

# Board of Zoning Appeals



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

*Members of the Board of Zoning Appeals*  
Wesley Summers  
*Chairman*

Bill Burkhalter  
Jim Newman

Kathie Stallworth  
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 May 2, 2023.

Minutes were approved unanimously.

- 4. **Confirmation of Agenda** No changes to agenda.

- 1. **ZV23-006** – A request by Rachel and Marcus Covar for a variance from the maximum front setback in Table 3-3, Article 3, Dimensional Standards of the North Augusta Development Code.—The application affects a proposed residential construction on an approximately 1.42-acre portion of TPN 006-05-01-001 zoned R-5, Mixed Residential.

Mr. Paradise explained that the applicant desires to request a variance in order to build closer to the pond that is on the property and away from the busy roadway.

Rachal Kovar of 1936 Bolin Rd, approached the podium and was sworn in. Mrs. Kovar explained that she grew up on the property and wants a place where her children can play safely in the yard.

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

William Maddox of 1882 Knobcone, stood near his seat and was sworn in. Mr. Maddox asked if the parcel intersected with the creek. He stated he has seen a tractor in the area. He expressed his concerns about a sidewalk being placed in the area and stated he is content with the proposed variance request.

- b. **Consideration** – Consideration of Application ZV23-006 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion to be granted with the following conditions: The variance will apply only to the property in the architectural and construction drawings that were submitted and the variance applies to the boundary survey that is tied to Black Book 64 page 600. Mr. Newman made the second motion and it was approved unanimously.

2. **ZV23-007**- 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 on the corner of Edgefield Road and Ascauga Lake Road, a 3.42-acre portion of TPN 011-07-02-001 zoned GC, General Commercial, and within the HC, Highway Corridor Overlay District.

Mr. Paradise stated the applicant desires to build a gasoline convenience store on parcel and needs a variance in order to install gasoline canopy and follow setback regulations. Mr. Paradise also expressed the applicant is concerned with the traffic flow and the ability for customers to access entrance and exit points safely.

Cody Rogers of EMC Engineering approached the podium and was sworn in. He stated his company is seeking to place their canopy directly in front of the convenience store but has been challenged with a requirement of 80-foot maximum setback which would make the canopy an unsafe structure.

Mr. Burkhalter asked for clarity if the gasoline would be built to accommodate 18-wheel trucks as well. Mr. Rogers replied that the 18-wheel truck would maneuver in the rear of the gasoline convenience store.

Mr. Newman question Mr. Paradise on if Gasoline Convenience Store were permitted on the parcel and if SCDOT has been consulted. Mr. Paradise concurred. Mr. Rogers stated that SCDOT has been contacted and he is currently awaiting the travel report.

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

Sumit Patel of 901 Edgefield rd., approached the podium and was sworn in. Mr. Patel stated that the proposed location has 9 convenience stores, with one being his. He stated that he lost 50% of his revenue with the opening of QuikTrip Convenience Store. He expressed that he is a local owner-operator and finds it hard to compete with the major chains.

Mike Baldy of 471 Pineview Lane, approached the podium and was sworn in. Mr. Baldy spoke about the NADC 18.4. He stated the Development Code states that a variance is not a right and may be granted if the applicant establishes compliance with the hardship criteria in SC Code 6-29-800. Mr. Baldy inquired about the "Normal Site Layout" of a convenience store. He expressed concerns about future businesses wanting to ask for a variance. Baldy stated the design would not affect the use of the business. Mr. Baldy also expressed his concerns about lighting, traffic and signage. Mr. Baldy stated the applicant would be creating a hardship for themselves which will affect them in the future. He presented multiple photos of gasoline convenience stores built by the company whose canopies are not in the front of the property and suggested that the store not be accessible 24 hours of the day, as well as limited time for parking of vehicles.

Daniel Ben-Yisareal of 17 West McDonough Street, approached the podium and was sworn in. Mr. Ben-Yisareal stated although they have built some stores that did not have the canopy in front of the store, having the canopy in front of the main structure is a very common model and is how they prefer to build their stores. He stated the store will have a kitchen already present and there will be no need to add one on in the future and they are a conforming use in the zoning district. He also stated that hours of operation would be requested to be 24 hours of the day.

- b. **Consideration** - Consideration of Application ZV23-007 by the Board of Zoning Appeals.

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

1. The site be developed as conceptually shown on the sketch plan.
2. They would comply with the traffic study recommendations if allowed by the SCDOT.
3. The variance applies to the 3.42 acres per the application. Mr. Burkhalter made the second motion and it was approved unanimously.

