

Board of Zoning Appeals



**Agenda for the Tuesday, May 2, 2023, Regular Meeting
6:00 p.m., Council Chambers, 100 Georgia Avenue**

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**
3. **Approval of Minutes** – Minutes of the Regular Meeting of April 11, 2023.
4. **Confirmation of Agenda**
5. **ZV23-005**– A request by Margaret Reddy and Gordon Colley and Wayne and Patricia Carpenter for a variance from the minimum lot width from Article 3, Section 3.5, Dimensional Standards in The Base Zoning District, Table 3-3 Dimensional Standards. The request affects approximately 0.89 ac and approximately 0.63 ac zoned R-7, Small-Lot, Single-Family Residential located at 511 and 517 Ponce de Leon Avenue, TPN 007-14-17-002 and TPN 007-14-17-011.
 - a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application.
 - b. **Consideration** – Consideration of Application ZV23-005 by the Board of Zoning Appeals.
6. **Adjourn**

Board of Zoning Appeals



**Minutes for the Tuesday, April 11, 2023, Regular Meeting
6:00 p.m., Council Chambers, 100 Georgia Avenue**

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, Jim Newman, Bill Burkhalter and Chairman Wes Summers.
3. **Approval of Minutes** – Minutes of the Regular Meeting of March 7, 2023.

Minutes were approved with the exception of one change to person making a motion.
4. **Confirmation of Agenda** No changes to agenda.
5. **ZV23-003**– A request by Hammond Hill Elementary School for a variance from Article 13, Signs; Section 13.8.3.L.i. and 13.8.3.L.ii. Signage Allowed for Non-Residential Districts and Uses, Electronic Reader boards of the North Augusta Development Code to allow an electronic reader board in a public zoning district that exceeds 50% of the sign area. The request affects a portion of approximately 12.31 ac zoned P, Public Use, located at 901 W. Woodlawn Avenue, TPN 006-17-06-107.

Bill Burkhalter recused himself from the meeting.

Kuleigh Baker spoke saying that it is very similar to the other signs for schools in the past. It is an electronic reader board which is not allowed in this district and for a sign that exceeds 50 percent of the sign area. The electronic reader board is approximately

60 percent of the sign area. The BZA has granted the variance for all the other schools in the area.

- a. **Public Hearing** – The purpose of the hearing is to receive public comment on the application. Melinda Bradley is a resident on Amherst Dr. She is also a teacher at Aiken County School District but lives on Amherst where the sign is going to be placed. She was stating the Public hearing sign was not posted in the area of where the sign was going. Mrs. Bradley does not like the lighted sign in a neighborhood. Mrs. Bradley stated she lives 20 feet from the school and that other people live 20 feet from where the sign will be lit up. It is a lit up sign in a neighborhood and the school is also lit up at night but those lights do shut off at some point. She don't think anybody wants a reader board lit up in front of their houses. She also thinks that it's a trend and not usefully for elementary schools. Mr. Ron Wade is the contractor for the sign. He stated he has changed the sign to come on at 7am. There have been some positive feedback on the signs. When a sign runs at night it uses less power than it does in the day. The sign allows you to download messages and run different messages. The sign is useful for people to know what is going on at the school. Mr. Wade says they maintain the signs in the warranty period. The program is already installed when the sign is installed. The sign company would train the person who does the messages for the sign. Tim Yarborough with the Aiken County Schools. The messages are changed by the school themselves. He stated that the sign is the same as all of the other schools are using.

- b. **Consideration** – Consideration of Application ZV23-003 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion to be granted with the following conditions are as follows: The variance will apply only to this property and the sign details as submitted. The hours are limited so that it does not run between 8p.m. and 7 a.m. The sign is expected to follow all the regulated colors refresh, and other regulations of the sign code. Mr. Newman made the second motion. It passed unanimously.

