

RICHLAND COUNTY BOARD OF ZONING APPEALS



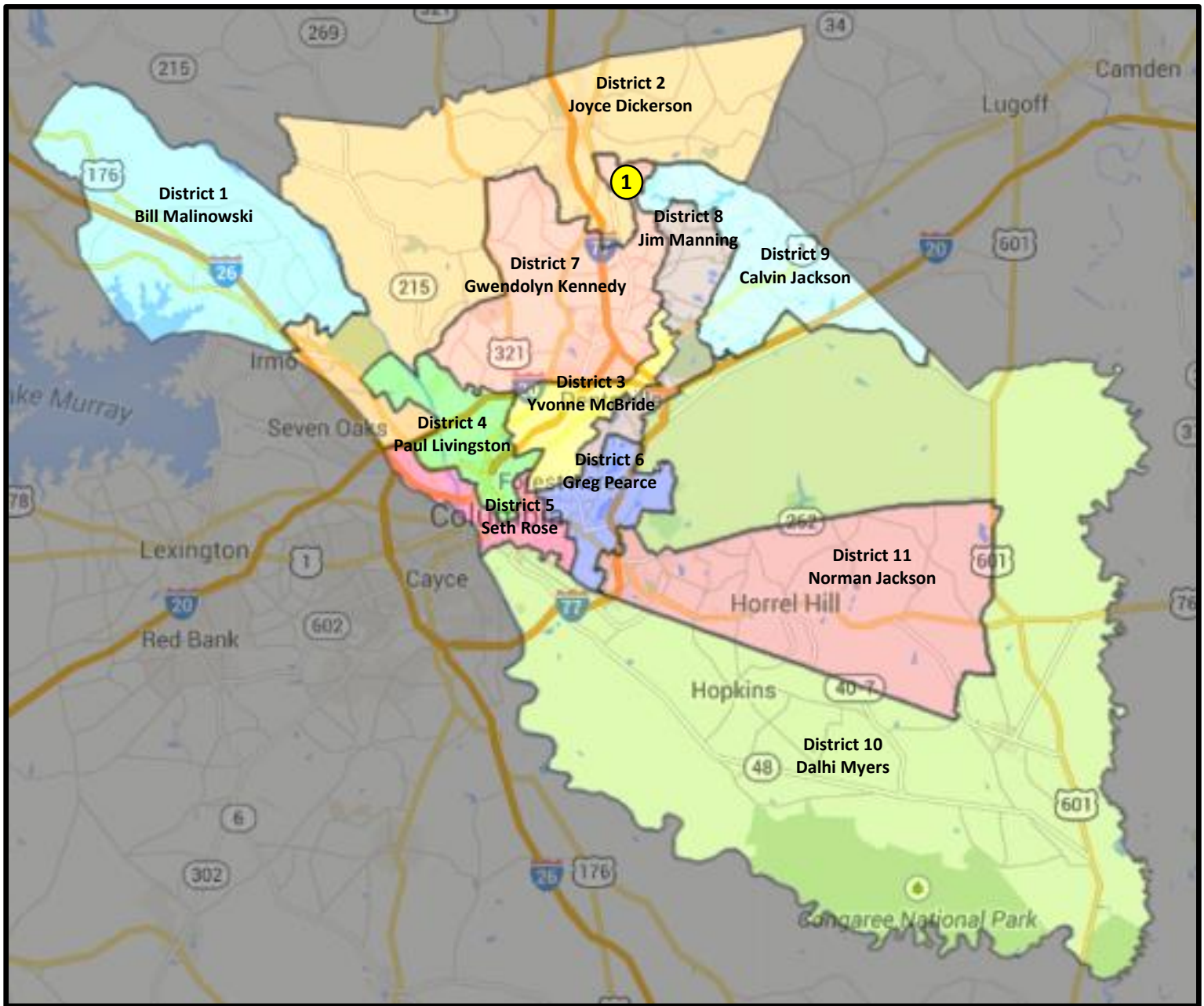
Wednesday, 7 June 2017

3 p.m.

Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS

June 7, 2017



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 17-09 V	Barry Bor	R17700-04-23	413 Longtown Road West Blythewood, SC 29016	Kennedy



**Richland County
Board of Zoning Appeals
Wednesday, June 7, 2017
2020 Hampton Street
2nd Floor, Council Chambers
3:00 p.m.**

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM Joshua McDuffie, Chairman**
- II. ADOPTION OF AGENDA**
- III. PUBLIC NOTICE ANNOUNCEMENT**
- IV. RULES OF ORDER Joshua McDuffie, Chairman**
- V. APPROVAL OF MINUTES - May 2017**
- VI. PUBLIC HEARING Geonard Price,
Deputy Planning Dir. /Zoning Adm.**

OPEN PUBLIC HEARING

**17 – 09 V
Barry Bor
413 Longtown Road West
Blythewood, SC 29016
TMS# 17700-04-23
Page 1**

Request a variance to encroach into the required side yard setback on property zoned Rural (RU)

- VII. OTHER BUSINESS**
 - A. Reconsideration of Case 17-08 SE - Marguerite McClam
Page 15**
- VIII. ADJOURNMENT**



REQUEST, DISCUSSION AND RECOMMENDATION

CASE:

17-09 Variance

REQUEST:

The applicant is requesting the Board of Zoning Appeals to grant a variance to encroach into the required side yard setbacks in the Rural (RU) district.

GENERAL INFORMATION:

Applicant: Barry Bor

TMS: 17700-04-23

Location: 413 Longtown Road West, Blythewood, SC 29016

Parcel Size: 1.10 acres

Existing Land Use: Currently the property is residentially developed.

Proposed Land Use: The applicant proposes the construction of a carport which will encroach into the required side yard setback.

Character of Area: The area is residentially developed.

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:

The applicant is proposing to construct a 416 (16 x 26) square foot carport which will encroach into the required setback by fifteen (15) feet. The required side yard setback for an accessory structure in the RU zoned district is twenty (20) feet.

The original zoning as adopted September 7, 1977 was Development District (D-1). With the adoption of the 2005 Land Development Code the D-1 District was designated Rural District (RU). The required side and rear yard setbacks for accessory structures in the two district are as follows:

Rural: 20 feet

D-1: 10 feet

According to the applicant, he is requesting a setback which is “similar to all the subdivisions in the Longcreek Plantation which is 5 feet.” The applicant also states that the original plat, created in 1962, identifies the property as rural with 20 foot setbacks and that “...approximately 1000 homes have been built in Longcreek Plantation and all have 5 foot setbacks.” In addition, according to the applicant, the location of his house, pool, driveway and property line create a “...unique situation” and there “...is nowhere else on the property that would be practical or aesthetically pleasing to the adjacent properties.”

Staff believes that the subject parcel does not meet all of the criteria required for the granting of a variance. The zoning change from D-1 to RU, along with the associated setbacks, applied to a number of subdivisions and parcels in this section of Longcreek Plantation. The applicant has not demonstrated that there are conditions which are exclusive to the subject site. Staff recommends that the request be **denied**. 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 there are extraordinary and exceptional conditions present.

b. Conditions applicable to other properties

Staff determined that the conditions of other parcels in the general area of the subject are similar.

c. Application of the ordinance restricting utilization of property

Applying the setback requirements for the RU district would not prevent the utilization of this parcel.

d. Substantial detriment of granting variance

There would be no substantial detriment to the surrounding properties if the variance is granted.

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 the standards set forth in the Standard of Review. 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.

17 - 09 V
Barry Bor
413 Longtown Road West
Blythewood, SC 29016
TMS# 17700-04-23





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

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1. Location 413 LONGTOWN ROAD WEST, BLYTHEWOOD, SC 29016
 TMS Page 17700-00 Block 04 Lot 23 Zoning District RICHLAND

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 26-86 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: (SEE ATTACHED)

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: (SEE ATTACHED)

b) Describe how the conditions listed above were created: (SEE ATTACHED)

c) These conditions do not generally apply to other property in the vicinity as shown by: (SEE ATTACHED)

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: (SEE ATTACHED)

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: (SEE ATTACHED)

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

a) _____
 b) _____ (SEE ATTACHED)
 c) _____

(Attach additional pages if necessary)

<u>Barry Bor</u>	<u>413 LONGTOWN RD WEST</u>	<u>(803) 786 1125</u>
Applicant's Signature	Address	Telephone Number
<u>BARRY BOR</u>	<u>BLYTHEWOOD SC 29016</u>	<u>(803) 231 9711</u>
Printed (typed) Name	City, State, Zip Code	Alternate Number

ATTACHMENT:

3. I request the setback to be similar to all the subdivisions in Longcreek Plantation which is 5 feet. My plat (created in 1962) is listed as Rural with 20 foot setbacks. This has not been addressed or changed in over 55 years. I do not believe any property in Longcreek Plantation should be considered Rural property in 2017. If a 5 foot setback is not possible I would request a 10 foot setback. This would not create any problems for emergency or any other access to the property.

