

# Board of Zoning Appeals



## Minutes for the Tuesday, October 4, 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 – Members Present were Kevin Scaggs, Kathie Stallworth, Bill Burkhalter, Jim Newman and Chairman Wesley Summers.
3. Approval of Minutes – Minutes of the Regular Meeting of the September 6, 2022 meeting.  
  
The minutes were approved as presented.
4. Confirmation of Agenda – There were no changes to the agenda.
5. ZV22-014 – A request by EMC Engineering Services, Inc. for a variance from Table 3-9, Article 3, Section 3.8.5.3, Dimensional Standards, Maximum Front Setbacks for the Highway Corridor Overlay District, of the North Augusta Development Code. The application affects a proposed convenience store with gasoline sales, located at Jefferson Davis Highway, a 5-acre portion of TPN 013-18-01-001 zoned TC, Thoroughfare Commercial, HC, Highway Corridor Overlay District.

Mr. Paradise stated that this is request for a front setback to exceed the 90ft that is allowed in the TC district for the primary building. This is for a convenience store that would be on 5 acres. The primary building is set back more than 90 ft. They want to put a Parker's Kitchen Convenient store on this site. To do this they need to have gas pumps in front with a canopy, which will push the primary building back beyond the 90ft limit. The limit they need it 170ft setback in order to allow for the gas pumps with canopy.

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

Daniel the real estate manager for the Parker Company is there to speak on this project.

Cody Rogers with EMC Engineering is also there to speak and answer any questions about this project.

Daniel discussed that they have about 71 stores in South Carolina and Georgia. He gave a little background of the company and where they are building some now. Cody from EMC stated that the entrance at the red light at Interstate 520 does line up with the incoming entrance at this location. There is a larger area in back for the big trucks for parking and diesel fuel. Daniel stated that they are geared toward local short term parking for the big trucks. They have no showers or anything for truckers. It is just a short time truck parking. The travel lanes will increase a little bit. Daniel stated that they would like a setback of 170ft but might need only 160ft setback. There are some topography issues on the site.

- b. **Consideration** – Application ZV22-014

Mr. Scaggs made the first motion to approve with the 170ft setback and Mrs. Stallworth made the second motion. It passed unanimously.

6. **Adjourn** – The meeting was adjourned at approximately 7:52 pm.

Respectfully Submitted,



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

# Department of Planning and Development



## Project Staff Report

ZV22-015 Lake Ave Carport

Prepared by: La'Stacia Reese

Meeting Date: December 6, 2022

## SECTION 1: PROJECT SUMMARY

Project Name	Lake Ave Carport
Applicant	Paul Crenshaw
Address/Location	1118 Lake Ave
Parcel Number	007-06-14-014
Total Development Size	±0.76 ac
Existing Zoning	R-14, Large Lot, Single-Family Residential
Overlay	N/A
Variance Requested	Section 4.2 of NADC, Table 4-1, Accessory Uses and Structures

## 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.northaugustasc.gov](http://www.northaugustasc.gov) on October 12, 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 October 12, 2022. The property was posted with the required public notice on October 12, 2022. The Board of Zoning Appeals did not meet in November due to the absence of a quorum. The application and description were re-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](http://www.northaugustasc.gov) on November 16, 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 November 14, 2022. The property was posted with the required public notice on November 16, 2022.



## SECTION 4: SITE HISTORY

The subject property is a one-story single family residence that was built in 1958 in the Fairview Gardens neighborhood of Lake Ave.

## SECTION 5: EXISTING SITE CONDITIONS

	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Residential Single Family	Low Density Residential	R-14, Large Lot, Single-Family Residential
North	Residential Single Family	Low Density Residential	R-14, Large Lot, Single-Family Residential
South	Residential Single Family (Vacant)	Low Density Residential	R-14, Large Lot, Single-Family Residential
East	Residential Single Family	Low Density Residential	R-14, Large Lot, Single-Family Residential
West	Residential Single Family	Low Density Residential	R-14, Large Lot, Single-Family Residential

**Access** – The site currently is accessible from Lake Ave.

**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 Lake 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 Riverview Basin. The Riverview Basin is small and incorporates drainage from the San Salvadore and Fairfield Avenue area. The drainage is located in a deep ravine leading to the Savannah River near Riverview Park. Future studies are planned for this basin.

## SECTION 6: STAFF EVALUATION AND ANALYSIS

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The applicant requests a variance from setback requirements of the North Augusta Development Code to allow for a metal carport to be allowed within the setbacks of 3 feet for a detached structure.

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 development code will cause unnecessary hardship when trying to back the camper in the applicant's yard. The applicant states that he lives on a road that has double lane with a grass median in the center. The lanes are single lanes, one being one way and the other lane going in the opposite direction. These lanes are for cars only, so they are narrow in width. The applicant states that he has a double lot with 2 driveways, one driveway cannot be used because of the grass median. The other driveway, which the applicant is applying for the variance, the camper can be backed straight in and out with little difficulty.

*Applicant is requesting to erect a standalone metal structure made with metal poles and roof to serve as a carport for the applicant's camper. Staff notes that the North Augusta Development Code states in Article 4 Supplemental Uses and Regulations, Section 4.2 Accessory Structures and Uses, states setbacks of 3 feet in residential districts. However, for accessory structures that exceed 800 square feet of ground floor area, the setback shall be 5 feet. In commercial districts the setback shall be the same as permitted for primary structures. Accessory structures shall be separated from all primary structures and any other accessory structures by no less than 3 feet unless attached to a primary structure by a covered breezeway or hallway.*

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - The applicant states that even though the property is on two lots, it will not support the ability to pull in and around due to the distance between the house and existing garage. There is also a sewer utility line that goes across the yard to the back left corner. The sewer utility is approximately 18 inches underground.

*Staff notes that images provided by the applicant shows the camper parked on the concrete lot adjacent to the garage. A portion of an approved plat was provided by the applicant, which shows the drainage easement owned by the City of North Augusta in the back left corner of the property.*

3. The conditions do not generally apply to other property in the vicinity;
  - The applicant states that other properties in the area are not affected by one lane roads with grass medians. The neighboring lot has a 5-foot diameter drainage pipe through the center that serves several runoff collection systems from three streets over. It runs into a ditch with concrete rip rap. This easement will not affect neighboring properties.

*Staff notes that to the south of the subject property, there is a lot own by the City of North Augusta.*

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 property next to his property will never be used for anything other than its current use. The applicant states that the code restrictions will not affect anyone or utilization of this property. The applicant states that it will affect him from being able to protect his substantial investment with a cover from weather.

*Staff notes that the drainage easement in the back corner of the subject property is near the concrete pad for the proposed carport.*

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-14 and the property will otherwise comply with the R-14 requirements. The construction of the proposed carport 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.  
*Accessory structures are allowed in the R-14, Large 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 variance will only affect the back corner of his land. It will not affect the neighbors or the looks of the neighborhood. The applicant states that he is only trying to enhance the character of the district.  
  
*Staff notes that the unnecessary hardship affects the subject property and the encroachment of the drainage easement with the proposed carport.*
  
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.

*Possible conditions of approval by Staff:*

- *The variance is limited to only the construction of a fully metal carport that remains open on all sides.*
- *The carport shall be able to be moved if it should be in the way of any future construction along the property line.*
- *The carport shall be located as conceptually shown in the application.*

*Staff is open to suggestions for other conditions from the Board.*

## SECTION 7: ATTACHMENTS

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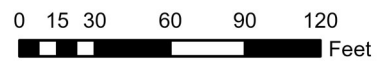
- 1) Aerial
- 2) Topography
- 3) Current Zoning
- 4) Site Photos
- 5) Public Notice
- 6) Application Materials

cc. Paul Crenshaw, via email





AikerC, Maxar, Microsoft



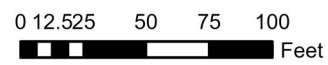
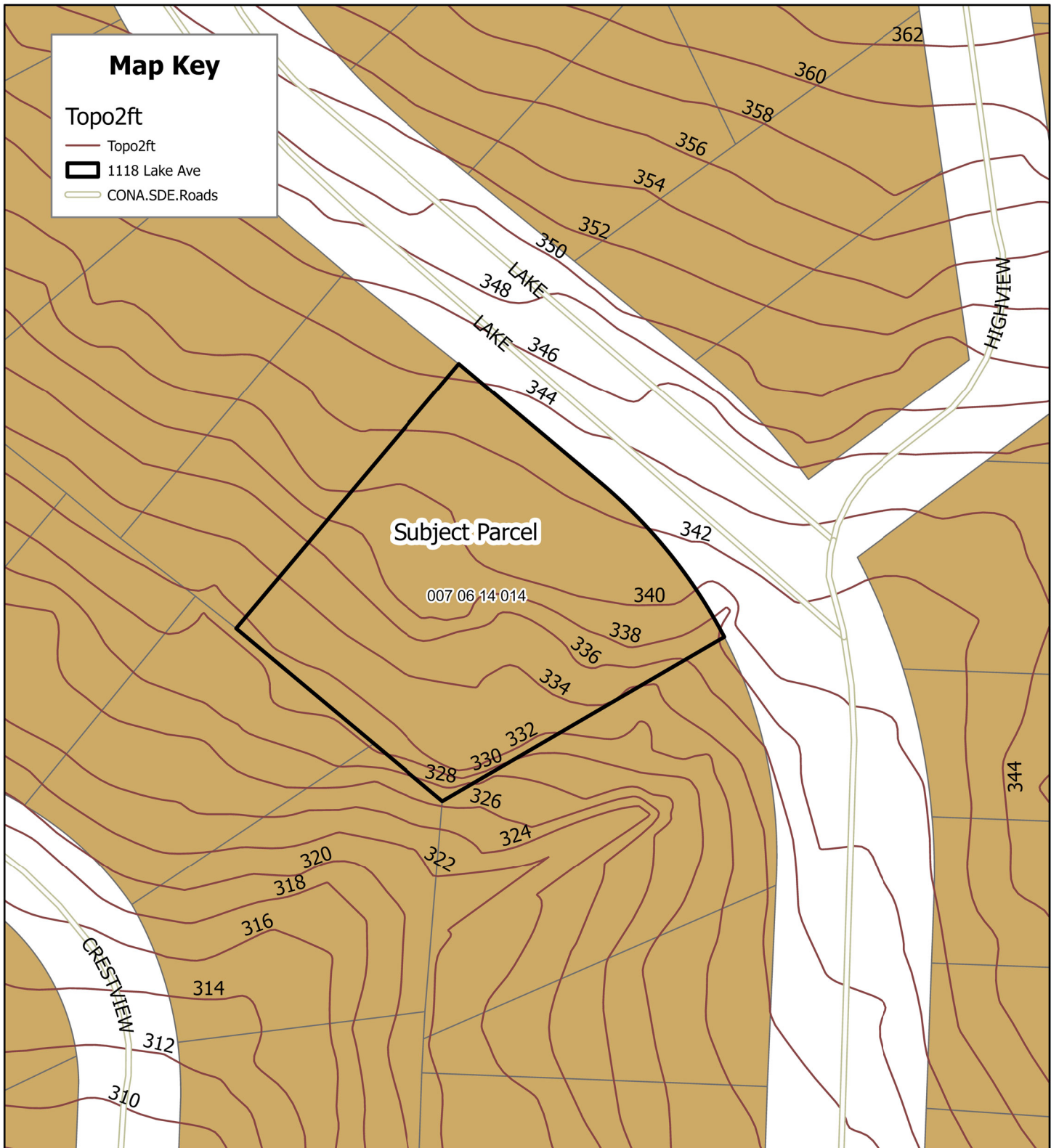
10/11/2022 11:20 AM



