

Board of Zoning Appeals



Minutes for the Tuesday, April 12, 2022, 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** – 6:00 p.m.
2. **Roll Call** – Board members present were Bill Burkhalter, Jim Newman, Kathie Stallworth and Kevin Scaggs.
3. **Approval of Minutes** – Minutes of the Regular Meeting of the March 1, 2022 were unanimously approved.
4. **Confirmation of Agenda** –The Agenda was approved. Vice Chairman Kathie Stallworth will be acting as the chairman in the absence of Chairman Wesley Summers. The board agreed to discuss the 3 school Electronic Message Centers together.
5. **ZV22-005** – A request by Mossy Creek Elementary School for a variance at 421 West Five Notch Road, TMP 005-16-02-003 from NADC Section 13.8.3.L to allow for an electronic message center with an area of approximately 60% of the total sign area in the P, Public Use zoning district.
 - a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application. There were no comments from the public.

Mr. Paradise stated this is a variance request from the Aiken County Schools for Electronic Message Centers for 3 schools. Electronic message centers are not allowed P-Public zoning district. The school district is asking for

variances to allow the Electronic message board in the P-Public zoning district and electronic message board be 60% of the square footage of the sign. Where our zoning allowance is 50% of the sign.

- b. **Consideration** – Consideration of Application ZV22-005 by the Board of Zoning Appeals.

Mr. Scaggs made the motion to approve with the condition that the variance only apply to this property and the sig details as submitted. Should the sign need to be replaced, it should meet the requirement of the sign code in place at the time or request another variance, if applicable and that the sign be equipped with a timer that cuts it off between the hours of 11 PM and 6 AM. The motion was seconded by Mr. Newman and unanimously approved.

- 6. **ZV22-006** – A request by Paul Knox Middle School for a variance at 1804 Wells Road, TPN 006-06-09-001 from NADC Section 13.8.3.L to allow for an electronic message center with an area of approximately 60% of the total sign area in the P, Public Use zoning district.

- a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application. There were no comments from the public.
- b. **Consideration** – Consideration of Application ZV22-006 by the Board of Zoning appeals.

Mr. Scaggs made the motion to approve with the condition that the variance only apply to this property and the sig details as submitted. Should the sign need to be replaced, it should meet the requirement of the sign code in place at the time or request another variance, if applicable and that the sign be equipped with a timer that cuts it off between the hours of 11 PM and 6 AM. The motion was seconded by Mr. Newman and unanimously approved.

- 7. **ZV22-007** – A request by North Augusta Elementary School for a variance at 400 East Spring Grove Avenue, TPNs 007-15-01-044 and 007-11-05-082 from NADC Section 13.8.3.L to allow for an electronic message center with an area of approximately 60% of the total sign area in a non-residential zoning district.

- a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application. There were no comments from the public.
- b. **Consideration** – Consideration of Application ZV22-007 by the Board of Zoning Appeals.

Mr. Scaggs made the motion to approve with the condition that the variance only apply to this property and the sign details as submitted. Should the sign need to be replaced, it should meet the requirement of the sign code in place at the time or request another variance, if applicable and that the sign be equipped with a timer that cuts it off between the hours of 11 PM and 6 AM. The motion was seconded by Mr. Newman and unanimously approved.

8. **ZV22-008** –A request by Adams Brothers Properties, LLC, represented by The Prather Company, for a variance from NADC Table 3-3, Dimensional Standards for the R-7, Small Lot Single-Family Residential Zoning District, minimum lot width to allow a minimum lot width of 22 feet for 33 townhomes and a minimum lot width of 26" for 48 townhomes for a townhome development. The appeal affects approximately 43.15 acres located along West Martintown Road, TPN 106-00-00-041.

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

Mr. Paradise stated that there were two ways to rezone. One way would be an R-5, but that would allow apartments. The developer didn't want to have apartments. From the staff stand point is concern about the number of apartments in the city. The staff thinks it would be best not to come in as an R-5. They discussed coming in as an R-7 and that would allow them to have townhouses. It is 43.15 acres. The developer did do a revised concept for the development.

Luke Boatwright was there to discuss the development. The revised concept plan has 157 lots and 76 will be 40ft wide or wider and they will be end units. The interiors will have 48 lots with 26ft lots and 33 lots will have 22ft lots. The developer wants single family dwellings.

Mr. Eddie Kale stated he was involved with the zoning years ago and was understanding it was not zoned for housing developments. He is concerned that with more housing it is putting an overload on the schools and roads. He stated that Edgefield County had this zoned single family years ago.

Glenn Barenowski was also present to speak his concerns with the development. He lives across the street from this development in question. He was questioning the zoning of this area. Mr. Paradise explained what had to happen to change the zoning and how that process worked to do that. Mr. Barenowski would like to know how many residences can be in this development. Mr. Paradise stated that depends on the number of people in the house and it has 157 lots. Mr. Barenowski also wanted to

know about the entrance and exit being only Martintown Road. Mr. Paradise stated that a traffic study could possibly be needed for this development. But there are several steps before that would be requested. Mr. Paradise also pointed out that Martintown Road was the only road frontage for the development. Mr. Barenowski stated that he is opposing the development due to traffic and more houses than he thought. He also states that it would have more crime with that many townhomes. Mr. Barenowski doesn't want the change to his environment or the area that he grew up in.

- b. **Consideration** – Consideration of Application ZV22-008 by the Board of Zoning Appeals.

Mrs. Stallworth explained there are ten items to discuss before this can be approved to move to the next step of the process. Mr. Paradise did ask that if approved it needs to be annexed in the City first so that the city can be over the process of the development. The motion was seconded by Mr. Newman and approved unanimously.

9. **Adjourn** The meeting was adjourned at 7:45.