6. **ZV23-004**– A request by Highland Springs Middle School for a variance from Article 13, Signs; Section 13.8.3.L.i. and 13.8.3.L.ii. Signage Allowed for Non-Residential Districts and Uses, Electronic Reader boards of the North Augusta Development Code to allow an electronic reader board in a public zoning district that exceeds 50% of the sign area. The request affects a portion of approximately 51.30 ac zoned P, Public Use, located at Belvedere Clearwater Road and Old Sudlow Lake Road, TPN 023-05-01-003. Kuleigh Baker and it is similar to what they just discussed. The location is on one of the exit driveways at the rear. The sign will not be near any existing development. Mr. Wade spoke about there is a retaining wall so he don't think this will bother anybody. It is the same as prior school signs. The signs for middle schools usually run a little longer at night.

April 11, 2023
North Augusta City Council

Dear City Council Members and Mayor Williams,
It is my understanding that Hammond Hill Elementary is petitioning for an electronic reader board. I am an Aiken County Public School teacher who began my career at Hammond Hill Elementary. Our three children attended the school which is located approximately twenty feet from the curb side of our lawn. I have been struck by the dichotomy of being proud to work for ACPSD and being dismayed at having ACPSD as a neighbor since the start of the new construction. Everything we loved about living on Amherst Drive, in the Hammond Hills neighborhood, for 32 years has been stripped. We could have never predicted that we would reside across from a two-story building that is taller than every downtown building other than the Municipal Building. The old oak trees lining our road were removed to allow for an enormous cement detention pond which reverberates with the noise of vehicles driving down Wood Lawn Avenue. There are no trees left to absorb sound or water from the ground. It is startling to look out our window to see seven lanes of idling cars and trucks with their headlights facing our home. The lighting is harsh and pops on at 5 a.m. every morning, whether school is in session or not. When I've asked the City to help dim the lighting, I was told there is nothing that can be done because it is a school and schools can operate the way they see fit. Well, the lighted, electronic reader board is under the City's discretion. There is a way to help the residents of the adjoining properties. I would like to wholeheartedly voice my objection to a lighted reader board on the Hammond Hill Elementary School property. We don't need more lights. I'm also concerned that changing this ordinance will open the door for more electronic signs in our neighborhood, perhaps at the churches. Aiken County Public Schools is a wonderful employer; however, they are a neighbor who does not maintain their grounds. They planted one hundred shrubs around the detention pond with some type of a hose irrigation system. Over half of the bushes have dried up and died and the hose has never been used; it just serves as a tripping hazard on the Amherst sidewalk. The "moat" in the front of the school makes it difficult to maintain the grounds near the fence.

As a teacher at Mossy Creek Elementary School, there are many ways that I communicate with my students and families. All teachers communicate by making phone calls, creating websites, sending home written newsletters and using remind apps. An electronic reader board will not change those means of communicating. The Mossy Creek electronic reader board does not take the place of these methods of communication. Presently, the information displayed on our reader board is too small to read from Five Notch Road and ever since the board was installed, there is a big, black square of an unlit space on the board. The board hasn't been maintained from the first weeks of use. The electronic reader boards are a trend. They are not useful for elementary

schools. The original Hammond Hill sign was not lit up because it was decided, at a City Council meeting, that it would be disruptive to the residents across the street from it. Nothing has changed. There are still residents across the street from the sign. Please help the Hammond Hill neighbors, who adjoin Hammond Hill Elementary School, to maintain the peaceful environment around our homes.

Warm Regards,

Melinda Bradley

Resident of Amherst Drive

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

- b. **Consideration** – Consideration of Application ZV23-004 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion to be granted with the following conditions: the variance will apply on to this property and the sign details as submitted. If the sign have to be replaced it follow the requirements of the sign code in place at that time. The hours of operation of the sign so are limited so that the reader board is not operated between the hours of 11p.m. and 6 a.m. the sign is expected to follow all the regulated colors, refresh and other regulations of the sign code. Mrs. Stallworth made the second motion and it was approved unanimously.

7. **Adjourn** 7:20 pm

Respectfully Submitted,



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

Department of Planning and Development



Project Staff Report

ZV23-005 511 Ponce de Leon Avenue Driveway

Prepared by: La'Stacia Reese

Meeting Date: May 2, 2023

SECTION 1: PROJECT SUMMARY

Project Name	Ponce de Leon Avenue Driveway
Applicant	Margaret Reddy and Gordon Colley
Address/Location	511 Ponce de Leon Avenue
Parcel Number	007-14-17-002
Total Development Size	±0.89 ac
Existing Zoning	R-7, Small Lot, Single-Family Residential
Overlay	N/A
Variance Requested	Article 3 Section 3.5 of NADC, Table 3-3, Dimensional Standards

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 April 19, 2023. 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 April 19, 2023. The property was posted with the required public notice on April 19, 2023.