Aerial Map  
Application Number ZV22-015  
Tax Parcel Number 007-06-14-014  
1118 Lake Ave





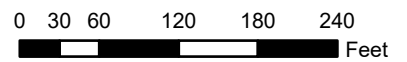
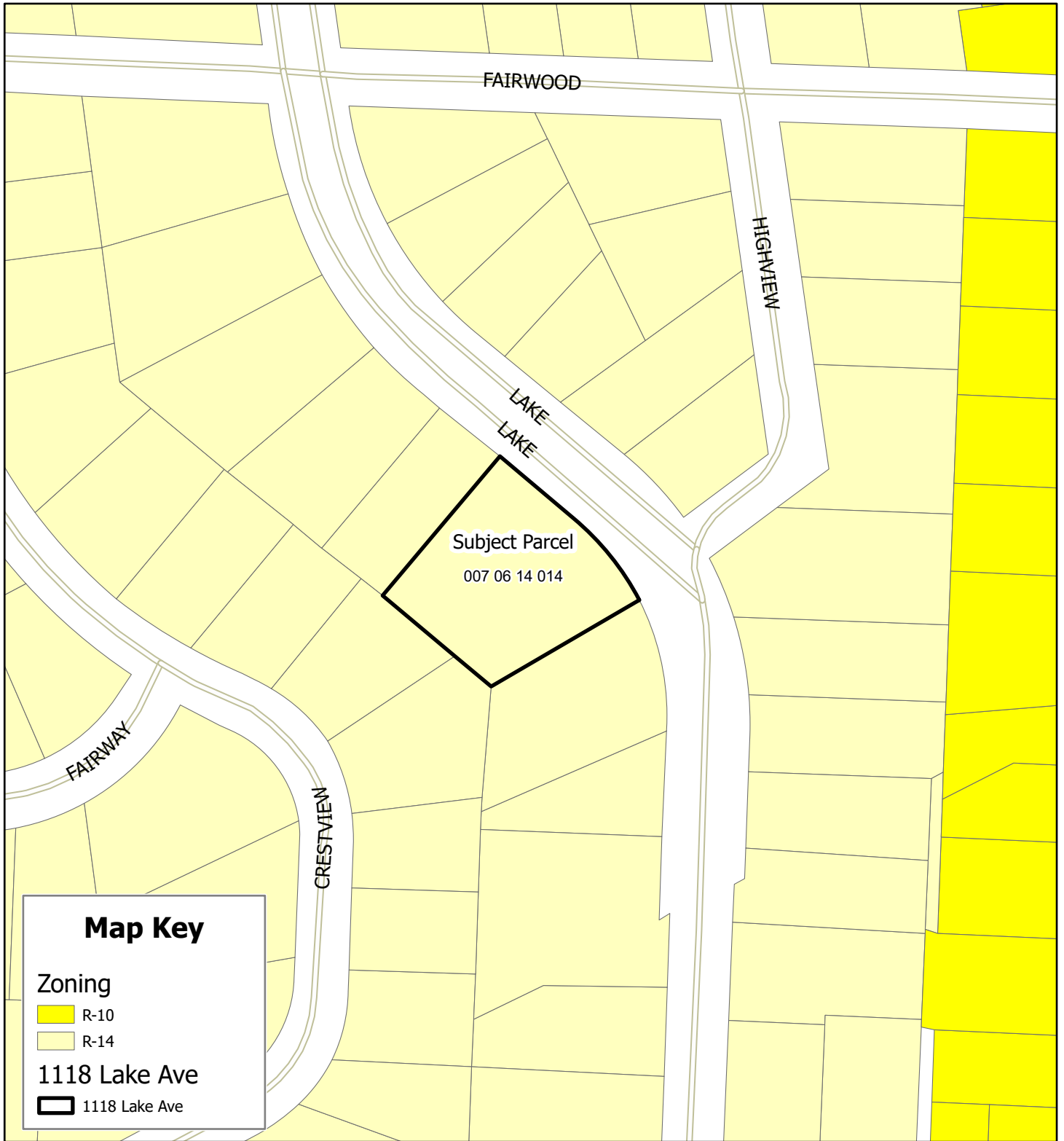


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Topography Map  
Application Number ZV22-015  
Tax Parcel Number 007-06-14-014  
1118 Lake Ave





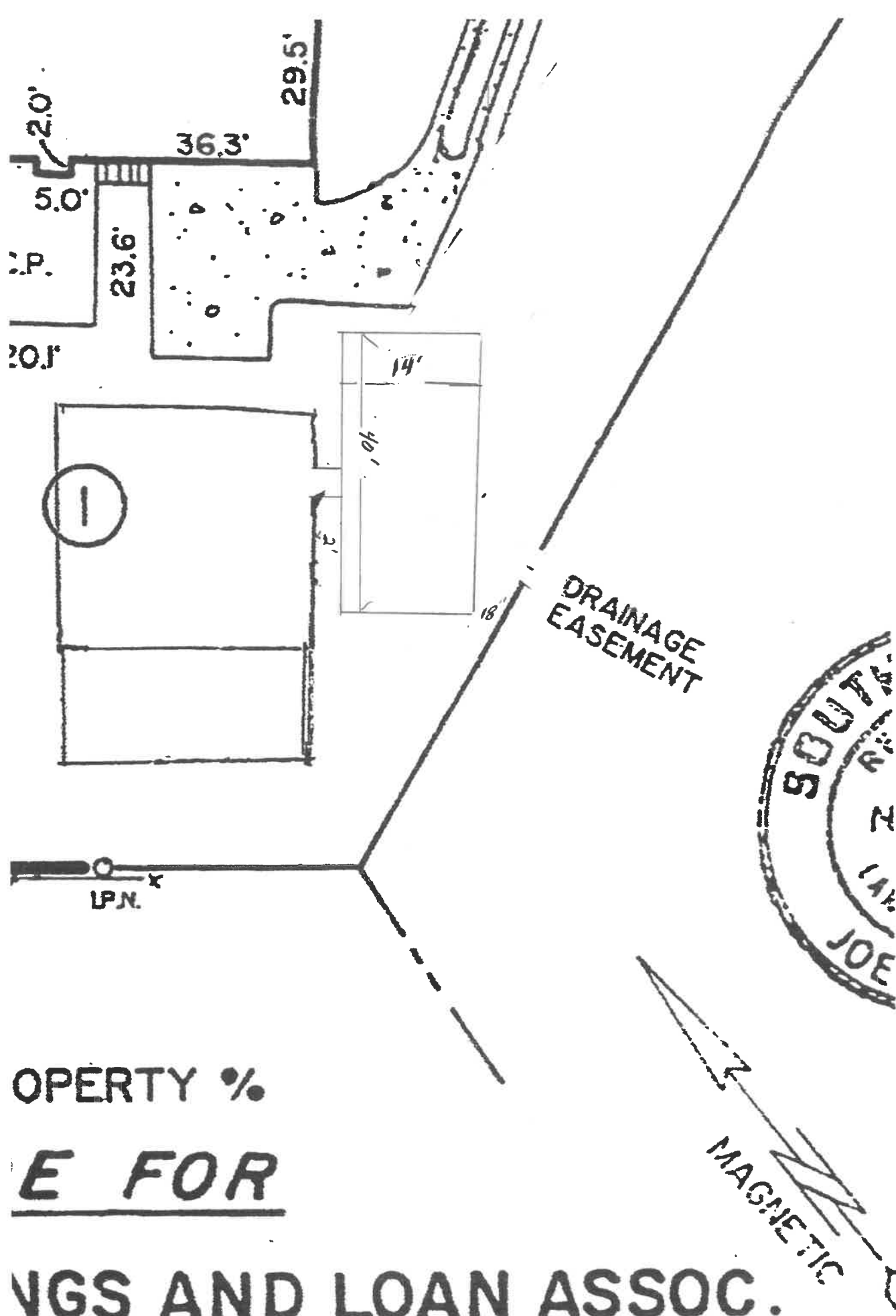
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Zoning Map  
 Application Number ZV22-015  
 Tax Parcel Number 007-06-14-014  
 1118 Lake Ave  
 Zoned R-14, Large Lot,  
 Single-Family Residential



