

Department of Planning and Development



Project Staff Report

ZV22-013 Weathersbee Ponce de Leon Home Construction

Prepared by: La'Stacia Reese

Meeting Date: September 6, 2022

SECTION 1: PROJECT SUMMARY

Project Name	Weathersbee Ponce de Leon Home Construction
Applicant	Shelby Weathersbee
Address/Location	Ponce de Leon Ave
Parcel Number	007-14-17-006
Total Development Size	±0.54 ac
Existing Zoning	R-7, Small Lot, Single-Family Residential
Overlay	N/A
Variance Requested	Ordinance No. 2008-18, NADC 3.5.7.6 Minimum and Maximum Front 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

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.northaugustasc.gov on September 6, 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 August 22, 2022. The property was posted with the required public notice on August 23, 2022.

SECTION 4: SITE HISTORY

The property is vacant, being a portion of Block "54" George Summers Plat of 1912. An application for a rezoning, RZM15-001, was submitted in January 2015 and approved in March 2015 for the subject property and the adjacent property. An application for Ponce de Leon Townhomes, PP15-002, was submitted in December 2015 for the subject property and the adjacent property. The application was withdrawn by the applicant in April 2016.

SECTION 5: EXISTING SITE CONDITIONS

	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant/Residential Single Family	Low Density Residential	R-7, Small Lot, Single-Family Residential
North	Residential Single Family	Mixed Use	R-7, Small Lot, Single-Family Residential
South	Residential Single Family	Mixed Use	R-7, Small Lot, Single-Family Residential/PD, Planned Development
East	Residential Multi Family	Low Density Residential	R-5, Mixed Residential
West	Vacant	Mixed Use	P, Public Use

Access – The site currently is accessible from Ponce de Leon Avenue.

Topography – The subject property has steep topography and generally slopes from south towards the Ponce de Leon roadway.

Utilities – Water and wastewater lines are available along Ponce de Leon Ave.

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

Drainage Basin – The subject property is within the Waterworks Basin. The Waterworks Basin is a very large basin in the city that handles tremendous flows during rain events. The basin drains the area from Knox Avenue including Kroger, Lowes, Walmart, Belk, Publix, Lidl, and Big Lots Shopping Centers, Summerfield Park, Edgefield Heights, and Atomic Road businesses. Much of this water flows through Edenfield Park until it converges beside the Public Safety Complex to the primary basin stream along Riverside Boulevard and then through The River Golf Course and its pond system to the Savannah River. The basin is sampled at Shoreline Drive just before it

empties to the river. The basin's stormwater system has been updated to prevent historical flooding on Buena Vista Avenue.

SECTION 6: STAFF EVALUATION AND ANALYSIS

The applicant requests

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

1. An unnecessary hardship exists;
 - The applicant states that the 25 feet maximum setback will place any newly constructed home right under a power line and will inhibit anyone from being able to increase property value on this property. Hardships related to this developmental code include unnecessary issues for the city to access the power line for maintenance/repair, increased risk for damage to power line during construction of the new home, and loss of value to the city if no one can build on the property.

A plat of the property shows a 20-foot power line easement and a neighbor's concrete driveway within the front portion of the property. The front 100 feet of the parcel has a drop from 220 feet to 206 feet or approximately a 14 foot drop in elevation.

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - The applicant states this property extraordinary and exceptional conditions that are unique to this property are the significant grade to the front of the property as well as the power line itself, placed by the city, running across the property at the 25 feet requirement from the street to place a new construction.

With a 20-foot power line easement and elevation change in the front of the property, as well as the maximum setback of 25 feet in the R-7 zoning district, there will be extraordinary and exceptional conditions pertaining to this property with new construction.

3. The conditions do not generally apply to other property in the vicinity;
 - The applicant states that other properties in the area do not have this concern, as they do not have power lines over their property at the coded area to build.

The parcels to the west do not appear to have the elevation changes, but are impacted by a power line easement. The parcel to the east is developed with

frontage from Elm St. Staff would note that power line easements across the front of a property, along with severe elevation changes, are not typical in most R-7 developments.

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 development code has placed an unreasonable restriction on improving the property value, as well as contributing city/county taxes towards the city, by inhibiting the construction of a residence on this property.