Respectfully submitted,



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

ARTICLE 3 – ZONING DISTRICTS

3.5.7.5 No structure other than a driveway, sign, fence, gate, sidewalk or berm shall be erected or permitted to be located in a required front yard area.

3.5.7.6 The maximum front setback specified in Column J of Table 3-3, Dimensional Standards, may be adjusted by the Planning Commission for major subdivision applications and the Director for minor subdivision applications on corner and cul-de-sac lots and pursuant to Note “h” to Table 14-2, Street Design Criteria. Front setbacks shall not be adjusted to allow solely for adequate parking pads in front setbacks. (Adopt. 12-1-08; Ord. 2008-18)

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

A	B	C	D	E	F	G	H	I	J	K	L
Zoning District and Use Types	Minimum Lot Size (sq. ft)	Maximum Gross Density (du/ga)	Floor Area Ratio	Impervious Surface Ratio	Minimum Lot Frontage (ft)	Minimum Lot Width (ft)	Maximum Building	Minimum Front Setback (ft)	Maximum Front Setback (ft)	Minimum Side Setback (ft)	Minimum Rear Setback (ft)
1. CR, Critical Area	—	—	—	0.02	—	—	—	—	—	—	—
2. R-14, Large Lot, Single-Family Residential	14,000	3.5	—	0.3	40	70	35	25	—	8	20
3. R-10, Medium Lot, Single-Family Residential	10,000	4.5	—	0.3	40	50	35	15	—	5	15
4. R-7, Small Lot, Single-Family Residential	7,000	7.0	—	0.4	15	40	45	5	25	5	15
5. R-5, Mixed Residential	5,000	24.0	3.0	0.6	15	20	65	5	25	0 or 5	15
6. R-MF, Manufactured Home Residential	6,000	7.0	—	—	15	40	35	5	25	5	15
7. OC, Office Commercial	—	—	15.0	—	—	—	—	—	20	0 or 5	10
8. NC, Neighborhood Commercial	—	—	3.0	0.7	—	—	45	—	20	0 or 5	10
9. GC, General Commercial	—	—	3.0	0.7	50	50	45	—	80	0 or 5	20
10. D, Downtown Mixed Use	—	—	15.0	—	—	—	—	—	20	0 or 5	—
11. TC, Thoroughfare Commercial	—	—	3.0	0.7	50	50	45	—	80	0 or 5	20
12. IND, Industrial	—	—	2.5	0.9	100	100	70	30	—	25	25

ARTICLE 3 – ZONING DISTRICTS

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

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

- a. Column B: Minimum lot size requirements do not apply to conservation subdivisions or TNDs, or to patio homes, duplexes, rowhouses, townhouses, apartments or any other multifamily dwelling units. The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation for minimum lot area are set forth in §3.5.4.
- b. Column C: The maximum density requirements are expressed in dwelling units per gross acre. Additional rules of interpretation are set forth in §3.5.
- c. Columns D and E: The floor area ratio and impervious surface ratio are maximums and are expressed as a ratio (See Appendix A, Definitions).
- d. Columns F – K: The dimensions specified in Columns F through K are expressed in feet. Rules of interpretation for setback and height requirements are set forth in §3.5. Where a zero side setback is permitted it is intended for the creation of a common wall with a structure on the adjacent parcel. If a zero setback is not used the minimum setback shall be five (5) feet.
- e. Column L: For the GC and TC districts, the rear setback may be reduced to ten (10) feet if the building has access from an alley or service lane, or if no rear access is required for loading or vehicular access.

3.5.8 Corner Side Yards

3.5.8.1 Where a side yard abuts a street (corner lot), the minimum side yard shall be at least fifty percent (50%) of the front yard required on the lot lying to the rear when the rear lot faces the side street. No accessory building on the corner lot shall extend beyond the side yard lines. This section does not apply to the TND District.

3.5.8.2 Where a side yard abuts a street (corner lot), and the rear lot faces the opposite street, and in fact constitutes another corner lot, then the side yard setback for the district in which the lot is located shall prevail. This section does not apply to the TND District.

3.5.8.3 Accessory uses or accessory structures, other than fences, shall not be located in a side yard subject to §§3.5.8.1 or 3.5.8.2.

3.5.9 Setback Encroachments

The following structures within the limits set forth may project into required yards:

3.5.9.1 Any buttress, chimney, cornice or pier may extend into a setback not more than two (2) feet.

3.5.9.2 Overhanging roofs, eaves, gutters, cornices, awnings and other architectural detail features, other than steps, stoops and porches described in §3.5.9.3 and door hoods and overhangs described in §3.5.9.4, may extend up to four (4) feet into the front setback and up to two (2) inches per foot of side yard into the side setback and up to two (2) inches per foot of rear yard into the rear setback provided that in no circumstance may the distance from the encroachment to the property line be less than three (3) feet.

Department of Planning and Development



Project Staff Report

ZV22-009 Barton Road Townhomes

Prepared by: Kuleigh Baker

Meeting Date: July 12, 2022

SECTION 1: PROJECT SUMMARY

Project Name	Barton Road Townhomes
Applicant	Winchester Homes
Engineer	Benesch Engineering
Address/Location	Barton Road northeast of Buena Vista Avenue
Parcel Numbers	007-16-05-017, 007-16-05-035, 007-16-05-034, 007-16-05-033, 007-16-05-032, 007-16-05-027, 007-16-05-028, 007-16-05-029, 007-16-05-030, and 007-16-05-031
Total Development Size	± 3.43 acres
Existing Zoning	GC, General Commercial
Overlay	N/A
Variance Requested	Article 3, Zoning Districts; Table 3-3 Dimensional standards for the GC, General Commercial zoning district; item G. Minimum Lot Width

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 on June 22, 2022. 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 June 17, 2022. The property was posted with the required public notice on June 22, 2022.