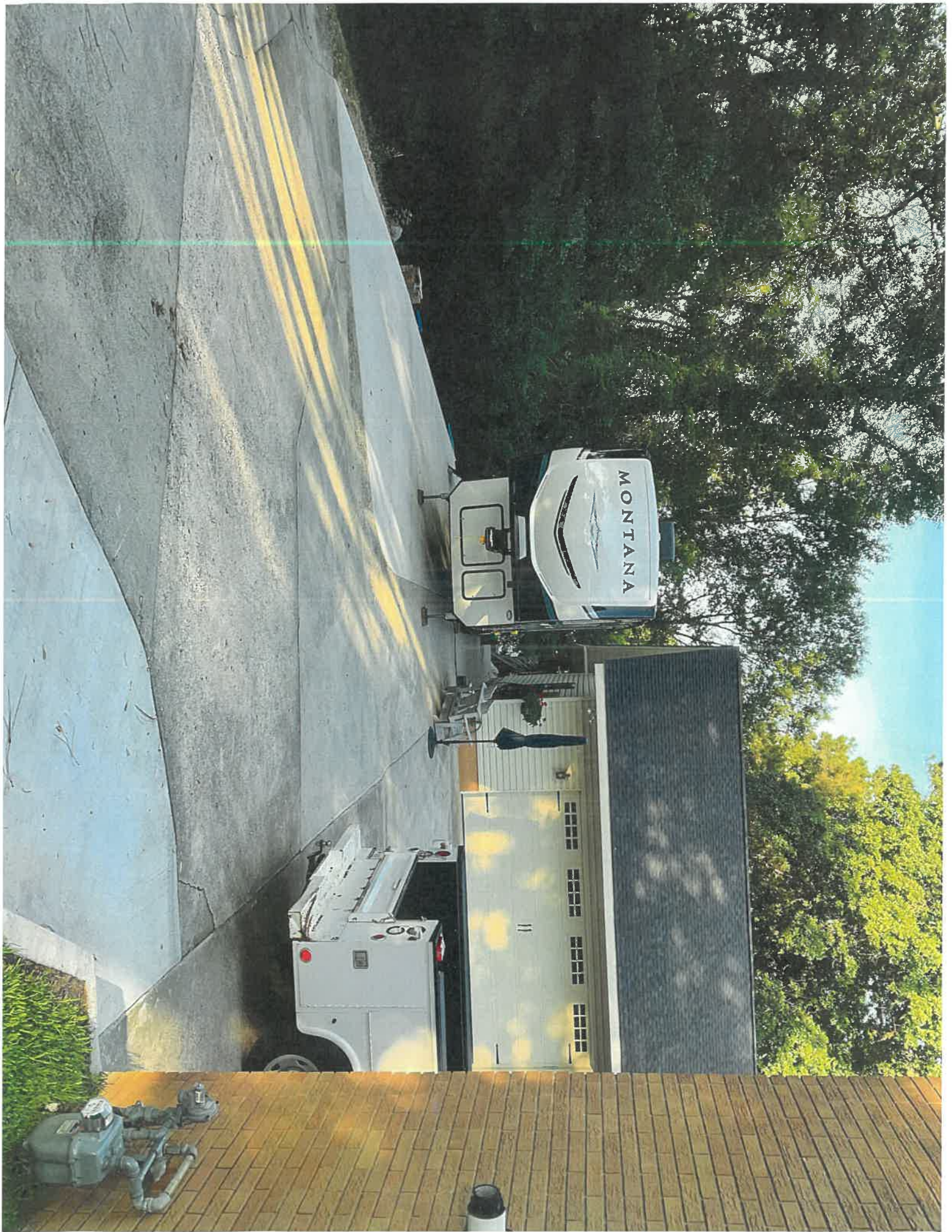




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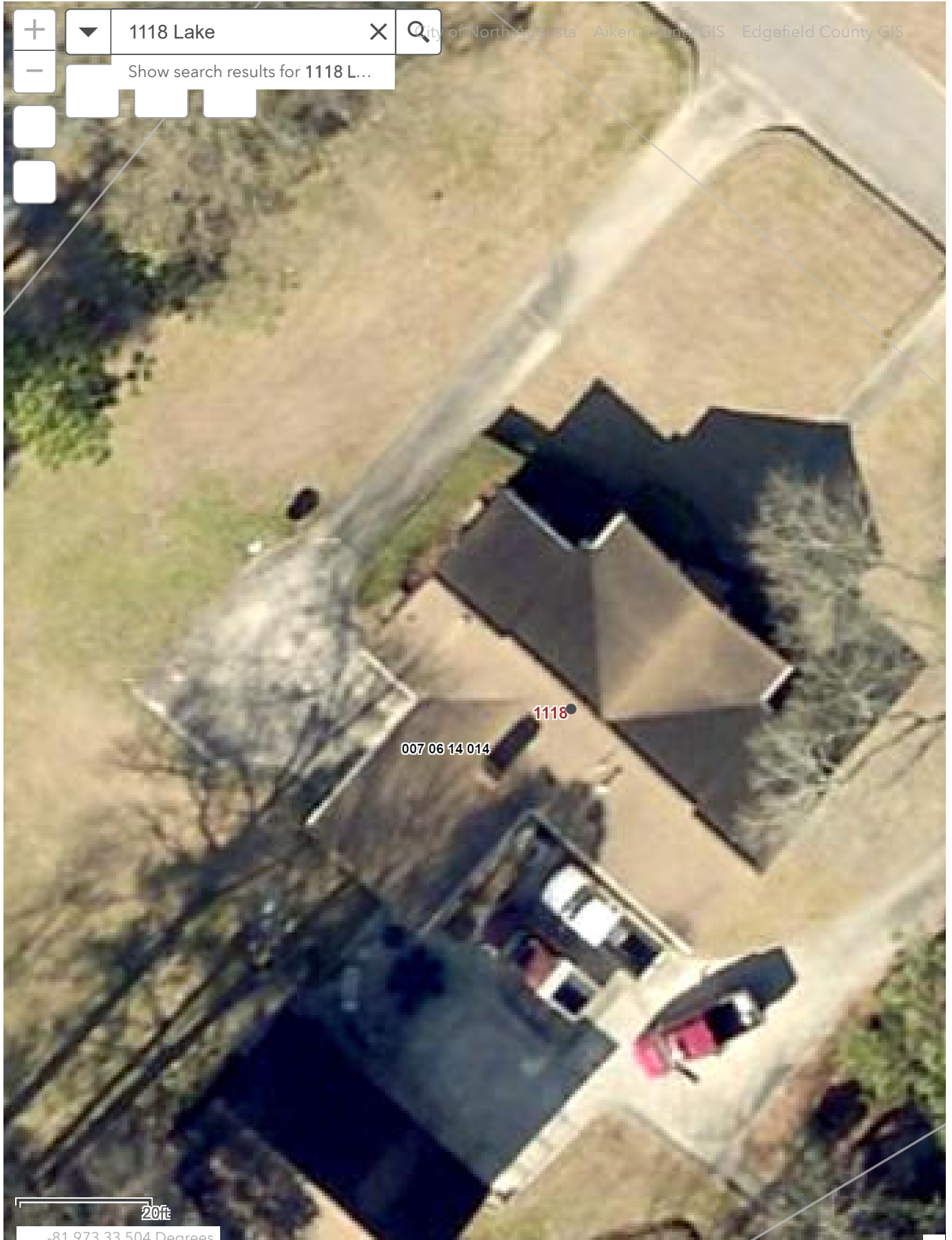
MONTANA





# Parcel Information Map

City of North Augusta GIS



+ 1118 Lake X Q  
- Show search results for 1118 L...  
[Map Style Selections]

007 06 14 014

1118

20ft  
-81.973 33.504 Degrees

All rights reserved

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, December 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:

**ZV22-015** – A request by Paul Crenshaw for a variance from Section 4.2, Table 4-1, Accessory Uses and Structures, setbacks of the North Augusta Development Code to allow for a carport that encroaches on the adjacent City-owned drainage way. The request affects approximately 0.76 ac zoned R-14, Large Lot, Single-Family Residential located at 1118 Lake Avenue, TPN 007-06-14-014.

**ZV22-017** – A request by ATC Development for a variance from Sections 3.5.7, Table 3-3 Dimensional Standards for the GC, General Commercial Zoning District and 3.8.5.3.1, Table 3-9, Dimensional Standards for the Highway Corridor Overlay District of the North Augusta Development Code to allow for a front setback that exceeds the maximum allowed for a proposed commercial and multifamily development. The request affects approximately 30.6 ac along Edgefield Road and the Frontage Road zoned GC, General Commercial and within the Highway Corridor Overlay District, TPN 011-06-01-001.

Documents related to the application will be available for public inspection after December 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](http://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](mailto: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.

# Notice of Appeal

Please type or print all information



**Staff Use Only**

Application Number ZV22-015

Date Received 9-29-22

Review Fee \$250

Date Paid 9-29-22

1. Project Name Paul Crenshaw  
Project Address/Location 1118 Lake Ave  
Total Project Acreage \_\_\_\_\_ Current Zoning Residential  
Tax Parcel Number(s) \_\_\_\_\_
2. Applicant/Owner Name Paul Crenshaw Applicant Phone 706-829-2407  
Mailing Address P.O. Box 6441  
City N. Augusta ST SC Zip 29861 Email p-crenshaw@msn.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 \_\_\_\_\_ 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.

