Board of Zoning Appeals



Minutes for the Tuesday, November 7, 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. <u>Roll Call Members Kevin Scaggs</u>, Kathie Stallworth, Bill Burkhalter and Chairman Wesley Summers were all in attendance.
- 3. Approval of Minutes Minutes of the Regular Meeting of October 3, 2023.

Kevin Scaggs made the 1st motion, Bill Burkhalter made the 2nd motion, the minutes were approved unanimously.

- 4. Confirmation of Agenda
- 5. <u>ZV23-011</u>- A request by North Augusta Jiffy Lube for a variance from the minimum lot frontage requirement of Table 3-3, Dimensional Standards of Article 3, Zoning Districts in the North Augusta Development Code. The application affects the subdivision of an existing automobile service and repair station located at 140 Laurel Lake Drive, TPN 010-18-08-001, approximately 0.42 acres zoned GC, General Commercial, and within the HC, Highway Corridor Overlay District.
 - a. **Public Hearing –** The purpose of the hearing to receive public comment on the application.

Mr. Tommy Paradise explained that ZV23-011 is a continuation of last month meeting. He stated that the members requested clarification on the ownership

of the property, roadway and the maintenance of the roadway. Mr. Paradise continued by stating the applicant had provided a copy of the existing easement to each member. The applicant also provided a copy of a proposed easement. The propose easement would be an example of what the easement would look like if the current owner desired to sale one of the properties in the future. Mr. Paradise stated that the Jiffy Lube corporation is requesting all of their franchise store be on their own individual lots.

Chairman Wesley Summers questioned the sign in front of the property.

Mr. Paradise explained that granting the variance would make the current signage nonconforming. Mr. Paradise stated that Staff recommended concealing the Diablos signage until the Diablos Corporation decides to make forward with the project. He continued by explaining that the offsite signage is prohibited. The City approved the Diablos sign with the future plans that Diablos would be placed at the location but the corporation has not begun construction. Mr. Paradise explained that the difference with Shopping Center signage is that all businesses are on one parcel, unlike the sign in question would be if the variance is granted.

Chairman Summers expressed he concerns about the limited space for signage placement and visibility of the signage from the roadway.

Mr. Paradise explained that if parcel 2 would be purchased in the future, the owner would have the option to ask for a variance for roadway visibility signage or could negotiate with the owner of parcel 1 to have signage placed on their property. Mr. Paradise stated that it is common for property owners to negotiate signage placement agreements.

Kevin Scaggs asked if the minimum lot frontage requirement important so there can be access the property from the public roadway.

Mr. Paradise explained that the parcel has the road frontage but a curb cut is not required by the city.

Developer Lance Cheely of 1104 Campbellton Dr, was sworn in. Mr. Cheely stated that the original parcel was owned by Muriel LLC and was subdivided into 3 parcels. McDonald's resides on parcel 1, Jiffy Lube and Diablos resides on parcel 2 and Waffle House resides on parcel 3. Mr. Cheely stated that on page 22 of the Staff Report, The Declaration of Reciprocal Easements shows the easements for parcels 1,2 and 3. He also referenced page 32 of the recorded plat and the 40 ft access ingress easements shown for parcel 1 and 2. He continued by stating that the terms for access egress, maintenance of utilities, ownership and maintenance of roadway are all addressed in their agreement ranging from

pages 22 to 28. He stated that Article 8.3.2 of the agreement requires the grantee of any parcel (1, 2, or 3) to assume all obligations that were originally placed on the parcel. Mr. Cheely stated that they are willing to remove the current Diablos signage and do not have a preference at this time.

b. **Consideration** – Consideration of Application ZV23-011 by the Board of Zoning Appeals.

Owner Joel Lamothe of 200 Colonel Shaws Way was sworn in. Lamothe stated he doesn't not oppose there being a legal document allowing a future owner of parcel the right to place signage to the freestanding sign of parcel 1 and he would also add that language to the easement's agreement for future buyers.

Kevin Scaggs made the first motion to be granted with the following conditions:

- 1. This variance will apply only to this property and the minor subdivision plat as submitted.
- 2. The existing Diablos sign on the Jiffy Lube site should be removed. Parcel 2 can utilize the freestanding sign on parcel one and any other easement language included.

Kathie Stallworth seconded the motion and it was approved unanimously.

- 6. <u>ZV23-012</u>- A request by Stetson Corbitt for a variance from setbacks for Urban Zone Lots from Ordinance 2015-14 Revised General Development Plan for Hammond's Ferry Planned Development. The application affects a single-family residence located at 434 Railroad Avenue TPN 007-13-16-003, approximately 0.11 acres zoned PD, Planned Development.
 - a. **Public Hearing -** The purpose of the hearing to receive public comment on the application.

Mr. Paradise explained that the applicant would like to extend their home to accommodate their mother. The applicant is requesting a variance for a 3ft side yard setback from the 5ft side back requirement and a 1 ½ ft rear setback from the 3ft rear setback requirement.

Applicant Stetson Corbitt of 434 Railroad Ave was sworn in. He states there is need to move his mother in the home and is looking to apply the requirements for a separated structure to their actual home. Mr. Corbitt continued by stating he has had general conversation with Hammond's Ferry and was instructed to go before the Board of Zoning Appeals.

b. **Consideration -** Consideration of Application ZV23-012 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion to be grant with the following conditions:

- 1. The variance will only apply to this property.
- 2. The variance will require that the building footprint be constructed as conceptually shown in the exhibits.
- 3. Modifications must be approved by the Hammond's Ferry Design Review Committee.

Kathie Stallworth seconded the motion and it was approved unanimously.