Staff agrees that this parcel would be difficult to develop with uses allowed within the R-7 zoning district with compliance required for the 25-foot maximum building setback.

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 by granting this variance, a residence being placed on this property would only bring value to the surrounding properties and bring growth to the City of North Augusta. The plans for construction are attached to this appeal for validity in the claim to increase property value in the area.

Staff notes that the property is zoned R-7 and the property will otherwise comply with the R-7 requirements. The residential construction should be compatible to the surrounding properties and not adversely impact them.

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.
 - 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.

Single-family residences are allowed 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.
- The applicant states that the hardship should be granted because it would bring value to the surrounding properties and growth to the city of North Augusta.

Staff notes that the power line easement and elevation changes were not caused by the applicant.
9. The fact that property may be utilized more profitably, should a variance be granted, shall not be considered grounds for a variance.
Staff notes that the fact that the property may be utilized more profitably is not the primary purpose of the 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 is open to suggestions for other conditions from the Board.

SECTION 7: ATTACHMENTS

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

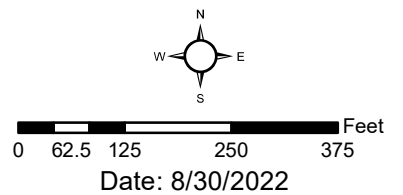
cc. Shelby Weathersbee, via email

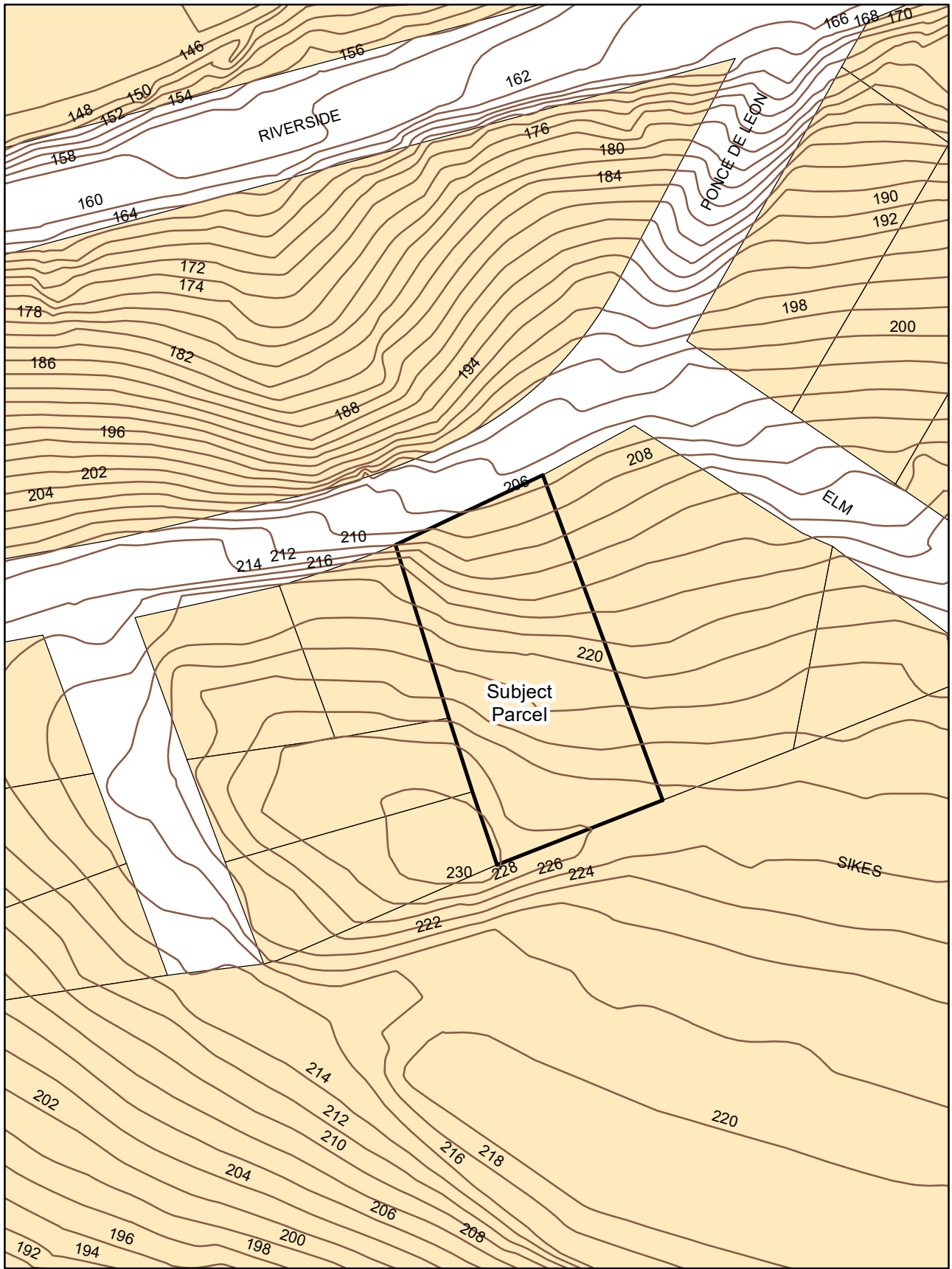


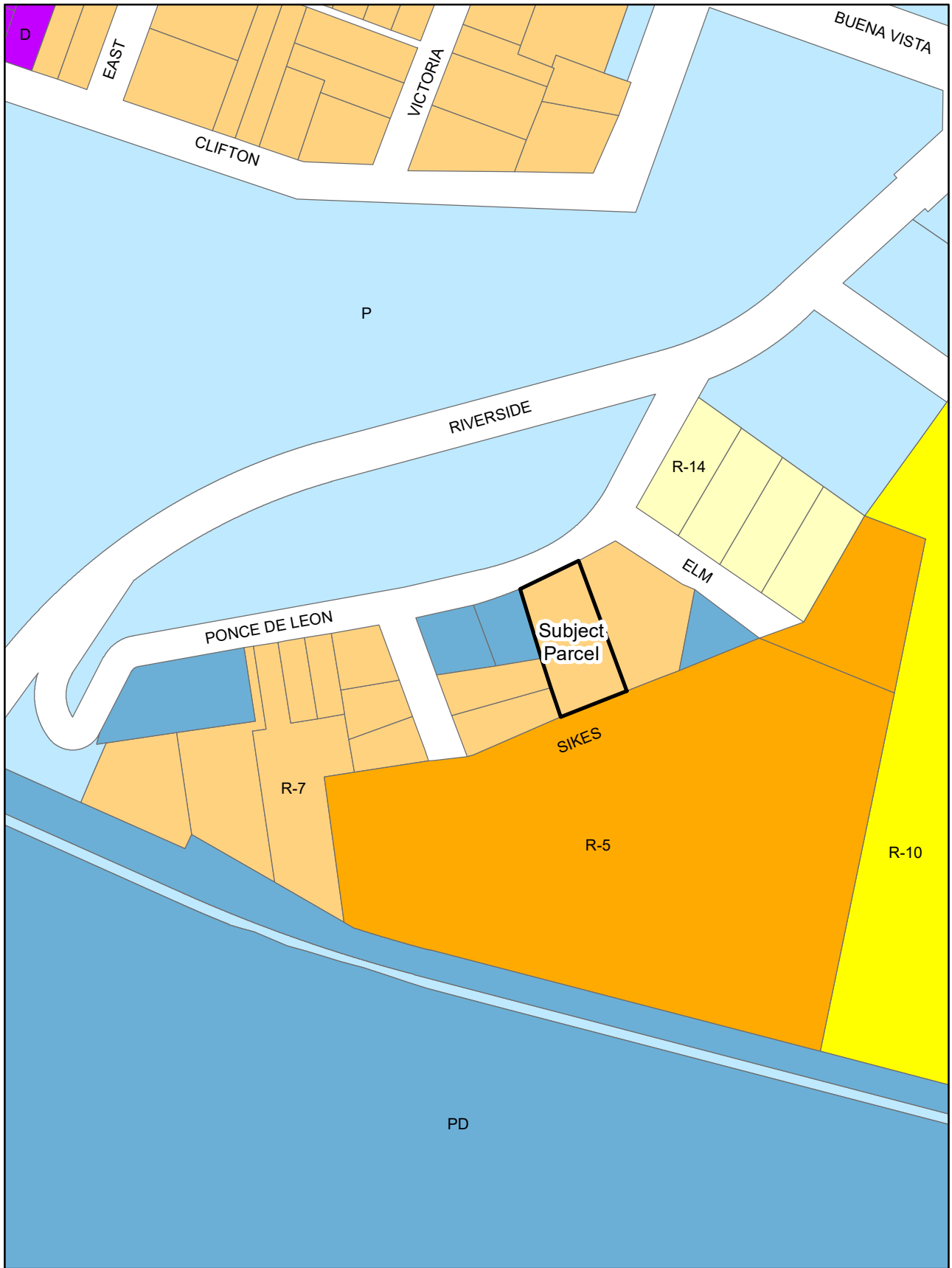
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



