

Board of Zoning Appeals



**Minutes for the Tuesday, February 6, 2024, Regular Meeting
6:00 p.m., Council Chambers, 100 Georgia Avenue**

Members of the Board of Zoning Appeals

Kevin Scaggs

Chairman

Bill Burkhalter

Kathie Stallworth

Jim Newman

London Smith

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** All members were present.
3. **Approval of Minutes** – Minutes of the Regular Meeting of December 5, 2023.

Bill Burkhalter made the 1st motion to approve the minutes. Kathie Stallworth made the 2nd motion. It was approved unanimously.

4. **Confirmation of Agenda** No changes were made to the agenda.
5. **ZV24-001**- A request by Drayton Parker Companies, LLC for a variance to allow placement of a high-rise sign from Table 9-2 Signs Permitted by District and Table 9-3 Sign Areas Permitted of the North Augusta Development Code. The request affects a future convenience store with gasoline sales on ±5.5 acres located at 5747 Jefferson Davis Highway, TPN 013-18-05-001 zoned TC, Thoroughfare Commercial.
 - a. **Public Hearing** – The purpose of the hearing to receive public comment on the application.

Mr. Tommy Paradise stated that Drayton Parker Companies, LLC is constructing a Parker's Kitchen Convenience Store at the intersection of Jefferson Davis Highway and Interstate 520. Paradise continued by stating that the company is requesting a high-rise sign so that the sign can be visible to traffic traveling on

Interstate 520. (Paradise displayed a map of the subject parcel on the projector screen for members of the Board of Zoning Appeals, as well as the public to view the approximate location of the proposed sign). Paradise explained that the North Augusta Development Code allows a maximum height of 25ft and maximum area of 100 sq. Ft for freestanding signs in the Thoroughfare Commercial zoning. The variance request is for a freestanding sign of 120sq. ft in height and 290.16 sq. Ft in area, with visibility of ½ mile. The staff's recommendation to the Board of Zoning Appeals was to not approve the sign variance due to the fact that the North Augusta Development Code doesn't not address High-Rise Signage because at the current time, they are not compatible with the City of North Augusta. The Interstate 520 corridor is currently undeveloped and is clear of billboards and other signage including High-Rise signs. The staff believes that adequate notification of customer's traveling Interstate 520 can be achieved in alternative ways such as Logo signs. Logo Signs are erected by SCDOT and serves as a notification of what's upcoming at the next exit. Paradise stated that this variance request is the first of its kind for the particular area and the decision made will affect future decisions. Paradise continued by stating that there are already future plans of development for the area submitted to the city and the staff has some concerns of the intersection being overcrowded and confusing to travelers.

Tiffany Jackson of 171 Crossroads, Savannah, Ga was sworn in at the podium. Jackson stated that she is the Entitlements Manager for Drayton Parker Companies. She stated that she has brought with her two individuals from the Blair Image Elements, Bryson Plunklett, which the design engineer for the project and as well as the Site Plan Engineer, Cody Rodgers from EMC.

Bear Vandergat of Greensboro, NC was sworn in at the podium. He stated the site elevation is approximately 250ft or less but the location from Interstate 520 is over 60ft below. He continued by stating that the sign would need an additional 60ft just to equal the lanes of traffic, but the sign could not be positioned to be equal to the traffic and in fact would need to be above the traffic for visibility. He stated that his company spoke with SCDOT and SCDOT informed them that they had no future plans of installing advertisement in the area due to it being undeveloped. Vangergat spoke about a past client he serviced in Aiken County and the effects of the High-Rise sign increasing the business fuel purchases by 70%. He also stated that the past client's neighbors were able to benefit from the High-Rise sign and believes the same will happen in North Augusta with Parker's Kitchen at the Intersection of Interstate 520 and Jefferson Davis Highway.

Bill Burkhalter questioned that drawing in the staff report that showed the signage plan which displayed several signs and asked if it followed the North Augusta Development Code.

Paradise stated the city has not received plans for any of the signs shown on the signage plan. Paradise continued by stating that the North Augusta Development Code allows the freestanding sign to be 100 sqft total and 300 sqft for total area signage. He suggested have the developers substitute 100 sqft from the total for the freestanding signage and use it for the High-Rise sign and limit the square footage of the wall signs to 200sqft. The North Augusta Development Code allows one freestanding stand per lot of record.