SECTION 4: SITE HISTORY

In 1998 the Planning Commission heard an application to rezone a portion of the subject property from C-3, General Commercial to R-2, Medium Lot, Single-Family Residential with the condition that the nonconforming use of two mobile homes be terminated. The October 10, 2007 zoning map shows the property split between C-3 and R-1 zoning. With the adoption of the North Augusta Development Code effective January 1, 2008, the parcels were zoned GC, General Commercial. The parcels were subdivided in 2021 to create lots for the development of single-family residential homes. Since then ownership has changed and the lots will be re-configured as part of the preliminary plat process for a townhome development.

SECTION 5: EXISTING SITE CONDITIONS

	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant	Mixed Use	GC, General Commercial
North	Residential	Mixed Use	R-10, Medium Lot, Single-Family Residential
South	Residential/Commercial	Mixed Use	GC, General Commercial/R-7, Small Lot, Single-Family Residential
East	Residential/Commercial	Mixed Use	R-10, Medium Lot, Single-Family Residential
West	Commercial	Mixed Use	GC, General Commercial

Access – The site currently has access from Barton Road.

Topography – The property is relatively flat. There is no significant grade change on site.

Utilities – Water and wastewater connections are available via Barton Road.

Floodplain – The parcel is located in an area of minimal flood hazard and not within a federally regulated floodplain.

Drainage Basin – The property is located within the Waterworks Basin. Stormwater from highly developed residential and commercial businesses along Knox Avenue, Martintown Road, and Buena Vista Avenue make up the basin. The basin enters the river through two separate channels

in the River Golf Club. Base sampling results are good to fair, consistent with several sewer line failures in previous years. Stream channel integrity in the basin is poor and is affected by excessive flows during storm events. The area would benefit from a comprehensive review to determine where regional detention areas could improve existing issues.

SECTION 6: STAFF EVALUATION AND ANALYSIS

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

The applicant requests a variance for ± 26 ft from the minimum lot width of 50 ft required by the North Augusta Development Code Article 3, Table 3-3, Dimensional Standards. The minimum lot width requested for the project is ± 24 ft.

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 that townhomes are permitted by right in the GC zoning district but the minimum lot width is only reasonable for a commercial tract or outparcel.

Staff notes that there are existing townhouse developments in the City limits on smaller lots but they are not necessarily subject to the same dimensional standards since the requirements vary by zoning district.

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - The applicant states the parcel is located within a largely residentially zoned area and that single-family homes is a better use of the land than commercial uses. The applicant believes the surrounding neighborhood will be better preserved with the development of a residential use.

Staff notes that the purpose of the General Commercial zoning district is to provide for areas in the city where large-scale commercial developments may take place and that though residential uses are allowed, the code does not provide guidance specific to residential development in the commercial districts.

3. The conditions do not generally apply to other property in the vicinity;
 - The applicant states that similar zoning districts allow for similarly sized units within residential zoning district and that a rezoning would require the same variance

request.

Staff notes that other townhome projects have been referred to the Board of Zoning Appeals for a variance to the lot width requirements of Table-3-3 Dimensional Standards but that not all properties have the unique challenges of minimum lot widths.

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 the requirements of the GC zoning district mandate an unusually wide townhome product and render townhome development unfeasible despite being allowed by right by the use chart.

Staff notes that the development code poses challenges for modern townhome development on wider lots.

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 development of this parcel for single-family homes provides a more neighborhood-friendly solution.

Staff notes that townhomes will be more in-scale with the surrounding district than a commercial structure.

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 GC, General Commercial 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 minimum lot width are imposed by the North Augusta Development Code for the GC 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 approval is subject to Major Subdivision Preliminary Plat review and approval by the Planning Commission. Any plans submitted will be required to meet all other requirements of the North Augusta Development Code. The applicant has not provided a complete civil set for review at this time. The developer has presented a voluntary commitment to exceed the total equivalent open space required and provide more pervious surface area than the limit.

Staff recommends the following conditions of approval:

- 1) *The development plan for the project will be as generally shown on the concept plan submitted to the BZA.*

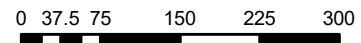
SECTION 7: ATTACHMENTS

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

cc. TJ Washburn, Winchester Homes, via email
Charles Hall, Benesch Engineering, via email



