RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 2 February 2011 1:00 p.m. Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS February 2, 2011



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 11-01 V	Carl Schaef	17105-03-65	336 Weddell St., Columbia, SC 29223	Kennedy
2. 11-02 V	Jeston McMoore	14107-01-02	5101-03 Two Notch Rd., Cola. SC 29204	Jeter



Richland County Board of Zoning Appeals Wednesday, February 2, 2011 2020 Hampton Street 2nd Floor, Council Chambers

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM
- II. RULES OF ORDER
- **III.** ELECTION OF OFFICER
- IV. APPROVAL OF MINUTES December, 2011
- V. PUBLIC HEARING

OPEN PUBLIC HEARING

Chairman

Amelia Linder, Attorney

Geonard Price, Zoning Administrator

11-01 V Carl Schaef 336 Waddell St.	Request for a variance to exceed the allowable squar footage on an accessory structure on property zone RS-LD. (Residential Low Density)
Columbia, SC 29223 17105-03-65	P. 01
11-02 V Jeston McMoore 5101-5103	Request for a variance to reduce to number of parkir spaces on property zoned GC. (General Commercial)
Columbia, SC 29229 14107-01-02	P. 13

VI. ADJOURNMENT



REQUEST, ANALYSIS AND RECOMMENDATION

11-01 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to exceed the maximum square footage for an accessory structure on property zoned RS-LD (Residential, Single-Family, Low Density).

GENERAL INFORMATION

Applicant

Carl Schaef

<u>Tax Map Number</u> 17105-03-65

Location

336 Weddell Street

Parcel Size 2± acre tract Existing Land Use Residential

Existing Status of the Property

The subject property has a 3,813 square foot dwelling, which was originally constructed 1994.

Proposed Status of the Property

The applicant is proposing the construction of an accessory structure (roof over the tennis courts) which will exceed the maximum allowed square footage.

Character of the Area

The area is comprised of single family 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 proposing to construct a 9,504 square foot structure which would exceed the allowed square footage for an accessory structure by 8,304 square feet. According to section 26-185 (b) (1) (d) of the LDC, the maximum total area for an accessory structure is 1,200 square feet.

The justifications for the proposed structure, according to the applicant are:

- 1. To keep blotching and staining pollen off of the court;
- 2. To keep pine straw and leaves off of the court; and
- 3. To protect the players when it is raining.

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. Staff recommends that the request be <u>denied</u>. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to establish that extraordinary and/or exceptional conditions exist.

- b. How were conditions created
- c. Conditions applicable to other properties
- d. Application of the ordinance restricting utilization of property
- e. Substantial detriment of granting variance

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.

- (b) Accessory uses and structures (customary).
 - (1) General standards and limitations.
 - d. *Size restrictions.* Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard.

ATTACHMENTS

- Application
- Plat
- Depiction of structure

CASE HISTORY

No record of previous special exception or variance request.

11-01 V CARL SCHAEF 336 WADDELL ST. COLUMBIA, SC 29223 17105-03-65



		Application #
1	Lo	cation <u>336 Weddell St., Columbia, SC 29223-5678</u> IS Page <u>17105</u> Block <u>03</u> Lot <u>65</u> Zoning District <u>RS-Lb</u>
	TN	IS Page 17105 Block 03 Lot 65 Zoning District RS-LN
2.	Ap	plicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the operty as described in the provisions of Sectionof the Richland County Zoning Ordinance.
3.		plicant requests a variance to allow use of the property in a manner shown on the attached site plan, scribed as follows: $120 + 0/cr$ $chisting fermis Coort,$
4.	Th <u>Se</u>	e application of the ordinance will result in unnecessary hardship, and the standards for a variance set by c. 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: <u>Set attached</u> :
hind	b)	Describe how the conditions listed above were created: Tennic court was built
	c)	These conditions do not generally apply to other property in the vicinity as shown by: No tennis
	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: <u>See attrached</u>
	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:
5.	The a)	e following documents are submitted in support of this application [a site plan must be submitted]:
	b)	

•]

City, State, Zip Code

5'

336 Weddell St. Columbia, SC 29223-5678 Telephone: 788-5928 16 December 2010

To Whom It May Concern:

Concerning to attached variance :

The structure will be painted pine green and will be roofed with clear, double sided greenhouse sheeting to make it nearly invisible both from the street and to the adjoining properties because of the substantial, tall pine trees on this property.

Justifications:

- 1. Structure is needed to keep blotching and staining pollen off of service of court which is very hard to remove.
- 2. Structure is needed to keep pine straw and leaves off of court which need to be removed constantly.
- 3. Structure is needed to protect players from precipitation off court when raining.

Thank you for considering this variance. We are well aware that this is an unusual request. We hope that we can come to agreement on this zoning request and that you will understand why we want it built on our property at considerable expense to us.

