

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 7 April 2010
1:00 p.m.
Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, April 7, 2010
2020 Hampton Street
2nd Floor, Council Chambers
Agenda**

I. CALL TO ORDER & RECOGNITION OF QUORUM

**Joshua McDuffie,
Chairman**

II. RULES OF ORDER

**Amelia Linder,
Attorney**

III. APPROVAL OF MINUTES – March 2010

IV. PUBLIC HEARING

**Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING

**10-03 V
Rosemary Dalton
21 Island Dr.
Chapin, SC 29036
02401-01-15**

Requests a variance to encroach into the required side and rear yard setbacks on property zoned RU. (Rural)

P. 1

**10-04 SE
Rev. Rock Sims
Mt. Pilgrim Baptist Church
Ashbury St. & Farrow Rd.
Columbia, SC 29203
17309-01-01**

Requests a special exception to construct a church on property zoned RS-MD. (Residential Medium Density)

P. 11

VI. ADMINISTRATIVE APPEAL

P. 19

10-05 AR

Administrative Appeal of the Zoning Administrators determination changing land use, in accordance to section 26-70.17 of the previous land development code, "Major changes in all or a portion of the exterior boundaries of the PUD...including changes in location of land uses...shall follow the same procedures as required for approval of the PUD zoning district.

V. OTHER BUSINESS

Amendment to BOZA meeting calendar

VI. ADJOURNMENT

RICHLAND COUNTY BOARD OF ZONING APPEALS APRIL 7, 2010



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 10-03 V	Rosemary Dalton	02401-01-15	21 Island Drive, Chapin, SC	Malinowski
2. 10-04 SE	Mt. Pilgrim Baptist Church	17309-01-01	Ashbury St./Farrow Rd., Columbia, SC	Kennedy



7 April 2010
Board of Zoning Appeals

REQUEST, ANALYSIS
AND
RECOMMENDATION

10-03 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to encroach into the required side and rear yard setbacks on property zoned RU (Rural).

GENERAL INFORMATION

Applicant

Rosemary Dalton

Tax Map Number

02401-01-15

Location

21 Island Drive

Parcel Size

.43 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has a 3,770 split level dwelling, which was originally constructed circa 1973.

Proposed Status of the Property

The applicant is proposing to construct additions to the existing structure, 730± square foot addition in the front and 835± square foot in the rear, which will encroach into the required side and rear yard setbacks.

Character of the Area

The area is comprised of single-family residential dwellings, many of which abut Lake Murray.

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 encroach into the rear yard setback by 11½ feet and the side yard setback by 14½ feet. The parcel is 18,730 square feet, with a lot width of 80 feet at the building line of the structure. The minimum square footage for a parcel in the RU zoning district is 33,000 square feet, with a required lot width of 120 feet. The required setbacks are: front – 40 feet; rear – 50 feet; and sides – 20 feet.

The applicant proposes to construct a 730± square foot addition along the front of the existing structure. As indicated on the submitted plat, the addition, which is proposed to serve as a double car garage with a room over, will have a setback of 14 feet from the side property line, at its narrowest point.

The rear 835± square foot addition, which will allow for a sunroom, screened porch and master bedroom extension, will have a setback of 14½ feet from the side property line, at its narrowest point. This addition is also proposed to be 38½ feet from the closest portion of the curved, rear property line.

The existing residential structure is currently encroaching into the side yard setback by approximately 13.58 feet.

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance. Staff recommends that the request be approved. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff concurs that the configuration of the parcel, coupled with the required setbacks and current location of the residence, presents challenges in the placement of the proposed addition.

b. How were conditions created

Records indicate that the parcel was created and developed prior to the adoption of land development regulations by Richland County.

c. Conditions applicable to other properties

Staff is unable to determine if the conditions are applicable to the adjacent parcels.

d. Application of the ordinance restricting utilization of property

While applying the setback requirements for the RU district to this lot would not prevent the utilization of this parcel, it would complicate the applicant's ability to make additions to the current structure.

e. Substantial detriment of granting variance

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district. Records indicate that a number of parcels in the general vicinity have received variances to encroach into the required setbacks.

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

CASE HISTORY

No record of previous special exception or variance request.

Case 10-03 V





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 21 Island Dr, Chapin, SC 29036
 TMS Page _____ Block _____ Lot _____ Zoning District _____

2. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section _____ of the Richland County Zoning Ordinance.

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: To allow for addition of double garage with room over on the front (streetside). On the rear (lakeside) to allow for the addition of a sun room, screen porch and master bedroom extension.

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: Homes in Richard Franklin Estates were typically constructed either prior to zoning or in variant from rural zoning and are non conforming typically (20' setback from property line).

b) Describe how the conditions listed above were created: Home was built in 1978 and may have been prior to current zoning rules or in variant of the rules in existence in 1978.

c) These conditions do not generally apply to other property in the vicinity as shown by: Do not apply.

d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: The setback requirement for rural zoning would not allow for the construction of the addition to the home.

e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: The home is typical of other homes in Richard Franklin Estates. The addition to the home will also be typical for the area.

5. The following documents are submitted in support of this application [a site plan must be submitted]:

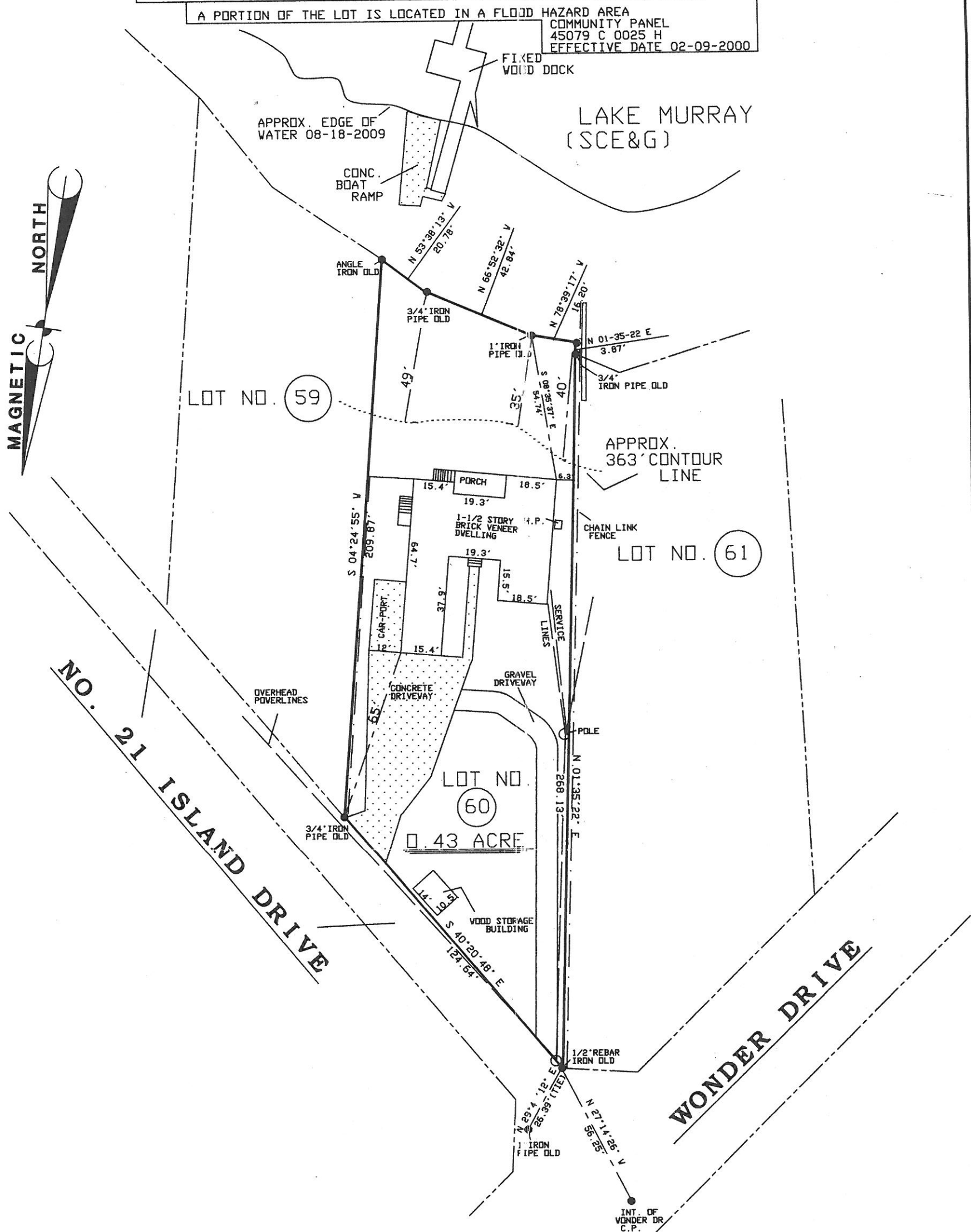
- a) site map
- b) plat
- c) deed

(Attach additional pages if necessary)

<u>Rosemary G Dalton</u>	<u>21 Island Dr</u>	<u>803-647-3329</u>
Applicant's Signature	Address	Telephone Number
<u>Rosemary G Dalton</u>	<u>Chapin, SC 29036</u>	<u>803-917-3027</u>
Printed (typed) Name	City, State, Zip Code	Alternate Number
		<u>803-394-6288</u>

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP AND FOUND THAT THE DESCRIBED DWELLING IS NOT LOCATED IN A FLOOD HAZARD AREA.

