

Board of Zoning Appeals



**Minutes for the Tuesday, September 3, 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 in attendance except London Smith.
3. **Approval of Minutes** – Minutes of the Regular Meeting of August 6, 2024.

Amendment to wording to be “seconded the motion” instead of “made the 2nd Motion”.

Bill Burkhalter made the 1st motion to approve the minutes as amended. Jim Newman seconded the motion. It was approved unanimously.

4. **Confirmation of Agenda** Tommy Paradise noted that there will be a discussion related to training and scheduling that training. Agenda was confirmed.
5. **ZV24-012** – An appeal by Michael Buhmeyer for a Special Exception for a Home Occupation from Table 5.1 Use Matrix of the North Augusta Development Code. The request affects approximately 0.01 ac zoned PD, Planned Development, located at 347 Landing Drive, TPN 007-18-03-021.
 - a. **Public Hearing** – The purpose of the hearing to receive public comment on the application.

Tommy Paradise stated that the request is for a Home Occupation for an Attorney’s office to operate out of residence at 347 Landing Drive. He stated that the applicant

doesn't expect to have many people arriving and departing from the residence. Mr. Paradise stated that several emails were received after the agenda packet was made and a dais of the emails were provided to each member for review. Those additional email were from Eddie Butler, Tim and Mary Pate, Steve Donahue, John Sessions and Bob and Liz Zhanger.

Kathie Stallworth asked if an email was received for Eddie Butler.

Mr. Paradise concurred.

Mr. Paradise stated that the subject parcel is located within a PD, Planned Development and it consists of multifamily condominiums. Mr. Paradise presented photographs of the neighborhood to the members and the public. He continued by stating that the latest adopted North Augusta Development Code requires a Special Exception for all Home Occupations. Mr. Paradise stated that the "Master Deed" was referenced in several emails. He stated that he has reached out to several colleagues, other Planning Directors and the Development Official regarding the application, in regards to receiving second opinions. He also stated that he spoke with the City Attorney and the City attorney classified a Master Deed similar to a Covenant. A covenant has the authority to restrict a use, even if the city's code allows it, vice versa and the strictest would prevail.

Kevin Scaggs stated that he is aware of the total number of trips from a Home Occupation is set at 10 trips but asked if arriving and departing from the residence is considered 1 trip.

Mr. Paradise stated that it would not be considered one trip and explained that trips are measured similar to a traffic study and arriving at the residence would be considered 1 trip and departing from the residence would be considered 1 trip.

Jim Newman asked if the City Code would allow the use of Home Occupation at the residence.

Mr. Paradise stated that the North Augusta Development Code allows 10 trips per day for Home Occupations and that the newly adopted Development Code requires Home Occupations to have a Special Exception. He stated that the uses presented aligns with the criteria for Home Occupation, but the Special Exception criteria would still need to be met. Mr. Paradise raised the question if the home occupation would be allowed, would it create an adverse relationship with the neighborhood or would it be compatible to the neighborhood.

Jim Newman asked if the Landing's Master Deed and/or Covenant allows for a Home Occupation to be present.

Mr. Paradise stated that the Master Deed does not specify and states "units shall be used for residential purposes and limited auxiliary home office uses. A Home office use shall be considered accelerin as long as the existence or operation of activity is not apparent or detectable by sight, sound, smell outside the unit. The activity

conforms to all zoning requirements for the condominiums. The activity does not involve regular or unreasonable visitation of the unit by clients, customers, suppliers, other invitees or door-to-door solicitation of residents of the condominiums. The activity does not increase traffic or include frequent deliveries within the condominium other than deliveries by couriers, express mail carriers, partial delivery services and other such delivery services. The activity is consistent with the Primary Residential character of the condominium and does not constitute a nuisance, hazardous, offensive use or threaten the safety of other residents of the condominium as may be determined in the sole discretion of the board. The activity does not result in a material greater use of common element facilities or association services.” It goes further by stating “no other business trade or similar activity shall be conducted upon a unit without the prior written consent of the board. The term business and trade are used in this provision shall be construed to have their ordinary general accepted meanings and shall included without limitation any occupation work or activity undertaken on an ongoing basis which involves the provision of services to persons other the provider’s family and for which the providers receive a fee compensation or other form of consideration regardless of whether

- A. Such activity is engaged in full or part-time.
- B. Such activity is intended to or does generate a profit
- C. A license is required. “

Kathie Stallworth questioned the legal standing that a covenant or master deed would have.

Mr. Paradise stated that for the ruling of the Board of Zoning Appeals, the covenant or Master Deed has no standing and would be a separate issue. He stated that the Master Deed restrictions would be a civil matter.

Bill Burkhalter stated that theoretically the board could approve it because the action they take would be related to the city’s regulations and how they interface with the applicant request.

Applicant Michael Buhmeyer of 347 Landing Drive, was sworn in at the podium. He stated that he relocated to North Augusta after living in Charleston for over 50 years. He spoke about the friendliness of the people has been one of the best attributes of the city. He stated that his business is a small boutique practice that focus area is based on aspects of tax law including representation of persons and entities before the IRS, income tax return preparation for individuals and business and prospective tax law advice. He states that he’s been practicing law for almost 16 years and has owned his own firm since 2010. He stated that his firm is operated in some manner out of his home office since 2011 and is in continuous compliance with all the business license requirements of the City of Charleston. He stated that he has a plan to retire the next 3-5 years and anticipates continuing his practice on a smaller scale until then. He stated the majority of his client interactions occur virtually using computer virtual reality conferencing platforms or by telephone. He

continued by stating that he has never had employees or volunteers working for his firm and his is co-owner with one other attorney who still resides in Charleston. He stated that him and his business partner communicate through telephone or virtually, unless the applicant travels to Charleston. He stated that he has no clients in the City of North Augusta and all he communicates with his current clients virtually unless he travels to their location. If he is to ever host a client, he stated that he would anticipate renting a conference room and not have clients come to his residence. He stated there will not be any signage placed on the property and there will no exterior changes to the property.

Kevin Scaggs asked what would the anticipated number of trips per day be for the business?

Mr. Buhmeyer stated that the anticipated amount of trip would be zero and all of his work would be performed virtually.

Kevin Scaggs asked that once the business is established in the City of North Augusta, what would be the anticipated number of trips.

Mr. Buhmeyer stated that he would continue to perform his work virtually and remain in aligned with his current business practices.

Kevin Scaggs reiterated for clarity, if the applicant would not host meetings with clients at his residence.

Mr. Buhmeyer concurred. He stated his office is small and would feel more comfortable hosting the meetings away from home.

Kevin Scaggs asked there were any other Home Occupations listed in the neighborhood.

Mr. Paradise stated that he was not aware of any but there is a possibility if the business has not been reported to city or if they acquired a business license in prior years.

Bill Burkhalter asked there were assigned parking spaces with the condominium.

Mr. Buhmeyer stated that there are no assigned parking spaces.

Kevin Scaggs asked if the property faced the parking lot.

Mr. Buhmeyer stated that his property is facing the street.

Eddie Butler of 508 Front Street, was sworn in at the podium. He stated the condominium has never had adequate parking. He stated that he believes the variance would be apply to all owners that acquire the property in future date. He continued by expressing his concerns for parking.

Mr. Paradise stated that the variance would include conditions that would have the variance only apply to the applicant and not the property as a whole.

Kevin Scaggs asked how many parking spaces are provided to the 48-unit condominium.

Mr. Butler stated that were originally parking garages but are not being used for parking. He stated there are 37 parking space available for residents and there is no street-parking available. He spoke about another development nearby and stated that there are more units than parking spaces and asked if Mr. Paradise agreed.

Mr. Paradise stated that the parking has been accounted for and a Master Parking Agreement is in place. He stated that the development in which Mr. Butler is speaking about is another application and is not related to ZV24-012.

Mr. Butler stated that he is concerned that developments are being built without proper parking arrangements and any growth can be disruptive.

Mr. Paradise stated that the recommendations for the variance are listed as follows:

1. If approved, the home occupation not be allowed to have nay employees or volunteers on site.
2. The Home Occupation not be allowed to have clients, attorney's, or business associates on site
3. The Home Occupation would apply only to this applicant and does not run with the land.
4. The Home Occupation if approved, would only apply to Mr. Buhmeyer to operate at the proposed location.

Michael Ruben as a representative for the Homeowners Association of the River Club of 269 E. Shoreline Dr, was sworn in at the podium. He expressed his disapproval of the Home Occupation due to the parking restrictions. He stated visitors parking in the street can make it difficult for emergency services to access the neighborhood. He stated that any increase in traffic is a concern. He also expressed concerns that if the Home Occupation is approved, it will open the door for more businesses to operate from their home in the area.

John Sessions of 334 Landing Dr, was sworn in at the podium. He stated that if the Home Occupation is approved, then the fire protection would have to be replaced to allow proper fire protection. He stated the residents have an insurance policy in place and if a business is allowed, he alleged that the residents will lose that protection and cost will increase.

Kevin Scaggs asked if the condominiums consisted of sprinklers and what would happened if one Home Occupation is allowed.

Mr. Sessions concurred and stated that if the Home Occupation is allowed then the entire building becomes Mixed-Use.

Kevin Scaggs asked if Mr. Sessions was familiar with the cost of replacing the sprinklers.

Mr. Sessions stated the cost would be roughly 5 or 6 figures.

Kevin Scaggs asked if Mr. Sessions had any background in fire protection.

Mr. Sessions stated he manages a group in related field.

Jim Newman asked Mr. Paradise if the fire protection an issue that the city would take into consideration.

Mr. Paradise stated Public Safety and Building officials would regulate whether the Home Occupation would reclassify the use of the building. He also stated that this is under the consideration of the board as well. Mr. Paradise stated that he cannot confirm or deny what Mr. Sessions stated.

Jim Newman asked if The Fire Protection something that needs to be clarified before the board can proceed.

Mr. Paradise stated that the board could continue the case until next month in order to gather more information but allow the public comments tonight due to the number of attendees for the meeting.

Jim Newman asked who is responsible for the fire system.

Mr. Paradise stated the question would be more of a civil issue but suspects that the Homeowners Association would be responsible.

Bill Burkhalter stated the Home Occupation Regulation #13 states that the electrical or mechanical equipment that would change fire rating and create visible or audible interference or cause fluctuations in line voltage outside of the dwelling are prohibited but are not the type of changes that the applicant is mentioning in his plans for the Home Occupation. He stated the applicant has proposed using his computer and printer for business purposes and that it is not out of the ordinary.

Kevin Scaggs asked about the comments made about whether the ramps would need to be ADA compliant if the Home Occupation is allowed.

Mr. Paradise stated the city would not required the ramps to be changed and that the ADA compliance is federally governed. He stated that he sees no need for the ramps to be changed.

Bill Burkhalter stated that that a letter received from the President of the COA indicated that there are some exclusion or exceptions for residential.

Paula Bell, President of the HOA of the River Club Subdivision of 451 E. Shoreline Dr, was sworn in at the podium. She stated that she sent an email to the entire association and received several email back objecting to the approval of the Home Occupation. She expressed concerns with the applicant being allowed to have signage and she doesn't want the neighborhood to look like a business. Mrs. Bell

presented photographs of the access points to Mr. Buhmeyer's residence and expressed her concerns with parking and who will monitor the area to ensure that Mr. Buhmeyer isn't allowing clients in his residence.

Mr. Paradise stated that the Code Enforcement would monitor the area but would not have full knowledge of which vehicles would belong to the actual residents in the area. He stated that if Code Enforcement would address the issue if it is initiated by a citizen. He also stated that if there is an issue, Special Exceptions can be revoked by the Board of Zoning Appeals.

