

Board of Zoning Appeals



Minutes for the Board of Zoning Appeals, Tuesday, August 6, 2024, Regular Meeting

Municipal Center – 6:00 p.m., 100 Georgia Avenue, Third Floor – Council Chambers

The Board of Zoning Appeals meeting will be streamed for public viewing online at:

- “City of North Augusta – Public Information” on www.Facebook.com
- “City of North Augusta Public Information” on www.YouTube.com

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** 6:00pm
2. **Roll Call** All members were in attendance except Jim Newman.
3. **Approval of Minutes** – Minutes of the Regular Meeting of June 4, 2024.

Bill Burkhalter made the first motion to approve minutes with the amendments to page 2 of changing the word “in” to “is” and correction of Applicant name from “Verde” to “Verdery”. London Smith made the second motion. It was approved unanimously.

4. **Confirmation of Agenda** No changes were made to the agenda.

5. **ZV24-009** – An appeal by Jason Thacker and Carlie Buchan for a variance from the side setbacks of Ordinance 2002-23 for Hammonds Ferry Planned Development. The request affects approximately 0.13 ac zoned PD, Planned Development, located at 33 Crystal Lake Drive, TPN 007-13-17-003.

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

Mr. Tommy Paradise stated that the parcel is irregularly shaped. He stated the applicant is asking for a 11 ½ inch, 2 sq. ft gross area variance due to the encroachment of the required 5 ft side setback requirement for garage with an overhead living space. Mr. Paradise stated that each member packet contains a letter from Wallace and Diane Castles, who are the adjoining property owner, supporting the application. He continued by stating that if the variance is granted, staff would recommend the following conditions: 1. This variance will apply only to this property and will not apply to any future development on the site should this plan not be developed. 2. The variance would require that the building footprint be constructed as conceptually shown in the exhibits.

Applicant Jason Thacker of 33 Crystal Lake Drive, was sworn in at the podium. He presented the members with additional photos of the property. He stated the variance is only needed at the end of the property where it is irregularly shaped.

Chairman Kevin Scaggs asked for clarity if the applicant is looking to building a standard size double garage and not an oversized garage.

Mr. Thacker concurred.

Mrs. Stallworth asked if the garage would be the same height of the home and if there would be a living space built above the garage.

Mr. Thacker Concurred.

John Barnhart of JR Builders was sworn in at the podium. He stated that the garage will be the same height as the house, as well as the construction style.

The Public hearing was closed.

b. **Consideration** – Consideration of Application ZV24-009 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion to grant the variance with the following conditions

- This variance will apply only to this property and will not apply to any future development on the site should this plan not be developed.
- The variance would require that the building footprint be constructed as conceptually shown in the exhibits.

Kathie Stallworth seconded the motion. It was approved unanimously.

6. **ZE24-004** – A request by WSM Ventures, LLC for a Special Exception to allow a motor vehicle repair and service center in the GC, General Commercial Zoning District. The request affects approximately .53 acres at 532 East Martintown Road, TPN 007-16-04-002, and 10139 Atomic Road, TPN 007-16-04-003, currently zoned GC, General Commercial and R-10, Single-Family Medium Lot Residential Zoning Districts.
 - a. **Public Hearing** – The purpose of the hearing to receive public comment on the application.

Mr. Paradise stated that there are two parcels involved in the Special Exception request. One of the parcels is zoned General Commercial and the other parcel was previously zoned as R-10 but was recently rezoned General Commercial by City Council in order for the two lots to be combined for the project. The applicant is requesting a Take 5 Oil Change and needs a Special Exception for a motor vehicle service and repair business in the General Commercial zoning district. He continued by stating that there are also 3 conditions in addition to the Special Exception waiver. 1. All service and repair operation may be conducted no less than 50 feet from any residential property line. 2. No Doors or windows may face adjoining residential districts as conceptually shown in the exhibit. 3. No junk or salvage vehicles shall be kept on the premises.

London Smith asked if any of the owners of the surrounding properties have had any comments.

Mr. Paradise stated that staff has not gotten any feedback from the surrounding neighbors, but notes that most of the residents in the areas are renters of the properties. He points out to the members that majority of the staff reports prepared for the meetings are completed by staff member Lastacia Reese but this particular staff report was completed by staff member Kuleigh Baker, due to Lastacia Reese being a neighboring resident to this Special Exception request and to avoid conflict of interest. Mr. Paradise stated that Ms. Reese has been blocked out from the process of this application and that she came the Planning Commission meeting to voice her concerns and get answers to her questions about the project.

London Smith asked what was Ms. Reese concerns about the project.

Mr. Paradise stated that Ms. Reese may have not wanted anything to be on the lot but understands that there could be another project that is more impactful. He stated that Ms. Reese would prefer the proposed project more so than a 24-hour convenience store or a fast service restaurant with drive thru speakers.

