

# Board of Zoning Appeals



## Minutes for the Thursday, August 5, 2021, Regular Meeting

*Members of the Board of Zoning Appeals*

Wesley Summers

*Chairman*

Bill Burkhalter

Kathie Stallworth

Jim Newman

Kevin Scaggs

*CITIZEN ASSISTANCE: Individuals requiring special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development 48 hours prior to the meeting at 803-441-4221.*

### **REGULAR MEETING**

1. **Call to Order** – The regular meeting of Thursday, August 5, 2021, having been duly publicized, was called to order by Chairman Wesley Summers at 7:00 p.m.
2. **Roll Call** – Board members present were Chairman Summers, Board members Bill Burkhalter, Jim Newman, Kathie Stallworth, and Kevin Scaggs. Also in attendance was, members of the public and the applicants. A full list of speakers is provided at the end of the minutes.
3. **Approval of Minutes** – The minutes of the Regular Meeting of June 3, 2021 was approved as written. Ms. Stallworth moved that the minutes be approved. Mr. Newman second the motion and the motion was approved unanimously.
4. **Confirmation of Agenda** - There were no changes to the agenda.
5. **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.

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

Mr. Tommy Paradise, Interim Planning Director, told the Board that this application is to replace an interstate sign that had been demolished by a high wind event several years

ago. He stated that because the sign was a non-conforming structure, when it was damaged by more than 50% of its value it could not be replaced in accordance with Section 19.6 of the NADC. The previous sign was 800 square-feet and 125 feet high. The applicant is requesting a new 336 square-foot sign with a height of 100 feet.

Chairman Summers wanted to know if the ground where the sign starts would be included in the square footage. Mr. Paradise stated that it counts as far as height but not from the ground to the sign.

Chairman Summers stated that if it was less than 50% damaged, the sign could be replaced and no variance would have to be approved.

Chairman Summers swore in Ray Peters of Triple AAA.

Mr. Peters stated the sign was previously a 20x 40-foot sign (800 square feet) which was damaged by tornado/wind in 2019. They proposed a smaller sign of 336 square feet, which is about 48% smaller than what was originally there. It allows to post pricing for gas, which impedes business (about 20%) because the public cannot see the prices currently. He stated that this is the critical piece of replacing the sign so that local traffic and passer-by drivers can see the signage for pricing. South Carolina has cheaper gas prices than Georgia and this is the last stop sight before getting to Georgia. Mr. Peters stated that the federal government has a scientific formula that one inch is about 50 feet of legibility. When traveling from Aiken to exit 5, considering the hill and driving at 70 mph it would take 500 feet for the traveling public to see the prices and exit the ramp safely.

Mr. Kevin Scaggs asked if the height was 62-inches height.

Mr. Peters confirmed that it was indeed 62 inches. The location is about 900 feet from the interchange. He also states that anything less than 10 feet high could not be seen from the road driving at approximately 70mph to be able to exit safely.

Mr. Scaggs asked if 20-foot height would be adequate to see the sign and Mr. Peters stated it would not be visible.

Mr. Summers said he road down I-20 and realizes the height between the two poles, which are 100 feet in height would be need to be visible. He stated that you couldn't see it because of the hill until you get right up to the off ramp. He stated that they come up quick and disappear because of the poles.

Mr. Peters stated that they have asked for the minimum for the height of 100 feet in height for it to be visible with the hill. The sign will also have an emblem that the station provides truck scales for drivers. The sign is proposed at 14x24 feet, which is standard. The next smaller one is 10x30 (300 square feet).

Mr. Burkhalter said he saw the existing sign and it would cover or dwarf the new sign. He asked if the scale would appear on the sign, which Mr. Peters stated that it is the CAT symbol and would be visible.

Mr. Peters said the offset of the sign is adequate to see the signage.