A PORTION OF THE LOT IS LOCATED IN A FLOOD HAZARD AREA
COMMUNITY PANEL
45079 C 0025 H
EFFECTIVE DATE 02-09-2000



Plat Prepared For
ROSEMARY G. DALTON

LOCATED IN RICHLAND COUNTY, NEAR THE TOWN OF WHITE ROCK, S.C.

THE SAME BEING DESIGNATED AS LOT NO. 60 AS SHOWN ON A SUBDIVISION OF RICHLAND FRANKLIN ESTATES BY ROBERT E. COLLINGWOOD, JR. REG. LAND SURVEYOR DATED NOVEMBER 25, 1960 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK S AT PAGE 166

AUGUST 18, 2009

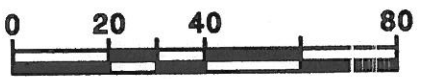
ALSO SEE PLAT BY ME FOR ROSEMARY DALTON DATED MARCH 30, 2005 - THIS REF. PLAT SHOWS DWELLING LOCATED INCORRECTLY ON THE WESTERN SIDE.

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS (B) SURVEY AS SPECIFIED THEREIN AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN." RATIO OF PRECISION BETTER THAN 1/8000.

TAX MAP REFERENCE # 02401-01-15

BY: *Donald G. Platt*

DRAWING PN-967-95

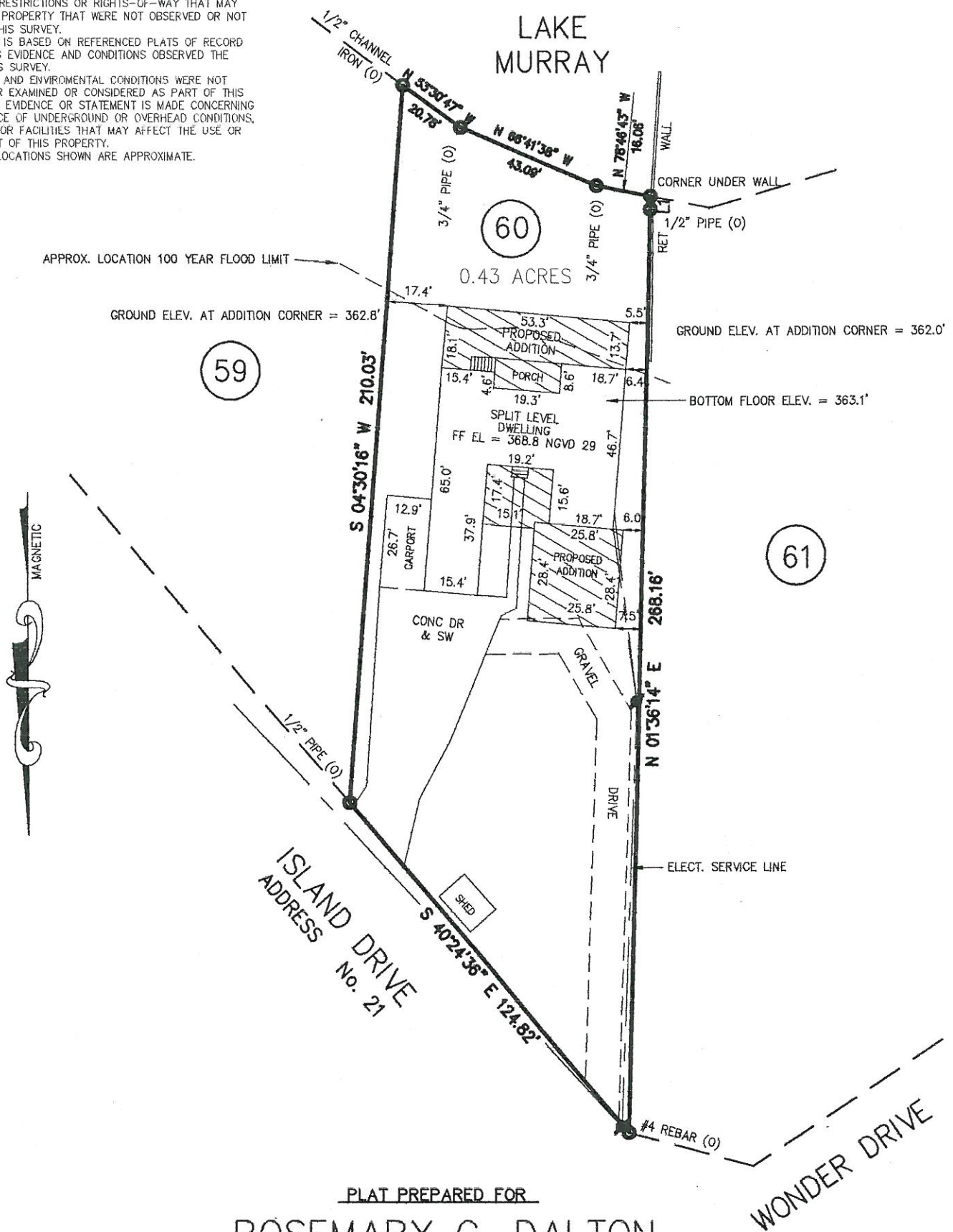


SCALE 1" = 40'

Donald G. Platt
R.L.S. No. 4778

NOTES:
 THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY. NO ABSTRACT TITLE SEARCH, NOR TITLE COMMITMENT SEARCH WERE FURNISHED. THERE MAY BE OTHER RECORDED OR UNRECORDED SETBACKS, EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY THAT MAY AFFECT THIS PROPERTY THAT WERE NOT OBSERVED OR NOT SHOWN ON THIS SURVEY.
 THIS SURVEY IS BASED ON REFERENCED PLATS OF RECORD AND EXISTING EVIDENCE AND CONDITIONS OBSERVED THE DATE OF THIS SURVEY.
 SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
 EASEMENTS LOCATIONS SHOWN ARE APPROXIMATE.

LINE	BEARING	DISTANCE
L1	N 01°36'14" E	3.83'



PLAT PREPARED FOR
ROSEMARY G. DALTON

RICHLAND COUNTY near WHITE ROCK, SOUTH CAROLINA

THE SAME BEING SHOWN AS LOT 60 ON PLAT OF RICHARD FRANKLIN ESTATES BE ROBERT E. COLLINGWOOD DATED NOVEMBER 25, 1960 AND RECORDED IN THE R.O.D. FOR RICHLAND COUNTY IN PLAT BOOK "S" PAGE 166.
 ALSO SHOWN ON A PLAT PREPARED FOR ROSEMARY G. DALTON BY DONALD G. PLATT DATED AUGUST 18, 2009.

DATE: FEBRUARY 24, 2010



SCALE: 1" = 40'

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

I HAVE CONSULTED THE F.E.M.A. FLOOD INSURANCE RATE MAP PANEL 45079C 0025 H DATED 2/20/02 AND TO THE BEST OF MY KNOWLEDGE & BELIEF, THE PROPERTY IS LOCATED IN ZONE "AE" & "X" AS SHOWN THEREON.

