

## BOARD OF ZONING APPEALS MINUTES

### AGENDA

The Board of Zoning Appeals will hold a public hearing on **MONDAY, SEPTEMBER 21, 2020** in a virtual meeting format (please contact the office for complete details - 706-821-1796) Pre-meeting at 2:00 P. M. All persons who object to or are interested in these items are welcome to attend. The BZA does not hear actual rezoning petitions. Rezoning petitions are submitted through the Planning Commission.

Please Note: The meeting was held in a virtual format with Board Members and Petitioners joining by ZOOM. All attempts were made to allow for public input and comment.

#### **THOSE ATTENDING:**

Evett Davis, Chairperson	Nicholas Gladd, Vice-Chair
Charles Paschal	Chris Booker
Elmyria Chivers	Ethoin Rowe
Thelonious Jones	Rev. Garry Kerr
Barbara Gordon	Fred Sims
Trina Jackson	Jerry Brigham

#### **THOSE ABSENT:**

Carla Delaney, Deputy Director

#### **OTHERS ATTENDING:**

Robert Sherman, Director  
Mary Elizabeth Burgess, Development Services Manager  
Geoffrey Alls, City Attorney      Kevin Boyd, Zoning Administrator  
Lois Schmidt, Recording Secretary      Christopher (Roy) Publico, Code Enforcement

(The start of the meeting was delayed due to technical difficulties with the ZOOM format)

Chairperson Ms. Davis called the meeting to order.

Ms. Schmidt read the opening statement.

1. Approval of Minutes from August 17, 2020

A MOTION was made by Board Member Ms. Gordon to APPROVE the minutes from August 17, 2020; seconded by Board Member Mr. Jones. MOTION carried unanimously.

2. BZA-20-019 – Section 22-4 and 21-6 – Alliance Spine and Pain, on behalf of CSRA Specialist Group LLC, requesting a variance to allow a temporary office unit to be placed at 1367 Interstate

Parkway that will be 12 ft. from the right-of-way line of Interstate Parkway where 30 ft. is required. The unit will be in place for approximately 14 months. Tax Map 022-0-135-00-0 Zoned B-2 (General Business)

Director Sherman read BZA-20-19 into the record and asked that the staff report be entered into the record.

Mr. Boyd presented the following findings:

1. The applicant requests a variance to keep a temporary mobile office, which has already been placed 12 feet from the front property line, until expansion of the existing facility is completed.
2. Section 17-7 (a) of the Comprehensive Zoning Ordinance requires a minimum 30 foot setback along lot lines of minor or local streets.
3. The applicant plans to enlarge the existing building due to recent growth of the business.
4. The 0.93-acre tract contains a  $\pm$ 4,350 square foot medical office building and surface parking lot.
5. The mobile office is 1,427 square feet and houses construction operations and patient exam rooms.
6. The temporary building was placed within the front setback and eliminates the use of 10 parking spaces.
7. There is a 40 foot drainage easement and 25 foot buffer for the localized wetlands situated at, and near, the rear portion of the lot. The buffer is measured from the edge of wretched vegetation 40 feet south of the property line.
8. The modular building has an ADA ramp and awning for the safety and convenience of the practice staff and patients.
9. Construction will be completed in approximately 14 months.

The granting of a variance is subject to a finding by the Board of Zoning Appeals that a petition meets all of the following four (4) criteria for unnecessary hardship:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;  
*There are no extraordinary or exceptional conditions pertaining to this lot's size, shape or topography except that permanent as well as temporary structures must conform to all required setbacks outlined in the Zoning Ordinance.*
2. The application of the Comprehensive Zoning Ordinance of Augusta, Georgia to the particular piece of property would create an unnecessary hardship;  
*Application of the Zoning Ordinance does not create an unnecessary hardship. The structure could have been placed on the property without the need of a variance.*
3. Such conditions are peculiar to the particular piece of property involved;

*No, conditions of the site are ideal other than there is a 40 foot drainage easement and 25 foot buffer localized wetlands situated at the rear of the lot. The temporary structure would have met the required setbacks if positioned along the rear gravel portion of the lot.*

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Comprehensive Zoning Ordinance of Augusta, Georgia.

*Approval of a variance to place the temporary structure will not create site distance issues but the overall proximity of the structure to the street may distract passing motorists. Fortunately, Interstate Parkway and Wainbrook Drive experience low traffic flows.*

Ms. Victoria Beck, Chief Financial Officer, Alliance Spine and Pain. Atlanta GA was present on behalf of the petitioner along with Dr. Hameed Malik representing CSRA Specialist Group LLC.

Dr. Malik stated the unit is temporary until the addition is constructed. Placement will allow for the new construction and block the least number of parking spaces. Off-site parking will be provided. The setback should not be unsafe as the location is at the end of the road and the adjoining street has a stop sign so the unit will be visible to them.

There were no concerned citizens present.

Board Member Ms. Chivers asked for clarification on how long the unit needs to be there.

Ms. Burgess explained the applicant has said 14 months but staff thought it would be safe to add two months in the report for unforeseen delays.

Dr. Malik agreed it is good to have a cushion even though they plan to move forward with the addition as soon as possible.

Board Member Mr. Brigham asked for the staff recommendation.

Chairperson Ms. Davis asked Director Sherman for the staff recommendation.

Mr. Boyd interjected and stated he received one call from the owner/developer of 1371 Interstate Pkwy. He has plans for an apartment complex under review and he objects to this request lasting more than 12 months. He feels it will interfere with his plans.

Chairperson Ms. Davis asked if this was put in writing and do we have the contact information.

Mr. Boyd said no it was a phone call.

Chairperson Ms. Davis asked if there had been any other comment.

Staff said no.

Director Sherman stated staff felt this application does not meet the criteria for granting a variance, therefore the Planning and Development staff recommends **Denial** of the variance request.

However, if the Board finds merit in this variance request, staff recommends the following conditions:

1. The temporary mobile office building must be removed from the property within 16 months. An extension to this deadline may be approved at the Director's discretion.
2. The applicant/owner shall make an effort to provide additional parking with a nearby property/facility to make up for the deficient parking.

A MOTIION was made by Board Member Mr. Booker that BZA-20-19 be APPROVED with the above stated conditions; seconded by Board Member Mr. Brigham if the petitioner agrees.

Dr. Malik agreed to the conditions.

MOTION carried unanimously.

3. Legal Issues: None per Attorney Alls

Real Estate  
Personnel  
Litigation

MEETING AJOURNED

Mary Elizabeth Burgess  
Development Services Manager

Kevin Boyd  
Zoning Administrator