Mrs. Bell stated that the River Club covenant states that businesses aren't allowed and it is not wanted in the River Club community. She stated that she would hope the covenant would prevail over the city's ruling.

Mr. Paradise reiterated that the Board of Zoning Appeals could approve or deny the Home Occupation. If approved, the HOA could still deny the Home Occupation but then it would become a civil issue.

Jason Craig of 232 Landing Dr, was sworn in at the podium. He stated the he is the Vice President of the board for the Landing Neighborhood. He stated that if the board would have been notified prior to the Board of Zoning Appeals, they would have asked would the business plan conform to the HOA Covenant. He stated that many residents work from home since the COVID Pandemic and asked if the business operation similar to the working from home work style.

Mr. Buhmeyer approached the podium. He stated that reason why the HOA Board for The Landing was not notified first is due to lack of communication with the board's manager. He reassured the public and the Board of Zoning Appeals that his business is a small home office and he wanted to do things the right way. He reiterated that he would've proudly communicated with the HOA but no one was forthcoming with the information concerning the HOA. He stated the sign was posted near his door and he would have been happy to answer any questions that the community had if anyone would have visited his residence.

Kevin Scaggs asked that although the business may look like someone working remotely from home, What impact would having a business license issued to the address have on the complex as a whole.

Mr. Buhmeyer agreed that Chairman Scaggs question was valid, but is unaware of Fire Suppression regulations and doesn't believe his business operation would require the complex to upgrade the fire prevention equipment. He stated that renting an office space for business can do from home is cost efficient.

Kevin Scaggs asked if approved, would the applicant anticipate communicating with the HOA Board for The Landing.

Mr. Buhmeyer stated that he does not intend on communicating with the HOA Board, due to the Master Deed as he read it, aligns with the city's ordinance.

Jim Newman asked continuing the decision until the next Board of Zoning meeting to gather more information about Fire Suppression would restrict Mr. Buhmeyer from completing any tasks required.

Mr. Paradise stated that continuing the decision would not grant the applicant the right operate business from the location but no enforcement action will be taken until the final disposition from the Board of Zoning Appeals is determined.

Lark Sessions of 334 Landing Dr, was sworn in at the podium. She stated the she contacted Mrs. Buhmeyer and informed her on who Mr. Buhmeyer could contact in order to notify the HOA Board of The Landing of his business aspirations. She stated her concerns about the Insurance being impacted by the approval of the Home Occupation.

Kevin Scaggs asked who would be the point of contact to inquire about the insurance rates for The Landing.

Mrs. Sessions stated that she has been in contact with an insurance company anticipating the approval of the Home Occupation. She stated that if Mr. Buhmeyer didn't anticipate his business continuing to grow, he would've worked from home without applying for a Special Exceptions Permit. She stated that if the Special Exception is approved, Mr. Buhmeyer could grow his business outside of the desires of the residents.

Kevin Scaggs stated that the Board of Zoning Appeals could govern special exception by placing conditions on the permit.

Jim Newman asked Kevin Scaggs to reiterate to the public the role and responsibility of the Board of Zoning Appeals.

Mr. Paradise reflected on the series of actions and decision making that has brought the case before the Board of Zoning Appeals.

Kevin Scaggs spoke about the process in which the Board of Zoning Appeals approves or denies cases brought before them. He stated that there are 19 criteria and all of the them must be meet in order to be approved.

b. **Consideration** – Consideration of Application ZV24-012 by the Board of Zoning Appeals.

Kevin Scaggs made the first motion to continue ZV24-012 until the next meeting in order to gather more information about fire protection impacts, insurance impacts, ADA prevention impacts and Home Occupation Licenses in the area. Jim Newman seconded the motion. It was agreed upon unanimously.

6. **ZV24-013** - An appeal by Todd Davis for a variance from the maximum building height from Section 5.3 Accessory Uses and Structures and Table 5.2 Accessory Use Locations and Standards of the North Augusta Development Code. The request affects

approximately 0.17 ac zoned R-5, Mixed Residential, located at 529 Pershing Drive, TPN 007-09-17-026.

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

Mr. Paradise stated that the applicant wants to build an accessory structure in the rear of the residence. The City’s ordinance allows the accessory building to be built but prohibits the building from being taller than the residence. Mr. Paradise stated that during the building process, the applicant decided to raise the roof pitch of the accessory building in order to allot storage space. The building inspector noticed the height difference and placed a “Stop Work” order on the building of the accessory structure.

Kevin Scaggs asked how much taller is the accessory structure than the residence.

Mr. Paradise stated that the accessory structure is approximately 3ft taller than the residence.

Applicants Todd Davis of 529 Pershing Dr, and Mark Boyd of 4787 Long Ln in Evans, was both sworn in at the podium. Mr. Boyd stated that there was originally a termite infested garage on the property that was nonconforming. They decided to demolish the old structure and built a new accessory structure that would conform to the current code regulations. He continued by stating the once he was notified of their mistake to raise the roof for storage, he was willing to cooperate to get it in compliance with the code. He stated that he prefers not to take the roof off but is asking for grace.

Jim Newman asked if the Crepe Myrtle Tree located near the accessory structure will be removed.

Mr. Davis stated that there is not plans to remove the trees on the property.

Jim Newman asked if the neighboring property’s accessory structure taller than the original residence.

Mr. Davis stated that he was unaware of the neighboring accessory structure height.

Mr. Boyd stated the elevation of the rear yard could cause a structure to appear taller than the residence.

Kathie Stallworth asked how long had the applicant owned the property.

Mr. Davis stated that he has owned the property for 3 years.

Anna Szakacs of 526 Grant Ave, was sworn in at the podium. She asked if granting the variance to the applicant would allow other residents to build structure at the same height.

Kevin Scaggs stated the variance would only apply to the subject property.

Mr. Paradise stated that the variance would run with the land and be allowed to all future owners of the subject property. He continued by stating that any other applicant would be subject to meet the criteria listed in the Development Code.

Pierce Legein of 530 Grant Ave was sworn in at the podium. He stated that he was glad to hear that the trees would not be removed. He continued by stating that the subject accessory structure is significantly taller than the other accessory structures in the area. He asked if there could be wording to prevent the accessory structure from being a short-term or long-term rental due to privacy concerns.

Mr. Paradise stated that Accessory Apartments are permitted by right in the zoning district of which the subject accessory structure is located.

Kevin Scaggs asked would a resident be required to come before the board to build an accessory apartment.

Mr. Paradise stated that a resident would not need the board approval and would present a site plan and a building permit before the build.

Mr. Legein reiterated his privacy concerns.

Jim Newman asked if the board could place a condition on the accessory structure to prohibit apartment rentals.

Mr. Paradise concurred but stated it would be difficult to monitor the accessory structure due to the building approval steps and not needing to be presented to planning and zoning for approval in the future.

Kathie Stallworth asked if the applicant stated that the accessory structure would only be used for storage and hobbies.

Mr. Paradise concurred.

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

b. **Consideration** – Consideration of Application ZV24-013 by the Board of Zoning Appeals.

Jim Newman made the first motion to approve the variance with the following conditions:

1. This variance will only apply to this property and will not apply to any future development on the site to the current construction be demolished.
2. The variance would require that the building footprint be constructed as conceptually shown in the exhibits.
3. The unit be used as described as a detached garage and storage only.

Bill Burkhalter seconded the motion. It was approved unanimously.

7. **ZV24-014** - An appeal by Hoyt and Berenyi for a variance from the maximum front setback of Section 4.12.8.1 Thoroughfare Commercial Zoning District of the North

Augusta Development Code. The request affects portions of approximately 36.053 ac and approximately 2.43 ac zoned UD, Urban Development (Aiken County), located at 381 Laurel Lake Drive and 210 Twin Hills Road, TPNs 010-16-01-001 and 010-15-01-002. Variance is contingent upon the annexation of the parcels to the City of North Augusta with the zoning designation of TC, Thoroughfare Commercial.

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

Mr. Paradise stated that the two parcels are subject to annexation and staff's recommendation is that it is zoned Thoroughfare Commercial. Allowing the parcels to be zoned Thoroughfare Commercial would allow the applicant an 80ft maximum setback. The parcel is being proposed as a freight terminal for tractor trailer warehousing. Mr. Paradise stated that the applicant is seeking an extension of the maximum setback allowed.

Applicant Cam Sessions of 835 Force Drive in Charleston, was sworn in at the podium. He used the power pointer to indicate the allowed setback and the proposed setback the board members and the public audience on the projector. He stated that he is requesting to extend the setback from 80ft to approximately 400ft. He stated per the ordinance the industrial building would have to be at an 80ft offset of the Twins Hills Road right-of-way.

Kevin Scaggs asked if the 80ft setback is where the parking lot for the warehouse would be located.

Mr. Sessions stated the site has small portion of frontage. They are proposing access points off of Doolittle Road. He spoke about the topography of the parcel and there being a Dominion Energy Easement that has been in place since the 1950s, which spans across the site. He stated the he has been in contact with Dominion Energy about the potential encroachments they will be allowed on their easements. He stated that complying with the current setback regulation is a safety issue and he doesn't want pedestrians walking near where the tractor trailers will be operating.

Kevin Scaggs asked if there would be erosion control during construction.

Mr. Sessions concurred. He stated that DHEC standards and the City's standard will be met during construction for erosion control.

Kathie Stallworth asked if the facility is being moved from Highway 25/ Edgefield Rd. to the subject project.

Mr. Sessions concurred.

Jim Newman asked if the variance is approved, does the applicant propose clearcutting all the trees in the first 80ft. He expressed his concerns of the tree clearing and stated that the trees looked "fairly mature".

Mr. Sessions stated that his development would have to meet the city's standard for buffering and would only clear the trees needed for the construction of the facility.

Bill Burkhalter asked approximately how many tractor trailer trucks would be visiting the facility on an hourly basis. He stated that he was aware of the concerns of nearby residents and their inability to access their neighborhood due to trucks being parked in the roadway.

Mr. Sessions stated that he has noticed the "stacking" of tractor trailers in the median on Laurel Lake Dr and that is not something his facility would intend to contribute to on a daily operation. He stated that his facility is not a high-volume facility and stated that his partner Kyle Hoyt would be better knowledgeable on the number trucks entering and existing the facility.

Kyle Hoyt of 396 Evian Way of Mt Pleasant, was sworn in at the podium. He stated that there is a traffic study underway and the 75-door terminal will produce about 50 trips per hour in and out. He stated that 50% of the trips are heavy vehicle trips and the other 50% would be personal vehicles. He stated that the facility is not high volume and their peak hours are outside of the resident's peak hour of traffic. He stated that his facility doesn't want to put freight on the roadway during times of heavy traffic.

Kevin Scaggs asked what was considered the peak hours of the facility.

Mr. Hoyt stated their peak hours follow the peak hours of normal traffic.

Kevin Scaggs asked for clarification that the movement of his facility's vehicle would not contribute to the current issue of tractor trailer stacking in the median.

Mr. Hoyt stated that they have noticed the same issue as the neighbors and reassured the members of the board and the public audience that his facility will not contribute to the current tractor trailers stacking in the median. He stated that part of the facility's traffic study may show extending a three-lane section across their site, in preparation to not have his facility contribute to the issue. He reiterated that his company, Southeastern Freight Line trucks and drivers will not block the resident's entry way to their residences.

Kevin Scaggs asked what was the number of dock doors allowed at the current location?

Mr. Hoyt stated that he was not knowledgeable of that information but estimated 40 or 50 dock doors allowed. He stated the current facility is maxed out and the proposed location is perfect for the growth expected for the facility but currently does not operate 75 dock doors.