4. a) septic tank system with leach field

existing irrigation lines

swimming pool

lot is tapered

b) My plat was created in 1962 when Longcreek Plantation was rural and had no subdivisions and given 20 foot setbacks. The last 10 – 20 years, 15 subdivisions and approximately 1000 homes have been built in Longcreek Plantation and all have 5 foot setbacks.

c) No other property with the same conditions as mine regarding the location of the house, pool, driveway and existing property line. "Mine is a unique situation."

- d) If I cannot get a similar setback that all the subdivisions in my area currently have, there is nowhere else on my property that would be practical or aesthetically pleasing to the adjacent properties.
- e) I will not be changing anything that has been in place for the past 30 years. I will continue to use the same space not blocking any views or creating problems. The open carport will not be visible to the adjacent property and will be a better and improved structure.

ROOF PITCH 6/12
PUREN CEILING 3/8 AC PLYWOOD

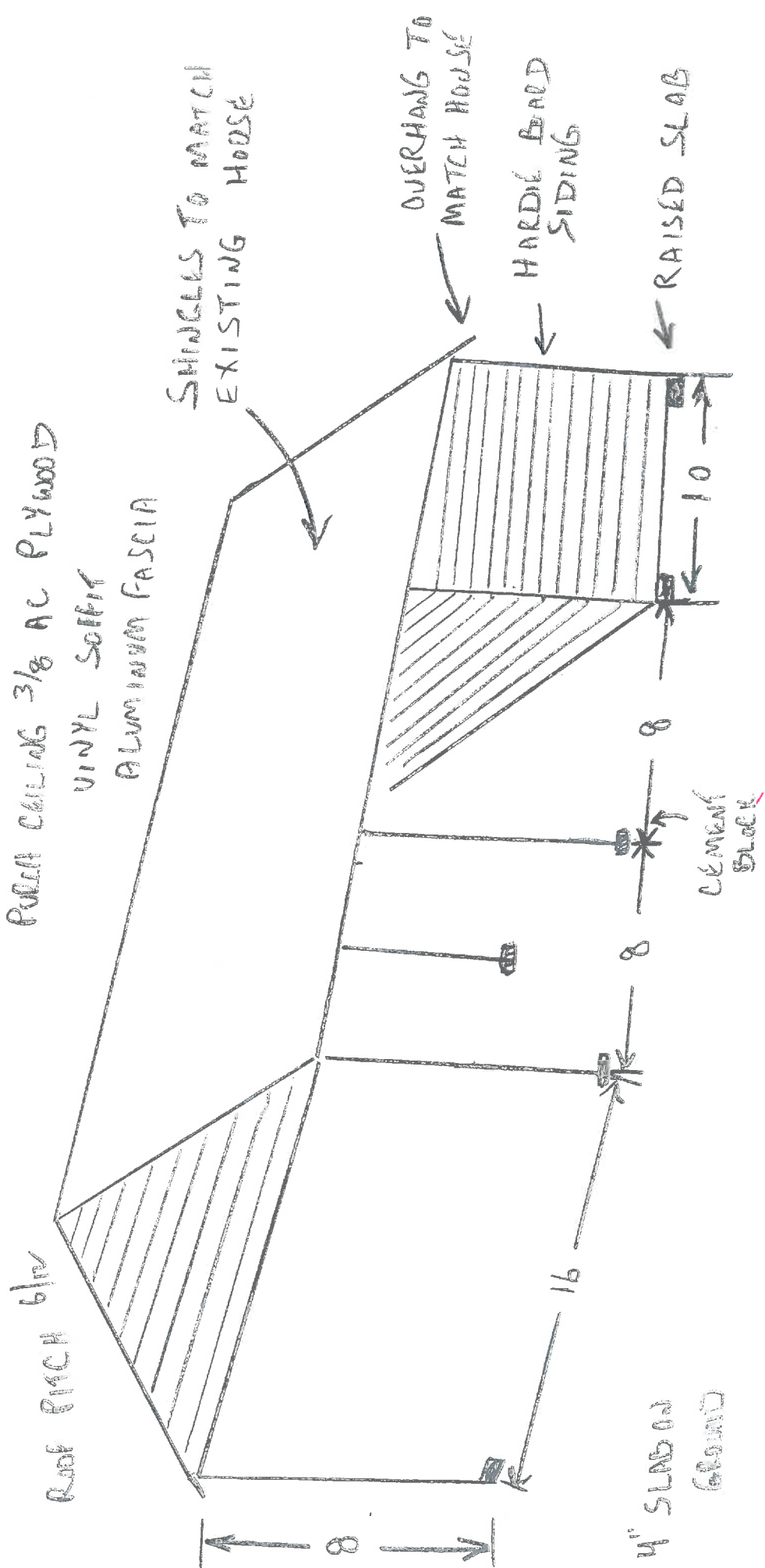
VINYL SOFFIT
ALUMINUM FASCIA

SHINGLES TO MATCH
EXISTING HOUSE

OVERHANG TO
MATCH HOUSE

HARDIE BOARD
SIDING

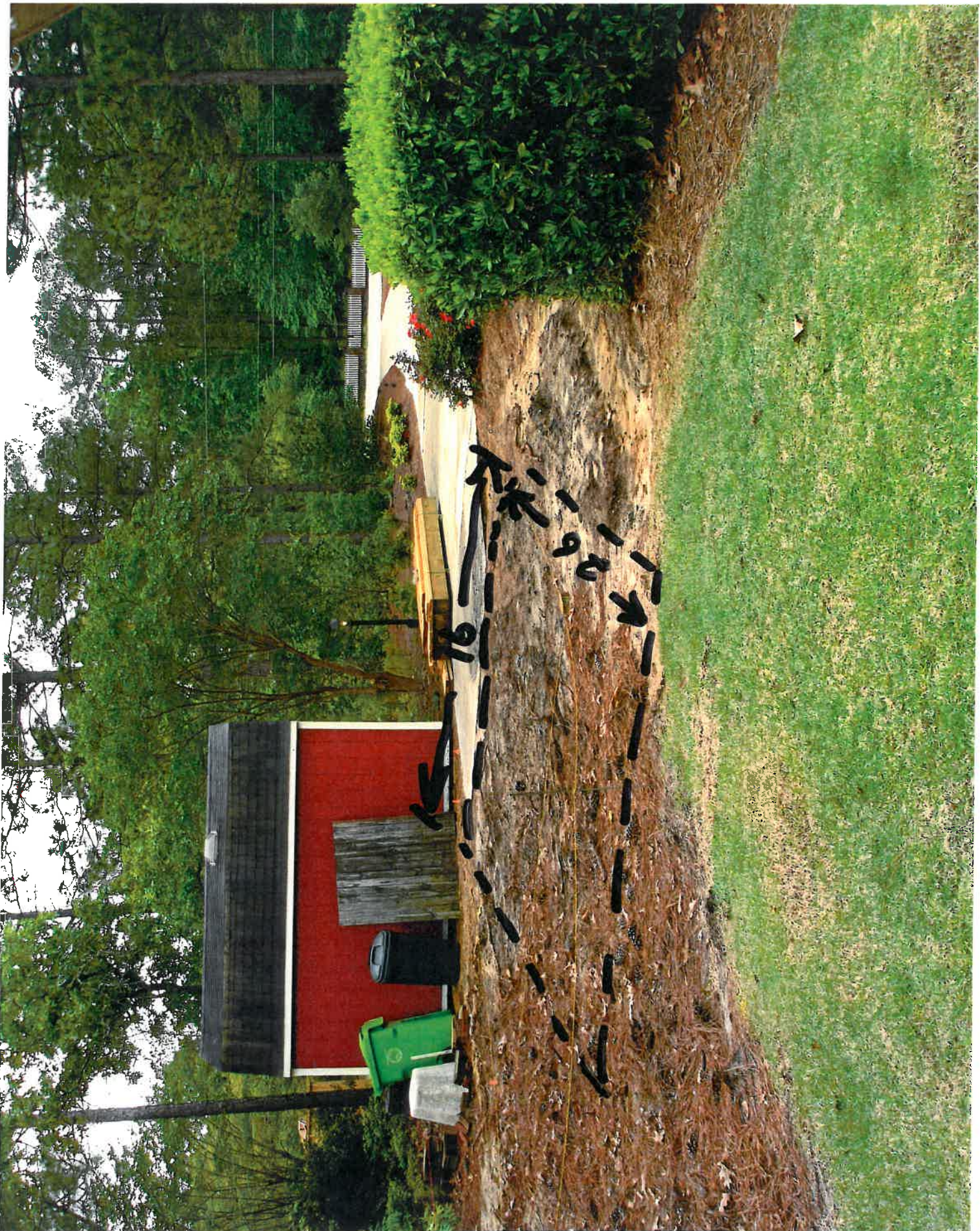
RAISED SLAB













PALMETTO CONSULTING ENGINEERING GROUP, INC.

Civil Engineering Design & Consulting

May 30, 2017

Mr. Geonard Price
Richland County Planning Dept.
2020 Hampton St.
Columbia, SC 29204

Ref: Request for Reconsideration of case #17-08 SE