William M. Brasington
 WILLIAM M. BRASINGTON
 PROFESSIONAL LAND SURVEYOR - No.9312

UNITED DESIGN SERVICES, INC.
 540 SAINT ANDREWS ROAD, COLUMBIA, SC 29210
 PH: (803)750-9142 ■ FAX: (803)750-9142

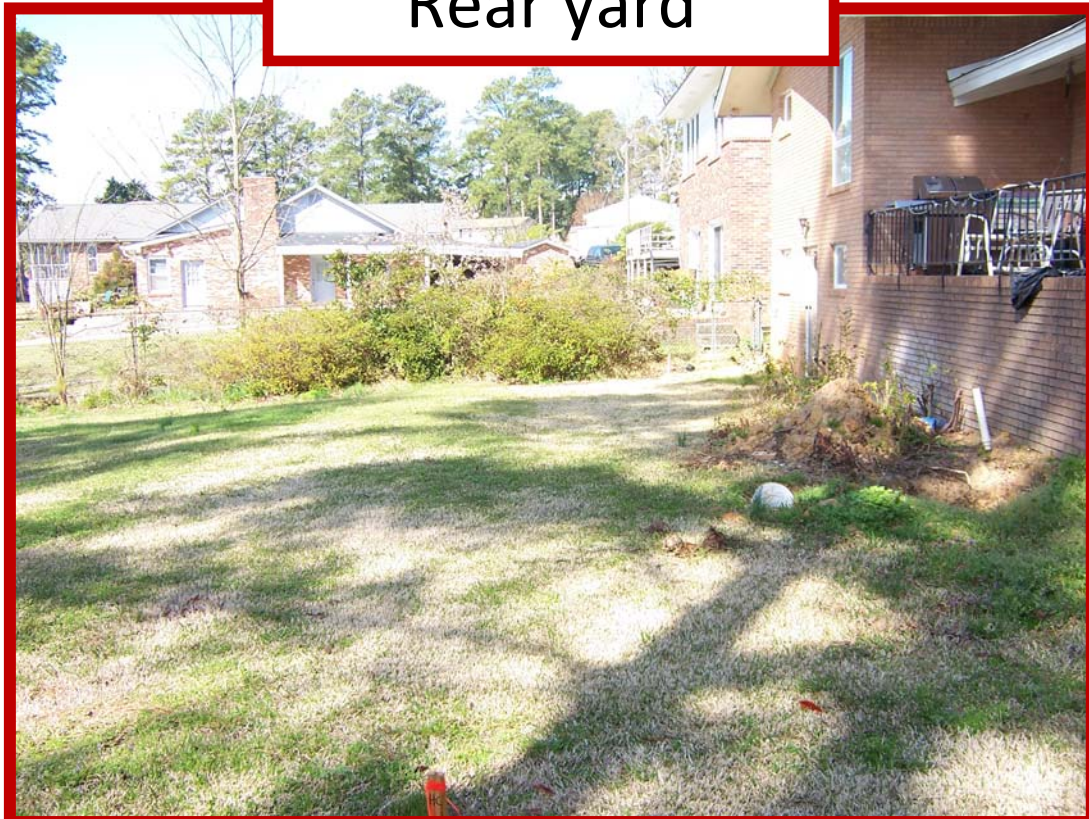
10-03 V
Rosemary Dalton
21 Island Dr.



10-03 V
Rosemary Dalton
21 Island Dr.



Rear yard





7 April 2010
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

10-04 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to permit the establishment of a place of worship on property zoned RS-MD (Residential, Single-Family, Medium Density).

GENERAL INFORMATION

Applicant

Mount Pilgrim Baptist Church (Rev. Rock Sims)

Tax Map Number

17309-01-01

Location

269 Ashbury Street

Parcel Size

.46 acre tract

Existing Land Use

parking lot

Existing Status of the Property

The subject parcel currently serves as a parking lot for the Mount Pilgrim Baptist Church.

Proposed Status of the Property

The applicant proposes to construct a fellowship building.

Character of the Area

The surrounding area consists primarily of single-family residential structures.

ZONING ORDINANCE CITATION

Table 26-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize places of worship, subject to the provisions of section 26-152 (d) (20).

CRITERIA FOR SPECIAL EXCEPTIONS

In addition to definitive standards in this chapter, the Board shall consider the following:

1. **Traffic impact.**
2. **Vehicle and pedestrian safety.**
3. **Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**
4. **Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.**
5. **Orientation and spacing of improvements or buildings.**

DISCUSSION

Staff visited the site.

The special exception request is necessitated due to the RM-MD zoning of the parcel. The church is not currently required, nor would have been previously, to obtain a special exception because it is located on a parcel zoned RU (Rural District). The RU zoning district permits a place of worship as a permitted principal use.

Mount Pilgrim Baptist Church proposes to construct a 5,940 square foot accessory structure (fellowship building) for the existing place of worship. The parcel is currently used a parking lot for the church.

The church was constructed circa 1950, is approximately 7,100 square feet. The structure consists of a sanctuary and an education building. A cemetery and access road which cuts through the lot (identified as Mount Pilgrim Church Road) are located in the rear of the parcel.

If granted approval, the subject parcel will be required to be combined with the parcel on which the church is located.

Staff did not observe any conditions or factors that would negatively impact the properties in the surrounding area by the establishment of this type of development.

Vehicular and pedestrian access to the proposed fellowship building should be the same as for the church. Although the fellowship building will abut Pilgrim Road and Ashbury Street, the orientation of the building and lack of parking facilities along these streets should direct access along the front of the church.

If granted approval, the proposed project will be subject to site plan review, which will entail a review from the following Richland County Departments:

- Planning
- Public Works
- Fire Marshall
- Soil and Water

CONDITIONS

(20) Places of worship.

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector or thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

OTHER RELEVANT SECTIONS

N/A

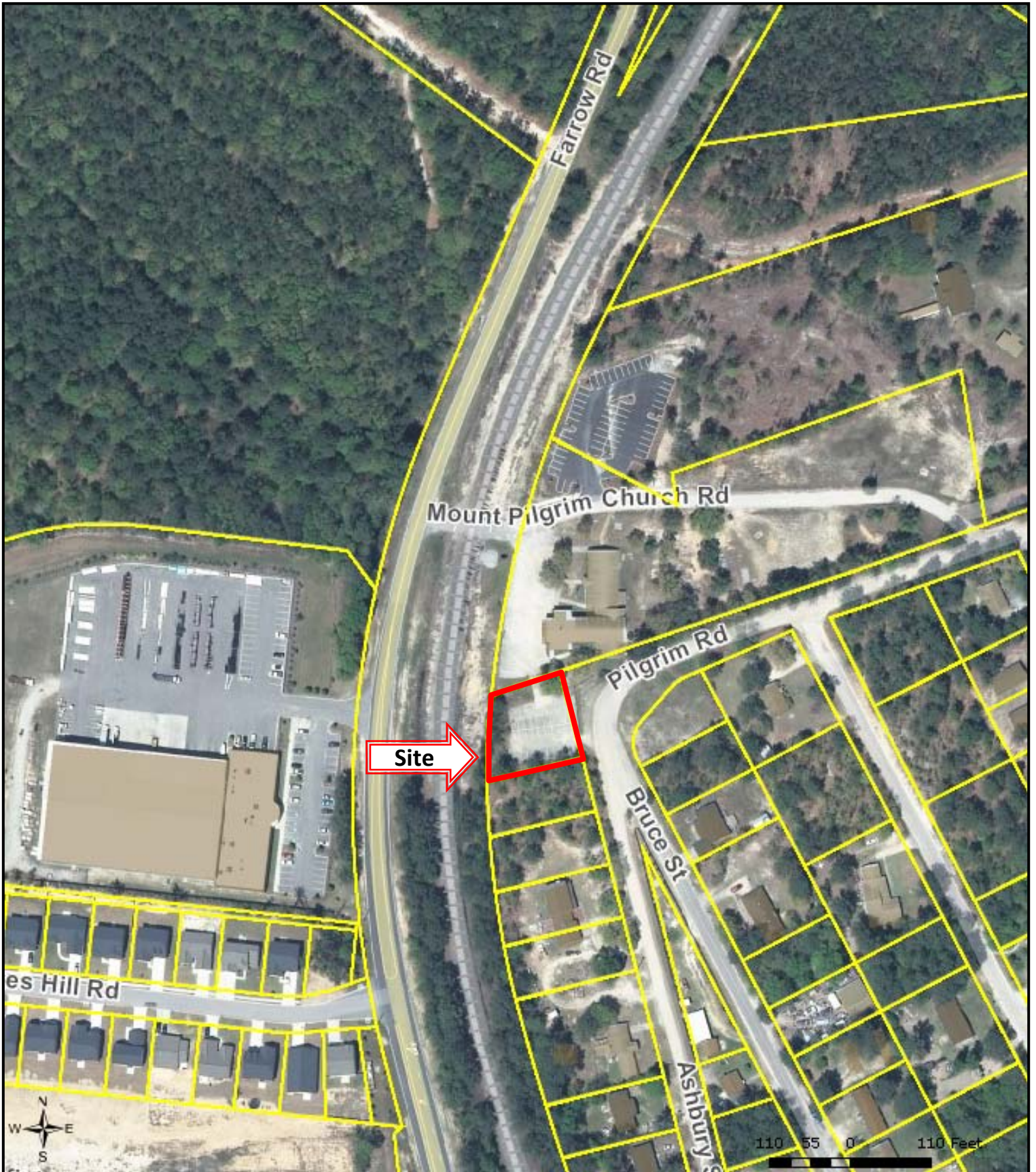
ATTACHMENTS

- Proposed church layout
- Aerial
- Application

CASE HISTORY

No record of previous special exception or variance request.

