

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes June 5, 2024

ATTENDANCE

Board Members

Jane Hovington
Tom Baker
Ron Howard
Mike DiGiacoma

Staff

Jamie Craddock
Jocelyn Huff
John Paradee, BOA Solicitor
Stephanie Roblero

1. CALL MEETING TO ORDER

Chairperson Hovington called the meeting to order at 5:03 p.m.

2. APPROVAL OF AUGUST 2, 2023 MEETING MINUTES

Member Baker moved, seconded by Member DiGiacoma, to approve the August 2, 2023 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. Public Hearing:

A. BOA CASE #2024-06

An application by Apennine Development Co., LLC., requesting from the Code of the Town of Georgetown, §230-152, a special exception for a waiver of the required 6 loading spaces to the proposed 0. The properties are located at 500 Kimmey Street, 323 & 328 Calhoun Street, identified as SC Tax Parcels 135-14.00-100.00; 135-14.16-69.00; 135-14.16-70.00 zoned MR1 (Multi Family Residential District).

Ms. Huff confirmed that the application had been duly advertised.

David Hutt, of Morris James law firm, presented the application representing Apennine Development LLC, the applicant and contract purchaser. Also in attendance Alan Hill (Engineer, AH Davenport), Sean Allen (Principal, Apennine Development) and Linda Smith (Your Place Property Management). The project is for a six-building apartment complex with 106 units, including a clubhouse and pool. The single entrance will be off of Savannah Road. The complex will be self-contained with no parking on a public street.

Each of the buildings is 18,726 square feet requiring 1 loading space for each building per §230-152 titled Off-Street Loading Spaces. The request is to waive the requirement. No loading spaces are needed as modern apartment complexes do not have loading spaces, people park in front of the building nearest to their unit for deliveries, etc. In 230-152, Section D, the Board may waive the requirement whenever the character of the use is such as to make unnecessary the full provision of loading facilities. In 230-182, contains the standard for special exception if such exception will not substantially affect adversely the uses of adjacent and neighboring property.

Granting the request will have no adverse effect on the neighboring properties because:

1. The apartments are self-contained, and with a single access, so that loading will not impact Town streets.
2. All of the drive aisles are internal to the site. There will be no encroachment on adjacent properties.
3. Loading spaces now are typically used for commercial situations, and not with apartments.
4. The property will have on-site property management. Move-ins will be scheduled and coordinated.
5. The loading spaces would create additional impervious surface, approximately a minimum of 2,880 square feet.

Linda Smith, shared that loading spaces are no longer needed for apartments and tend to be problematic with cars parking in the designated locations and then not moving. On-site management will be there Monday through Friday, from 8:30 am until 5 pm. Move-ins will be scheduled appropriately.

Board solicitor, Mr. Paradee, reaffirmed for the Board that Town code 230-182.A.2. allows the waiver or reduction of the parking and loading requirements in any district whenever the character or use of the buildings is such as to make unnecessary the full provision of parking or loading facilities. The testimony provided by the applicant indicates that the spaces are not needed and would be a burden or detriment to provide them.

Chairperson Hovington opened up the public hearing for comment. Ms. Huff confirmed that no correspondence had been received regarding the application. No online comments were given.

Thomas Weaver, owner of Prestige Management, which owns the property, spoke in favor of the application. The project would be a great addition to Georgetown and would minimize issues on the vacant property.

Member Baker moved, seconded by Member Howard, to approve the special exception for reduction of the required six loading spaces to zero.

Solicitor Paradee stated that if the Board is inclined to grant the special exception, the rationale would be that granting the exception will not substantially affect adversely the uses of adjacent and neighboring properties, and the Board has not heard any testimony to the contrary.

Roll call vote:

Member DiGiacoma – Yes, as previously stated by other Board members.

Member Baker – Yes, as loading spaces are never used and based on what the solicitor stated.

Member Howard – Yes, as stated and it (the apartment complex) is needed in Town and will improve the area.