SECTION 4: SITE HISTORY

The subject property was approved for a rezoning in 2012 from PD, Planned Development, to R-7, Small Lot, Single-Family Residential. A minor subdivision plat was submitted to the Planning Department and approved in 2013 for proposed duplex units. In 2014, a two-story single family residence was constructed on the property.

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-7, Small Lot, Single-Family Residential
North	Public Use	Public Facilities	P, Public Use
South	Golf Course	Golf Course Facility	PD, Planned Development
East	Residential Single Family	Low Density Residential	R-7, Small Lot, Single-Family Residential
West	Residential Single Family	Low Density Residential	R-7, Small Lot, Single-Family Residential

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

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

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

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 a variance from the minimum lot width requirements of the North Augusta Development Code to allow for a separate driveway.

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 sharing the gravel driveway with their neighbors is becoming a challenge since they have different ideas on how to create an upscale, but not too costly, entrance for both households. It's also difficult for the neighbors when getting in and out of their paved portion where it becomes gravel.

Staff notes that a portion of the shared driveway is paved, with the paved portion in close proximity to the residence. Majority of the driveway is gravel.

2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - The applicant states they would like to deed enough of the easement that they currently own to their neighbors to allow for two separate driveways. The applicant wants to divide in half the current total road frontage of 60 feet, which is about 20 feet on their neighbor's side of the easement, with 40 feet being on the applicant's side of the driveway. The applicant understands that it will most likely increase property value and taxes by having separate driveways. However, it would allow the applicant and the neighbor to have separate entrances and plenty of room to turn around when getting closer to their house.

Staff notes that applicant wants to reduce their road frontage of 39.97 feet to 33.97 feet, which is a six-foot difference. Staff also notes that the topography of the subject property is relatively leveled, with 511 Ponce de Leon Avenue being slightly elevated, with the neighboring property, 517 Ponce de Leon Avenue sloping slightly downward near the rear of the property. The adjacent property's road frontage would be go from 20 feet to 26 feet.

3. The conditions do not generally apply to other property in the vicinity;
 - The applicant states that their neighbors have individual driveways, which are more appealing and maneuverable for each household.

Staff notes that surrounding properties have individual driveways.

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 themselves and their neighbors, The Carpenters, would like to be able to make individual decisions for upgrading each entrance as one another can afford and implement.
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 that the overall value by having two separate driveways like all the other neighbors have, would be a positive impact on how this little neighborhood/area looks. The applicant believes it would add character and continuity, and in no way be harmful to the character of the district.
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.
Minimum lot width required in the R-7, Small Lot, Single-Family Residential zoning district is 40 feet.
 - 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 this was the condition of the property when purchased from the previous owner.