Dear Mr. Price:

Based upon your email dated 5/17/2017, and our meeting dated 5/24/2017, Mrs. Taylor, and her agent, Palmetto Consulting Engineering Group, Inc. is requesting that the Board of Zoning Appeals reconsider case #17-08 SE.

Based upon no fault of anyone, per 3.7a Request for Reconsideration, c) inadvertence;

- Practical applications of rules
- Traffic Capacity on Bluff Rd. is designed to handle the traffic from the borrow pit, per SCDOT and the contract for the SCDOT road project spells out all construction traffic for the project shall enter the project via Bluff Rd. funding is in the SCDOT/Richland County Penny project to address issues on Pinewood.
- Bluff Rd. is designed to handle truck traffic, uses include: International Paper, Food Lion Warehouse, and still has capacity for the borrow pit.
- SC Department of Health and Environmental Control (SCDHEC) address environmental impacts of the borrow pit, such as water quality and flooding prior to issuing the NPDES permit No. SCG731415, county has a copy of this permit
- SC Department of Transportation (SCDOT) General Mining Permit – SCDOT requires the borrow pit site to be used for specific SCDOT projects only, and requires specific reclamation to occur on the site, otherwise the owner and SCDOT will be in violation of

C:\Projects\170010 - McClam Shop Rd Mine\Correspondence\letters\Letter to G Price 05302017 Zoning reconsideration.docx

PCEG

PO Box 991 • ~~205 Columbia Avenue~~ • Chapin, SC 29036
(803) 932-2300 • Fax (803) 345-2823

