be installed. Mr. O'Neal answered lighting would be that which is appropriate for a house. He said there would be a couple of spot lights for people's safety.

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

Chairman Summers closed the public hearing at 8:13 p.m.

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

After 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 ZE20-001 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 be approved with the following agreements, conditions, or directives:

1. All site plans must meet the requirements of the North Augusta Development Code as outlined in the Staff Report published December 3, 2020.
2. The following conditional uses are allowed on the site as submitted in the sketch for approval by the Board of Zoning Appeals:
  - a. A tent may be erected temporarily at the indicated location with proper permitting by the Building Standards Department and Fire Official.
  - b. Any outdoor arbor and patio may be used for outdoor entertainment but may not violate the requirements of noise, light, traffic, or other conditions detrimental to neighboring residents.
  - c. A dance floor may be used for outdoor entertainment or an area of the outdoor arbor/patio or tent may be used but may not violate the requirements of noise, light, traffic, or other conditions detrimental to neighboring residents.
3. Paved parking shall be provided as required by Article 12 of the Development Code. Per Table 12-1, Use 2.1, this would be a minimum of 0.5 spaces per guest room + 1 for the owner and a maximum of 1 per guest room and 2 per owner. Alternative paving surfaces may be allowed per NADC 12.3.5 for overflow and intermittent parking that generates an average parking turnover rate of not more than 2 vehicles per day per space and an average daily usage rate of 50% or less (NADC 12.3.5.2). Unimproved grass paving may be allowed if the grass is maintained to survive periodic parking. Stabilized turf sod and pervious pavements are preferred. If, at any time, overflow or intermittent parking areas are not maintained as described above, the Director of Planning and Development or Engineering may require paving or structural treatment of the surface with approval of an appropriate site plan.
4. No asphalt or concrete paving shall be allowed except required in the main parking area.

5. Sound reduction measures shall be implemented as approved by the Planning Director. (This refers to the outdoor dance floor area.)
  6. Screening will be as shown on the preliminary plans except on the South side as desired by the adjacent property owner. This buffer may be planted at a later date.
  7. Events will be limited to 200 people.
  8. Timing for events will comply with the North Augusta City Municipal Ordinance or 10 p.m.
- Mr. Jim Newman offered a second and the motion passed unanimously.

**6. Election of Officers for 2021**

Mrs. Stallworth nominated Mr. Wes Summers to serve as Chairman in 2021. Mr. Scaggs seconded the nomination. The Board unanimously elected Mr. Wesley Summers to serve as BZA Chairman in 2021.

Chairman Summers nominated Ms. Kathie Stallworth to serve as Vice-Chairman in 2021. Mr. Newman seconded the nomination. The Board unanimously elected Mrs. Kathie Stallworth as Vice-Chairman in 2021.

**7. Adoption of the 2021 Meeting Schedule**

Chairman Summers reviewed the proposed 2021 meeting schedule and asked for a motion from the Board.

Mr. Newman made a motion to approve the 2021 Meeting Schedule with the Board of Zoning Appeals to meet on the first Thursday of the month at 7:00 p.m. in the City Council Chambers. Mrs. Stallworth seconded the motion. The motion was passed unanimously

**8. Adjourn**

With no objections, Chairman Summers adjourned the meeting at 9:25 p.m.

Respectfully Submitted,



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

*Attached Public Comments as noted*

**Public Hearing Comments for  
ZE20-001 Charles Hammond House**

**December 9, 2020 at 2:11 p.m.**

Phone Call Received From:

Ms. Delia Newton  
[REDACTED]  
[REDACTED]

“This house is pretty much in my backyard; she is the first house on the right as you enter Chanticleer and I am very happy that Mr. O’Neal is restoring the house and wish to share my feelings with Mrs. Hodges and the Planning Commission. I have had a hard time being on the computer due to frequent interruptions and wanted to express my feelings about the project. Mr. O’Neal is a very knowledgeable man and I am very appreciative of him. Doesn’t feel traffic is a problem and the events won’t be any kind of issue and will be a good thing for North Augusta. Great for kids to come see and visit. We already have a 10pm noise limit and she will enjoy sitting out on the patio and folks having a good time.”

**December 3, 2020 at 11 a.m.**

Phone Call Received From:

Mrs. Shirley Lankford  
[REDACTED]  
[REDACTED]

Very opposed to B&B use for Hammond House.  
It will depreciate surrounding property values due to the noise, lights, and overflow parking.  
Home should have been restored for a different use.

**August 31, 2020**

Phone Call Received From:

Mrs. Shirley Lankford  
[REDACTED]  
[REDACTED]

Mrs. Lankford stated she is strongly opposed to having the proposed location turned into a bed and breakfast. She said she has put up with the dust and dirt long enough, along with the workers yelling at one another during construction.

She said she is in favor of historic restoration preservation and if it were turned into a museum with a gift shop that would be fine.

Mrs. Lankford states she feels this development will ruin the beautiful scenery with the development of a parking lot for the bed and breakfast and will distract from the neighborhood, make additional traffic issues for that area, and bring her property value down.

Her contact phone number is [REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, December 09, 2020 2:37 PM

This comment is written in response to the additional documents recently submitted by the applicant regarding ZE20-001 and the Project Staff Report (PSR) and posted online 12/3/20. Naeem and Kurt Holmes, residing at [REDACTED], Chanticleer subdivision, North Augusta hereby submit opposition to the application and the additional documents recently posted.

We had submitted comments on 9/9/20, but have incorporated and updated them into this document. So as not to waste time at this hearing, we request that the current comments replace our 9/9/20 letter, and that this letter be read into the record INSTEAD of the 9/9/20 letter.

To reiterate, this application ZE20-001 refers to the property located at 908 West Martintown Road, which is an R-10 Medium Lot, single-family residential lot in the NP, Neighborhood Preservation Overlay District. This property abuts the quiet residential Chanticleer subdivision, containing more than 50 homes, which are also part of the Neighborhood Preservation Overlay District (sometimes referred to as the Neighborhood Preservation Corridor Overlay District).

Summary: It appears that in January 2020, Ordinance 2019-2020 granted only to this particular applicant a special dispensation to apply for a permit seeking a special exception for a B&B and related activities, which privilege is not available to any other person in the Neighborhood Preservation Overlay District. At that time, the applicant had made public representations to the community via the media, articles, posts etc., that this would be a restoration of a historical home to be used as a B&B with related activities of a cultural and historical nature. Now the applicant is seeking a permit for significant construction for an array of large outdoor events including, but not limited to, event rentals, wedding parties and other activities. Based on the site map that he has provided, the scale of the construction on the property is much bigger than would be congruent with a small quiet neighborhood. This is a classic "Bait and Switch." Had the community been aware from the start that this would be a huge event rental with large outdoor activities, it would not have been well-received or accepted by the community at large nor by Chanticleer subdivision residents. In addition, granting him the privilege to apply for a special exception does not give him carte blanche to achieve all his grand commercial dreams and cause his neighbors a traffic, parking and noise nightmare. Nor does it absolve him from complying with other requirements based on other sections of the North Augusta Development Code (NADC). We believe that under the guise of a historical renovation, the applicant has tried to sneak in large-scale commercial activities that do not fit into a quiet residential

neighborhood. Moreover, we believe that the application should be denied at this time since it is incomplete.

On page 6, the PSR cites NADC Section 18.4.5.4.3 stating that “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.” The staff analysis also notes, twice, on page 6 and page 7, that “the applicant is also required to meet or exceed the development standards of the NADC, including the Neighborhood Preservation Overlay District. Additional standards and all other site plan requirements will have to be met prior to site plan approval.” As regards health, safety and general welfare, let us begin by considering the issues of traffic hazards, congestion, parking problems and public nuisance. In their report, the PSR’s additional scrutiny and heightened development standards consists of merely accepting a self-serving and conclusory statement by the applicant that the activities on site will not create any traffic hazards, congestion or parking problems. There is no documentation to prove this, no limits on the type or size of the “related activities,” no independent Traffic Impact Analysis, no documentation of the number of guests or patrons the applicant expects for his related activities, nor exactly how many parking spots he plans to have. Rather than heightened scrutiny, this is, quite LITERALLY, THE VERY LEAST SCRUTINY that could possibly be applied. This failure to ensure due diligence in the scrutiny of the application, and to pass this off as heightened scrutiny, is a disservice to the public, whose welfare is at stake.

This is particularly disturbing in light of the uses that are contemplated, as listed on the PSR page 8, which includes:

A “temporary” tent: According to the site map plan submitted by the applicant, this tent area will cover roughly 4,000 square feet. We are aware, and as the BZA must be also, these “temporary” tents are never taken down and have been known to stand continuously for more than 10 years. Nobody is fooled by the euphemism “temporary.”

An outdoor arbor and patio: According to the applicant’s site map plan, this will cover approximately 2,000 sq ft. There is also an existing additional 2,000 sq ft barn, which will be accessible from the patio.

A dance floor for outdoor entertainment, which can be located on the patio or in the tent area. The size and location are not limited.

By conservative calculation, this makes up about 8,000 sq ft of covered space, in addition to the main House.

At this point, the PSR plays “kick the can down the road” between the BZA and the Fire Department. According to the calculations based on the ICC International Fire Code of 2018 (ICC IFC-2018) which the North Augusta Fire Department follows, the applicant can easily accommodate seating for potentially over 200 wedding guests. Also, it is possible that an outdoor rock concert with a potential for over 400 screaming, stomping fans could converge on



the premises. Even more people could be potentially accommodated, depending on the placement of Rent-a-Chairs. While some may think this is an exaggeration, there is nothing in the applicant's request that would limit such activities. The PSR has not even asked about how many patrons the applicant expects to host under 8,000 sq ft of covered space, what additional traffic this will generate, where these people will park, and what has been done to mitigate the noise, the twinkling fairy wedding lights or the strobe lights of the outdoor Rock Band. As for the dance floor, the size is not limited, and it could be placed abutting Chanticleer residents' backyards. We believe that the PSR and the BZA should demand a more detailed site plan map, with the exact number of on-site parking spots marked, and occupancy should be reviewed in advance by City agencies including the Fire Department.

NADC Section 3.8.6.1 states that the "Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses AT AN APPROPRIATE SCALE (emphasis added)....." The applicant has not stated the maximum number of people he expects at his outdoor events, while simply stating it will not be a problem. When he says he has about 1.5 acres of land, he is disingenuously implying that all of it is available for parking. Based on his site plan map, most of the acreage is taken up by the main house, a smaller shed, a cemetery, a 2,000 sq ft barn, a 2,000 sq ft patio, a 4,000 sq ft tent area, and various plants and hedges. Which leaves only about 5,000 sq ft for driveways and parking spots. At the very least, the BZA must limit the number of his patrons for any activities, to be commensurate with the actual demonstrable number of parking spots available on the applicant's property, as determined by an independent traffic impact analysis and a professional site plan. This must be done prior to granting an exception for "related activities."

Without addressing any of the above issues, in the last paragraph of page 8, the PSR lays out the parking requirements for ONLY a Bed and Breakfast under Article 12 of the NADC. According to this section, and Section 4.7 of the NADC, parking designations are listed for the guest rooms of the B&B and the owner only, a maximum of 8 parking spots. This does not address the parking for the "related activities" that are at the heart of the applicant's intended use of the property, with potentially hundreds of patrons. So, the overflow parking will end up in the Chanticleer subdivision next door. This will interfere with the ONLY ingress and egress available for residents of the 50-plus homes in Chanticleer. There is no evidence to the contrary presented by the applicant in his site plans, other than alleged conclusory statements echoed by the PSR saying, in effect, 'don't worry about it.' Again, there is no evidence presented to the BZA of adequate on-site parking for all the commercial activities requested in the application. If the applicant is to be believed, and that none of his Rock Band fans will park in Chanticleer, he should have no objection to the BZA demanding that signs indicating "NO EVENT PARKING, violators will be towed at vehicle owner's expense" should be placed on the streets of Chanticleer subdivision at the applicant's expense. Or alternatively, a gate should be put up at the Chanticleer entrance with permit entry for Chanticleer residents only, with all installation and operating costs paid by the applicant.

It is also worth noting that Martintown Road is a main thoroughfare containing 4 lanes, 2 in each direction. There are no traffic lights to slow down the traffic coming off of I-20 onto Martintown Road at 70 mph. There is no traffic light at the intersection of the entrance to Chanticleer subdivision with Martintown Rd, and Curtis, the road directly across from Southwood, the Chanticleer entrance. The impact of this traffic from the applicant's "related activities" will exacerbate an already difficult situation for residents of Chanticleer, who find it difficult to make a left turn out of the subdivision without risking their lives right now. The conclusory statements made by the applicant that the activities on site will not create traffic hazards or congestion is not supported by any evidence or a Traffic Impact Analysis (TIA). The PSR statement that "Any adverse effects will be monitored by Code Enforcement and Public Safety" is toothless. Prevention is better than cure. Also, this does not rectify the need for the applicant to have a TIA report as part of his application, BEFORE the BZA renders a decision on his application. If this is done, we believe it will show a need for a traffic light on Martintown Road at the Chanticleer entrance.