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

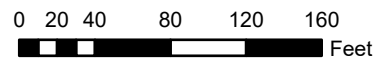
SECTION 7: ATTACHMENTS

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

cc. Margaret Reddy, via email



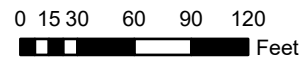
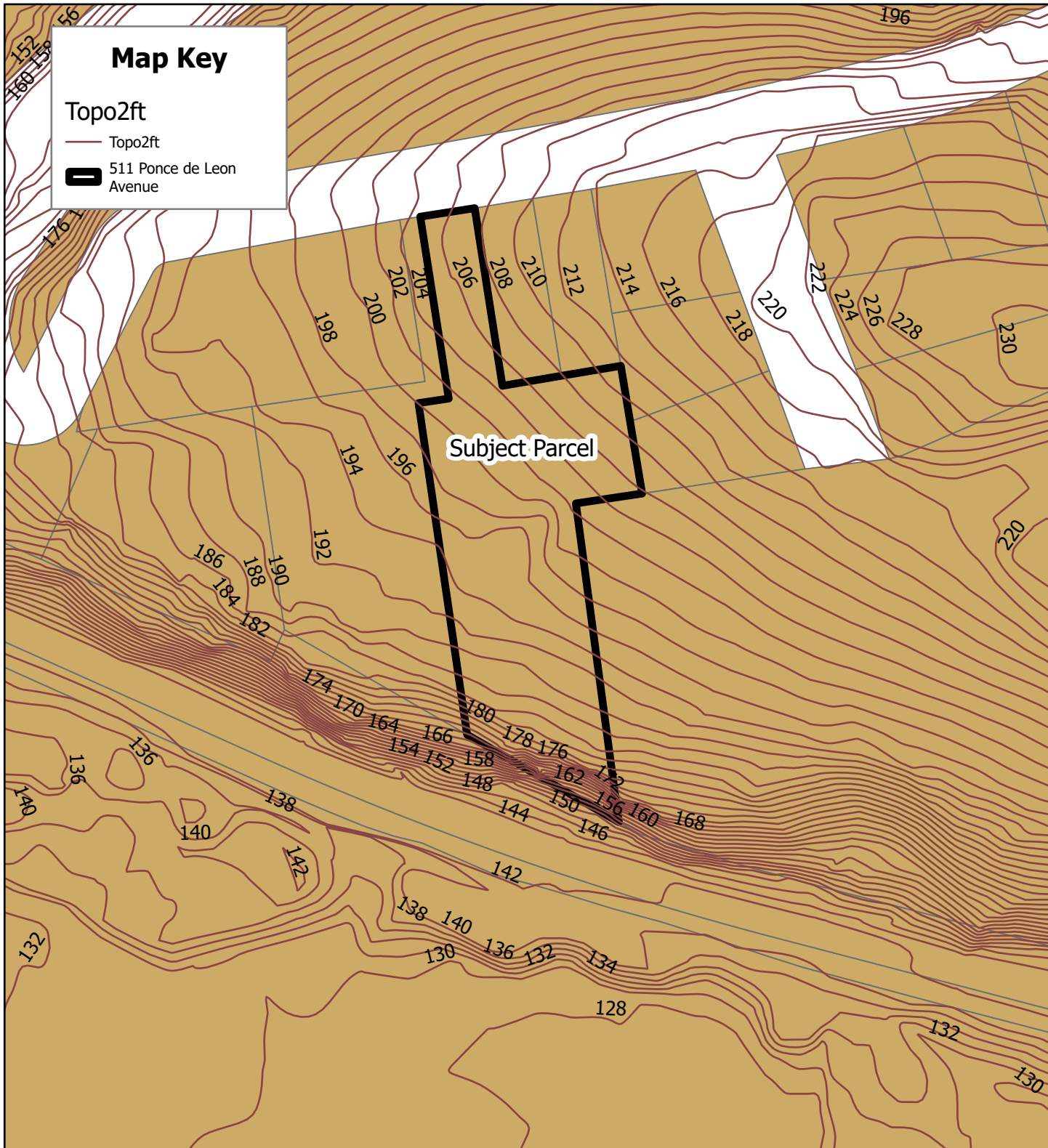
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4/13/2023 4:06 PM



