

# Board of Zoning Appeals



## DRAFT Minutes of the Thursday, February 4, 2021 Regular Meeting

*Members of the Board of Zoning Appeals*

Wesley Summers  
*Chairman*

Jim Newman  
Kevin Scaggs

Kathie Stallworth, Vice Chair  
William (Bill) H. Burkhalter, Jr.

1. **Call to Order** – The regular meeting of February 4, 2021, having been duly publicized, was called to order by Vice Chair Kathie Stallworth at 7:00 p.m. The meeting was conducted virtually via GoToMeeting.
2. **Roll Call** – Board members present were Vice Chair Stallworth, Board members Jim Newman, Bill Burkhalter, and Kevin Scaggs. Also in attendance were Libby Hodges, Director, Department of Planning & Development, members of the public, and several applicant representatives.
3. **Approval of Minutes** – The minutes of the Regular Meeting of January 7, 2020 were approved as written. Mr. Newman moved that the minutes be approved. Mr. Scaggs seconded the motion and the motion was approved unanimously.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **ZV20-009 Walnut Grove Section 13** -- A request by Metro Homesites, LLC for lot widths and side setbacks less than the minimum permitted in the PD, Planned Development zoning district by the R-3 zoning designation defined in the 1976 ZDSO. The request affects a proposed single-family residential development on ±70.6 acres located at the end of Mill Stone Lane, TPN 127-00-01-001.

Mr. Curtis M. Wright, Mill Branch, was sworn in to provide public comment. Mr. Wright spoke about being told that no building would occur behind them, asked how close the homes will be to the property line, compensation for lost value, difficult topography, concerns about drainage, concerns about two story homes and the view into his home, grading and water concerns, and requested 5 yards of woods/trees on the other side of the power line or plant trees to be guaranteed for 5 years. He expressed concerns about unfinished subdivisions

around the City and questioned if the City is ready for that much growth, quoting the Edgefield Advertiser about growth and loss of funds for services. He shared a story about wild turkeys and stated a wish to leave the parcel as open space.

Philip Green of Southern Partners was sworn in as the owner's representative and engineer of record. Mr. Green provided context for the request. Mr. Green stated that the property is being left with a significant portion as undeveloped and was designed to address various site challenges. He stated the request is being made due to being held to standards that are outdated.

Mr. Newman asked if the development was part of the original PD and if houses are in keeping with surrounding homes. Mr. Green responded that yes, this is the last piece from the PD and referred the home question to the owner. He also explained Phases 1 & 2 are single family, and Phase 3 is townhomes.

Mrs. Stallworth asked if the developer would like to speak. He agreed, but was delayed due to technical difficulties.

Mr. Scaggs asked about layout and what drove the request to the change. Mr. Green stated that the original map was PD-R and the only requirement was density, so they did not address. He did not believe they were within the R-3. Mr. Scaggs asked if he thought the ordinance did not apply. Mr. Green says they did not believe so until staff noted they needed to comply. Mr. Scaggs asked if they were disputing interpretation and if they do comply, what is the outcome and how many less houses will that be. Mr. Green stated that with the lot requirement, they will have to be closer to sensitive areas, and would lose 6-8 homes. Mr. Newman asked why 1976 code was referenced. Staff explained that the interpretation is that because they annexed as a PD, legislative action dictates the zoning and restrictions still apply. These requirements were explained in the Concept Plan review. Mrs. Stallworth asked for clarification of what code was in force at the time of annexation. Staff confirmed the 1976 code was in force at the time of annexation.

Mr. Newman asked if the variance applies to the whole development. Staff explained that it applies to the whole parcel, but would only functionally affect the single family lots as the townhomes are allowed under a different section of code. Mr. Burkhalter asked for clarification about the layout and setbacks. Staff clarified.

Mr. Mark Gillam was sworn to speak as the owner/developer. He stated the estimated price to be \$250,000+ and the houses would be bigger than neighboring houses, averaging 2000-2500 square feet. He stated that this would improve home values in the area. He explained they will tie into the walking trail and approximately ½ of the site will be preserved. Mrs. Stallworth asked about the connection to Mill Stone Way. Staff clarified Phases I & II connected, Phase III will not.

Mrs. Stallworth asked about a traffic study. Staff clarified it did not meet the threshold to require a study and will not have an egress on Five Notch Rd.

Kevin Scaggs clarified that adjusting the layout would only require a few less houses. Mr. Green agreed. Mr. Newman asked about buffers. Staff clarified that one does not appear and is not required. Ms. Stallworth clarified that it would be back yard to back yard. Staff agreed. Mr. Burkhalter asked about side setbacks affecting the environmental situation of the lot. Mr. Green explained the lot width would push the development into the minimum buffers.

Mr. Wright interjected that the homes described would look in on his home and asked how water will be handled. Mr. Green responded that stormwater would be directed internally.

The public hearing was closed at 7:40pm.

Staff noted Mr. Buckalew from Mill Stone Way provided comments that were not read to the Board, but are attached to these minutes.

Consideration – Application ZV20-009

After consideration, the Board did not find that the application met the criteria for a variance and the deliberations were halted. After a motion by Mr. Scaggs and a second by Mr. Burkhalter, the variance was denied.

- ZV21-001 UHS Sweetwater**-- A request by UHS Inc. for a front setback greater than the maximum permitted in the GC, General Commercial zoning district by North Augusta Development Code Article 3, Zoning Districts, Table 3-3, Dimensional Standards. The request affects a proposed hospital and freestanding emergency department on ±4.55 acres located on Austin Graybill Road and Town Center Drive, TPN 010-18-10-003.

Mrs. Hodges introduced the case and stated that two representatives were at the meeting, Mr. Ty Cole, architect for UHS Sweetwater was sworn in. Mr. Cole stated that the project is an extension of Aiken Regional and will be a freestanding emergency room. Mr. Cole discussed the variance and the 80 foot maximum building setback, stating that the building cannot be closer to the road due to SCDOT requirements. The site cannot be accessed from Austin Graybill Road, instead being accessed by secondary roads leading to the site. Mr. Cole stated that they have pushed the building as far as they can to meet the requirements with a 113 foot maximum setback. Mr. Cole requests the Board approve a variance of 33 feet for the setback.

The Board had no questions for Mr. Cole and the explanation for the setback.

Mr. Michael Hall, CEO for Aiken Regional Medical Center, was sworn in and stated that “UHS” stands for Universal Health Services, not “University”, so there would not be any problems moving forward.

Mrs. Hodges stated that there were no public comments received on this variance.

The public hearing was closed at approximately 8:30 p.m.

Mr. Newman asked if this project will affect lots next to the freestanding ER for setback variances on Austin Graybill Road. Staff clarified that there have been at least two other plans submitted that have not asked about setback variances. Mr. Newman stated there are about five or six lots that might ask for variances. Mrs. Hodges said that it depends on design and the use of the structure and that no other lots will have access to Austin Graybill Road.

Vice Chair Stallworth stated that the Board will have to meet all of the requirements, with all of them being in the positive before the variance can be passed. Vice Chair Stallworth read all the comments for the variance to the Board and after reading them, Vice Chair Stallworth listed the requirements needed to pass the variance.

Mr. Scaggs made the motion for UHS Sweetwater be granted for the variance setback with the two conditions listed by staff. Mr. Burkhalter offered a second. The vote to approve was unanimous.

**7. Adjourn**

With no objections, Vice Chair Stallworth adjourned the meeting at approximately 8:45 p.m.

Respectfully Submitted,



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

*Attached Public Comments as noted*

Curtis Wright requested to speak.

**Phone Comments for BZA**

ZV20-009 – Jim Buckalew, Mill Branch Dr., 304-550-0280, Feb. 2, 9:33am

Mr. Buckalew states that he did not know that portions of North Augusta went into Edgefield County, he has concerns about that. His main concerns are that the infrastructure cannot support stuffing residences in like this on that property. He has enough problems with Edgefield water and water pressure and is not sure what they will do with the sewage.

# Department of Planning and Development



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## **Project Staff Report**

**ZV21-002 Circle K #5350**

**Prepared by: Kuleigh Baker**

**Meeting Date: June 3, 2021**

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## SECTION 1: PROJECT SUMMARY

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|                        |   |
|------------------------|---|
| Project Name           | Circle K #5350 Sign   |
| Applicant              | Circle K Stores, Inc.   |
| Agent                  | AAA Sign Co., Inc.  |
| Address/Location       | 115 Laurel Lake Drive   |
| Parcel Number          | 010-18-01-001   |
| Total Development Size | ± 4.4 acres   |
| Existing Zoning        | GC, General Commercial  |
| Overlay                | HC, Highway Corridor Overlay District   |
| Variance Requested     | NADC Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart |

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## SECTION 2: BOARD OF ZONING APPEALS CONSIDERATION

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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. In the approval of an application for a variance from the provisions of Article 13, Signs, regulating the size, height, appearance, or location of a sign, the Board of Zoning Appeals shall also find that no alternative signage solution that complies with the provisions of Article 13 is available and would provide adequate visibility, recognition and understanding.
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 May 19, 2021. 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 May 17, 2021. The property was posted with the required public notice on May 19, 2021.

## SECTION 4: SITE HISTORY

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The property was annexed into the City Limits on March 17, 2014, and zoned GC, General Commercial/HC Highway Corridor Overlay District at that time. It is our understanding that the sign was existing at that time. AAA Sign Co., Inc. applied for a freestanding sign zoning review on November 11, 2019, to replace a high rise sign demolished by a tornado in June of 2019. The cost to repair and reconstruct the sign damage exceeded the 50% threshold allowed by Section 19.6, Nonconforming Buildings, Structures, and Site Improvements of the North Augusta Development Code at the time it was submitted.

## SECTION 5: EXISTING SITE CONDITIONS

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|                | <u>Existing Land Use</u> | <u>Future Land Use</u>                             | <u>Zoning</u>                                      |
|----------------|--------------------------|--|--|
| Subject Parcel | Gas Station              | Commercial   | GC, General Commercial                             |
| North          | Commercial               | Commercial   | IND, Industrial/<br>PD, Planned Development        |
| South          | Commercial               | Transportation,<br>Communication, and<br>Utilities | GC, General Commercial                             |
| East           | Commercial               | Mixed Use  | Outside City Limits                                |
| West           | Commercial               | Mixed Use  | GC, General Commercial/<br>PD, Planned Development |

**Access** – The site currently has access from Laurel Lake Drive and Edgefield Road.

**Topography** – The property was previously graded and is relatively flat.

**Utilities** – Water and sewer are existing.

**Floodplain** – The subject property is not located within a federally designated floodway.

**Drainage Basin** – This property is within the Franklin Branch Basin, which has good water quality rating per the 2014 Water Quality Assessment & Watershed Plan. A more detailed report was not included in the 2007 baseline survey. Storm drainage for Sweetwater has generally been handled through a regional detention pond system for the overall project.



## SECTION 6: STAFF EVALUATION AND ANALYSIS

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Following is analysis required by NADC §5.1.4.5.b (Staff commentary is *italicized*):

1. An unnecessary hardship exists;
  - The applicant states that a high rise sign existed on the parcel for many years prior to being demolished by a tornado in June 2019 and removed.
2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - The applicant states that the property is located beside I-20 and the posting of gas station prices and advertising service to large tractor trailers is an important need.
3. The conditions do not generally apply to other property in the vicinity;
  - The applicant states that no surrounding properties contain a high rise gas price sign demolished by a tornado.
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 applicant states that because the sign was destroyed at no fault of the owner, this scenario would not apply to any other property in the area nor would it set a precedent that a similar sign would have to be allowed on another property.
  - *Staff notes sign regulations apply to all property within North Augusta municipal limits.*
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 that the sign does not pose any detriment to the surrounding properties and that the sign is only clearly visible from the interstate. The applicant states they are requesting a smaller replacement sign.

6. In the approval of an application for a variance from the provisions of Article 13, Signs, regulating the size, height, appearance, or location of a sign, the Board of Zoning Appeals shall also find that no alternative signage solution that complies with the provisions of Article 13 is available and would provide adequate visibility, recognition and understanding.
  - The applicant states that there is no other signage that would provide visibility from the interstate.
  - *Staff notes:*
    - *That the site is somewhat obscured by development and vegetation along I-20.*
    - *The demolished sign was 20 ft by 40 ft (800 sq ft) and 125 ft tall.*
    - *The proposed sign is 14 ft by 24 ft (336 sq ft) and 100 ft tall.*
    - *A typical interstate/highway billboard is approximately 10 ft x 30 ft (300 sq ft) to 14 ft x 48 ft (672 sq ft) and from 20 ft to over 100 ft in height. Billboards are not allowed in the City Limits.*
    - *The maximum square footage allowed is 300 sq ft for all signs, or 10% of the ground floor area, or 6 sq ft per linear foot of frontage, whichever is less. Depending on the existing wall signage for the building, the amount allowed for the freestanding sign may be less. The maximum height is 25 ft.*
    - *Setbacks are 5 from the front and 10 from the side property lines. These do not appear to be an issue, however, the sign should be placed where the structure does not overhang the right-of-way line. Staff notes that there are overhead power lines in the area and the sign must not interfere with them. A survey is recommended to verify placement.*
    - *Staff does not have enough information regarding existing signage to verify what amount may be used on site already. Staff recommends assuming that the requested sign variance be in addition to any existing signage.*
    - *Electronic readerboard signs are allowed in the GC zoning, but cannot exceed 50% of the sign area (168sf based on the maximum sign sf).*
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.
    - Signs are allowed in commercial zoning districts within the stated regulatory limits.
  - b To extend physically a nonconforming use of land.
    - The variance does not extend a physically nonconforming use of land.
  - 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 location and circumstances of the property warrant the variance request.
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.

*Staff recommends the following conditions, but all conditions are at the discretion of the Board of Zoning Appeals:*

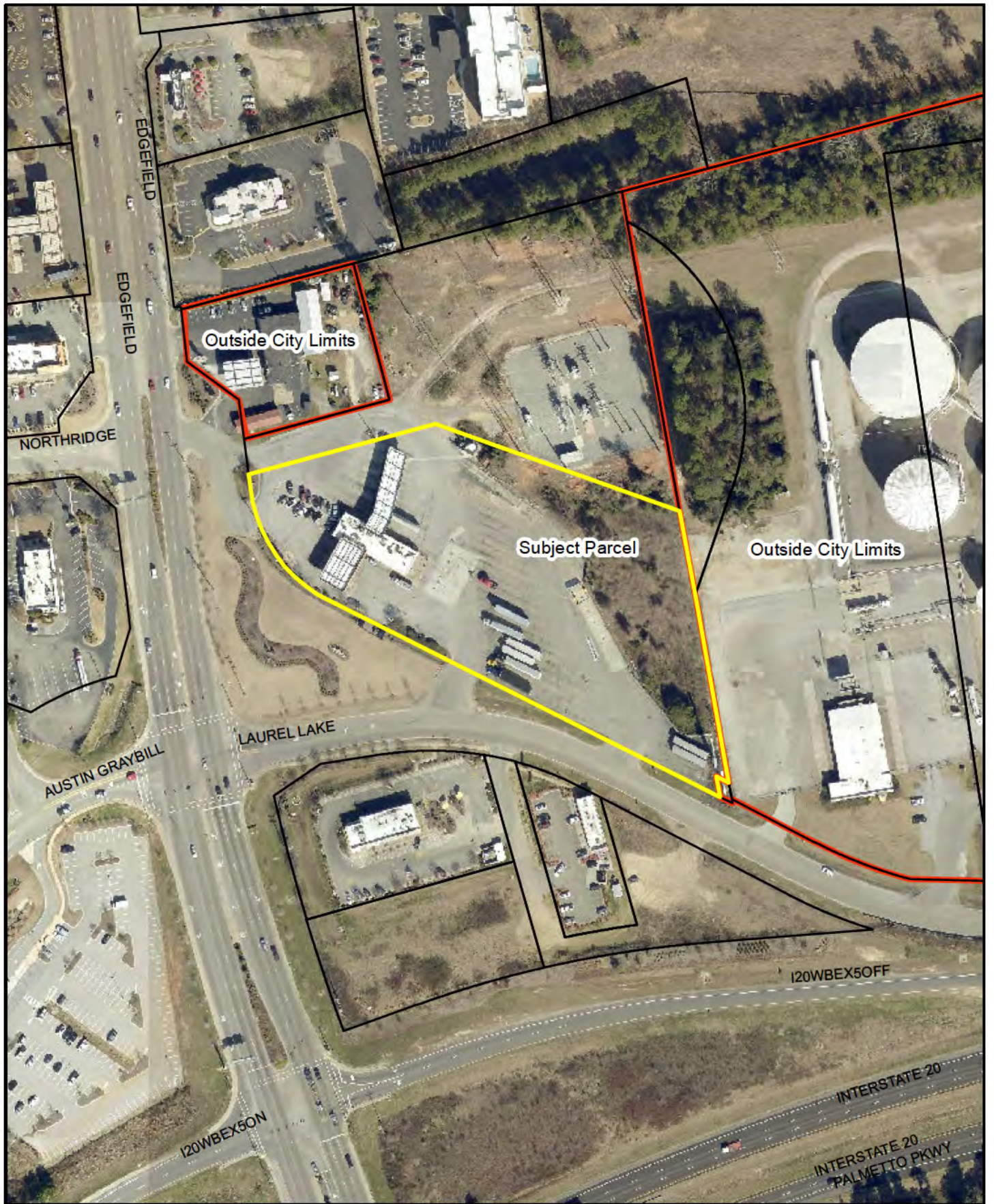
1. This variance, if granted, will apply only to this property and the sign details as submitted. Square footage and height limits should be specified by the Board.
2. All existing wall signage should be brought into conformance or verified to be in conformance with existing regulations.
3. The Board would be unable to condition the sign to limit the types or content of advertisements due to recent court cases.
4. Any electronic readerboard portions may be no more than 50% of the maximum square footage allowed, with a maximum of 150 sq ft. or dependent on the final size of the sign. The sign would be expected to follow all the regulated colors, refresh and other regulations of the sign code.