Moreover, the BZA should deny this application at this time because it is incomplete. There is no Traffic Impact Analysis (TIA) submitted by the applicant, as noted above. This is required to be provided to the BZA by Sections 14.5.1.1 and 8.7.1.2 (b) of the NADC which state, in pertinent part, that a TIA is required as part of an application for approval of a site plan where "the applicant is requesting or is required to provide more than one access point or curb cut." Here, the site plan requests two access points, and two curb cuts which are both not allowed in a Neighborhood Preservation Corridor Overlay District. Section 3.8.6.5.1 specifically states that no more than one (1) access to the street shall be provided. So the two access points and curb cuts should be denied in the first place. The BZA should demand a revised site plan that aligns with their own Code. It appears that now, after playing "kick the can down the road" with the Fire Department, the PSR is now playing "kick the can down the road" with the Department of Transportation (DOT). It is the responsibility of the BZA to ensure the "health, safety and general welfare of the community..." This TIA should be submitted to the BZA PRIOR to consideration of the application. The applicant must satisfy this condition first, and apply later to the DOT for the additional curb cuts, if allowable.

Another point that is worth noting is that the applicant has marked a new driveway area for the 2<sup>nd</sup> curb cut, for traffic exiting from his property, approximately 50 feet from the Chanticleer entrance, the only ingress and egress for more than 50 households in the Chanticleer subdivision. There will be congestion when Chanticleer residents try to access Martintown road and have to compete with potentially hundreds of the applicant's champagne-soaked wedding guests or Rock Band fans exiting the large events. A cavalier 'don't worry about it' attitude is downright dangerous to the safety of the community, the Chanticleer residents, as well as the applicant's wedding party and other patrons. At the very least, there must be a traffic light on Martintown Road at the Chanticleer entrance. Failure to do so will leave the City of North Augusta open to potential lawsuits for traffic accidents that occur at this intersection.

In its final paragraph on page 9, the PSR seeks to reassure us that even after granting the application, the BZA can decide to revoke it if there are a certain number of complaints and violations, to be determined by them. In simple language this says that when enough of us have died or been injured due to traffic hazards, or been harassed sufficiently by other violations such as noise, lights and parking, then they may consider re-visiting this issue. This paragraph is more frightening than reassuring. The BZA should require no more than 3 incidents/violations on the record before a review is triggered, rather than leave this open-ended.

It is clear that the PSR has not presented a complete application. This is the second time this matter has come up for consideration by the BZA. The first time, 9/10/20, there was even less information submitted by the applicant and Project Staff, or provided for review and comments by the public. Even now, the application is incomplete, and as such, it must be denied at this time.

Because Chanticleer subdivision, as well as the subject property are in Neighborhood Preservation Corridor Overlay District, the BZA should consider limiting the special exception to only a Bed and Breakfast with no other “related activities” requested by applicant. It is clear from the site map that the applicant is using the B&B as a hook, to have outdoor activities that are mostly “UNrelated” to the B&B. The tent area, patio, dance floor, and set up for outdoor entertainment are for large outdoor events, with loud music and dancing. It is mainly the “related activities” that will create noise, traffic congestion, and overflow parking problems in Chanticleer subdivision and on Martintown Road. They are also primarily designed to maximize his personal profits from event patrons and commercial activities, and not for the edification of the handful of patrons of his B&B or the benefit of history, or the neighborhood. Section 3.8.6.1 of Article 3 is written to preserve and protect residential neighborhoods, while allowing some transitional commercial uses at AN APPROPRIATE SCALE in locations zoned for such uses. The property is zoned for residential, not commercial uses. The scale of the activities and structures in the application are more in line with commercial property, and, moreover, not connected with a historical home. For example, the 400 Rock Band fans would probably only use the Hammond House for its bathroom facilities. That would be a great shame for the long history of the House.

In conclusion, in light of the heightened scrutiny of this application required by statute, we ask that you follow the law and deny the application at this time. As the PSR says, “Additional standards and all other site plan requirements will have to be met prior to site plan approval.” The NADC was designed to protect residential neighborhoods such as Chanticleer. Allowing these large commercial activities will destroy the character of our neighborhoods. At this time, the BZA is our only line of defense against such irreversible commercialization. We pray you will do the right thing by the citizens of Chanticleer.

If this incomplete application is not dismissed, then at the very least, mitigation is required in light of the increased traffic, parking and noise. We are suggesting the following for the BZA to consider:

Grant a permit for the B&B ONLY, with no other related activities, at this time

Have a traffic light put in at the entrance to Chanticleer, at the intersection of Curtis, Southwood and Martintown Roads. The applicant can be asked to pay these costs

Have signs in Chanticleer saying “No Event Parking. Violators will be towed at vehicle owner’s expense.” The applicant can be asked to pay these costs.

Have a gated entrance to Chanticleer subdivision, with the costs for installation and maintenance to be paid by the applicant.

Limit the patio area to 500 sq ft, the tent area to 1,000 sq ft and the dance floor to 250 sq ft

Limit the number of patrons to be commensurate with demonstrated available on-site parking spots, excluding parking spots for B&B residents and service vehicles. But in no case should any event be held for more than 50 people.

Limit the outdoor events to the hours of 9 am – 9 pm on weekdays, and 12 noon – 9 pm on weekends, because neighbors are home on the weekends and should not be disturbed.

Limit the type of events to those that are small, and historically and culturally significant.

We believe the suggestions are not only reasonable, but essential to the preservation of the quiet small neighborhood atmosphere, protected by the Neighborhood Preservation Corridor Overlay District. Many of us in Chanticleer relied on this when we invested our life savings into our homes.

We request a copy of the BZA decision to be sent to us by certified mail. Our address is : [REDACTED]  
[REDACTED]

We thank you for your patience and your kind attention to this matter.

From: Rhonda Hipp [REDACTED]

Date: December 9, 2020 at 12:59 PM

I am writing to express some concerns I have about the rezoning of the property that is requesting the zoning changes. Living in [REDACTED] in Chanticleer Subdivision, I have a full view of the side of the Hammond House. Our initial feelings were that the Bed & Breakfast that

was proposed was actually a blessing because it has improved the appearance of the property drastically. However, it has been brought to our attention that a Bed & Breakfast and small event venue is not all being proposed. I had a feeling the barn would be used as an event venue and wondered why I haven't seen any work being done on the barn. (Doesn't mean that there hasn't been any, I just haven't seen it.) However, the concerns my husband and I have are about the outside entertainment and outdoor dance floor. Living this close to the property the music and noise would definitely be a problem. We were told that a patio is being planned next to the barn. This would place the patio almost in the backyard of our neighbor and across the street from us. Likewise the proposed tent area. I was concerned about the parking before but now that they are discussing that the events could hold 200+ people where in the world would they park. There is a small cemetery on the other side of the house that I would find highly objectionable to moving. The owner knew that cemetery was there when he purchased the property. It is not hidden. Which brings about our greatest concern. Traffic! The Bed & Breakfast wasn't a problem with maybe 10-15 cars guests & employees. A large event is a different story. Chanticleer already has a terrible traffic problem with the high traffic of Martintown, the people coming off Curtis not recognizing the traffic on Southwood as having legal right-of-ways, and no center (suicide) lane for traffic turning left. True North dismissal traffic makes getting out of Chanticleer next to impossible safely. Traffic trying to turn left into Hammond House from Martintown would be blocking the passing lane on Martintown because they would be trying to turn at the beginning of the left turn lane into Curtis. Again there is no center lane (suicide) here to accommodate this traffic. Is the owner willing to purchase and have installed a traffic light? Not even sure if that would be beneficial to his property, just Chanticleer. I hope this email will have brought to light a few of the problems that are associated with this rezoning proposal.

**From:** Tonya Hay [REDACTED]

**Date:** December 4, 2020 at 2:02:23 PM EST

Good afternoon,

I am a homeowner in the Chanticleer neighborhood and I have read some information that the people that purchased Hammond House is wanting to turn it into a bed and breakfast and an events location.

The problem with this is that the house is sitting on only an acre of land which gives no land for a parking lot. This means that numerous people could potentially be parking through our neighborhood. Now normally, I wouldn't have an issue with this but to get out of the Chanticleer neighborhood is dangerous as there is a bend in the road before the neighborhood and trees obscuring parts of the road as well so getting out with no traffic light there is tricky and dangerous. To add parked cars lined up down the **only** entrance and exit to our neighborhood as well just sounds like an obstacle course and a dangerous one at that.

I appreciate that there is someone in the community wanting to bring more business into North Augusta but in order to do that, the consideration of all surrounding the home needs to be taken into account.

Thank you for your time.

Tonya Hay  
[REDACTED]

**From:** Judy Berry [REDACTED]  
**Sent:** Tuesday, December 08, 2020 1:36 PM

Sirs/Ma'ams:

The residents of the Chanticleer Subdivision are very concerned about the proposed changes to the zoning requests for the Hammond House at our entrance.

When Martintown Road was widened our subdivision was not given a turning (suicide) lane that we could use to blend into traffic. There are dozens of houses in this neighborhood, considering 2 or more drivers in each house means we have a very hard time entering the highway safely. Looking to the left is over a hill & cars obviously have not seen the 40 mph sign & come over going much faster. I have had several close calls, even trying to turn right. The Leyland Subdivision has significantly less homes & less traffic but they were accorded a turn lane.

Considering the difficulty getting in & out of our subdivision residents are distressed to learn that now the new owner of Hammond House wants to not only have a bed & breakfast but a complete entertainment center. The barn (2,000 sq feet) will be attached to a 8,000 sq. foot of covered space which could accommodate 200 people. The plan includes event rentals, outdoor entertainment & an outdoor dance floor. The noise & confusion is not suitable for a long established residential neighborhood.

The lot will be filled with these additional structures leaving very little space for parking. The public will be using our neighborhood for overflow parking & we are ill equipped to handle this intrusion. Getting in and out of the neighborhood will be more dangerous than it is already.

Do not allow any of these additional structures being built as it is zoned residential & the zoning should not be changed for one resident when all of the other residents are affected negatively. The highway situation is tenuous at best & this change will be dangerous.

Sincerely,

Judieth A. Berry  
[REDACTED]

[REDACTED]

**From:** Jim Ditty [REDACTED]

**Sent:** Tuesday, December 08, 2020 7:35 PM

If the renovation of this property is to be used as a outside venue of party's and loud music, as a resident of Chanticleer I am against it. This is a residential area with limited parking on a main road., Using Chanticleer as a parking lot is out of the question, far to dangerous and how is the police department going to handle the noise complaints, which is a certainty, I thought North Augusta prided itself as a residential city.

**From:** Beth Francis [REDACTED]

**Sent:** Tuesday, December 08, 2020 8:06 PM

Ms. Hodges,

I am writing in support of the Charles Hammond House which is located on Martintown Road. The first occupants of that house were my fifth great grandparents so I have followed the restoration project with much interest. I am also a life long resident of North Augusta.

I have gotten to know the current owner, James O'Neal, and have been very impressed with his passion and determination to preserve the history of the house while greatly enhancing the property from the condition in which it was purchased. Even though the restoration is continuing, it is very obvious the positive impact the house has on those coming into our city on Martintown Road. The value of the preservation of the history this eighteenth century house represents is immeasurable.

I have also served with James O'Neal as a member of the North Augusta Arts & Heritage Board of Directors and have witnessed first hand his interest in the community and his desire to be a part of its ongoing development. He is a successful businessman who has a kind and caring spirit and participates in outreach programs to better the lives of others. Those who know James O'Neal as I do would unanimously say that he would never allow any use of the property that would encroach on the rights of those in the area, that would not adhere to the city's regulations or that would adversely impact the historic house he has so tirelessly and lovingly restored.

I respectfully request that my letter be presented at the Planning and Development meeting Thursday, December 10 when issues concerning the Charles Hammond House are addressed.

Sincerely,  
Beth S. Francis

**From:** Mark Newell [REDACTED]

**Sent:** Wednesday, December 09, 2020 10:18 AM

Hi Libby - I hope this finds you well and healthy. Attached is a PDF of a letter I am mailing to you as Director of the Planning & Development Commission concerning local resident objections to the Hammond House project. I doubt that the USPS will deliver this in time for your 12/10 meeting.

It is extremely disappointing to see this behavior on the part of local residents so long after (two years!) the development was announced. I do not believe their objections have any merit at all. I would appreciate it if my letter were to be made part of the City's files on this project.