Paul Crenshaw  
Applicant or Designated Agent Signature

9-28-2022  
Date

Paul Crenshaw  
Print Applicant or Agent Name

**Application for Development Approval – Minor**  
 (Includes residential construction and all accessory structures)



Please type or print all information

Staff Use Only

Application Number ZV22-015 Date Received 9-29-22

1. Project Address/Location 1118 LAKE AVE  
 Owner Name Paul Crenshaw  
 Current Zoning \_\_\_\_\_ Tax Parcel Number(s) \_\_\_\_\_  
 Permit # \_\_\_\_\_ Description \_\_\_\_\_

2. Contractor/Agent Paul Crenshaw License # \_\_\_\_\_  
 Firm Name SAME Firm Phone 706-829-2407  
 Firm Mailing Address 1118 LAKE AVE PO Box 6441 29861  
 City N. Augusta State SC Zip 29841  
 Firm e-mail pcrenshaw@msn.com Firm Fax \_\_\_\_\_  
 Signature Paul Crenshaw Date Sept 9, 2022

3. **THIS SECTION MUST BE COMPLETED PRIOR TO ISSUANCE OF A PERMIT.**  
 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

4. In accordance with Section 5.1.1.3 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.

\_\_\_\_\_  
 Owner or Contractor/Agent Signature \_\_\_\_\_  
 Date

## ATTACHMENT

- H. This variance is a request that will allow me to erect a standalone metal structure made with metal poles and roof. This variance will allow me to encroach on adjoining property owned by City of N.A. The N.A. code 4.1 requires building be no closer than 5ft to adjoining property when attached to existing building and 3ft for a detached structure. The property in this variance is a drainage ditch owned by City of N.A. can never be used for anything other than a drainage ditch. The metal structure will be used to provide protection from sun and weather for a fifth wheel camper. The location of the structure will be next to my existing garage that will provide water and power that are essential to the summer and winter times of the year. The power will be used to refrigerate the food and at minimum heat and air for other times of the year.
  
- I. The development code will cause unnecessary hardship when trying to back the camper in my yard. I live on a road that has double lane with a grass median in the center. These are single lanes, one being one way and the other lane going the opposite direction. These lanes are for cars only, so they are narrow. Even though I have a double lot with 2 driveways, one driveway cannot be used because of grass median. The other driveway, the one that I am applying for a variance, the camper can be backed straight in and out with little difficulty.
  
- J. My property, even though on two lots, will not support the ability to pull in and around due to distance between house and existing garage. There's also a sewer utility line that goes across the yard to the back left corner. This utility is only about 18" underground.
  
- K. The other properties in the area are not affected by one lane roads with grass median. Also, the lot next to me has a 5ft diameter drainage pipe through the center that serves several runoff collection systems from 3 streets over. It runs into a ditch with concrete rip rap. This easement won't affect anyone.
  
- L. The property next to me will never be used for anything other than what its used for now. The code restrictions will not affect anyone or utilization of this property. It may affect me from being able to protect my substantial investment with a cover from weather.



**M.** This variance will only affect the back corner of my land. It will not affect my neighbors or the looks of the neighborhood. I'm only trying to enhance the character of the district.

# Department of Planning and Development



## Project Staff Report

ZV22-017 Oak Haven Setbacks

Prepared by: Kuleigh Baker

Meeting Date: December 6, 2022

## SECTION 1: PROJECT SUMMARY

Project Name	Oak Haven Setbacks
Applicant	ATC Property Group, LLC
Engineer	Cranston Engineering Group
Address/Location	along Edgefield Rd at Frontage Rd
Parcel Number	011-06-01-001
Total Development Size	± 30.62 acres
Existing Zoning	GC, General Commercial
Overlay	HC, Highway Corridor Overlay District
Variance Requested	Sections 3.5.7, Table 3-3 Dimensional Standards for the GC, General Commercial Zoning District and 3.8.5.3.1, Table 3-9, Dimensional Standards for the Highway Corridor Overlay District

## 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.northaugustasc.gov](http://www.northaugustasc.gov) on October 12, 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 October 7, 2022. The property was posted with the required public notice on October 12, 2022. The Board of Zoning

Appeals did not meet in November due to the absence of a quorum. The application and description were re-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](http://www.northaugustasc.gov) on November 16, 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 November 14, 2022. The property was posted with the required public notice on November 16, 2022.

## SECTION 4: SITE HISTORY

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The subject property is currently vacant. At one time there was a single-family detached dwelling on the property. Sections of the property have been subdivided over time for future commercial developments.

## SECTION 5: EXISTING SITE CONDITIONS

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	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant	Mixed Use	GC, General Commercial
North	Interstate	Mixed Use	NA
South	Commercial/ Residential	Residential Single Family	Outside City Limits (Aiken County)
East	Commercial	Mixed Use	GC, General Commercial/Outside City Limits (Aiken County)
West	Vacant	Mixed Use	R-5, Mixed Residential

**Access** – The site currently has access from Edgefield Road and Frontage Road. Additional access to the apartment site is proposed through a drive on the QuikTrip site that is currently under development.

**Topography** – The grade falls significantly across the property from east to west away from Edgefield Road.

**Utilities** – Water and wastewater service are available. The property is served by the City of North Augusta water and sewer.

**Floodplain** – The subject parcel is not located within any federally designated floodway.

**Drainage Basin** – The property is located within the Pole Branch Basin. The basin has an overall poor water quality rating. Pole Branch basin is one of the city’s largest basins. The basin borders

along Highway 25 at I-20 to Arbor Place off of Walnut Lane and then encompasses Bergen Road and its communities. The Pole Branch watershed includes high density residential, high density commercial, and some industrial areas. Major traffic corridors including Highway 25, I-20, Five Notch Road, and all the neighboring communities impact this watershed. The preliminary physical stream assessments at Pole Branch indicate that this stream channel is currently not effective at transporting current loads of stormwater during heavy storm events. Due to the high nutrient concentrations identified after the first sample event, Pole Branch has been a focus of the city monitoring program and attempts to identify sources of pollution will continue in the basin. As problems are identified, solutions will be implemented in conjunction with increased public education and outreach about the problems in this basin. Stream segment assessments throughout the basin are needed.

## SECTION 6: STAFF EVALUATION AND ANALYSIS

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The application is for a multifamily development and future commercial strip. The apartment complex will have access off of the Frontage Road and once parceled off, Parcel "B" will not be part of the Highway Corridor Overlay District. The proposed commercial development (Parcel "A") will face Edgefield Road and remain in the overlay. The shopping center will have parking situated at the front of the site and include several out parcels.

The applicant requests a variance from Sections 3.5.7, Table 3-3 Dimensional Standards for the GC, General Commercial Zoning District (Parcel "B") and 3.8.5.3.1, Table 3-9, Dimensional Standards for the Highway Corridor Overlay District (Parcel "A") for front setbacks that exceed the maximum allowed by the district.

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 the maximum front setbacks required for the commercial tract pose an unnecessary hardship because it prohibits any buildings from being situated on the interior of the property.
  - *Staff notes that adherence to the maximum setbacks would restrict the location of the proposed buildings and limit the ability for the applicant to develop the full acreage of the property.*
  
2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

- The applicant states the property is much wider and deeper than most commercial tracts which makes it unique.
  - *Staff notes that the location of the existing pizza restaurant and gas station site make siting additional commercial buildings within the required maximum front setback impractical.*
3. The conditions do not generally apply to other property in the vicinity;
- The applicant states because of the use and size of the site the conditions do not generally apply to other properties in the area.
  - *Staff notes that few sites along corridor roads are available for large scale development and existing shopping centers exceed the maximum front setback required by the GC district and HC Overlay.*
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
- *Staff notes that adherence to the maximum setbacks would restrict the location of the proposed buildings and limit the ability for the applicant to develop the full acreage of the 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. (Rev. 12-1-08; Ord. 2008-18)
- The applicant states granting the variance would not cause substantial detriment to adjacent property or harm the character of the district.
  - *Staff notes that the development of a shopping center will potentially serve the surrounding neighborhood.*
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.
    - Apartments and grocery/general retail uses are allowed in the 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 specific siting issues make it difficult to meet the standards of the code.*
  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 recommends the following conditions:

1. The property will be developed in general conformance with the layout provided. Minor changes to the layout may be allowed as determined by the Planning & Development Director. In no case will a less conforming layout be allowed.
2. The variance applies to Parcel "A" and Parcel "B" as shown on the exhibit and does not apply to any outparcels created from these two parcels, including those shown as Outparcel 1, Outparcel 2, Outparcel 3, Outparcel 4 on the exhibit. Variance requests may be heard by the BZA at a future date when a conceptual design for the parcels have been provided.
3. Curb cuts onto Edgefield Road/Hwy 25 must be approved by SCDOT.
4. All other requirements of the HC Overlay will be met as verified by staff at development review.