## SECTION 7: ATTACHMENTS

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

cc. Circle K Stores, Inc.  
Ray Peters, AAA Sign Co., Inc., via email



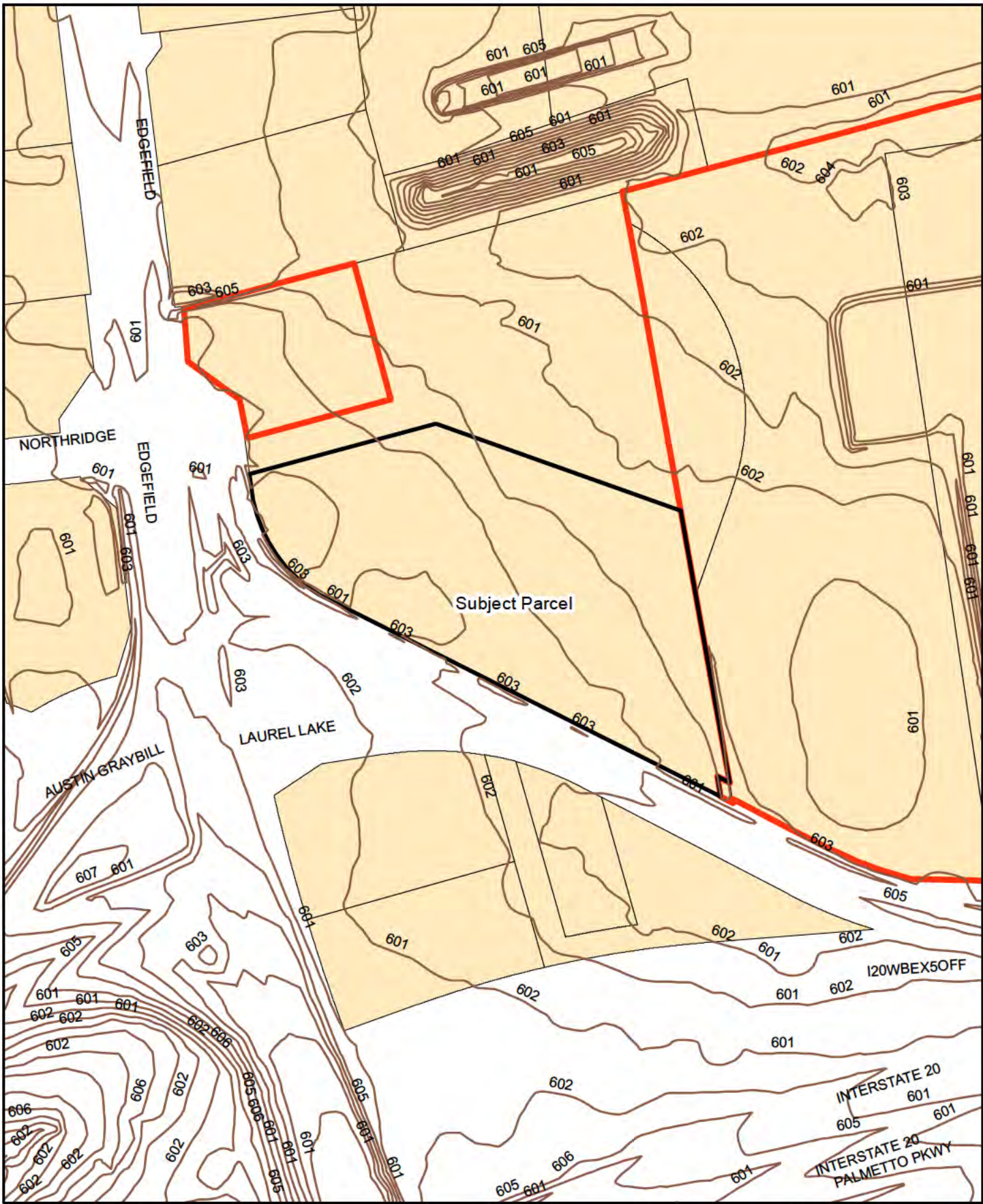
200 100 0 200 Feet

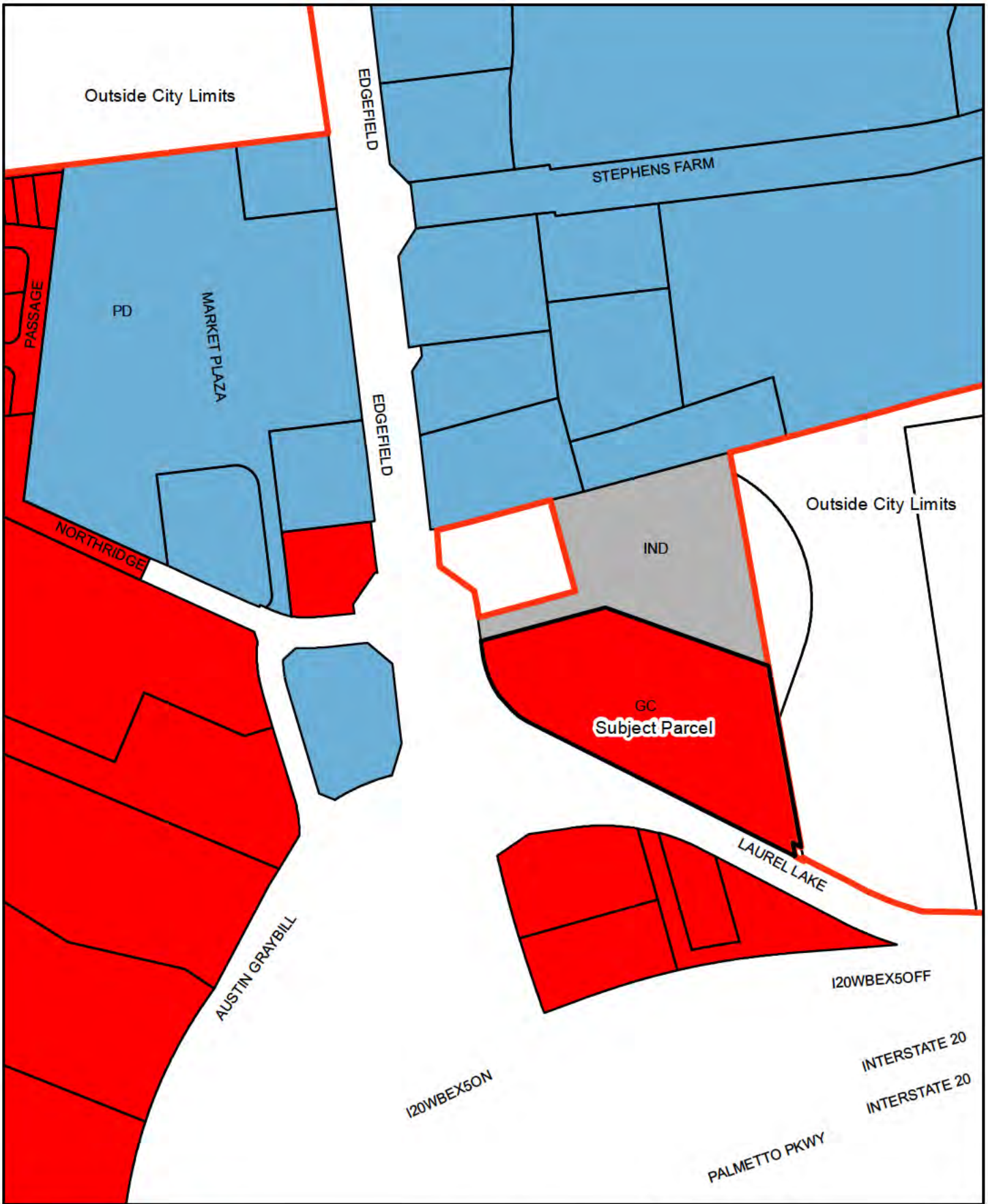


Aerial Map  
Application ZV21-002  
Circle K #5350  
TPN 010-18-01-001

Date: 5/20/2021







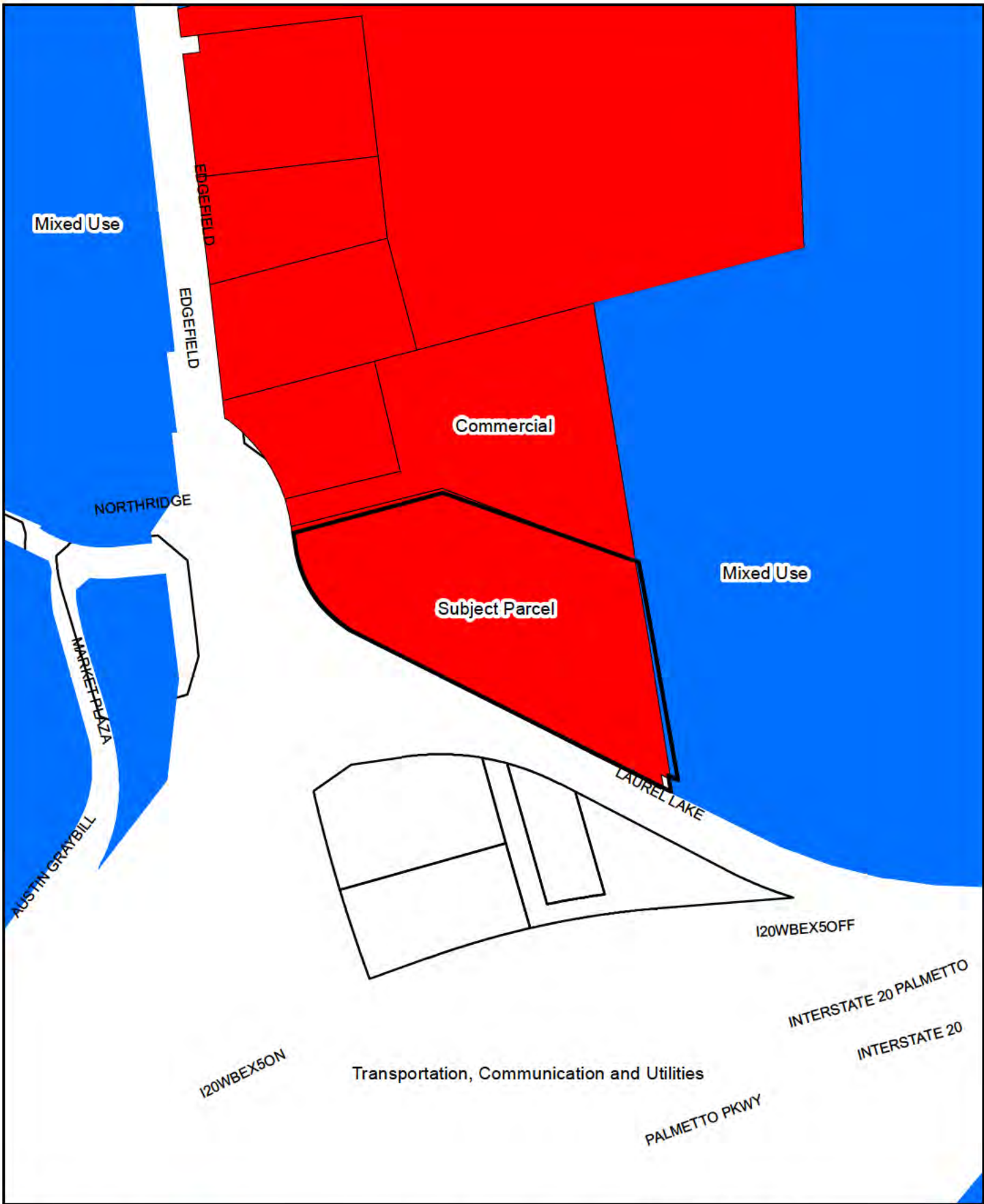
Zoning Map  
 Application ZV21-002  
 Circle K #5350  
 TPN 010-18-01-001  
 GC, General Commercial

310 155 0 310 Feet



Date: 5/12/2021





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

**PUBLIC HEARING NOTICE**

The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting beginning at 7:00 PM on June 3, 2021, in the Council Chambers located on the 3<sup>rd</sup> floor of the North Augusta Municipal Center, 100 Georgia Avenue to receive public input on the following applications:

**ZV21-002**-- A request by Circle K Stores, Inc. for a sign exceeding the maximum size and height allowed in the GC, General Commercial, zoning district in the North Augusta Development Code, Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart. The request affects an existing gas station and convenience store located on ±4.39 acres at 115 Laurel Lake Drive, TPN 010-18-01-001.

**ZV21-003**-- A request by JSMG Development for an impervious surface ratio that exceeds the maximum permitted in the R-7, Small Lot, Single-Family Residential zoning district by North Augusta Development Code Article 3, Zoning Districts, Table 3-3, Dimensional Standards. The request affects a proposed townhome development on ±5.63 acres located on Bradleyville Road, TPN 012-13-04-013.

**ZV21-004**-- A request by Cornerstone Family Chiropractic for a sign located within the side setbacks required in the HC, Highway Corridor Overlay District, North Augusta Development Code, Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart. The request affects an existing medical office on ±0.23 acres located at 505 West Martintown Road, TPN 006-17-05-004.

Documents related to the applications will be available for public inspection after May 27, 2021 at the Department of Planning and Development on the 2nd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, and online at [www.northaugusta.net](http://www.northaugusta.net). All members of the public interested in expressing a view on these cases are encouraged to attend or provide written comments to [planning@northaugusta.net](mailto:planning@northaugusta.net), or by phone message at 803-441-4221.

**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.**



# Designation of Agent

Please type or print all information



9.

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

Staff Use Only

Application Number ZV21-002

Date Received 5/3/21

1. Project Name Circle K 5350

Project Address/Location 115 Laurel Lakes Dr.

Project Parcel Number(s) 010-18-01-001

2. Property Owner Name Circle K Stores, Inc Owner Phone \_\_\_\_\_

Mailing Address 2550 W. Tyvola Rd. Ste 200


City Charlotte ST NC Zip 28217 Email \_\_\_\_\_

3. Designated Agent AAA Sign Co. Inc. / Ray Peters

Relationship to Owner Sign Contractor

Firm Name AAA Sign Co. Inc. Phone \_\_\_\_\_

Agent's Mailing Address PO Box 211410

City Augusta ST GA Zip 30917 Email 

Agent's Signature Raymond C. Peters Jr. Date 5/3/21

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

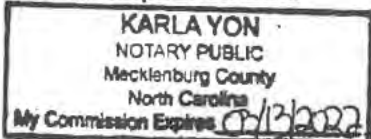
[Signature]  
Owner Signature

4/30/21  
Date

5. Sworn and subscribed to before me on this 30 day of April, 2021.

[Signature]  
Notary Public

03/13/2022  
Commission Expiration Date



C.

# Notice of Appeal

Please type or print all information



Staff Use Only

|                                    |                             |
|------------------------------------|-----------------------------|
| Application Number <u>ZV21-002</u> | Date Received <u>5/3/21</u> |
| Review Fee <u>\$257.77</u>         | Date Paid <u>5/3/21</u>     |

1. Project Name Circle K 5350  
 Project Address/Location 115 Laurel Lakes Dr.  
 Total Project Acreage 4.4 Current Zoning \_\_\_\_\_  
 Tax Parcel Number(s) 010-18-01-001

2. Applicant/Owner Name AAA Sign Co. Inc. / Circle K Stores Inc. Applicant Phone [Redacted]  
 Mailing Address PO Box 211410  
 City Augusta ST GA Zip 30917 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 AAA Sign Co. / Ray Peters License No. 21-0009  
 Firm Name AAA Sign Co. Inc. Firm Phone \_\_\_\_\_  
 Firm Mailing Address PO Box 211410  
 City Augusta ST GA Zip 30917 Email [Redacted]  
 Signature Raymond C Peters Jr. Date 5/3/21

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.

Raymond C Peters Jr.  
 Applicant or Designated Agent Signature

5/3/21  
 Date

\_\_\_\_\_  
 Print Applicant or Agent Name



*"A COMPLETE SIGN SERVICE"*

**CIRCLE K 5350 – 115 LAUREL LAKE DRIVE**

**Variance Submittal Letter – 5-3-21**

City of North Augusta:

Circle K requests a variance pertaining to Article 13, Signs which states that in the GC – General Commercial zoned properties any freestanding signs are to be a max of 25' tall in height and 100 square feet.

Parcel 010-18-01-001 is a 4.4 acre parcel of land and always contained a high rise sign in order that vehicles on Interstate 20 could see the gas prices posted and that Scales were available at this North Augusta Exit 5. Because of an unexpected tornado in June of 2019 that demolished this existing 20'x40' (800 square feet) 125' overall height sign. Since that time we have been trying to obtain permit to install a new 100' overall height sign that is 14'x24' (336 square feet). Circle K is aware of what zoning says and has tried to use as little as square foot as possible and still be visible for passers-by. After flag tests and much study, this is the size that is necessary to be visible – less than half the size of the previous high rise sign.

Because of the proximity to the Interstate and the fact that the sign is well away from other smaller businesses along Edgefield Road and not intended to be seen from Edgefield Road, Circle K feels this sign is still necessary, as it was for the past years when they had it.

Hardship and Exceptional Conditions are:

**1. An unnecessary hardship exists:**

In reviewing the unnecessary hardship, this property had a high rise sign on it's parcel for many years and it was demolished by a tornado in June of 2019 and was forced to be removed. Photos were taken at that time and are time stamped.

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

This parcel is located beside I-20 and is a Gas Station/Convenience Store. The posting of gas prices and the fact that there is room for large tractor/trailers is an important need when sitting beside Interstates.



P.O. BOX 211410 • AUGUSTA, GA 30917-1410  
PHONE: (706) 860-6890 / (912) 964-5005  
FAX: (706) 860-6894  
AUGUSTA & SAVANNAH



3. **The conditions do not generally apply to other property in the vicinity;**  
No other properties contained a high rise gas pricer sign that was demolished by a terrible storm.
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**  
Because the high rise sign already existed on this property and through no fault of the owner or some other person or vehicle was damaged beyond repair, this scenario would not apply to other property in the area at all and would present a precedent that would have to be allowed by other property.
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.**  
There would be no detriment at all to surrounding properties or to the City of North Augusta. The sign was existing before and sits on a back corner of the property to be seen from the Interstate. It meets the required setbacks and posts gas prices for passers-by. That is its only function. Furthermore they had a sign that was 800 square feet and are requesting to replace it with a sign 336 square feet. Typically to be seen over the trees, 100' is a usual height for high rise signage along the interstate.