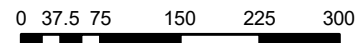
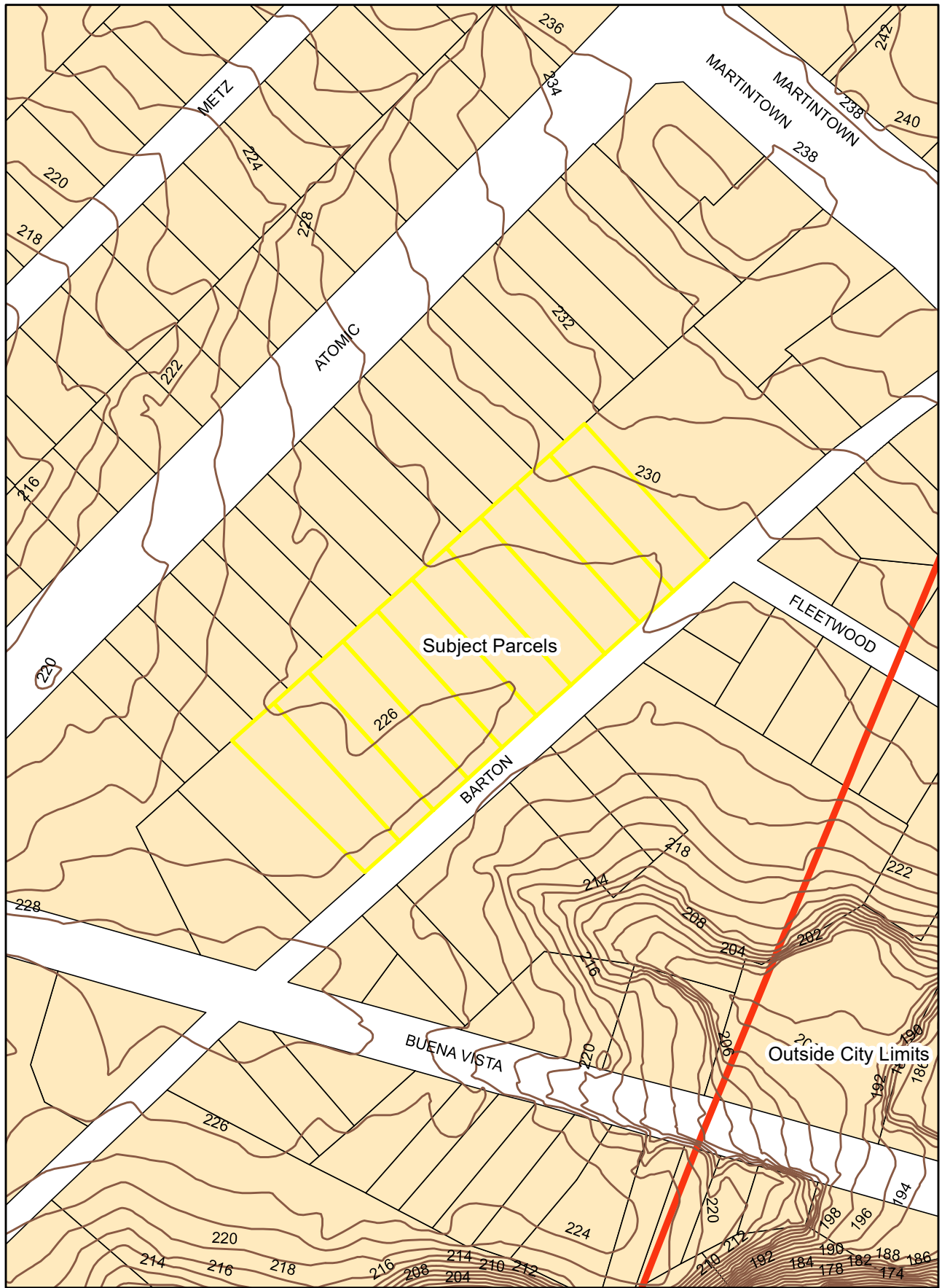
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date: 6/17/2022

**Aerial Map
ZV22-009**

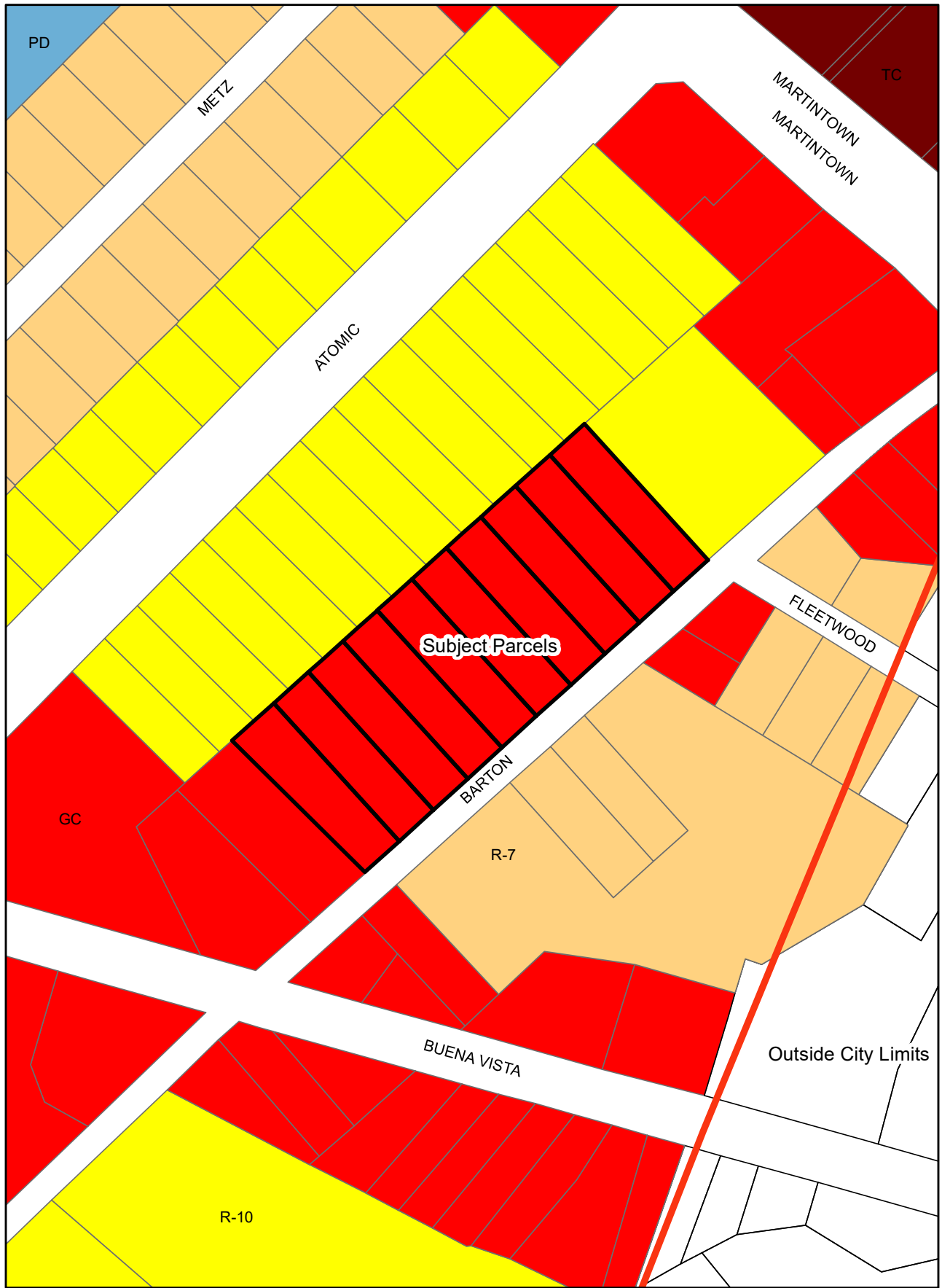
TPNs 007-16-05-017, 007-16-05-035,
007-16-05-034, 007-16-05-033, 007-16-05-032,
007-16-05-027, 007-16-05-028, 007-16-05-029,
007-16-05-030, and 007-16-05-031