Kevin Scaggs questioned excluding the high-rise sign, if there were any issues with the freestanding sign if it was visible from Jefferson Davis Highway.

Bear Vandergat apologized for the lack of imagery for the surrounding area of the subject parcel and stated that the only true way to see visibility conflict would be to visit the area personally. He stated he performed a survey on the property in July of 2023 and there is a significant difference in the development.

Jim Newman asked if they have considered moving the sign to the higher end of the property along the onramp or closer to the highway.

Bear Vandergat answered by stating that the proposed signage location is the highest point of the lot at 256ft.

Jim Newman rebuttal showing the topographic map which shows the highest elevation being 270ft.

Paradise stated the 270ft shown on the topographic could have been before the property was graded. The map is generated from the City GIS system and may have changed since development has taken place.

Vandergat stated the Interstate 520 East elevation is 310ft and the West is approximately 318 to 324ft.

Burkhalter questioned if the SCDOT would agree to install the logo signs at the developers cost and spoke about the effectiveness of the sign alerting travelers of what is to come at upcoming exits.

Jackson responded by saying that she reached out to the SCDOT the day prior and received email response from SCDOT informing her that at this time they do not allow signs at particular location.

Paradise handed Tiffany Jackson, Bear Vandergat and all members of the Board of Zoning Appeals a copy of an email. Paradise stated that he became aware of the letter the morning of 2/6/2024 and immediately phoned the Resident County Engineer of SCDOT and he did not know why SCDOT wouldn't allow logo

signs at the location. Paradise continued by stating he spoke with John Gapper at the logo department, which is responsible for the logo signs of SCDOT right of way and Gapper stated he is unaware of any reason way they would not put signs at the proposed location and if he was to receive an application, he would process the application unless it was rejected within in the chain of command. Paradise stated that SCDOT is a bureaucracy and how he was fortunate enough to get the appropriate people to speak with him. He stated that the SCDOT has 2 departments, there is the Logo Department but there is also the Outdoor Advertising Department and he was not able to speak with Carolyn Lindsay of the Outdoor Advertising Department but left her a voicemail. Paradise continued by stating that someone at SCDOT has stated to Mrs. Jackson that the Logo Signs wouldn't be allow but Paradise has been informed that the sign would be allowed if an application was present. Paradise stated that he would want the decision to be fair and suggested the members to continue the decision in order to gather more information and receive a definite answer from SCDOT, especially if the logo signs being installed is the deciding factor for the variance.

Jim Newman asked if the new North Augusta Development Code address the issue or if the new code is already in effect.

Paradise stated that the new North Augusta Development Code is already in effect and High-Rise signs was a topic that the developers of the code, Planning Commission and City Council did not wish to address going through the process. Paradise stated that their unwillingness to address High-Rise signs is an indication that High-Rise signs are not compatible with the City of North Augusta.

Kathie Stallworth asked if there was "silence" regarding the issue.

Paradise answered, "Yes" and added there are signs that are prohibited and that the high-rise sign is not a prohibited sign and that there is "silence", which means, it isn't allowed.

Jim Newman asked if the sign itself is in compliance with the development code and if the developers would drop the sign down to the appropriate height at 25ft would the sign need a variance.

Paradise answered "No, because the sign is 290 sq. ft and the area is too large".

London Smith asked if there were any other convenience stores that go outside of North Augusta Development Code that have been approved or is it the first of its kind in North Augusta, emphasizing exit 5.

Paradise stated that he is only aware of a High-Rise Sign Variance at exit 5 for a previously existing sign destroyed by a storm. He stated that some signs are at exit 5 but are not in the city limits of North Augusta. Paradise recalled a High-Rise sign at exit 5 that was grandfathered into compliance but it was destroyed by a tornado and when developers asked for a variance to replace the sign, they were allowed to put it back but Paradise doesn't recall the sign actually being installed. Paradise stated "At the current time, I can't tell you that we do, and I can't 100% tell you that we don't have an existing high-rise sign at exit 5".