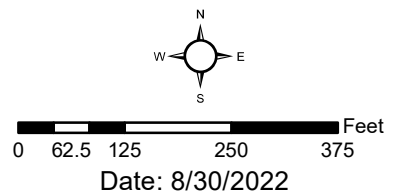
Aerial Map
ZV22-013
TPN 007-14-17-006
Approx. 0.54 ac





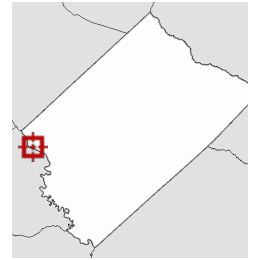


Zoning Map
 ZV22-013
 TPN 007-14-17-006
 Approx. 0.54 ac
 zoned R-7, Small Lot,
 Single-Family Residential





Overview



Legend

-  Parcels
-  Roads

Parcel ID	007-14-17-006	Alternate ID	n/a	Owner Name	SHELBY WEATHERSBEE
Sec/Twp/Rng	0071417	Class	n/a		
Property Address	PONCE DE LEON AVE NORTH AUGUSTA	Acreage	0.54		
District	n/a				
Brief Tax Description	n/a				

(Note: Not to be used on legal documents)

Date created: 9/1/2022
 Last Data Uploaded: 9/1/2022 12:35:40 AM

Developed by  **Schneider**
 GEOSPATIAL

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

ZV22-013 – A request by Shelby Weathersbee for a variance from Ordinance 2008-18, Section 3.5.7.6, Dimensional Standards, Maximum Setbacks, of the North Augusta Development Code. The application affects a proposed residential home located at Ponce de Leon Avenue, TPN 007-14-17-006 on ±0.54 acres zoned R-7, Small Lot, Single-Family Residential.

Documents related to the applications will be available for public inspection after September 1, 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.northaugustasc.gov. All residents and property owners interested in expressing a view on these cases are encouraged to attend or provide written comments to planning@northaugustasc.gov.

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.

Application for Development Approval

Please type or print all information



Staff Use

Application Number ZV22-

Date Received 7-11-22

Review Fee 250.00

Date Paid 7-11-22

- 1. Project Name** Personal Home Construction

Project Address/Location Ponce De Leone Ave. North Augusta, SC Lt 3 BLK 54 N Augusta S/D

Total Project Acreage 0.54 **Current Zoning** R-7

Tax Parcel Number(s) 007-14-17-006
- 2. Applicant/Owner Name** Shelby Weathersbee **Applicant Phone** 803-646-5123

Mailing Address 6 Cardinal Lane

City North Augusta **ST** SC **Zip** 29841 **Email** slweathersbee93@gmail.com
- 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 required documents must be correct and complete to initiate the compliance review process.**
- 7. Shelby L Weathersbee** 7/10/22
Applicant or Designated Agent Signature **Date**

Shelby L. Weathersbee
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 ZV 22-

Date Received 7-11-22

1. Project Name Personal Home Construction

Project Address/Location Ponce De Leone Ave. Lt 3 BLK 54 N Augusta S/D

Project Parcel Number(s) 007-14-17-006

2. Property Owner Name Shelby Weathersbee Owner Phone 803-646-5123

Mailing Address 6 Cardinal Lane

City North Augusta ST SC Zip 29841 Email slweathersbee93@gmail.com

3. Designated Agent John Stewart

Relationship to Owner Buyer of property

Firm Name n/a Phone 706-294-4737

Agent's Mailing Address 2716 Edward Dr.