Aerial Map
Application Number ZV23-005
Tax Parcel Number
007-14-17-002

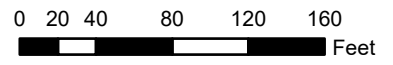
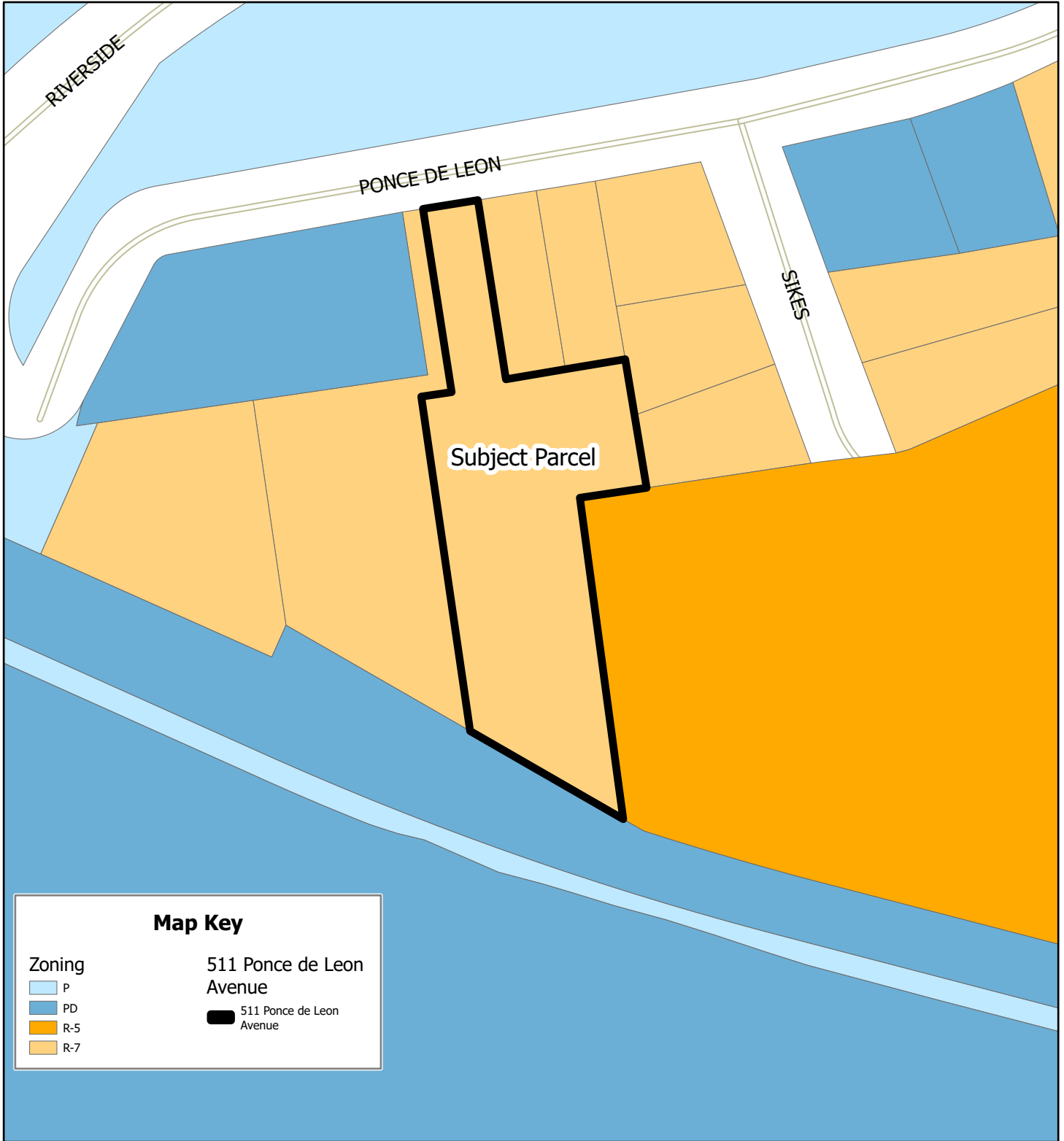


4/13/2023 4:06 PM



Topography Map
 Application Number ZV23-005
 Tax Parcel Number
 007-14-17-002





4/13/2023



Zoning Map
 Application Number ZV23-005
 Tax Parcel Number
 007-14-17-002
 Zoned R-7, Small-Lot Single Family Residential







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, May 2, 2023 in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following applications:

ZV23-005 – A request by Margaret Reddy and Gordon Colley and Wayne and Patricia Carpenter for a variance from the minimum lot width from Article 3, Section 3.5, Dimensional Standards in The Base Zoning District, Table 3-3 Dimensional Standards. The request affects approximately 0.89 ac and approximately 0.63 ac zoned R-7, Small-Lot, Single-Family Residential located at 511 and 517 Ponce de Leon Avenue, TPN 007-14-17-002 and TPN 007-14-17-011.

Documents related to the application will be available for public inspection after April 27, 2023 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.