Case 10-04 SE





BOARD OF ZONING APPEALS SPECIAL EXCEPTION



10.04

1. Location: Ashbury Street / Farrow Road

TMS Page: 17309 Block: 01 Lot: 01 Zoning District: RS-MD

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
Construction of a church fellowship building in an RS-MD district

3. Describe the proposal in detail: Construction of a +/- 5940 sf fellowship building on a 0.46 acre parcel presently occupied by a parking lot adjacent to the church sanctuary.

4. Area attributed to the proposal (square feet): +/- 5940 sf

5. Are other uses located upon the subject property? No Yes (if Yes, list each use and the square footage attributed to each use):

- a. Use sanctuary (on adjoining property) square footage +/- 4100
- b. Use education bldg (on adjoining property) square footage +/- 3000
- c. Use _____ square footage _____

6. Total number of parking spaces on the subject property: 63

7. Total number of employees on shift of greatest employment: n/a

8. Address the following **Standards of Review** (Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.

- a. Traffic impact: Overall traffic impact will be negligible as the building will be occupied by church members already attending the sanctuary. There will be no impact on Pilgrim, Bruce, and Ashbury Streets as access is not possible from these roads.
- b. Vehicle and pedestrian safety: Parking for this building will be provided by existing spaces located off Mt. Pilgrim Church Road. Pedestrian access is provided from the church.
- c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: Building is enclosed and no improved outdoor gathering areas are proposed.
- d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: The building floor will be approximately five feet below Ashbury St. This, in conjunction with landscaping, should provide suitable screening.
- e. Orientation and spacing of improvements or buildings: Building is oriented with existing

NOTES

- 1. BOUNDARY AND TOPOGRAPHIC INFORMATION COMPILED FROM SURVEY ONE, ASSOCIATED E & S INC., AND COLUMBIA, IN DIGITAL FORMAT.
- 2. ALL ELEVATIONS ARE BASED ON MEAN SEA LEVEL M.S. DATUM.

1" PITCH TOP OLD BOX

MOUNT PILGRIM BAPTIST CHURCH
ENGINEER HOULDER TMS # 17300-09-13 (P)

GRAVEYARD

MOUNT PILGRIM CHURCH ROAD
(COUNTY MAINTAINED)

PILGRIM ROAD
(COUNTY MAINTAINED)

CLINTON ST. 50' R/W

3.48 ACRES
PROPERTY LINE TO
BE ABANDONED

FORMER RIGHT-OF-WAY

NEW RIGHT-OF-WAY

TMS# 17309-04-01
ZONING: RS-MD

TMS# 17309-03-03
ZONING: RS-MD

TMS# 17309-03-01
ZONING: RS-MD

TMS# 17309-03-02
ZONING: RS-MD

BRUCE STREET

ASHBURY STREET
(COUNTY MAINTAINED)

PROPOSED BUILDING
5940 SF
TMS# 17309-01-01
(TO BECOME PART OF
TMS# 17300-09-14)
ZONING: RS-MD

25' STREET FRONT SETBACK

30' SIDE SETBACK

FORMER RIGHT-OF-WAY

TMS# 17309-01-11
ZONING: RS-MD

NOLFOK SOUTHERN RAILROAD
130' R/W
(APPROXIMATE LOCATION)

FARROW ROAD
S.C. HWY. 555

LOT SUMMARY
AREA = 0.46 ACRES
TMS# 17309-01-01

DEVELOPER
REV. ROCK SIMS
MT. PILGRIM BAPTIST CHURCH
9300 FARROW ROAD
COLUMBIA, SOUTH CAROLINA 29203
(803) 788-4585

PROJECT No. 07022

SITE PLAN

PROPOSED FELLOWSHIP BUILDING

PREPARED FOR

MOUNT PILGRIM BAPTIST CHURCH

NEAR THE CITY OF COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA

DATE: FEB. 23, 2010 SCALE: 1" = 40' SHEET C1 OF 1

NO.

DATE

DESCRIPTION

REVISIONS



10719 WILSON BLVD. • P.O. BOX 923 • BLATHERWOOD, S.C. 29016
(803) 714-0682 OFFICE • (803) 714-0080 FAX

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

10-04 SE
Rev. Rock Sims
Mt. Pilgrim Baptist Church
Ashbury St. & Farrow Rd.





REQUEST, ANALYSIS
AND
RECOMMENDATION

10-05 Administrative Review

REQUEST

The applicant is requesting an administrative review of the Richland County Zoning Administrator's reversal of a previous determination regarding the ability to modify zoning designations absent of the formal map amendment process.

ZONING ORDINANCE CITATION

26-33 (a) (1)

Administrative review. The board of zoning appeals shall hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other authorized staff of the planning department in the enforcement of this chapter. Such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made, and must be made in accordance with the procedures and standards set forth in Section 26-58 of this chapter.

FORMAL REVIEW

26-58 (e)

Upon receiving the application, the board of zoning appeals or planning commission (as applicable) shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent. After conducting the public hearing, the board of zoning appeals or planning commission (as applicable) shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. These boards shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. These boards in the execution of the duties specified herein may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The decision of these boards must be in writing and permanently filed in the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of these boards, which must be delivered to parties of interest by certified mail.

DISCUSSION

The applicant is appealing a reversal of a decision by the Zoning Administrator regarding the ability of the developer to modify zoning designations within the Woodcreek Farms PD.

Enclosed are the two (2) letters written to the appellant. The first letter, dated 10 November 2008, is the Zoning Administrator's determination that the zoning designations within the Woodcreek Farms Development could be modified at the discretion of the developer. The second letter, dated 1 February 2010, reverses this decision.

The appellant contends that due to the time that has elapsed between the determinations, the developer has gained a vested right in the original decision. It is my determination that regardless of time, an error in decision or determination must be immediately corrected.

According to the land development code under which this development was approved, "Major changes...in location of land uses...shall follow the same procedures as required for approval of the PUD zoning district". It is my position that this is the only process to amend zoning designations and any language which is contradictory to the provisions of the County's land development regulations has no legal standing.

ATTACHMENTS

- Appeals Form
- Zoning Administrator's Letters
- General Development Plan for Woodcreek Farms



BOARD OF ZONING APPEALS ADMINISTRATIVE REVIEW



Receipt #	Application #	Fee Paid \$
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1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeals on the grounds that:

(CHECK ONE) GRANTING **OR** DENIAL

of an application for a permit to Amend PDD pursuant to General Development Plan and
Descriptive Statement to allow for modification of zoning classifications within established
yield. Application was approved, then approximately 15 months later, denied (see attached
letters) . 26-33; 26-58;
was erroneous and contrary to provisions of the zoning ordinance in Section SC Code 6-29-800
or other action or decision of the Zoning Official was erroneous as follows:
SC Code Section 6-29-800 (B) states appeals must be taken in a reasonable time. Section
26-58 of the Ordinance requires appeals to be filed within 30 days of the decision. The
Administrator approved the request. No appeal of this approval was filed. However, 15 months
later the Administrator reverses his decision. In addition, applicant argues estoppel,
misrepresentation, and negligence. See Quail Hill, LLC v. County of Richland, 665 S.E.2d 194
(SC. APP 2008) .

2. Applicant is aggrieved by the action or decision in that:

Applicant provided business plans and marketing of the site with the zoning classification
approved by the Administrator. Applicant also expended money to apply for the amendment
and to make this appeal.

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:

The decision was made and there was no appeal. The applicant has vested rights in the
decision. The decision of the Administrator in the letter dated November 10, 2008 is the
correct interpretation of the Ordinance.

4. Applicant requests the following relief:

Reinstate the decision of the Administrator as stated in the letter dated November 10, 2008.
Allow for the modification of zoning classifications within established yield as stated in the
General Development Plan.



Planning & Development Services Department

2020 Hampton Street, 1st Floor • Columbia, South Carolina 29204-1002
Post Office Box 192 • Columbia, South Carolina 29202-0192

1 February 2010

John Boyd
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, 22nd Floor
Columbia, SC 29201

RE: Zoning Determination Correction for proposed modification of Zoning Designations within the Woodcreek Farms Development

Dear Mr. Boyd:

According to a letter issued to you on 10 November 2008, it was determined that the zoning classifications within the Woodcreek Farms PDD could be modified. The letter also includes an approval of a net acreage exchange of parcels "A15", designated C-1 (Office and Institutional), and "D11", designated RG-2 (General Residential). Upon further review, it has been determined that my interpretation was erroneous. The language - "...change product types within the allowable zoning categories, or modify zoning designations within the established yield for the overall development..." - was contained within a document identified as the *Woodcreek Community Planning Concept*. This document has been determined to be more of an informational document, rather a part of the descriptive statement (as required by section 26-70.16 of the land development code under which this PDD was approved). The language found within this document has no legal standing regarding Woodcreek Farms PDD.