Regards, Mark

Mark M. Newell Ph.D., RPA.  
[REDACTED]  
[REDACTED]

Archaeonaut Channel at [YouTube.com](https://www.youtube.com)

**From:** Will Wertz [REDACTED]

**Sent:** Wednesday, December 09, 2020 3:31 PM

Good afternoon,

This is William Wertz and I am a resident in the Chanticleer neighborhood at [REDACTED]. I saw that there was a vote regarding the zoning of the big White House that is on the corner by our neighborhood and had some concerns. It seems like this project has grown in size and scope and now seems like they are angling to be an event center as well as a bed and breakfast. I have concerns that it would increase the amount of traffic and noise in our neighborhood. With the events, I'm sure they will be very noisy as I can already hear the band at NAHS play and that is a couple miles away (not that I'm complaining about this, just added for reference). The increase traffic would be another main concern as our neighborhood is almost hidden where it is and I rarely see cars I do not know. I know several people in the neighborhood who don't close their garages ever since we are so secluded. With more people coming back in there I would be concern about more potential theft as well as people who aren't residents using the streets as parking. Please take these concerns into consideration.

Thank you for your time,  
Will Wertz



From: Jan Menger [REDACTED]

Sent: Wednesday, December 09, 2020 3:40 PM

December 9, 2020

Ms. Libby Hodges

Director of Planning and Development

City of North Augusta

100 Georgia Avenue

North Augusta, SC 29841

Dear Ms. Hodges:

This letter is written in support of Mr. James O'Neal and his efforts to renovation and restore the historic Charles Hammond house on Martintown Road in North Augusta, South Carolina. Mr. O'Neal has lovingly and painstakingly undertaken a monumental task in bringing this neglected property back to the classic beauty that it once was.

For years, this property sat vacant and for sale. The house was allowed to deteriorate, and weather took its toll on the structure. Finally, Mr. O'Neal bought the property in 2018 and began the tedious job of restoring the house. Mr. O'Neal has researched the property and seeks to maintain historical accuracy in all aspects of the renovation.

The Charles Hammond house, built sometime around 1770, is the oldest residence in South Carolina and one of the oldest in the region. It is a historical gem in the community, and the residents of North Augusta should be pleased that it is being turned from an eyesore into a magnificent venue that all residents can enjoy. The economic impact of having this house, which is on the National Register of Historic Places, available for visitors to our community cannot be overstated.

I wholeheartedly support Mr. O'Neal and his plans for the Charles Hammond house. Any objections to this project are short-sighted and not in the best interests of this community and its citizens.

Sincerely,

Jan Menger

[REDACTED]

[REDACTED]

[REDACTED]  
From: Eddie Hipp [REDACTED]

Sent: Wednesday, December 09, 2020 5:17 PM

Hello,

I live in Chanticleer Subdivision, [REDACTED]. I can see the Hammond House from my driveway and back yard.

Let me say that I think a bed & breakfast is a great use for the house. I am, however, concerned about the proposed outdoor usage. If the facility becomes an event facility with OUTDOOR music, dancing, & drinking, then that is certainly cause for alarm for the Chanticleer residents. Using the existing barn for only indoor events seems to be appropriate for our neighborhood.

I am definitely opposed to any outdoor activities of this nature. But, if this portion of the facility is approved, then I fully expect the owner to uphold strict noise and appropriate operating hour guidelines out of respect for the residents of Chanticleer.

I would also like to have the assurance that cars will not be coming into Chanticleer to park during any events. Our streets are not designed for mass parking.

I hope you will consider these issues and not allow the outdoor portion of the facility to be developed as planned.

Sincerely,

Eddie Hipp

[REDACTED]

[REDACTED]

From: Yancy Skinner [REDACTED]

Sent: Wednesday, December 09, 2020 11:45 PM

As a resident of North Augusta who lives within a couple of blocks of the Charles Hammond House, I am writing in support of a change in zoning to allow for the Hammond House to be used as a Bed & Breakfast. However, I understand that the property will be used primarily as an event venue.

I have watched with great interest as the property has been renovated as close to its original structure as possible, and I would think that most residents of our community have as well. A number of people have mentioned to me and my wife their interest in the renovation and that they look forward to attending events at the Charles Hammond House. Holding weddings,

receptions, and other events there will be an excellent way for many to see this historic North Augusta home.

As Martintown Road is a major gateway into our city, this property when finished will be a welcome and impressive addition to visitors and folks thinking about moving to our city. This property that has been in need of renovation for many years is finally getting what it needs. Renovation has been started on it in the past, but now it is being completed. The work is being done very professionally and with great attention to detail. Thanks to Mr. James O'Neal for his dedication to the project.

My wife and I fully support the requested change in zoning. We look forward to attending many events in the Charles Hammond House.

Sincerely

Yancy Skinner

[REDACTED]

[REDACTED]

**From:** Vince [REDACTED]

**Sent:** Wednesday, December 09, 2020 8:15 PM

**Subject:** Revised **Comments on ZE20-001**

Reference: ZE20-001

We own property in Chanticleer. We recently learned that the BZA is reviewing a request to allow a special exception to grant a permit to operate a B&B and other commercial activities for the property at 908 W. Martintown Road. We are requesting that the BZA not approve this rezoning application. To allow the commercial use of this property in such close proximity of the established neighborhood of Chanticleer and the resulting additional traffic problems at the intersection of Southwood and W. Martintown Rd, we believe approval of this permit will impact property values and safety for this and surrounding neighborhoods. Furthermore, based on the NADC, Section 3.8.6.2.3, a special exception for these commercial activities is not permitted. Please do not destroy the character of this residential community in North Augusta,

Sincerely,

Vinson and Emily Lamb

[REDACTED]

[REDACTED]

From: Vince Lamb [REDACTED]  
Sent: Thursday, December 10, 2020 8:47 AM

Subject: Additional Comments on ZE20-001  
Reference: ZE20-001

We own property in Chanticleer. We recently learned that the BZA is reviewing a request to allow a special exception to grant a permit to operate a B&B and other commercial activities for the property at 908 W. Martintown Road. After seeing the plot plans for the facility, we have the following additional question. Since the original application was for a B&B, it appears that several other facilities are planned for the site, such as, plans to use the barn, add an additional tent structure and expand the patio to accommodate larger events at the property. Where is the parking area for the cars of people attending these events? It appears there is limited parking on the property and our concern is the business will use the Chanticleer neighborhood for this purpose. The BZA and the applicant are requested to address this question and confirm that the Chanticleer neighborhood will not become a parking lot for this commercial business. As noted in our first comments to the BZA, we are requesting that the BZA not approve this rezoning application. To allow the commercial use of this property in such close proximity of the established neighborhood of Chanticleer, the resulting additional traffic problems at the intersection of Southwood and W. Martintown Road and now potential parking problems, we believe approval of this permit will impact property values and safety for this and surrounding neighborhoods. Furthermore, based on the NADC, Section 3.8.6.2.3, a special exception for these commercial activities is not permitted. Please do not destroy the character of this residential community in North Augusta, Sincerely, Vinson and Emily Lamb Property at [REDACTED]

From: johnneumar [REDACTED]  
Sent: Wednesday, December 09, 2020 8:09 PM

I am writing this letter to let you know I have heard that there is some concerns about noise and traffic. I live at [REDACTED] across from the Hammond House I have lived in the North Augusta area since 1960 and have lived off Martintown Rd 5 different times. I do not believe that there will be a traffic or noise problem. I believe the Hammond House will be an asset to North Augusta. We need to have attractions like the Hammond House to help our city grow. Thank you for your time John Neumar

From: William H. Burkhalter, Jr. [REDACTED]  
Sent: Wednesday, December 09, 2020 8:53 PM

> Dear Wesley and Zoning Board,  
> I heard from Beth Francis that someone has filed a complaint about the request of James O'Neal for event use and B and B occupancy. Bill was contacted by Yancy Skinner who sold the

house to James O'Neal about the situation. Bill will weigh in with a letter to you and the committee.

> I wanted to speak from the perspective of personal knowledge of James who serves on the Arts and Heritage Center Board. He is dedicated to integrity of process and has gone to great lengths to preserve the Hammond House as authentically as possible. You can check out all the steps of restoration on the Facebook site. He has sought input from the community members who value our town's history. We should all be grateful for how the unsightly crumbling overgrown eyesore has been lovingly restored to a place the community can be proud of. He is very respectful of others and will no doubt be a good neighbor for nearby residents. I am hoping the intense effort and investment will not be waylaid by complainers. I hope the Zoning Board decides favorably for The Hammond House.

> Thanks for listening.

> Angela Burkhalter

>

> Sent from my iPhone

**From:** [REDACTED]

**Sent:** Wednesday, September 09, 2020 11:56 AM

Naeem and Kurt Holmes, residing at [REDACTED], Chanticleer subdivision, North Augusta, hereby OPPOSE ZONING APPLICATION ZE20-001 for a special exception allowing a Bed and Breakfast and other related activities at 908 W. Martintown Rd, North Augusta, tax parcel number 006-09-03-002.

SUMMARY:

The application is opposed on two grounds:

(1) It violates Article 3 of the North Augusta Development Code, section 3.8.6.2.3 which states "No use which requires a special exception is permitted" in a Neighborhood Preservation Overlay District. Thus, an application for a special exception in such district should be denied.

(2) It violates Article 4 of the North Augusta Development Code, section 4.7 para. (4) which states "the use shall not create noise, light, traffic or other conditions detrimental to neighboring residents." Permitting a Bed and Breakfast and other related use will, on its face, create all of the above noted conditions as a detriment to neighboring residents. As such, the application should be denied.

DESCRIPTION:

(1) The property at 908 W. Martintown Rd, North Augusta is a R-10 medium lot, single family house located in the Neighborhood Preservation Overlay District. Table 3-2, Article 3, of the North Augusta Development Code specifies that for the above, Zoning District G, a special exception must be obtained in order to be used as a Bed and Breakfast. Section 3.8.6.2.3 states "No use which requires a special exception is permitted" in a Neighborhood Preservation

Overlay District. Because the property is located in the Neighborhood Preservation Overlay District, a special exception for a Bed and Breakfast is not allowed.

(2) North Augusta Development Code Article 4 Section 4.7 para (4) on page 4-9 states "the use shall not create noise, light, traffic or other conditions detrimental to neighboring residents." The applicant desires a special exception for a Bed and Breakfast, and other related activities. Table 4-2 states that other related activities include, but are not limited to, a restaurant, bar, stage entertainment, dance floor, gift shop and other activities not enumerated. On its face, these activities will increase noise, light, traffic and other conditions detrimental to the residents of Chanticleer subdivision.

**TRAFFIC:** The property line for the proposed Bed and Breakfast is located approximately 50 feet from the entrance to the Chanticleer subdivision on Martintown Road. There is already considerable traffic on Martintown Road, which makes ingress and egress difficult for the residents of Chanticleer subdivision. This entrance onto Martintown Road is the only access road for Chanticleer residents. Even now, it is difficult for Chanticleer residents to make a left turn onto Martintown road when leaving Chanticleer, due to the current traffic. There have been accidents at this intersection. Many Chanticleer residents have had close calls making both left and right turns here. In addition to the Bed and Breakfast, it stands to reason that there will be additional traffic from staff and patrons attending gatherings at the location for other "related activities." This will occur right outside the Chanticleer entrance, and will make it more difficult for Chanticleer residents to safely enter and leave their homes. At the very least, there should be an INDEPENDENT TRAFFIC STUDY performed by the applicant or the City of North Augusta before considering this application.

**PARKING:** The property lot is not large enough to accommodate sufficient parking for the staff and patrons of a Bed and Breakfast and other related activities. The property is occupied by a historic cemetery, a large barn, and an additional historic cottage, in addition to the main house. There is no parking on Martintown Road that could accommodate overflow parking from gatherings from the other related activities at the site in question. It stands to reason that the extra cars will be parked within Chanticleer subdivision, thus causing great inconvenience and further bottlenecks at the Chanticleer entrance.

**NOISE :** Chanticleer is a quiet residential community, with several houses directly abutting the applicant's property. The special exception would disturb the peacefulness of this community especially if weddings, other related activities, or any large gatherings are permitted.

**NOTICE:**

Written notice was not mailed to all the residents in the Chanticleer subdivision. Only a handful of homes directly abutting the applicant's property were sent letters. However, everyone in Chanticleer subdivision has a substantial interest in the decision of this application, since all will be affected by the increased traffic, parking, noise and light if this special exception is granted.

We request that ALL RESIDENTS OF CHANTICLEER SUBDIVISION SHOULD BE NOTIFIED IN WRITING BY MAIL OF ANY FUTURE HEARINGS OR DECISIONS REGARDING THIS APPLICATION.