**In the approval of an application for a variance from the provisions of Article 13, Signs, regulating the size, height, appearance, or location of a sign, the Board of Zoning Appeals shall also find that no alternative signage solution that complies with the provisions of Article 13 is available and would provide adequate visibility, recognition and understanding.**

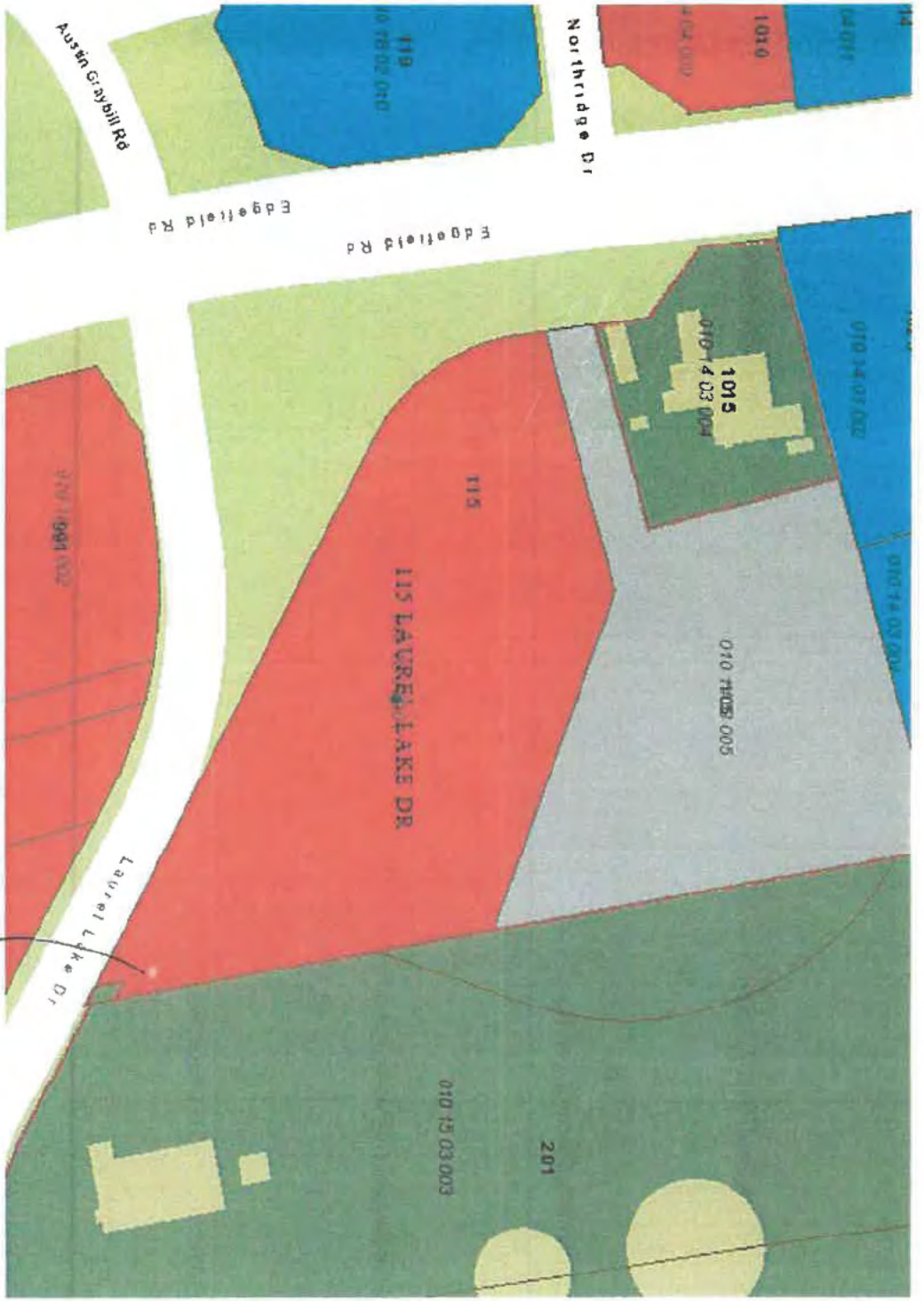
There is no other signage that will provide Circle K with the adequate signage they need along the Interstate to post the necessary gas prices and the fact that they possess Scales, which is very important to large trucks.

Circle K feels that asking for a sign to replace one that was existing for years with a considerably smaller sign is very necessary and would not be petitioning for your consideration if they didn't feel it was important. A sign that would be visible from the Interstate would not be visible over the foliage nor safely noticeable and legible to a vehicle travelling at Interstate rates of speed.

Thank you,

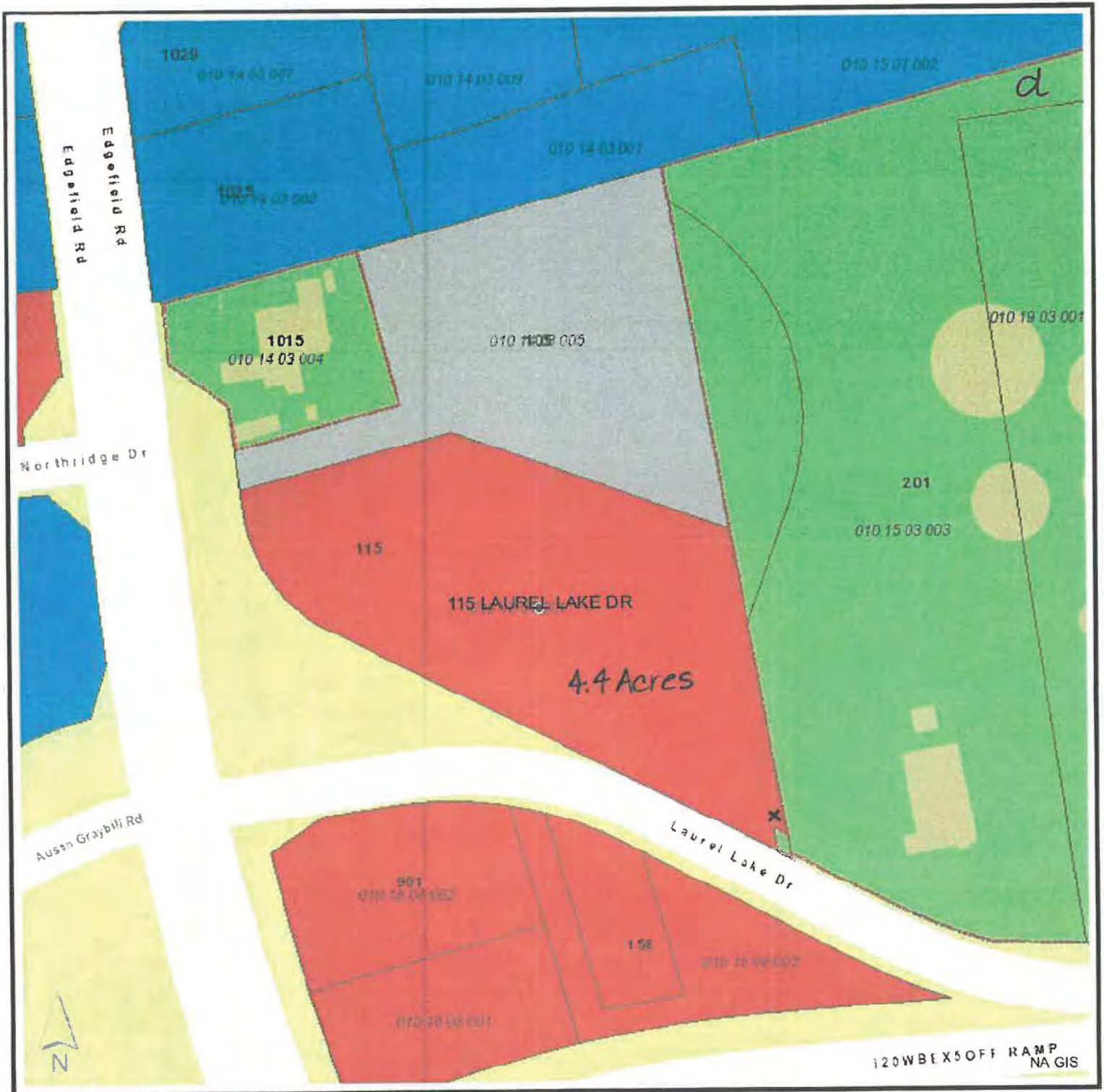


Ray Peters  
President  
AAA Sign Co., Inc.

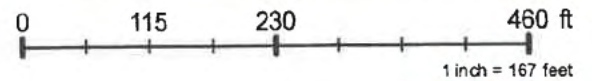


SIGN LOCATION

115 Laurel Lake Dr.



## Circle K - 115 Laurel Lake Dr.



**Note:** The City of North Augusta makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The City of North Augusta makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The City explicitly disclaims all representations and warranties. The reader agrees to hold harmless the City of North Augusta for any cause of action and costs associated with any causes of action which may arise as a consequence of the City providing this information.

Author: North Augusta SC  
Date: 4/21/2021



d



Overview



Legend

-  Parcels
-  Roads

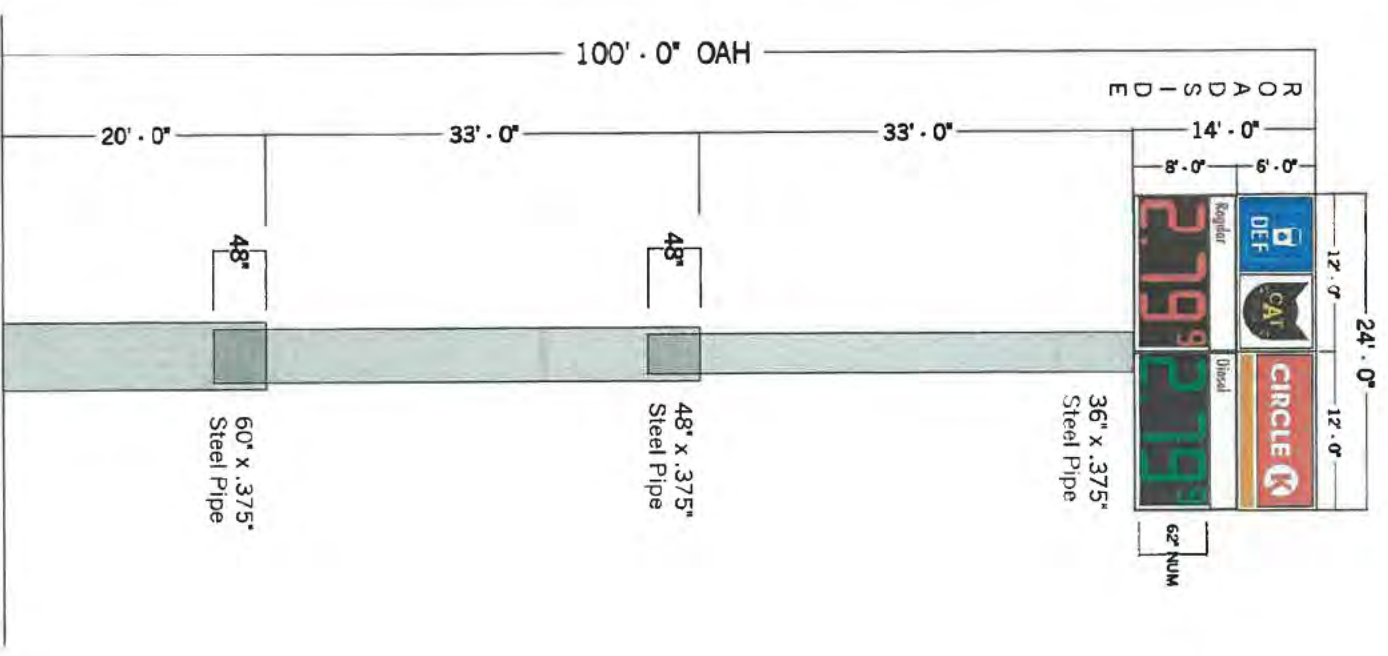
|                       |                                     |              |                    |            |                |
|-----------------------|-------------------------------------|--------------|--------------------|------------|----------------|
| Parcel ID             | 010-18-01-001                       | Alternate ID | n/a                | Owner Name | N & A FETZ LLC |
| Sec/Twp/Rng           | 0101801                             | Class        | Convenience Market |            |                |
| Property Address      | 115 LAUREL LAKE DR<br>NORTH AUGUSTA | Acreege      | 4.4                |            |                |
| District              | n/a                                 |              |                    |            |                |
| Brief Tax Description | I 20 & HWY 25                       |              |                    |            |                |

(Note: Not to be used on legal documents)

Date created: 11/21/2019  
Last Data Uploaded: 11/20/2019 10:16:39 PM

Developed by  Schneider  
GEOSPATIAL

# CIRCLE K #5350



### GENERAL NOTES:

MANUFACTURE AND INSTALL NEW INTERNALLY ILLUMINATED BILLBOARD SIGN WITH FLEX LOGO FACES. DOUBLE-SIDED BILLBOARD TO HAVE 62" LED GAS DIGITS AS SHOWN. POLE SIZES AND FINAL MATERIALS TO BE DETERMINED AND/OR FINALIZED.



### CK COLOR NOTES:

- PMS 485C RED
- PMS 144C YELLOW

### DEF COLOR NOTES:

- 3M 680-64 REFLECTIVE VINYL
- 3M 680-75 REFLECTIVE VINYL

### SHELL COLOR NOTES:

- SHELL YELLOW PANTONE SH1003 [PMS 115C]
- SHELL RED PANTONE SH1005 [PMS 485C]
- SHELL WARM WHITE PANTONE 9016
- SHELL WARM SILVER PANTONE 8002



Augusta & Savannah, Georgia & Charleston, South Carolina

Circle K #5350

FILE NAME: Circle K #5350

LOCATION: 1-20 @ HWY 25 Belvedere, SC  
SALES AGENT: Ray Peters

EMAIL: RayP@aaaSIGNCO.COM  
DRAWN BY: Jodi  
DATE: 9/04/2019

| REVISIONS | DATE | DATE |
|-----------|------|------|
| 1         |      |      |
| 2         |      |      |
| 3         |      |      |
| 4         |      |      |
| 5         |      |      |

**DECLARATION**  
THIS ORIGINAL ENGINEERING & DESIGN IS THE PRODUCT OF AAA SIGN CO., INC. & IS NOT TO BE REPRODUCED, COPIED, LOANED, EXHIBITED, OR USED IN ANY FASHION, IN WHOLE OR IN PART, WITHOUT WRITTEN PERMISSION FROM AAA SIGN COMPANY INC., AUGUSTA, GEORGIA.  
PHONE: 706.860.6890 FAX: 706.860.0884  
WEB: WWW.AAASIGNCO.COM  
ADDRESSES: 703.902.21410  
AUGUSTA, GA 30921/

**CURRENT REVIEW STATUS**

APPROVED

APPROVED AS NOTED

REVISE & RESUBMIT

AAA SIGN COMPANY, INC. REQUIRES THAT AN APPROVED DRAWING BE OBTAINED FROM THE CLIENT PRIOR TO ANY PRODUCTION RELEASE OR PRODUCTION RELEASE REVISION.

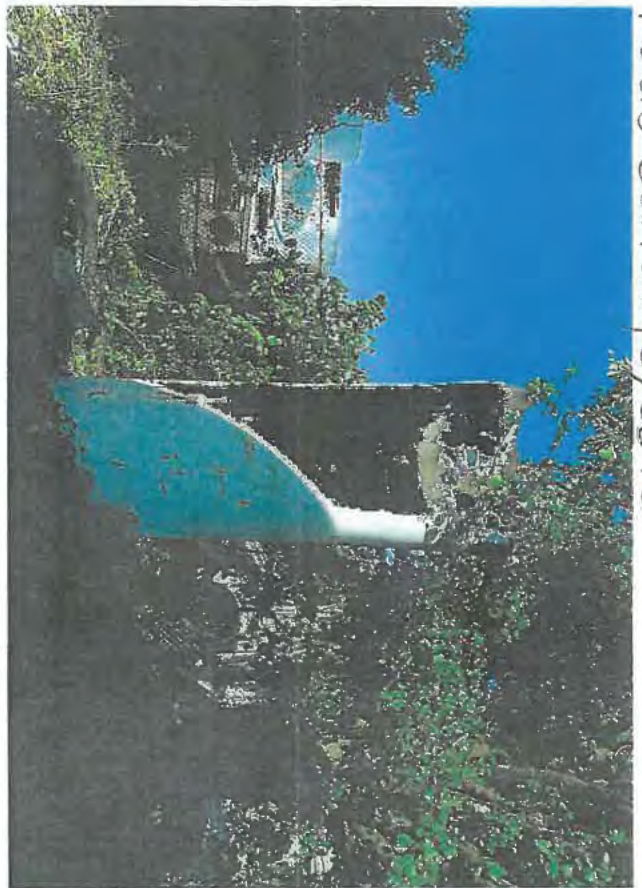


f&g



6-21-19

Tornado Damage/after



**CERTIFIED  
S CALES**

A billboard advertisement featuring two panels. The top panel shows a blue can of Polar Pop with a splash of liquid, with the text "FILL UP. COOL DOWN!" to its right. The bottom panel shows a black Diesel engine with the word "Diesel" written below it. To the right of the Diesel engine is a red square containing a white circle with a red letter "K".

*Faded handwritten text, possibly a date or location.*

*June 2018*





# CIRCLE K #53350

PROPOSED: OPTION B



EXISTING SIGN, NOT TO SCALE



## GENERAL NOTES:

EXISTING DOUBLE-SIDED BILLBOARD SIGN.  
MANUFACTURE AND INSTALL NEW NON-ILLUMINATED POLAR POP FACES. TO REPLACE EXISTING BLUMPE AND POLAR POP FACES, AS SHOWN.

