

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. **Roll Call** Members Kevin Scaggs, 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. **ZV23-011**- 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. **ZV23-012**- 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
Director of Planning and Development
Secretary to the Board of Zoning Appeals