7. Election of Officers for 2024

- a. Chairman Kevin Scaggs
- b. Vice-Chairman Kathie Stallworth

Chairman Wesley Summers made the 1st motion, Bill Burkhalter seconded the motion. It was approved unanimously.

8. Adoption of the 2024 Meeting Schedule

Kathie Stallworth moved to accept the calendar with the exception to changing November 5th meeting date to the 12th and the subsequent application due date and agenda issued date moved a back a week as well. Kevin Scaggs seconded the motion. It was approved unanimously.

9. Adjourn 7:23pm

Respectfully Submitted,

Thomas L. Paradise

The Pa

Director of Planning and Development Secretary to the Board of Zoning Appeals

Department of Planning and Development



Project Staff Report

ZV23-013 Butler's Pond Townhomes Entrance Feature

Prepared by: La'Stacia Reese Meeting Date: December 5, 2023

SECTION 1: PROJECT SUMMARY

Project Name	Butler's Pond Townhomes Entrance Feature	
Applicant	Butler Pond, LLC	
Address/Location	Approximately 789 West Five Notch Road	
Parcel Number	127-00-01-074	
Total Development Size	± 27.54 acres	
Existing Zoning	PD, Planned Development	
Overlay	N/A	
Variance Requested	NADC Article 13, Signs; Section 13.8.2.c.i.d.ii Signage Allowed in	
	Residential Uses and Districts/Subdivision Entrance Signs	

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

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- 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 November 15, 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 November 17, 2023. The property was posted with the required public notice on November 17, 2023.

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SECTION 4: SITE HISTORY

The project site is in Edgefield County and is currently vacant, with dense vegetation near the front and sides of the property. A pond is in the rear of the project site.

SECTION 5: EXISTING SITE CONDITIONS

	Existing Land Use	Future Land Use	Zoning
Subject Parcel	Residential	Open Space	PD, Planned Development
		Preservation	
North	Residential	Public/Residential Single	Outside City Limits
		Family	
South	Residential	Residential Single	Outside City Limits
		Family	
East	Residential	Residential Single	PD, Planned Development
		Family	
West	Residential	Residential Single	RC, Residential Single-Family
		Family	Conservation (Aiken County,
			Outside City Limits)

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<u>Access</u> – The site currently has access from West Five Notch Road.

<u>Topography</u> – The property has variable topography with the highest elevations running northeast corner of the site.

<u>Utilities</u> – Water and sewer service are existing.

<u>Floodplain</u> – The property is not located within a federally designated floodplain.

<u>Drainage Basin</u> – The proposed development is located in the Fox Creek Drainage Basin. The basin is located at the edge of the City near the Edgefield County line. Most of the area falls outside the City limits. It is effective at transporting stormwater during light and heavy storm events. Current development along Gregory Lake Road has potential to impact Fox Creek. The Fox Creek basin currently has an overall Good water quality assessment rating but the City continues to monitor the basin.

SECTION 6: STAFF EVALUATION AND ANALYSIS

The applicant requests a variance to allow a hanging sign with monument style column in a residential district. Section 13.8.2.c.i.d.ii Signage Allowed for Residential Districts and Uses states that a Subdivision/Entrance Sign shall be a monument sign not to exceed 32 sq. ft. or 5' in height.

The applicant is seeking a variance at the request of the Planning Department due to the interpretation of Section 13.8.c.i Subdivision/Project Identification Signs and what is and has been approved under the current city ordinances. The applicant is using a combination of one large stone wrapped monument style column with a decorative metal arm and hanging sandblasted sign that will be a complement to the area and be an attractive addition to the city. The proposed sign design is consistent with at least three other signs approved within the city without a variance under the current applicable development code within four miles of the project site.

Following is analysis required by NADC §5.1.4.5.b (Staff commentary is bulleted):

- 1. An unnecessary hardship exists;
 - The applicant states the unnecessary hardship they face is that a traditional
 monument design as shown as an example in the development code is typically used
 with a planted median. The applicant states that if they were to use a traditional
 monument design without a planted median, they would have to push the sign
 farther back into the entrance which would create further sign visibility and safety

Prepared by: La'Stacia Reese Meeting Date: December 5, 2023

issues for visitors, emergency personnel, and city services locating the neighborhood, and not having enough time to safely reduce speed and turn into the neighborhood, particularly coming from the Murrah Road side of West Five Notch.

Staff notes that the proposed location of the sign is near the entrance of the subdivision, with view shown in photographs looking towards Murrah Road and towards Walnut Lane.

- 2. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - The applicant states the approved plan by the city does not include a planted median entrance thus creating the potential for limited visibility of the entrance sign which could created unsafe conditions for visitors trying to locate the entrance. In this case, a larger monument design as shown in the picture will require it to be farther set back into the entrance in order to create space and more conducive topography for such a sign.

Staff notes that planted medians are not a requirement of the North Augusta Development Code.

- 3. The conditions do not generally apply to other property in the vicinity;
 - The applicant states that other properties within four miles of the Butler's Pond site
 have similar designs to what we have proposed. All of which were approved without
 variances from the BZA.

Staff notes that Thomas Place, Austin Heights, and Woodstone subdivisions have similar hanging monument style Subdivision/Entrance signs in near proximity to the subject site.

- 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 signage restriction limits the ability to place signage as
 close as possible to West Five Notch Road and more easily and timely locate the
 neighborhood entrance. This is a safety concern for emergency personnel as well as
 visitors locating the entrance soon enough to safely slow and complete a turn into the
 neighborhood.

Staff notes that a monument type sign would need to be set back farther to reduce possibility of view obstruction at the intersection.