City Augusta ST GA Zip 30904 Email stewartjohn729@gmail.com

Agent's Signature *John Stewart* Date 7-11-22

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

Shelby Weathersbee
Owner Signature

7/11/22
Date

5. Sworn and subscribed to before me on this 11th day of July, 2022.

Carolyn Jones
Notary Public

2/7/26
Commission Expiration Date



PONCE DE LEON AVENUE
S-2-639 60' R/W

ELM STREET
60' R/W

1/2 JIMMIE H. HOWIE 1/2
T.P.N. 007-14-17-005

1/2 LEN G. CORDER 1/2
T.P.N. 007-14-17-008
P.B. 58/522

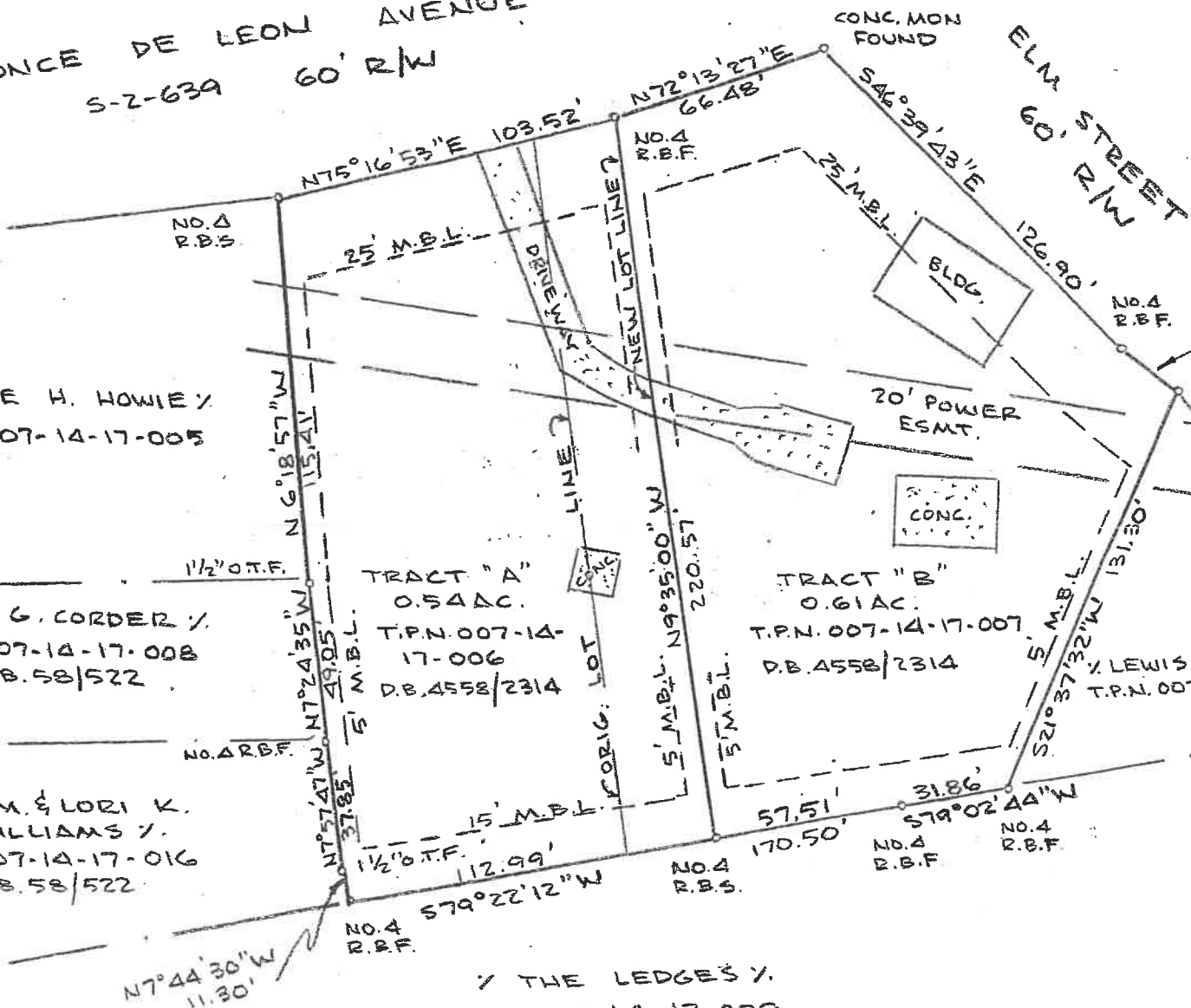
1/2 DEAN M. & LORI K. WILLIAMS 1/2
T.P.N. 007-14-17-016
P.B. 58/522

