

RICHLAND COUNTY
BOARD OF
ZONING APPEALS



Wednesday, 5 November 2008
1:00 p.m.
Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, 5 November 2008
2020 Hampton Street
2nd Floor, Council Chambers**

Agenda

- I. CALL TO ORDER AT 1:00 P.M.**
ENTER EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION

- II. RECOGNITION OF QUORUM AT 1:30 P.M.** **Joshua McDuffie,
Vice-Chairman**

- III. RULES OF ORDER** **Amelia Linder,
Attorney**

- IV. APPOINTMENT OF OFFICERS**

- V. APPROVAL OF MINUTES – October 2008**

- VI. PUBLIC HEARING** **Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING

**08-71 V
Leslie Branham
181 Hiller Rd.
Chapin, SC
01501-02-17**

Requests a variance to encroach into the setbacks on property zoned RU/RS-LD. (Rural/Residential Low Density)

VII. OTHER BUSINESS

FRIENDS OF CONGAREE, ET.AL. VS RICHLAND COUNTY BOARD OF ZONING APPEALS, ET. AL. (Remand, pursuant to Judge Milling's amended order dated October 21, 2008)

VIII. ADJOURNMENT



5 November 2008
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REQUEST, ANALYSIS AND RECOMMENDATION

08-71 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to locate an accessory structure in front of the building line of a principal structure on property zoned RU (Rural) and RS-LD (Residential, Single-Family, Low Density).

GENERAL INFORMATION

Applicant

Leslie Branham

Tax Map Number

01501-02-17

Location

181 Hiller Road

Parcel Size

1.35± acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing residential structure, with a (3) three car garage.

Proposed Status of the Property

The applicant is proposing to construct an accessory structure in front of the building line of the residential structure.

Character of the Area

The area is comprised of residential structures.

ZONING ORDINANCE CITATION

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the

particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to construct an accessory structure in front of the building line of the residential structure. Section 26-185 (b) of the Richland County Land Development Code establishes location standards for accessory structures.

According to the applicant, the proposed structure is needed due to the existing storage area (garage) reaching capacity. The new structure would allow the applicant to move a boat and other potentially unsafe products from the garage, thus providing room for a vehicle.

The applicant states that the placement of the garage on the side of the residence, behind the building line, would:

1. Impede access to the rear of the property and to the garage;
2. Require extensive demolition of the driveway;
3. Restrict the size of the proposed structure (width);
4. Be difficult to match the current concrete elevations due to slope and elevation changes;
5. Not look in proportion to the house; and
6. Emphasize any mismatching of bricks and shingles.

Staff was unable to identify any extraordinary or exceptional conditions pertaining to the request.

CONDITIONS

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

OTHER RELEVANT SECTIONS

26-57 (f) (1) *Formal review.*

- (1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all

testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

ATTACHMENTS

- Plat
- Letters

CASE HISTORY

No record of previous special exception or variance request.

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