Kevin Scaggs asked if there was a study performed that accounts for the growth anticipated.

Mr. Hoyt concurred.

Kathie Stallworth asked if there was a rear access point at the current location on Edgefield Rd. She stated that she travels that roadway often and rarely sees tractor trailers on the roadway in the area.

Mr. Hoyt stated that all of their access points are on Edgefield Rd. He stated the subject property is a better location for the city and their facility.

Kathie Stallworth stated that she visited the subject property the day before and was nearly involved in a vehicular accident departing the property and she expressed concerns about the limited sight distance due to the rise in the roadway nearby.

Mr. Hoyt stated the access points are being fully vetted by the Department of Transportation and the city.

Jim Newman asked if the variance is approved, would it still be at the mercy of the planning commission on whether the facility will be allowed on the subject parcel.

Mr. Paradise concurred. He stated that the applicant would have to be present to City Council for the approval of annexation and then presented to the Planning Commission for approval after staff reviews the site plan.

Jim Newman reiterated for clarity if the Board of Zoning Appeals was only ruling on the setback extension and not the approval of the facility to operate or annex into the city.

Mr. Paradise concurred.

Kevin Scaggs asked if there would be any stormwater contaminants caused by the facility's operation.

Mr. Hoyt stated that Southeastern Freight Lines has someone dedicated to inspecting all of the company's facility. He continued to say that the facility should be covered by an industrial store stormwater permit, which subjects the facility to frequent inspections and regulations by the state. He stated that there will be someone at Southeastern that ensures compliance with the permit, as well as during construction for erosion cement control. He stated that they want to be respectful of Laurel Lake Subdivision and they hold their team at high standards. He ensured the members of the board and the public that stormwater and erosion issues are something that will be closely monitored.

Paul Smock of 106 Sourwood Dr, was sworn in at the podium. He expressed his confusion and stated that he believes the decision has already been made. He asked why where the residents not made aware.

Mr. Paradise stated the currently the property is not in the city limits. He stated that City Council is the deciding factor of whether the parcel will be annexed and the application has not been presented to City Council as of present day. Mr. Paradise stated that complaints about the facility will be addressed during the next City

Council meeting when the application is presented. He continued by stating that he is unaware of the County's Zoning allowed uses but if a property use complies with the ordinance in place then the use is permitted.

Mr. Smock asked if the residents would have a chance to speak at any point throughout the process.

Mr. Paradise stated that the public is welcome to attend the Planning Commission meeting as well however if the City Council approves to annex and zone the property, if the property use is allowed under the zoning approved by City Council, then the use will be permitted by law. He stated that an application can not be lawfully denied due to the opinions of the surrounding neighbors if the ordinance lawfully permits the use.

Kevin Scaggs asked if the residents could attend the City Council meeting as well.

Mr. Paradise concurred.

Mr. Smock stated the he feels the residents don't have a say in the matter.

Kevin Scaggs and Kathie Stallworth both reassured Mr. Smock that the residents can be heard at the appropriate meeting, which would be the City Council meeting and the Planning Commission meeting.

Mr. Smock continued to state his concerns about the drainage to stormwater and the potential issues, as well as traffic concerns.

Mr. Paradise reiterated the calculations of how much traffic would be produced by the facility.

Dr. Barry M Goldman of 108 Yucca Ave, was sworn in at the podium. He stated that he interested to know how many employees the facility will have. He also wants to know more about the trucks that will be traveling on Laurel Lake Dr. He stated the he believes that the facility will only be accessed off of Laurel Lake Dr. He continued by stating that he wants more detailed information about pathways that will be used by the employees and the freight trucks drivers and how It would impact Laurel Lake Dr.

Jim Newman stated that Laurel Lake Dr. will not be one of the access points for the facility.

Kevin Scaggs pointed to Laurel Lake Dr on the projector to indicate where the road is located and the proposed entry points for the facility would be located off of Twin Hills Rd.

Kathie Stallworth stated the Twin Hills is connected to Laurel Lake Dr.

Jim Newman reiterated that the facility's truckers would travel on Laurel Lake Dr but would turn onto Twin Hills Rd to access the facility.

Mr. Smock stated that the traffic pattern has not be disclosed to the nearby residents and he would like to see the egress and ingress of the trucks and employees. He continued by stating that a third lane has been developed by trucks turning into the gasoline dispensing station and the third lane end right before Twin Hills Dr. He doesn't believe that the roadway is wide enough for trucks or cars to pass the makeshift third lane and that a provision for an extended third lane would be necessary to address the traffic issues.

Jim Newman stated that the Mr. Smock's concerns would need to be addressed by the Planning Commission and that the Board of Zoning Appeals are only ruling on the extension of the required setback.

Mr. Smock continued by stating that the facility is a threat to public safety.

Mr. Newman reiterated that threat to public safety concerns would need to be presented and addressed at the next City Council meeting.

Mr. Smock stated that the variance for the setback is of importance and the facility will create an impediment and traffic hazard to the residents of Laurel Lake Dr.

Kevin Scaggs stated the Mr. Smock seems to be interested the Traffic Study report.

Mr. Smock concurred. He stated that he finds the date of the meeting and location of signs interesting and doesn't believe the residents had enough time to meet to discuss the facility.

Kathie Stallworth stated that letters are sent out lawfully to the nearby impacted residents as well as the signs posted in the area if the residence is in the appropriate footage of 200ft of the property.

Mr. Smock stated that he did not received a letter nor did some of his neighbors and that him and none of his neighbors are within the 200ft of the property.

Mr. Paradise stated that the calendar for the city's meetings are established one year in advance.

Doug Shull of 107 Blackhaw Dr, was sworn in at the podium. He stated that he attended the meeting for fact finding reasons. He stated the he would like to see the plot map against where the lakes are located and the quality of the pond. He believes that the facility will have an adverse effect on their neighborhood.

Kevin Scaggs asked if Mr. Blackhaw knew of any extra features that could be incorporated into their design to address their concerns.

Mr. Blackhaw stated that there is a list of things that would need to be addressed and there is no simplified answer. He stated that he believes their neighborhood will be affected regardless.

Kim Smock of 106 Sourwood Dr, was sworn in at the podium. She asked why the property wants to be annexed in the City of North Augusta.

Mr. Paradise stated that the applicant wants access to City Utilities and they are contiguous to the city.

Kathie Stallworth asked if the applicant is allowed city fire and police protection as well.

Mr. Paradise concurred.

Mrs. Smock asked if the Traffic Impact Analysis would be required whether they were in the city or remained in the county.

Mr. Paradise stated that the Traffic Impact Analysis is required because the facility will have two access points. He stated that the city is seemingly stricter than the county.

Applicants Mr. Hoyt approached the podium and stated his development wants to be good neighbors and reassured the audience that they will address any concerns that they may have and offered his person contact information to each of them. He stated that traffic analysis show that they are a low volume freight business and that they will do everything to graph the neighbors' concerns into their design.

Kevin Scaggs asked if the traffic study will come with recommendations.

Mr. Paradise concurred.

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

Consideration – Consideration of Application ZV24-014 by the Board of Zoning Appeals.

Jim Newman made the first motion to approve the variance with the following conditions:

1. The variance is contingent on the annexation of the applications ANX24-004 and ANX24-005.
2. The variance will apply only to this property and will not apply to any future development on the site should this plan not be developed.
3. The variance would be required that the building footprint be constructed as conceptually shown in the exhibit.

Bill Burkhalter seconded the motion and it was approved unanimously.

Kathie Stallworth stated to the public that if the public notice signage was placed in an area that is visually impaired, that is it not at the fault of Southeastern Freight Truck Line and that the city places the signs.

Training Schedule

The members of the board and Mr. Paradise spoke about a day to schedule training and they discussed a possible date of December 4th but will confirm schedules at a later date.

8. Adjourn 9:04pm

Department of Planning and Development



Project Staff Report

ZV24-012 Home Occupation

Prepared by: La'Stacia Reese/Tommy Paradise

Meeting Date: November 12, 2024

Project Name	Home Occupation
Applicant	Michael Buhmeyer
Engineer	N/A
Address/Location	347 Landing Drive
Parcel Number	007-18-03-021
Zoning District	PD, Planned Development
Overlay District	NA
Future Land Use	Residential Single-Family
Proposed Use	Home Occupation/Private Law Practice
Parcel Size	±0.01 acres

SECTION 1: PROJECT SUMMARY

SECTION 2: BOARD OF ZONING APPEALS CONSIDERATION

North Augusta Development Code (NADC) Section 18.8 establishes the application process for a special exception. Section 18.8.4 of the NADC defines the criteria the Board shall use in hearing and deciding requests for special exceptions. As a part of the hearing, the BZA may impose additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

NADC Section 18.8.4 defines the criteria the Board shall use in to hearing and deciding upon requests for special exceptions. The Section reads:

1. The use complies with all regulations, conditions, and standards of this Chapter unless approved as a major waiver.
2. The use will not substantially injure the value of adjoining properties, or the use is a public necessity.
3. The use is of a size, shape, and character suited for the proposed site.
4. The location and character of the use, if developed according to the information as submitted and approved, will be compatible with existing uses adjacent to and

near the property and will not adversely affect the development of the neighborhood or the district in which the use is proposed.

5. The use will not create traffic impacts or parking issues that will endanger public safety or contribute to traffic congestion, or unacceptably adversely impact nearby properties when compared with uses permitted by right in the same zoning district.
6. The use is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.
7. The use will not be hazardous, detrimental, or disturbing to surrounding land uses due to noise, light, glare, smoke, odor, fumes, water pollution, obstruction of air flow on adjoining properties, or other general nuisances.
8. The use will be adequately served by essential public services and facilities and will not require additional public expense.
9. The uses will not adversely affect any site or feature of historical, cultural, natural, or scenic importance.
10. That the proposed use will not conflict with, but will further, the objectives of the *City of North Augusta Comprehensive Plan*.
11. The use will not materially endanger the public health, safety, and welfare if located, designed, and proposed to be operated according to the information submitted. A denial by the BZA based exclusively on this language shall include explicit findings regarding the way in which granting this special exception would endanger public health, safety, and welfare.

The Board of Zoning Appeals (BZA) shall approve the application, approve the application with specified modifications, or disapprove the application. If approved, the Board of Zoning Appeals shall instruct the Planning and Development Director to issue such permit contingent on the specified modifications imposed. If disapproved, the applicant shall be notified in writing of the action disapproving the application, with the reasons therefore.

SECTION 3: PUBLIC NOTICE

A public notice describing the variance request and advertising the scheduled date of the Board of Zoning Appeals hearing was published in the *The Augusta Chronicle* and on the City’s website, www.northaugustasc.gov, on August 14, 2024. A written notice of the special exception request and scheduled date of the Board of Zoning Appeals hearing was mailed to the owners of property within 200 feet of the subject property on August 14, 2024. The property was posted with the required public notice on August 14, 2024.

SECTION 4: SITE HISTORY

The subject property is a part of the Landing at River Club subdivision, which was approved as a minor subdivision plat in May 2007.

SECTION 5: EXISTING CONDITIONS

	Existing Land Use	Future Land Use	Current Zoning
Subject Parcel	Residential	Residential Single-Family	PD, Planned Development
North	Residential	Residential Single-Family	PD, Planned Development
South	Residential	Residential Single-Family	PD, Planned Development
East	Residential	Residential Single-Family	PD, Planned Development
West	Residential	Residential Single-Family	PD, Planned Development

Access – The site currently has access from Landing Drive.

Topography – The subject parcel is relatively flat.

Utilities – Water and wastewater service are available. The property is served by the City of North Augusta water and sewer.

