

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

Kevin Scaggs

Kathie Stallworth

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 of 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 2nd 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]

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,