*Previous photo & drawing*

**AAA SIGN CO. INC.**  
*Own  
Imaging  
Specialists*

Augusta & Savannah, Georgia  
& Charleston, South Carolina

Toll-free: 1-800-447-7777

Circle K  
#53350

FILE NAME:  
Circle K #53350

LOCATION:  
I-20 @ HWY 25, Reilverdere, SC

DESIGNER:  
Trey Paliers

EMAIL:  
RayP@aaasignco.com

DRAWN BY:  
DMDA  
CK5350-006.8

DATE:  
10.30.2017

| NO. | REVISIONS | DATE |
|-----|-----------|------|
| 1   |           |      |
| 2   |           |      |
| 3   |           |      |
| 4   |           |      |
| 5   |           |      |

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PHONE: 706.866.6893 FAX: 706.860.0934  
WEB: WWW.AAASIGNCO.COM  
ADDRESS: P.O. BOX 211419  
AUGUSTA, GA 30917

### APPROVALS:

APPROVED  
 APPROVED AS NOTED  
 REVISE & RESUBMIT

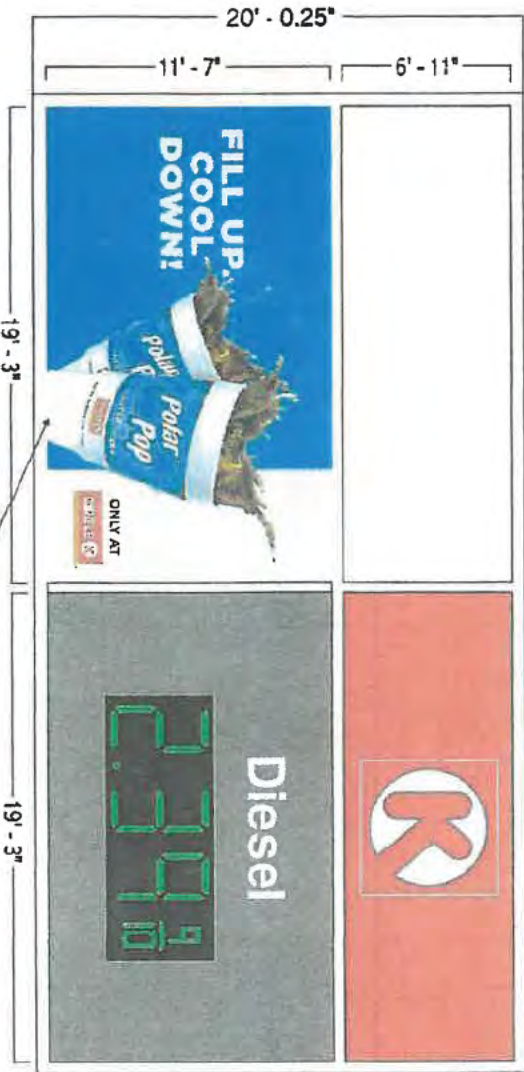
NAME: \_\_\_\_\_  
DATE: \_\_\_\_\_

AAA SIGN COMPANY, INC. RESERVES THE RIGHT TO MAKE CHANGES TO ANY DESIGN OR DRAWING WITHOUT NOTICE. THIS DRAWING IS THE PROPERTY OF AAA SIGN COMPANY, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT WRITTEN PERMISSION FROM AAA SIGN COMPANY, INC. AUGUSTA, GEORGIA.

# CIRCLE K #53350

PROPOSED:

40' - 0"



NEW POLAR POP FACES

48" NUM  
54" LED

EXISTING SIGN, NOT TO SCALE



## GENERAL NOTES:

EXISTING DOUBLE-SIDED BILLBOARD SIGN.  
MANUFACTURE AND INSTALL NEW NON-ILLUMINATED POLAR POP FACES.

*Previous photo  
sign destroyed  
by Tornado.*

Circle K  
#53350



### CUSTOMER INFORMATION

FILE NAME: Circle K #53350  
LOCATION: I-20 @ HWY 25 Belvedere, SC  
SALES REPRESENTATIVE: Ray Peters  
EMAIL: Ray.P@aaa-signco.com  
DRAWING BY: DNVGA  
PROJECT NO: CKS350-006.7  
DATE: 10.25.2017

### REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| 1   |      |             |
| 2   |      |             |
| 3   |      |             |
| 4   |      |             |

### REGISTRATION

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PHONE: 706.466.6890 FAX: 706.950.0994  
WEB: WWW.AAASIGNCO.COM  
ADDRESS: P.O. BOX 211410  
AUGUSTA, GA 30917

### CLIENT REVIEW STATUS

APPROVED  
 APPROVED AS NOTED  
 REVISE & RESUBMIT

AAA SIGN CO., INC. REQUIRES THAT ALL DRAWINGS BE OBTAINED FROM THE ORIGINAL PRODUCTION FILE TO AVOID ANY DISCREPANCY OR MISUNDERSTANDING.  
DATE: \_\_\_\_\_  
NAME: \_\_\_\_\_



Previous Photo



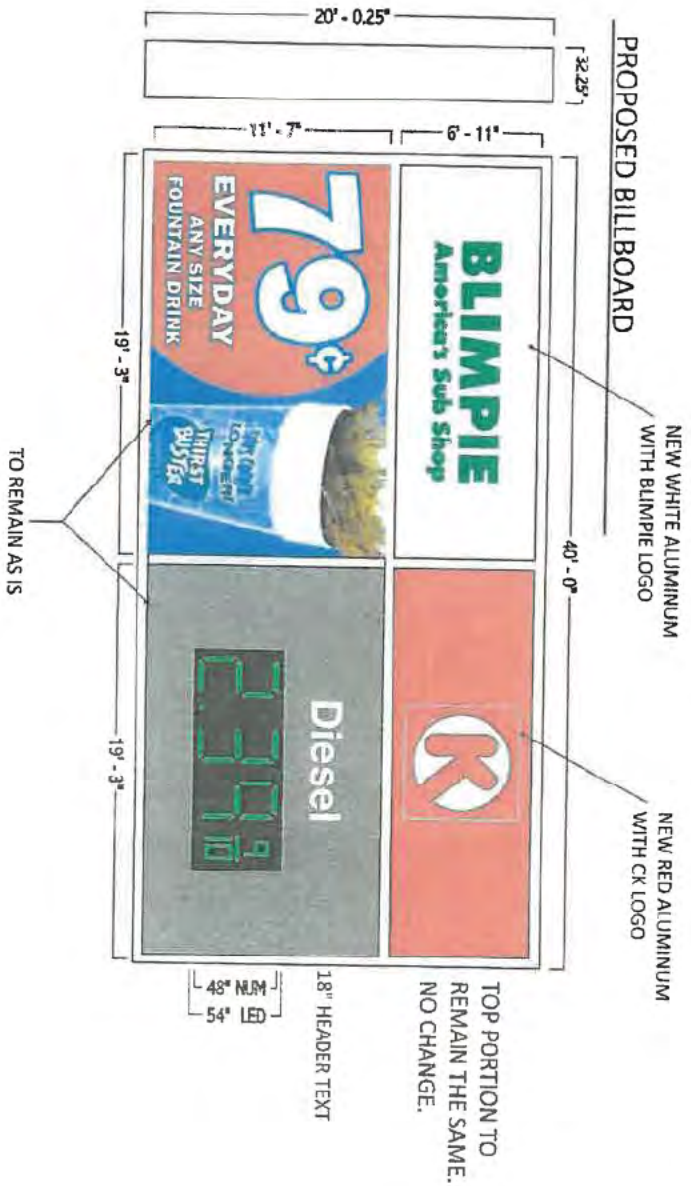
Previous Photo



# CIRCLE K #5350

GENERAL NOTES:  
EXISTING DOUBLE-SIDED BILLBOARD SIGN.

RE-IMAGE EXISTING BILLBOARD AS SHOWN.



## COLORS

Circle K 3630-33 Re 3630-87 Blu Thirsbuster PMS 288C Blue

DATE: 05.13.2010 SALES REP: Ray Peters, Jr.

DRAWING NO.: CK5350-006.6

DRAWN BY: JPN E-MAIL: [info@aaasignco.com](mailto:info@aaasignco.com)

AAA SIGN CO. INC.

700 Shaw Street  
Fayetteville, AR 72701

716-842-0868

Ray Peters, Jr.

CUSTOMER:

**CK #5350**

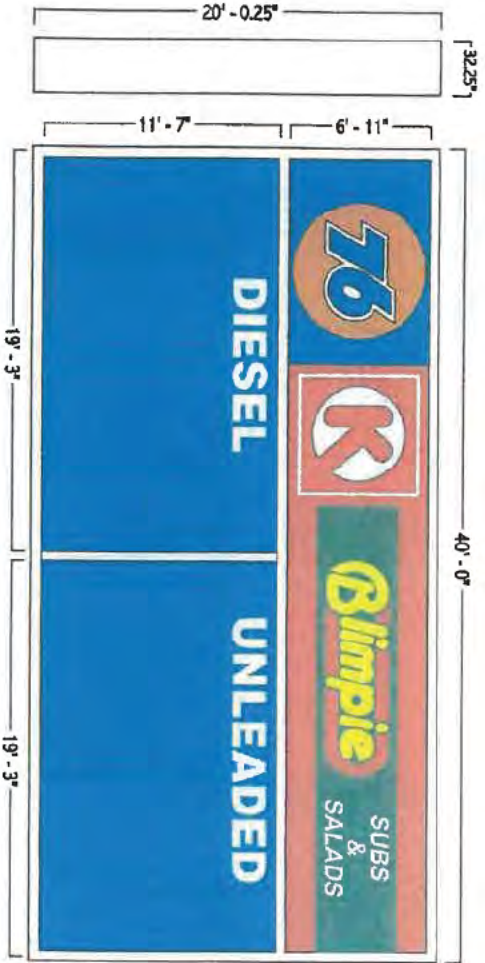
NOTES:

LOCATION:

I-20 @ HWY 25 Relvedere, SC

# CIRCLE K #5350

## EXISTING BILLBOARD



GENERAL NOTES:  
EXISTING DOUBLE-SIDED BILLBOARD SIGN.

REFURBISH EXISTING BILLBOARD SIGN.

TOP SIGN TO REMAIN AS IS.

BOTTOM OF SIGN:

THRIBUSTER -

NEW ALUMINUM PANELS WITH FIRST SURFACE APPLIED 3M VINYL GRAPHICS.

GAS PRICE PORTION -

SHELL GRAY BACKGROUND

NEW 18" WHITE VINYL HEADER TEXT

NEW LED GAS PRICER, 48" GREEN NUMERALS

LED CABINET: 4' - 6" TALL X 11' - 0"

## PROPOSED BILLBOARD



TOP PORTION TO REMAIN THE SAME. NO CHANGE.

18" HEADER TEXT

48" NUM  
54" LED

## PHOTO OF EXISTING



## COLORS

Circle K 3630-33 Red  
Circle K 3630-87 Blue  
Thribuster PMS 288C Blue

DATE: 05.30.2008 SALES REP: Ray Peters, Jr.

KOB NO: 0000 DPKS NO: 0K5350-006.4

DESIGN BY: JPN E-MAIL: jodif@AAASignCo.com

## AAA SIGN CO. INC.

1100 S. 7th Street, Suite 100  
Tomball, TX 77375  
Tel: 281-358-8888

P.O. Box 1140, Houston, TX 77202  
Fax: 281-358-8884  
www.aaasignco.com

CUSTOMER: CK #5350

LOCATION: I-20 @ HWY 25 Belverdere, SC

## NOTES:



Previous BP Sign Location

Old Circle K Sign Supports

# Department of Planning and Development



## Project Staff Report

ZV21-003 Stratton Place Townhomes

Prepared by: Kuleigh Baker

Meeting Date: June 3, 2021

## SECTION 1: PROJECT SUMMARY

|                        |  |
|------------------------|--|
| Project Name           | Stratton Place Townhomes FKA Bradleyville Townhomes  |
| Applicant              | JSMG Development   |
| Engineer               | Southern Partners, Inc.  |
| Address/Location       | South side of Bradleyville Road, East of Womrath Road  |
| Parcel Numbers         | 012-13-04-013  |
| Total Development Size | ± 5.6 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 E: Impervious Surface Ratio |

## 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)
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

---

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 May 19, 2021. 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 May 17, 2021. The property was posted with the required public notice on May 19, 2021.

## SECTION 4: SITE HISTORY

---

The subject property has never been developed. There was a Major Subdivision Preliminary Plat submitted in 2007 for a project known as Bradleyville Place. The project was never approved.

On September 10, 2020 the Board of Zoning Appeals issued a variance to allow for a smaller minimum lot width than permitted in the R-7, Small Lot, Single-Family Residential Zoning District in Article 3, Zoning Districts of the North Augusta Development Code. The motion was approved unanimously with the following condition:

1. The development will be similar to the sketch provided during the meeting with minor alterations at the discretion of the Director.

The sketch provided during the meeting is attached to this report for reference.

## SECTION 5: EXISTING SITE CONDITIONS

---

|                | <u>Existing Land Use</u>  | <u>Future Land Use</u>   | <u>Zoning</u>                             |
|----------------|---------------------------|--------------------------|---|
| Subject Parcel | Vacant                    | High Density Residential | R-7, Small Lot, Single-Family Residential |
| North          | Vacant                    | High Density Residential | R-5, Mixed Residential                    |
| South          | Vacant                    | High Density Residential | R-7, Small Lot, Single-Family Residential |
| East           | Vacant                    | High Density Residential | R-7, Small Lot, Single-Family Residential |
| West           | Single-Family Residential | High Density Residential | R-7, Small Lot, Single-Family Residential |

**Access** – The site currently has access from Bradleyville Road.

**Topography** – The parcel slopes from north to South with the lowest elevations falling in the middle of the southern portion of the property.

**Utilities** – Water and wastewater lines are located along Bradleyville Road.

**Floodplain** – The parcel is not in a federally designated floodway.

**Drainage Basin** – The property is located in the Womrath Basin. The preliminary physical stream assessments for Womrath basin indicate that this stream channel is currently effective at

transporting current loads of stormwater during heavy storm events. The Womrath Basin is impacted by activities outside the control of the SWMD where they occur outside the city limits. The SWMD will continue to monitor the basin and work with Aiken County and other entities that have authority to correct or resolve issues ongoing within the basin due to lower reaches being within the city.

## SECTION 6: STAFF EVALUATION AND ANALYSIS

---

The application is for a future townhome development located on Bradleyville Road.

The applicant requests a variance for  $\pm 0.4$  from the maximum impervious surface ratio of 0.4 (40%) required by the North Augusta Development Code Article 3, Table 3-3, Dimensional Standards. The impervious surface ratio requested for the project is  $\pm 0.8$  (80%) to permit a typical townhome design.

Following is analysis required by NADC §5.1.4.5.b (Applicant responses and staff commentary is bulleted):

1. An unnecessary hardship exists;
  - The applicant states the reduced lot size allowed by code paired with the design of the townhomes and infrastructure would significantly limit the square footage to achieve the required impervious surface ratio.

*Staff notes that the configuration of the townhome structure on the smaller lot size affects the overall impervious surface ratio.*

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - The applicant states that the topography and parcel shape do not allow for the lot depth necessary to achieve the 0.4 ratio.

*Staff notes that the lot configuration permitted by the previous BZA order for this project limits the overall lot size.*

3. The conditions do not generally apply to other property in the vicinity;
  - The applicant states other properties in the area have been developed with townhome lots at 26 ft wide with flatter topography and that these do not meet the 0.4 ratio.

*Staff notes that there are existing townhouse developments within the City limits that have narrower lot widths but acknowledges that each zoning district has its own requirements with several zoning districts having no minimums.*

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 applicant states a 0.4 ratio is not achievable with the minimum lot frontage requirement of 15 ft. The enforcement of the impervious surface ratio would require a lot depth of approximately 185 ft and prohibit townhome development allowed by zoning.

*Staff notes that the developer was granted previous variance for lot width (see Case History).*

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 variance will not be a detriment to adjacent properties since the density, landscaping, and other open space requirements will meet the requirements of the R-7 zoning. The overall Impervious Surface Ratio for the entire property is approximately 0.4.

*Staff notes the surrounding properties are residential at varying densities and that each zoning district has varying maximum impervious surface ratios as a result.*

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.
  - 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.

*Staff notes that the requirements of the impervious surface ratio are imposed 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.

*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.