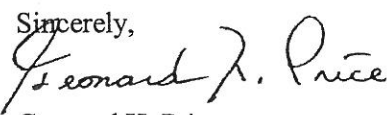
As for changing land uses, according to section 26-70.17 of the previous land development code, "Major changes in all or a portion of the exterior boundaries of the PUD...including changes in location of land uses...shall follow the same procedures as required for approval of the PUD zoning district.

Based on this language, changes in land uses are prohibited until the formal zoning process as been perfected.

As the Zoning Administrator, I am required to interpret the terms and provisions of the land development code, and administrate the provisions of any other zoning related ordinances. When it has been confirmed that my interpretation or determination is in error, immediate corrections must be initiated.

I apologize for any inconvenience that this decision may caused you.

Please call me if you have any questions or need additional information at 576-2174.

Sincerely,

Geonard H. Price
Zoning Administrator



RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
Zoning & Land Development Division
Office: (803) 576-2180 Fax: (803) 576-2182

10 November 2008

John Boyd
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, 22nd Floor
Columbia, SC 29201

RE: Proposed modification of Zoning Designations within the Woodcreek Farms
Development

Dear Mr. Boyd:

According to your letter, you propose to modify the locations of the zoning classifications within the Woodcreek Farms PDD, as indicated on the generalized drawing of the General Development Plan. Specifically, the modification would entail a net acreage exchange of parcels "A15", currently designated C-1 (Office and Institutional), and "D11", currently designated RG-2 (General Residential).

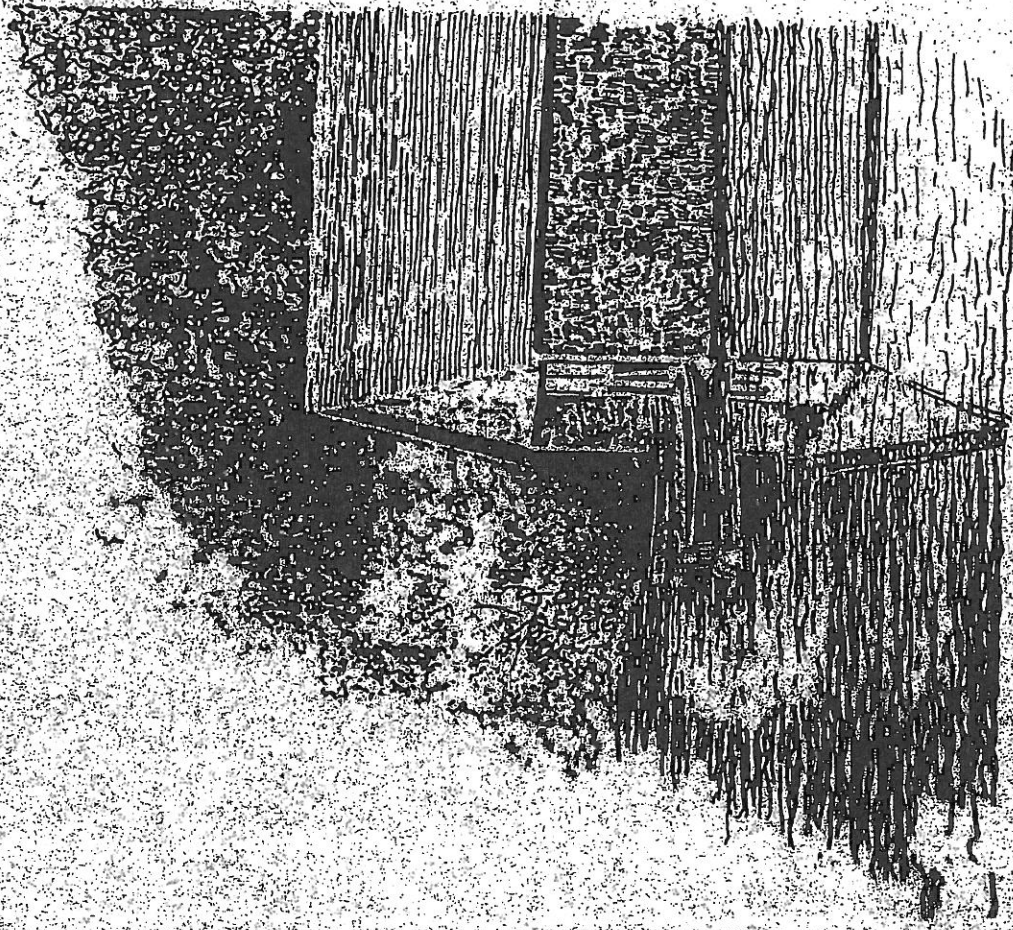
The Woodcreek Farm PDD General Development Plan, which was approved as part of the rezoning request, permits the developer to "...change product types within the allowable zoning categories, or modify zoning designations within the established yield for the overall development...".

Based on this language, your proposal to modify the zoning designations is permitted.

Please call me if you have any questions or need additional information at 576-2174.

Sincerely,

Geonard H. Price
Zoning Administrator



WOODCREEK

Woodcreek Development Partnership
Richland County, South Carolina
October 1991

GENERAL DEVELOPMENT PLAN

Owner & Developer:

*Woodcreek Development Partnership
5217 Trenholm Road
Columbia, South Carolina 29206
(803) 787-4121*

Managing Partners:

*C. Heath Manning
Edwin H. Cooper Jr.*

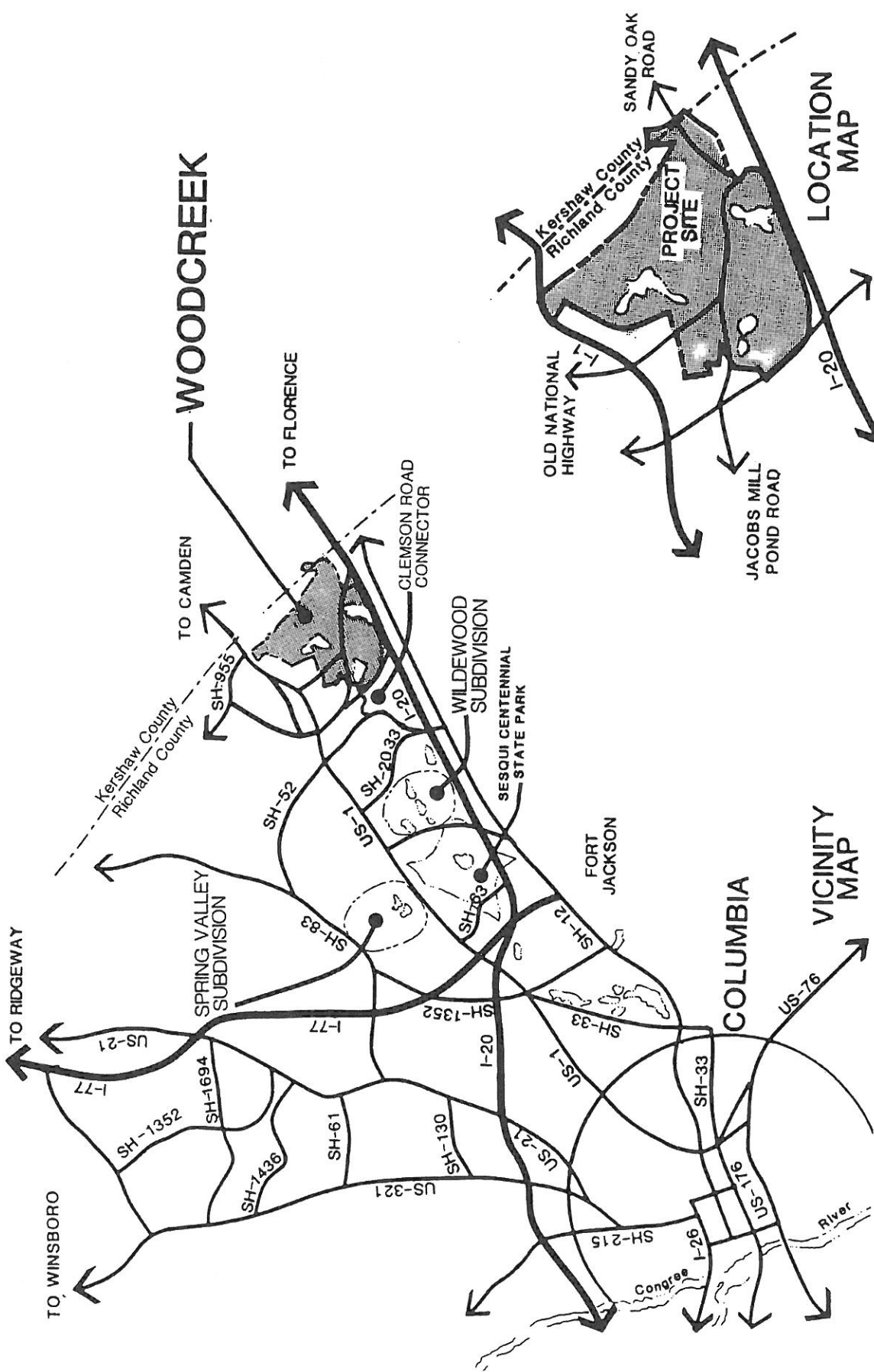
Master Planning Consultant:

*Downing, Thorpe & James, Inc.
1881 9th Street, Suite 103
Boulder, Colorado 80302
(303) 443-7533*

October 1991

WOODCREEK

GENERAL DEVELOPMENT PLAN



WOODCREEK

LOCATION MAP

VICINITY MAP

WOODCREEK

Woodcreek is proposed to be a 2,338-acre Master Planned Community located in Richland County, South Carolina. The General Development Plan represents a coordinated response to the immediate needs and long-range market demands for a multiple-use, recreation-oriented master planned community. It also represents an unique opportunity for Richland County to accommodate high-quality residential neighborhoods, while benefitting from the expanded economic base of their anticipated commercial uses.