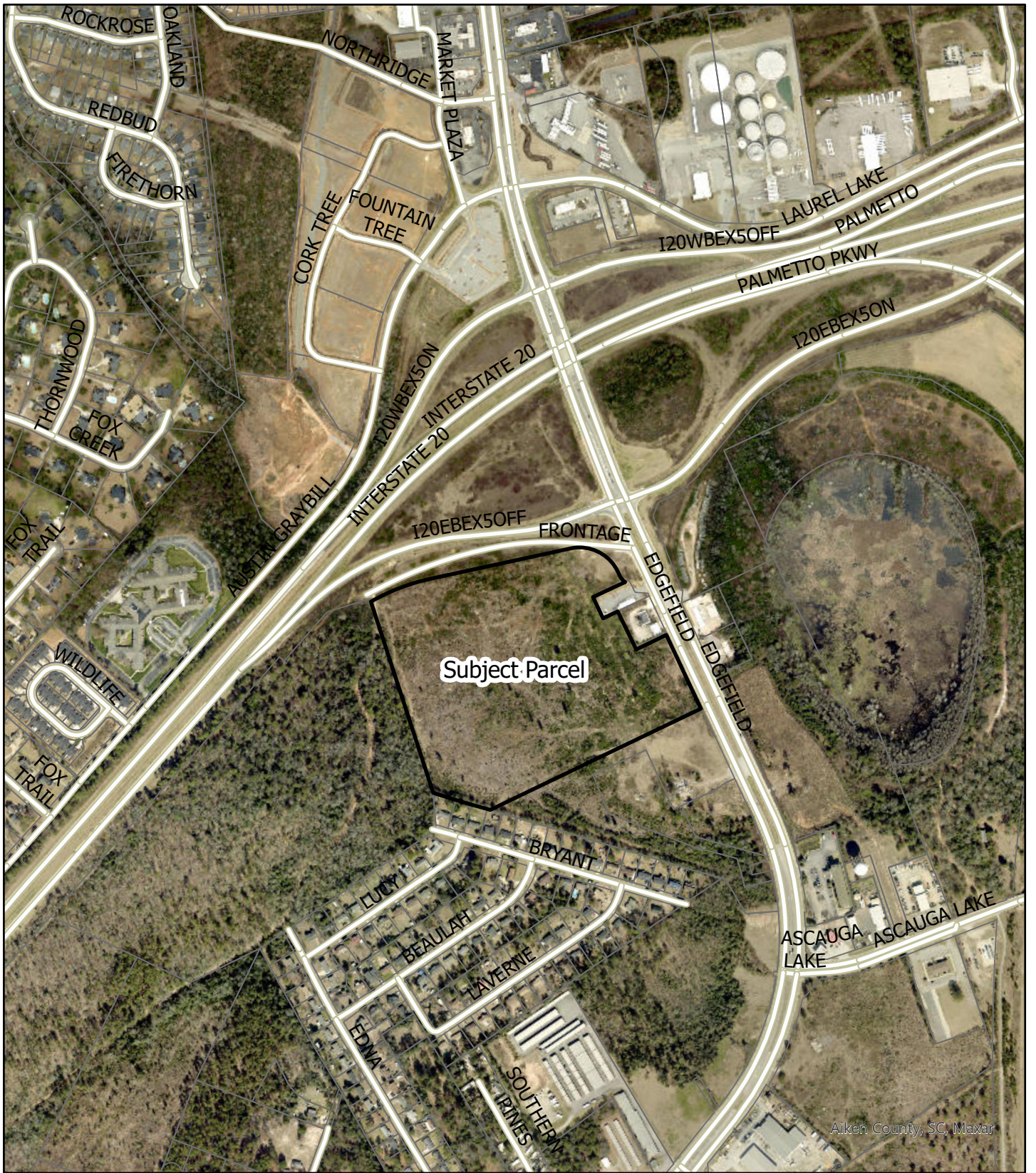
## SECTION 7: ATTACHMENTS

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- 1) Aerial
- 2) Topography
- 3) Current Zoning
- 4) Public Notice
- 5) NADC Pages for Reference
- 6) Application Materials

cc. Burt Fine, Cranston Engineering Group, via email  
Kurt Eyring, ATC Property Group, LLC, via email

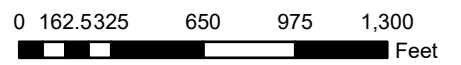




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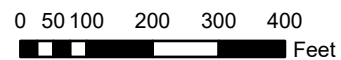
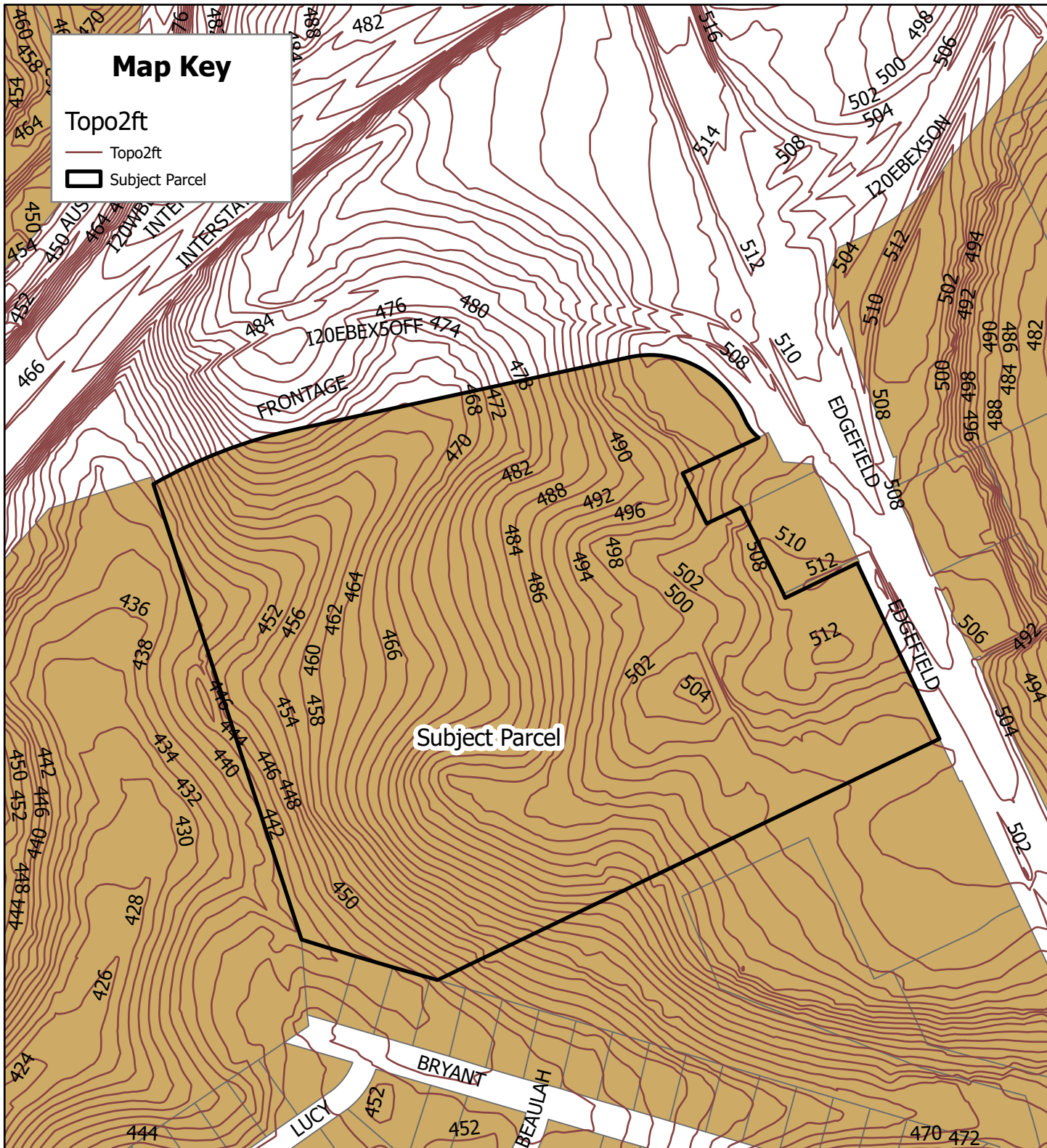
Aerial Map  
 Application Number ZV22-017  
 Tax Parcel Number  
 011-06-01-001



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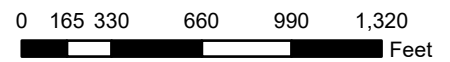
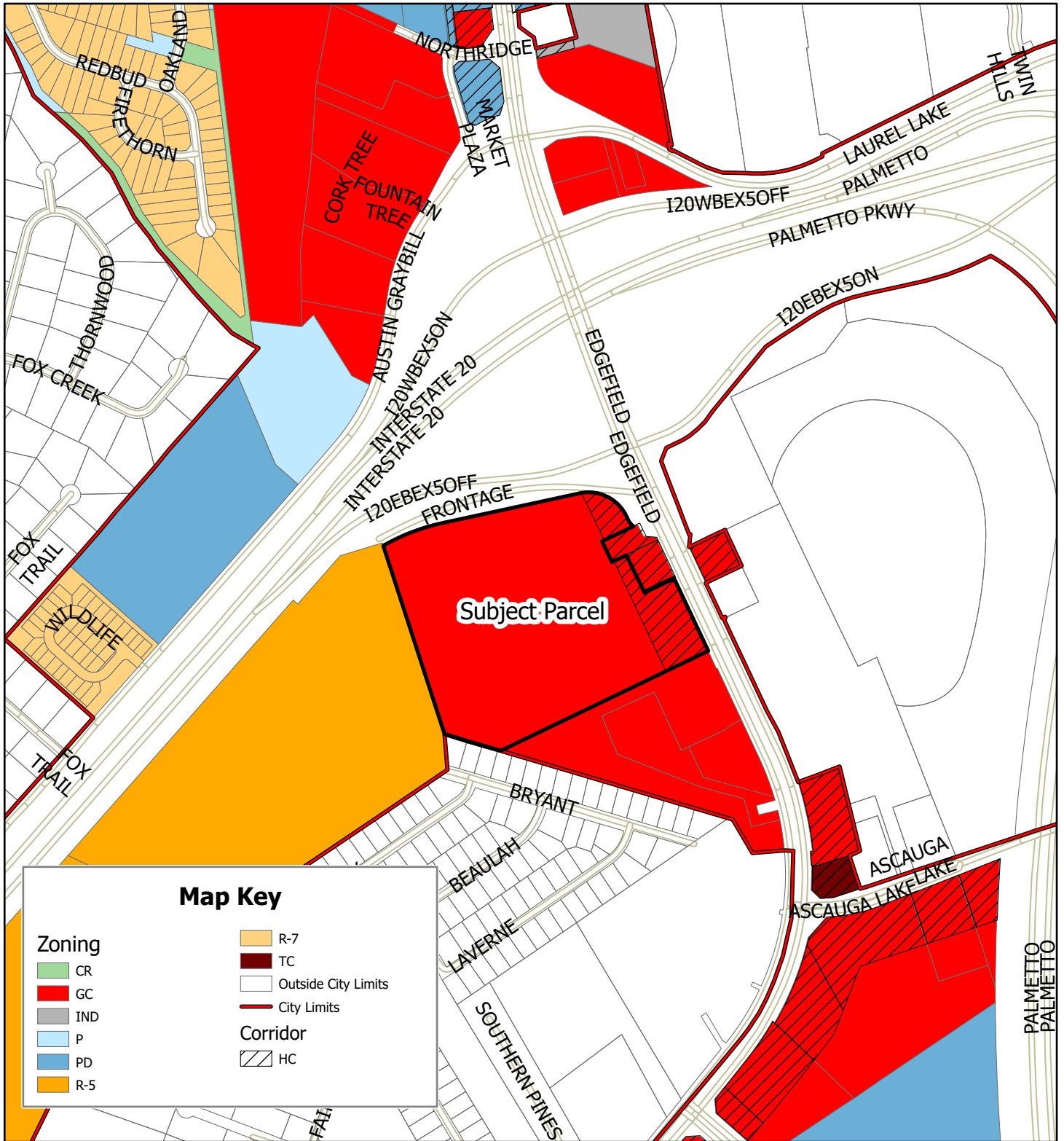