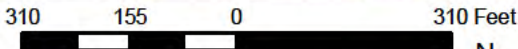
*Staff notes the Major Subdivision Preliminary Plat has been reviewed and approved by the Planning Commission subject to compliance with any outstanding Staff comments and including the granting of this variance by the Board of Zoning Appeals.*

## SECTION 7: ATTACHMENTS

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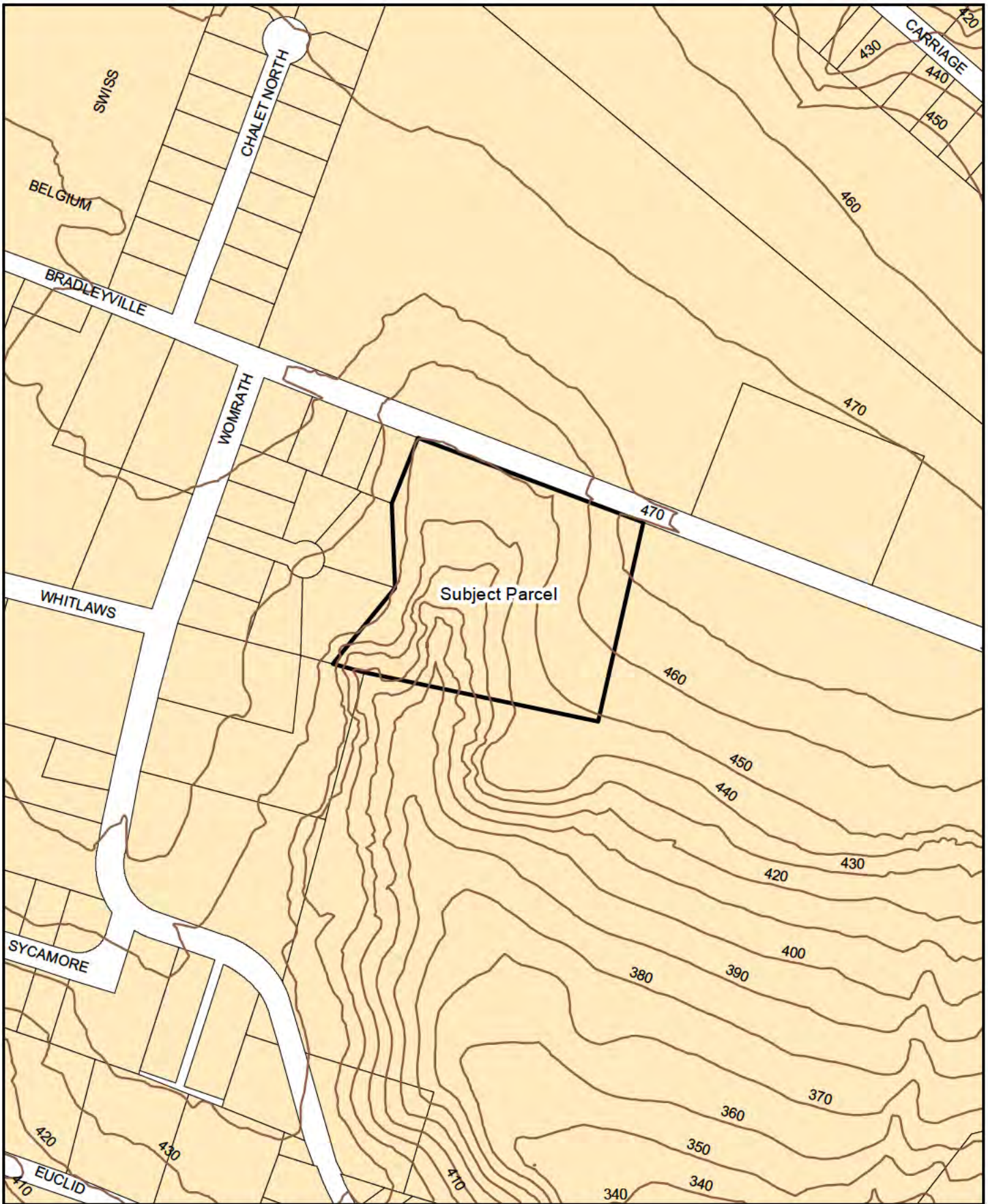
- 1) Aerial
- 2) Topography
- 3) Current Zoning
- 4) Future Land Use
- 5) Public Notice
- 6) Application Materials
- 7) Order for ZV20-006 and previous site sketch

cc. JSMG Development; [via email](#)  
Philip Green, Southern Partners, Inc.; [via email](#)



Aerial Map  
Stratton Place Townhomes  
Application ZV21-003  
TPN 012-13-04-013  
Approximately 5.63 ac

Date: 5/20/2021



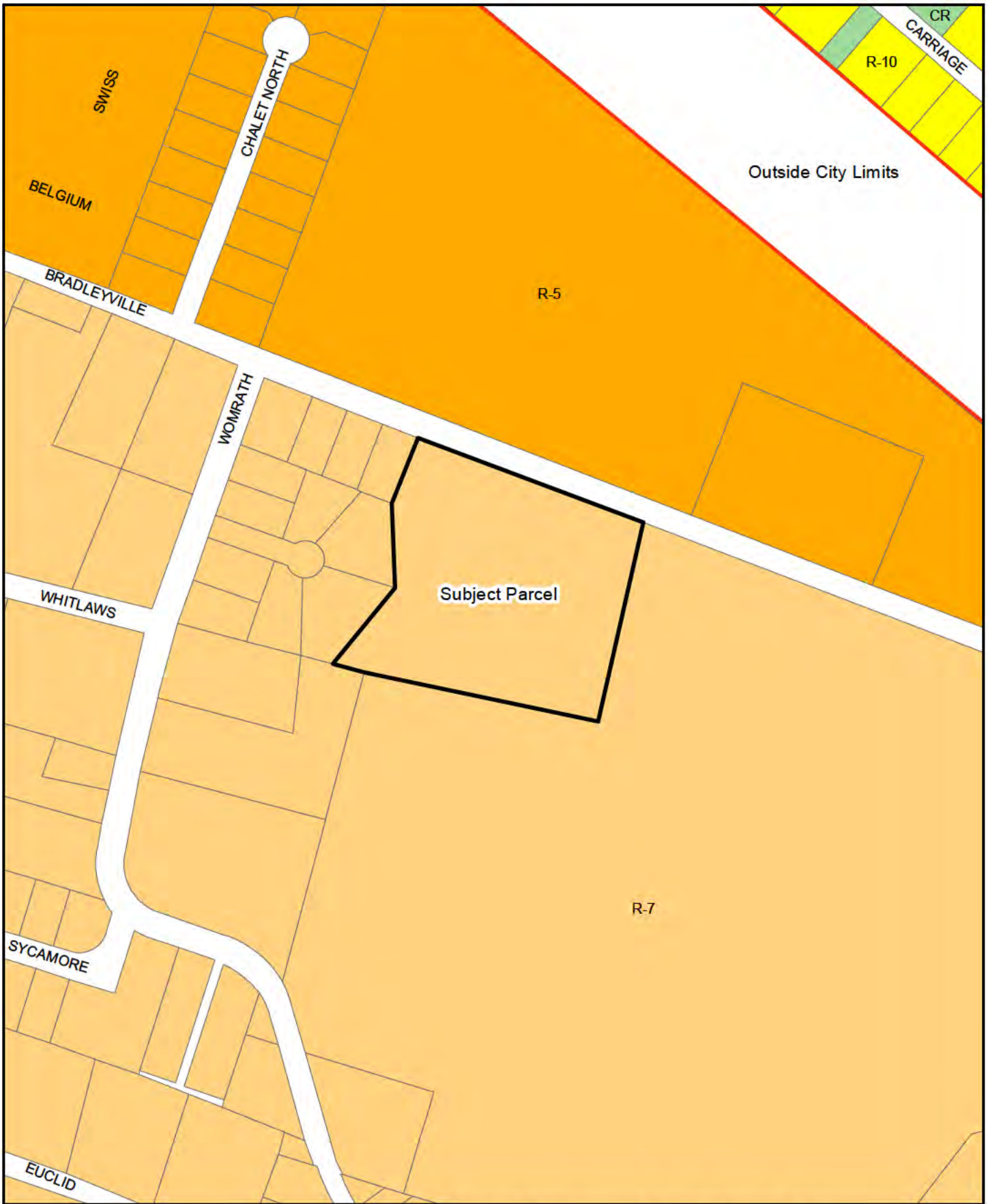
310 155 0 310 Feet



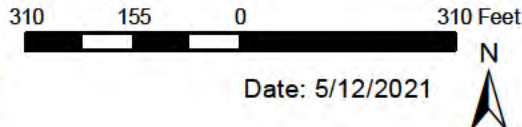
Topography Map  
Stratton Place Townhomes  
Application ZV21-003  
TPN 012-13-04-013  
Approximately 5.63 ac

Date: 5/20/2021

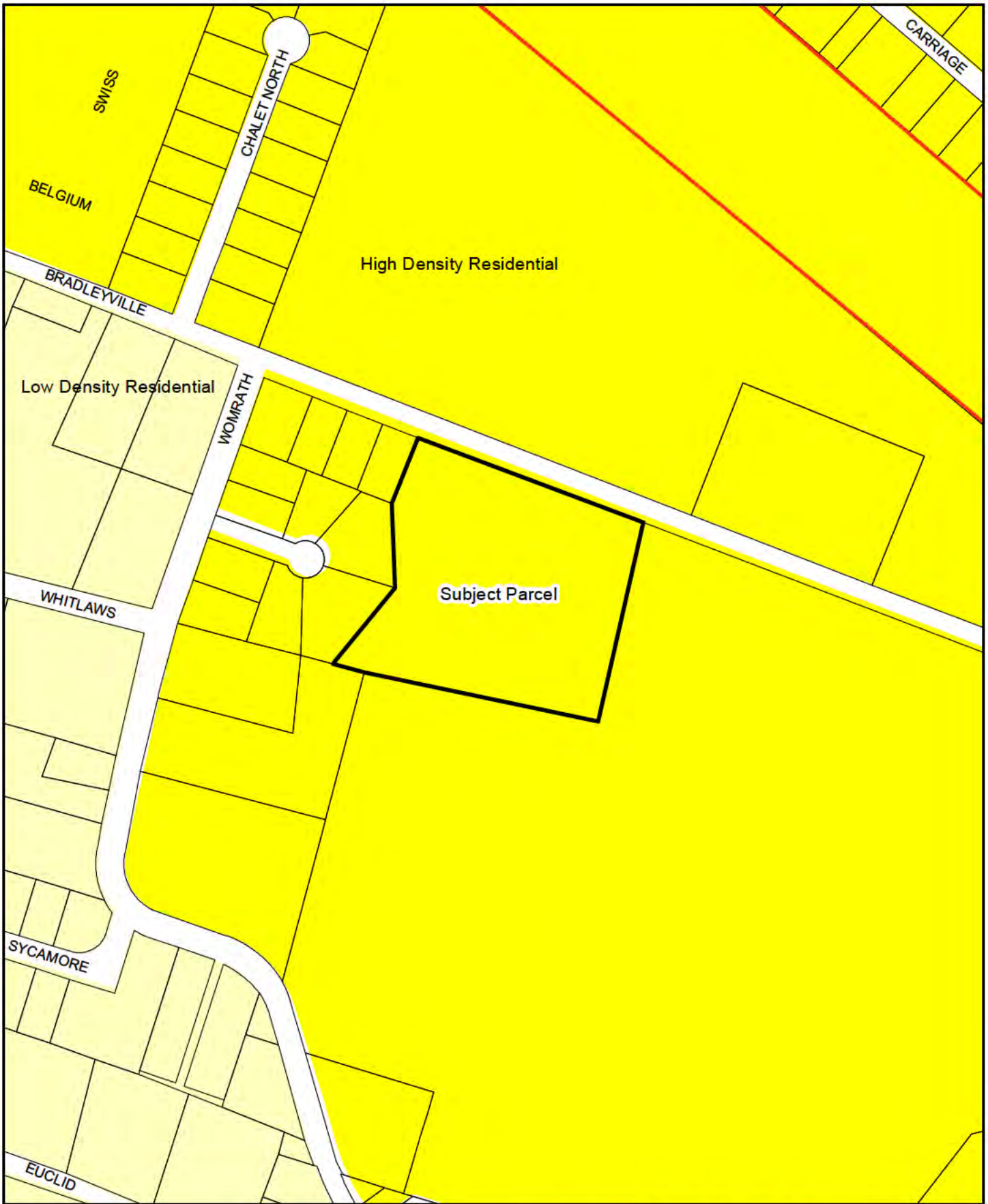




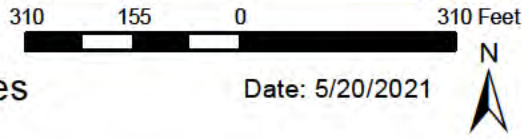
Zoning Map  
Application ZV21-003  
TPN 012-13-04-013  
Approximately 5.63 ac  
Zoned R-7, Small Lot  
Single-Family Residential



Date: 5/12/2021



Future Land Use Map  
Stratton Place Townhomes  
Application ZV21-003  
TPN 012-13-04-013  
Approximately 5.63 ac



Date: 5/20/2021

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

**PUBLIC HEARING NOTICE**

The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting beginning at 7:00 PM on June 3, 2021, in the Council Chambers located on the 3<sup>rd</sup> floor of the North Augusta Municipal Center, 100 Georgia Avenue to receive public input on the following applications:

**ZV21-002**-- A request by Circle K Stores, Inc. for a sign exceeding the maximum size and height allowed in the GC, General Commercial, zoning district in the North Augusta Development Code, Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart. The request affects an existing gas station and convenience store located on ±4.39 acres at 115 Laurel Lake Drive, TPN 010-18-01-001.

**ZV21-003**-- A request by JSMG Development for an impervious surface ratio that exceeds the maximum permitted in the R-7, Small Lot, Single-Family Residential zoning district by North Augusta Development Code Article 3, Zoning Districts, Table 3-3, Dimensional Standards. The request affects a proposed townhome development on ±5.63 acres located on Bradleyville Road, TPN 012-13-04-013.

**ZV21-004**-- A request by Cornerstone Family Chiropractic for a sign located within the side setbacks required in the HC, Highway Corridor Overlay District, North Augusta Development Code, Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart. The request affects an existing medical office on ±0.23 acres located at 505 West Martintown Road, TPN 006-17-05-004.

Documents related to the applications will be available for public inspection after May 27, 2021 at the Department of Planning and Development on the 2nd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, and online at [www.northaugusta.net](http://www.northaugusta.net). All members of the public interested in expressing a view on these cases are encouraged to attend or provide written comments to [planning@northaugusta.net](mailto:planning@northaugusta.net), or by phone message at 803-441-4221.

**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.**

# Notice of Appeal

Please type or print all information



### Staff Use Only

Application Number ZV21-003

Date Received 5/3/21

Review Fee \$250.00

Date Paid 5/3/21

1. Project Name Bradleyville Townhomes  
Project Address/Location 350' east of Womrath Road on the south side of Bradleyville Road  
Total Project Acreage 5.6 ac Current Zoning R-7  
Tax Parcel Number(s) 012-13-04-013
2. Applicant/Owner Name JSMG Development Applicant Phone [REDACTED]  
Mailing Address [REDACTED]  
City Augusta ST GA Zip 30909 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 Philip R Green, P.E. License No. 20074  
Firm Name Southern Partners, Inc. Firm Phone [REDACTED]  
Firm Mailing Address 1233 Augusta West Parkway  
City Augusta ST GA Zip 30909 Email [REDACTED]  
Signature Philip R Green Date 5-3-2021
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.

Philip R Green  
Applicant or Designated Agent Signature

5-3-2021  
Date

Philip R Green, P.E. (Agent)  
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 ZV21-003

Date Received 5/3/21

1. **Project Name** Bradleyville Townhomes

**Project Address/Location** 350' east Womrath Road on the south side of Bradleyville Road

**Project Parcel Number(s)** 012-13-04-013

2. **Property Owner Name** JSMG Development **Owner Phone** [REDACTED]

**Mailing Address** [REDACTED]

**City** Augusta **ST** GA **Zip** 30909 **Email** [REDACTED]

3. **Designated Agent** Philip R Green, P.E.

**Relationship to Owner** Engineer

**Firm Name** Southern Partners, Inc **Phone** [REDACTED]

**Agent's Mailing Address** 1233 Augusta West Pkwy

**City** Augusta **ST** GA **Zip** 30909 **Email** [REDACTED]

**Agent's Signature** Philip R Green **Date** 5-3-2021

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

[Signature]  
Owner Signature

5-3-2021  
Date

5. Sworn and subscribed to before me on this 3<sup>rd</sup> day of May, 2021.

Cathie  
Notary Public

Commission Expires 2021





## SOUTHERN PARTNERS, INC.

Engineering • Planning • Surveying

1233 Augusta West Parkway

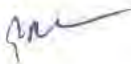
Augusta, Georgia 30909

Phone: (706) 855-6000 Fax: (706) 869-9847

engineering@southernpartners.net

## Narrative of Appeals Request

To: The Board of Zoning Appeals (BZA)  
c/o Libby Hodges, AICP – Planning & Development Department Director  
City of North Augusta

From: Philip R. Green, PE – Southern Partners, Inc.   
Project Designated Agent

Date: May 3, 2021

RE: Appeal request on parcel 012-13-04-013 for proposed 0.8 Impervious Surface Ratio within R-7 zoning

The proposed project, known as Stratton Place, is located on the south side of Bradleyville Road approximately 350 feet east of the intersection of Womrath Road. This property is zoned R-7 which allows townhome development by right. However, the maximum impervious surface ratio is 0.4 as defined by Code. We previously received a variance from the 40' minimum width requirement; however this creates a lot that is 26' wide by 100 feet deep. Given this reduction in lot dimensions, the impervious surface ratio is inversely impacted. With a typical townhome unit the impervious area is approximately 0.8 on the lot. The total impervious surface ratio on the property is approximately 0.4. Below is the requested appeal including the section(s) of the North Augusta Development Code and pertinent supporting documents.

1) 3.5.7.6 Dimensional Standards in Base Zoning Districts *TABLE 3-3: Maximum Impervious Surface Ratio – 0.4*

The North Augusta Development Code sets a maximum impervious surface ratio of 0.4 for the R-7 district, however the minimum lot size is specifically exempted by note a. to the table. The proposed development as shown will divide the existing parcel into approximately 32 townhome lots, each with an impervious surface ratio of approximately 0.8.

My client is requesting a variance from the impervious surface ratio maximum that will allow the development of this parcel with the proposed buildings. The following items, enumerated by the checklist letter, describe the variance request.

It is being requested that the Maximum Impervious Surface Ratio be as proposed on the included Plot Plan. The granting of this appeal will not cause a detriment to the adjacent properties or surrounding areas.

- i. *A description of the unnecessary hardship created by the requirements of the Development Code.* The proposed fee simple lot dimensions are 26 feet wide and 100 feet deep. With the reduced lot size allowed by code and the inherent design of townhomes, a 0.4 ratio can not be achieved. Including driveway and sidewalk, this would limit the townhome square footage to less than 1000 sq ft.

- j. A description of any extraordinary or exceptional conditions unique to the property and how they relate to the appeal for the variance. The topography and shape of the parcel does not allow for lot depth necessary to achieve the 0.4 ratio.
- k. An explanation of why the conditions do not generally apply to other property in the area. Other properties in the area have been developed with townhome lots at 26' wide. These properties have flatter topography and also do not meet the 0.4 ratio.
- l. A description of the unreasonable restrictions or prohibitions the Development Code has on the utilization of the property. The 0.4 ratio is not achievable with the minimum lot frontage requirement of 15'. The enforcement of the 0.4 ratio would require a lot depth of approximately 185 feet and essentially prohibits typical townhome development although allowed by zoning.
- m. An explanation of why the granting of the variance will not be of substantial detriment to adjacent property or to the public good, or harmful to the character of the district. The variance will not be a detriment to adjacent properties since the density, landscaping, and other open space will be adhered to the R-7 zoning. This use is permitted by right within the R-7 zoning and will not be harmful to the character of the area. The overall Impervious Surface Ratio of the property as a whole is approximately 0.4.
- n. A list and explanation of any voluntary conditions on the variance to minimize any potential adverse impacts. This layout provides substantial open space and is below the maximum allowed density.

If you have any questions, please feel free to give me a call at 706-877-2551.