- 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 granting the variance will not be a detriment in any way. The applicant believes this sign as it is designed will enhance the beauty of this area of West Five Notch Road and the entrance to the neighborhood just as it has on the aforementioned neighborhoods that already use this design nearby. It is a sign consistent with designs that have already been approved with staff approval in Woodstone, Thomas Place, and Austin Heights neighborhoods, all of which are within approximately four miles of this location.

Staff notes that other subdivisions in the area have similar types signs and this application and design should not have a detrimental effect.

- 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.
 - The applicant states that this variance request is not related to size or height, but rather interpretation. The applicant states that this is a consistent design with that of three relatively recent nearby neighborhoods and will provide an attractive appearance and the safest, most easily identifiable solution for this neighborhood and this situation.

Staff notes that the proposed sign meets the size and height requirement required, but is not a monument type sign as required by the Development Code.

- 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.
 - This application does not involve a use.
 - b To extend physically a nonconforming use of land.
 - The variance does not extend a physically nonconforming use of land.

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- c To change zoning district boundaries shown on the official zoning map.
 - The application does not propose a change to the zoning district boundaries.
- 8. If the unnecessary hardship is self-imposed by the applicant the variance should not be granted.
 - The applicant states that the hardship is not self-imposed.

Staff notes that the application concerns are design and safety of the signage in reference to the location of the sign.

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 is residential and the request is not based on profitability of the land.

- 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.
 - This variance, if granted, will apply only to this property and the sign details as submitted. Should the sign need to be replaced, it should meet the requirements of the sign code in place at that time or request another variance, if applicable.
 - Staff recommends a condition of approval for the proposed sign and location to not be placed in the site triangle
 - 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

Project Staff Report

ZV23-013 Butler's Pond Townhomes Entrance Feature

Prepared by: La'Stacia Reese

Meeting Date: December 5, 2023

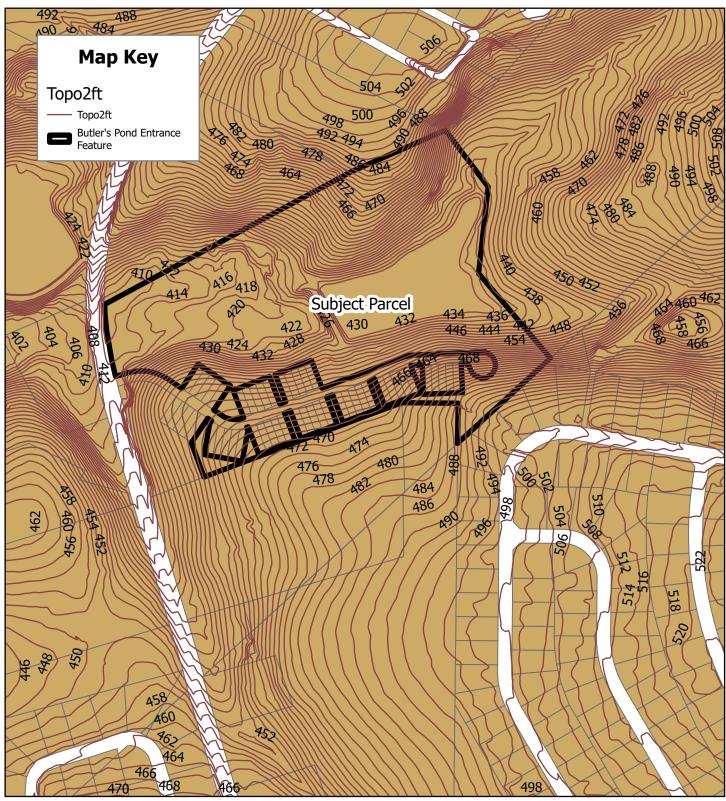
cc. Butler Pond, LLC; via email





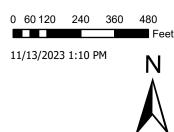
Aerial Map Application Number ZV23-013 Tax Parcel Number 127-00-01-074

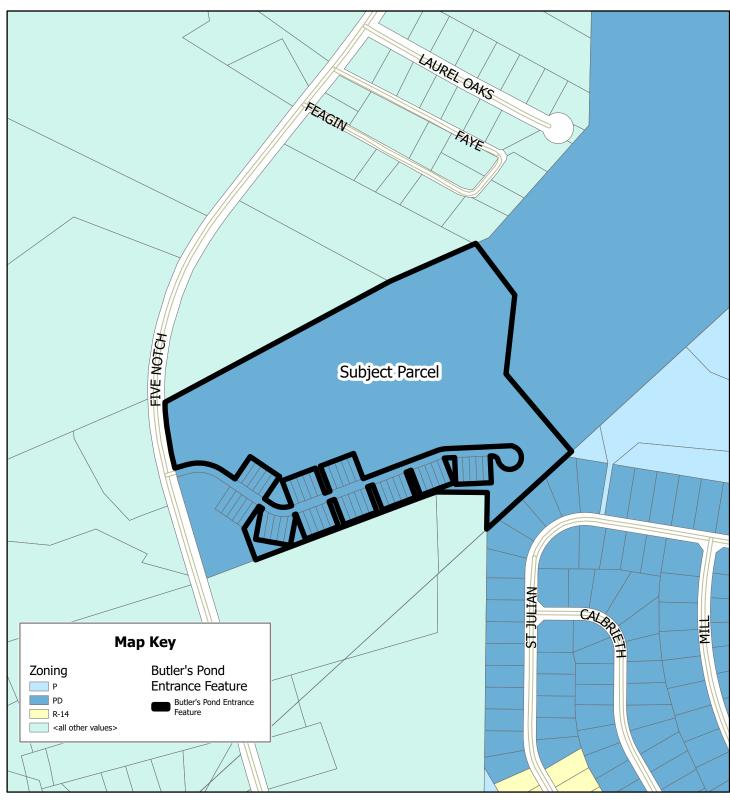






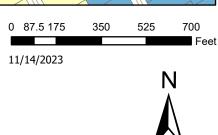
Topography Map Application Number ZV23-013 Tax Parcel Number 127-00-01-074