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Topography Map  
Application Number ZV22-017  
Tax Parcel Number  
011-06-01-001





10/6/2022



**Zoning Map**  
 Application Number ZV22-017  
 Tax Parcel Number 011-06-01-001  
 GC, General Commercial  
 HC, Highway Corridor Overlay District



October 7, 2022

RE: A request by ATC Development for a variance to allow a front setback that exceeds the maximum allowed for a proposed commercial and multifamily development. The request affects approximately 30.8 ac along Edgefield Road and the Frontage Road zoned GC, General Commercial and within the Highway Corridor Overlay District, TPN 011-06-01-001.

**Please note: Your property is not included in the variance request. You are receiving this notice only because you own property within 200 feet of the proposed project area.**

Dear North Augusta Property Owner or Current Resident:

The Department of Planning and Development has received a request by ATC Development for a variance from Sections 3.5.7, Table 3-3 Dimensional Standards for the GC, General Commercial Zoning District and 3.8.5.3.1, Table 3-9, Dimensional Standards for the Highway Corridor Overlay District of the North Augusta Development Code to allow for a front setback that exceeds the maximum allowed for a proposed commercial and multifamily development. The request affects approximately 30.8 ac along Edgefield Road and the Frontage Road zoned GC, General Commercial and within the Highway Corridor Overlay District, TPN 011-06-01-001.

The Board of Zoning Appeals will hold a public hearing at **6:00 PM on Tuesday, November 1, 2022** in the Council Chambers located on the 3<sup>rd</sup> floor of the North Augusta Municipal Center, 100 Georgia Avenue. Following the hearing, the Board of Zoning Appeals will consider and decide on the application.

Documents related to the application will be available for review after October 27, 2022 in the offices of the Department of Planning and Development, Municipal Center, 2<sup>nd</sup> Floor, 100 Georgia Avenue, North Augusta, South Carolina and online at [www.northaugustasc.gov](http://www.northaugustasc.gov).

**Those interested in expressing a view on these cases are encouraged to attend the meeting or provide written comments via email to [planning@northaugustasc.gov](mailto:planning@northaugustasc.gov), by Noon (12pm) on Tuesday, November 1, 2022.**

If you have any questions about this application or need additional information, please contact the Department of Planning and Development at 803-441-4221.

Sincerely,



Thomas L. Paradise, Director  
Department of Planning and Development



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

**PUBLIC HEARING NOTICE**

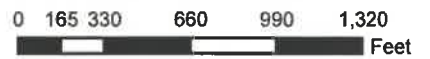
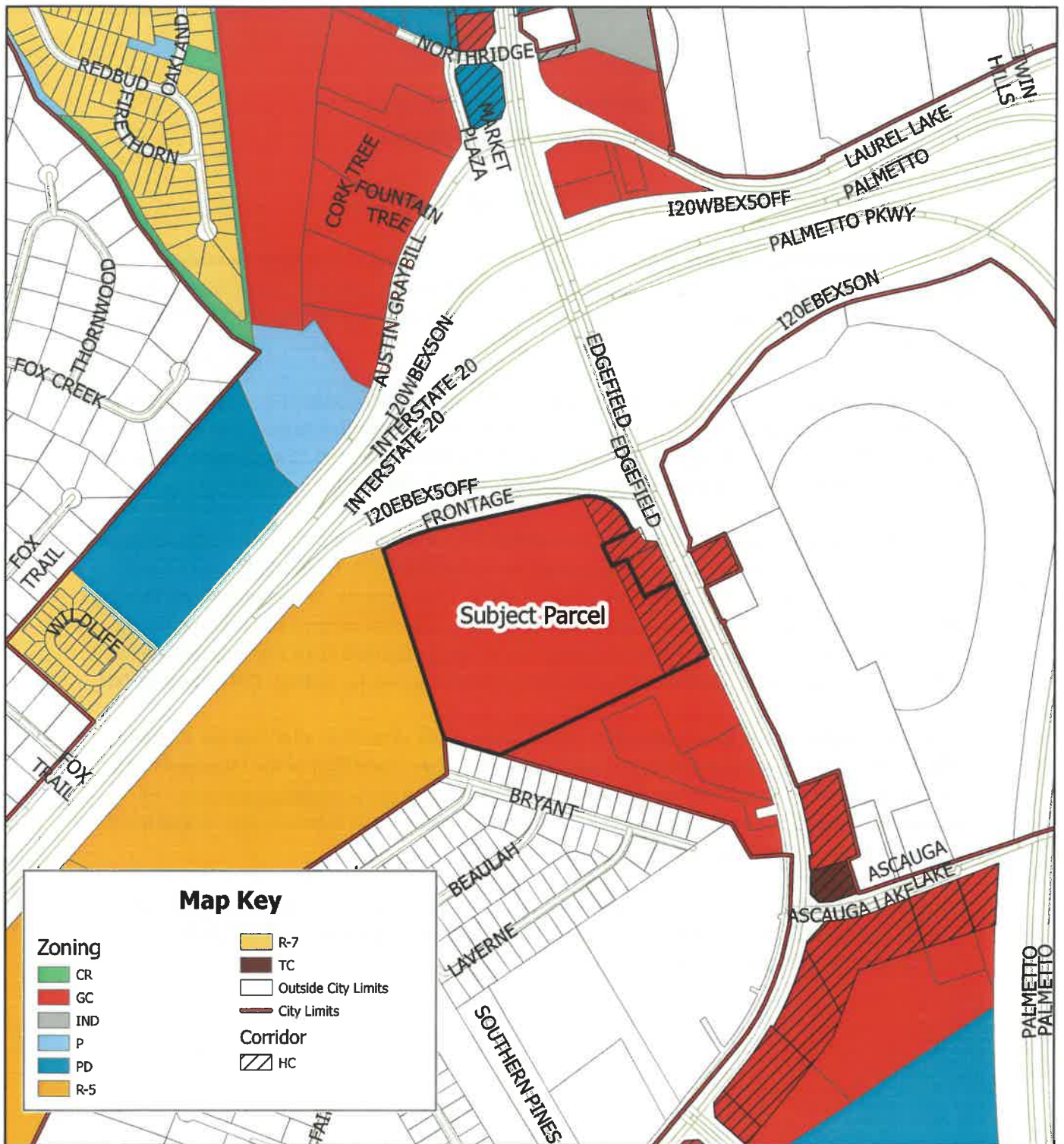
The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting beginning at 6:00 PM on Tuesday, November 1, 2022 in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following applications:

**ZV22-015** – A request by Paul Crenshaw for a variance from Section 4.2, Table 4-1, Accessory Uses and Structures, setbacks of the North Augusta Development Code to allow for a carport that encroaches on the adjacent City-owned drainage way. The request affects approximately 0.76 ac zoned R-14, Large Lot, Single-Family Residential located at 1118 Lake Avenue, TPN 007-06-14-014.

**ZV22-017** – A request by ATC Development for a variance from Sections 3.5.7, Table 3-3 Dimensional Standards for the GC, General Commercial Zoning District and 3.8.5.3.1, Table 3-9, Dimensional Standards for the Highway Corridor Overlay District of the North Augusta Development Code to allow for a front setback that exceeds the maximum allowed for a proposed commercial and multifamily development. The request affects approximately 30.6 ac along Edgefield Road and the Frontage Road zoned GC, General Commercial and within the Highway Corridor Overlay District, TPN 011-06-01-001.

Documents related to the application will be available for public inspection after October 27, 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](http://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](mailto: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.



10/6/2022



**Zoning Map**  
 Application Number ZV22-017  
 Tax Parcel Number 011-06-01-001  
 GC, General Commercial  
 HC, Highway Corridor Overlay District



## 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

### 3.8.5 HC, Highway Corridor Overlay District

**3.8.5.1 Purpose** – The purpose of the Highway Corridor Overlay District is to promote development that is compatible with the function, capacity and design of major arterial roadways and remains sensitive to abutting properties. Another purpose of the Highway Corridor Overlay District is to augment dimensional and access management standards and establish design standards for commercial and mixed use development within corridors that are predominantly classified as arterial. The permitted uses, dimensional standards and site development standards for the Highway Corridor Overlay District are the same as the underlying base district unless a different standard is established in this section.