Drive Tool: Alignments

| Curve # | Radius | Length | Chord  | Chord Bearing   | Start Sta | End Sta  |
|---------|--------|--------|--------|-----------------|-----------|----------|
| 1       | 900.00 | 100.00 | 100.00 | S 90° 00' 00" W | 0+00.00   | 0+100.00 |
| 2       | 900.00 | 100.00 | 100.00 | S 00° 00' 00" E | 0+100.00  | 0+200.00 |
| 3       | 900.00 | 100.00 | 100.00 | S 00° 00' 00" E | 0+200.00  | 0+300.00 |
| 4       | 900.00 | 100.00 | 100.00 | S 90° 00' 00" W | 0+300.00  | 0+400.00 |



Know what's below  
Call before you dig

**SHEET INDEX**

| SHEET NO. | TITLE         |
|-----------|---------------|
| 1         | GENERAL NOTES |
| 2         | LANDSCAPE     |
| 3         | PAVING        |
| 4         | CONCRETE      |
| 5         | MECHANICAL    |
| 6         | ELECTRICAL    |
| 7         | PLUMBING      |
| 8         | FINISHES      |
| 9         | EXTERIOR      |
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| 35        | MECHANICAL    |
| 36        | ELECTRICAL    |
| 37        | PLUMBING      |
| 38        | FINISHES      |
| 39        | EXTERIOR      |
| 40        | INTERIOR      |

**LANDSCAPE**  
 1. ALL PLANTING TO BE INSTALLED AND MAINTAINED BY THE CONTRACTOR.  
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**STRUCTURE DETAILS**  
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**STRATTON PLACE  
TOWNHOMES**

**PROJECT DATA**

PROJECT NO. 2024-001

DATE 01/15/2024

SCALE 1/8" = 1'-0"

PROJECT LOCATION 12345 MAIN ST, ANYTOWN, MO

**OWNER**

STRATTON PLACE TOWNHOMES

12345 MAIN ST, ANYTOWN, MO

**DESIGNER**

SOUTHERN PARTNERS INC.

12345 MAIN ST, ANYTOWN, MO

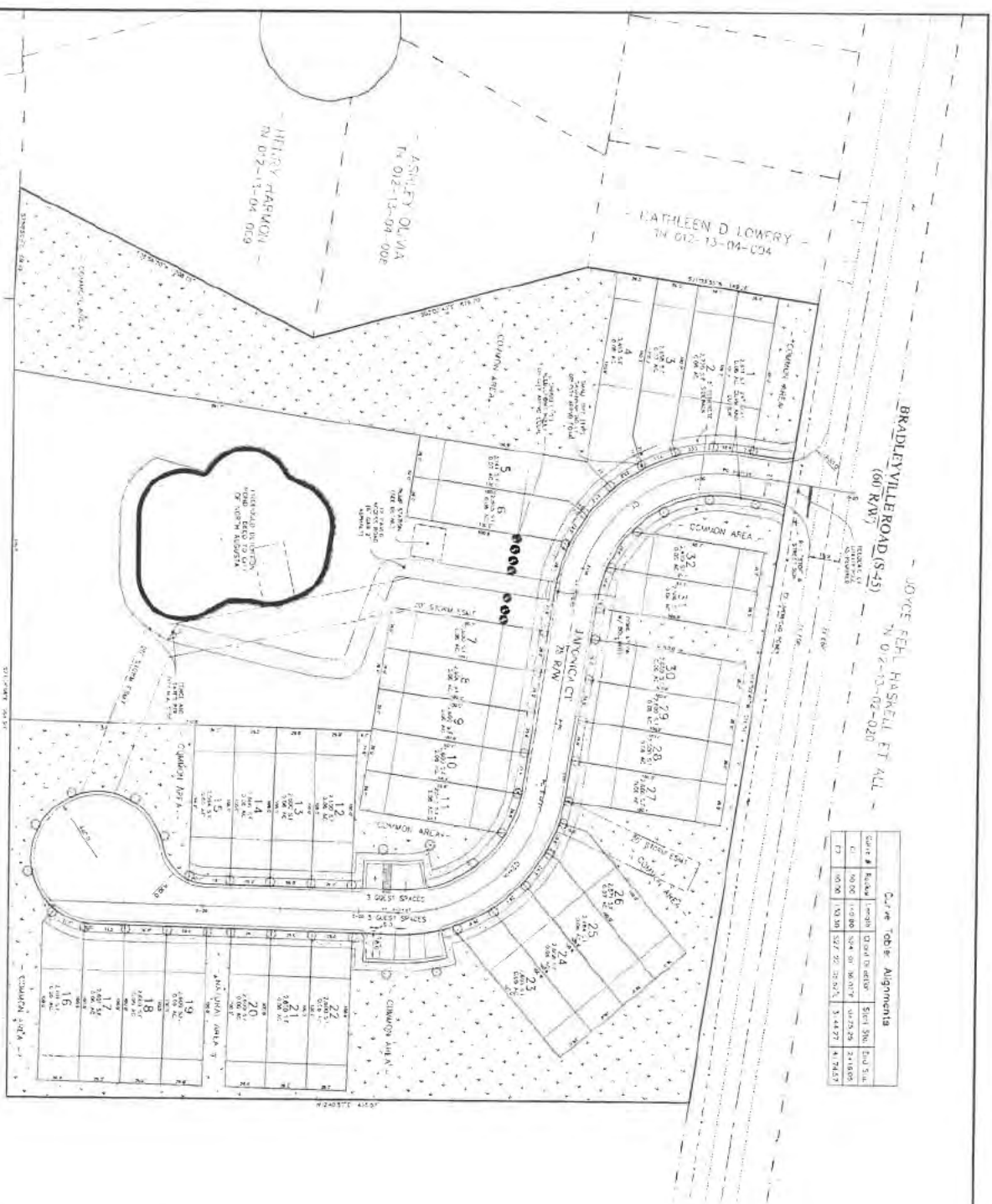
**DATE**

01/15/2024









Curve Table Alignment

| Curve # | Radius | Length | Chord to center | Start Sta. | End Sta. |
|---------|--------|--------|-----------------|------------|----------|
| 1       | 100.00 | 100.00 | 58.81           | 0+00.00    | 1+00.00  |
| 2       | 100.00 | 100.00 | 58.81           | 1+00.00    | 2+00.00  |
| 3       | 100.00 | 100.00 | 58.81           | 2+00.00    | 3+00.00  |
| 4       | 100.00 | 100.00 | 58.81           | 3+00.00    | 4+00.00  |
| 5       | 100.00 | 100.00 | 58.81           | 4+00.00    | 5+00.00  |
| 6       | 100.00 | 100.00 | 58.81           | 5+00.00    | 6+00.00  |
| 7       | 100.00 | 100.00 | 58.81           | 6+00.00    | 7+00.00  |
| 8       | 100.00 | 100.00 | 58.81           | 7+00.00    | 8+00.00  |
| 9       | 100.00 | 100.00 | 58.81           | 8+00.00    | 9+00.00  |
| 10      | 100.00 | 100.00 | 58.81           | 9+00.00    | 10+00.00 |
| 11      | 100.00 | 100.00 | 58.81           | 10+00.00   | 11+00.00 |
| 12      | 100.00 | 100.00 | 58.81           | 11+00.00   | 12+00.00 |
| 13      | 100.00 | 100.00 | 58.81           | 12+00.00   | 13+00.00 |
| 14      | 100.00 | 100.00 | 58.81           | 13+00.00   | 14+00.00 |
| 15      | 100.00 | 100.00 | 58.81           | 14+00.00   | 15+00.00 |
| 16      | 100.00 | 100.00 | 58.81           | 15+00.00   | 16+00.00 |
| 17      | 100.00 | 100.00 | 58.81           | 16+00.00   | 17+00.00 |
| 18      | 100.00 | 100.00 | 58.81           | 17+00.00   | 18+00.00 |
| 19      | 100.00 | 100.00 | 58.81           | 18+00.00   | 19+00.00 |
| 20      | 100.00 | 100.00 | 58.81           | 19+00.00   | 20+00.00 |
| 21      | 100.00 | 100.00 | 58.81           | 20+00.00   | 21+00.00 |
| 22      | 100.00 | 100.00 | 58.81           | 21+00.00   | 22+00.00 |

**SHEET DETAILS**

SEE FOLLOWING SHEETS FOR:  
 1. ALL SHEETS WITH CONCRETE, CLBB AND LATHES  
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**LANDSCAPING**

SEE SHEET FOR LANDSCAPING PLAN  
 DRAWING IN VOLUME 112



811  
 Know what's below  
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**SHEET INDEX**

| Sheet No. | Description |
|-----------|-------------|
| 1         | Site Plan   |
| 2         | Foundation  |
| 3         | Structural  |
| 4         | MEP         |
| 5         | Exterior    |
| 6         | Interior    |
| 7         | Finishes    |
| 8         | Landscaping |
| 9         | Site Plan   |
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| 21        | Exterior    |
| 22        | Interior    |
| 23        | Finishes    |
| 24        | Landscaping |

**PROJECT DATA**

|              |                                |
|--------------|--------------------------------|
| PROJECT NAME | STRATTON PLACE TOWNHOMES       |
| OWNER        | SOUTHERN PARTNERS PARTNERS INC |
| DESIGNER     | ...                            |
| DATE         | ...                            |
| SCALE        | ...                            |
| PROJECT NO.  | ...                            |
| SHEET NO.    | 2                              |

**STRATTON PLACE TOWNHOMES**







Curve Table Agreements

| Curve # | Radius   | Length  | Chord Distance | Start Sta. | End Sta. |
|---------|----------|---------|----------------|------------|----------|
| C1      | 400.00'  | 142.86' | 136.00'        | 0+00.00    | 2+10.00  |
| C2      | 1000.00' | 314.16' | 300.00'        | 2+10.00    | 5+44.16  |

**STREET DETAILS**  
 THE FOLLOWING DETAILS APPLY:  
 1. ALL STREETS WITH CONCRETE CURBS AND DUTCH  
 2. 12" CONC. UNDERLYING ALL STREETS  
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**LANDSCAPING**  
 RESURFACING, CUT AND FILL, AND  
 CONCRETE SHALL BE AS SHOWN.



Know what's below  
 Call before you dig



# STRATTON PLACE TOWNHOMES



**SOUTHERN PARTNERS INC.**  
 10000 W. BRADLEYVILLE ROAD  
 SUITE 100  
 BRADLEYVILLE, MO 64011  
 (417) 731-1111

**SHEET INDEX**

| NO. | DESCRIPTION    |
|-----|----------------|
| 1   | GENERAL NOTES  |
| 2   | FOUNDATION     |
| 3   | CONCRETE       |
| 4   | MECHANICAL     |
| 5   | ELECTRICAL     |
| 6   | PLUMBING       |
| 7   | LANDSCAPING    |
| 8   | ASPHALT DRIVE  |
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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )  
In Re: Bradleyville Townhomes )  
 )  
Variance Application )  
 )

BEFORE THE  
CITY OF NORTH AUGUSTA  
BOARD OF ZONING APPEALS

ORDER

Application Number: ZV20-006  
Parcel Number: 012-13-04-013  
Bradleyville Rd.

**Request**

JSMG Development filed an appeal for a variance pursuant to 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) of the North Augusta Development Code. The appeal was a request for a variance to allow for a smaller minimum lot width than permitted in the R-7, Small Lot, Single-Family Residential Zoning District in Article 3, Zoning Districts of the North Augusta Development Code. The application affects ±5.6 acres located on Bradleyville Road, East of Womrath Road, Tax Parcel Number 012-13-04-013.

**Public Notice**

A public notice describing the request and advertising the scheduled date of the Board of Zoning Appeals (Board) public hearing was published in *The Star* and on [www.northaugusta.net](http://www.northaugusta.net) on August 26, 2020. A written notice of the variance request and scheduled date of the Board hearing was mailed to the owners of property within 200 feet of the subject property August 24, 2020. The property was posted with the required public notice on August 26, 2020.

**2020024236**  
ORDER  
RECORDING FEES \$25.00  
PRESENTED & RECORDED:  
10-01-2020 12:25 PM  
JUDITH WARNER  
REGISTER OF MESNE CONVEYANCE  
AIKEN COUNTY, SC  
BY: JENNIFER YOUNG DEPUTY  
**BK: RB 4875**  
**PG: 1670 - 1673**

### **Findings of Fact and Decision**

Section 18.4.5.4.2 of the North Augusta Development Code defines the Board's powers and duties related to hearing and deciding upon appeals for variances and provides the criteria which the Board must use in reviewing each variance request. To grant a variance, the Board must find and explain in writing that the evidence and facts of the case prove that each of the following mandatory factors applies:

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. In the approval of an application for a variance from the provisions of Article 13, Signs, regulating the size, height, appearance, or location of a sign, the Board of Zoning Appeals shall also find that no alternative signage solution that complies with the provisions of Article 13 is available and would provide adequate visibility, recognition and understanding.
7. The Board of Zoning Appeals does 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.

Board of Zoning Appeals  
Application ZV20-006  
Bradleyville Townhomes

8. That the unnecessary hardship is not self-imposed.
9. That using the property more profitably was not grounds for granting the 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 upon these factors, the Board's review of this application, consideration of the staff report as well as testimony and evidence submitted by the applicant, and providing the opportunity for public comment at the hearing, the Board has found in the affirmative that the appeal meets all of the standards required to issue the variance.

After a motion made by Mr. Kevin Scaggs, and duly seconded by Mr. Jim Newman, joined by Chairman Wes Summers, and member Kathie Stallworth, voted unanimously to approve the application with the following conditions:

1. The development will be similar to the sketch provided during the meeting with minor alterations at the discretion of the Director.

Therefore, based upon these findings of fact and conclusions of law; it is:

**ORDERED** that subject to the conditions enumerated herein, the applicant's request for a variance to allow for a smaller minimum lot width than permitted in the R-7, Small Lot, Single-Family Residential Zoning District in Article 3, Zoning Districts of the North Augusta Development Code, affecting ±5.6 acres located on Bradleyville Road, East of Womrath Road, Tax Parcel Number 012-13-04-013, is GRANTED; and further

Board of Zoning Appeals  
Application ZV20-006  
Bradleyville Townhomes

**ORDERED** that the executed Order be given to the North Augusta City Clerk and that copies be provided to the applicant and the North Augusta Department of Planning and Development.

IT IS SO ORDERED



O. Wesley Summers, Chairman  
Board of Zoning Appeals

Sept. 22, 2020  
North Augusta, South Carolina

Copy of this order sent to the applicants **BY CERTIFIED MAIL** on \_\_\_\_\_, 2020.

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



# Department of Planning and Development



## Project Staff Report

ZV21-004 Cornerstone Family Chiropractic Sign

Prepared by: Kuleigh Baker

Meeting Date: June 3, 2021

## SECTION 1: PROJECT SUMMARY

|                        |  |
|------------------------|--|
| Project Name           | Cornerstone Family Chiropractic Sign   |
| Applicant              | Maria and Greg Stone   |
| Address/Location       | 505 A West Martintown Road   |
| Parcel Number          | 006-17-05-004  |
| Total Development Size | ± 0.24 acres   |
| Existing Zoning        | NC, Neighborhood Commercial  |
| Overlay                | HC, Highway Corridor Overlay District  |
| Variance Requested     | NADC Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart, side setbacks |

## 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. In the approval of an application for a variance from the provisions of Article 13, Signs, regulating the size, height, appearance, or location of a sign, the Board of Zoning Appeals shall also find that no alternative signage solution that complies with the provisions of Article 13 is available and would provide adequate visibility, recognition and understanding.
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 May 19, 2021. 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 May 17, 2021. The property was posted with the required public notice on May 19, 2021.



## SECTION 4: SITE HISTORY

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The subject property is part of a development of individual commercial properties fronting on W. Martintown Road with lower levels accessed from the rear of the building.

The subject property operates as a single development, with shared parking and access across the frontage, however, it appears there are multiple parcels within the overall development. There is limited historic information available on the site aside from a series of Certificates of Zoning Compliance for various professional and health-related services.

On April 27, 2020, the Director of Planning and Development held an administrative Conditional Use hearing to allow for a chiropractic clinic. The Conditional Use Permit was granted with the condition that any future development should comply with the codes and standards at that time.

On June 1, 2020, AAA Sign Co., Inc. conducted an initial sign code check for the Cornerstone Family Chiropractic location. A sign zoning review application was received on August 27, 2020, (SN20-025) but was not approved, pending a request for additional information on the location of the sign. Code Enforcement notified staff that a sign was present at the location. Staff re-initiated the request after several reminders for additional information, culminating in the variance application.

## SECTION 5: EXISTING SITE CONDITIONS

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|                | <u>Existing Land Use</u>     | <u>Future Land Use</u>            | <u>Zoning</u>   |
|----------------|------------------------------|-----------------------------------|---|
| Subject Parcel | Commercial                   | Mixed Use                         | NC, Neighborhood Commercial   |
| North          | Commercial/Residential       | Mixed Use/Low Density Residential | NC, Neighborhood Commercial/R-7, Small Lot, Single-Family Residential |
| South          | Commercial/Residential       | Mixed Use                         | NC, Neighborhood Commercial/R-7, Small Lot, Single-Family Residential |
| East           | Residential                  | Low Density Residential           | R-7, Small Lot, Single-Family Residential                             |
| West           | Institutional, Religious Use | Mixed Use                         | PD, Planned Development   |

**Access** – The site currently has access from West Martintown Road and Partridge Lane with several curb cuts along the entirety of the development front.

**Topography** – The site is relatively flat along the front, with a change in elevation to the rear of the property.

**Utilities** – Water and sewer are existing.

**Floodplain** – The subject property is not located in a federally designated floodway.

**Drainage Basin** – The project is located in the Pretty Run drainage basin. The Stormwater Management department has conducted a baseline assessment of the basin streams and has rated the Pretty Run basin as poor. Several water quality impairments were found in samples. Pretty Run basin is located in a highly dense residential part of North Augusta. The preliminary physical stream assessments indicate that this stream channel is currently not effective at transporting current loads of stormwater during heavy storm events. Upstream construction sites that are not well maintained have impacted the channel. Studies and outreach will continue, but based on the assessment, it appears that urban runoff is the primary cause for nutrient level exceedances in Pretty Run creek.

## SECTION 6: STAFF EVALUATION AND ANALYSIS

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Following is analysis required by NADC §5.1.4.5.b (Staff summary of applicant statements are bulleted; additional Staff commentary is *italicized*):

1. An unnecessary hardship exists;
  - The applicant states that the business is using an existing lamppost that was previously utilized for signage by other businesses.
  - *Staff notes that GoogleMap Streetview pictures from 2007-2019, approximately the span of the current sign regulations, do not appear to show a sign at that location. Staff would be unable to allow the sign to remain per Article 13 or Article 19.*
  
2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - The applicant states that the lot configuration creates a logistical issue for an approvable sign location.