Floodplain - The site is not within federally designated floodplain or wetlands.

Drainage Basin –The subject property is located in the Waterworks Basin. The Waterworks Basin is a very large basin in the city that handles tremendous flows during rain events. The basin drains the areas from Knox Avenue including Kroger and Lowe’s, Walmart, Belk, Publix, Lidl, and Big Lots Shopping Centers, Summerfield Park, Edgefield Heights, and Atomic Road businesses. Much of this water flows through Edenfield Park until it converges beside the Public Safety Complex to the primary basin stream along Riverside Boulevard and then through The River Golf Course and its pond system to the river. The basin is sampled at Shoreline Drive just before it empties to the Savannah River. The basin stormwater system has been updated to prevent historical flooding on Buena Vista Avenue.

SECTION 6: STAFF ANALYSIS

Home Occupations are permitted as Conditional Uses/Special Exceptions in all zoning classifications in the North Augusta Development Code, with the exception of Industrial, Critical Areas, and Public Use zoning districts.

Section 5.3.7 of the current NADC states:

5.3.7 Home Occupations

Home Occupations may be permitted in the zoning districts designated in the Use Matrix, Table 5-1 subject to the following limitations, conditions, and restrictions:

1. The home occupation shall not increase traffic or on-street parking that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception.
2. The use shall be conducted entirely on the premises of the subject’s home.
3. There shall be no display of products from the street and the use does not involve retail trade on the premises.

4. The use shall not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazards, or any other type of nuisance as defined within the North Augusta Code of Ordinances.
5. The use shall not be visibly evident from outside the structure except for an identification sign that conforms to the requirements for signage in a residential zoning district.
6. The appearance of the dwelling unit shall not be altered.
7. The home occupation shall not be conducted in a manner that would cause the premises to differ from its residential character by use of colors, materials, construction, lighting, signs, or increased traffic, or the emission of odors, sounds, or vibrations.
8. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
9. The home occupation shall not involve the use of advertising signs on the premises or any other advertising medium which calls attention to the fact that the dwelling unit is being used for a home occupation except for an identification sign that shall conform to the requirements for signage in a residential zoning district.
10. The home occupation shall be conducted solely by resident occupants of the dwelling unit and one additional employee or volunteer.
11. The home occupation shall be conducted within the dwelling unit or within in an accessory structure located on the same parcel as the dwelling unit except for those necessary outdoor activities related to the care of children. No more than 25 percent of the gross area of the dwelling unit shall be used for the home occupation.
12. A home occupation that utilizes an accessory building, whether attached or detached, shall not occupy a floor space greater than 500 square feet.
13. The use of electrical or mechanical equipment that would change the fire rating of the dwelling, create visible or audible interference in radio or television receivers, or cause fluctuations in line voltage outside the dwelling unit is prohibited.
14. The home occupation shall not involve the use of commercial vehicles for delivery of materials to and from the premises.

15. The preparation of ready for consumption meals or specialty foods, specifically prepared for fresh delivery or catering or consumption at another location, provided that all required state health and restaurant approvals and licenses have been obtained and are maintained as required for "Cottage Kitchens" as defined by state health agencies.
16. Barber and beauty shops operated as a home occupation shall service only one customer at any one time.
17. The teaching of music, art, dance, or exercise as a home occupation shall include no more than two students at any one time.
18. Construction contractor business offices operated as a home occupation shall store any material related to the business entirely within an enclosed structure so as not to be visible from any point offsite.
- 19. Prohibited Uses.** The following uses are expressly prohibited as home occupations.
 - a. Vehicle painting, service, or repair.
 - b. Animals hospitals, kennels, stables, hospitals, and obedience/training schools.
 - c. Restaurants
 - d. Automobile and body and fender repair.
 - e. Repair, manufacturing, and processing uses. However, this shall not exclude the home occupation of small-scale skilled trade including a dressmaker, tailor gunsmith, jeweler, watchmaker, and similar crafts.
 - f. Construction trades where activities or the storage of materials or equipment associated with the business are conducted on the premises.
 - g. Service trades where automobile or truck fleets are customary to the conduct of the business.

NADC Section 18.8.4 defines the criteria the Board shall use in to hearing and deciding upon requests for special exceptions. Following is staff analysis of the items submitted. Staff responses are in bold.

1. *The use complies with all regulations, conditions, and standards of this Chapter unless approved as a major waiver.*
 - The applicant states that the owner of the proposed business activity is the titled owner of the real (residential) property where the business will be

located. No construction, development, modification, or other changes are required to be made to the premises in order to conduct business in the manner proposed at the location. All regulations, conditions, and standards elucidated in Chapter 18 of the North Augusta Development Code will be strictly complied with by the business operation.

Staff notes that the applicant is requesting to operate a home-based law office from their residence.

2. *The use will not substantially injure the value of adjoining properties, or the use is a public necessity.*

- The applicant states that no alterations shall be made to the property, and there will be no visible signage evidencing the business. No injury to the value of any adjoining properties will occur.

Staff notes that the surrounding properties consist of mostly residential, with a golf course in the vicinity of the neighborhood and SRP Park, where the Green Jackets baseball team play games and home to a variety of public events.

3. *The use is of a size, shape, and character suited for the proposed site.*

- The applicant states that one of the three bedrooms in the residence is appropriate in size for the business office, and will be completely unnoticeable from the exterior of the building. No external changes to the building will be made. The size, shape and character of the proposed site is ideal for conducting a business of the type proposed.

Staff notes that the applicant applied for a Special Exception for a home occupation. Table 5-1 Use Matrix states that home occupations are permitted as a Conditional Use/Special Exception. Section 5.3.7 of the 2023 NADC has 18 criteria that an applicant to adhere when applying for a home occupation, which are listed above.

4. *The location and character of the use, if developed according to the information as submitted and approved, will be compatible with existing uses adjacent to and near the property and will not adversely affect the development of the neighborhood or the district in which the use is proposed.*

- The applicant states that as previously stated, there will be no visible evidence observable from the exterior of the building that would indicate that business is being conducted inside. No adverse effects will be produced by the proposed business.

Staff notes that it has received numerous emails concerning the impact and compatibility to the existing neighborhood and have included those in this packet. Many of those concerns are regarding traffic and parking.

Section 18.8.3.2.b allows the Board to “approve with modification or conditions.”

Regarding Home Occupations §5.3.7.1 states “The home occupation shall not increase traffic or on-street parking that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception.”

Likewise, §5.3.7.10 states, “The home occupation shall be conducted solely by resident occupants of the dwelling unit and one additional employee or volunteer.”

If the Board approves the special exception it may want to condition the approval so that the allowances in §5.3.7.1 and §5.3.7.10 not be allowed and that no onsite employees, volunteers, or clients will be allowed on the premises.

5. *The use will not create traffic impacts or parking issues that will endanger public safety or contribute to traffic congestion, or unacceptable adversely impact nearby properties when compared with uses permitted by right in the same zoning district.*

- The applicant states that the proposed business will only occasionally have one, or at most two clients visiting the property at a time, and this could not create any traffic congestion or parking issues. During weekdays there is ample parking available on site as most residents’ vehicles are driven to their work locations, weekend business activities will be sporadic and seldom. Most business presently is conducted virtually, and virtual clients will generally not ever be present at the physical business location. There is no anticipated traffic impacts or parking issues that will endanger public safety or contribute to traffic congestion, nor will there

be any unacceptable adverse impact on nearby properties due the proposed business activity.

Staff notes as stated above, Section 5.3.7.1 in the NADC states that "the home occupation shall not increase traffic or on-street parking that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception.

6. *The use is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.*

- The applicant states that minimal use of such existing pedestrian and vehicular circulation will occur due to the activities of the proposed business, see explanation at 5, above.

Staff notes to see previous explanation above.

7. *The use will not be hazardous, detrimental, or disturbing to surrounding land uses due to noise, light, glare, smoke, odor, fumes, water pollution, obstruction of air flow on adjoining properties, or other general nuisances.*

- The applicant states that a law practice at this property will not generate any of the above enunciated issues, or any general nuisance, public or private.

Staff notes that the use listed for the subject home occupation shall not generate any exterior hazardous, detrimental, or disturbing situations.

8. *The use will be adequately served by essential public services and facilities and will not require additional public expense.*

- The applicant states that no public services will be required to operate the business at this location.

Staff notes that existing public services are provided at the applicant's residence.

9. *The uses will not adversely affect any site or feature of historical, cultural, natural, or scenic importance.*

- The applicant states that the entire business will be situated inside the residence, and at no time shall there be any adverse effect to the above referenced site(s) or feature(s).

Staff notes that no historical, cultural, natural or scenic importance feature will be adversely affected for the subject property.

10. That the proposed use will not conflict with, but will further, the objectives of the City of North Augusta Comprehensive Plan.

- The applicant states that the City of North Augusta Comprehensive Plan will benefit from the operation of the proposed business in that it will generate license fees and tax revenues while being completely inconspicuous to the immediate surroundings. No signage will be placed, and there will be no business activity visible outside the building.

Staff notes that the surrounding property is suitable for residential uses and complies with the Comprehensive Plan.

11. The use will not materially endanger the public health, safety, and welfare if located, designed, and proposed to be operated according to the information submitted. A denial by the BZA based exclusively on this language shall include explicit findings regarding the way in which granting this special exception would endanger public health, safety, and welfare.

- The applicant states that no material endangerment of the public health, safety and welfare will occur as a result of the proposed business operation. A minimal amount of household waste will be generated which can be disposed of using standard residential waste collection services, and all recyclable materials will be disposed of in the proper manner. Additionally, this business strives to be operated paperless, and any limited paper usage will be disposed of by shredding and offsite disposal to ensure security and confidentiality of client records.

Staff Recommendations:

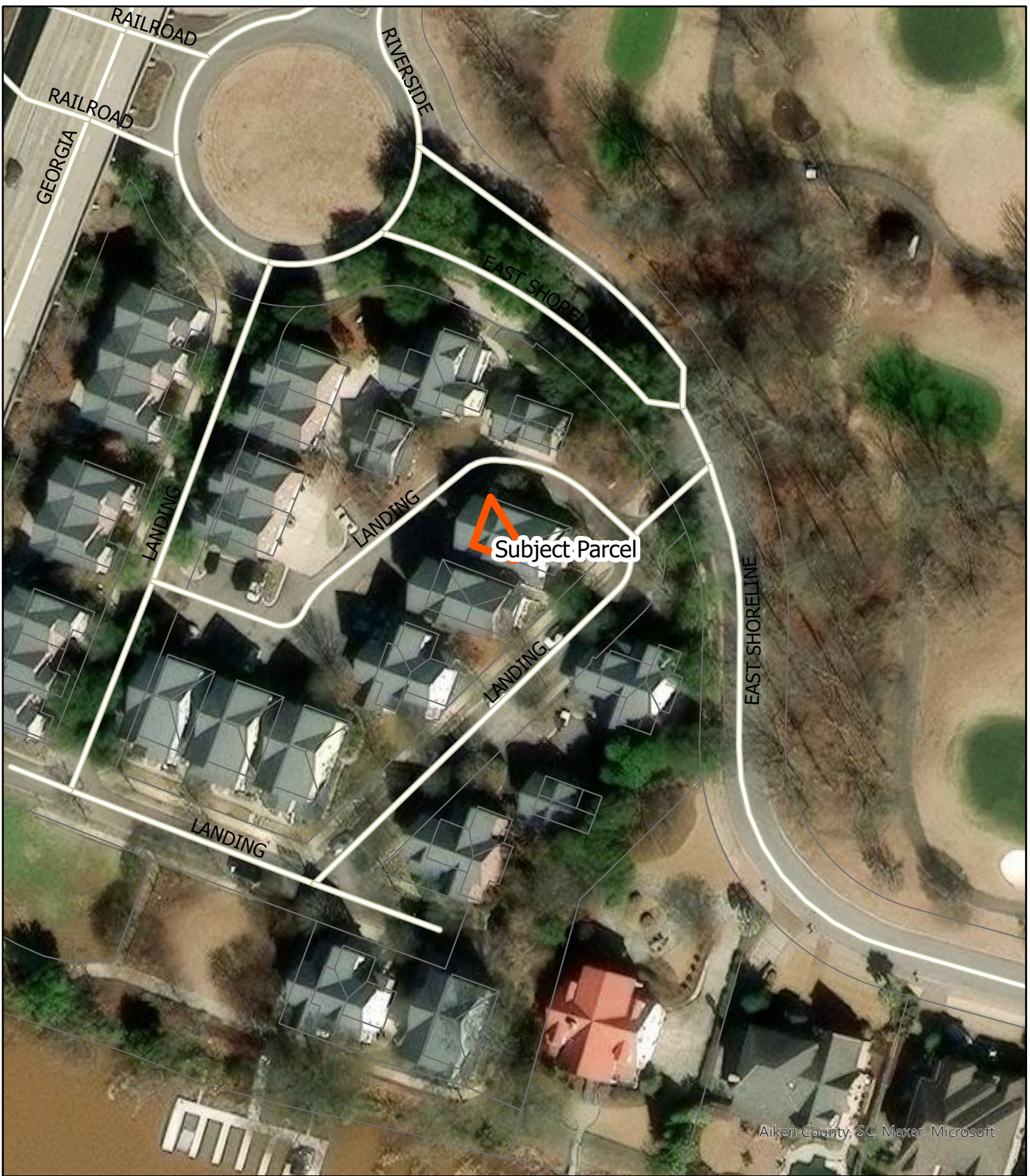
Staff does not support the approval of this application. If the application is approved, staff would suggest the following conditions for approval:

1. **The Home Occupation will not be allowed to have employees or volunteers on-site.**
2. **The Home Occupation will not be allowed to have clients, attorneys, or business associates on-site.**
3. **The Home Occupation is approved for only this applicant and does not run with the land.**
4. **The Home Occupation approval is only for Michael Buhmeyer to operate for this location.**
5. **Any additional conditions that the Board may feel are appropriate.**

SECTION 7: ATTACHMENTS

- 1) Aerial
- 2) Topography
- 3) Zoning
- 4) Public Notice
- 5) Application Documents

cc: Michael Buhmeyer; via email



Aiken County, SC. Maxar, Microsoft

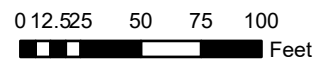
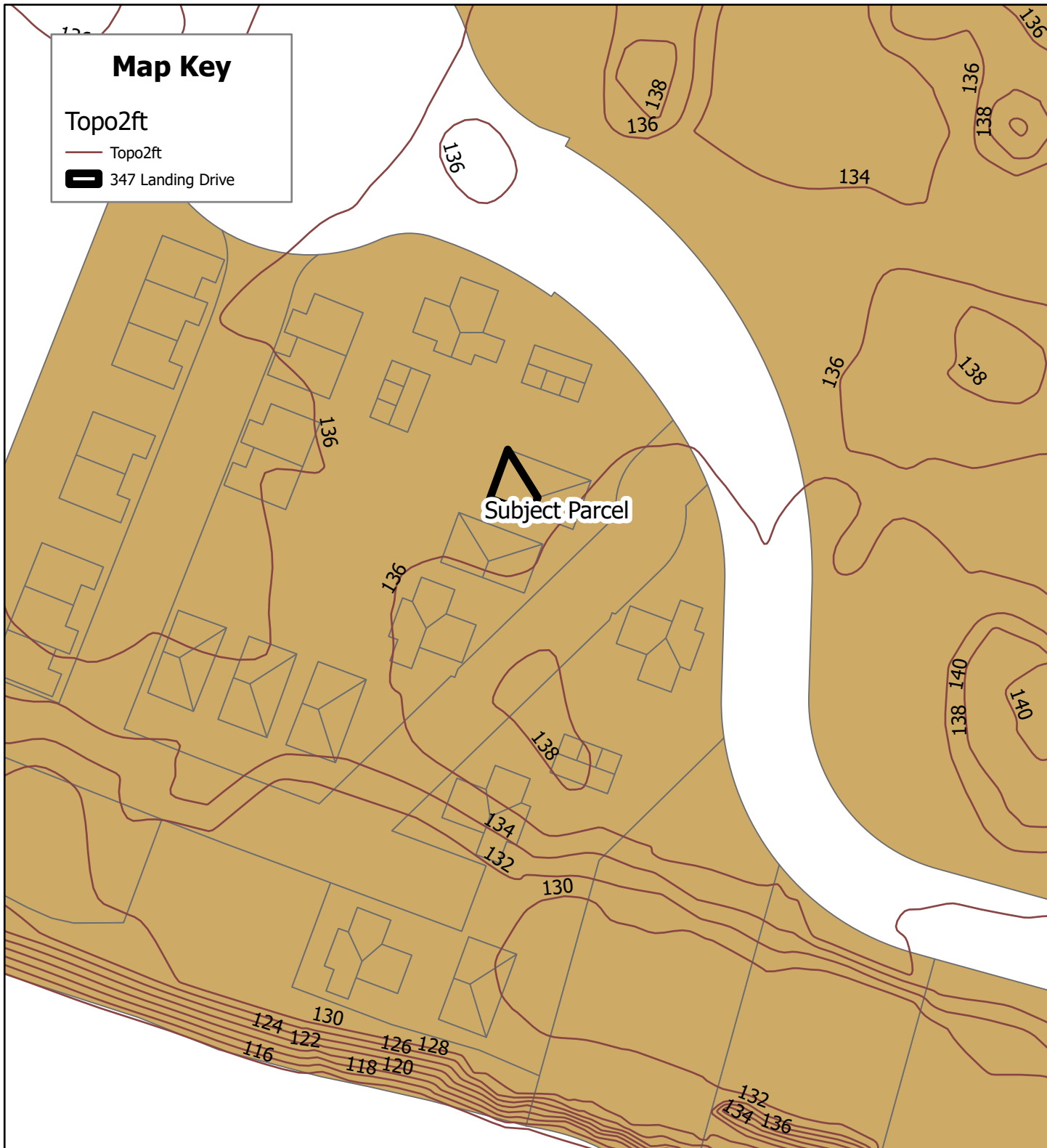


Aerial Map
Application Number ZV24-012
Tax Parcel Number
007-18-03-021

0 15 30 60 90 120
Feet

8/6/2024 4:57 PM





8/6/2024 4:57 PM



Topography Map
Application Number ZV24-012
Tax Parcel Number
007-18-03-021



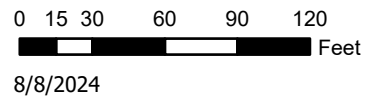
Map Key

Zoning

- PD
- <all other values>

347 Landing Drive

- 347 Landing Drive



Zoning Map
 Application Number ZV24-012
 Tax Parcel Number
 007-18-03-021
 Zoned PD, Planned Development



City of
North Augusta, South Carolina
Board of Zoning Appeals
PUBLIC HEARING NOTICE

The North Augusta Board of Zoning Appeals will hold a public hearing at its regular monthly meeting beginning at 6:00 PM on November 12, 2024 in the Council Chambers located on the 3rd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following application:

ZV24-012 – An appeal by Michael Buhmeyer for a Special Exception for a Home Occupation from Table 5.1 Use Matrix of the North Augusta Development Code. The request affects approximately 0.01 ac zoned PD, Planned Development, located at 347 Landing Drive, TPN 007-18-03-021.

Documents related to the application will be available for public inspection after November 7, 2024 in the offices of the Department of Planning and Development on the 2nd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina and online at www.northaugustasc.gov. All residents and property owners interested in expressing a view on these cases are encouraged to attend or provide written comments to planning@northaugustasc.gov by 12 pm noon on November 12th.

CITIZEN ASSISTANCE: Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.

Notice of Appeal

Please type or print all information



Staff Use Only

Application Number ZV24-012

Date Received 7-26-24

Review Fee 250-00

Date Paid 7-26-24

1. Project Name Home Occupation North Augusta Dev. Code 5.3.7 (2023)

Project Address/Location 347 Landing Drive North Augusta SC 29481

Total Project Acreage N/A Current Zoning R-5 (PD)

Tax Parcel Number(s) 007-18-03-021

2. Applicant/Owner Name Michael J Buhmeyer Applicant Phone [REDACTED]

Mailing Address 347 Landing Drive

City North Augusta ST SC Zip 29841 Email [REDACTED]

3. Is there a Designated Agent for this project? Yes No
If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)

4. Engineer/Architect/Surveyor N/A License No. _____

Firm Name _____ Firm Phone _____

Firm Mailing Address _____

City _____ ST _____ Zip _____ Email _____

Signature _____ Date _____

5. Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?
(Check one.) yes no

6. In accordance with Section 5.1.2.3 of the North Augusta Development Code, I hereby request the City of North Augusta review the attached project plans. The documents required by the City of North Augusta, as outlined in Appendix B of the North Augusta Development Code, are attached for the City's review for completeness. The applicant acknowledges that all documents required by the City must be correct and complete to initiate the compliance review process by the City.

Applicant or Designated Agent Signature

07/26/2024
Date

Michael J Buhmeyer

Print Applicant or Agent Name

* Responses to Special Exemption Review Criteria per N.A Dev. Code Section 18.8.4 attached.

Michael J. Buhmeyer, Esq.
Attorney At Law

July 26, 2024

North Augusta Board of Zoning Appeals
100 Georgia Avenue
North Augusta, SC 29841

RE: Home Occupation Special Exception Appeal

Dear Board Members,

I recently relocated to the City of North Augusta from Charleston, South Carolina where I have been engaged in the private practice of law since 2010, and am desirous to continue this work from an office in my new residence. Please accept the attached documentation for review by the Board for issuance of a Special Exception Certificate of Zoning Compliance so that I may obtain a City business license.

Thank you for your consideration.

Sincerely Yours,

Michael J. Buhmeyer, Esq.

Michael J. Buhmeyer, Esq.
Attorney at Law

Enclosures:

North Augusta BZA Notice of Appeal
Special Exception Review Criteria Responses (Attachment)
Standardized MASC Business License Application
Master Deed for HPR Governing Proposed Business Situs
Special Exception Appeal Fee Check Payment

AIKEN COUNTY GIS

Tax Map:

- 007-18-02-020
- 007-18-02-023
- 007-18-02-024
- 007-18-02-025
- 007-18-02-026
- 007-18-02-027
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- 007-18-04-009

2007017703
 DEED
 RECORDING FEES \$123.00
 EXEMPT
 PRESENTED & RECORDED:
 05-24-2007 11:15 AM
 JUDITH WARNER
 REGISTER OF DEEDS CONVEYANCE
 AIKEN COUNTY, SC
 By: JULIE STUTTS DEPUTY
BK:RB 4138
PG:2122-2238

AIKEN COUNTY ASSESSOR
Tax Map:
007-20-01-019 PORTION

MASTER DEED
OF
THE LANDING AT RIVER CLUB
HORIZONTAL PROPERTY REGIME

**MASTER DEED
OF
THE LANDING AT RIVER CLUB
HORIZONTAL PROPERTY REGIME**

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13.15	<u>Impairment of Units and Easements</u>	25
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expense. The Board of Directors may require that the Owner remove the change, alteration, or construction and restore the Common Elements to its original condition, or may require that the change, alteration or construction remain on the Common Elements without reimbursement to the Owner for any expense incurred in making the change, alteration or construction.