In short, this application is contrary to two discrete sections of the North Augusta Development Code and should be denied. In addition, granting this exception would change the character of Chanticleer as a small residential community. It would also create a traffic hazard at the sole entrance, making this area more dangerous for traffic on Martintown road, Chanticleer residents, as well as the staff and patrons of the proposed Bed and Breakfast and other gatherings and related activities. Accordingly, we request that this application be denied.

From: Owen Lowe [REDACTED]  
Sent: Thursday, September 10, 2020 11:47 AM

Hello, my name is Owen Lowe. I have lived in North Augusta for most of my life. As regards to the interest or the case of 908 W. Martintown Rd., I can fully appreciate the work that has been completed to the residence thus far. I believe it will bring a great resonance to the community and to the appeal of North Augusta. However, I have frequented many Bed and Breakfast homes not only abroad, but in the United States as well. There is nothing like spending your time with people who know the area, the history and the best places to eat, not to mention their neighborhood. I am not apposed to a bed and breakfast across the road from my house on [REDACTED] in which I reside. Furthermore, I don't believe this gentleman is planning to reside at this property. In such case it makes it a business and not a residential property. I believe we should be voting on commercial property, not a residential property with friends in favor or not. I would like to attend this hearing and I expect there will be some correspondence. My phone number is [REDACTED].

From: Jerry Slusher [REDACTED]  
Sent: Sunday, September 13, 2020 8:43 AM

Dear Mr. Hodges:

I received a letter from you, dated August 24, 2020, advising me of a planned public meeting on 9/10/20 at 7PM to discuss the request by The Charles Hammond House, LLC for a Special Exception to allow for a Bed and Breakfast and associated uses. My property is directly behind the Hammond House on Greenwood Dr. The only thing separating the two properties is my wooden privacy fence and I am within 200 feet of the proposed project area

I made an attempt to attend this meeting but found every entry to the Municipal building was locked prior to the beginning of the meeting. Needless to say, I wasn't able to attend this meeting, that is, assuming it was conducted as scheduled.

I am requesting a copy of the minutes of this meeting, especially the portion of the meeting addressing the Bed and Breakfast request by The Charles Hammond House.

Thank You,

Jerry Slusher,





# Department of Planning and Development



## Project Staff Report

ZV20-008 McKie Property Townhomes

Prepared by: Libby Hodges

Meeting Date: January 7, 2020

## SECTION 1: PROJECT SUMMARY

Project Name	McKie Property Townhomes
Applicant	Ivey Development, LLC
Engineer	Civil Design Solutions, LLC
Address/Location	Terminus of Green Forest Drive, Napal Drive, Bobbye Drive, and Dove Avenue
Parcel Numbers	006-10-09-002 and 006-11-03-164
Total Development Size	± 89.64 acres
Existing Zoning	R-7 Small Lot, Single-Family Residential
Overlay	N/A
Variance Requested	Article 3, Zoning Districts; Table 3-3 Dimensional standards for the R-7, Small Lot, Single-Family Residential Zoning District; Item G: Minimum Lot Width (ft)

## SECTION 2: BOARD OF ZONING APPEALS CONSIDERATION

Per NADC § 18.4.5.4.2, the Board of Zoning Appeals shall hear and decide appeals for variances from the requirements of Article 3, Zoning Districts, and Article 13, Signs, when strict application of the regulations would result in unnecessary hardship.

A variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing, all of the following:

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. (Rev. 12-1-08; Ord. 2008-18)
6. (does not apply, Signs)
7. The Board of Zoning Appeals may not grant a variance the effect of which would be:
  - a. To allow the establishment of a use not otherwise permitted in a zoning district.
  - b. To extend physically a nonconforming use of land.
  - c. To change zoning district boundaries shown on the official zoning map.
8. If the unnecessary hardship is self-imposed by the applicant the variance should not be granted.
9. The fact that property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance.
10. 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.

Based on these findings of fact, the Board of Zoning Appeals may approve, approve with conditions, or deny the request.

### SECTION 3: PUBLIC NOTICE

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Per NADC Table 5-1, 6. Variance, the application and description were advertised via a public notice describing the variance request and advertising the scheduled date of the Board of Zoning Appeals hearing in *The Star* and [www.northaugusta.net](http://www.northaugusta.net) on December 23, 2020. 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 December 21, 2020. The property was posted with the required public notice on December 21, 2020.

## SECTION 4: SITE HISTORY

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The subject property is currently vacant. The subject property appears to be a remnant portion of the Knollwood Subdivision, as several streets stub onto the property.

## SECTION 5: EXISTING SITE CONDITIONS

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	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant	Low Density Residential	R-7, Small Lot, Single-Family Residential
North	Single-Family Residential	Low Density Residential	R-7, Small Lot, Single-Family Residential
South	Single-Family Residential	Low Density Residential	R-7, Small Lot, Single-Family Residential
East	Single-Family Residential	Low Density Residential	R-7, Small Lot, Single-Family Residential
West	Greenway/Single-Family Residential	Parks, Recreation, Open Space and Conservation/Low Density Residential	P, Public Use/R-14, Large Lot, Single-Family Residential

**Access** – The site currently has access from road stub-outs at Napal Drive, Green Forest Drive, Bobbye Drive, Dove Avenue, and an unimproved portion of right-of-way along the 2100 Block of Vireo Drive.

**Topography** – The site has higher elevations in the Northeast section with the lowest levels toward the center of the site moving west toward the Greenway. Lower topography levels correspond with wetland areas.

**Utilities** – Water and wastewater lines run through the subject parcels.

**Floodplain** – A portion of the West side of the site near the North Augusta Greenway falls within a Zone AE floodway as indicated on FEMA FIRM panels 45003C0313F and 45003C0314E.

**Drainage Basin** – The subject property is located in the Pretty Run Basin. Pretty Run Basin is a large basin that drains older neighborhoods such as Lynnhurst, the North Augusta Greenway Trail along Bolin Road, the Knollwood subdivision, Marion Avenue and portions of Georgia Avenue at McDonald’s restaurant. Preliminary physical stream assessments at two reaches of

the stream indicate that this stream channel is currently not effective at transporting current loads of stormwater during heavy storm events. Channel erosion is evident, and the banks frequently overtop in some locations during heavy storms. In addition, bank flooding has been reported and observed at the lower and middle reaches of the channel along Bunting Drive and River Bluff Road. High nutrient concentrations indicate that urban runoff is impacting the stream channel. Areas of jurisdictional wetlands have been confirmed on site.

## SECTION 6: STAFF EVALUATION AND ANALYSIS

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The applicant requests the Board to allow a variance for lots widths to be  $\pm 16$  ft. to allow for a townhome design. The minimum lot width required for R-7, Small Lot Single-Family Residential Districts per the North Augusta Development Code Article 3, Table 3-3, Dimensional Standards, is 40 ft. The provided floor plan building widths vary from the requested 16 ft. to approximately 30 ft., depending on the number of bedrooms provided in the unit.

The following sections of the Development Code are provided for reference:

Article 3, Section 3.3, Base Zoning Districts, Purpose Statements, Residential Districts:

3.3.2.2 R-7, Small Lot Single-Family Residential District – The purpose of this district is to provide for a variety of single-family housing types on small lots to meet North Augusta Development Code market demands for smaller lot developments. It is also the intent of this district to balance higher densities with common open space.

Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

A		Land Use Coding				Zoning Districts									
		B	C	D	E	F	G	H	I	J	K	L	M	N	O
Use		LBCS Function	LBCS Structure	NAICS	CR, Critical Areas	R-14, Large Lot, Single-Family Residential	R-10, Medium Lot, Single-Family Residential	R-7, Small Lot, Single-Family Residential	R-5, Mixed Residential	D, Downtown Mixed Use	OC, Office Commercial	NC, Neighborhood Commercial	GC, General Commercial	TC, Thoroughfare Commercial	IND, Industrial
3.11	Townhouse	1100	1140		--	--	--	P	P	P	P	P	P	P	--

Figure 1: Portion of Table 3-3

Per Table 3-3, Use Matrix, Townhomes are an allowed use by right (P) within the R-7, Small Lot, Single Family zoning district.

Section 3.5 provides additional information and standards for zoning districts. Portions of applicable code are included to provide context for the request:

**3.5 DIMENSIONAL STANDARDS IN BASE ZONING DISTRICTS**

**3.5.1 General**

3.5.1.1 This section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to S.C. Code §6-29-720. Developments in the PD and TND districts are governed by their respective sections in this Chapter and are not subject to the dimensional and density regulations of §3.5 or Table 3-3, Dimensional Standards.

**3.5.4 Dimensional Standards for Lots**

No permit for development shall be issued for a lot that does not meet the lot area requirements of Table 3-3, Dimensional Standards, except for Nonconforming Lots of

Record, developments subject to use patterns, or developments subject to maximum density in lieu of minimum lot size requirements (see Table 3-3, Column C).

*The proposed development does not contain PD or TND or any other “Use Pattern,” and is not an existing non-conforming lot. Table 3-3, Column C sets standards for Maximum Lot Density (du/ga), being used in lieu of lot size, which is not the subject of this variance. These standards do not appear to reference lot width or setbacks. The notes to the Table 3-3, Dimensional Standards provides additional context for the consideration of Townhome lots.*

**TABLE 3-3 DIMENSIONAL STANDARDS** (Rev. 12-1-08; Ord. 2008-18)

A		B	C	D	E	F	G	H	I	J	K	L
Zoning District and Use Types		Minimum Lot Size (sq. ft)	Maximum Gross Density (du/ga)	Floor Area Ratio	Impervious Surface Ratio	Minimum Lot Frontage (ft)	Minimum Lot Width (ft)	Maximum Building Height (ft)	Minimum Front Setback (ft)	Maximum Front Setback (ft)	Minimum Side Setback (ft)	Minimum Rear Setback (ft)
4.	R-7, Small Lot, Single-Family Residential	7,000	7.0	—	0.4	15	40	45	5	25	5	15

Notes to Table 3-3: (Rev. 12-1-08; Ord. 2008-18)

Generally the requirements for the parameters set forth in Columns B through L, above, relate to the zoning district specified in the row under Column A. A “—” indicates that the requirement does not apply within the particular zoning district. Fractions shall be rounded up.

**a. Column B: Minimum lot size requirements do not apply to conservation subdivisions or TNDs, or to patio homes, duplexes, rowhouses, townhouses, apartments or any other multifamily dwelling units. The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation for minimum lot area are set forth in §3.5.4.**

b. Column C: The maximum density requirements are expressed in dwelling units per gross acre. Additional rules of interpretation are set forth in §3.5.

c. Columns D and E: The floor area ratio and impervious surface ratio are maximums and are expressed as a ratio (See Appendix A, Definitions).

d. Columns F – K: The dimensions specified in Columns F through K are expressed in feet. Rules of interpretation for setback and height requirements are set forth in §3.5. Where a zero side setback is permitted it is intended for the creation of a

common wall with a structure on the adjacent parcel. If a zero setback is not used the minimum setback shall be five (5) feet.

e. Column L: For the GC and TC districts, the rear setback may be reduced to ten (10) feet if the building has access from an alley or service lane, or if no rear access is required for loading or vehicular access.

*Item a, affirms that there are no restrictions on lot size for Townhomes. It is assumed that, as a square foot measurement, this is the same as lot area, which is confirmed by the definition. This exception does not appear to extend to lot width or frontage, which are shown in different columns (G & F) on Table 3-3, and are defined separately in Appendix A, Definitions. It is assumed the lots will meet the minimum frontage requirement of 15 ft. per the request.*

Definitions for reference, from Appendix A, Definitions:

Dwelling, Attached

A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls.

Dwelling, Townhouse

A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Lot

A designated parcel, tract or area of land established by a plat and to be used, developed or built upon as a unit.

Lot Area

The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, Width

The horizontal distance between side lot lines, measured at the required front setback line.

Following is staff analysis required by NADC §5.1.4.5.b. Applicant responses are bulleted. Staff commentary is in *italics*.

1. An unnecessary hardship exists;

- The Applicant States: Our proposed minimum townhome lot width is 16 feet. 40 ft is extremely wide for a townhome. There have been other townhome developments built in North Augusta under an R-7 zoning with lot widths less than 40 ft. The existing topography and large amount of wetlands on the property severely limit the amount of developable area.

*Staff notes that, while townhomes are an allowed use, the code appears to create a conflict, as the code states townhomes are exempt from lot area requirements, but does not state that a similar exemption applies to lot width or setbacks either in the notes to Table 3-3 or in any other section of the code. Staff is not authorized to waive these requirements without approval from the Board of Zoning Appeals.*

*Staff notes that while there are existing townhouse developments in the City limits on smaller lots, they may not be subject to the same dimensional standards due to development prior to the adoption of this code and the varying requirements by zoning district. The applicant does not provide an example of this situation in the submittal documents, so staff cannot adequately respond. This Board has reviewed similar requests. The Board may request additional studies if desired.*

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

- The applicant states: The property in total is approximately 89.64 acres. Of this total, approximately 28 acres is in wetlands and/or floodplain based on a recent delineation by our wetlands consultant (see attached wetlands map). Also, the steep topography of the site is a challenge. To work with the topography and avoid wetlands impacts, we are clustering the lots in the areas best suited for development.