3. The conditions do not generally apply to other property in the vicinity;
  - The applicant states that the surrounding properties utilize roof signs that are prohibited by the current development code.
  
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 applicant states that the location restrictions do not allow the business to be adequately advertised.
  
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 that they have permission from the neighboring parcel owner to use the lamppost for signage.
  - *Staff is unable to verify setbacks for the ground sign. Allowed signage is as follows: NC, Neighborhood Commercial in the Highway Corridor Overlay:*
    - a. *Max Square footage: 300 sq ft or 10% of ground floor area, or 6 sq ft per linear ft of street frontage, whichever is less. This would be the maximum for all signage on the site.*
    - b. *Wall signs: 300 sf maximum, or 10% of wall, whichever is less.*
    - c. *Each parcel would be allowed a free-standing sign at 100 sf or 0.5 per linear feet of street frontage. Maximum height of 25'. Minimum setbacks are 5' from the front or 10' from the side. Setbacks would need to be verified for a freestanding sign.*
  
6. In the approval of an application for a variance from the provisions of Article 13, Signs, regulating the size, height, appearance, or location of a sign, the Board of Zoning Appeals shall also find that no alternative signage solution that complies with the provisions of Article 13 is available and would provide adequate visibility, recognition and understanding.
  - The applicant states that there is no other signage option that is feasible for their budget to provide visibility.

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.
    - Signs are allowed in commercial zoning districts according to the sign regulations in the Development Code.
  - b To extend physically a nonconforming use of land.
    - The variance does not extend a physically nonconforming use of land.
  - 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 hardship is created by the lot dimensions.
  
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 notes the impact to foot traffic and visibility.
  
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.

*Article 19 of the North Augusta Development Code no longer includes signage as a pre-existing, non-conforming site improvement (Section 19.6, amended in 2019). Given that staff cannot find any evidence that a sign existed in that location prior to the issuance of the Certificate of Zoning Compliance issued for the Cornerstone Chiropractic clinic, the code is unable to provide any pre-existing protections for these signs. A series of images from Google Street-view is included for reference.*

*An abbreviated version of the sign history is provided in Section 4. Staff notes that the signage regulations apply to all property within the City and staff makes every effort to apply those regulations impartially and fairly. It is accurate that the applicant was provided several options per the existing code. Staff does not make recommendations about what to choose, simply explains what is allowed.*

*It should be noted that banners are prohibited generally within the City, not for specific zoning districts.*

*There are several potential variances at question in this application. If granted, square footage and height limits should be specified by the Board, if possible.*

- 1) The first may be a side setback variance. The applicant appears to be unable to meet the side setback, however, as stated in the application materials, the lamp post may be on an adjacent property.*
- 2) If the lamp post is on an adjacent property, staff does not have the information available to verify the setback or the total square footage allowed square footage. In either case, the lamp post may still be within the required setback for signs and would require a variance for the sign location. A sealed survey may be necessary to accurately reflect the location of the property lines, lamp post and buildings.*
- 3) Temporary signs up to 16 sf are allowed in the Highway Corridor Overlay without a permit as long as they are placed outside of the right-of-way. Banners are prohibited and are not temporary signs.*

*If the Board finds the variance warranted per the standards outlined above, staff recommends the following condition and any other conditions the Board finds appropriate to the case:*

1. This variance, if granted, will apply only to this sign and the sign details as submitted.
2. The applicant will supply corrected application materials to indicate acceptance of the variance by neighboring property owners. Failure to provide permission and application information within 30 days of this meeting will nullify the Order.
3. The applicant will supply sign specifications for all other signage on the affected lot. This would be considered in addition to any other existing signage.

## SECTION 7: ATTACHMENTS

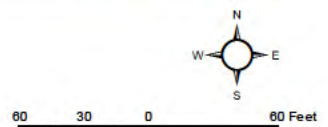
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- 1) Aerial
- 2) Topography
- 3) Current Zoning
- 4) Future Land Use
- 5) Site Photos
- 6) Public Notice
- 7) Application Materials

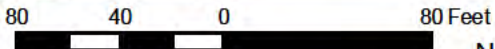
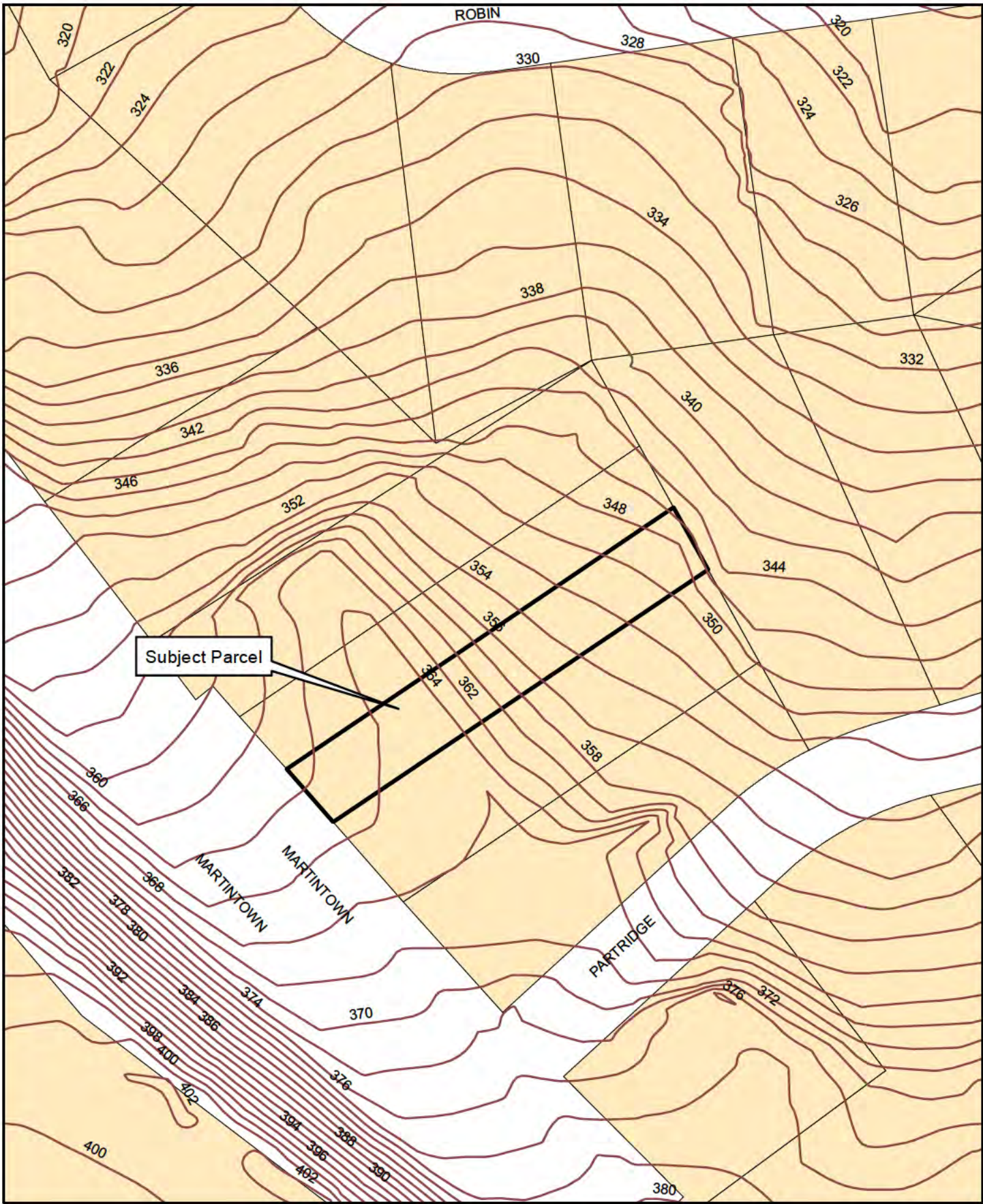
cc. Maria and Greg Stone, Cornerstone Family Chiropractic, via email



Aerial Map  
Application ZV21-004  
Cornerstone Family Chiropractic  
Parcel Number 006-17-05-004  
505 W. Martintown Rd.  
Approximately .24 acres

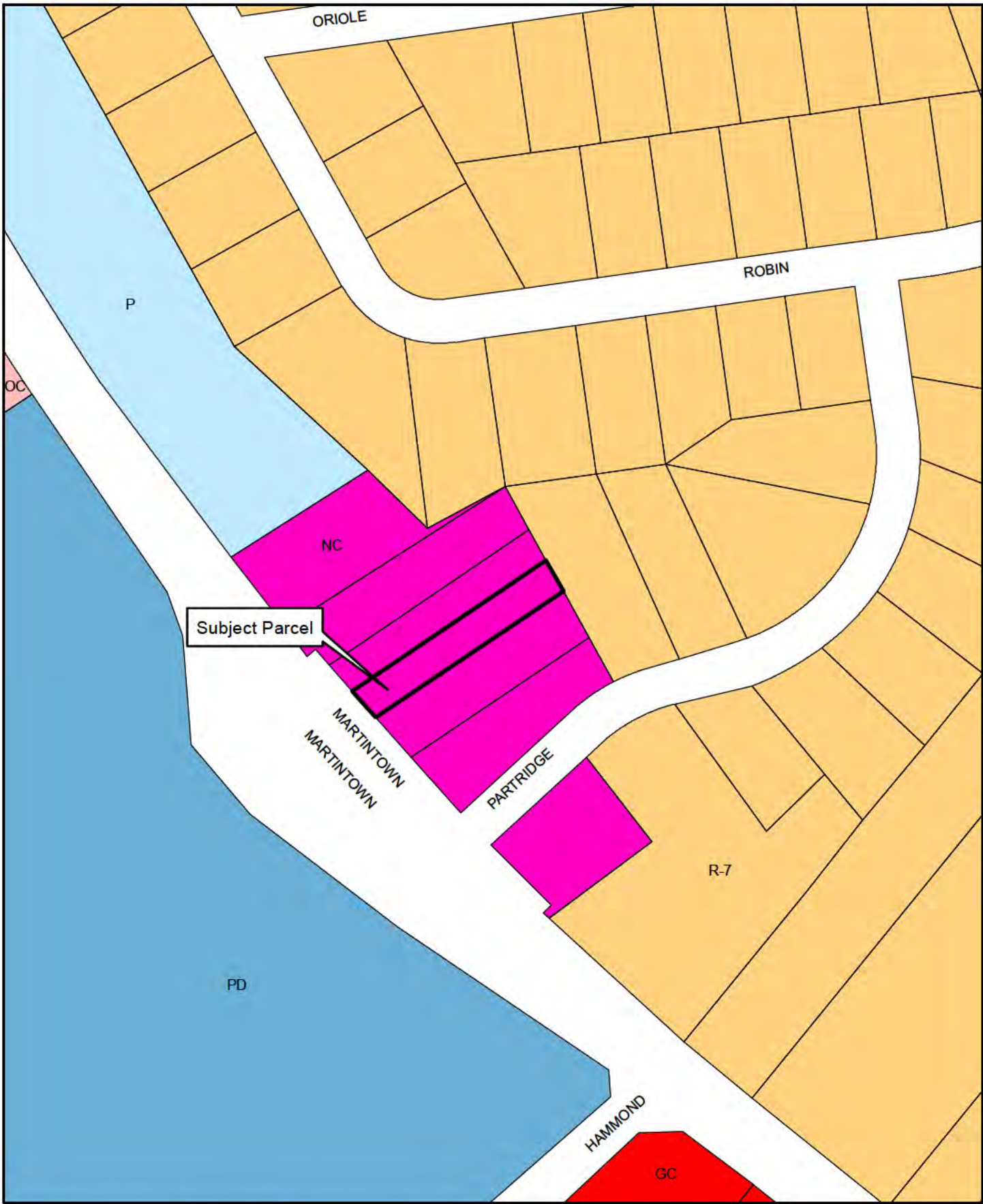


Date: 5/20/2021

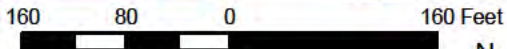


Topography Map  
Cornerstone Family Chiropractic  
Application ZV21-004  
505 W. Martintown Rd.  
TPN 006-17-05-004

Date: 5/20/2021



Subject Parcel

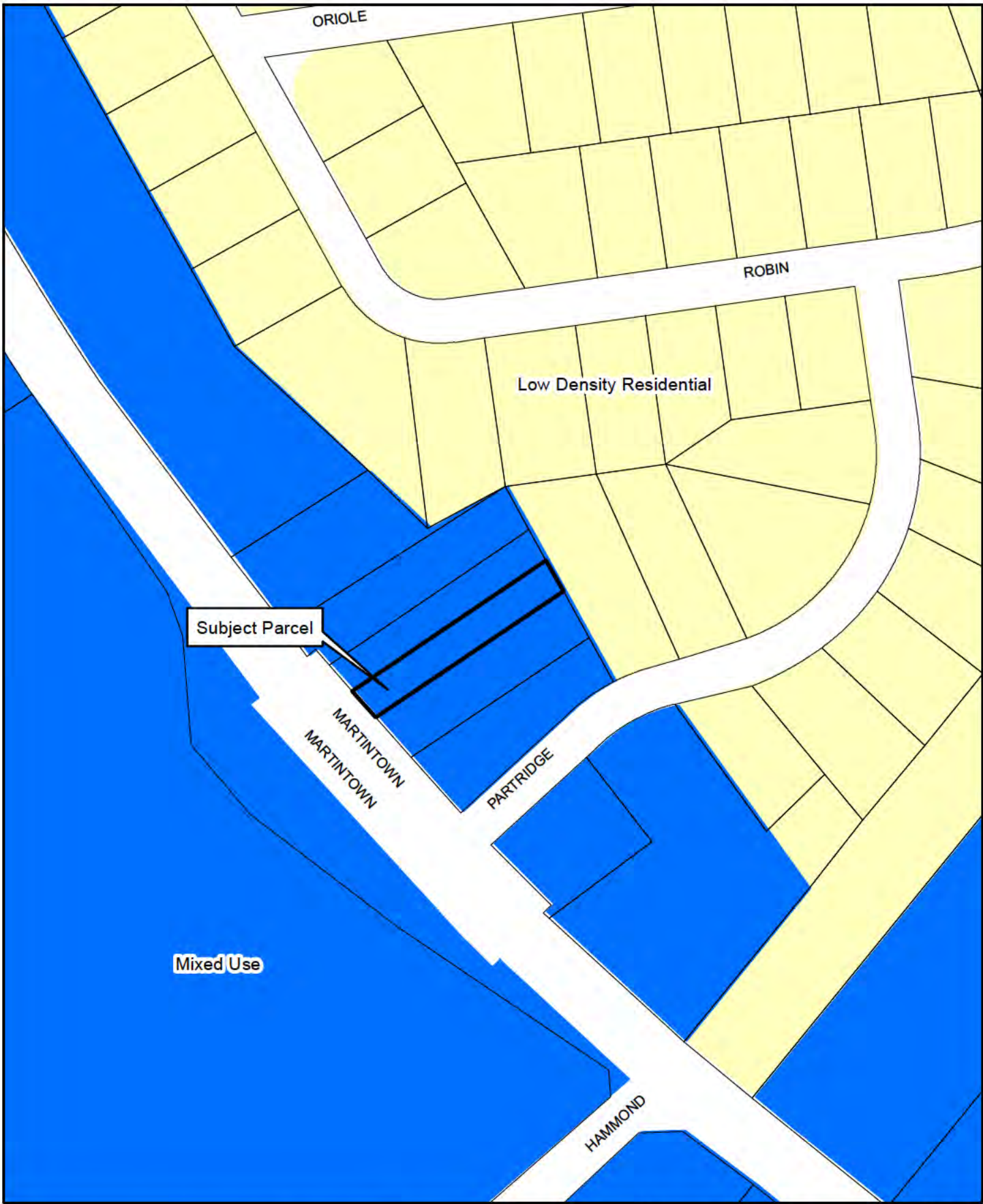


Zoning Map  
 Cornerstone Family Chiropractic  
 Application ZV21-004  
 505 W. Martintown Rd.  
 TPN 006-17-05-004  
 NC, Neighborhood Commercial

Date: 5/12/2021







Subject Parcel

Mixed Use

Low Density Residential

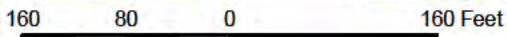
ORIOLE

ROBIN

MARTINTOWN  
MARTINTOWN

PARTRIDGE

HAMMOND



Future Land Use Map  
 Cornerstone Family Chiropractic  
 Application ZV21-004  
 TPN 006-17-05-004  
 Mixed Use

Date: 5/20/2021



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

**PUBLIC HEARING NOTICE**

The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting beginning at 7:00 PM on June 3, 2021, in the Council Chambers located on the 3<sup>rd</sup> floor of the North Augusta Municipal Center, 100 Georgia Avenue to receive public input on the following applications:

**ZV21-002**-- A request by Circle K Stores, Inc. for a sign exceeding the maximum size and height allowed in the GC, General Commercial, zoning district in the North Augusta Development Code, Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart. The request affects an existing gas station and convenience store located on ±4.39 acres at 115 Laurel Lake Drive, TPN 010-18-01-001.

**ZV21-003**-- A request by JSMG Development for an impervious surface ratio that exceeds the maximum permitted in the R-7, Small Lot, Single-Family Residential zoning district by North Augusta Development Code Article 3, Zoning Districts, Table 3-3, Dimensional Standards. The request affects a proposed townhome development on ±5.63 acres located on Bradleyville Road, TPN 012-13-04-013.

**ZV21-004**-- A request by Cornerstone Family Chiropractic for a sign located within the side setbacks required in the HC, Highway Corridor Overlay District, North Augusta Development Code, Article 13, Section 13.8.3, Signage Allowed in Non-Residential Districts and Table 13-2, Non-Residential Sign Area Chart. The request affects an existing medical office on ±0.23 acres located at 505 West Martintown Road, TPN 006-17-05-004.

Documents related to the applications will be available for public inspection after May 27, 2021 at the Department of Planning and Development on the 2nd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, and online at [www.northaugusta.net](http://www.northaugusta.net). All members of the public interested in expressing a view on these cases are encouraged to attend or provide written comments to [planning@northaugusta.net](mailto:planning@northaugusta.net), or by phone message at 803-441-4221.