Mr. Newman asked what the current standards are for this sign location. Mr. Paradise stated that the current standard limit the total square-footage of signage on the lot to not more than 300 square-feet, or 10% of the ground floor area, or 3 sq. ft. per linear foot of frontage, whichever is less. He stated that the freestanding sign is limited to 20-feet in height and 100 square-feet in area or 0.5 square-feet per linear foot of street frontage, whichever is less. However, the area of the freestanding sign and the wall signs are not allow to exceed 300 square-feet total.

Ms. Stallworth asked if the only thing changing on the sign would be the pricing. Mr. Peters said that was correct.

Mr. Scaggs states that the sign should look like what was proposed in the packet.

b. **Consideration** – Application ZV21-002

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 Ms. Stallworth, the Board voted unanimously to approve the application with the condition that the sign is significantly in design as depicted in the applicant's presentation to the Board.

The Board of Appeals were in agreement of all Findings of Fact and Decision, Section 18.4.5.4.2 granting the variance.

6. **ZV21-005**-- A request by WWTW Investments, LLC for a front setback greater than the maximum permitted in the HC, Highway Corridor Overlay District by North Augusta Development Code Article 3, Zoning Districts, Table 3-9, Dimensional Standards for the Highway Corridor Overlay District. The request affects a proposed gas station and convenience store redevelopment on ±1.35 acres located at 525 E. Martintown Rd., TPN 010-18-10-003, zoned GC, General Commercial.

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

Mr. Tommy Paradise, Interim Planning Director told the Board that the applicant has purchased an adjacent parcel, had the parcel rezoned to General Commercial (GC), and would like to demolish the existing convenience store and construct a new facility. However, the building will be set back +/- 185 feet from E. Martintown Road exceeding the maximum setback of 90 feet by +/-95 ft.

Chairman Summers swore in Ryan Bland with WWTW, an acting agent for Sprint Foods. They are rezoning for use and layout. The highway overlay of district standards addressing the streets of no greater than 90 feet. When the existing store was built, and trying to balance the needs for use, the store was designed to have the customers minimize the distance for transactions. Now 77% of transactions are by car. Fuel and convenience stores designed for fuel use of about 40-45%. Most users get fuel at the pump and some just use the store. Mr. Bland stated they want to have the appeal for the customers to access the store and optimally meet a larger fuel center in the area. They placed the structure toward Atomic Road and provide a pedestrian walkway. They are requesting the new site design for a traditional use and having access from three roads while maintaining site visibility. He stated that they want to improve the functionality of the site. The existing canopy and underground tanks will be used. The entrance closes to Martintown Road will be to the right. As part of this, the Atomic Road entrance would be closed and converted to a single drive. The building from Atomic is about 50 feet.

Mr. Burkhalter stated that there is a strip which segregates it for another entity. He stated that you would have the 30 plus the 90 if it's from Atomic.

Mr. Paradise stated that based on the definitions, the distance from the street would be measured from the property line of the applicant's parcel.

Chairman Summers swore in Daryl Gilliland, Frances Street, which is behind the property that was purchased and has been there since 2000. He would like some things to be considered while building this property. There is not much traffic coming from Frances Street as opposed to lot of traffic coming from Atomic Road. He requested to possibly move the building closer to Frances Street. He states that traffic comes in about 45 mph instead of 25mph coming from Atomic Road.

There is a plan for a 6-foot fence by the dumpster but all the trees currently there will be removed, other than a tree every 6 feet. His bedroom is closest to the dumpster and already hears when it is emptied. There is a row of trees which will be torn down and he requests a 6-foot privacy fence around the entire area to stop foot traffic by providing a barrier. The retention pond will minimize the flooding of the roadway but is concerned about mosquitos. He asked if they could spray once a month to prevent excess mosquitos.

Ms. Stallworth asked if a lot of traffic cuts through instead of going to the red light.

Mr. Gilliland states he cuts through so probably more people do the same. He asked to move the building some toward Frances Street.