ARTICLE 13: USE RESTRICTIONS

13.1 **Compliance.** Each Owner of a Unit shall be responsible for ensuring that the Owner's family, invitees, guests, tenants and Occupants comply with all provisions of the Condominium Instruments and the rules and regulations of the Association. Furthermore, each Owner and Occupant shall always endeavor to observe and promote the cooperative purposes for which the Association was established. In addition to any rights the Association may have against the Owner's family, invitees, guests, tenants or Occupants, as a result of such Person's violation of the Condominium Instruments, the Association may take action under this Master Deed against the Owner as if the Owner committed the violation in conjunction with the Owner's family, invitees, guests, tenants or Occupants. Use restrictions regarding the use of Units and the Common Elements are as follows and also as may be adopted by the Board of Directors in accordance with the terms hereof and as specified in the By-Laws.

13.2 **Residential/ Home Office Uses.** All Units shall be used for residential purposes and for limited ancillary home office uses. A home office use shall be considered ancillary so long as: (a) the existence or operation of the activity is not apparent or detectable by sight, sound, or smell from outside the Unit; (b) the activity conforms to all zoning requirements for the Condominium; (c) the activity does not involve regular or unreasonable visitation of the Unit by clients, customers, suppliers, or other invitees, or door-to-door solicitation of residents of the Condominium; (d) the activity does not increase traffic or include frequent deliveries within the Condominium other than deliveries by couriers, express mail carriers, parcel delivery services and other such delivery services; (e) the activity is consistent with the primarily residential character of the Condominium and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Condominium, as may be determined in the sole discretion of the Board; and (f) the activity does not result in a materially greater use of Common Element facilities or Association services.

No other business, trade, or similar activity shall be conducted upon a Unit without the prior written consent of the Board. The terms "business", and "trade," as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (a) such activity is engaged in full or part-time, (b) such activity is intended to or does generate a profit, or (c) a license is required.

The leasing of a Unit shall not be considered a business or trade within the meaning of this Section. This Section shall not apply to any activity conducted by the Declarant or a builder approved by the Declarant with respect to its development and sale of the Condominium or its use of any Units which it owns within the Condominium.

From: [Paradise, Tommy](#)
To: [Reese, Lastacia](#)
Subject: FW: Application ZV24-012
Date: Friday, August 23, 2024 8:17:32 AM
Attachments: [image001.png](#)

Please include with staff report.

Tommy Paradise, Director
Planning & Development Department
City of North Augusta
North Augusta, SC 29841
tparadise@northaugustasc.gov
Office Direct 803-441-4225



From: Lark Sessions <lark@comcast.net>
Sent: Thursday, August 22, 2024 5:27 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application ZV24-012

Mr. Michael Buhmeyer of 347 Landing Drive has filed an application (ZV24-012) to the North Augusta Board of Appeals requesting a Special Exception for a Home Occupation. Apparently he wants to run a business out of his condominium unit. As a unit owner in The Landings at River Club I strongly object to his application which will fundamentally change the character of The Landings from a strictly residential area to a mixed use complex.

Section 5.37 of the North Augusta Development Code states "Home occupations are permitted in any dwelling unit subject to the following conditions. 1. The home occupation **shall not increase traffic or on-street parking** that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception." Granting a Special Exception to Mr. Buhmeyer to run a business will certainly increase traffic and on-street parking that is inconsistent with the residential nature of The Landings, which already has parking issues.

Further, because we only own the interior of our units, not the common area or

land on which the units are built, I am not sure if Mr. Buhmeyer's request is even valid or whether the North Augusta Board of Appeals has the authority to grant this request which directly conflicts with the terms of our Master Deed.

I urge the North Augusta Board of Appeals to consider the welfare of the other 47 unit owners in the Landings who would be negatively affected by this change, and deny his request.

Sincerely,
Lark Sessions

[REDACTED]

[REDACTED]

[REDACTED]



From: Lark Sessions <lark@comcast.net>
Sent: Thursday, August 22, 2024 5:27 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application ZV24-012

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I urge the North Augusta Board of Appeals to consider the welfare of the other 47 unit owners in the Landings who would be negatively affected by this change, and deny his request.

Sincerely,
Lark Sessions

[REDACTED]

[REDACTED]

[REDACTED]



From: Mulkey, Veronica J <Veronica.Mulkey@cmc.com>
Sent: Wednesday, August 21, 2024 9:31 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application ZV24-012 The Landing at River Club

Good morning.

I was recently made aware of a request for a Special Exception for home occupation at The Landing at the River Club.

I have owned unit 323 for 4 years now and enjoy living in this community in North Augusta. Our community is small and we do not have a large footprint.

I am not in favor of making this a mixed use community. We do not have the parking or accommodations for a business that would require foot traffic in our neighborhood. Our bylaws specifically line out the rules around having a business in your home. These bylaws should have been accepted by the party prior to purchasing their unit. I respectfully ask that you decline this special exception.

Thank you,

Veronica Mulkey, CSCP
Purchasing Manager, Fab Accessories

office: 706.434.2463 mobile: 803.257.3536

CMC Rebar
1890 Old Savannah Rd. | Augusta, GA 30901
cmc.com

This email and its attachments, if any, are intended for the personal use of the named recipient(s) and may contain confidential, privileged, or proprietary information. If you are not a named recipient, or an agent responsible for delivering it to a named recipient, you have received this email in error. In that event, please (a) immediately notify me by reply email, (b) do not review, copy, save, forward, or print this email or any of its attachments, and (c) immediately delete and/or destroy this

email and its attachments and all electronic and physical copies thereof. Thank you.

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: Bernard Barbour <bernardbarbour3@gmail.com>
Sent: Wednesday, August 21, 2024 10:33 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Rejection of business ref 347 Landing dr, North Augusta

Good day, I am rejecting the approval of a business license in our community. It has come to my attention that the owner of 347 Landing dr, North Augusta (Mr Buhmeyer), has requested this change from residential to business zoning. I am against this as our community will incur additional cost to the HOA, parking etc.

I will not be able to attend the meeting, so therefore I'm sending this email. Thank you for your consideration.

Sincerely
Bernard Barbour
328 Landing Dr
North Augusta, SC 29841

[REDACTED]

[REDACTED]

[REDACTED]



From: John Sessions <jrsessions@comcast.net>
Sent: Wednesday, August 21, 2024 11:31 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application ZV24-012

As a unit owner in The Landings at River Club I received a Public Hearing Notice from the North Augusta Board of Appeals. Mr. Michael Buhmeyer of 347 Landing Drive has filed an application (ZV24-012) requesting a Special Exception for a Home Occupation. This will fundamentally change the character of The Landings from a purely residential area to a mixed use complex. Parking is already a problem within the complex and allowing a business will only serve to make the issue worse. The Master Deed specifically bans businesses within the complex in order to maintain a residential setting. In addition, this change may cause additional costs to all owners due to changes in fire protection requirements, addition of ADA compliant ramps and parking, as well as changes to insurance policies. Mr. Buhmeyer is not authorized to incur these costs for the COA.

John R. Sessions
C: 706/495-8210 (EST)
jrsessions@comcast.net

[REDACTED]

[REDACTED]

[REDACTED]



From: William Sessions <william.sessions@gmail.com>
Sent: Thursday, August 22, 2024 12:12 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Comment on Application ZV24-012

To whom it may concern:

As a unit owner in The Landings at River Club, I received a Public Hearing Notice from the North Augusta Board of Appeals. Mr. Michael Buhmeyer of 347 Landing Drive has filed an application (ZV24-012) requesting a Special Exception for a Home Occupation. In essence, he wants to run a business out of his unit and to circumvent Master Deed restrictions. This will fundamentally change the character of The Landings from a purely residential area to a mixed use complex. Again, the Master Deed prohibits such usage. This change may cause additional costs to all owners due to changes in fire protection requirements, addition of ADA compliant ramps and parking, as well as changes to insurance premiums. I strongly object to his application and it should be rejected.

Sincerely,
William Sessions

—
William S. Sessions, M.D.
706.799.7834

[REDACTED]

[REDACTED]

[REDACTED]



From: Mickey Avrett <mickeyavrett44@gmail.com>
Sent: Friday, August 23, 2024 9:03 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application of Mr. Michael Buhmeyer unit 347 Landing Drive Application # 2V24-012 Special Exception for Home Occupation

To North Augusta Board of Appeals: I am a member of Pamkim LLC the owner of the following Units at The Landing At River Club Condominium: 337,339,341,221,225,144,105 on Landing Drive and 424 and 426 on Shoreline Drive. We object to the application by Mr. Buhmeyer on the following grounds. The Landing at River Club Condominium is and was designed as a residential development and governed by a Master Deed recorded in Aiken County South Carolina which does not allow the operation of a business from a Unit. The improvements and parking at our community were designed for as a residential development not for the operation of a professional or other businesses. The design as approved by North Augusta did not provide for adequate parking, which condition was further aggravated by the baseball stadium. There is not adequate parking to accommodate business use, and this will pose a safety issue for other residence and emergency vehicles. The request is for a variance covers both Mr. Buhmeyer's Unit and the Common Area owned by all Condominium owners which consists of porches, stairs, entrance halls, parking and grounds. The use of the Common Area for business purposes exposes the condominium to increased liability from visiting clients of Mr. Buhmeyer and potentially cause problems with our insurance carrier. The Common Area was not designed for commercial or business use and does not comply with ADA requirements. We asked that the variance not be approved.

[REDACTED]

[REDACTED]

[REDACTED]



From: John Sessions <jrsessions@comcast.net>
Sent: Saturday, August 24, 2024 6:05 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: ZV24-012 Mr. Michael Buhmeyer 347 Landing Drive,

The attached objection is on behalf of The Landings at River Club Board representing 48 Units. It contains a detailed rationale for rejecting Mr. Buhmeyer's petition. The Landings at River Club Board respectfully requests that Mr. Buhmeyer's petition for a Special Exception for a Home Occupation be denied.

John R. Sessions
C: 706/495-8210 (EST)
jrsessions@comcast.net

[REDACTED]

[REDACTED]

[REDACTED]



From: River Club Home Owners Association <rclubhomeowners@gmail.com>
Sent: Tuesday, August 27, 2024 8:33 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application ZV24-012 - Exception for Home Occupation

Hello Board of Zoning Appeals -

I am the President of the River Club Home Owners Association. I am writing in regards to the request made to the City by Michael Buhmeyer (Application ZV24-012). He is requesting the City to approve him conducting his law office from his condo in the Landing. After speaking with a few Landing residents, they do not understand how this request can be granted because their Covenants state a home in the Landing can't be used as a business. Our covenants in the River Club state that as well. *(I do realize the Landing and River Club is in a PUD, which we also do not like.)*

The Landing is next to the entrance of the River Club. Mr. Buhmeyer's condo is ~75 feet from East Shoreline Drive. East Shoreline Drive is the main street in the River Club. See pictures attached.

The River Club HOA Board has discussed this and we object to the City approving Mr. Buhmeyer's request.

Reasons are the following:

- we live in a residential neighborhood, not a commercial area.
- it will be dangerous if his clients park on East Shoreline Drive. That area is on a curve and it's already dangerous even without cars parked on the street.
- it will not be aesthetically pleasing to have a Law Office sign erected that is visible from East Shoreline Drive. *(I do understand it can't be bigger than 2'x2'.)*

It is my understanding your board will be meeting on this topic on 9/3/24 at 6pm in the City Council Chambers. There will be members of our HOA Board that would like to attend. I will also be sending out a notice to our entire neighborhood informing them of Mr.