3. **ZV23-008**- A request by AAA Sign Co., Inc. for a variance from Article 13 Signs, Table 13-3 and Section 13.8.3.p.ii.c.i.iv of Article 13 for a 21.53 sq. ft. internally illuminated freestanding sign. The proposed sign exceeds the maximum square footage allowed

and internal illumination standards allowed in the Downtown/Georgia Avenue Overlay District. The application affects approximately 0.17 acres of TPN 007-10-28-005 zoned D, Downtown, and within the G, Georgia Avenue Overlay District.

Mr. Paradise stated Wells Fargo's current signage is nonconforming and they desire to replace the current signage. They are asking for a variance to allow them 21.53 square feet for their signage, the zoning district only allows 20 square feet. They are also requesting to allow the new signage to be internally illuminated and the City of North Augusta does not allow internally illumination in the Georgia Ave overlay. Mr. Paradise spoke about 13.2.6 in the Development Code that allows an existing nonconforming sign to be repaired, removed and remounted.

Bobbie Stephens of 2015 West Side Drive, approached the podium and was sworn in. She stated the smallest sign the company will offer is 21.5 square feet and the measurement is the square feet of the sign itself and not the base of the sign. She explained the sign meets the height requirement and the company desires to have the internal illumination due to the fact that the sign currently has internal illumination. Stephens continued by saying, there wasn't an option to reface the current sign because the curve faces signs are no longer offered through manufacturing company and they have done as much as they could to get as close as possible to conforming.

Mr. Newman questioned if any other sign would be replaced

Mrs. Stephens replied that they would only be replacing the freestanding sign.

Mr. Newman questioned Mr. Paradise if the base would be considered in the square footage of the sign.

Mr. Paradise answered by saying the base of the sign is not considered in the square footage of the sign and the it can be up to 8 feet in height. Mr. Paradise stated there was a revise on 2019 to the sign code in order to comply with a U.S Supreme Court decision about signage.

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

Carl Purvis of 909 Georgia Ave, approached the podium and was sworn in. Mr. Purvis stated he understood from a previous meeting that the area had plans to be quaint with sitting tables, pedestrian accessible and lesser traffic and now wonders if adding illuminated signs will deter the original plan of having a quaint quiet area. He also expressed concerns about the height of the sign and the possibility of the sign to impair a driver's vision.

b. **Consideration** - Consideration of Application ZV23-008 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion and it was approved unanimously to be granted with the following conditions:

1. The variance will apply only this property and the sign details indicating 21.53 square foot sign area as submitted, If the sign needs to be replaced it should meet the requirements of the sign code in place at the time or request another variance, if applicable.
2. A request for internal illumination was denied.

4. **ZV23-009**- A request by Tracey Turner for a variance from Article 3 Zoning Districts, and Section 3.8.6.4.3 and 3.8.6.4.4 for the remodeling of an existing home located in the Neighborhood Preservation Overlay District. This application affects approximately 0.36 acres of TPN 007-07-15-007 zoned OC, Office Commercial, and within the NP, Neighborhood Preservation Overlay District.

Mr. Paradise states the intent of the neighborhood Preservation District is to maintain the residential appearance and setting of the area. The Development code regarding Neighborhood Preservation Districts states the existing facade facing or visible from the street including the doors and windows shall be retained.

Tracey Turney of 301 Jackson Ave, approached the podium and was sworn in. He stated his original plans was to have a three-level home with a rooftop deck. Since receiving a stop work order, they have removed the third floor and the deck. He stated the home is unlike any other home in the area and installing a pitch roof would hinder the air circulation throughout the home and his vision to make the home a “net zero like” residence. The residence would be a single-family residence and would serve as a primary residence for his mother. Mr. Turner stated the 2<sup>nd</sup> floor of the residence has evidence of a previous fire and he has no choice but to demo all the wood of the home.

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

Carl Purvis of 909 Georgia Ave, approached the podium and was sworn in. Mr. Purvis questioned if the development would raise the roof and if it would be faced with brick if they do. He wanted to ensure that the home would be built for residential purposes and not become a business. He stated that the he noticed a retention wall and wanted to make sure a parking lot would not be paved in the area. Mr. Purvis also questioned if there was a Neighborhood Preservation Committee.

Mr. Paradise informed Mr. Purvis that the City of North Augusta has all regulations written in the Development Code.

David Williamson of 111 East Arlington, approached the podium and was sworn in. Mr. Williamson stated that he believed the home upgrade would be a perfect fit in the area. He expressed his frustration about the applicant receiving a permit and then be presented with a stop work order.

**b. Consideration – Consideration of Application ZV23-009 by the Board of Zoning Appeals.**

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

1. The variance will apply only to this property and the architectural construction drawings as submitted.
2. External façade shall not utilize vinyl siding.
3. A hearty board light product is allowed as a brick façade substitute. Mr. Newman made the second motion and it was approved unanimously.

**Adjourn: 8:39pm**

Respectfully Submitted,



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