Chair Hovington – Yes, as there is no detriment to the neighboring area.

APPROVED (UNANIMOUS).

B. BOA CASE # 2024-09

An application by Radhe Radhe, LLC., requesting from the Code of the Town of Georgetown, 230-169, (1) a variance to allow an increase in signage from the allowable 24 square feet to the proposed 32 square feet; (2) a variance from the required setback allowing the existing 2 foot setback from the sidewalk to continue; (3) a variance to allow an internally illuminated sign. The property is located at 105 South Bedford Street, identified as SC Tax Parcel 135-19.08-164.01 zoned UB3 (Professional Business District).

Chad Lingenfelder presented the application, along with fellow counsel Amit Vyas, and principal owners of the property Rohit and Jay Patel.

The requested increase in sign size is to accommodate four price points for gasoline prices for Georgetown Delux (old Bodies). The new sign will remove the hardship of manual changes to the signage, both of economic and labor. The sign area will increase up rather than extend lower impacting visibility. The existing sign has been in place since the 70's. Meeting the code for the sign to be half the distance from the public right-of-way to the existing asbuilt building line would not be feasible and the applicant is asking to continue with the two foot setback and the existing pole. The sign would be internally lit with LED's, making it more energy efficient.

As to the legal standard:

Compatibility of the proposed use with the existing development – Fire Company across the street has a LED ground sign that is used more intensely than the applicant would use it for the changing gas prices.

Importance of the services provided – a staple of Georgetown for the last 50-60 years providing gas and retail items to the local residents.

Physical characteristics of the property – the building was not designed to meet the minimum setback put in place for the signage, creating a physical hardship.

Public safety – the increase in signage area will not pose any threats to public safety or nuisances and moving the sign to meet the setback would cause significant harm and potential for accidents.

Variance is the minimum to afford relief and simply replacing an existing sign with new technology and providing information on services to the community.

Ms. Huff confirmed that no correspondence had been received regarding the application.

Chairperson Hovington opened the public hearing for comment. No public comment was provided.

Board solicitor Paradee stated that the application is for three area variances and will need to meet the area variance standards.

Member DiGiacoma moved, seconded by Member Baker, to approve the variance to allow an increase in signage from the allowable 24 square feet to the proposed 32 square feet, as it does not currently have a detriment on the neighboring properties

and would cause some harm to the applicant if not granted, as they would not be able to display all of the proper pricing.

Roll call vote:

Member DiGiacoma – Yes, as stated in the motion.

Member Baker – Yes, the signage will be bigger and LED lighted allowing easier changes and will be an improvement on the current sign.

Member Howard – Yes, as stated.

Chair Hovington – Yes, as stated.

APPROVED (UNANIMOUS).

Member DiGiacoma moved, seconded by Member Baker, to approve the variance from the required setback allowing the existing two feet setback from the sidewalk to continue for reasons as stated by the applicant.

Roll call vote:

Member DiGiacoma – Yes,

Member Baker – Yes,

Member Howard – Yes,

Chair Hovington – Yes, failure to approve would be a detriment to the applicant and the pole has been there for as long as can be remembered.

APPROVED (UNANIMOUS).

Member DiGiacoma moved, seconded by Member Baker, to approve the variance to allow an internally illuminated sign, as stated by the applicant.

Roll call vote:

Member DiGiacoma – Yes.

Member Baker – Yes.

Member Howard – Yes.

Chair Hovington – Yes, as stated by the applicant.

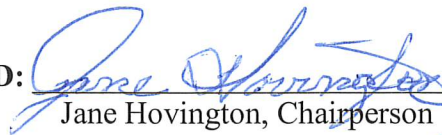
APPROVED (UNANIMOUS).

Chairperson Hovington thanked Member DiGiacoma for his time serving on the Board.

4. ADJOURNMENT

Member DiGiacoma moved, seconded by Member Baker, to close the meeting at 5:53 p.m. **APPROVED (UNANIMOUS)**

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jocelyn Huff, Planning Department