Buhmeyer's request. Some residents may also want to attend.

Just to be sure, isn't the meeting open to the public?

Thank you for your time.

Sincerely,
Paula Bell
President, River Club HOA
803-645-0440



[REDACTED]

[REDACTED]

[REDACTED]



From: Glen Thompson <glenfthompson@gmail.com>
Sent: Tuesday, August 27, 2024 3:49 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Landings office

This is Glen Thompson I live at 444 Shoreline Drive. I wanted to express my opinion about the attorney that wants to make his condo in the Landings his office also. He said himself that he would probably have a dozen cars throughout the day, I believe Shoreline Drive has too much traffic as it is and his office would make it that much more congested. This is residential not for businesses or shops.

Thank you
Glen Thompson

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: Eric Schoellkopf <eschoellkopf@hotmail.com>
Sent: Tuesday, August 27, 2024 4:33 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Application ZV24-012 - Exception for Home Occupation (The Landing)

Board of Zoning Appeals,

I am a home owner in River Club neighborhood in North Augusta. It has come to my attention that an exemption has been requested by a condo owner at The Landing at the entrance to my neighborhood to run a law practice business from his home. I am concerned that the one dozen clients he will see per day will park on the road at the curve onto our street which is extremely dangerous due to the inability to see oncoming traffic around the curve. The Landing has very limited parking and the roads in that complex are too narrow to accommodate curb parking. The Landing is also next to a busy traffic circle which feeds onto that same road. Please personally visit the location before even considering the exemption request. I believe the danger will be immediately apparent justifying rejection of the exemption.

This is not an area for businesses to operate, and I am opposed to this zoning exception request ZV24-0212 being granted.

Thank You,

Eric Schoellkopf
236 E Shoreline Drive

North Augusta SC 29841

Sent from [Outlook](#)

[REDACTED]

[REDACTED]



From: Frederic Ilardi <fred00701@msn.com>
Sent: Wednesday, August 28, 2024 10:58 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Board of Zoning Appeals -My Opinion on Application zv24-012

I understand that Mr. Buhmeyer is requesting a special exception for a Home Occupation. I would like to present my objection to his proposal. As all should be aware, his residence is located at "The Landing" which is located directly in front of the River Club development, a development of 84 homes that uses Shoreline Drive. There is always a high level of street activity entering and leaving the River Club.. I would recommend that before granting approval or considering his request, we check the parking availability at The Landing. I believe you will see that parking is at a premium at that location. I suspect his clients will have to search for parking and will park at the entrance to Shoreline Drive which is semi-circular at the entrance, with some blind spots. If cars are parked at this entrance, it will create a dangerous situation for all the residents of the River club using Shoreline Drive.

Please carefully review his application and reject it based on the reasons I mentioned.

Sincerely,
Fred Ilardi
346 East Shoreline Drive
North Augusta, SC 29841
201-214-3010

APPLICATION ZV24-012 - BOARD OF ZONING APPEALS

HEARING DATE/TIME:	Tuesday September 3, 2024 at 6 PM
HEARING LOCATION:	City Council Chambers, 100 Georgia Avenue; Comments may be submitted via Email to planning@northaugustasc.gov by Noon on September 3rd
VARIANCE REQUEST:	An appeal by Michael Buhmeyer for a Special Exception for a Home Occupation from Table 5.1 Use Matrix of the North Augusta Development Code.
PROPERTY:	±0.01 acre parcel located at 347 Landing Drive TPN 007-18-03-021, zoned PD, Planned Development.

[REDACTED]

[REDACTED]

[REDACTED]

From: Ginny Ellis <ginnyellis8@gmail.com>
Sent: Wednesday, August 28, 2024 9:58:53 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Rezoning of the "Landing"

It concerns me that this will be opening the door to allow other businesses to locate, i.e., hair and/or nail salon. They can go to Hammond's Ferry where other businesses are already there.

Sent from my iPad

From: [Paradise, Tommy](#)
To: [Reese, Lastacia](#)
Subject: FW: ZV24-012 Home Occupation - Comments
Date: Tuesday, September 03, 2024 8:43:45 AM
Attachments: [image001.png](#)
[image002.png](#)

See below

Tommy Paradise, Director
Planning & Development Department
City of North Augusta
North Augusta, SC 29841
tparadise@northaugustasc.gov
Office Direct 803-441-4225



From: Steve Donohue <donohuester@gmail.com>
Sent: Tuesday, September 03, 2024 6:44 AM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: ZV24-012 Home Occupation - Comments

These comments concern the application of Mr. Buhmeyer for special exception to Table 5.1 in establishing a law office in the Planned Development, known as the Landing.

1. I am a resident of the River Club residential area which is adjacent to the Landing. I have been a resident here for the last 17 years.
2. While the Planning staff have given some advice to the BZA, I think that advice needs more context which I am submitting herein.
3. Governing document:
 - The Master Deed of the Landing at River Club Horizontal Property Regime was filed with the County Register on 5/24/2007 under the 1996 Development Code
 - Article 13.1 of that Deed provides as follows:

◦

13.2 Residential/ Home Office Uses. All Units shall be used for residential purposes and for limited ancillary home office uses. A home office use shall be considered ancillary so long as: (a) the existence or operation of the activity is not apparent or detectable by sight, sound, or smell from outside the Unit; (b) the activity conforms to all zoning requirements for the Condominium; (c) the activity does not involve regular or unreasonable visitation of the Unit by clients, customers, suppliers, or other invitees, or door-to-door solicitation of residents of the Condominium; (d) the activity does not increase traffic or include frequent deliveries within the Condominium other than deliveries by couriers, express mail carriers, parcel delivery services and other such delivery services; (e) the activity is consistent with the primarily residential character of the Condominium and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Condominium, as may be determined in the sole discretion of the Board; and (f) the activity does not result in a materially greater use of Common Element facilities or Association services.

No other business, trade, or similar activity shall be conducted upon a Unit without the prior written consent of the Board. The terms "business", and "trade," as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (a) such activity is engaged in full or part-time, (b) such activity is intended to or does generate a profit, or (c) a license is required.

- NA Development Code Article 5.1.3 provides **PD Districts. Uses in a PD** - Planned Development district are governed by their respective sections in this Article, and are not subject to Table 5.1, Use Matrix unless otherwise specifically referenced in the district text (no reference to Table 5.1 is specifically mentioned in the Landing Master Deed)
4. The Landing Master Deed is generally consistent with the current analysis but is less prescriptive.
5. Comments from the Planning Staff:
- The applicant states that the owner of the proposed business activity is the titled owner of the real (residential) property where the business will be Project Staff Report ZV24-012 Home Occupation Prepared by: La'Stacia Reese/Tommy Paradise Meeting Date: September 3, 2024 Page 7 of 11 located. No construction, development, modification, or other changes are required to be made to the premises in order to conduct business in the manner proposed at the location. All regulations, conditions, and standards elucidated in Chapter 18 of the North Augusta Development Code will be strictly complied with by the business operation. **Staff notes that the applicant is requesting to operate a home-based law office from their residence. The applicant limits his practice to tax law, probate, and estate planning, with limited face-to-face client interaction.**
 - The applicant states that no alterations shall be made to the property, and there will be no visible signage evidencing the business. No injury to the value of any adjoining properties will occur. **Staff notes that the surrounding properties consist of mostly residential, with a golf course in the vicinity of the neighborhood and SRP Park, where the Green Jackets baseball team play games and home to a variety of public events. The golf course is less than 50 yards from the applicant's property. The SRP Park is about 100 yards away which frequently shoots fireworks late at night which can be heard in the Landing and the River Club.**
 - The applicant states that one of the three bedrooms in the residence is appropriate in size for the business office, and will be completely unnoticeable from the exterior of the building. No external changes to the building will be made. The size, shape and character of the proposed site is ideal for conducting a business of the type proposed. **Staff notes that the applicant applied for a Special Exception for a home occupation. Table 5-1 Use Matrix states that home occupations are permitted as a Conditional Use/Special Exception. Section 5.3.7 of the 2023 NADC has 18 criteria that an applicant to adhere when applying for a home occupation, which are listed above. See NA Development Code Article 5.1.3 "Planned Development . . . are not subject to Table 5.1."**

The applicant states that as previously stated, there will be no visible evidence observable from the exterior of the building that would indicate that business is being conducted inside. No adverse effects will be produced by the proposed business. **Staff notes that it has received numerous emails concerning the impact and compatibility to the existing neighborhood and have included those in this packet. Many of those concerns are regarding traffic and parking. Section 18.8.3.2.b allows the Board to “approve with modification or conditions.” Regarding Home Occupations §5.3.7.1 states “The home occupation shall not increase traffic or on-street parking that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception.” Likewise, §5.3.7.10 states, “The home occupation shall be conducted solely by resident occupants of the dwelling unit and one additional employee or volunteer.” If the Board approves the special exception it may want to condition the approval so that the allowances in §5.3.7.1 and §5.3.7.10 not be allowed and that no onsite employees, volunteers, or clients will be allowed on the premises. The applicant lives in a 1450 sq. foot condominium with three bedrooms. Most of the work involves administrative law with little or no face to face meetings with a client. In some cases the applicant may meet face to face. During the work day (9am - 5pm) there is ample street parking available on Landing Lane (I know first hand because I walk through that area every day with my dog and have observed spaces available on that public street). Even if a client should park on Shoreline Drive it would cause less inconvenience than landscapers who park 18 foot trucks pulling 10 foot trailers in that same area. Houses in the River Club with more than 3 cars park on Shoreline Dr 24 hours a day. The River Club area is frequented no fewer than 10 times a day with landscapers in large pickup trucks pulling long 8-foot wide trailers parked for at least an hour at each property they service. The applicant does not want a special exception because he does not expect anything close to generating 10 business trips per day. Barring clients on the premises at any time is unreasonable and probably unconstitutional.**

- The applicant states that the proposed business will only occasionally have one, or at most two clients visiting the property at a time, and this could not create any traffic congestion or parking issues. During weekdays there is ample parking available on site as most residents’ vehicles are driven to their work locations, weekend business activities will be sporadic and seldom. Most business presently is conducted virtually, and virtual clients will generally not ever be present at the physical business location. There is no anticipated traffic impacts or parking issues that will endanger public safety or contribute to traffic congestion, nor will there be any unacceptable adverse impact on nearby properties due the proposed business activity. **Staff notes as stated above, Section 5.3.7.1 in the NADC states that “the home occupation shall not increase traffic or on-street parking that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception. Please note the original statement, that most of the work is virtual and visitations are limited. There is no expectation of generating more than 10 business-related trips per day.**

6. Staff Final Recommendations:

Staff does not support the approval of this application. If the application is approved, staff would suggest the following conditions for approval:

- 1. The Home Occupation will not be allowed to have employees or volunteers onsite.**
- 2. The Home Occupation will not be allowed to have clients, attorneys, or business associates on-site.**
- 3. The Home Occupation is approved for only this applicant and does not run with the land.**
- 4. The Home Occupation approval is only for Michael Buhmeyer to operate for this location.**

5. Any additional conditions that the Board may feel are appropriate.

This application should be supported by the Board with conditions. Itemized conditions correspond to the itemized conditions of the Planning Department supra.