*Staff provides maps in the attachments for evaluation of the topography and wetlands as stated. The Purpose Statement for the R-7 zoning district states that it is the intent of this district to balance higher densities with common open space. Any development will be expected to conform with Open Space requirements in the Development Code.*



3. The conditions do not generally apply to other property in the vicinity;

- Other projects have been developed in the city since the current development code was established that have townhome lots less than 40 ft wide in an R-7 zoning. Some of these have been on land that was much flatter and without the large impact of wetlands.

*Staff notes that while there are existing townhouse developments in the City limits on smaller lots, they may not be subject to the same dimensional standards due to development prior to the adoption of this code and the varying requirements by zoning district. The applicant does not provide an example of this assertion in the submittal documents, so staff cannot adequately respond through this staff report. Staff notes that this Board has reviewed similar requests and the Board may request additional studies if desired.*

*Previous portions of Knollwood were developed as single-family detached lots prior to the R-7 designation. Initial building permits were found from 2008, indicating the Preliminary Plat would have been reviewed well prior to 2008.*

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

- The 40 ft minimum width for townhomes is generally not compatible in this market. That requirement effectively makes a 40 ft wide single family detached lot and a 40ft wide townhome the same.

*Staff notes the R-7 zoning statement indicates a general support for market flexibility. Staff does not determine the profitability of any development design.*

*Staff notes that a single family residence would be limited to a 30' wide home on a 40' wide lot due to 5' setbacks on each side. Minor overhangs would be allowed as outlined in Article 4.*

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. (Rev. 12-1-08; Ord. 2008-18)

- The applicant states: The property is already zoned R-7 which allows townhomes by right. R-7 also allows a gross density of 7 units per acre, which on this site could be around 600 units. Approximately 1/3rd of the site will be preserved as natural buffer area, and we will be providing parks & meeting all other buffer, landscaping and setback requirements as required by code.

*Staff notes the surrounding properties appear to have approximately 60' lot widths. Lots further from the site are generally residential at varying densities. The property appears to have been originally planned as an extension of the Knollwood subdivision. Generally, single-family residential uses are compatible with single-family residential uses.*

*Staff notes that the applicant will be required to comply with all other requirements of the Development Code, however, plans do not currently provide enough information to verify that all of these requirements will be met. This variance, if approved, will only vary the allowed lot widths. Based on the traffic generation (Art. 14), the applicant will be required to submit a traffic impact analysis and apply best practices for traffic management based on the study results.*

6. (Not Applicable)

7. The Board of Zoning Appeals may not grant a variance the effect of which would be:

- a To allow the establishment of a use not otherwise permitted in a zoning district.  
*Townhomes are permitted in the R-7, Small Lot, Single-Family Residential Zoning District.*
- b To extend physically a nonconforming use of land.  
*The variance does not extend a physically nonconforming use of land, as the land is currently vacant.*
- c To change zoning district boundaries shown on the official zoning map.  
*The application does not propose a change to the zoning district boundaries.*

8. If the unnecessary hardship is self-imposed by the applicant the variance should not be granted.

- The applicant states: The existing zoning requirements on minimum lot widths are imposed by the North Augusta Development Code.

*Staff notes that the requirements of the minimum lot width are required by the North Augusta Development Code for the R-7 zoning district.*

9. The fact that property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance.

- The applicant states: Generally, any project that proceeds from undeveloped land to finished homes is completed for profit. The existing R-7 zoning already allows townhomes at a much higher density that what we are proposing.

*Staff recognizes that the property may be used more profitably if developed, but is not the sole grounds for the variance request.*

10. 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.

- The full development plans will be designed to meet all other requirements as shown in the Development Code. The Homeowners Association for this community will be set up to maintain the landscaping, exteriors and roofs of the townhomes so the individual owners do not.

*Staff notes final construction approval of any subdivision is subject to a Major Subdivision Preliminary Plat review and approval by the Planning Commission. All plans submitted will be required to meet all other requirements of the North Augusta Development Code. Staff has concerns that there will not be a sufficient connectivity and/or access score for the design as shown for both this portion and any future portion. Additional variances or waivers from the Board of Zoning Appeals or Planning Commission may be required as more detailed plans are provided.*

*The Board may consider conditions for the project. Conditions should be specific, measurable and enforceable.*

*Previous projects have had conditions regarding: limits to density or number of lots allowed with reduced dimensions; conformance to submitted sketches; restrictions to the physical locations of these lots; architectural requirements; spacing requirements. Other conditions may be imposed as the Board determines.*

*Conditions will apply to the whole of both parcels unless the Board indicates otherwise in the condition.*

## SECTION 7: ATTACHMENTS

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- 1) Aerial
- 2) Topography
- 3) Current Zoning
- 4) Future Land Use
- 5) Public Notice
- 6) Application Materials

cc. Jason M. Whinghter, Ivey Development, LLC, [via email](#)  
Scott L. Johnson, Civil Design Solutions, [via email](#)  
Forrest McKie, [via email](#)





Subject Parcels



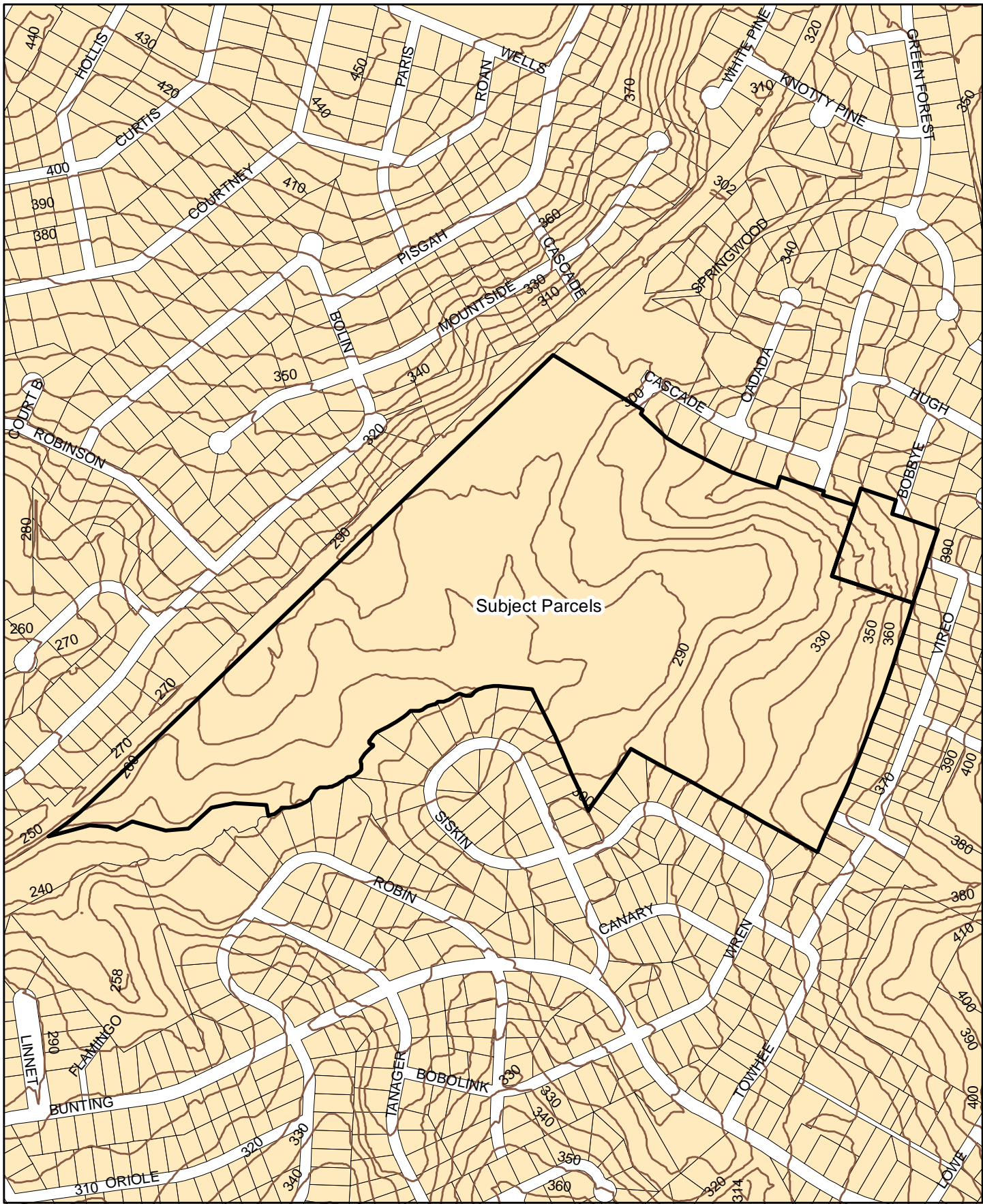
Aerial Map  
Application ZV20-008  
TPN 006-10-09-002  
and 006-11-03-164  
Approximately 89.64 acres  
Zoned R-7

620 310 0 620 Feet

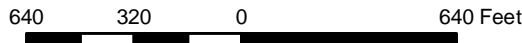


Date: 12/15/2020



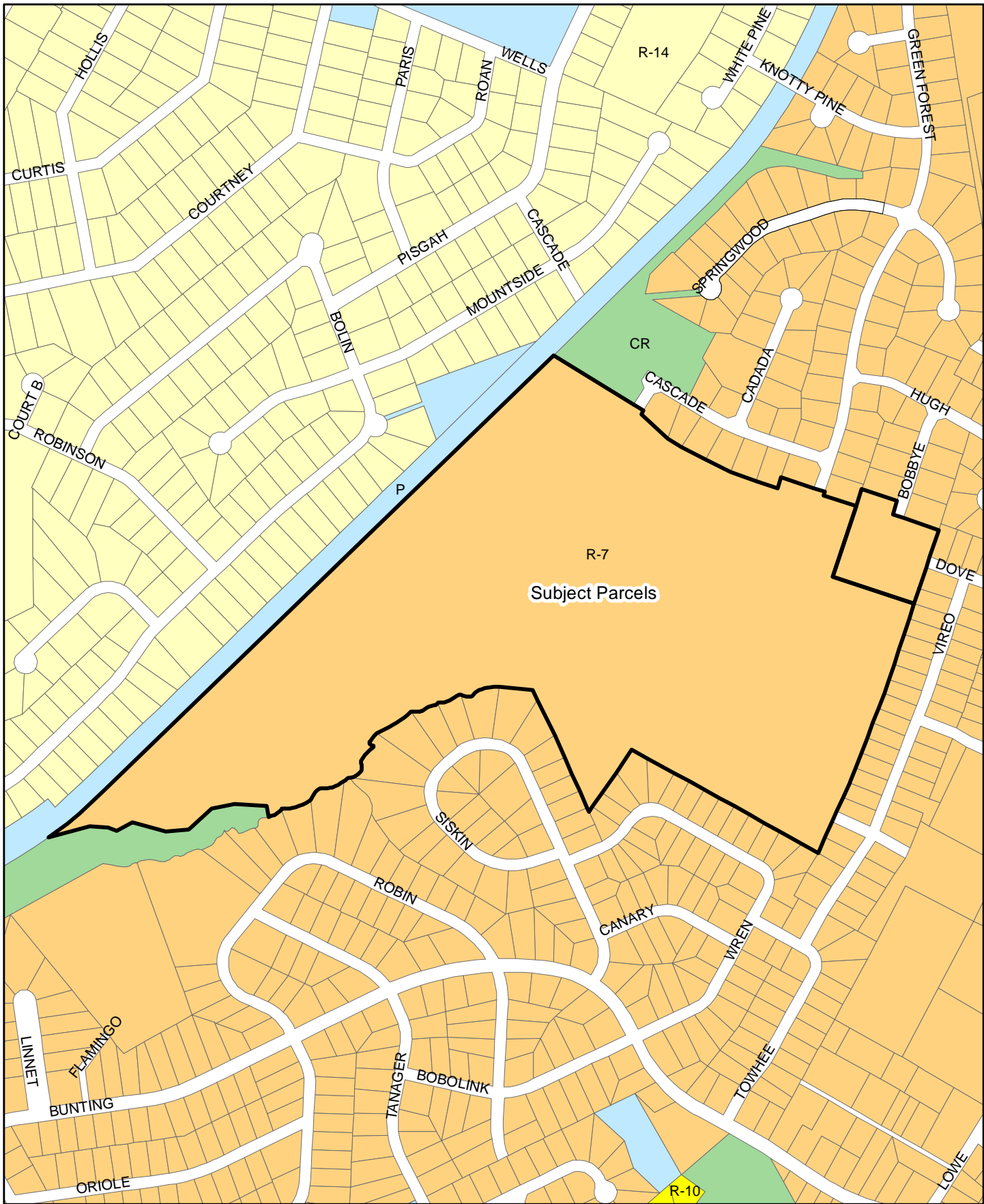


Subject Parcels

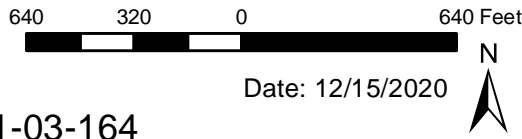


Topography Map  
 Application ZV20-008  
 TPN 006-10-09-002  
 and 006-11-03-164  
 Approximately 89.64 ac