Date: 6/17/2022

Topography Map
ZV22-009

TPNs 007-16-05-017, 007-16-05-035,
007-16-05-034, 007-16-05-033, 007-16-05-032,
007-16-05-027, 007-16-05-028, 007-16-05-029,
007-16-05-030, and 007-16-05-031



Date: 6/16/2022

Zoning Map
ZV22-009

TPNs 007-16-05-017, 007-16-05-035,
007-16-05-034, 007-16-05-033, 007-16-05-032,
007-16-05-027, 007-16-05-028, 007-16-05-029,
007-16-05-030, and 007-16-05-031

0 37.5 75 150 225 300

Feet

N





Date: 6/17/2022

Future Land Use Map
ZV22-009

TPNs 007-16-05-017, 007-16-05-035,
007-16-05-034, 007-16-05-033, 007-16-05-032,
007-16-05-027, 007-16-05-028, 007-16-05-029,
007-16-05-030, and 007-16-05-031

0 37.5 75 150 225 300

Feet

N



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 6:00 PM on July 12, 2022 in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following applications:

ZV22-009 – A request by Winchester Homes for a variance from the minimum lot width required for the GC, General Commercial Zoning District by Table 3-3, Dimensional Standards, of the North Augusta Development Code to allow for 24 ft wide lots. The appeal affects a proposed townhome development located along Barton Road, TPNs 007-16-05-017, 007-16-05-035, 007-16-05-034, 007-16-05-033, 007-16-05-032, 007-16-05-027, 007-16-05-028, 007-16-05-029, 007-16-05-030, and 007-16-05-031, approximately ±3.43 acres, zoned GC, General Commercial.

Documents related to the applications will be available for public inspection after July 7, 2022 in the offices of the Department of Planning and Development on the second floor of the Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina and online at www.northaugusta.net. All residents and property owners interested in expressing a view on these cases are encouraged to attend or provide written comments to planning@northaugusta.net

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.

Notice of Appeal

Please type or print all information



Staff Use Only

Application Number ZV22-009

Date Received 6-2-22

Review Fee 250.00

Date Paid 6-2-22

1. Project Name Barton Road Townhomes
Project Address/Location Barton Road northeast of Buena Vista Ave
Total Project Acreage 3.43 acres Current Zoning GC (General Commercial)
Tax Parcel Number(s) 007-16-05-017, 007-16-05-035, 007-16-05-034, 007-16-05-033
007-16-05-032, 007-16-05-027, 007-16-05-028, 007-16-05-029
007-16-05-030, 007-16-05-0131
2. Applicant/Owner Name Winchester Homes Applicant Phone 706-426-7734
Mailing Address 112 Pleasant Home Road
City Augusta ST GA Zip 30907 Email T J Washburn
tj@winchester.company
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 William R Toole License No. 10045
Firm Name Benesch Engineering Firm Phone 706-722-4114
Firm Mailing Address 1005 Broad Street, Ste 200
City Augusta ST GA Zip 30901 Email chall@benesch.com
Signature [Signature] Date 06/02/22
5. Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?
(Check one.) yes no
6. In accordance with Section 5.1.2.3 of the North Augusta Development Code, I hereby request the City of North Augusta review the attached project plans. The documents required by the City of North Augusta, as outlined in Appendix B of the North Augusta Development Code, are attached for the City's review for completeness. The applicant acknowledges that all documents required by the City must be correct and complete to initiate the compliance review process by the City.

[Signature]
Applicant or Designated Agent Signature

6/1/2022
Date

Thomas J. Washburn
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 <u>ZV22-009</u>	Date Received <u>6-2-22</u>

- Project Name BARTON ROAD TOWNHOMES
 Project Address/Location 406,408,410,412,414,416,418,420,422,424 BARTON ROAD
 Project Parcel Number(s) 007-16-05-017,007-16-05-035,007-16-05-034,007-16-05-033
007-16-05-032,007-16-05-027,007-16-05-028,007-16-05-029
007-16-05-030,007-16-05-0131
- Property Owner Name THOMAS WASHBURN Owner Phone 706-426-7734
 Mailing Address 112A PLEASANT HOME ROAD
 City AUGUSTA ST GA Zip 30907 Email tj@winchesterhomebuilders.com
- Designated Agent CHARLES HALL
 Relationship to Owner ENGINEERING FIRM
 Firm Name ALFRED BENESCH COMPANY Phone 706-722-4114
 Agent's Mailing Address 1005 BROAD STREET, SUITE 200
 City AUGUSTA ST GA Zip 30901 Email CHALL@BENESCH.COM
 Agent's Signature [Signature] Date 6.02.2022

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

[Signature] _____ Date 6/1/2022 _____
 Owner Signature Date

5. Sworn and subscribed to before me on this 1st day of June, 2022.

[Signature] _____
 Notary Public
May 11, 2024
 Commission Expiration Date



Barton Road Townhomes
Board of Zoning Appeals Request Narrative
Wednesday, June 1, 2022

The subject property for this variance request consists of 3.34 Acres on Barton Road, approximately 187 feet northeast of the intersection with E. Buena Vista Avenue in North Augusta, South Carolina. The site is currently undeveloped and is zoned GC (General Commercial). General Commercial is one the highest commercial zones within the current North Augusta Development Code.