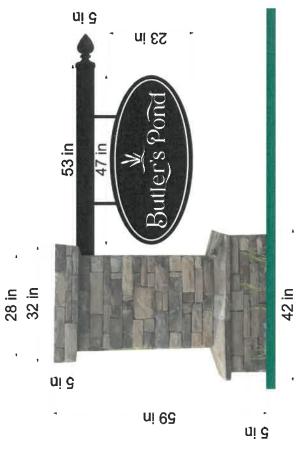


Zoning Map Application Number ZV23-013 Tax Parcel Number 127-00-01-074 Zoned PD, Planned Development

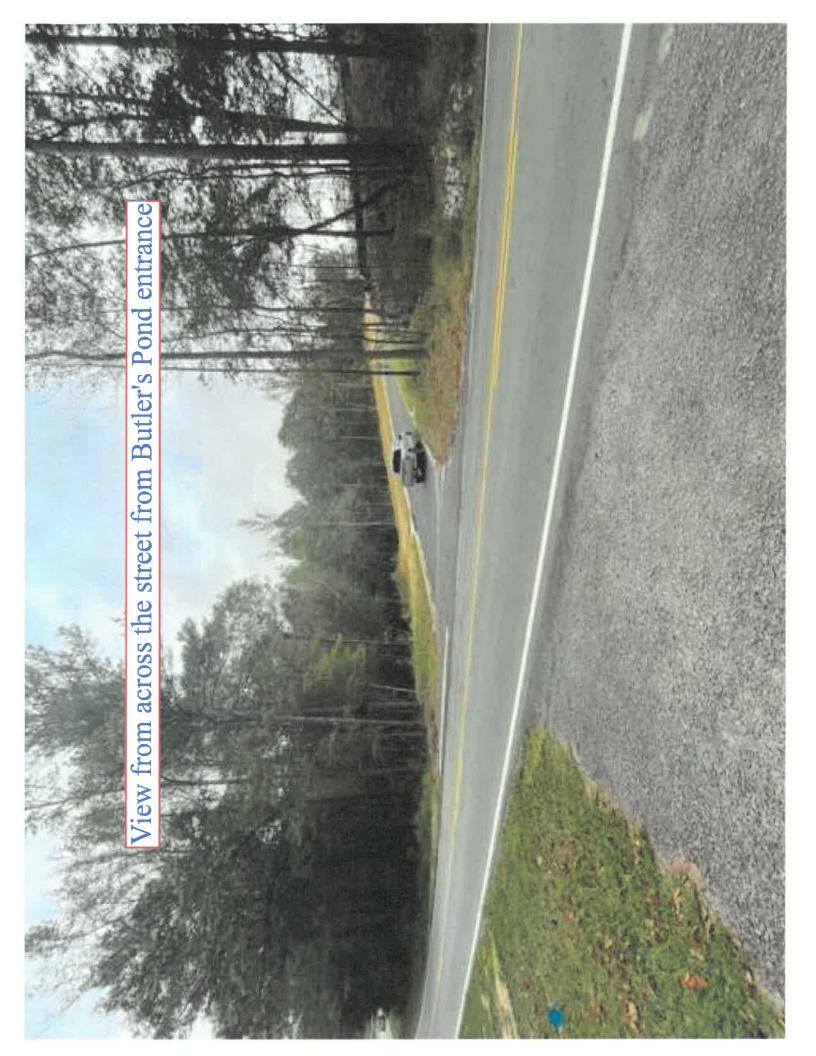


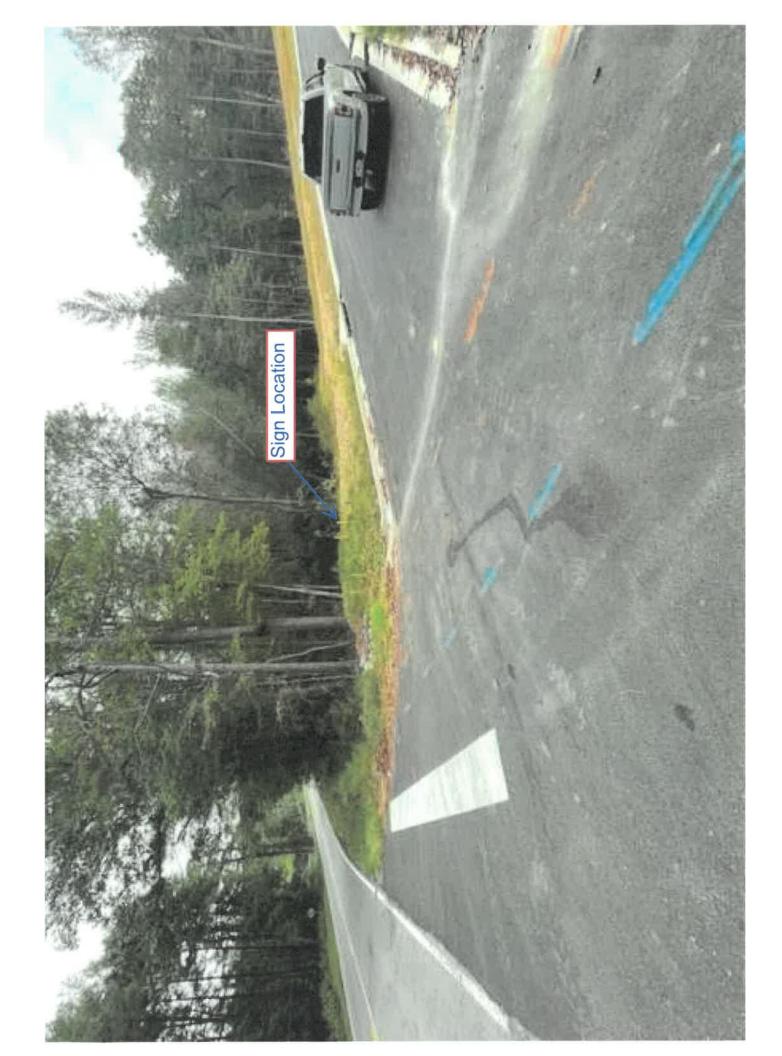


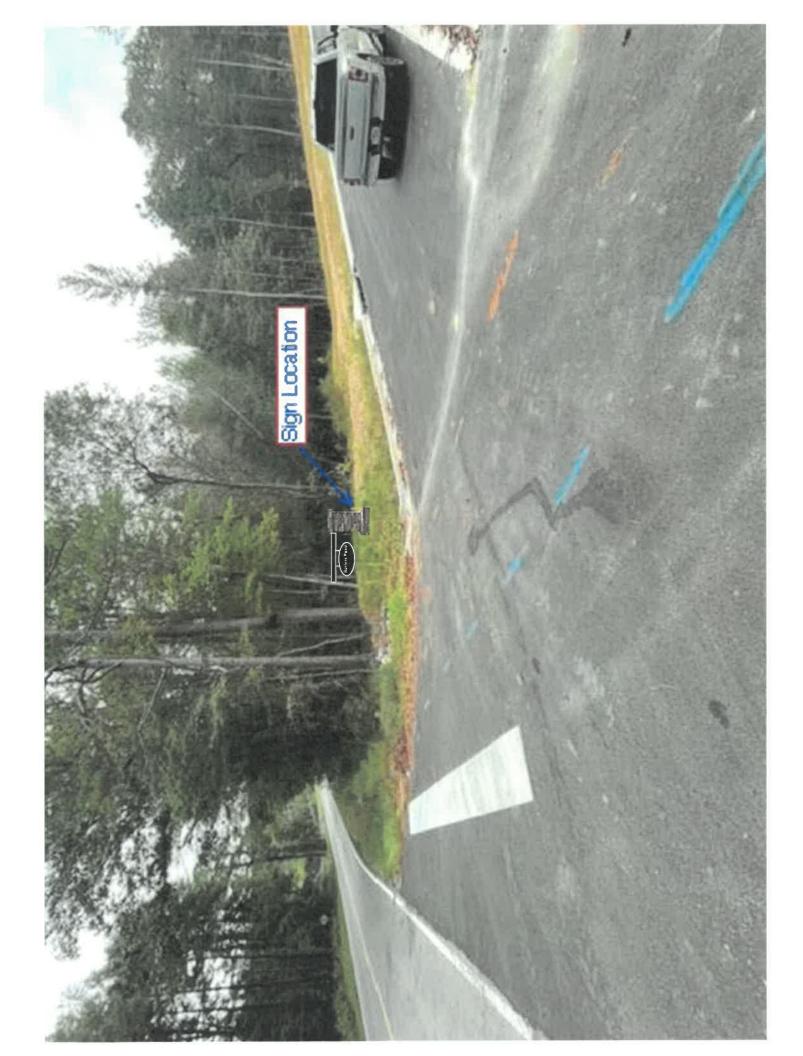


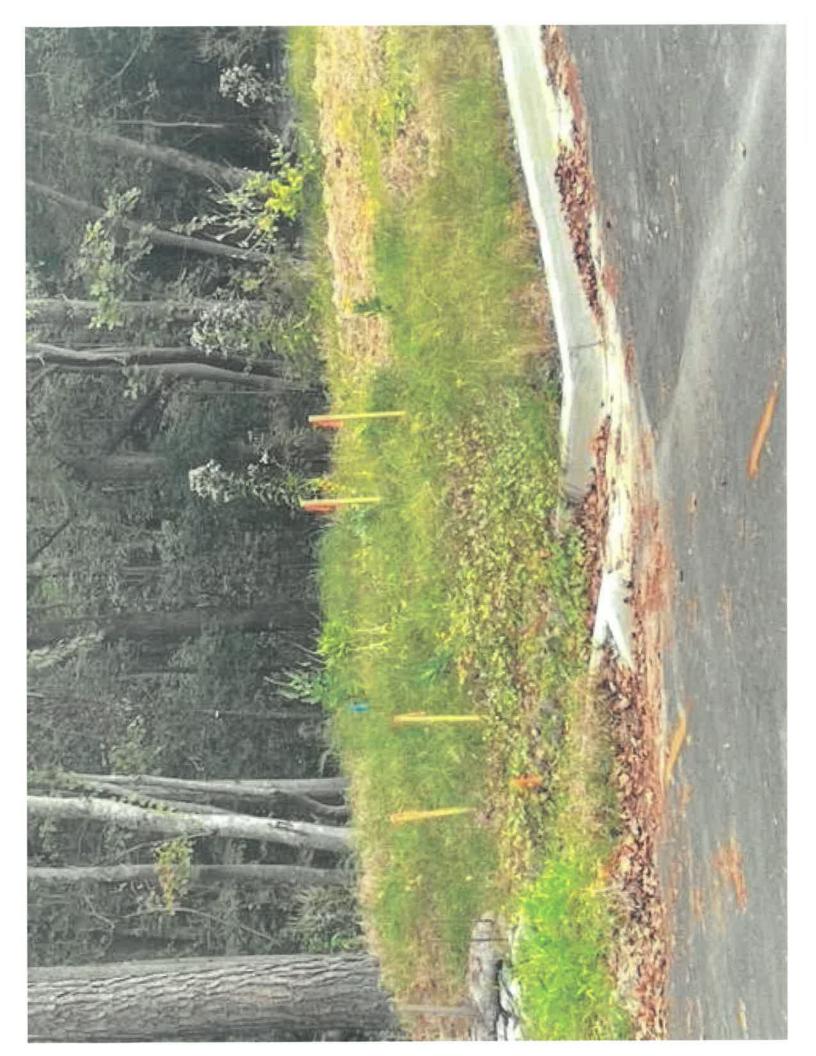


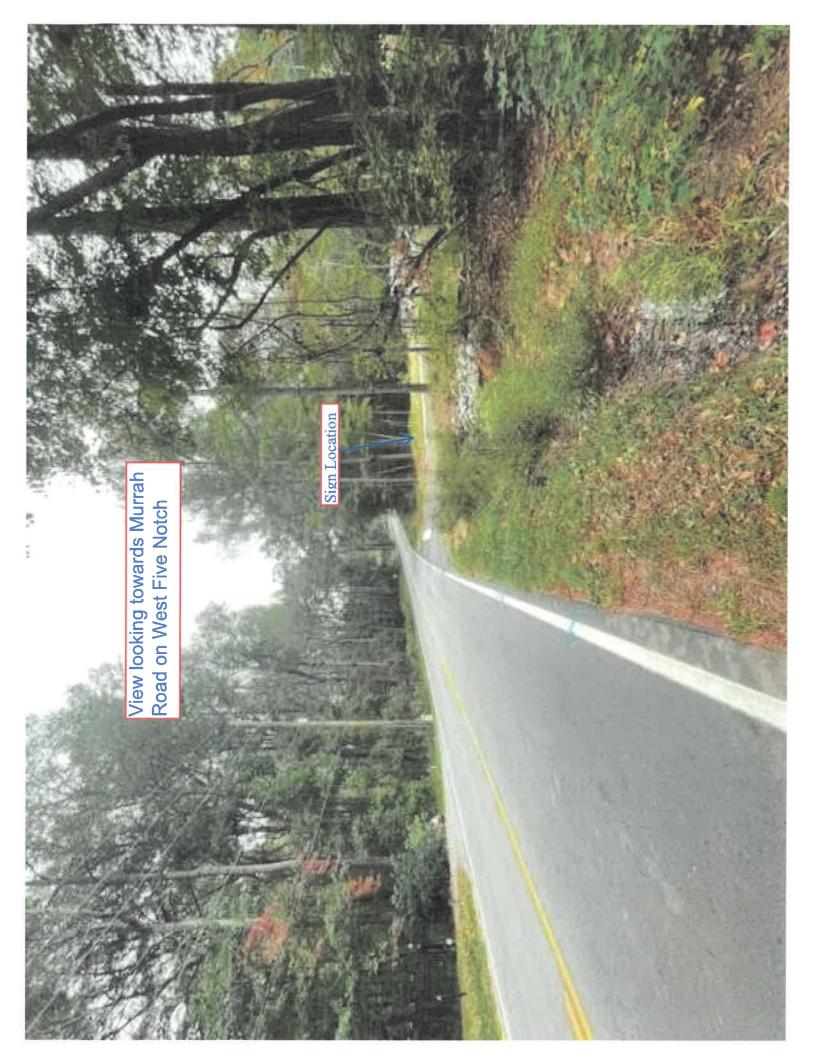


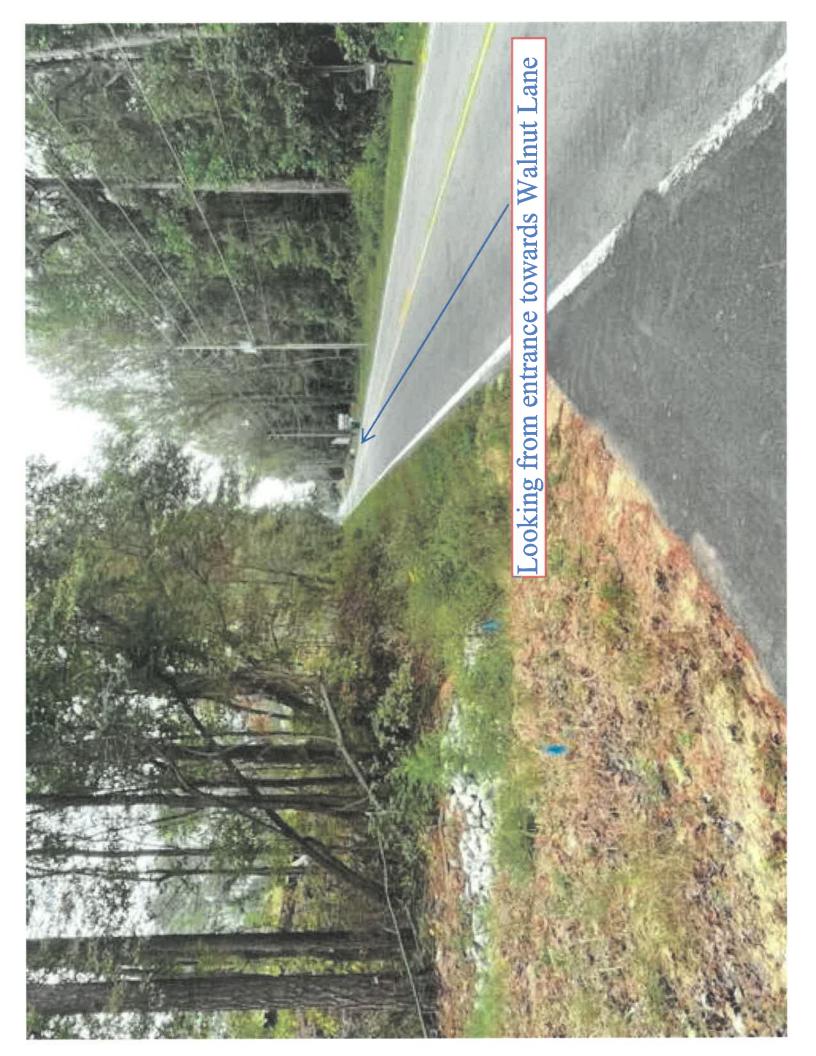












