

Board of Zoning Appeals



**Minutes for the Tuesday, May 7, 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** Members London Smith, Kathie Stallworth, Kevin Scaggs and Bill Burkhalter were in attendance.
3. **Approval of Minutes** – Minutes of the Regular Meeting of April 2, 2024.

Bill Burkhalter suggested deleting the words “was used” in the first paragraph on page 2 and on page 3, changing the grammatical error of the word “was” to “were”.

Bill Burkhalter made the first motion to approve minutes as revised, London Smith made the second motion. The minutes was approved unanimously.

4. **Confirmation of Agenda** There were no changes made to the agenda.
5. **ZV24-003** - An appeal by Our Lady of Peace Church for a variance from Article 9, Signs, Table 9-2 Signs Permitted by District and 9.6.5.10 Additional Requirements by Sign Type, Electronic Readerboards, General Requirements of the North Augusta Development Code to allow an electronic reader board in a residential zoning district. The request affects a portion of approximately 3.56 ac zoned R-10, Medium Lot Single-Family Residential, located at 405 LeCompte Avenue, TPN 006-20-12-001.

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

Tommy Paradise stated that there is a freestanding sign on the corner of the property and the applicant is wanting to replace the current sign with an Electronic Message Center Reader Board. Paradise stated that only the property's rear neighboring parcels are residential and the sign would be located in the front of the property and should not impact the residents on the other side of the school. He stated that the nearby property owners were notified by mail and the public hearing signs have been posted in the area. The proposed sign is approximately 46sq ft in total area and the EMC Reader board is almost 50% of the total area. Paradise stated that the allowed signage in a residential district is 5 feet tall and 20sq ft. The visibility of the EMC reader board is to Knox Ave.

Chairman Scaggs asked if the current signage, which is a changeable copy sign, conforming to the North Augusta Development Code.

Mr. Paradise stated that the current signage is nonconforming.

Chairman Scaggs asked if the applicant is looking to replace one nonconforming sign with another nonconforming sign. He also questioned the size of the current signage.

Mr. Paradise concurred. He stated that he was not sure of the exact size of the current sign but estimates it at 32sq ft. He also stated that the proposed sign is approximately 46 sq. ft.

Chairman Scaggs asked for clarity on what the board members would be reviewing today being that there are several nonconforming issues being presented.

Mr. Paradise stated that the board members would be reviewing the nonconforming issues regards the height of the sign, the size of the sign and the EMC reader board as well.

Chairman Scaggs stated for clarity that the requirement of hardship would need to be related to each nonconforming issue separately or there could be one hardship that would cover all three issues.

Bill Burkhalter stated the current signage is not as visible on the property and he understands why the applicant would want a taller sign.

London Smith asked if the current sign was approved by the BZA members serving during that time and if it was an exception to the rule when it was approved.

Mr. Paradise stated that he was unsure of that information and stated that under the previous development code the Planning Director had the authority to look at the use and determine the appropriate type sign for the use. He continued by stating that the current signage could have been approved by the BZA members or the Planning Director at that time.

Kathie Stallworth stated that the signage for this property had not been before the Board of Zoning Appeals since she has been a member.

Chairman Scaggs asked if the development code states that a nonconforming sign cannot be replaced without another review from the BZA.

Mr. Paradise stated that nonconforming sign can be replaced, repaired and refaced but it does not give latitude for new technology, according to the sign nonconformities section in the development code.

London Smith questioned what would be considered a reface.

Mr. Paradise gave examples of refacing signage.

Ron Wade representative of Signs Unlimited and Charles Towns representative of Our Lady of Peace Catholic Church were sworn in at the podium.

Mr. Wade stated that when the sign was installed, Knox Ave was a 2-lane road and now it is a 4-lane road. Due to the construction of the road, the road has been elevated and is now significantly higher than the sign, making it difficult to read. He continued by stating that the EMC reader board would serve the church and community well on the property and the EMC reader board would serve for the purposes of the school, more so than the church. Mr. Wade made mention of other local schools that have EMC reader boards and stated that the Our Lady of Peace would like to communicate with their students and parents like the other schools.

Chairman Scaggs asked if the current signage was functionable and if the sign letters had difficulty staying in place.

Mr. Wade stated that the current sign is very old and the letters do not stay in place. He continued by stating that the current sign is not worth fixing.

Mr. Towns stated that the sign was in place when the school was purchased from Aiken County School System many years ago and they are unsure of how long the sign has been there. He stated that the school staff still use the plastic

letters to display messages on the sign but it is hardly visible now due to the roadway being above the sign.

Kathie Stallworth stated that the only opportunity travelers have to read the current sign is while being stopped at the stoplight of Knox Ave and LeCompte Ave.

Chairman Scaggs asked if a ladder is required to change the message on the current signage.

Applicants Wade and Towns both concurred. Mr. Wade stated the sign can only hold one message. Mr. Towns stated that the current sign is 8ft tall, 4ft x 8ft wide and requires their staff members to climb the ladder while holding a box of letters.

Chairman Scaggs stated that if the current signage was raised above the roadway, then the ladder for staff to climb would need to be taller.

Bill Burkhalter stated that the Our Lady of Peace acquired the property some time between 1979-1980 and the signage was in place prior to the purchase.

No other public comments were made. Public hearing was closed.

b. **Consideration** – Consideration of Application ZV24-003 by the Board of Zoning Appeals.

Criteria #4: Bill Burkhalter asked applicant what would be the size of a sign smaller than the proposed sign.

Applicant Ron Wade stated that his company does not produce any smaller sign than the proposed sign size.

Criteria #5: Chairman Scaggs asked what is the highest-grade level that is taught at the school and if the school has athletic teams.

Applicant Charles Towns stated that the highest-grade level is 8th grade. He stated that the school doesn't not have the premises to accommodate athletic games or sporting events but the school does have athletic teams.

Chairman Scaggs made the first motion to approve ZV24-003 Sign Variance with the following conditions:

1. This variance will apply only to this property and the sign details as submitted. If the sign is to ever need to be replaced, it should meet the

requirements of the sign code in place at the time or request another variance applicable.

2. This variance will limit the hours of operation of the sign so that the reader board is not operated between the hours of 9:00 pm and 6:00 am. The sign would be expected to follow all the regulated colors, refresh and all regulations of the sign code. Any limitation to hours or operations should be specified by the board as part of the case order.

Members Bill Burkhalter, Kathie Stallworth and London Smith all seconded the motion. It was approved unanimously.

6. **Adjourn** 7:00pm

Respectfully Submitted,



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