1. Reasonable.

2. That is an unreasonable condition and probably violates the basic constitutional right of free assembly. You may want to limit parking for clients, etc., but you cannot limit who Mr. Buhmeyer can meet with. Furthermore this type of law practice requires very little if any collaboration with other attorneys or "business associates"

3. Reasonable

4. Reasonable

5. Reasonable

Viewed in the overall context of the area from Hammonds Ferry to the River Club, this requested use has very little if any impact on the quiet enjoyment of the surrounding neighborhood. Hammonds Ferry has restaurants in the middle of a compact residential area with no dedicated parking. The stadium blocks Railroad Avenue with some events, the police block access to Center Street on certain stadium events, the stadium frequently shoots fireworks at night, the golf course uses power mowers, leaf blowers and other loud equipment every morning within 50 yards of the Landing and dumps 8-foot high piles of mulch in the same area. The Shoreline Drive area is frequented on a daily basis with landscapers driving large pickup trucks pulling 8-foot wide equipment trailers parked for at least an hour at each property using 2-cycle leaf blowers and edgers. The River Club is subjected to 5 weeks of disruption before, during and after the Masters Golf Tournament. The city permits a large 2000 sq. foot temporary structure to be erected by AT&T during that week in the River Club. That construction requires frequent 18-wheeled semis to deliver construction material, big flatbeds to deliver 70 golf carts for the guests who rent homes, numerous utility trucks to deliver electrical and digital services, and the erection of porta potties. After the Tournament the entire process is reversed with multiple big trucks traveling Shoreline Dr. removing the construction, dismantling utility connections, collecting 70+ golf carts, etc. During the tournament at least 4 vans each hour travel Shoreline Dr. ferrying AT&T customers to and from Augusta National. AT&T facility receives numerous food deliveries in large trucks. One homeowner in the River Club was basically driven out of his own home - he wasn't renting his house, but changed his mind because the activity generated by AT&T near his home made his life so unpleasant. There is more inconvenience, disruption, noise generated in those five weeks, than this applicant will generate in a year or more.

The Board should approve this request with reasonable conditions as to number and frequency of client visits, and hours of the day.

Respectfully submitted,

**Stephen P. Donohue
316 E. Shoreline Dr.
North Augusta, SC**

From: [Paradise, Tommy](#)
To: [Reese, Lastacia](#)
Subject: FW: application for variance for 347 Landin Drive 2v24-012
Date: Tuesday, September 03, 2024 10:18:12 AM
Attachments: [image001.png](#)

Tommy Paradise, Director
Planning & Development Department
City of North Augusta
North Augusta, SC 29841
tparadise@northaugustasc.gov
Office Direct 803-441-4225



From: Eddie Butler <ebutler@butlerautomotive.com>
Sent: Saturday, August 31, 2024 1:45 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: application for variance for 347 Landin Drive 2v24-012

: I am a member of Fripp 139 which owns unit 105 and unit 112 at The Landing. We object to the application by Mr. Buhmeyer on the following grounds. The Landing at River Club Condominium is and was designed as a residential development and governed by a Master Deed recorded in Aiken County South Carolina which does not allow the operation of a business from a Unit. The improvements and parking at our community were designed for as a residential development not for the operation of a professional or other businesses. The design as approved by North Augusta did not provide for adequate parking, which condition was further aggravated by the baseball stadium. There is not adequate parking to accommodate business use, and this will pose a safety issue for other residence and emergency vehicles. The request is for a variance covers both Mr. Buhmeyer's Unit and the Common Area owned by all Condominium owners which consists of porches, stairs, entrance halls, parking and grounds. The use of the Common Area for business purposes exposes the condominium to increased liability from visiting clients of Mr. Buhmeyer and potentially cause problems with our insurance carrier. The Common Area was not designed for commercial or business use and does not comply with ADA requirements. We asked that the variance not be approved or contain significant restrictions. Parking is a problem as we have recently witnessed residents parking on the traffic circle outside the units.

Eddie Butler
Butler Automotive
Cell: (706) 840-1024
Office: (706) 724-7281



From: [Paradise, Tommy](#)
To: [Reese, Lastacia](#)
Subject: FW: Opposition to Rezoning Request for 347 Landing Dr. – Special Exception for Home Occupation
Date: Monday, September 16, 2024 4:23:32 PM
Attachments: [image001.png](#)

Please include the email below with comments to the BZA at the next meeting.

Tommy Paradise, Director
Planning & Development Department
City of North Augusta
North Augusta, SC 29841
tparadise@northaugustasc.gov
Office Direct 803-441-4225



From: Jason Craig <jason@jasonthe29th.com>
Sent: Monday, September 16, 2024 3:55 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: Opposition to Rezoning Request for 347 Landing Dr. – Special Exception for Home Occupation

Dear Mr. Paradise,

I am writing to formally oppose the appeal by Mr. Michael Buhmeyer to rezone his property at 347 Landing Dr. for a Special Exception for Home Occupation, specifically to establish a law office within our residential community. As a concerned resident of The Landing at River Club, I believe this rezoning request presents several serious issues that could negatively impact our neighborhood, both immediately and in the long term.

First and foremost, allowing a business to operate within a residential area conflicts with the bylaws established in the master deed. These bylaws were designed to preserve the character and integrity of our neighborhood, and approving this exception would undermine that purpose. It would set a dangerous precedent, potentially opening the door for more commercial ventures within our residential space, effectively altering the peaceful nature of our community.

In addition to the increased foot and vehicular traffic that a law office would bring, which could lead to congestion and parking issues, there are other financial and legal concerns that must be considered. The introduction of a business into our neighborhood could result in higher insurance premiums for all residents, as insurance providers may reassess risk based on the presence of a commercial entity. This financial burden is unfair to homeowners who have invested in a strictly residential environment.

Moreover, accommodating a law office could raise potential issues regarding ADA (Americans with Disabilities Act) compliance. Any business that serves the public is subject to ADA regulations, which might necessitate structural changes to the property to ensure accessibility. Such changes could include ramps, accessible parking spaces, or other modifications, which may not align with the aesthetic and infrastructure of a residential neighborhood. This would create additional concerns for homeowners, as our community is not designed for these types of commercial accommodations.

Lastly, I urge you to consider the safety implications, particularly in regard to fire suppression. A law office may introduce new requirements for fire safety measures, including enhanced fire suppression systems that are typically unnecessary in residential properties. This poses yet another costly and complex challenge for both the business owner and the neighborhood association, potentially affecting our community's safety standards and infrastructure.

For these reasons, I strongly encourage you to deny the request for rezoning. The risks of increased insurance costs, ADA complications, and safety concerns, coupled with the broader issues of traffic, noise, and the erosion of our community's residential nature, make this an inappropriate fit for our neighborhood. Please help us preserve the integrity, safety, and tranquility of The Landing at River Club by denying this request for a Special Exception.

Thank you for your time and consideration. I trust that the City of North Augusta will act in the best interest of its residents by maintaining the community standards we have worked so hard to establish.

Jason Craig
323 Landing Drive
The Landing at River Club
HOA Board President
Augusta, Georgia

762-218-0069 | jasonthe29th.com | [@jasonthe29th](https://www.instagram.com/jasonthe29th)

From: [Paradise, Tommy](#)
To: [Reese, Lastacia](#)
Subject: FW: ZV24-012 Mr. Michael Buhmeyer 347 Landing Drive, TPN 007-18-03-021
Date: Monday, September 23, 2024 8:34:40 AM
Attachments: [image001.png](#)

Please include with your report

Tommy Paradise, Director
Planning & Development Department
City of North Augusta
North Augusta, SC 29841
tparadise@northaugustasc.gov
Office Direct 803-441-4225



From: John Sessions <jrsessions@comcast.net>
Sent: Sunday, September 22, 2024 1:32 PM
To: Paradise, Tommy <TParadise@northaugustasc.gov>
Subject: ZV24-012 Mr. Michael Buhmeyer 347 Landing Drive, TPN 007-18-03-021

Please consider the following information in your deliberations:

No Land to attach Zoning Appeal to - Mr. Buhmeyer in his application claimed that the request affects approximately 0.01 ac zoned PD. Because the unit and area in question is part of a Condominium Owners Association (COA), that is an inaccurate statement. According to The Landings at River Club Horizontal Property Regime, Master Deed Article 4, Units and Boundaries, each Unit has an “..undivided interest in the Common Elements....” The land and foundation upon which his ground floor unit sets is a Common Element. That undivided interest encompasses the entire Landings property and, as such, it cannot be separated into parts or shares, i.e. 0.01 ac as noted in the application. The SC Horizontal Property Act Article 1, General Provisions states in Section 27-31-70 “Common elements shall not be divided. The common elements, both general and limited, shall remain undivided and shall not be the object of an action for partition or division of the co-ownership. Any covenant to the contrary shall be void.” Mr. Buhmeyer cannot commit the entire COA via an individual action, especially one for his sole benefit. That is strictly the purview of The Landings at River Club Board, which Mr. Buhmeyer has never contacted concerning his zoning request.

Never contacted The Landings Board - In his sworn testimony at the September 3, 2024 Zoning Appeals meeting Mr. Buhmeyer, in response to a question if he had

contacted The Landings Board, stated that he had not contacted the Board, a true statement. However, he then claimed that he did not know who to contact. In fact, since he moved in (~June 2024), he has had numerous interactions with The Landings property manager, Brettney Cameron, even to the extent of calling her boss at Blanchard & Calhoun to complain about her abilities as a property manager. In late July 2024 I was investigating the main water pressure (~140 psi) in the Fire Protection system covering his and the two units above him. At that time I identified myself as the President of The Landings Board directly to Mrs. Buhmeyer. The Appeals Board was made aware of this discrepancy in his testimony in the September 3 meeting by one of the presenters who also witnessed the July interaction. Immediately after the September Zoning meeting he spoke to the both the President and the Vice President of The Landings Board but never asked for contact information. No formal contact has been made with The Landings Board.

Deny the Request: While Mr. Buhmeyer, as a lawyer, has stated he needs to hang his shingle somewhere, his application to hang it in The Landings at River Club via a zoning exemption, to the detriment of a purely residential community, should be denied.

As of the date of this email I am a Board member and unit owner in The Landings at River Club.

John R. Sessions

C: 706/495-8210 (EST)

jrsessions@comcast.net

Board of Zoning Appeals



The Board of Zoning Appeals (BZA) meets as needed on the first Tuesday of the month at 6:00 PM in the City Council Chambers, 3rd Floor, North Augusta Municipal Center, 100 Georgia Avenue.

2025 BZA Meeting Schedule and Deadlines

Application Due Date	Agenda Issued	Meeting Date
December 2	January 2	January 7
January 6	January 30	February 4
February 3	February 27	March 4
March 3	March 27	April 1
April 7	May 1	May 6
May 5	May 29	June 3
June 2	June 26	July 1
July 7	July 31	August 5
August 4	August 28	September 2
September 1	October 2	October 7
October 6	October 30	November 4 (Business Mtg)
November 3	November 26	December 2

Submitting an Appeal to the BZA

The appeals process begins with an initial application submittal followed by a completeness review. The initial application and supporting documents are submitted to the Department of Planning and Development on the 2nd floor of the Municipal Center. Information required at initial submittal is listed by appeal type on the application checklist which is available in the Document Library on the City website <http://www.northaugustasc.gov>

Completeness – An application is determined to be complete if the application form, required fee(s) and all applicable supporting documents have been submitted to and received by the City. An applicant will be notified when an application is determined complete or if additional information is required. After an application is determined complete, it will be scheduled for consideration at the next Board of Zoning Appeals meeting.

Public Hearing – Every BZA appeal requires a public hearing that is advertised in the newspaper and on the City website two weeks prior to the meeting. Additionally, a notice is posted on the subject property and a public hearing notice is mailed to the owners of record of all property within two hundred (200) feet of the subject property at least fifteen days prior to a Board of Zoning Appeals hearing.

Please contact the Department of Planning and Development at 803-441-4221 for additional information on the appeals process.