Butler's Pond Townhomes Tax Map

For entrance feature sign variance approval

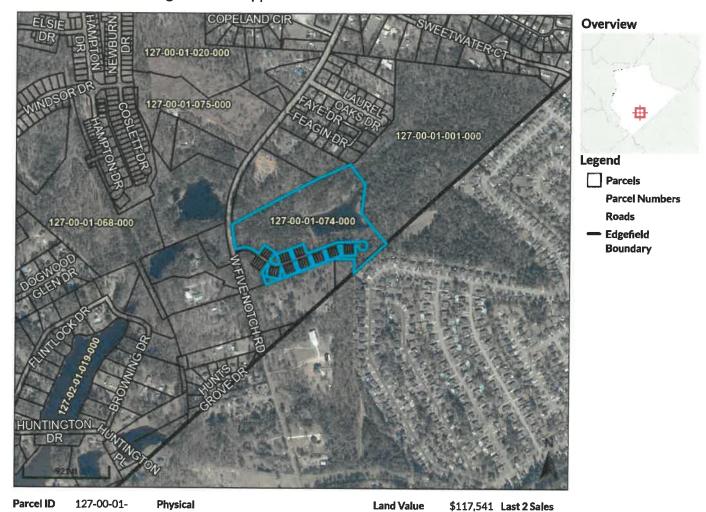
Created by: Danny Geddes

Reason Qual

n/a

Q

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Improvement

Total Value

Value

\$0

Date

\$117,541 12/13/2022 0

12/30/2022 \$1242000 n/a

Date created: 10/12/2023 Last Data Uploaded: 10/11/2023 5:38:48 PM

074-000

REGULAR 6%

Property

Class

Taxing