Smith asked if there have been any applications for high-rise signs.

Paradise stated that since he has been employed with the City of North Augusta, the only high-rise sign application he has received is the sign that was located at exit 5 and destroyed by the tornado. He added that there were high-rise signs on parcels adjacent to the exit 5 sign but they were not located in the city limits and that the current variance application would indeed be a first.

Cody Rodgers of EMC Engineering was sworn in at the podium, he stated the proposed location for the high-rise is very rural and that would explain why there are no other signage of its kind there. Rodgers stated that maybe high-rise signs not being addressed in the Development Code doesn't mean that they are prohibited but just not considered because no one ever proposed that type of sign. Rodgers proposed it being a possible revision to the code to allow high-rise signs and possibly limited the number of billboards with a certain distance.

Paradise stated that the North Augusta Development Code prohibits Billboard signs.

Smith reflected on the effect the decision would have on future developments in the area and if limiting the number of high-rise signs in area would give one competitor significant advantage over another.

Jim Newman asked the signage plan shows 10 different signs on the property and asked if Paradise has seen any signage plans on the other 9 signs.

Paradise stated staff has not received any signage package application to his knowledge.

Jim Newman asked if the Board of Zoning Appeals would be willing to substitute some measurements to help the developers achieve their 300 sq. ft area total, and asked if then would they be allowed to install all 10 signs.

Paradise stated that would depend on how the variance is granted and if there are any conditions set forth.

Newman asked if the variance is granted for the developers to be allowed 300 sq. ft total signage, would the likelihood of them returning for another variance be high.

Paradise stated that the recommendation by staff to allow 100 sq. ft for the freestanding sign and 200sq. ft for all other signs would keep it even.

Tiffany Jackson clarified that the images on the projector are not the final sign package application images, which has not yet been submitted.

Jim Newman stated that the signage package may need to be final so that the members know exactly what signs are being factored in.

Vandergat stated that signs #6-9 on the projector are 2x4 ft signs and serves as entrance and exit signs.

Kathie Stallworth stated that although those are directional signs, they still count in the total allowed signage area.

Newman questioned the wall signs with the company's name on the front and side of the building.

Vandergat stated that the front wall sign is 65 sq. ft.

Newman stated that 4 of the 65sq. ft wall signs would put the developers at almost 200 sq. ft with just wall signs alone.

Chairman Kevin Scaggs asked if there were any members of the public that wanted to speak and asked if they would come forward.

There were no public comments

Chairman Kevin Scaggs closed the public hearing

b. Consideration – Consideration of Application ZV24-001 by the Board of Zoning Appeals.

Members discussed each criteria qualification as follows:

1. Criteria 1 identifies if the hardship is unnecessary. Bill Burkhalter stated that with adequate signage within the code, the business would still be able to operate. London Smith concurred. Kathie Stallworth stated the that the property was selected by the developer and she doesn't see the hardship as being unnecessary.

2. Criteria 2 identifies if there is extraordinary and exceptional conditions pertaining to the particular piece of property. Kevin Scaggs stated the conditions of the topography doesn't allow visibility. All members agreed.
3. Criteria 3 identifies if the condition do not generally apply to other property in the vicinity. Kathie Stallworth stated that there is no way to agree to Criteria 3 because the condition applies to all parcels in the vicinity. She continued by saying that the condition is not unique to one parcel and that all parcels in the area have similar elevations and topography. Jim Newman agreed. London Smith spoke in agreeance with Kathie Stallworth.
4. Criteria 4 identifies if the conditions of the property would effectively prohibit or restrict the utilization of the property. Kevin Scaggs stated that not having a high-rise sign doesn't prohibit the use of the property. Bill Burkhalter agreed and stated he doesn't mean it reasonably restricts the use of the property. Kathie Stallworth and London Smith both stated that Criteria 4 doesn't not apply to this variance. Jim Newman was unable to give a definite answer. Scaggs stated that 4 No's and 1 maybe is enough to call for a motion.

Jim Newman made the first motion to deny the variance based on the conditions of criteria 4. Criteria 4 of the qualifications read, based on the conditions of the application of this chapter to this particular piece of property would not effectively prohibit and unreasonably restrict the utilization of the property.