Date: 12/15/2020

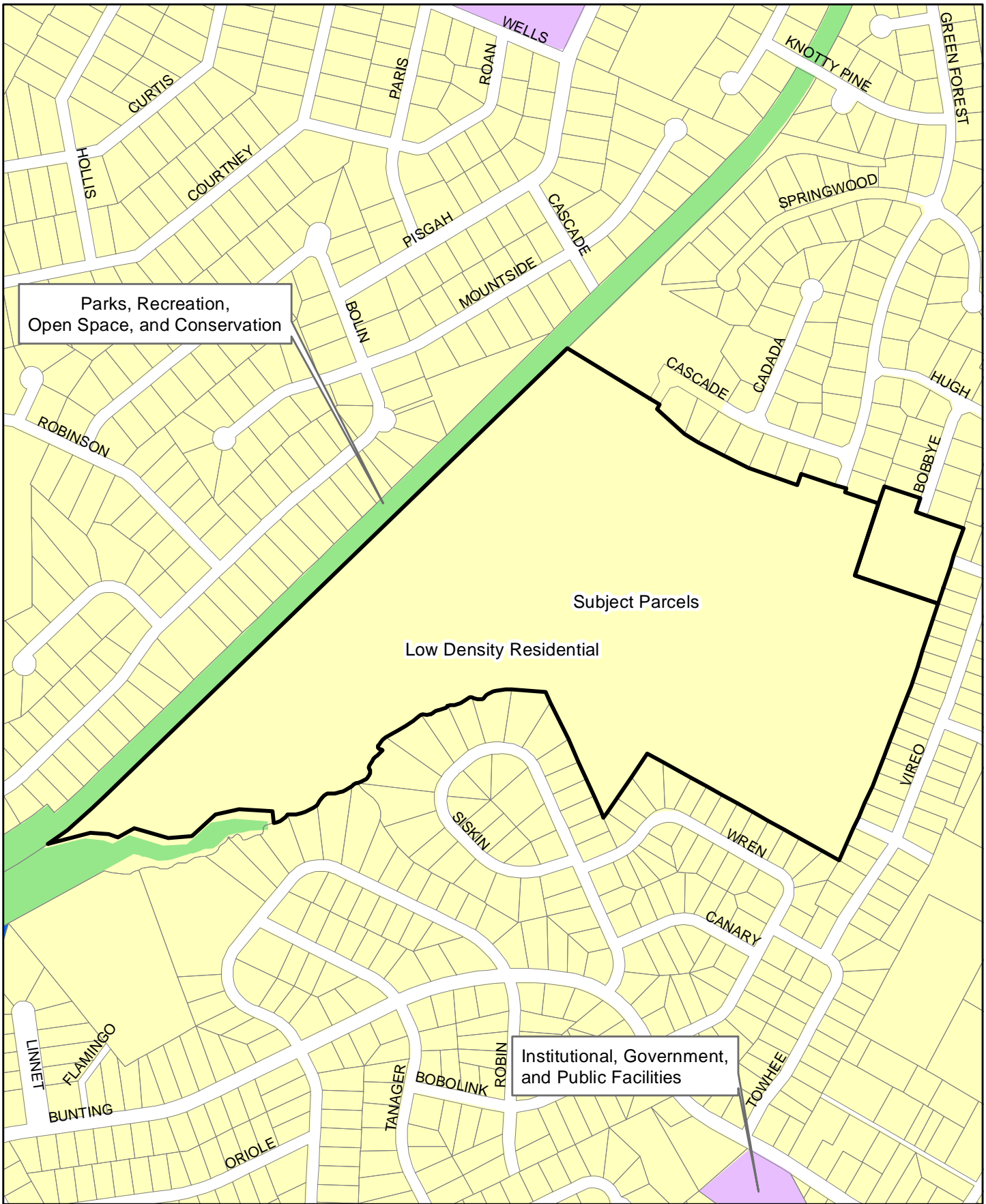


Zoning Map  
 Application ZV20-008  
 TPN 006-10-09-002 and 006-11-03-164  
 Approximately 89.64 ac  
 Zoned R-7, Small Lot, Single-Family Residential

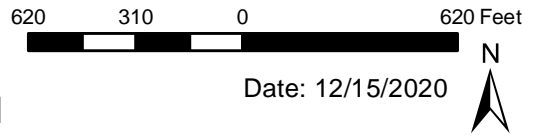


Date: 12/15/2020





Future Land Use Map  
 Application ZV20-008  
 TPN 006-10-09-002 and  
 006-11-03-164  
 Approximately 89.64 ac  
 Low Density Residential





December 21, 2020

RE: A request by Ivey Development, LLC to allow lot widths less than the minimum permitted in the R-7, Small-Lot Single-Family Residential zoning district by North Augusta Development Code Table 3-3, Dimensional Standards. The request affects a proposed townhome and single-family detached development on ±89.64 acres, TPNs 006-10-09-002 and 006-11-03-164 at the terminus of Green Forest Drive.

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

Dear North Augusta Property Owner:

The Department of Planning and Development has received a request by Ivey Development, LLC to allow lot widths less than the minimum permitted in the R-7, Small-Lot Single-Family Residential zoning district by North Augusta Development Code Table 3-3, Dimensional Standards. The request affects a proposed townhome and single-family detached development on ±89.64 acres, TPNs 006-10-09-002 and 006-11-03-164 at the terminus of Green Forest Drive. A map of the project area is enclosed, along with a copy of the public hearing notice that will be published in *The Star* on December 23, 2020.

The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting at 7:00 PM on Thursday, January 7, 2021, via virtual GoToMeeting. Following the public hearing, the Board of Zoning Appeals will consider and decide on the application.

Due to COVID-19, please visit [www.northaugusta.net](http://www.northaugusta.net) for any updates to meeting format, location or procedures prior to the meeting.

Documents related to the application will be available for review after December 31, 2020, 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 and online at [www.northaugusta.net](http://www.northaugusta.net). Residents and property owners interested in expressing a view on these cases are encouraged to provide written comments via email to [planning@northaugusta.net](mailto:planning@northaugusta.net), or by phone at 803-441-4221 by Noon on Thursday, January 7, 2021.

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, AICP, Director  
Department of Planning and Development

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

**VIRTUAL PUBLIC HEARING NOTICE**

The North Augusta Board of Zoning Appeals will hold a virtual public hearing at its regular monthly meeting at 7:00 PM on January 7, 2021 to review the following application:

**ZV20-008** -- A request by Ivey Development for lot widths less than the minimum permitted in the R-7, Small-Lot Single-Family Residential zoning district, North Augusta Development Code Article 3, Zoning Districts, Table 3-3, Dimensional Standards. The request affects a proposed townhome and single-family detached development on ±89.64 acres located at the terminus of Napal, Green Forest, and Bobbye Drive, TPNs 006-10-09-002 and 006-11-03-164.

Documents related to the applications will be available for public inspection after December 31, 2020 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 and online at [www.northaugusta.net](http://www.northaugusta.net).

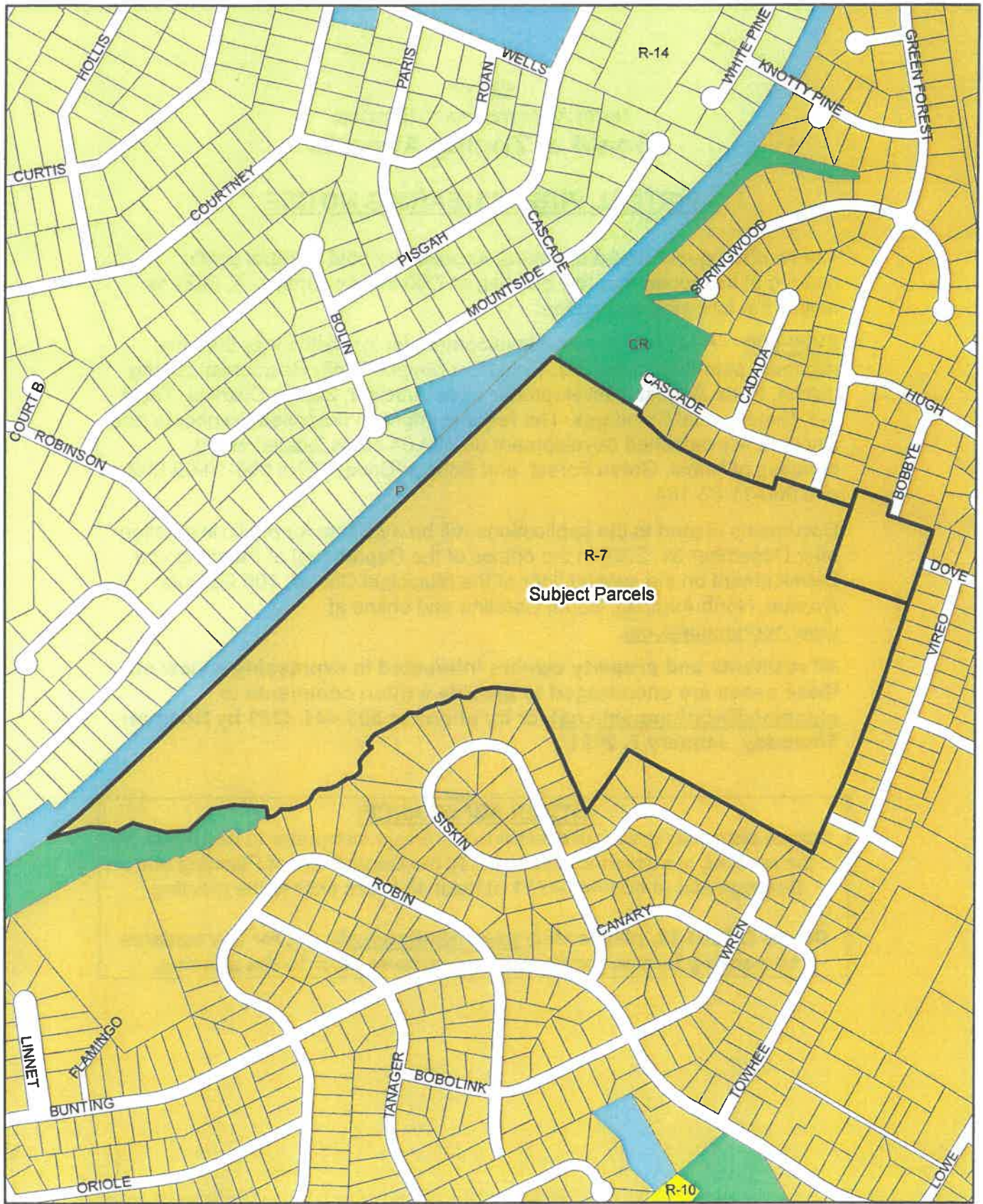
**All residents and property owners interested in expressing a view on these cases are encouraged to provide written comments to [planning@northaugusta.net](mailto:planning@northaugusta.net), or by phone at 803-441-4221 by Noon on Thursday, January 7, 2021.**

**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 the meeting.

**Due to COVID-19, please visit [www.northaugusta.net](http://www.northaugusta.net) for any updates to meeting format, location or procedures prior to the meeting.**





Zoning Map  
 Application ZV20-008  
 TPN 006-10-09-002 and 006-11-03-164  
 Approximately 89.64 ac  
 Zoned R-7, Small Lot, Single-Family Residential