The developer is proposing to construct 32 single family townhomes in groups of 3, 4, and 5 units (refer to attached concept plan). The units will be two-story, 1500 square foot units with a garage and onsite parking. 3 separate greenspace areas are planned for two "Greens" and one "Playground". A greenbelt buffer will surround the development. Refer to the attached conceptual site plan and renderings of the units.

a. Unnecessary Hardship:

The property is zone GC, general commercial. Townhomes are permitted "by right" in the zone (NADC Article 3 Table 3-2 Row 3.11). The hardship is the dimensional standard for minimum lot width, in this case being 50-feet (NADC Article 3 Table 3-3 Row 9), which is a reasonable minimum lot width for a commercial tract or outparcel. A 50-foot-wide townhome would be an unusually wide product, and we are not aware of any within the City of North Augusta. The developer proposes to construct 24-foot-wide units on fee simple lots.

b. Extraordinary & Exceptional Conditions:

This parcel is zoned General Commercial (GC) and is located within a largely residentially zoned area, currently developed to the north and south of this tract. We propose that investing in single family homes is much better stewardship/use of the land. The developer will provide for greenspace and open space in excess of the requirements for to enhance the quality of life for the residents. (Refer to **Section E** later in this narrative)

By comparison, this tract could be developed as follows under current zoning & development guidelines:

- 35,000 SF of a wide array of commercial uses (see NADC excerpt below)
- 100 parking spaces
- 13,400 sf of required open space. (25 feet x 536 feet along rear of tract)

NADC Development Code Excerpt on GC Zone:

3.3.3.3 GC, General Commercial District – The purpose of this district is to provide for areas within the city where large-scale commercial developments may take place. This district is designed to support citywide or regional shopping centers and business complexes of greater magnitude than permitted by the OC, Office Commercial, or NC, Neighborhood Commercial Districts. It permits a wide range of business and commercial uses generally clustered for cumulative attraction and optimum accessibility, but also in strips where so designated by the Comprehensive Plan.

We feel the neighborhood will be preserved with the investment in residential vs commercial development within the surrounding neighborhood, rather than the commercial alternative. We remain within the development limits of the commercial zoning without the commercial application.

c. The Conditions Do not generally apply to other property in the city:

The allowance “by-right” for residential development in the general commercial zone, specifically townhomes, is limited by the lot widths previously outlined. We do not feel the original intent of the ordinance was written to restrict townhomes specifically. Similar zoning districts allow for similar sized (and smaller) units within residential only districts. We are not aware of any other residential development within the General Commercial zone. A rezoning would also require a variance from the dimensional standards we are seeking; therefore, we have chosen to seek this variance. We can accomplish the protection the integrity of the neighborhood within the commercial zoning with the granting of this variance.

Dimensional Standards References:

Whatley Place Townhomes (R7) – Total Number of Units 110, of those, approximately 55 are 26-foot wide.

10-07-2020 - Variance ZV20-008 – Ivey Homes (R7) – Lots were granted variance to be 24-foot, with approximately ½ of those being 16-foot.

d. Granting this variance will not be of substantial detriment to the adjacent property or to the public good, or harmful to the character of the district:

As previously stated, the current zoning of this parcel is an aggressive commercial zoning. We feel the development and investment in single-family homes is a neighborhood-friendly model. The neighborhood fabric will be stronger because of this development.

e. Voluntary Conditions to this Variance:

No density restrictions within the General Commercial zone. As such, additional units could be developed out of this parcel. The developer is presenting the following voluntary commitments (3 each) to this development:

Greenspace Ratio:

NADC, Article 11, Section 11.3.1.1: Greenspace Required: 1024 SF x 32 Lots=32,768 SF

By Improving the open space per Article 11, table 11.2 and credits per Article 11, Table 11.3, the developer offers the additional improvements for the development:

REQUIRED OPEN SPACE		32768	
OS TYPE	AREA	CREDIT FACTOR	EQUIVALENT OPEN SPACE
GREEN 1	6846	2	13,692
GREEN 2	7003	2	14,006
PLAYGROUND	8147	3	24,441
GENERAL OPEN SPACE	9869	1	9,869
TOTAL EQUIVALENT OPEN SPACE			62,008
			1.9 TIME REQUIRED AREA

Impervious Space Ratio:

The General Commercial zone limits the ratio of impervious space, which, Per Article 3, Table 3-3 is 0.7. This development comes in at 0.56, twenty percent under this requirement.

f. Definitions:

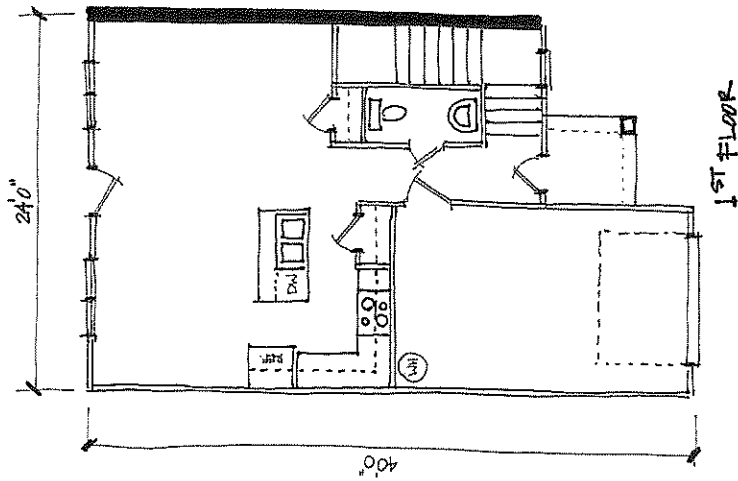
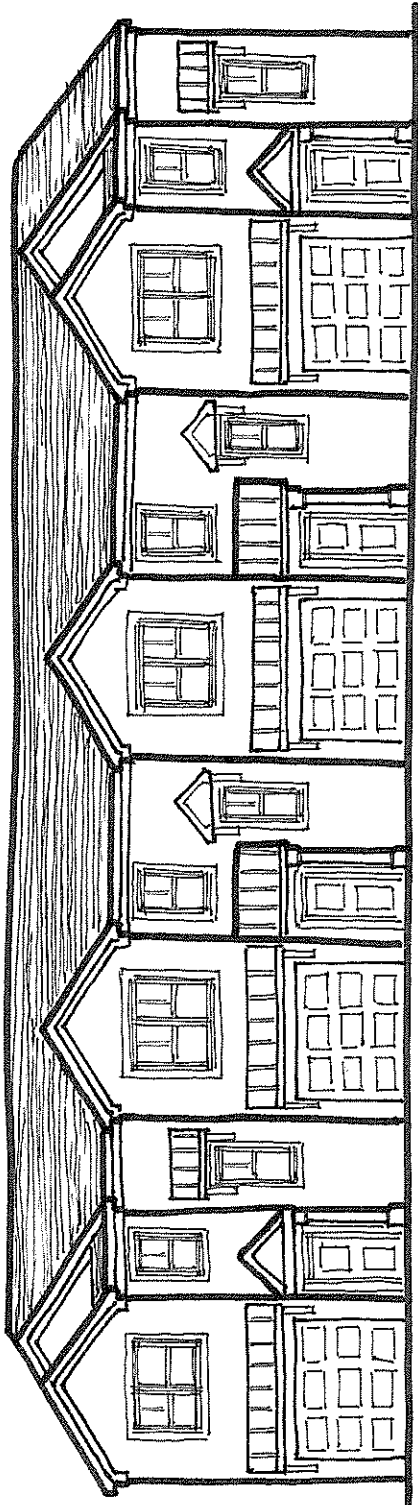
Dwelling, Townhouse: (Source: NADC, Appendix A)

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

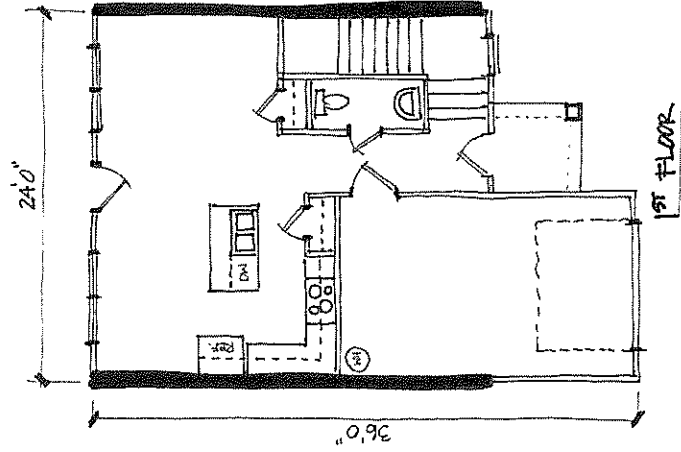
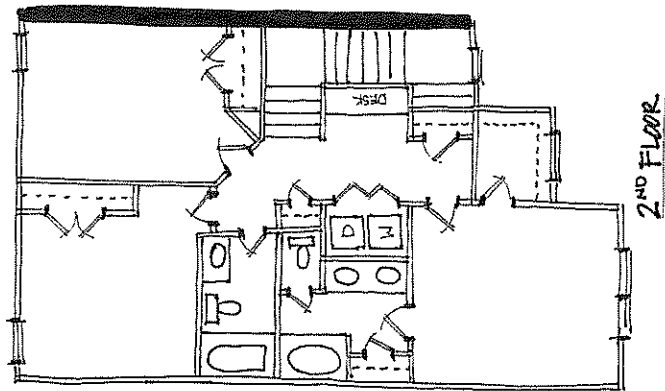
Single-Family House: (Source, US Census Bureau:

<https://www.census.gov/construction/chars/definitions/#s>)

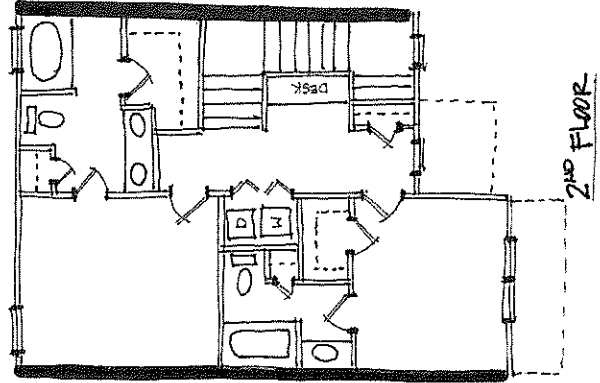
The single-family statistics include fully detached, semidetached (semiattached, side-by-side), row houses, and townhouses. In the case of attached units, each must be separated from the adjacent unit by a ground-to-roof wall in order to be classified as a single-family structure. Also, these units must not share heating/air-conditioning systems or utilities.