Sincerely yours, Carl & Barbara Schaef



ACCREDITED	A Company of NCI Bu 2612 GRIBBLE ST. • N. I 800-643-5555 / FAX	ilding Systems, Inc. ittle Rock, AR • 721 <u>K: 501-945-2255</u>		MFI
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SALESPERSON: Paul Fowler	QUOT		10PFCR	
BUYER: CARL SCHAEF	SHIP	0.0036362		2015ED
COMPANY:	ADDR	the second se	14014 CC 20223	Quore
ADDRESS: 336 WEDDELL STREET			UMBIA, SC 29223	Gue -
CITY, ST., ZIP: COLUMBIA, SC 29223				
PHONE: (803) 788-5928 FAX:	(803) 462-0484 JOB S CONT			
CELL PH.:			Community Residential	
	BUILDING SPE	CIFICATIONS		
WIDTH: 132	LENGTH:	72	EAVE HEIGHT: 30	monall
ROOF SLOPE: 1.5:12	RIDGE TO FRONT:	W/2		TAPERED
INT. MODULE SPACING: N/A	SW BAY SPACING:	3@24	LEW CONDITION:	OPEN
LEFT ENDWALL FRAME: RF-2 HL RIGID	COLUMN SPACING:	2@66	REW CONDITION:	OPEN
RIGHT ENDWALL FRAME: RF-2 HL RIGID		2@66	SIDEWALL - PORTAL	and the second se
Ontri i ti bi i ti bi i i i i i i i i i i i	PASS BRA		SIDEWALL - PORTAL	FRAME
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RIGHT ENDWALL - FL	USH		ENDWALL - NIGID TH	
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* ARE FRAMED OPENINGS & OPEN AREA	S ENCLOSED WITH MATE	RIAL DESIGNED TO I	RESIST WIND LOAD?	REDUCIBLE: yes
COLLATERAL LOAD: 1.0 PSF CO			E LOAD(PSF): 20	RTIALLY EXPOSED
GROUND SNOW(PSF): 10 RC	OOF SNOW(PSF):			
	IRRICANE REGION:	_ ADJACENT BLDG		PTED? Yes I If NO.
SEISMIC D.C. D SITE CLASS:	$D S_s/A_s$: .60 S_1/A			and Information" Form
Please Submit The Required Limits DO	ES BUILDING INCLUDE A		YES, Please Complete "Ci	
THERMAL CONDITION: Unheated	IMPORTANCE FAC	TORS: SNOW:	WIND:) SEISIVIIC. 1.0
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PLEASE REVIEW THE "HELP TOPICS" @	www.heritagebuildings.com	OR CLARIFICATION TO		
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REQUEST, ANALYSIS AND RECOMMENDATION

11-02 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to reduce the required number of off-street parking spaces on property zoned GC (General Commercial).

GENERAL INFORMATION

<u>Applicant</u>

Jeston McMoore

Tax Map Number 14107-01-02

Location

5101-5103 Two Notch Road

.31 acre tract

Existing Land Use Commercial

Existing Status of the Property

There are two commercial buildings, 2,042 and 287 square feet, located on the subject parcel which were constructed circa 1978.

Parcel Size

Proposed Status of the Property

The applicant is proposing to establish a motor vehicle sales business. The 287 square foot building is proposed to serve as the primary office for the use.

Character of the Area

The area is comprised of various commercial uses.

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 reduce the required number of off-street parking spaces by two (2). Section 26-173 of the Richland County Land Development Code (LDC) establishes the minimum and maximum off-street parking standards according to the specific type of land use. An office use, which is designated for the 2,042 square foot structure, would require a minimum of six (6) and a maximum of sixteen (16) off-street parking spaces. This is base on the following standard.

Minimum: One (1) per 300 GFA Maximum: One (1) per 125 GFA.

The motor vehicle sales would require a minimum of eight (8) spaces, based of the following standard:

Minimum: Five (5) plus one (1) per 10,000 GFA of display area plus two (2) per three (3) employees on shift of greatest employment

Based on the above calculations, a minimum total of fourteen (14) off-street parking spaces are required for the development.

Staff has reviewed the submitted site plan. It is staff's opinion that of the proposed 14 spaces, at least five (5) of the spaces wouldn't allow for reasonable and safe vehicular maneuverability. Subsection 26-173 (d)(a) states:

<u>All off-street parking areas</u>, with the exception of parking areas for singlefamily detached and two-family dwellings, <u>shall be so designed that</u> <u>vehicles will not be required to back onto a public road when leaving the</u> <u>premises.</u> <u>All parking areas shall be designed so that there is sufficient</u> <u>area for access to all parking spaces and safe maneuvering within the</u> <u>parking area.</u>

Staff believes that the subject request does not meet all of the criteria required for the granting of a variance. Staff recommends that the request be <u>denied</u>. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

The configuration of the parcel and location of the buildings, coupled with the location and previous development of the right-of-way, affects the potential placement and number of required parking spaces.

b. How were conditions created

Records indicate that the right-of-way pre-dates the county's land development regulations.

c. <u>Conditions applicable to other properties</u>

Staff is unable to determine if the conditions are applicable to other properties in the area.

d. Application of the ordinance restricting utilization of property

The application of the required off-street parking requirements for a commercial type land use on the subject parcel does prevent the utilization of this parcel for the proposed use.

e. Substantial detriment of granting variance

The granting of the variance would create hazards to vehicular and/or pedestrian traffic.