District

Acres

Address

Mailing

Address

BUTLER POND LLC

AUGUSTA GA

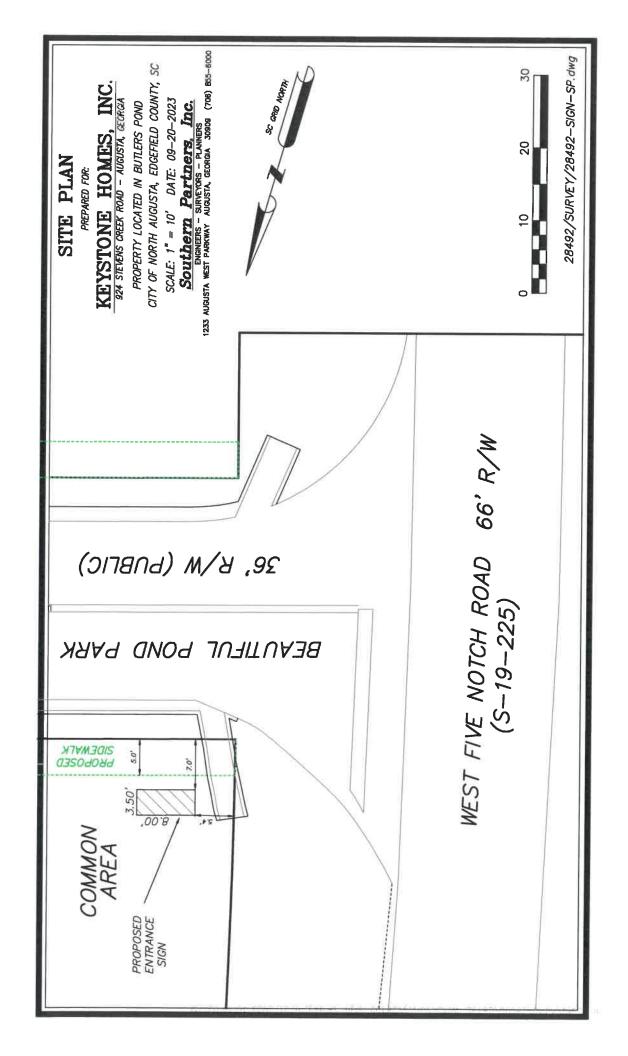
30907

924 STEVENS CREEK RD

Developed by Schneider

n/a

27.54



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 December 5, 2023 in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following application:

ZV23-013- A request by Butler Pond, LLC for a variance from Section 13.8.2.c.i.d.ii of the North Augusta Development Code to allow a hanging sign with monument style column in a residential zoning district. The application affects an area located at approximately 789 West Five Notch Road, TPN 127-00-01-074 on ±27.54 acres zoned PD, Planned Development.

Documents related to the applications will be available for public inspection after November 30, 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.