1/2 THE LEDGES 1/2
T.P.N. 007-14-17-009

TRACT "A"
0.54 AC.
T.P.N. 007-14-17-006
D.B. 4558/2314

TRACT "B"
0.61 AC.
T.P.N. 007-14-17-007
D.B. 4558/2314

1/2 LEWIS
T.P.N. 007-14-17-009



NOTE: THESE LOTS ARE A PORTION OF BLOCK "54" GEORGE W. SUMMERS PLAT OF 1912.

To whom it may concern:

In Regards to the appeal for Ponce De Leone Avenue; Parcel number 007-14-17-006

Variance requests:

H. Under North Augusta development code ordinance no 2008-18 section 3.5.7.6 for R-7 zone property I am requesting a variance for construction front to be more than twenty-five feet maximum setback from the street. As seen on the plat attached to this application there is a power line directly over the front of this lot. To build 25 feet from the street would place the new home directly under the power line. This code would inhibit anyone from being able to increase property value by building on this property as well as restricts the city if/when work ever needed to be done on said power line. There is also a significant grade to the front of the property at approximately 25 feet from the street that would cause the placement of the home to be ascetically unpleasing.

I: Hardships related to this developmental code include unnecessary issues for the city to access the power line for maintenance/repair, increased risk for damage to power line during construction of the new home, and loss of value to the city if no one can build on the property.

J. Extraordinary and exceptional conditions unique to this property are the significant grade to the front of the property as well as the power line itself, placed by the city, running across the property at the twenty-five feet requirement from the street to place a new construction.

K. Other properties in the area do not have this concern as they do not have power lines over their property at the coded area to build.

L. The development code has placed an unreasonable restriction on improving the property value, as well as contributing city/county taxes towards the city, by inhibiting the construction of a residence on this property.

M. By granting of this variance a residence being placed on this property would only bring value to the surrounding properties and brings growth to the city of north augusta. The plans for construction are attached to this appeal for validity in the claim to increase property value in the area.

Thank you for your consideration

Shelby Weathersbee
And
John Stewart

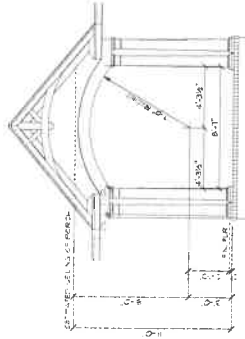
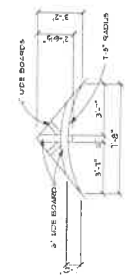


DATE: 02-20-21
 PROJECT: 21-001
 SHEET: 1-1

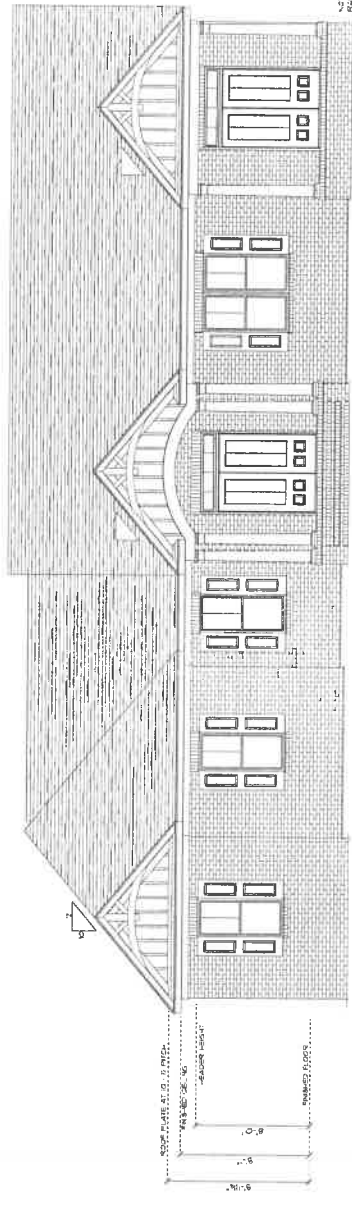
NO.	DESCRIPTION	QTY	UNIT
1-1	FRONT ELEVATION	1	Sheet
1-2	LEFT SIDE ELEVATION	1	Sheet
1-3	RIGHT SIDE ELEVATION	1	Sheet
1-4	REAR ELEVATION	1	Sheet
1-5	SCREENED PORCH	1	Sheet
1-6	SCREENED PATIO	1	Sheet
1-7	DECK	1	Sheet
1-8	BATH	1	Sheet
1-9	PLAN	1	Sheet
1-10	SECTION	1	Sheet
1-11	DETAILS	1	Sheet
1-12	FOUNDATION	1	Sheet
1-13	CONCRETE	1	Sheet
1-14	ROOFING	1	Sheet
1-15	MECHANICAL	1	Sheet
1-16	ELECTRICAL	1	Sheet
1-17	PLUMBING	1	Sheet
1-18	PAINT	1	Sheet
1-19	LANDSCAPE	1	Sheet
1-20	TOTAL	20	Sheets

