

# Board of Zoning Appeals



## Minutes of the Thursday, September 5, 2013 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, Interim Director of Planning and Development; Christine DeCamp, Planner; Todd Glover, City Administrator; the applicant; and his representative.
3. **Approval of Minutes** – The minutes of the December 6, 2012 regular meeting were approved as written.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **Application Number ZV 13-001** – A request by Bright-Meyers NA, LLC for a variance pursuant to Section 7.4.7, Fixture Mounting and Allowable Height, of the North Augusta Development Code. The applicant requests a variance to change the maximum allowable height of exterior light fixtures for a portion of the planned Sweetwater Square commercial development from twenty-five (25) feet to forty-two (42) feet. The appeal affects property located near the intersection of Edgefield Road (Highway 25) and Walnut Lane, Tax Parcel Number 010-15-05-001.
  - Chairman Summers read the application summary and opened the public hearing at 7:03 p.m.

The applicant, Matt Sasser of Bright-Meyers NA, LLC was sworn in and provided background information on the request for a lighting height variance. He stated that the height variance, if granted, would allow a reduction in the number of light poles (and fixtures) required to sufficiently light the ±52 acre commercial site, resulting in a more efficient and environmentally sensitive lighting plan.

Mr. Sterling was sworn in and reviewed the variance request, referring to staff memorandum 13-29. He also provided background information on the development of the lighting standards in the City's Development Code and stated that Sweetwater Square is the first large project to be reviewed by the City since their adoption.

Michael Ranks, PE, of Freeland & Kauffman, Inc., the project engineer, was sworn in and provided some background information on photometrics. He stated that the proposed LED illumination provided by fewer, taller light poles would provide a safe and efficient outdoor lighting level. He also stated that the buffering effect of the five outparcels along Highway 25 would help to shield the proposed interior parking lot lighting from the roadway.

Todd Glover, City Administrator, was sworn in and suggested that the two proposed light poles on the right-in entrance road be maintained at a height of twenty-five feet due to their proximity to Highway 25. He also stated that LED light fixtures on taller poles appear to be the current commercial development standard and that the City may consider amending the Development Code's current lighting height regulations.

Board of Zoning Appeals members asked questions on the following: the basis for the variance request; proposed lighting type; proposed locations and alternative locations on the site; the amount of lighting required for safety; lighting heights at other commercial developments in the City; lighting impacts on adjoining uses, including proposed residential uses; and anticipated lighting heights/locations for the Sweetwater Square outparcels.

Mr. Sterling, Mr. Ranks and Mr. Sasser responded to all comments and questions.

Chairman Summers closed the public hearing at 7:26 p.m.

- **Consideration – Application Number ZV 13-001** 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 and voted on each of the five criteria separately.

**An unnecessary hardship exists.** The Board discussed and unanimously agreed that limiting the maximum height of exterior light poles for a large-scale commercial center to 25 feet as required by the Development Code is an unnecessary hardship because it is neither the most efficient nor environmentally-friendly means of lighting the site. The industry standard for Walmart Supercenters supports the use of cost effective and energy efficient LED light fixtures at a 42-foot height not currently

permitted by the Development Code. Failure to grant the variance will result in the need for a significantly-higher number of 25-foot light poles and provides a negative aesthetic for the project area.

**There are extraordinary and exceptional conditions pertaining to the particular piece of property.** The Board discussed and unanimously agreed that there are extraordinary and exceptional conditions pertaining to the property. The subject property is a ±52 acre site located in the approved Sweetwater Planned Development along Highway 25 near Walnut Lane. The applicant proposes to develop a Wal Mart with outdoor lighting that will be buffered by corridor-fronting outparcels. 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 unanimously agreed that the conditions of the subject property, listed above, are unique to the area and do not apply to other property in the vicinity.

**Because of the conditions, the application of the requirements of Section 7.4.7 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 unanimously agreed that the pole height requirement in Section 7.4.7 unreasonably restricts the utilization of the property. Due to the scope of the proposed development, a large parking field is required and the additional light pole height (42 feet) is needed to ensure adequate visibility in an energy efficient and aesthetically pleasing manner. A mounting height of 42 feet, although not permitted by Section 7.4.7, aligns with the industry standard for the size and scale of shopping center proposed and provides for the best utilization of the property while supporting the City's commercial development goals.

**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 unanimously agreed that granting the requested variance will not be of substantial detriment to adjacent property or to the public good and enhances the character of the district. The variance will allow the applicant to utilize energy efficient and cost effective LED light fixtures that are in scale with the scope of the proposed development. As the variance relates only to the Walmart, retail shops and residual tract portion of the project, future development of the five project outparcels along Edgefield Road will help to buffer the increased light pole height from view. Currently occupied areas adjacent to the project area are zoned for commercial use. A landscape buffer will be provided between the project area and future residential development to the east.

During consideration, Mr. Ranks was provided the opportunity to answer questions to assist the Board with their deliberations. Also, Mr. Glover requested permission to speak to the Board and stated the City's intention to undertake a streetscape project between Walnut Lane and Exit 5. Mr. Glover stated that the corridor lighting (fronting Highway 25, including the project area) will be similar to lighting in the City's downtown.

**Based on the findings previously discussed and voted upon, Mr. Newman moved that Application ZV 13-001, a request by Meyers-Bright NA, LLC for a variance pursuant to Section 7.4.7, Fixture Mounting and Allowable Height, of the North Augusta Development Code to change the maximum allowable height of exterior light fixtures for a portion of the planned Sweetwater Square commercial development located at the intersection of Edgefield Road (Highway 25) and Walnut Lane, Tax Parcel Number 010-15-05-001, from twenty-five (25) feet to forty-two (42) feet be granted, subject to the following conditions:**

- 1. The variance is granted subject to City approval of a major site plan for the Sweetwater Square project. If the applicant's major site plan is not approved or is withdrawn, the variance shall be void.**
- 2. Street lighting along the proposed right-in entrance (between Outlot #2 and Outlot #3) shall be designed to coordinate with the City's Highway 25 streetscape plan.**

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

- 6. Adjourn** – Chairman Summers requested that the Board's 2013 training session include a review of the process for making and adopting a motion.

With no objection, Chairman Summers adjourned the meeting at 8:15 p.m.

Respectfully Submitted,

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