Kathie Stallworth seconded the motion and it was approved unanimously.

6. **ZV24-002-** A request by Daniel Merritt/Seamon Whiteside for a Special Exception to allow a Mini Warehouse/Self-Storage Facility as required by Table 5-1, Use Matrix and Section 5.5.18, Mini Warehouses/Self-Storage of the North Augusta Development Code. The request affects ±3.367 acres located at TPN 011-07-01-013 zoned GC, General Commercial.
 - a. **Public Hearing** – The purpose of the hearing to receive public comment on the application.

Tommy Paradise stated that in the new Development Code for North Augusta, mini warehouse self-storage facilities are allowed in the General Commercial as a Special Exception. Paradise stated that the subject parcel was apart of the QT parcel that was subdivided into three lots and is located to the rear of QT. He continued by stating the building is 4 stories in height and 30,000 square feet per floor and totals 120,000 square feet in area. He stated that the maximum building height in General Commercial is 45ft and the building will house 971

storage units of various sizes. Paradise stated that the appropriate building images were emailed to all members in preparation for today's meeting and the hard copy of the building façade is readily available for the members review if needed.

Daniel Merritt of 701 Easley Bridge Rd of Greenville was sworn in at the podium. Merritt apologized for the appropriate building façade images needing to be emailed to the members that day of the meeting and assured that the numbers and floor plans in the staff report are indeed correct. Merritt stated that the special exception is for the self-storage use. He states that he and his company feel that self-storage is appropriate because it is a commercial use but it not dependent on the everyday visibility from the main road. He continued by stating that one of the benefits to self-storage uses is that it doesn't not generate a huge traffic difference in the area and with over 900 units, the business doesn't trigger over 50 peak hour trips. Merritt brings attention to a note in the staff report regarding parking reduction and he stated that it will be addressed in a separate variance request if need be and is not of concern today.

Kevin Scaggs questioned if there was research conducted on the need for mini warehouse self-storages in the area.

Merritt stated the area is growing and super dense uses are being developed in the area. He continued by stating that for every apartment/townhouse development, the units are small and unfortunately people tend to accumulate lots of belongings. Merritt stated that once you see that population numbers rise then it indicates the need for self-storage units. He spoke about his knowledge of the future development in the area and the desire to address the needs before it is a problem.

Paradise stated that a 30-acre parcel nearby the subject parcel is expecting a site plan approval request for a 300-unit apartment complex at the next Planning Commission meeting.

London Smith asked if there is a Tree Line that the facility would plant.

Merritt stated that the backside of parcel 2 would be buffered and landscaping/ buffering plans are still underway.

Paradise stated that QT also has buffering that would be on the front of the property.

Alex De Maturco of 5 Century Drive of Greenville was sworn in at the podium. Maturco stated that there is also a creek on the property and the topography includes shrubs and brush trees on sides of the parcel that would face the residential property. He continued by stating that his company also has plans to do additional buffering on the parcel.

Bill Burkhalter stated that he remembered mini warehouses and self-storage were permitted only as special exception in General Commercial zoning district and questioned if they are now permitted anywhere with the new development code.

Paradise answered by stating that he would need to do research to be certain but to the best of his knowledge, mini warehouses and self-storages are allowed in other zoning districts.

No public comments were made.

Chairman Kevin Scaggs closed the public hearing

b. Consideration – Consideration of Application ZV24-002 by the Board of Zoning Appeals.

Jim Newman made the first motion to grant the variance for application ZV24-002, pursuant to section 18.8.4 of the North Augusta Development Code for the use of self-storage.

Kathie Stallworth seconded the motion and it was approved unanimously.

Paradise stated that staff has been informed by the North Augusta Post and Courier Newspaper that beginning on March 1st, they will be reducing to one publication per month. This change would have been a conflict with the City's requirements of public notice if the city was to continue to utilize North Augusta Post and Courier services. Paradise has spoken with the city attorney and going forward, public notices will be posted in the Augusta Chronicle. The Augusta Chronicle is a daily published newspaper and is more cost efficient.

7. Adjourn 7:40pm

Respectfully Submitted,



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