Notice of Appeal

Please type or print all information



Staff Use Only

Application Number ZV23-005

Date Received 4-3-23

Review Fee 250.00

Date Paid 4-3-23

1. Project Name N/A
Project Address/Location 511 Ponce de Leon Ave (neighbors 517 Ponce de Leon) <sup>≈ 60' total
Add to total amount</sup>
Total Project Acreage 0.89 acres Current Zoning R-7

Tax Parcel Numbers 007-14-17-002

2. Applicant/Owner Name Gordon K. Colley and Margaret R. Reddy Applicant Phone 404-550-4901

Mailing Address 511 Ponce de Leon Ave.

City N. Augusta ST SC Zip 29841 Email reginareddy@aatt.net

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.

Margaret R. Reddy
Applicant or Designated Agent Signature

4/3/2023
Date

Margaret R. Reddy
Print Applicant or Agent Name

Re: Parcel # 007-14-17-002

Margaret Reddy & Gordon Colley

511 Ponce de Leon Ave, North Augusta 29841

We respectfully request a variance from the lot width of 40'. So that 511 and 517 Ponce de Leon can have separate driveways. Currently they have a joint driveway.

- i. Sharing the gravel driveway with our neighbors is becoming a challenge since we have different ideas of how to create an upscale but not too costly entrance for both households. It's also difficult for them when getting in and out of their paved portion where it becomes gravel.
- j. We would like to deed enough of the easement that we currently own to our neighbors to allow for two separate driveways. Basically, dividing in half the current total road frontage of 60', which is about 20' on their side of easement with our 40' on our side of it. We understand it will most likely increase property value and taxes by having separate driveways. However, it would allow them and us to have separate entrances and plenty of room to turn around when getting closer to their house.
- k. Our neighbors have individual driveways which is more appealing and maneuverable for each household.
- l. We and our neighbors, Wayne and Patricia Carpenter, would like to be able to make individual decisions for upgrading each entrance as one another can afford and implement.
- m. The overall value by having two separate driveways like all other neighbors have would be a positive impact on how this little neighborhood/area looks. We believe it would add character and continuity and in no way be harmful to the character of the district.

Paradise, Tommy

From: Trish Carpenter <trish@carpentersinthehome.com>
Sent: Monday, April 03, 2023 1:04 PM
To: Paradise, Tommy
Cc: Reginareddy@att.net
Subject: Variance request - 517 Ponce deLeon Ave.

Good morning, Mr. Paradise

My husband and I would like to join our neighbors, Kevin and Gina Colley, in requesting a cancellation of our existing shared easement. We recently moved into our new home and have found the shared driveway is cumbersome to maneuver and is confusing to visitors. After thorough discussion, all parties involved mutually agree that it will be beneficial to cancel the existing easement and divide the road frontage into 2 separate driveways. We are anxious to move forward with our landscaping and ingress /egress improvements. We respectfully request consideration in this matter.