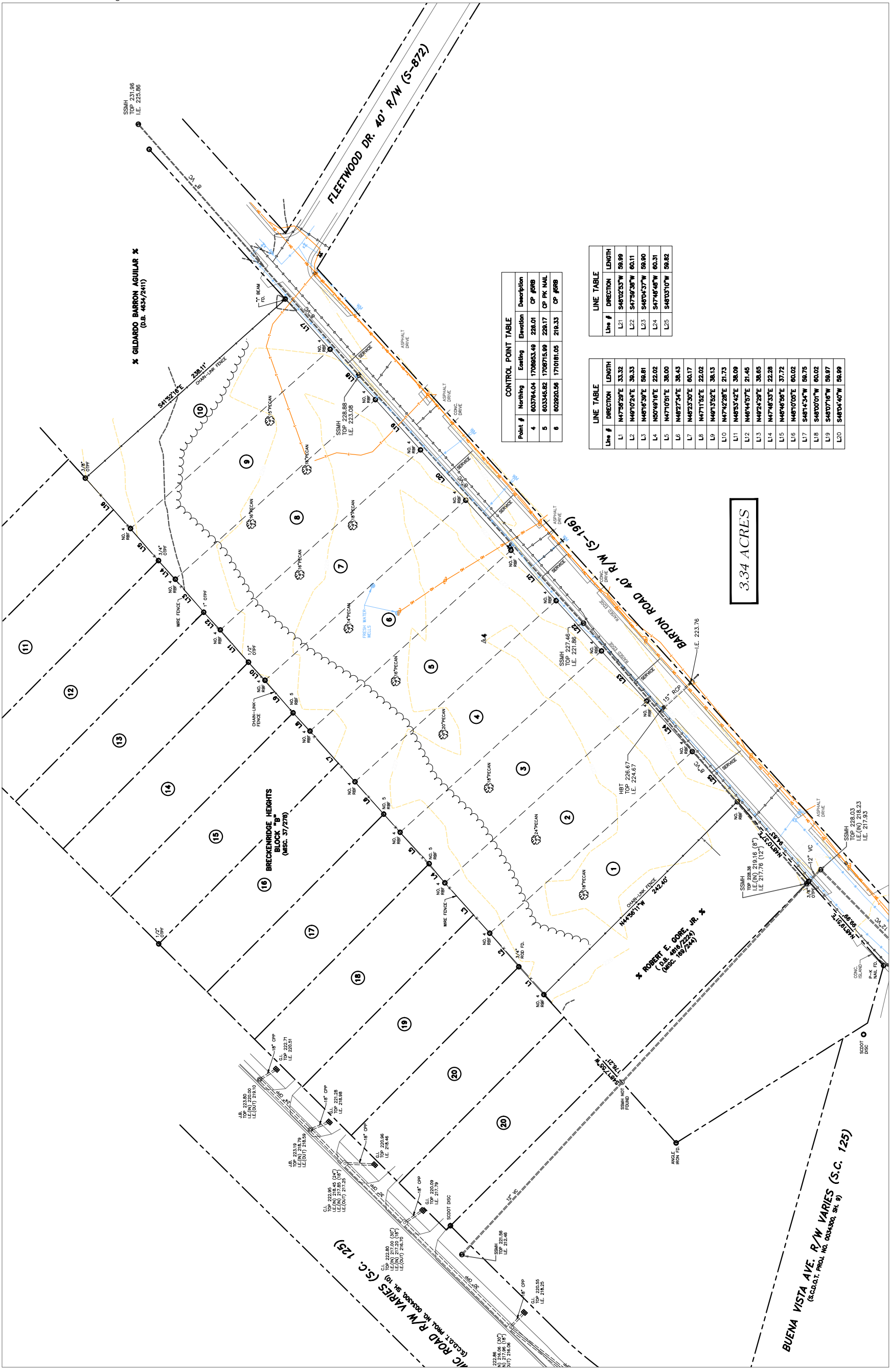
END UNIT



INTERIOR UNIT



PROJECT NO.:	22043
DATE:	04/05/22
SCALE:	1"=40'
DRAWN BY:	JMB
FIELD:	CMH
CKD.:	CMH/JMB
REVISION:	

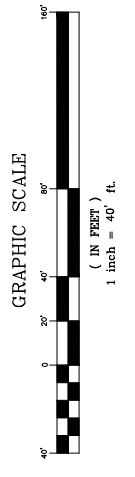


Point #	Northing	Easting	Elevation	Description
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5	603346.82	1708715.99	226.17	CP PK NAL
6	602920.56	1710181.05	216.33	CP #508

Line #	DIRECTION	LENGTH
L1	M479529°E	33.32
L2	M491024°E	39.33
L3	M491539°E	59.81
L4	M504916°E	22.02
L5	M471051°E	38.00
L6	M482734°E	38.43
L7	M482530°E	60.17
L8	M471152°E	22.02
L9	M491356°E	38.13
L10	M474228°E	21.73
L11	M485342°E	38.09
L12	M494457°E	21.45
L13	M492429°E	38.05
L14	M474833°E	22.28
L15	M484636°E	37.72
L16	M491005°E	60.02
L17	S481434°W	59.75
L18	S490001°W	60.02
L19	S480716°W	59.87
L20	S480440°W	59.99

Line #	DIRECTION	LENGTH
L21	S460253°W	59.89
L22	S475936°W	60.11
L23	S490437°W	59.90
L24	S474846°W	60.31
L25	S480310°W	59.82

3.34 ACRES



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REV #	DATE	DESCRIPTION



benesch
 Alfred Benesch & Company
 1005 Broad Street, Suite 200
 Augusta, GA 30901
 P 706.722.4114
 www.benesch.com



PROJECT NAME: CONCEPT PLAN
 SHEET TITLE: CONCEPT PLAN
 AIKEN COUNTY, SOUTH CAROLINA

PROJECT INFORMATION
 JOB NO.: 19022018
 DRAWN BY: CWH
 CHECKED BY: EPH
 DRAWING FILE: 19022018.DWG
 ORIGINAL SCALE: 1"=30'
 ORIGINAL RELEASE DATE:
JUNE 01, 2022
 Sheet: **1 of 1**

