

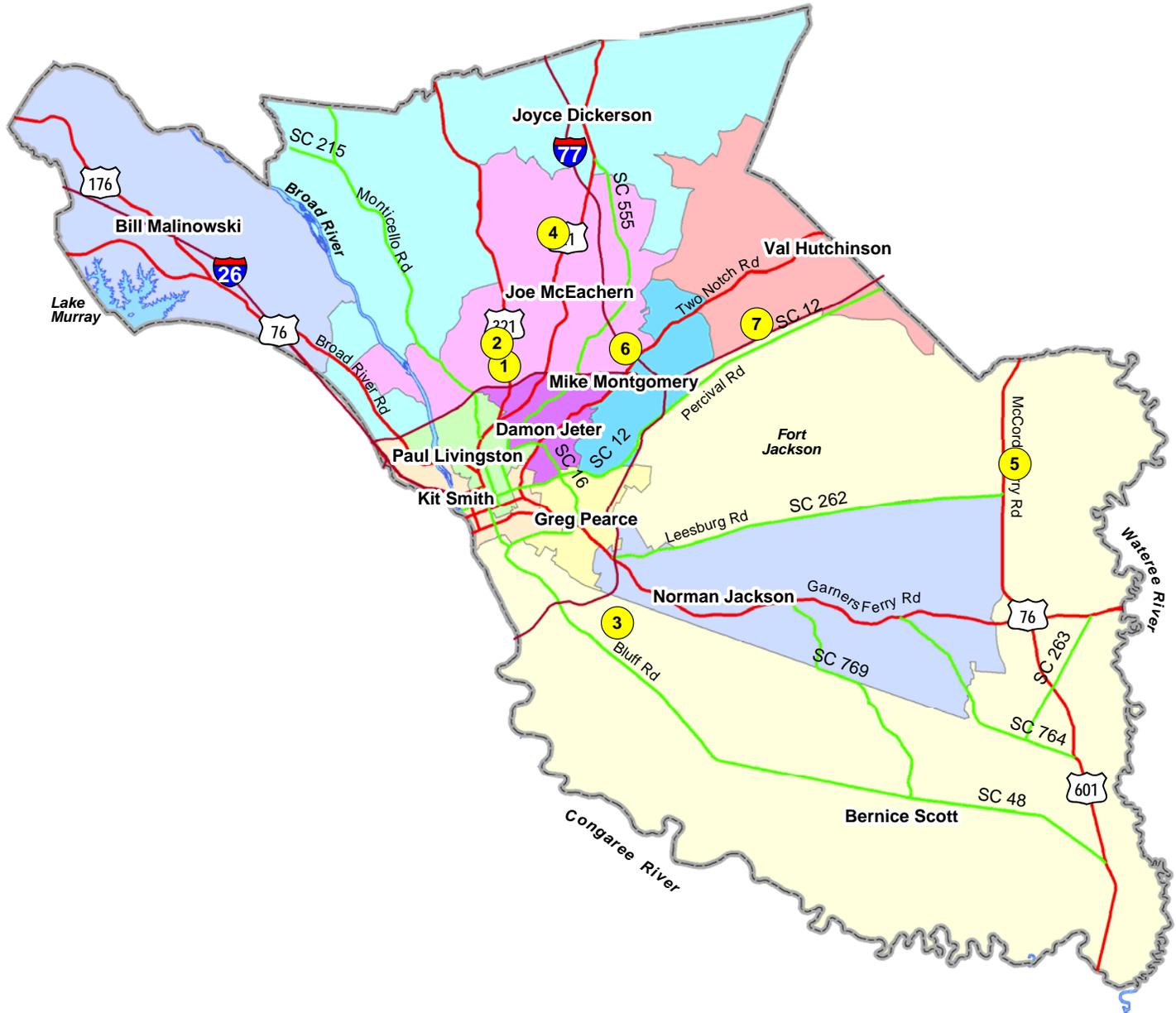
**RICHLAND COUNTY  
BOARD OF  
ZONING APPEALS**



