

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.