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.

11-02 V JESTON MCMOORE 5101-5103 COLUMBIA, SC 29229 14107-01-02



11-02 V JESTON MCMOORE 5101-5103 COLUMBIA, SC 29229 14107-01-02



01/24/2011

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(O OF ZONING AP	
	2	Application #]
1.	Location <u>510) - 5163</u> TMS Page <u>14167</u> Block	Two Norch Roa 01 Lot 02	Zoning District 6C
2.		oning Board of Appeals for a variance fr sions of Section <u>26-17 こ</u> of the	
3.		How use of the property in a manner sho tion in parking spa	
4.		vill result in unnecessary hardship, and t County Zoning Code are met by the fol	
and +1	following: The shape of the DOT Right of Way Ewon the exceptional and	Extraordiany Couditions	reperty are creating Set forth.
(+5 P	c) These conditions do not gene roperties Link a Sim	se calls for. Only when	officte) have Not fallen
	effectively prohibit or unreaso	the application of the ordinance to the panably restrict the utilization of the proper of Can Not Se Osed	ty as follows:
	e) The authorization of the varian public good, and the charact following reasons: Variod	nce will not be of substantial detriment to er of the district will not be harmed by th 25 properties in and the Parking Regulacius the harmony with is t	e granting of the variance for the a round the parcel . Used CHL Lars
5.	a) existing conditions	nitted in support of this application [a sit	e plan must be submitted]:
	 b) <u>site plons - 14 spaces</u> c) <u>Site plons - 12 space</u>. Attach additional pages 	5	
	Americ -	1012 LAKE Village Drive	803.315.7779
-	Applicant's Signature	Address	Telephone Number
-	Estan L. MEmbore Printed (typed) Name	Columbia SC 29229 City, State, Zip Code	803 : 807 · 10 15 Alternate Number

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Request for Services of Property Management Section

At SCDOT, we have approximately 82,000 miles of road frontage which this department services. This is the fourth largest highway inventory in the United States. Because of our large road inventory, we ask that you complete this form in its entirety and mail it to the address below. This will help us respond to your request sooner by identifying the exact location and the services you would like.

Date filled out by requestor: 12/22/10 Richland 944
Rob LAP.N 1901 Main Sto 200 Columbia, SC 29223 (803) 9834 Name of Requestor Address City Zip County Phone
Name of Requestor Address City Zip County Phone
Tening 1407 Connerwoo Conde Droshen, PA 19025 (267) 241-3535 Name of Property Owner Address City Zip County Phone
Name of Property Wwner Address City Zip County Phone if different from requestor
Please provide an email address (if available) <u>RLapin QNJai Avant, Com</u> Evaluate Service (a) Regulated of SCDOT: Terry YANG 1407 @ 9 Mail Com
Explain Service(s) Requested of SCDOT: TERRY YANG 1407 @ gmail Con
· Explore Possibility of Obtaining the ROW from SDOT
At Front of our property ON Two North Road (5101-3Two Worth Rad)
Would like bly right to PARKOW it and use the property
Have you contacted SCDOT previously about this request? No Yes I If yes, date
Address (street name) of the site 5701 Two Worth Road
Please give us specific directions to the site: County <u>Richland</u> Near city of <u>Columbia</u> Property fronting on Highway Number: Interstate US Hwy
SC Hwy County Road
Site is approximately <u>20</u> feet /miles North, South, East or WesDof Intersecting road <u>Two</u> Workk
Please enclose a copy of the following: a recent plat of your property showing you are the adjacent owner, Tax Map Number, a SCDOT File Number and Tract
Number
A space has been provided on the back of this sheet for you to draw a detailed sketch of the

property you are interested in purchasing.

Can you meet a SCDOT representative at the site by appointment during the week? ____No__Kes Please mail or fax this form back to our office.

South Carolina Department of Transportation Property Management Office-Room 422 Post Office Box 191 Columbia, South Carolina 29202 Phone 1-800-214-4495 or (803) 737-1400 Fax 1-803-737-1403





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Richland County Government 2020 Hampton Street Columbia, SC 29204 Phone (803) 576-2180 Fax (803) 576-2182