The property, north of I-20 at Spears Creek Church Road, consists of heavily wooded hillsides enclosing several beautiful lakes and wetlands valleys. Planned as a complete multi-use living environment, the community will accommodate residential, commercial, and recreational land uses. These uses have been carefully located to take advantage of the sites' natural features. All architectural development will conform to the existing hillside terrain, thereby minimizing the required grading, and preserving the wooded character of the site.

The General Development Plan anticipates a recreational theme for the community, and reserves approximately 30% of the property for open space and recreational uses. Key to this concept is an 18-hole championship golf course, designed by renowned golf course architect, Tom Fazio. A quality clubhouse facility will accommodate swimming, tennis, and community events. The 168 acres of existing lakes, in conjunction with two new proposed lakes covering 156 acres, will serve as major focal elements for a variety of residential uses. Several Community Beach Clubs and Neighborhood Recreation Centers have been incorporated to offer water amenities and outdoor activities to all Woodcreek residents.

The Land Use Plan is organized to create four identifiable villages. Each village will contain a major open space/recreational element, a variety of residential housing types, commercial establishments, and a distinctive character theme. Although the architectural style of each village will be established at the time of its definitive planning, the overall community character will be created and maintained through coordinated site features which will be consistent throughout the development.

The Circulation Plan reinforces this Village concept by providing a hierarchy of entry experiences leading to identifiable neighborhoods. Spears Creek Church Road will serve as the primary entrance to the community. A Community Collector Drive, which passes between the existing Upper and Middle Beaver Lakes, will offer a unique visual amenity to the entire community, and provide access to all four residential villages. Village Collector Roads, extending from the Community Collector Drive, serve each of the neighborhood parcels. Careful attention has been given to create a traveling experience that will be unique among county streetscenes, offering open space views and vistas to all residents, while effectively responding to the natural topography.

The General Development Plan proposes 5,343 residences on 1,422 residential acres, for an overall density of 3.8 DU/AC. However, their respective zoning categories will accommodate up to 8,325 total residences for an allowable overall density of 5.7 DU/AC, in response to future market demand. Residential products shall include single family detached homes, cluster homes, and multi-family apartments, with the primary emphasis on a quality detached lifestyle.

Community commercial uses have been located along Spears Creek Church Road, taking advantage of the I-20 highway access, and providing commercial services to both Woodcreek and neighboring developments. Three commercial "flex parcels" located within the development provide an opportunity for neighborhood commercial centers, offices, churches, school sites or parks, to meet future community needs.

The Woodcreek General Development Plan provides a framework to integrate a variety of land uses and services, while promoting the development of high quality residential neighborhoods oriented to open space. The flexibility to change product types within the allowable zoning categories, or modify zoning designations within the established yield for the overall development, will allow Woodcreek to respond to reasonable shifts in market demand and neighborhood development patterns -- creating a viable and successful new community.

WOODCREEK

COMMUNITY PLANNING CONCEPT

SITE TABULATION

Category	Area (Acres)	Units
Country Club	100.00	100
Village Beach Club	100.00	100
Neighborhood Rec. Center	100.00	100
Community Entry	100.00	100
Commercial Entry	100.00	100
Village Entry	100.00	100
Neighborhood/Parcel Entry	100.00	100
Total	600.00	600

VILLAGE LANDUSE SUMMARY

Category	Area (Acres)	Units
Country Club	100.00	100
Village Beach Club	100.00	100
Neighborhood Rec. Center	100.00	100
Community Entry	100.00	100
Commercial Entry	100.00	100
Village Entry	100.00	100
Neighborhood/Parcel Entry	100.00	100
Total	600.00	600



WOODCREEK VILLAGE HIERARCHY CONCEPT

RICHLAND COUNTY, S.C. • WOODCREEK DEVELOPMENT PARTNERSHIP

October 11, 1991

Scale: 1" = 500'
PROJECT # 87008.11

Proposed Residential Land Uses	Large SFD 1.3 DU/AC	Medium SFD 1.5 DU/AC	Small SFD 3.5 DU/AC	CLUSTER 5.0 DU/AC	MFF/FLEX Up To 16 DU/AC ▲	COMMERCIAL	PROPOSED RECREATIONAL	TOTAL ACRES	TOTAL RESIDENTIAL
Northwood Lake Village	0 ac 0 units	222 ac 334 units	132 ac 463 units	89 ac 445 units	38 ac 608 units	38 ac	10 ac	529 ac	481 ac 1850 units 3.8 du/ac
Country Club Village	143 ac 187 units	156 ac / 235 units /	0 ac 0 units	20 ac 100 units	0 ac 0 units	14 ac	4 ac	337 ac	319 ac 522 units 1.6 du/ac 334 ac* 545 units* 1.6 du/ac*
Spears Creek Village	0 ac 0 units	0 ac 0 units	158 ac / 554 units /	0 ac 0 units	20 ac 320 units	0 ac	8 ac	186 ac	178 ac 874 units 4.9 du/ac 197 ac* 941 units* 4.8 du/ac*
Beaver Lake Village	112 ac / 146 units /	126 ac / 190 units /	0 ac 0 units	46 ac 230 units	160 ac / 1531 units /	126 ac	10 ac	580 ac	444 ac 2097 units 4.7 du/ac 484 ac* 2257 units* 4.6 du/ac*
Proposed Residential Yield	255 ac / 333 units /	504 ac / 759 units /	290 ac / 1017 units /	155 ac 775 units	218 ac / 2459 units /	178 ac	32 ac	1622 ac	1872 ac 5943 units 3.6 du/ac 1508 ac* 5593 units* 3.7 du/ac*

* Increased Residential area and yield, if proposed lakes are not permitted.