FOR SHELBY WEATHERBEE
 PLAN NO.
 DATE

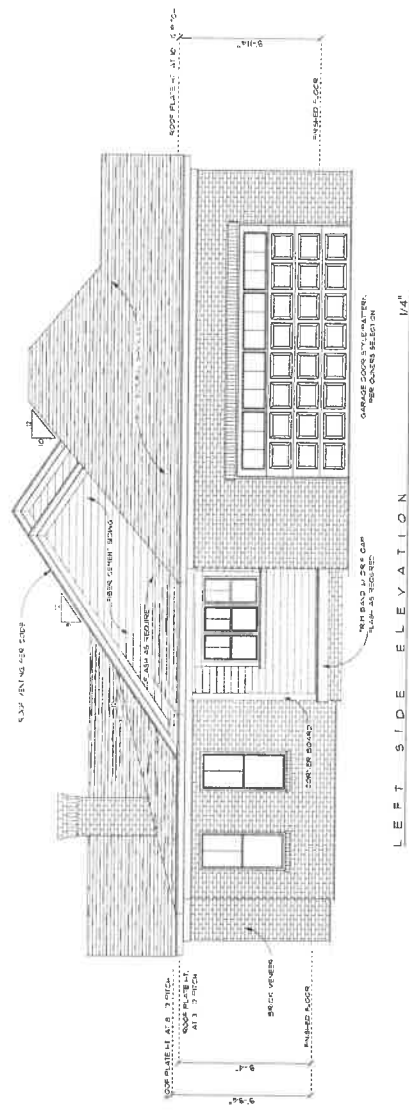
ALL WORK TO COMPLY WITH ALL APPLICABLE
 CODES AND REGULATIONS.
 DESIGNER: SHELBY WEATHERBEE
 ADDRESS: 1001 N. 10TH ST.
 RICHMOND, VA 23224
 PHONE: (804) 790-1234
 FAX: (804) 790-1235
 EMAIL: SHELBY@DOAWOOD.COM
 SHELBY WEATHERBEE IS NOT RESPONSIBLE
 FOR ANY CHANGES OR MODIFICATIONS
 MADE BY THE CLIENT OR ANY OTHER
 PARTY WITHOUT THE WRITTEN
 CONSENT OF SHELBY WEATHERBEE.
 ANY AND ALL DIMENSIONS ARE TO FACE
 UNLESS OTHERWISE SPECIFIED.
 DIMENSIONS ARE TO FACE UNLESS
 OTHERWISE SPECIFIED.
 2021-02-20



NOTE:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 2. SEE SHEET 1-1 FOR FINISHES.
 3. SEE SHEET 1-2 FOR FOUNDATION.
 4. SEE SHEET 1-3 FOR ROOFING.
 5. SEE SHEET 1-4 FOR MECHANICAL.
 6. SEE SHEET 1-5 FOR ELECTRICAL.
 7. SEE SHEET 1-6 FOR PLUMBING.
 8. SEE SHEET 1-7 FOR PAINT.
 9. SEE SHEET 1-8 FOR LANDSCAPE.
 10. SEE SHEET 1-9 FOR TOTAL.



FRONT ELEVATION $\frac{1}{4}"$



LEFT SIDE ELEVATION $\frac{1}{4}"$