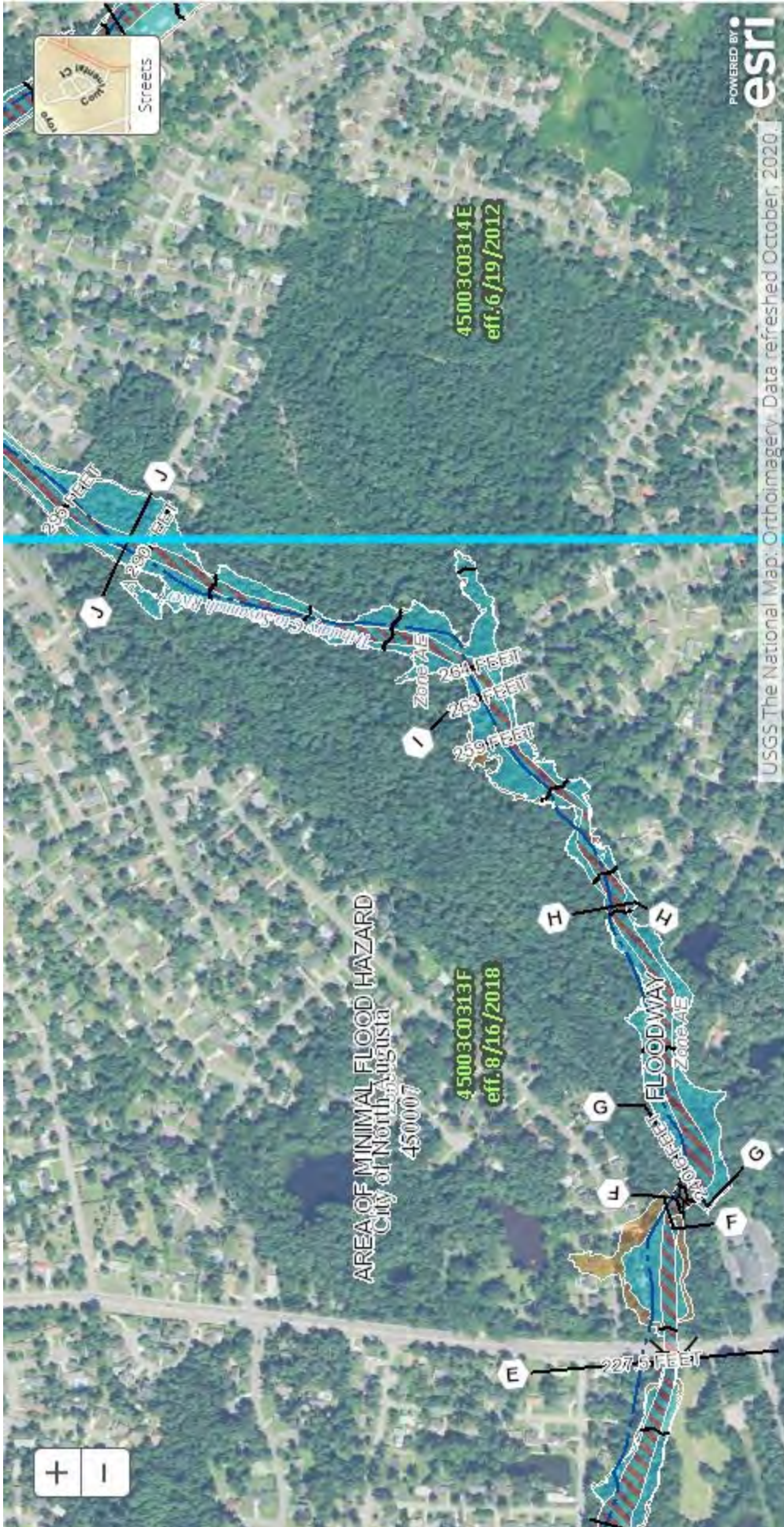
640 320 0 640 Feet



Date: 12/15/2020







POWERED BY **esri**

USGS The National Map: Orthoimagery Data refreshed October, 2020.

<p><b>PIN</b></p> <ul style="list-style-type: none"> <li>Approximate location based on user input and does not represent an authoritative property location</li> <li>Selected FloodMap Boundary</li> <li>Digital Data Available</li> <li>No Digital Data Available</li> <li>Unmapped</li> </ul>	<p><b>MAP PANELS</b></p> <ul style="list-style-type: none"> <li>ND SCREEN</li> <li>Area of Minimal Flood Hazard Zone X</li> <li>Effective LOHRS</li> <li>Area of Undetermined Flood Hazard Zone D</li> <li>Otherwise Protected Area</li> <li>Coastal Barrier Resource System Area</li> </ul>	<p><b>SPECIAL FLOOD HAZARD AREAS</b></p> <ul style="list-style-type: none"> <li>Without Base Flood Elevation (BFE) Zone A, V, 499</li> <li>With BFE or Depth</li> <li>Regulatory Floodway Zone AE, AD, AH, VE, AR</li> <li>0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X</li> <li>Future Conditions 1% Annual Chance Flood Hazard Zone X</li> <li>Area with Reduced Flood Risk due to Levee. See Notes. Zone X</li> <li>Area with Flood Risk due to Levee Zone D</li> </ul>	<p><b>OTHER AREAS OF FLOOD HAZARD</b></p>	<p><b>OTHER FEATURES</b></p> <ul style="list-style-type: none"> <li>Cross Sections with 1% Annual Chance</li> <li>Water Surface Elevation</li> <li>Coastal Transect</li> <li>Base Flood Elevation Line (BFE)</li> <li>Limit of Study</li> <li>Coastal Transect Boundary</li> <li>Coastal Transect Baseline</li> <li>Profile Baseline</li> <li>Hydrographic Feature</li> <li>Channel, Culvert, or Storm Sewer</li> <li>Levee, Dike, or Floodwall</li> </ul>
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# Notice of Appeal

Please type or print all information



### Staff Use Only

Application Number ZV20-008

Date Received 11-24-2020

Review Fee \$200<sup>00</sup>

Date Paid 11/24/2020

1. Project Name McKie Property  
Project Address/Location End of Green Forest Dr.  
Total Project Acreage 89.64 +/- Current Zoning R-7  
Tax Parcel Number(s) 006-10-09-002 ; 006-11-03-164

2. Applicant/Owner Name Ivey Development, LLC Applicant Phone [REDACTED]  
Mailing Address 672 Industrial Park Drive #200  
City Evans ST GA Zip 30809 Email [REDACTED]

3. 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)

4. Engineer/Architect/Surveyor Scott L. Johnson License No. 25673  
Firm Name Civil Design Solutions Firm Phone [REDACTED]  
Firm Mailing Address P.O. Box 603  
City Waycross ST Ga Zip 30328 Email [REDACTED]  
Signature [Signature] Date 11-20-20

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

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.

[Signature]  
Applicant or Designated Agent Signature

11-23-2020  
Date

S. Mark Ivey  
Print Applicant or Agent Name

# 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 ZV20-008

Date Received 11-24-2020

1. Project Name McKie Property

Project Address/Location End of Green Forest Dr

Project Parcel Number(s) 006-10-09-002 ; 006-11-03-164

2. Property Owner Name Forrest McKie Owner Phone

Mailing Address 919 Georgia Ave.

City N. Augusta ST SC Zip 29841 Email

3. Designated Agent S. Mark Ivey

Relationship to Owner Purchaser

Firm Name Ivey Development, LLC Phone

Agent's Mailing Address 672 Industrial Park Dr #200

City Evans ST GA Zip 30809 Email

Agent's Signature Date 11-23-2020

4. I hereby designate the above-named person (Line 3) to serve as my agent and represent me in the referenced application.

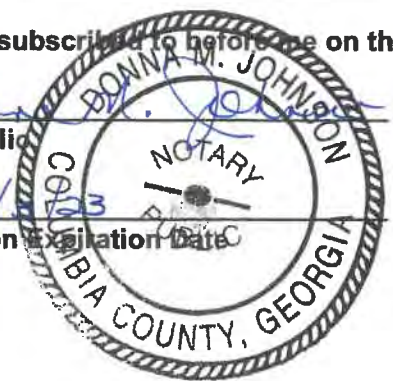
Owner Signature

11-23-2020  
Date

5. Sworn and subscribed to before me on this 23<sup>rd</sup> day of November, 2020.

Notary Public

4/2023  
Commission Expiration Date



Ivey Development, LLC  
672 Industrial Park Drive, Suite 200  
Evans, Georgia 30809  
(706) 868-9363

November 23, 2020

North Augusta Board of Zoning Appeals  
c/o Libby Hodges, Planning & Development Dept Director  
100 Georgia Avenue  
North Augusta, SC 29841

Re: McKie Tract, North Augusta  
Minimum lot width appeal

Dear Ms. Hodges:

We are submitting a request to the North Augusta Board of Zoning Appeals to reduce minimum townhouse lot width on parcels 006-10-09-002 and 006-11-03-164. These two parcels are currently zoned R-7 and total approximately 89.64 acres. We are proposing a mix of single-story and two-story townhomes as well as single family detached homes of various sizes, dedicated park spaces and a connection to the North Augusta Greenway.

The current zoning of this property allows townhomes by right at an overall density of 7 units per acre. However, the minimum lot width required as shown in Chapter 3, Table 3-3 is 40 ft, which is unusually wide for a townhome unit. Notes to Table 3-3, paragraph a. as well as paragraph 3.5.4 Dimensional Standards for Lots appear to provide some relief to minimum lot size requirements for townhomes. We are requesting that the minimum lot width for townhomes be reduced to 16 feet. All single family detached lots will be designed to meet the minimum 40 ft lot width.

1. An unnecessary hardship exists:

*Our proposed minimum townhome lot width is 16 feet. 40 ft is extremely wide for a townhome. There have been other townhome developments built in North Augusta under an R-7 zoning with lot widths less than 40 ft. The existing topography and large amount of wetlands on the property severely limit the amount of developable area.*

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property:

*The property in total is approximately 89.64 acres. Of this total, approximately 28 acres is in wetlands and/or floodplain based on a recent delineation by our wetlands consultant (see attached wetlands map). Also, the steep topography of the site is a challenge. To work with the topography and avoid wetlands impacts, we are clustering the lots in the areas best suited for development.*

3. The conditions do not generally apply to other property in the vicinity:  
*Other projects have been developed in the city since the current development code was established that have townhome lots less than 40 ft wide in an R-7 zoning. Some of these have been on land that was much flatter and without the large impact of wetlands.*
  
4. Because of the conditions, the application of the Chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:  
*The 40 ft minimum width for townhomes is generally not compatible in this market. That requirement effectively makes a 40 ft wide single family detached lot and a 40ft wide townhome the same.*
  
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 neighborhood will not be harmed by the granting of the variance:  
*The property is already zoned R-7 which allows townhomes by right. R-7 also allows a gross density of 7 units per acre, which on this site could be around 600 units. Approximately 1/3<sup>rd</sup> of the site will be preserved as natural buffer area, and we will be providing parks & meeting all other buffer, landscaping and setback requirements as required by code.*
  
6. Signs:  
*Does not apply to this request*
  
7. The Board of Zoning Appeals may not grant a variance the effect of which would be:
  - a. To allow the establishment of a use not otherwise permitted in a zoning map.  
*Townhomes are already permitted in an R-7 zone*
  - b. To extend physically a nonconforming use of the land.  
*We are not proposing to extend a nonconforming use*
  - c. To change the zoning district boundaries shown on the official zoning map.  
*We are not proposing a change to the current zoning*
  
8. If the unnecessary hardship is self-imposed by the applicant the variance should not be granted:  
*The existing zoning requirements on minimum lot widths are imposed by the North Augusta Development Code.*
  
9. The fact that the property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance:  
*Generally, any project that proceeds from undeveloped land to finished homes is completed for profit. The existing R-7 zoning already allows townhomes at a much higher density that what we are proposing.*



10. 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:

*The full development plans will be designed to meet all other requirements as shown in the Development Code. The Homeowners Association for this community will be set up to maintain the landscaping, exteriors and roofs of the townhomes so the individual owners do not.*

We are also submitting the following as information:

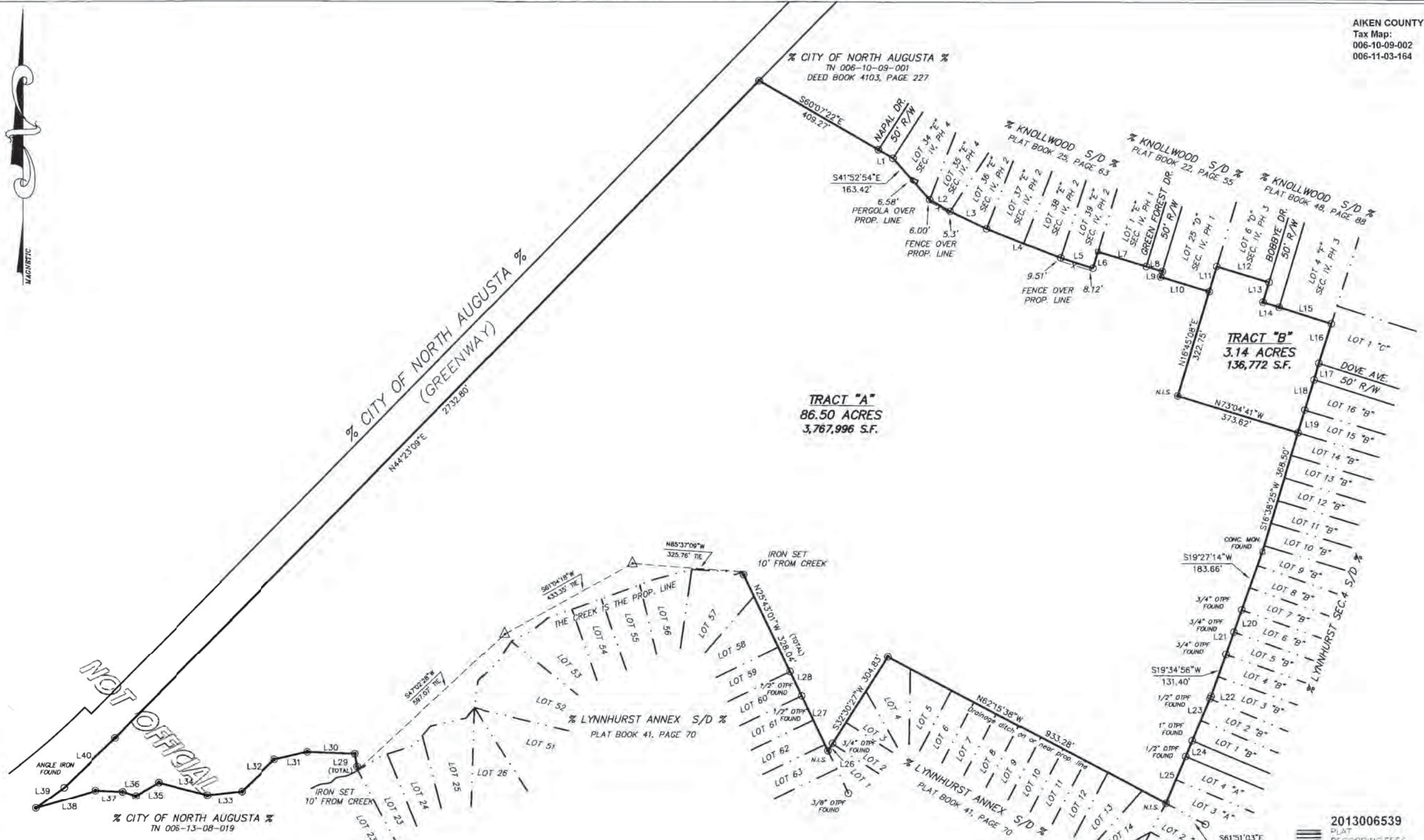
1. Record plat
2. Base map showing boundary, topographic and wetlands map
3. Conceptual master plan
4. Example townhome plans of various widths currently being built by Ivey
5. Submittal fee in amount of \$200.00

Should you need anything further, please do not hesitate to contact us at your convenience.

Sincerely,

Jason M. Whinghter

JMW:jmw  
Enclosures



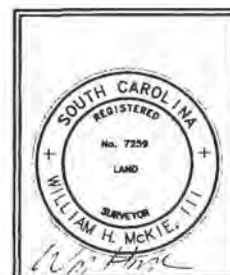
○ = #4 REBAR FOUND  
 ● = #4 REBAR SET

LINE	BEARING	LENGTH
L1	S59°36'52"E	49.74'
L2	S59°54'08"E	70.04'
L3	S64°38'18"E	119.87'
L4	S68°32'16"E	237.03'
L5	S72°07'44"E	100.15'
L6	N16°55'15"E	51.21'
L7	S73°14'02"E	149.92'
L8	S73°12'10"E	50.00'
L9	S16°47'50"W	17.07'
L10	S73°12'10"E	150.33'
L11	N16°47'50"E	78.03'
L12	S73°12'16"E	162.08'
L13	S16°36'14"W	61.43'
L14	S72°36'42"E	50.00'
L15	S72°36'42"E	162.76'
L16	S17°35'08"W	123.06'
L17	S15°45'24"W	50.63'
L18	S17°01'51"W	94.29'
L19	S16°48'06"W	70.01'
L20	S19°26'20"W	69.88'

L21	S19°34'39"W	70.16'
L22	S22°50'02"W	8.40'
L23	S22°50'02"W	135.34'
L24	S22°25'36"W	50.53'
L25	S22°51'19"W	150.60'
L26	S32°30'27"W	26.00'
L27	N25°40'55"W	180.39'
L28	N25°47'45"W	80.05'
L29	N10°06'04"W	49.66'
L30	N88°01'04"W	142.00'
L31	S76°49'56"W	100.00'
L32	S45°52'56"W	137.00'
L33	S83°33'56"W	102.00'
L34	N75°31'04"W	150.00'
L35	S59°15'56"W	78.00'
L36	N71°26'04"W	41.00'
L37	N87°32'04"W	80.00'
L38	S73°38'56"W	186.00'
L39	N53°34'45"E	102.77'
L40	N46°07'23"E	212.01'

NOTE:  
 THIS SURVEY DOES NOT INTEND TO DEPICT ANY WETLANDS  
 THAT MAY AFFECT PROPERTY.

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE VISIBLE ENCROACHMENTS OR PROJECTIONS AS SHOWN; ALSO THAT THIS PROPERTY DOES FALL WITHIN THE FLOOD HAZARD AREA AS DETERMINED BY THE OFFICIAL F.I.A. FLOOD HAZARD MAPS IN EFFECT AT THIS TIME."



PLAT FOR:  
**ESTATE OF GEORGE O McKIE Jr.**  
 PROPERTY LOCATED IN THE CITY OF NORTH AUGUSTA  
 AIKEN COUNTY - SOUTH CAROLINA

GRAPHIC SCALE: 200' 0' 100' 200' 400' FEET

SCALE: 1" = 200'

DATE: 3-8-2013

WILLIAM H. MCKIE, III P.L.S.  
 P.O. BOX 6812 N. AUGUSTA, S.C. 29841  
 PHONE: (803) 279-6277

OWN. BY: KRK  
 766-TLDMG

2013006539  
 PLAT RECORDING FEES \$10.00  
 03-15-2013 11:30 AM  
 JUDITH WARNER  
 COUNTY CLERK  
 BY MARILYN SEIGLER DEPUTY  
 BK: PL 57  
 PG: 81 - 81



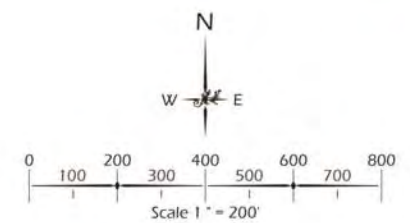
PRELIMINARY SITE PLAN



TOWNHOME BLOCK EXAMPLE

LEGEND:

- 60' X 120'+ LOT +/- 57
- TOWNHOME +/- 74
- 50' X 120' LOT +/- 29
- 40' LOT +/- 8-10
- PARK
- ALLEY/ LANE 12-18' WIDE



MCKIE PROPERTY

AIKEN COUNTY, SOUTH CAROLINA





**2 Bedroom**



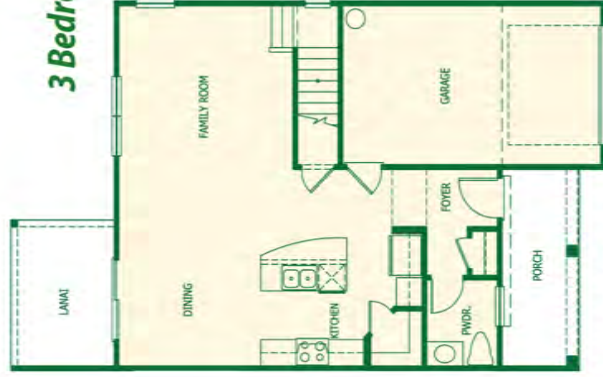
**3 Bedroom**



**4 Bedroom**

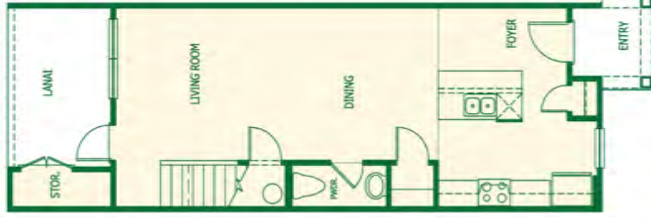


**3 Bedroom Plan**

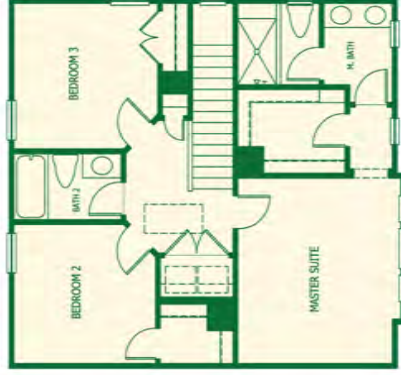


MAIN FLOOR PLAN

**2 Bedroom Plan**



MAIN FLOOR PLAN



UPPER FLOOR PLAN

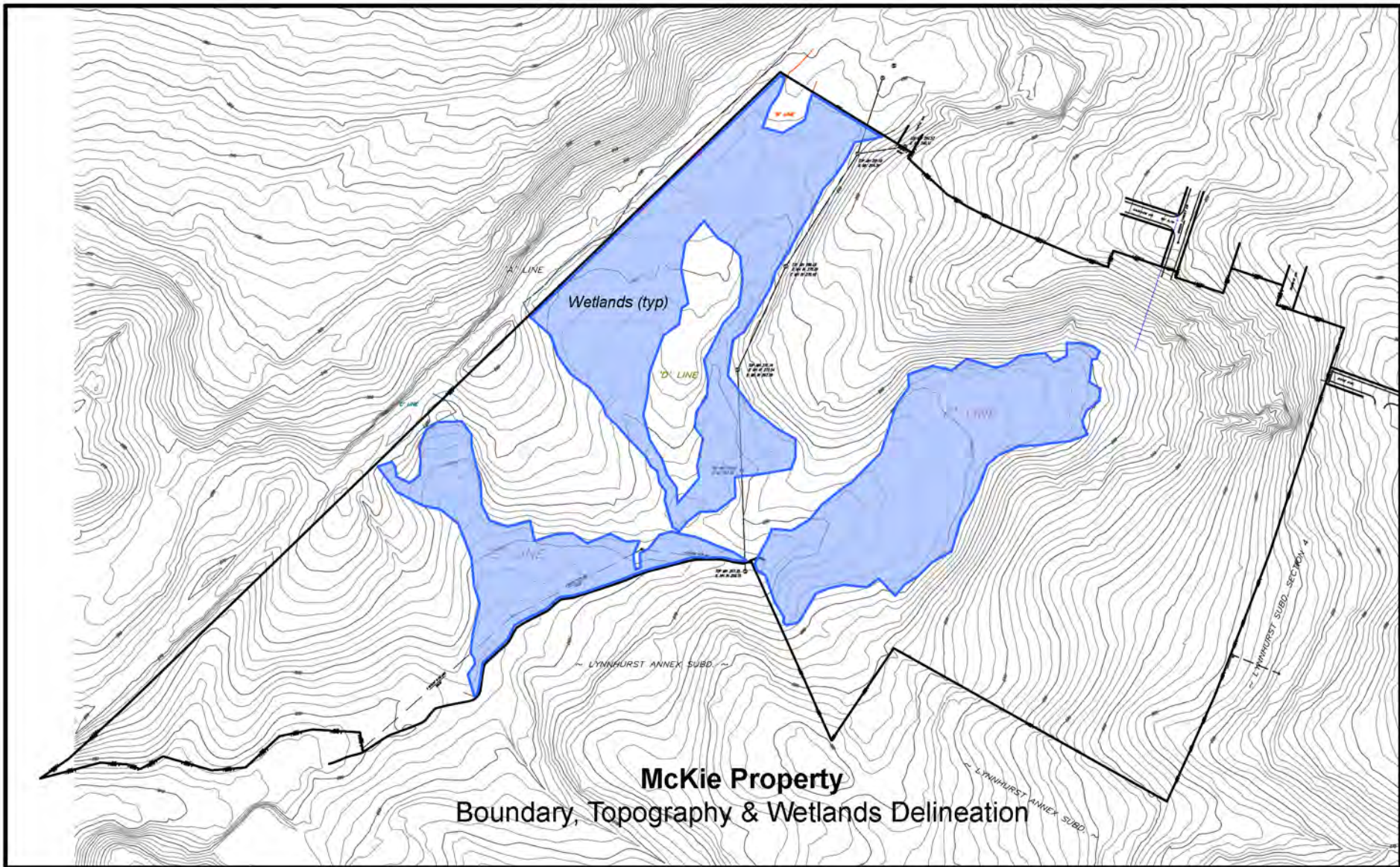


UPPER FLOOR PLAN



Sample townhome plans of various sizes  
currently being built by Ivey





**McKie Property**  
Boundary, Topography & Wetlands Delineation