▲ Land Use Density subject to Lake Permitting and Construction

WOODCREEK

VILLAGE HIERARCHY TABULATION

SITE TABULATION

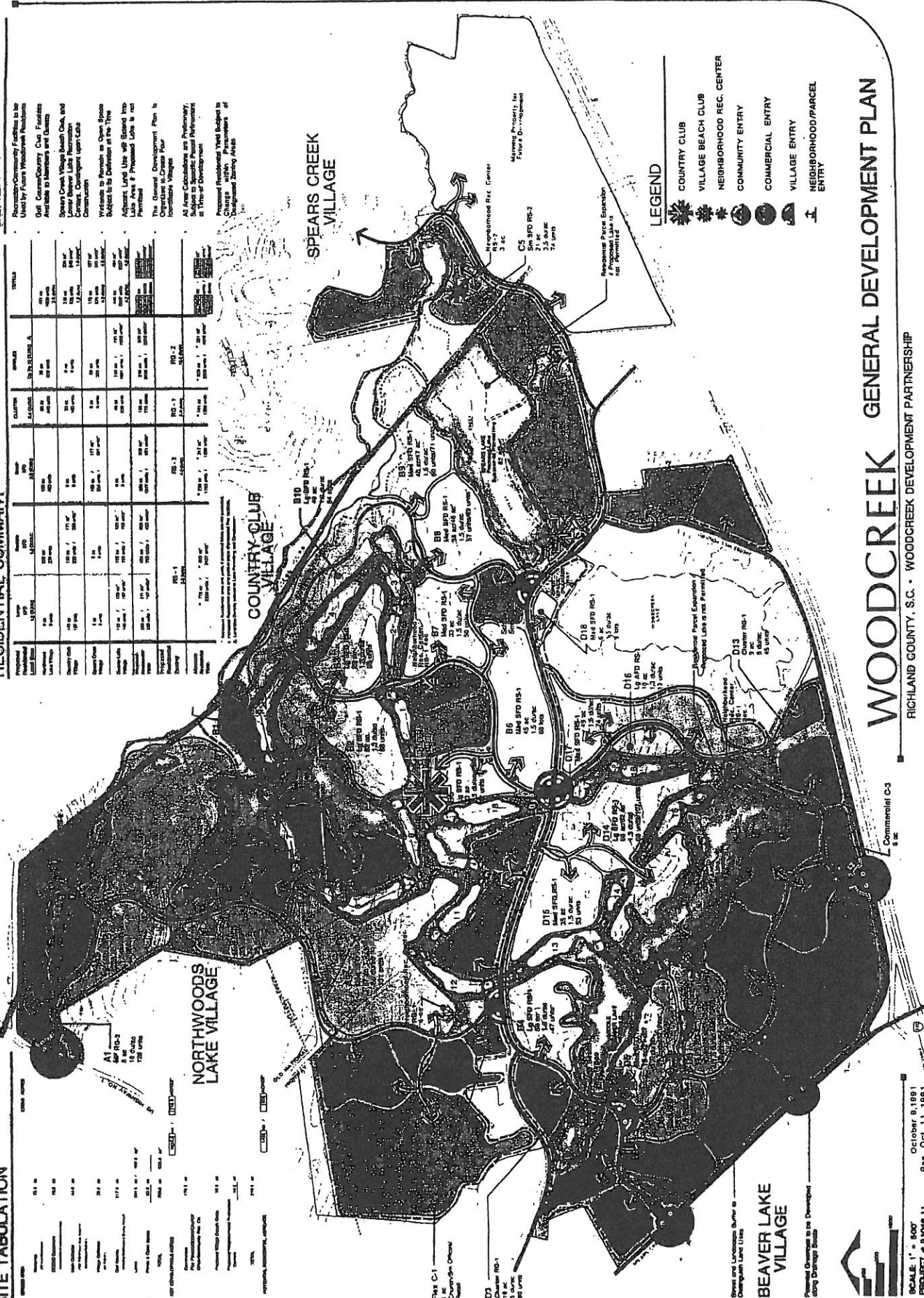
Parcel No.	Area (Ac)	Use	Notes
101	1.0	Residential	
102	1.0	Residential	
103	1.0	Residential	
104	1.0	Residential	
105	1.0	Residential	
106	1.0	Residential	
107	1.0	Residential	
108	1.0	Residential	
109	1.0	Residential	
110	1.0	Residential	
111	1.0	Residential	
112	1.0	Residential	
113	1.0	Residential	
114	1.0	Residential	
115	1.0	Residential	
116	1.0	Residential	
117	1.0	Residential	
118	1.0	Residential	
119	1.0	Residential	
120	1.0	Residential	

RESIDENTIAL SUMMARY

Parcel No.	Area (Ac)	Use	Notes
121	1.0	Residential	
122	1.0	Residential	
123	1.0	Residential	
124	1.0	Residential	
125	1.0	Residential	
126	1.0	Residential	
127	1.0	Residential	
128	1.0	Residential	
129	1.0	Residential	
130	1.0	Residential	
131	1.0	Residential	
132	1.0	Residential	
133	1.0	Residential	
134	1.0	Residential	
135	1.0	Residential	
136	1.0	Residential	
137	1.0	Residential	
138	1.0	Residential	
139	1.0	Residential	
140	1.0	Residential	

GENERAL NOTES

Recreation/Community Facilities to be used by Future Woodcreek Residents
 Golf Course/Clubhouse Club Facilities Available to Members and Guests
 Spear Creek Village Beach Club, and Lower Beaver Lake Recreation Center, Campground, Open Lake
 Wetlands to remain as Open Space Subject to the Determination of the State Adjacent Land Use with Easement into Wetlands of Prohibited Use to not be Permitted
 This General Development Plan is Organized in Chronological Order
 All Area Calculations and Preliminary Subject to Specific Parcel Examination at Time of Development
 Proposed Residential Yield Budget to be changed within Parameters of Designated Zoning District



WOODCREEK GENERAL DEVELOPMENT PLAN

RICHLAND COUNTY, S.C. • WOODCREEK DEVELOPMENT PARTNERSHIP



October 8, 1991
 Rev. Oct. 11, 1991
 PROJECT # 89048.11

GROSS AREA 2338.0 ACRES

Wetlands (70' from Boundary)	75.0 ac
SCE&G Easement (minus areas of wetlands overlap)	16.0 ac
Main Collector (100' R.O.W.) (+/- 6 ac. trade for Old National R.O.W.)	44.0 ac
Village Collector (80' R.O.W.)	30.0 ac
Golf Course (including Clubhouse & Driving Range)	217.0 ac /
Lakes	264.0 ac / 180.0 ac*
Ponds & Open Space	60.0 ac
TOTAL	706.0 ac / 622.0 ac*

NET DEVELOPABLE ACRES 1632.0 ac / 1716.0 ac*

Commercial Flex Parcels/School/Church/ Office/Community Rec. Ctr.	178.0 ac
Proposed Village Beach Clubs	16.0 ac
Proposed Neighborhood Recreation Centers	16.0 ac
TOTAL	210.0 ac

PROPOSED RESIDENTIAL ACREAGE 1422 ac / 1506 ac*

* Increased Residential Area and Yield, if proposed lakes are not permitted.

WOODCREEK

GENERAL
DEVELOPMENT TABULATION

Proposed Residential Land Uses	Large SFD 1.3 DU/AC	Medium SFD 1.5 DU/AC	Small SFD 3.5 DU/AC	CLUSTER 5.0 DU/AC	MF/FLEX Up To 16 DU/AC ▲	TOTALS
Northwood Lake Village	0 ac 0 units	222 ac 334 units	132 ac 463 units	89 ac 445 units	38 ac 608 units	481 ac 1850 units 3.8 du/ac
Country Club Village	143 ac 187 units	156 ac / 171 ac* 235 units / 258 units*	0 ac 0 units	20 ac 100 units	0 ac 0 units	319 ac 522 units 1.6 du/ac
Spears Creek Village	0 ac 0 units	0 ac 0 units	158 ac / 177 ac* 554 units / 621 units*	0 ac 0 units	20 ac 320 units	178 ac 874 units 4.9 du/ac
Beaver Lake Village	112 ac / 128 ac* 146 units / 167 units*	126 ac / 129 ac* 190 units / 195 units*	0 ac 0 units	46 ac 230 units	160 ac / 191 ac* 1531 units / 1665 units*	444 ac 2096.6 units 4.7 du/ac
Proposed Residential Yield	255 ac / 271 ac* 333 units / 167 units*	504 ac / 522 ac* 759 units / 453 units*	290 ac / 309 ac* 1017 units / 621 units*	155 ac 775 units	218 ac / 249 ac* 2459 units / 2593 units*	1422 ac 5342.6 units 3.8 du/ac
Proposed Residential Zoning	RS - 1 3.0 du/ac	RS - 1 3.0 du/ac	RS - 2 4.0 du/ac	RG - 1 8.0 du/ac	RG - 2 16.0 du/ac	
Allowable Residential Yield	● 775 ac / 2325 units /	● 809 ac* 2427 units*	● 298 ac / 1198 units /	● 161 ac 1288 units	● 220 ac / 3520 units /	● 1454 ac / 8331 units / 5.7 du/ac

* Increased Residential area and yield. If proposed lakes are not permitted.
 ● Increased Residential area and yield in place of proposed Rec facilities.
 ▲ Land Use Density subject to Lake Permitting and Construction.

WOODCREEK

GDP RESIDENTIAL LAND USE TABULATION

Many wetland areas will comprise open space which will be deeded to an appropriate entity with restrictions that will ensure that the property remains open. The General Development Plan shows the general location of these areas, however the boundaries have not been determined at this time and may vary as each parcel is actually developed and surveyed and a determination made as to whether the property is wetland or not.

Community facilities such as beach clubs and neighborhood recreational areas will be established throughout the property in such numbers and locations as the market may demand from time to time. Several of these areas are indicated on the General Development Plan as possible areas where a community facility might be desirable, however, a determination as to the exact number of these areas has not been made at this time and will be made as specific areas are developed and platted which would utilize a given recreational area.

Development Phasing: (See Phase One Development Plan)
Other phases will be brought on line and will consist of the number of units and types of units as the market may dictate at that time.

Homeowners Association: It is anticipated that a master homeowners association will be set up to take control of and oversee maintenance of all entrances, streetscapes and other common property which is not a part of an individual community. Individual community associations will also be set up as each community is developed which will be responsible for maintenance of the common areas within that particular community, including individual entrances, streetscapes, lakes and/or ponds, community centers or other amenities within the area.

Design Standards: Each community within the proposed development will have certain design criteria that will be met within that particular community with the restrictive covenants contained in all conveyances to require submittal and architectural approval of all building plans, plot plans, and landscaping plans within the property. It is anticipated that a qualified architect will be employed to assist in the review process to insure that each neighborhood is done in the best way possible.