**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.**

# Notice of Appeal

Please type or print all information



### Staff Use Only

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_  
Review Fee \_\_\_\_\_ Date Paid \_\_\_\_\_

1. Project Name Cornerstone Family Chiropractic  
Project Address/Location 505 A. W. Martintown Rd. North Augusta, SC 29841  
Total Project Acreage \_\_\_\_\_ Current Zoning NC  
Tax Parcel Number(s) 0061705004

2. Applicant/Owner Name Maria & Greg Stone Applicant Phone [Redacted]  
Mailing Address [Redacted]  
City Aiken ST SC Zip 29801 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 N/A License No. \_\_\_\_\_  
Firm Name \_\_\_\_\_ Firm Phone \_\_\_\_\_  
Firm Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

5. Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?  
(Check one.)  yes  no

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], DC  
Applicant or Designated Agent Signature

5/3/21  
Date

Greg Stone, DC  
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 _____ | Date Received _____ |

1. Project Name Cornerstone Family Chiropractic  
Project Address/Location 505A W. Martintown Rd North Augusta SC 29841  
Project Parcel Number(s) 006-17-05-004

2. Property Owner Name TROY T. DUCKWORTH JR. Owner Phone [REDACTED]  
Mailing Address [REDACTED]  
City AUGUSTA ST GA Zip 30909 Email [REDACTED]

3. Designated Agent Greg Stone  
Relationship to Owner Tenant  
Firm Name Cornerstone Family Chiropractic Phone [REDACTED]  
Agent's Mailing Address 505 A W. Martintown Rd  
City North Augusta ST SC Zip 29841 Email [REDACTED]  
Agent's Signature [Signature] Date 4-6-20

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

[Signature] Date 4-6-20  
Owner Signature

5. Sworn and subscribed to before me on this 6<sup>th</sup> day of April, 2020.

[Signature]  
Notary Public  
7/14/2020  
Commission Expiration Date



To whom it may concern,

I am writing on behalf of Cornerstone Family Chiropractic, LLC in regards to our signage being in violation of Article 13 of the NADC, specifically 13.2.3. As well as 13.8.3 section p.i.a. where the issue is with the setbacks in relation to the property lines. In July of 2020 we had a sign installed to the lamppost that is next to our building. The lamppost was an existing structure that had a location for a sign to be hung from the many previous tenants. Upon signing the lease to the establishment, we had the existing sign which read "Homestead Hospice" removed from the roof of the building. We also had the roof area as well as the previously mentioned lamppost repainted. As we are a new business, we opted to have our signage placed at the lamppost as opposed to where the previous tenant's sign was due to financial reasons. Our sign company, AAA Sign Co., took over the signage process and obtained the necessary information and permission to have our sign approved and installed. Once this was done, we submitted our sign permit fee which was accepted. However, shortly after the installation and paying the fee, our sign company was informed of some potential site plat issues with where our sign was hung in relation to the building's property lines. That being said, it was several months before we were formally informed of this issue. Since becoming informed about the issue, it took us several weeks to months to obtain a site plat from our landlord as well as one that included the building within the plat to satisfy the needs of the city; which we ultimately had to draw for ourselves. The question still remains as to whether or not the lamppost which contained our sign is actually within our property line or if it is actually on our neighbor's, Hall Family Dentistry, property as the site plat that we obtained from Aiken RMC and from our landlord is quite dated and did not have detailed enough specs of the property to determine for sure whether or not the lamppost actually is on our side of the property, or not. That being said, we are applying for a variance in the hopes that the city will be understanding and agree to our appeal to allow for our previously hanging sign on the lamppost to be rehung with an approved permit for said sign as soon as physically possible.

The hardships that our establishment has faced throughout this process include a great deal of fruitless time, energy, and finances should this appeal go unapproved. We signed our lease in February of 2020 prior to the pandemic hitting, but still managed to work very hard to get our practice operable by late July/early August of 2020. We were fortunate enough to receive a LOC prior to the pandemic, however, the pandemic slowed construction on our building which pushed our opening date back several months and made income difficult to come by. As we were not officially in business by a certain date, we did not qualify for the PPP loans last year or this year. That being said, we chose to utilize the existing lamppost as the most financially logical sign option. Should the appeal go unapproved, we will have no logical use for the sign and it will have been good money gone to waste. Furthermore, it will have been a lot of fruitless time and energy on those from the sign company who did such great, hard work to design the signage and get the necessary information for the city to install the sign. Listed below are other options that we have explored as well as reasons as to why these options will not work for our building, mostly due to location. This is the primary reason why we are applying for this appeal and how this constitutes as an unnecessary hardship based on the Development Codes set forth. We have had many setbacks in our journey to becoming small business owners, and we have been fortunate enough to even be able to open our doors to the community during this time. Up until the issue of our signage, we have been diligent with getting all legalities set up in order to open our practice; this is the only problem that we have run into with getting completely approved.

The choice in location for this sign first began due to financial reasons. As we are a new business and lacked the funds to purchase a sign that resembled the signs that our neighbors within our plaza have, we opted to utilize the existing pole that extends from the lamppost and was designed to hang a "shingle." Enclosed is a picture of the front of the building that shows the proximity of the lamppost in relation to the surrounding buildings, and why choosing this location for signage made the most sense. However, our sign has since been temporarily removed pending the outcome of this variance. In the meantime, we have reached out to our sign company to discuss other options with the first option being to create a sign that would be placed where the previous tenant's sign was that once read "Homestead Hospice" (picture enclosed for reference), and that our surrounding neighbors all have. However, we have since found out that roof signs are prohibited and that our neighbors had theirs approved prior to this prohibition. We were given options to consider which include: window signage, wall signs up to 10% of the wall, a flag on a flagpole, or a temporary sign. While we greatly appreciate these options, none of these suggestions are feasible for us. As you will notice in the enclosed pictures, the windows in our building do not have ample space to place a sign that would be visible from the street. We could, and plan to, put hours on the front door window with a decal; but this would not be an adequate location for our primary signage that is meant to identify our practice. The second option to use a wall sign is also not a feasible option as the available space at the front of our establishment is also not large enough due to the structure of the windows to install an adequately sized sign as our primary signage. The third option to place a flag on a flagpole is also not feasibly possible as we would have to have a flagpole installed and the only location that we would be able to do that is where the current lamppost exists and is expectedly not within our property lines. The other option with the flag, to our understanding, is that we could replace the sign with a flag on the existing lamppost which would be counterproductive and unnecessary funds as well as not be an appropriate, professional sign for our type of business. The fourth option that was given to us is also not feasibly possible as our practice is not a temporary establishment and needs a more permanent option. While we do have an "A frame" that we can temporarily utilize (once ordering a new insert), it is not a viable permanent solution for the next 5+ years that we will be tenants at this location. Also, because we are zoned as NC, we are unable to have any temporary sign such as a banner to be our signage which would be a more adequate option that having to put out our A frame everyday. Months ago, our sign company suggested to put a sign out by the road, however, cars regularly drive into the grass in that area as well as lawn care services; and because we would likely have a short sign by the road for visibility reasons, our sign would continuously be in danger of getting hit by cars as well as debris from the lawn care. Due to our establishment being the most recent in our plaza, many new rules and regulations have been set forth that only apply to us as our surrounding neighbors' buildings and signs have been "grandfathered in" and these new rules and regulations do not apply to them; such as roof signs being prohibited. Thus, making our situation unique and difficult to determine a viable location for our signage without applying for this appeal. Therefore, the alternative options that we are left with are simply unreasonable and we are unable to comply with. Since both the lamppost and the potential roof signs are the only viable options we have left, but the restrictions and prohibitions are preventing us from taking advantage of these options, we believe this variance to be the best solution.

The current total square footage of our signage is 11.09 sqft and is well under the maximum square footage allowed for the NC zone. Even with that signage, we regularly had patients comment on how "we needed a bigger sign" or state that it was hard to see it from a distance. Therefore, anything smaller than the sign that we already have, such as a window decal, would prove to be nearly impossible

to see. The signage is also being placed on an existing, concrete structure and is unable to be moved anywhere else on the premises. If you will reference the earlier paragraphs, we have stated ample reasons as to why each suggested alternative is unacceptable to our business, and why we have wish to move forward with the appeal process to obtain a sign permit for our signage to be hung from the lamppost.

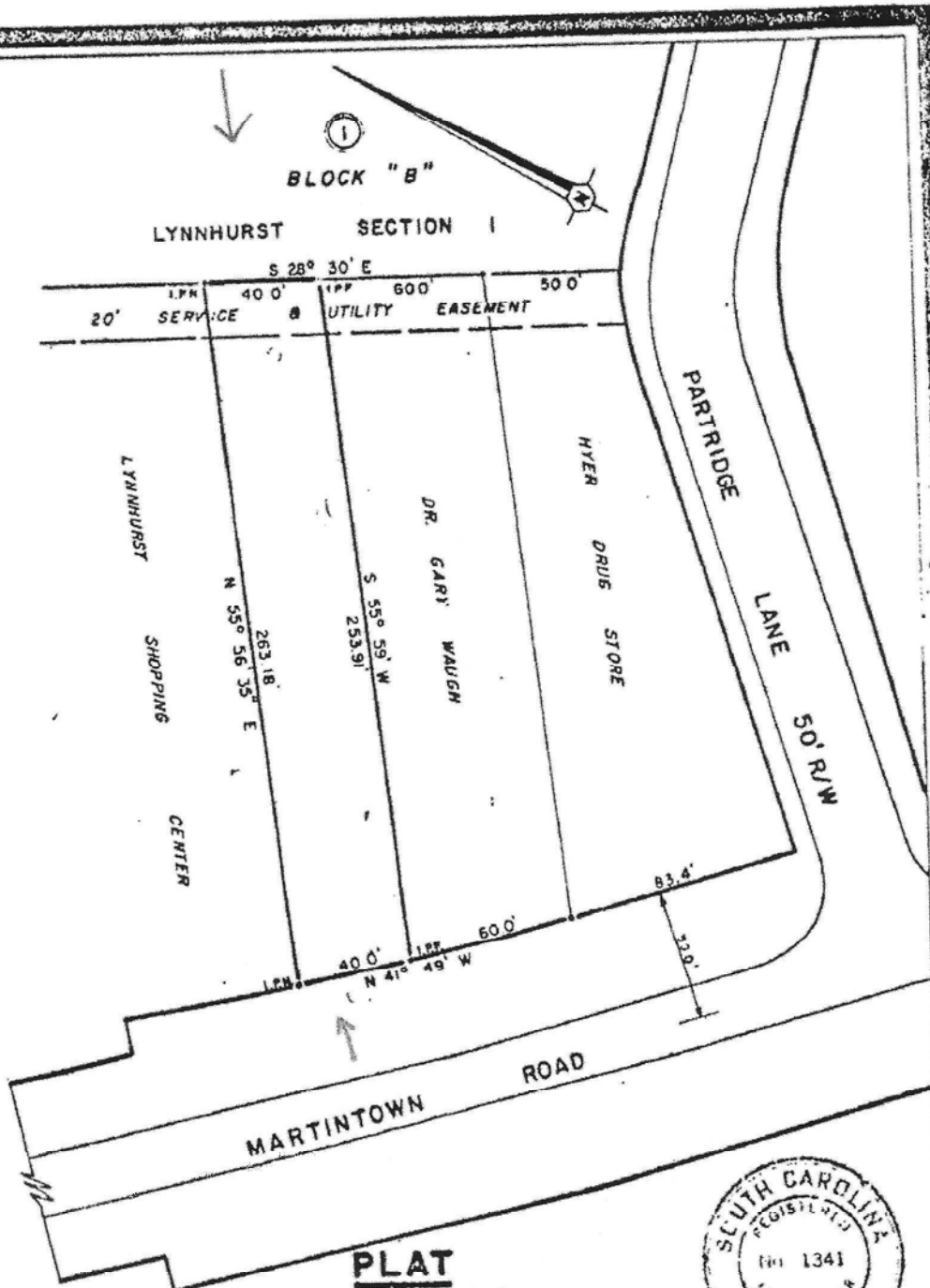
According to Article 13.2.3 of the NADC in which we were in violation of, we are simply just awaiting permit approval of our signage. As previously mentioned, the lamppost in which our sign is attached to is believed to be on our neighbor's property, however, due to the lack of detail in the site plat it is uncertain as to where the lamppost exactly falls within the property lines. This is the primary reason as to why our sign permit has not yet been approved. However, because the only other party involved in this situation put in writing his approval of our using the lamppost for our signage, it would prove unreasonable to deny our request as it is not posing any threat to any other establishment, would actually play a role in bringing more tax dollars to the city of North Augusta, and is in support of a new, small business.

As previously mentioned multiple times, the signage that we had installed was believed to be on the property line of our neighbor. However, because the site plat that we were able to obtain was so dated, we were unable to confirm that the lamppost which contained our sign is actually a part of his property or not. If the lamppost is indeed within his property line, Dr. Cory from next-door has graciously given us his permission to utilize the lamppost for our sign. Enclosed in this application is a letter from him stating that he has no problem with us utilizing the lamppost, and that if he does end up needing it for whatever reason down the road, that he will let us know and we will happily and voluntarily remove our sign upon his request; at which point hopefully another viable option will be available to us.

The aforementioned are, what we and many others, believe to be sufficient reasons as to why hanging our signage from the lamppost next to our building is the only logical solution to our predicament. Over the past two weeks of trying to sort out this situation and with the removal our sign, we have only been averaging two new patients a week and have not had any walk-in new patients; whereas two weeks prior we were averaging seven new patients a week with at least one being a walk-in. This is not only hurting our business, but is bringing less money to the city as a whole. It being our first year in practice, it is crucial that we have ample visibility and that we are not difficult to find as it only deters business. We understand and respect that there are specific rules to follow when applying for any type of signage, and we are happy to pay our dues in order to be in compliance. We would also like to apologize for the length of time it has taken us to get to this point and greatly appreciate your patience with us during this time. We kindly ask for you to consider approving our appeal as soon as possible so that we may continue serving the people of our community with quality chiropractic care and work towards building a stronger, healthier community for all. We greatly appreciate you taking the time to review our case, and hope that you will understand and agree to approve our appeal.

Blessings,

Maria Stone, DC



**PLAT**

made of request of

**THOMAS F. & DEBRA M. BODIE**

LOCATED IN THE CITY OF NORTH AUGUSTA

COUNTY OF AIKEN

STATE OF S. CAROLINA

Scale: 1 inch = 50'

Date: 11 AUGUST 1977



RETURNED TO:

*Bellon Weeks*

RECORDED *9-6-77 at 3:00 pm*  
*Virginia R. Stale*  
 R.M.G. AIKEN COUNTY

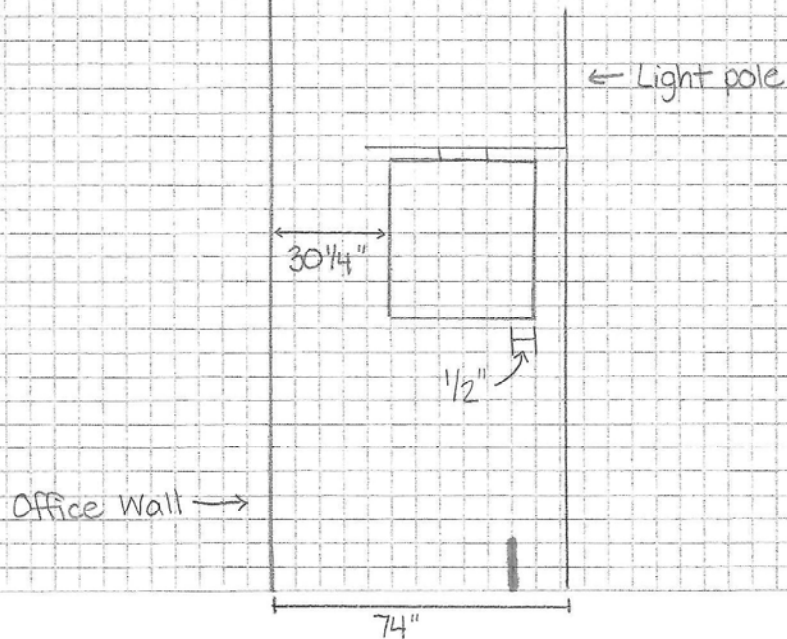
Joe L. Grant  
 Surveyor  
 North Augusta, S.C.





# Cornerstone Family Chiropractic

- 1) Each square represents  $\frac{1}{2}$  a foot.
- 2)  $30\frac{1}{4}$ " from side of building to side of sign.
- 3) **|** = Approximated property line
- 4) Sign sits  $\frac{1}{2}$ " over approximated property line.





Corner Stone

FAMILY CHIROPRACTIC

Dr. Michael Hall  
503 West Martintown Rd  
North Augusta, South Carolina 29841  
(803) 278-2223

To whom it may concern,

My name is Cory Hall and I am the recent owner and operator of Hall Family Dentistry, located at 503 West Martintown Road. It is my understanding that the lamppost that is located in between my building and the neighboring building at 505 West Martintown is housed within our property lines. At this time, I do not have any issues with our neighbor's having their business sign placed on the lamppost. The sign has not posed any issue to me, my business, or to any of the other surrounding buildings, to my knowledge, and has added to the overall aesthetic of our area. The lamppost has been an existing feature and until this matter was brought to my attention, I was unaware that the lamppost was not within their property line. Our neighbors, Dr. Greg and Dr. Maria, informed us of this issue and I am happy to help with whatever I need to in order to expedite the process. Their sign, as well as their practice, has been a great addition to our community and I would support the city's planning board approving their appeal to keep their signage to the existing lamppost. Should there be any instance in the future that poses an issue with the pending variance approval, I will be sure to inform them as well as the city to discuss other options.

Thank you so much for your time and I hope that you will consider the approval of their variance. I am happy to answer any questions or concerns that you may have in reference to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Hall", written in a cursive style.

Cory Hall  
Hall Family Dentistry



Source: Google Maps, Image Capture: August, 2019



Source: Google Maps, Image Capture: July, 2016



Source: Google Maps, Image Capture: December, 2007



2021 Google Maps Aerial Imagery

Google







Requested Sign  
Location