Bill Burkhalter asked if the use of vehicle repair service in the General Commercial district the reason the Special Exception is needed.

Mr. Paradise concurred.

Mrs. Stallworth asked what district could the use be located in without needing a special exception.

Mr. Paradise stated that it would need to in the Thoroughfare Commercial district.

Applicant David Barry 1028 Glendulyn Circle in Spartanburg, SC was sworn in at the podium. He stated that there will be no salvage or junk cars on the premises and customers are serviced while in their vehicles. He continued by stating that a privacy fence and heavy screening around the business is proposed to block as much as possible with the neighboring residents.

Chairman Scaggs asked about other maintenance services that the may be offered from Take 5 Oil Change.

Mr. Barry stated the business will offer windshield wiper blades, engine air filters, cabin air filters, and coolant exchange, as well as adding air in tires. He stated that there is a small air compressor that runs periodically that is needed for the oil pump and adding the air to tires. The air compressor will run approximately 6 times a day for 2 minutes each time and will be enclosed in a room to reduce noise pollution.

Chairman Scaggs asked if there will be any landscaping.

Mr. Barry stated that there will be landscaping that adheres to the City of North Augusta Development Code, in addition to the privacy fence along the perimeter of the property.

Chairman Scaggs asked what are the hours of operation for the business.

Mr. Barry stated that hours are currently 7:00am to 8:00pm Monday to Friday, 8:00am to 6:00pm on Saturday and 9:00am to 5:00pm on Sunday.

London Smith asked if the proposed Take 5 Oil Change was the same as the Take 5 Oil Change located in Augusta, Ga

Mr. Barry concurred.

The public hearing was closed.

b. Consideration – Consideration of Application ZE24-004 by the Board of Zoning Appeals.

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

- All service and repair operation may be conducted less than 50 feet from any residential property line
- No Doors or windows may face adjoining residential districts except as conceptually shown in the exhibit

Kathie Stallworth seconded the motion. It was approved unanimously.

7. **ZV24-010** – An appeal by Spring Grove Missionary Baptist 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 Reader boards, 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 5.66 ac zoned R-7, Small Lot Single-Family Residential, located at 1677 Womrath Road, TPN 012-17-02-020.

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

Mr. Paradise stated that the church is located in the R-7 district but is contiguous to a General Commercial district. He stated that electric reader boards are only allowed in the Office Commercial, General Commercial, Thoroughfare Commercial and Industrial Commercial districts. Mr. Paradise state the if variance is approved, staff would recommend the following conditions: 1. This variance 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 the time or request another variance if possible. 2. Limiting hours of operation of the sign is that the reader board will not operate between the hours of 10pm and 6am. The sign would be expected to follow all the regulated colors, refresh and other regulations of the sign code any limitations to hour operations to specified by the board as part of the case so ordered.

Chairman Scaggs asked if the existing signage a changeable copy sign.

Mr. Paradise concurred.

Chairman Scaggs asked if the Newly Adopted Development Code would allow the church to have a new changeable copy sign.

Mr. Paradise stated that the Newly Adopted Development Code would not allow the church to have a new changeable copy sign and they would need a variance for that sign as well.

Chairman Scaggs asked if the church was to change the sign to a sign that would adhere with the Development Code would that lose the capability of the sign.

Mr. Paradise concurred.

Chairman Scaggs asked if there was any other sign other that the electronic message board and the changeable copy sign that the church could use to convey their messages.

Mr. Paradise stated that there are only the two messages centers signs: traditional and electronic.

Chairman Scaggs asked if the church is a part of a subdivision.

Mr. Paradise stated that the church is located on a main corridor.

Bill Burkhalter asked for clarity if the changeable copy sign would not be allowed with the current Development Code or if it is the size of the sign that would not be allowed.

Mr. Paradise stated that the size of the sign would not be allowed with the current Development Code.

Chairman Scaggs stated that the changeable copy sign would also not be allowed according to the Development Code.

Ron Patterson of 106 Main Street New Ellenton Sc was sworn in at the podium. He stated the sign has the capability of controlling the message from home. He stated that the members of the church are much older and the upgrades makes it easier to convey the messages from the church. He also stated that the motion and brightness features of the sign can also be controlled from home.

Mr. Paradise asked if the sign has an automatic sensor to detect the brightness of the sign and that the Development Code requires the sign to have the sensor.

Mr. Patterson concurred but stated he will need to ensure with the manufacturer that the sensor adheres to the North Augusta Development Code regulations. He stated that he was ensure that the sign would adhere to the Development Code but he did not ask any specific questions about the Automatic Sensor.

Mr. Paradise asked if the applicant was aware of the feature restrictions placed on electronic reader boards in the City of North Augusta.

Mr. Patterson concurred.

