

Board of Zoning Appeals



Minutes of the Thursday, March 5, 2015 Regular Meeting

Members of the Board of Zoning Appeals

Wesley Summers
Chairman

Jim Newman
Lynn Stembridge

Kathie Stallworth
Hap Greenway

1. **Call to Order** –Chairman Wesley Summers called the meeting to order at 7:00 p.m.
2. **Roll Call** – Board members present: Chairman Summers, Hap Greenway, Jim Newman, Kathie Stallworth and Lynn Stembridge. Also in attendance: Scott Sterling, Director of Planning and Development; Christine DeCamp, Planner; the applicant's representative; and the public.
3. **Approval of Minutes** – The minutes of the November 6, 2014 regular meeting were approved as written.
4. **Confirmation of Agenda** – Mr. Sterling noted one agenda change. Agenda Item 5 is listed as a request for a variance from the maximum frontage buildout in the Highway Corridor Overlay District. The correct request is for a variance from the minimum frontage buildout in the Highway Corridor Overlay District. A corrected agenda was distributed and was approved as written.
5. **Application Number ZV 15-001** – A request by John P.R. Green, representing Lulu's Holdings, LLC, for a variance pursuant to Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code. The applicant requests a variance to change the minimum frontage buildout in the Highway Corridor Overlay District from thirty percent (30%) to twenty-four percent (24%). The appeal affects property located at the intersection of Edgefield Road and Stephens Farm Lane, Tax Parcel Number 010-14-12-001.
 - Chairman Summers read the application summary, briefly reviewed the public meeting participation guidelines and opened the public hearing at 7:02 p.m.

The applicant's representative, John P.R. Green, Southern Partners, Inc. was sworn in and provided background information on the variance request. The applicant

plans to construct a car wash on the subject property. The proposed building dimensions, which are standard for his business, provide for 40 feet of frontage. Based on an Edgefield Road property frontage of 170 feet, the project will provide a 24% frontage buildout, short of the 30% minimum frontage buildout required in the Highway Corridor Overlay District. The applicant has tried different building placement configurations, but the proposed building dimensions, together with the proposed traffic circulation pattern and the site dimensions, do not permit the 30% minimum frontage buildout.

Mr. Sterling was sworn in and reviewed the variance request, referring to staff memorandum 15-11. He also noted that the Sonic Restaurant, built before the effective date of the Development Code and located directly across the street from the proposed car wash site, has approximately the same frontage buildout percentage as the applicant's site. Mr. Sterling briefly summarized the potential problems the applicant would face if he is required to comply with the 30% minimum, including moving lot lines and changing his building design.

Board of Zoning Appeals members asked questions on the following: the basis for the variance request and also for the 30% minimum frontage buildout requirement in the Highway Corridor Overlay District; whether or not the any of the canopies or vacuum areas that are part of the site design can be counted as frontage buildout; property access; plans for other outparcels in Sweetwater Square; potential impacts of the variance, if granted; and the minor site plan approval process.

Mr. Green and Mr. Sterling responded to all comments and questions.

Chairman Summers closed the public hearing at 7:20 p.m.

- **Consideration – Application Number ZV 15-001** To determine that an unnecessary hardship would result, and to grant a variance, the Board must find and explain in writing that the evidence and facts of the case prove that each of five mandatory factors apply. After consideration of the evidence and arguments presented, the Board of Zoning Appeals reached the following findings of fact and conclusions. The Board considered each of the five criteria separately.

There are extraordinary and exceptional conditions pertaining to the particular piece of property. The Board discussed and agreed that the subject parcel is smaller than the other four outparcels in the Sweetwater Square development and is the first outparcel proposed for development. The site is somewhat constrained by a sign easement for a Sweetwater Square monument sign. The parcel has two road frontages which appear to limit the building configuration. By virtue of its size, location and plan, the site is unique.

The conditions do not generally apply to other property in the vicinity. The Board discussed and agreed that the conditions of the subject property, listed above, do not currently apply to other property in the vicinity.

Because of the conditions, the application of the requirements of Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. The Board discussed and agreed that options available to the applicant to meet the 30% minimum frontage buildout, including subdividing the site to make it smaller, purchasing additional land to make it larger to provide more options for site layout, or changing the building prototype, are excessive and should not be required. The application of the requirements of Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code to this site unreasonably restricts the utilization of the property.

An unnecessary hardship exists. The Board discussed and agreed that requiring the frontage buildout to equal or exceed 30% is an unnecessary hardship because the proposed building dimensions and traffic circulation pattern for this project require a smaller frontage buildout. In order to meet the 30% requirement for this site, the owner would have to either subdivide the site to reduce the lot width, purchase more land to add to the site to allow more building placement options, or construct a building that does not fit his business prototype.

The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. Harm to the character of the district may include structures that are significantly out of scale, and the creation or potential for the creation of excessive noise, light, traffic or incompatible late night activity. The Board discussed and agreed that existing commercial buildings in the same corridor have varying minimum frontage buildouts. The parcel directly across Edgefield Road (Sonic) has an existing 24% frontage buildout. The proposed building width (frontage) for this site does not detract from the area. No development plans have been submitted to date for the four remaining Sweetwater Square outparcels. Granting the requested variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance.

Based on the findings previously discussed and voted upon, Mr. Newman moved that Application ZV 15-001, a request by John P.R. Green, representing Lulu's Holdings, LLC, for a variance, pursuant to Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code to change the minimum frontage buildout in the Highway Corridor Overlay District for property located at the intersection of Edgefield Road and Stephens Farm Lane, Tax Parcel Number 010-14-12-001, from thirty percent (30%) to twenty-four percent (24%), be granted.

Mr. Greenway seconded the motion. The motion carried unanimously.

Following the vote, Mr. Newman moved to amend his motion to add one condition. In his amended motion, Mr. Newman moved that Application ZV 15-001, a request by John P.R. Green, representing Lulu's Holdings, LLC, for a variance, pursuant to Table 3-9 and Section 3.8.5.3.2 of the North Augusta Development Code to change the minimum frontage buildout in the Highway Corridor Overlay District for property located at the intersection of Edgefield Road and Stephens Farm Lane, Tax Parcel Number 010-14-12-001, from thirty percent (30%) to twenty-four percent (24%), be granted, subject to the following condition:

- 1. The variance is granted subject to City approval of a minor site plan for the Lulu's Car Wash project. If the applicant's minor site plan is not approved or is withdrawn, the variance shall be void.**

Ms. Stallworth seconded the motion. The motion carried unanimously.

- 6. Adjourn – Mr. Sterling notified Board members that a new appeal request has been submitted to the Board and polled members on their availability to attend the Thursday, April 2 meeting. Chairman Summers, Mr. Newman and Ms. Stembridge stated that they would attend the April 2 meeting.**

With no objection, Chairman Summers adjourned the meeting at 7:52 p.m.

Respectfully Submitted,

Scott Sterling, AICP
Director of Planning and Development
Secretary to the Board