**3.8.5.2 Permitted Uses** – Uses permitted in the Highway Corridor Overlay District are provided in Table 3-2, Use Matrix, for the underlying base district. (Rev. 12-1-08; Ord 2008-18)

### 3.8.5.3 Dimensional Standards –

**3.8.5.3.1** The dimensional standards for the Highway Corridor Overlay District are established in Table 3-9.

**TABLE 3-9 DIMENSIONAL STANDARDS FOR THE HIGHWAY CORRIDOR OVERLAY DISTRICT** (Rev. 12-1-08; Ord. 2008-18)

	<b>A</b>	<b>B</b>
<b>1. Maximum Height</b>		70 feet
<b>2. Minimum Height</b>		14 feet
<b>3. Minimum Front Setback</b>		5 feet or 30 feet
<b>4. Maximum Front Setback</b>		90 feet
<b>5. Minimum Side Setback</b>		Required buffer, 0 feet or 10 feet
<b>6. Minimum Rear Setback</b>		Required buffer, 20 feet or 10 feet from an alley
<b>7. Maximum Floor Area Ratio</b>		3.0
<b>8. Minimum Frontage Buildout</b>		30%

**3.8.5.3.2** Minimum frontage buildout means the portion of the corridor street frontage of the parcel or parcels included in the development that is occupied by a principal structure at the front setback line. (Example: A parcel that is 200 feet in length requires a building or combination of buildings that total no less than 60 (sixty) feet in length and is set back from the street the minimum setback, either 5 (five) feet or 30 (thirty) feet, but not more than the maximum set back of 90 (ninety) feet.) (Rev. 12-1-08; Ord. 2008-18)

**3.8.5.3.3** Where an existing building is located on a parcel and the site development plan includes the utilization of the existing building as a principal structure, the existing setback may be provided. The front setback landscaping requirements specified in this section shall be applied for the provision that most closely matches the existing setback.

**3.8.5.3.4** Where a parcel in the Highway Corridor is a through lot that fronts on two Highway Corridor streets, the maximum front setback and minimum frontage buildout shall be applicable to only one frontage. Both the maximum front setback and minimum frontage build out criteria shall be applied to the same frontage. (Adopt. 12-1-08; Ord. 2008-18)





# CRANSTON

CranstonEngineering.com

452 Ellis Street Augusta, Georgia 30901  
PO Box 2546 Augusta, Georgia 30903  
706.722.1588

October 5, 2022

Tommy Paradise  
Planning Director  
City of North Augusta  
100 Georgia Avenue, 2nd floor  
North Augusta, SC 29841

Re: Oakhaven  
North Augusta, South Carolina  
Our File No.: 2021-0673

Dear Mr. Paradise:

We are submitting to the Department a variance request regarding the maximum front setbacks required by sections 3.8.5.3.1 and 3.5.7 of the North Augusta Development Code. The project is to be a new apartment complex and is located on tax map parcel number 011-06-01-001 which is zoned General Commercial (GC). This variance request also involves planning for a future commercial development located on the same tract and TMPs 011-07-01-001 and 011-07-01-002. In addition to this letter, please find the following documents enclosed with this application:

- Notice of Appeal Application;
- Designation of Agent;
- Variance Narrative;
- Plat prepared by McGill and Associates;
- Recorded Deed;
- Zoning Map;
- Concept Plan;
- \$250.00 Application Fee

With the receipt of this application, we would like to request the project be placed on the November 1<sup>st</sup> Board of Zoning Appeals Meeting agenda. We trust that the information provided is suitable for your review and approval. Should you have any questions concerning this matter, please do not hesitate to contact us at your convenience.

Sincerely,

CRANSTON ENGINEERING GROUP, P.C.

A handwritten signature in blue ink, appearing to read "Burt Fine". The signature is fluid and cursive, with the first name "Burt" and last name "Fine" clearly distinguishable.

Burt Fine

BSF/apk  
Enclosures

# 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 Oakhaven  
Project Address/Location 980 Edgefield Road  
Project Parcel Number(s) 011-06-01-001, 011-07-01-001, 011-07-01-002

2. Property Owner Name ATC Property Group, LLC Owner Phone 803-760-6104  
Mailing Address 901 Greene St.  
City Augusta ST GA Zip 30901 Email kurt@atcdevelopment.com

3. Designated Agent James Dean  
Relationship to Owner Engineer  
Firm Name Cranston LLC Phone 706-722-1588  
Agent's Mailing Address 452 Ellis St.  
City Augusta ST GA Zip 30901 Email jpdean@cranstonengineering.com  
Agent's Signature  Date 10-5-22

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

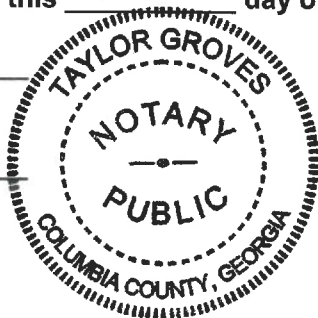
  
Owner Signature

10/5/22  
Date

5. Sworn and subscribed to before me on this 05 day of October, 20 22.

  
Notary Public

July 24, 2026  
Commission Expiration Date




# Notice of Appeal

Please type or print all information



### Staff Use Only

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

1. Project Name Oakhaven  
Project Address/Location 980 Edgefield Rd.  
Total Project Acreage 31.64 AC Current Zoning GC  
Tax Parcel Number(s) 011-06-01-001, 011-07-01-001, 011-07-01-002
2. Applicant/Owner Name ATC Property Group, LLC Applicant Phone 803-760-6140  
Mailing Address 901 Greene St.  
City Augusta ST GA Zip 30901 Email kurt@atcdevelopment.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 James Dean License No. 035277  
Firm Name Cranston LLC Firm Phone 706-722-1588  
Firm Mailing Address 452 Ellis St.  
City Augusta ST GA Zip 30901 Email jpdean@cranstonengineering.com  
Signature  Date 10-05-22
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.

\_\_\_\_\_  
Applicant or Designated Agent Signature

\_\_\_\_\_  
Date

Kurt S. Eyring  
Print Applicant or Agent Name

## **VARIANCE REQUEST NARRATIVE – OAKHAVEN**

TMP: 011-06-10-001  
Zoning: General Commercial (GC)  
Proposed Use: Multi-Family Apartments & Future Commercial

### **Project Overview**

The property to be developed is located at the intersection of Frontage Road and Edgefield Highway and has frontage along both SCDOT right-of-ways. The property is currently undeveloped and is adjacent to a newly constructed QT gas station, a vacant gas station, a Marcos pizza, 3 residential lots, and an undeveloped tract zoned residential. The grade falls significantly across the property from east to west away from Edgefield Road. City owned water and sewer are readily available at the site to serve the proposed development.

The tract was originally planned to be subdivided into two tracts to accommodate a multi-family developer and commercial developer. The commercial developer has recently withdrawn from the land deal and ATC Development has acquired the entire 30.8 acres along with the vacant gas station parcels fronting Edgefield Road. The tract is still to be subdivided as previously planned; however, ATC Development intends to develop the multi-family component of the project on the western 16 acres while planning to market a similar commercial product as the previous developer on the eastern tract.

Access to the multi-family tract will be provided from Edgefield Road through the shared access drive which is currently under construction with the neighboring QT. Improvements to this drive will occur to include widening for an additional turn lane and it will be extended to the multi-family tract while planning for sufficient access to the future commercial development. A secondary access road will also be provided off Frontage Road to the multi-family development. The proposed Apartment complex will include 18 apartment buildings consisting of 16-unit and 18-unit building types. These building types provide a mix of studio, one-bedroom and two-bedroom units and the development will total to 306 units. A club house, pool and amenity area will also be incorporated into the development.

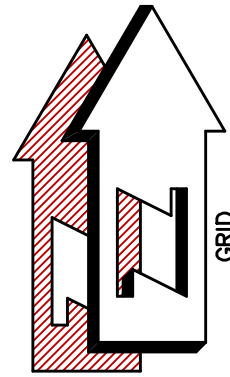
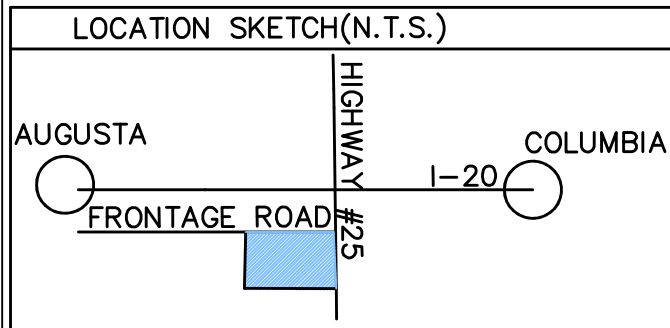
### **Variance Request - Maximum Building Setbacks**

*(Variance From NADC SEC. 3.8.5.3.1 & SEC. 3.5.7)*

Due to the configuration of the property and nature of the proposed development, we would like to request variances from the maximum front setback requirements associated with the Highway Corridor Overlay District and the General Commercial zoning. The 90' and 80' maximum front setbacks required for the future commercial tract pose an unnecessary hardship because this would prohibit buildings to be situated on the interior of the property. The property is much wider and deeper than most commercial tracts which makes this property unique as a commercially zoned tract. A large shopping center is anticipated to be developed on this tract and is more rational to have parking situated at the front of the site as seen with many large shopping centers in the area. The shopping center will also be surrounded by out parcels along Frontage Road and Edgefield Road which limits the ability to locate a building toward the front of the parcel. We would also like request a variance from the 80' maximum building setback for the multi-family tract which prohibits buildings to be located throughout the interior of the property. The unnecessary hardship with this ordinance is the General Commercial zoning permits the multi-family use and this ordinance would not allow for a feasible apartment complex to be developed on a property of this configuration. Most multi-family developments in the area also have buildings located throughout the interior of the property. If granted, these variances would not cause substantial detriment to adjacent property or to the public good, or harmful to the character of the district.