Letter to G. Price
JB # 170010

May 30, 2017
Taylor Tract

the General Mining Permit issued to SCDOT by SCDHEC, and SCDHEC will fine both the contractor and SCDOT, county has a copy.

- Construction Equipment is required by Federal law to run DEF, this addresses air pollution, and therefore fumes are not an issue. Farm equipment at this time is not required to run DEF in equipment at this time, unless they are a corporation.
- DHEC would have addressed flooding issue prior to issuing the NPDES permit.
- DHEC mandates the borrow pit owner address environmental issues caused by borrow pits.
- Land owners on H.L. Clarkson Rd. typically exit H.L. Clarkson Rd. via Base Hill Rd. which is a paved road and Base Hill Rd. intersects with Bluff Rd. The distance from landowners properties to the intersect of Bluff Rd. and Base Hill Rd. is closer to I-77 via Base Hill Rd. verses using H.L. Clarkson Rd. to Bluff Rd. to the intersection of Bluff Rd. and Base Hill Rd.
- Present traffic counts indicate property owners travel H.L. Clarkson Rd. to Base Hill Rd. to Bluff Rd. verses H.L. Clarkson Rd. to Bluff Rd.
- There are no buildings associated with this project.

These issues could have been addressed is zoning board had asked Zoning staff, prior to decision being made.

Thank you for your time and help with this project.

Respectfully yours,



G. Marguerite McClam, PE
President



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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