Chairman Scaggs asked if the church has a website or social media handles.

Mr. Patterson stated that the members of the church are elderly and not many used the web for communication.

Chairman Scaggs stated that there seems to be low forms of communication and the sign seems to be important to the church.

Mr. Patterson concurred.

London Smith asked Mr. Patterson to elaborate on the hardships of changing the sign.

Mr. Patterson stated that in order to change out the current sign, the elderly members must carry a box of letters to the edge of the road, lift the sign vanity covering and hold it with their head. The church is concerned with the risks of the members slipping and falling especially after rainy weather.

Mrs. Stallworth stated that the ground of the church seems to be slanted where the sign is located.

The public hearing was closed.

b. Consideration – Consideration of Application ZV24-010 by the Board of Zoning Appeals.

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

- This variance 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 the time or request another variance if possible.
- Limiting hours of operation of the sign is that the reader board will not operate between the hours of 10pm and 6am. The sign would be expected to follow all the regulated colors, refresh and other regulations of the sign code any limitations to hour operations to specified by the board as part of the case so ordered.

Bull Burkhalter seconded the motion. It was approved unanimously.

- 8. ZV24-011 – An appeal by GKE Properties, LLC for a variance from 4.12.7.2 General Commercial Use and Intensity-Impervious Surface Ratio of the North Augusta Development Code for the current impervious surface area. The request affects approximately 5.5 acres zoned GC, General Commercial, located at 871 Edgefield Road, TPN 011-11-01-001.**

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

Mr. Paradise stated that Harbon Lumber Company is located on the parcel and the applicant wished to pave the existing gravel parking area. The impervious surface area from the paving will be 89% or 4.886 acres and only 70% impervious surface is allowed in the General Commercial District. He stated that the applicant is changing the parking area from 4.92 acres to 4.886 acres. Mr. Paradise stated the parking area is current Crush and Run and occasionally allows seepage of water to occur. He states that staff has a concern about the surface water once the parking area is paved and staff recommend the following conditions: 1. This variance will apply only to this property and will not apply to any future development on the site this plan can be developed. 2. This variance will require the future submittal plans address stormwater runoff and that the water runoff comply with the current regulations for stormwater. Mr. Paradise stated the project is an existing non-conformity that has been located on the parcel from sometime.

Bill Burkhalter asked if when the property was first built, was it located in the city or was it annexed in the city.

Mr. Paradise stated that he is unaware of the original build of the property. He stated that concern would be where will the water runoff go if the parking lot is paved.

Chairman Scaggs asked if the gravel considered impervious.

Mr. Paradise concurred.

Bill Burkhalter questioned the reduction of the impervious surface area.

Mr. Paradise stated that the reduction is from 4.92 acres to 4.886 acres.

Applicant Bill Corder of 103 Virgil Wall Rd in Edgefield was sworn in at the podium. He stated that he is the project engineer. He states that the Development Code does not allow imperviousness in the district above 70%. The existing site is approximately 89% impervious so the site is non-conforming. He stated that the purpose of the project is to address the maintenance issue of the drainage system being filled with gravel and no water being able to flow through the drainage system. Due to the parking area being Crush and Run, weather conditions also pushed gravel into the stormwater pond and created an issue for stormwater. The applicant recently submitted a site plan to address and correct the issues caused by the gravel. Mr. Corder stated that the stormwater pond is proposed to be cleaned out and enlarged to accommodate the water runoff when the parking area is paved. He stated that both conditions require a variance in order to get them in compliance.

Chairman Scaggs asked if the water going into the same ponds.

Mr. Corder stated that as of right not he is unaware of where the water is going because the pipes are clogged with gravel, but once the project is done the water will be contained and flow where it should.

Mrs. Stallworth asked if the water is affecting any residents nearby.

Mr. Corder stated that there are no residents neighboring the property but if the issue is not addressed, it may affect residents in the future. He also stated that a Water Quality Unit will be placed on the pond and it will filter out the trash and debris as well.

London Smith if there will still be gravel on the property.

Mr. Corder stated that essentially there will be no gravel on the property except for the small area from employee parking.

London Smith asked if the gravel from the employee parking cause future issues with stormwater.

Mr. Corder stated that the area should not cause an issue due to the gravel being compacted from employee driving and the pipes will be bigger so they will be able to filter the gravel to the Water Quality Unit if it was to drop into the pond. The Water Quality Unit is cleaned every 12 months.

The public hearing was closed.

b. Consideration – Consideration of Application ZV24-011 by the Board of Zoning Appeals.

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

- This variance will apply only to this property and will not apply to any future development on the site this plan can be developed
- This variance will require the future submittal plans address stormwater runoff.

Bull Burkhalter seconded the motion. It was approved unanimously.

9. Adjourn 7:58pm

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "T. L. Paradise".

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