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

JOHN A. MCGILL, R.L.S. #4792



PLAT FOR

# CECIL H. BARNES ESTATE

SHOWING PROPERTY KNOWN AS TAX MAP 011-06-01-001

30.80 TOTAL ACRES

AIKEN COUNTY, SOUTH CAROLINA

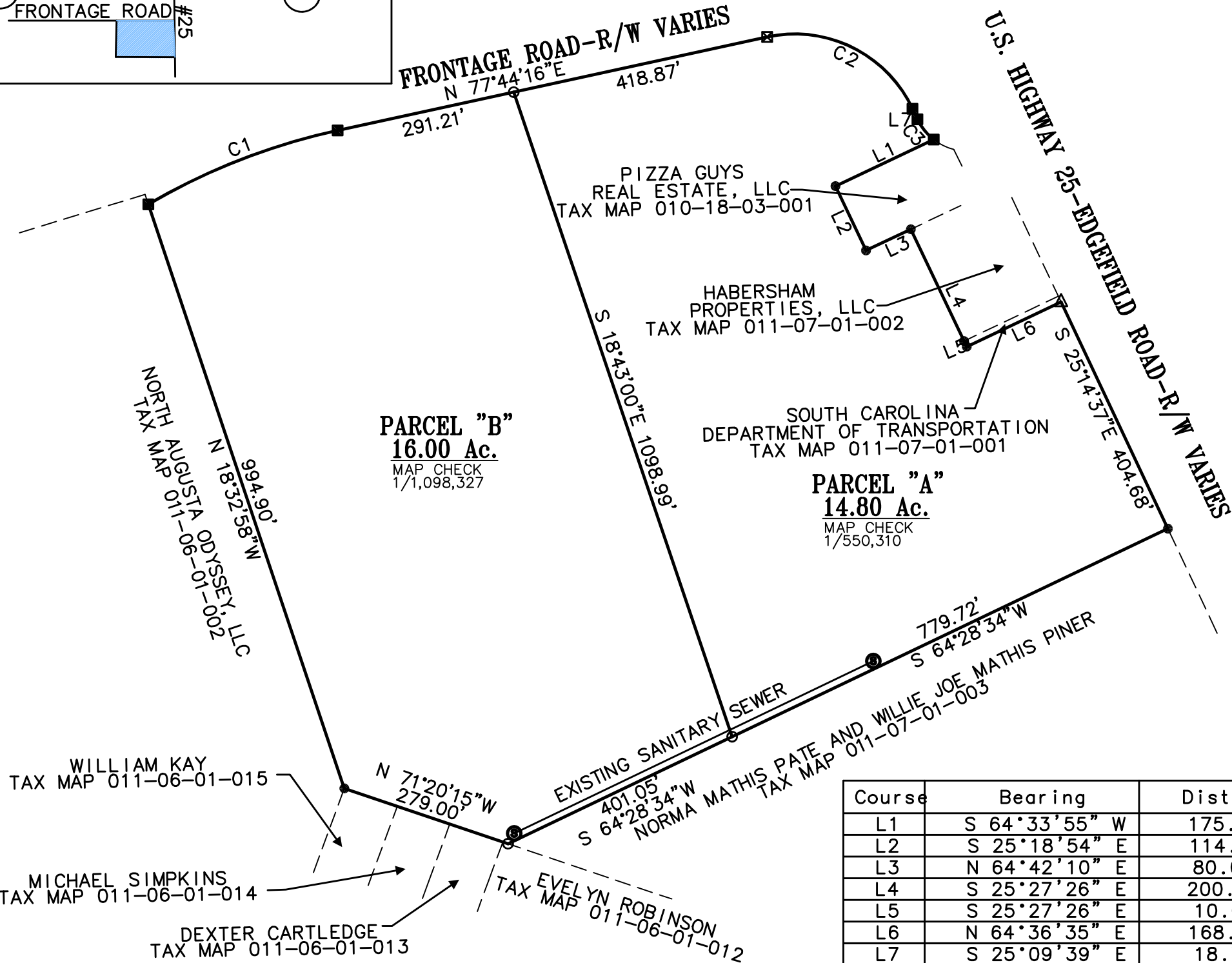
SCALE: 1"=200' MAY 10, 2018  
DIVISION LINE JULY 30, 2021

TOPCON GPT 1003-HIPER V  
TRAVERSE CLOSURE 1/16,522  
ANGULAR ERROR 2" PER POINT  
LEAST SQUARES ADJUSTMENT

- - 5/8" REBAR SET
- ⊠ - CONCRETE RIGHT-OF-WAY MONUMENT FOUND
- - 1/2" REBAR FOUND
- - REBAR FOUND WITH SCDOT CAP
- △ - NAIL AND CAP FOUND
- ⊙ - SANITARY SEWER MAN HOLE

THIS PLAT IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND PROTECTIVE COVENANTS OF RECORD.

Curve	Radius	Length	Chord	Chord Bear.
C1	1041.23'	329.37'	328.00'	N 68°39'49" E
C2	210.00'	282.48'	261.66'	S 63°44'19" E
C3	90.00'	42.22'	41.84'	S 38°36'05" E



Course	Bearing	Distance
L1	S 64°33'55" W	175.30'
L2	S 25°18'54" E	114.93'
L3	N 64°42'10" E	80.04'
L4	S 25°27'26" E	200.00'
L5	S 25°27'26" E	10.00'
L6	N 64°36'35" E	168.45'
L7	S 25°09'39" E	18.78'



JOHN A. MCGILL, R.L.S. #4792  
MCGILL & ASSOCIATES LAND SURVEYORS  
934 SHIELDS POND ROAD  
THOMSON, GEORGIA 30824  
(706) 595-5612











THIS PROPERTY is being conveyed in it "as is" condition and no warranties or representations are being made as to the condition or state of the property or the improvements thereon.

**TO HAVE AND TO HOLD** all and singular the premises before mentioned unto the said **Oak Haven Apartments, LLC**, its successors and assigns, forever.

AND Grantors do hereby bind themselves and their heirs and assigns, to warrant and forever defend all and singular the said premises unto the said **Oak Haven Apartments, LLC**, its successors and assigns, against the lawful claims under and through Grantor during the time of ownership of Grantor only, but to no others.

**[SIGNATURE PAGE TO FOLLOW]**





STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )

AFFIDAVIT  
S.C. Code Ann. §12-24-20 et. seq.

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 938 Edgefield Road, North Augusta, SC 29841 (Tax Map No.: 0110701002), was transferred by Sridhar Kamma and Krishna P. Maganti to Oak Haven Apartments, LLC, on September 19, 2022.
3. Check one of the following: The deed is
  - (a)  Subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b)  Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c)  Exempt from the deed recording fee because (See Information section of affidavit):  
\_\_\_\_\_  
*(if exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)*
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
  - (a)  The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 900,000.00.
  - (b)  The fee is computed on the fair market value of the realty, which is \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).
  - (c)  The fee is computed on the fair market value of the realty as established for property tax purposes, which is \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).
5. Check Yes  or No  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \$ \_\_\_\_\_.
6. The deed recording fee is computed as follows:

(a) Place the amount listed in Item 4 above here:	\$900,000.00
(b) Place the amount listed in Item 5 above here: (If no amount is listed, place zero here.)	- 0.00
(c) Subtract Line 6(b) from Line 6(a):	\$900,000.00
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: **\$3,330.00.**
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: **SELLER.**

D&D File # 2022-0339



9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

  
Sridhar Kamma

SWORN to before me this 15<sup>th</sup>  
day of September, 2022.

  
Notary Public for: S.C. (L.S.)

Printed Name: GAYLON C MULLIS [SEAL]

My commission expires: GAYLON C. MULLIS

**INFORMATION**

Except as provided in this paragraph, the term "value" means the consideration paid or to be paid in money or money's worth for the realty". Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement or realty after the transfer. Taxpayer may elect the use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) Transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) Transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) That are otherwise exempted under the laws and Constitution of the United States or the laws or Constitution of South Carolina;
- (4) Transferring realty whereby no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) Transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interest in the realty that are being exchanged in order to partition the realty;
- (6) Transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39 of the South Carolina Code of Laws;
- (7) That constitute a contract for the sale of timber to be cut;
- (8) Transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership or trust;
- (9) Transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "Family Partnership" is a partnership whose partners are all members of the same family. A "Family Trust" is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren and the spouses and lineal descendants of any of the above. A "Charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A).
- (10) Transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) Transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and
- (12) That constitute a corrective deed or a quitclaim deed used to confirm title already vested in the Grantee, provided no consideration of any kind is paid or to be paid for the corrective or quitclaim deed.
- (13) Transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed pursuant to foreclosure proceedings.
- (14) Transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.
- (15) Transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.





## **Board of Zoning Appeals**



The Board of Zoning Appeals (BZA) meets as needed on the first Tuesday of the month at 6:00 PM in the City Council Chambers, 3<sup>rd</sup> Floor, North Augusta Municipal Center, 100 Georgia Avenue.

### **2023 BZA Meeting Schedule and Deadlines**

<b>Application Due Date</b>	<b>Agenda Issued</b>	<b>Meeting Date</b>
December 5, 2022	December 29, 2022	January 3
January 3	February 2	February 7
February 6	March 2	March 7
March 13	April 6	April 11
April 3	April 27	May 2
May 8	June 1	June 6
June 12	July 6	July 11
July 3	July 27	August 1
August 7	August 31	September 5
September 5	September 28	October 3
October 9	November 2	November 7 (Business Mtg)
November 6	November 30	December 5

### **Submitting an Appeal to the BZA**

The appeals process begins with an initial application submittal followed by a completeness review. The initial application and supporting documents are submitted to the Department of Planning and Development on the 2<sup>nd</sup> floor of the Municipal Center. Information required at initial submittal is listed by appeal type on the application checklist which is available in the Document Library on the City website <http://www.northaugustasc.gov>

**Completeness** – An application is determined to be complete if the application form, required fee(s) and all applicable supporting documents have been submitted to and received by the City. An applicant will be notified when an application is determined complete or if additional information is required. After an application is determined complete, it will be scheduled for consideration at the next Board of Zoning Appeals meeting.

**Public Hearing** – Every BZA appeal requires a public hearing that is advertised in the newspaper and on the City website two weeks prior to the meeting. Additionally, a notice is posted on the subject property and a public hearing notice is mailed to the owners of record of all property within two hundred (200) feet of the subject property at least fifteen days prior to a Board of Zoning Appeals hearing.

**Please contact the Department of Planning and Development at 803-441-4221 for additional information on the appeals process.**