Planning Objectives: The planning objective for the Woodcreek project is to develop a homogeneous mix of various residential uses for an upscale community, which will include several lakes and ponds, an 18-hole golf course and other open areas. Cluster housing will be used within portions of the property to enable the developer to maximize the use of open space. Commercial areas will be located mainly on the portion of the property adjacent to I-20, with small areas of neighborhood commercial within the interior of the project. Multifamily use will be located so as to have minimal impact on low density residential areas.

Percentages of Various Land Uses: (See General Development Plan)

Maximum Density: (See General Development Plan)

Legal Description: (See Exhibit "A" in Submittal Package)

Development Area: (See General Development Plan)

Various Types of Units: (See General Development Plan)
These unit counts are tentative only, with the understanding that the types and numbers of units may change depending on demands within the market over the extended period of this development. The developer intends to develop an upscale community, however, the definition of what composes an upscale community may change from time to time.

Open Spaces and Community Facilities: (See General Development Plan)
Open space will be utilized throughout the subdivision for buffering and other purposes so as to create a low-density atmosphere within the property.

WOODCREEK

DESCRIPTIVE STATEMENT

As required by
Richland County Zoning Ordinance 6-11.13

Proposed Residential Land Uses	Large SFD 1.3 DU/AC	Medium SFD 1.5 DU/AC	Small SFD 3.5 DU/AC	CLUSTER	MF	TOTALS
Country Club Village	65 ac 85 units	0 ac 0 units	0 ac 0 units	5.0 DU/AC 51 ac 255 units	16 DU/AC 0 ac 0 units	116 ac 340 units 2.9 du/ac
Beaver Lake Village	112 ac / 146 units / 128 ac* 167 units*	71 ac / 107 units / 74 ac* 112 units*	0 ac 0 units	37 ac 185 units	38 ac 608 units	258 ac 1046 units 4.1 du/ac 277 ac* 1072 units* 3.9 du/ac*
Proposed Residential Yield	177 ac / 231 units / 193 ac* 252 units*	71 ac / 107 units / 74 ac* 112 units*	0 ac / 0 units / 0 ac* 0 units*	88 ac 440 units	38 ac 608 units	374 ac 1386 units 3.7 du/ac 393 ac* 1412 units* 3.6 du/ac*
Proposed Residential Zoning	RS - 1 3.0 du/ac		RS - 2 4.0 du/ac	RG - 1 8.0 du/ac	RG - 2 16.0 du/ac	
Allowable Residential Yield	256 ac / 768 units / 275 ac* 825 units*	0 ac / 0 units / 0 ac* 0 units*	0 ac / 0 units / 0 ac* 0 units*	88 ac 704 units	38 ac 608 units	282 ac / 2080 units / 7.3 du/ac 401 ac / 2152 units* 5.3 du/ac*

* Increased Residential and yield, if proposed lakes are not permitted.
 • Increased Residential area and yield in place of proposed Rec facilities.

PARCEL	AC	PROPOSED LAND USE/ALLOWABLE YIELD-ZONING	DENSITY	UNITS	NOTES
B2	52	Large SFD / RS-1	1.3 du/ac / 3.0 du/ac	68 / 156	
B5	13	Large SFD / RS-1	1.3 du/ac / 3.0 du/ac	17 / 39	
D4	36	Lg SFD / RS-1	1.3 du/ac / 3.0 du/ac	47 / 108	
D15	35	Med SFD / RS-1	1.5 du/ac / 3.0 du/ac	53 / 105	
TOTALS	136		5.4 du/ac / 3.0 du/ac	185 / 408	Proposed Land Use/Allowable Yield

WOODCREEK

PHASE ONE RESIDENTIAL LAND USE TABULATION

LEGEND

- COUNTRY CLUB
- VILLAGE BEACH CLUB
- NEIGHBORHOOD REC. CENTER

GENERAL NOTES

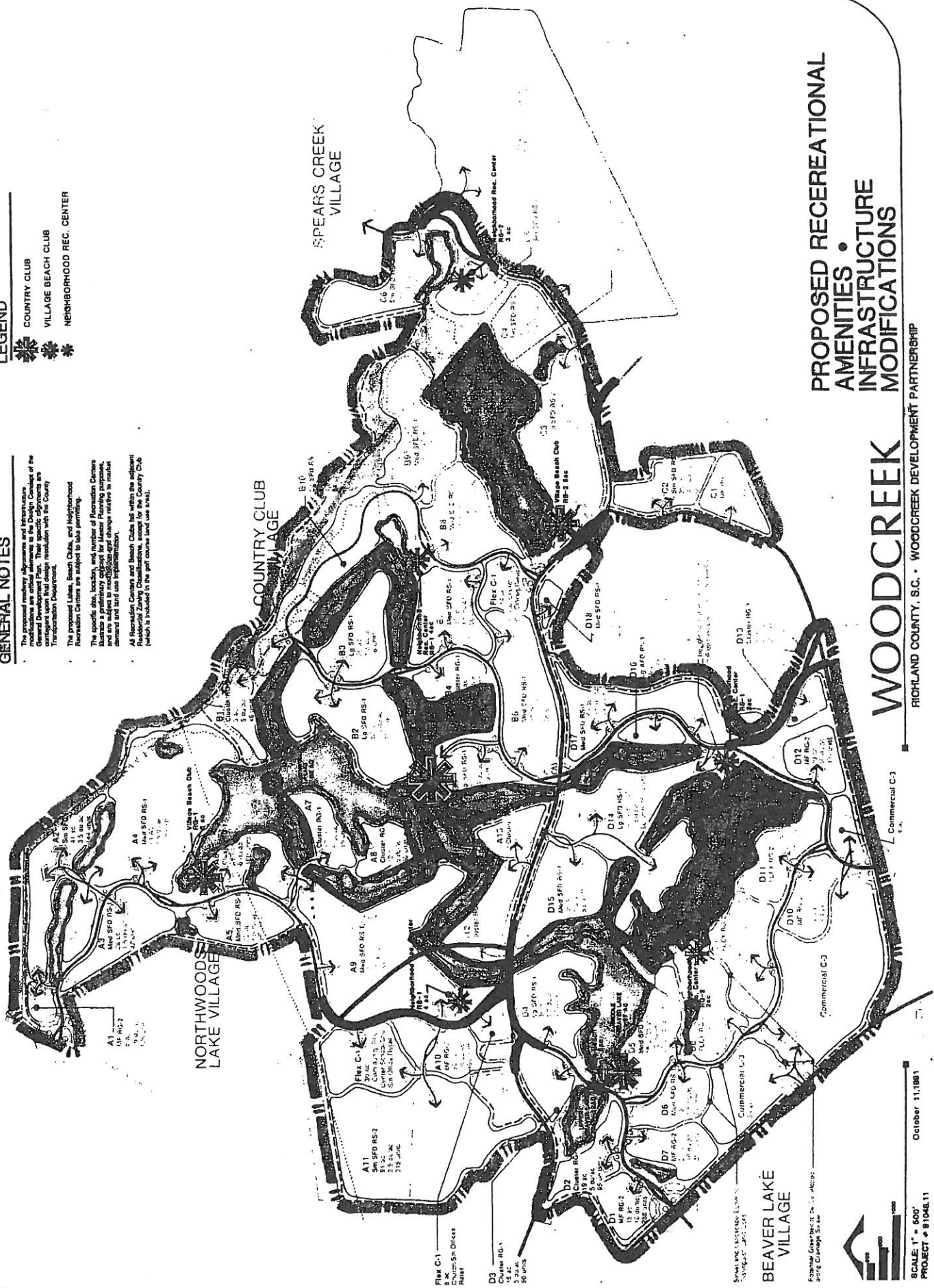
The proposed roadway alignments and infrastructure modifications are critical elements to the Design Concept of the General Development and Design. These elements are subject to review and approval by the South Carolina Department of Transportation.

The proposed Lakes, Beach Clubs, and Neighborhood Recreation Centers are subject to lake permitting.

The specific site, location, and number of Recreation Centers, Beach Clubs, and Neighborhood Recreation Centers are subject to lake permitting, and are subject to modification and change relative to market demand and land use implementation.

All Recreation Centers and Beach Clubs are within the adjacent Residential Zoning Classification, except for the Country Club which is included in the golf course land use area.

PROPOSED RECREATIONAL AMENITIES • INFRASTRUCTURE MODIFICATIONS



WOODCREEK

WOODCREEK DEVELOPMENT PARTNERSHIP

October 11, 1981

SCALE: 1" = 500'
PROJECT # 91048.11





Richland County Government
2020 Hampton Street
Columbia, SC 29204

Phone (803) 576-2180
Fax (803) 576-2182