Chairman Summers states it would comply with the 90-foot maximum from Atomic Road. Adequate vehicle safety should be maintained for pedestrian safety as well. It would improve the planned improvements from the highway. The parking places are directly in front of residential use and it would add buffering and a retention pond. It would direct traffic to park in front of the building.

Ms. Stallworth recommended that the 6-foot privacy buffer fence be placed behind the entire property, required landscaping, and incorporate the mosquito spraying.

Chairman Summers said they could only recommend a quarterly spray for the mosquitos.

b. **Consideration** – Application ZV21-005

After a motion made by Mr. Kevin Scaggs, and duly seconded by Mr. Jim Newman, the Board voted unanimously to approve the application with the following conditions:

1. The property will be developed in general conformance with the layout provided by the applicant to the Board. Minor changes to the layout may be allowed as determined by the Planning and Development Director. In no case will a less conforming layout be allowed; and
2. On the northeast side (adjacent to 1130 Frances TMP 007-12-10-048) in addition to the required landscaping a six-foot high wooden privacy fence will be installed; and
3. The Board recommends to the applicants that the detention pond be periodically treated to reduce the risk of mosquitos.

The Board of Appeals were in agreement of all Findings of Fact and Decision, Section 18.4.5.4.2 granting the variance.

7. **ZV21-006**-- A request by WWTW Investments, LLC for more access points than the maximum permitted in the HC, Highway Corridor Overlay District by North Augusta Development Code Article 3, Zoning Districts, Section 3.8.5.4, Access. The request affects a proposed gas station and convenience store redevelopment on ±1.35 acres located at 525 E. Martintown Rd., TPN 010-18-10-003, zoned GC, General Commercial.

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

Chairman Summers swore in Ryan Bland with WWTW, an acting agent for Sprint Foods. He states that the existing drive be reconfigured and is a local authority road and is within a certain distance. On the site plan, the second drive would be a right-in only drive. The second drive would be to promote store deliveries and not park in front of the building to load/unload from that location. There would not be a median there.

b. **Consideration** – Application ZV21-006

After a motion made by Mr. Kevin Scaggs, and duly seconded by Mr. Bill Burkhalter, the Board voted unanimously to approve the application with the following conditions:

1. The property will be developed in general conformance with the layout provided with minor changes to the layout may be allowed as determined by the Planning and Development Director. In no case will the less conforming layout be allowed; and
2. The additional curb cut will be right-in only and will be marked with painted arrow and appropriate signage; and
3. The design of the curb cut will comply with the applicable jurisdiction requirements.

Chairman Summers made the motion and Ms. Stallworth seconded.

8. **ZV21-007-A** request by S&H Enterprises for a variance at 5425 Jefferson Davis Hwy, TMP 003-15-02-001 & 003-20-03-004 from NADC Section 3.8.5.3 and Table 3-9 which requires a maximum front setback of 90 feet and a minimum frontage buildout of 30% in the Highway Corridor Overlay District to allow a maximum setback of 153.5 feet and a minimum buildout of 26.3%.

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

Chairman Summers recommended postponing voting on this item of the agenda until another meeting. Since the City made a mistake, we could have a special meeting to vote on the variance.

Ms. Stallworth is very concerned about the 5<sup>th</sup> Street Bridge project and what is happening on our end for this project.

Mr. Paradise stated that there is a gateway study proposed for this area for this fiscal year, but probably will not occur because of staffing. He stated that he was unsure about the project for the bridge itself.

9. **Adjourn** –

With no objections, Chairman Summers adjourned the meeting at approximately 8:30pm.

As approved September 2, 2021

Respectfully Submitted,

Thomas L. Paradise, Interim Director  
Department of Planning and Development  
Secretary to the Board of Zoning Appeals

b. **Consideration** – Application ZV21-006

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1. The property will be developed in general conformance with the layout provided with minor changes to the layout may be allowed as determined by the Planning and Development Director. In no case will the less conforming layout be allowed; and
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