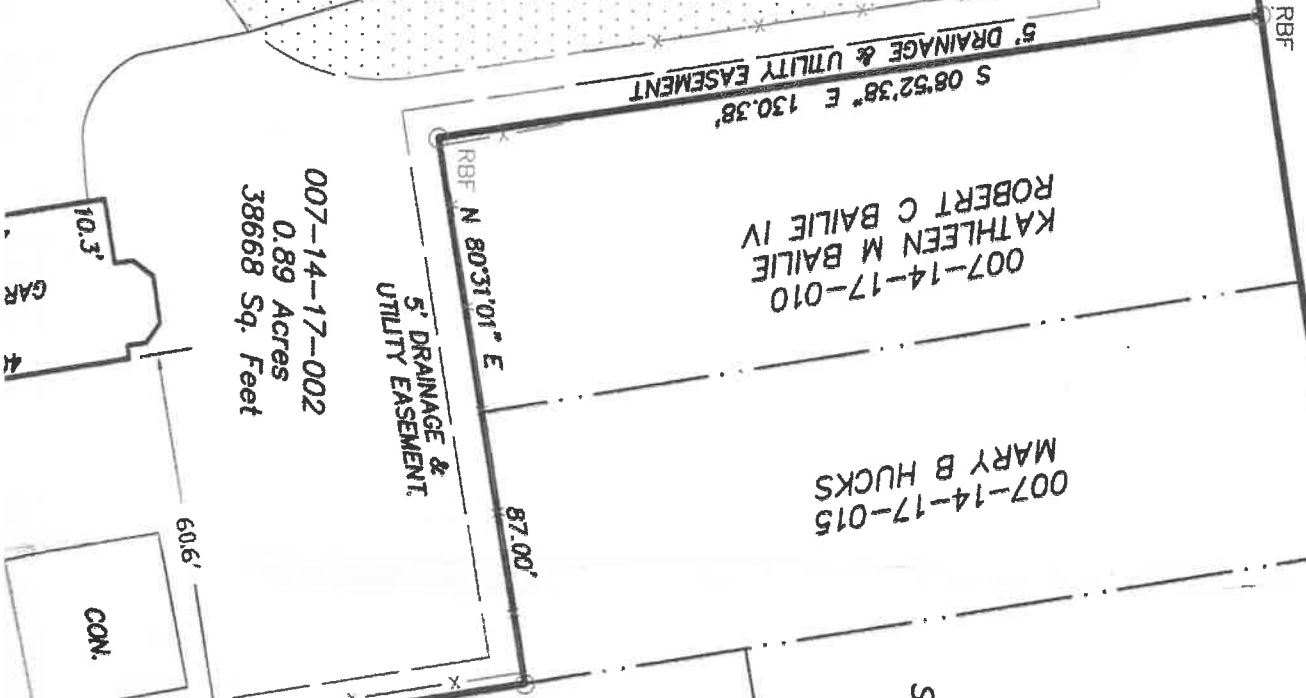
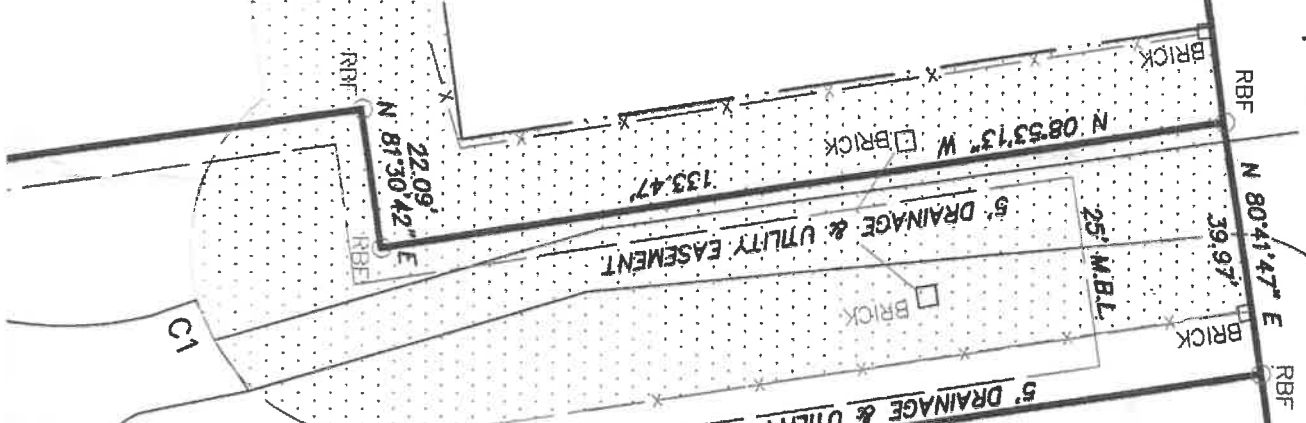
Kindest regards,

Wayne & Patricia Carpenter
517 Ponce deLeon Ave
North Augusta, SC
706-829-3394

PONCE DE LEON AVENUE
60' PUBLIC R/W

007-14-17-001
DANIEL LEE SAVAGE SR

INGRESS/EGRESS
CROSS ACCESS ESMNT
S 81°42'33" W 116.18'



007-14-17-002
0.89 Acres
38668 Sq. Feet

007-14-17-010
KATHLEEN M BAILIE IV
ROBERT C BAILIE IV

007-14-17-015
MARY B HUCKS

007-14-17-003
STEVEN ARNOLD CORLETT
WILLIAM O HEATH

007-14-17-017
DAVID F O THOMPSON
VIRGINIA G THOMPSON

007-14-
RICAURTE