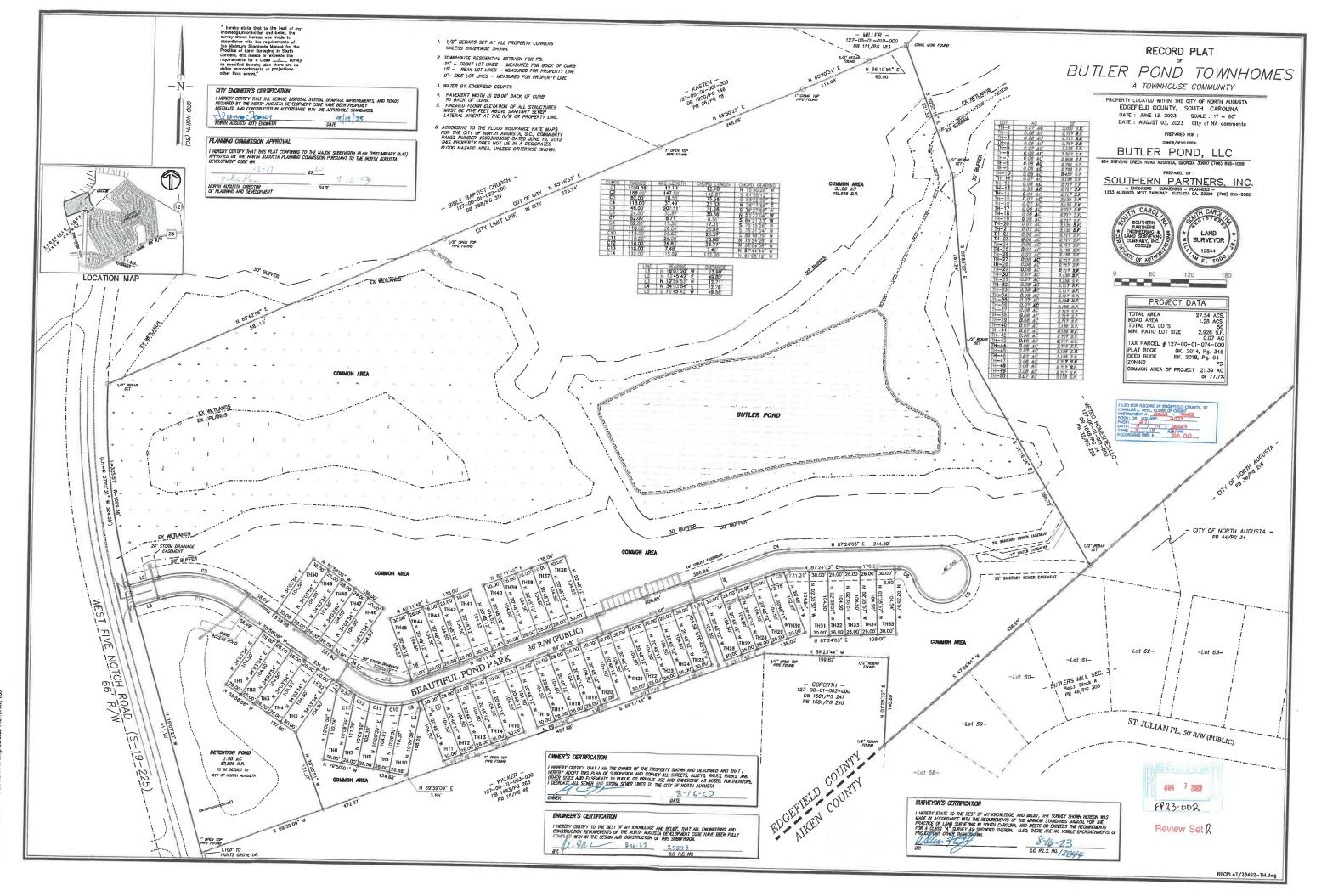
CITIZEN ASSISTANCE: Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.

Notice of Appeal

Please type or print all information



	Staff Use Only	1 1			
Application Number 2V33-013 Review Fee #050.00		Date Received 11/3/23			
Re	view Fee #260.	Date Paid			
	1. Project NameButler's Pond Townhomes Entrance Feature				
	Project Address/Location _ approximately 789 West Five Notch Road				
	Total Project Acreage27.54	Current Zoning PD			
	Tax Parcel Number(s)127-00-01-074-000				
2.	Applicant/Owner Name Butler Pond LLC	Applicant Phone Cell 803-624-3697			
	Mailing Address 924 Stevens Creek Road				
	City Augusta ST GA Zip 30907	Emaildgeddes@buildkeystone.com			
3.	3. Is there a Designated Agent for this project? YesX No If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)				
4.	Engineer/Architect/Surveyor Philip Green	License No. 20074			
	Firm Name Southern Partners	Firm Phone			
	Firm Mailing Address 1233 Augusta West Parkway				
	City Augusta ST GA Zip 30909	Email pgreen@southernpartners.net			
	Signature PM —	Date10-12-23			
5.	Is there any recorded restricted covenant or other private a prohibits the use or activity on the property that is the subj	ect of the application?			
	(Check one.)	yes no			
6.	In accordance with Section 5.1.2.3 of the North Augusta Deve Augusta review the attached project plans. The documents recappendix B of the North Augusta Development Code, are atta applicant acknowledges that all documents required by the Compliance review process by the City.	quired by the City of North Augusta, as outlined in ched for the City's review for completeness. The			
	Dy y	18/27/23			
	Applicant or Designated Agent Signature	Date /			
	DANNY GEDDES / DOUBLODES.	~ MANAGEL			
	Print Applicant or Agent Name	/			



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