**Wednesday, 7 January 2009  
1:00 p.m.  
Council Chambers**



# RICHLAND COUNTY BOARD OF ZONING APPEALS JANUARY 7, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 08-63 SE	Leroy Jenkins	11808-01-13	Old Fairfield Rd., Columbia	Kennedy
2. 08-64 SE	Leroy Jenkins	11808-01-12	Old Fairfield Rd., Columbia	Kennedy
3. 08-73 SE	Charles Medlin	16200-03-05	1020 Medlin Dr., Columbia	Washington
4. 09-01 V	Identiti Resources	14781-04-12	331 Killian Rd., Columbia	Kennedy
5. 09-02 V	Elrich Vance	37700-02-36	1731 McCords Ferry Rd., Eastover	Washington
6. 09-03 V	Chris Reed	17109-02-11	120 Blarney Dr., Columbia	Kennedy
7. 09-04 V	Genesis Consulting Group	25608-01-40	110 Clemson Rd., Columbia	Hutchinson





Richland County  
Board of Zoning Appeals  
Wednesday, 7 January 2009  
2020 Hampton Street  
2<sup>nd</sup> Floor, Council Chambers

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM Joshua McDuffie,  
Vice-Chairman
- III. RULES OF ORDER Amelia Linder,  
Attorney
- IV. APPOINTMENT OF OFFICERS
- V. APPROVAL OF MINUTES – December 2008
- VI. PUBLIC HEARING Geonard Price,  
Zoning Administrator

OPEN PUBLIC HEARING

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08-63 SE Requests a special exception to place a manufactured  
Leroy Jenkins home on property zoned M-1. (Light Industrial  
Old Fairfield Rd.  
Columbia, SC  
11808-01-13 P. 01

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08-64 SE Requests a special exception to place a manufactured  
Leroy Jenkins home on property zoned M-1. (Light Industrial  
Old Fairfield Rd.  
Columbia, SC  
11808-01-12 P. 05

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08-73 SE Requests a special exception to place a manufactured  
Charles Medlin home on property zoned M-1. (Light Industrial  
1020 Medlin Drive  
Columbia, SC  
16200-03-05 P. 09

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09-01 V Requests a sign variance on property zoned GC.  
Identiti Resources (General Commercial)  
331 Killian Rd.  
Columbia, SC  
17400-11-03 P. 15

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09-03 V Requests a sign variance on property zoned GC.  
Chris Reed (General Commercial)  
120 Blarney Dr.  
Columbia, SC  
17109-02-11 P. 25

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09-04 V  
Genesis Consulting Group  
110 Clemson Rd. Ext.  
Columbia, SC 29229  
25608-01-40

Requests a variance to reduce the required driveway separation on property zoned GC. (General Commercial)

P. 33

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**VII. OTHER BUSINESS**

- a. Approval of the 2009 Meeting Calendar

**VIII. ADJOURNMENT**



7 January 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

08 - 63 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to establish a manufactured home on property zoned M-1 (Light Industrial).

### GENERAL INFORMATION

**Applicant**

Leroy Jenkins

**Tax Map Number**

11808-01-12

**Location**

Old Fairfield Road

**Parcel Size**

.45 -acre tract

**Existing Land Use**

vacant

**Existing Status of the Property**

The subject parcel is undeveloped and heavily wooded.

**Proposed Status of the Property**

The applicant proposes to place a manufactured home.

**Character of the Area**

The surrounding area is comprised of undeveloped, heavily wooded parcels.

### ZONING ORDINANCE CITATION

Table 20-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize manufactured homes subject to the standards of section 26-152 (d) (13).

### 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 applicant is requesting to establish a manufactured home.

In addition to receiving approval from the Board of Zoning appeals for the establishment of this use, the applicant may need approval for a septic tank from the South Carolina Department of Health and Environmental Control.

## CONDITIONS

In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS

### **(13) *Dwellings, Manufactured Homes on Individual Lots.***

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

## ATTACHMENTS

- Plat

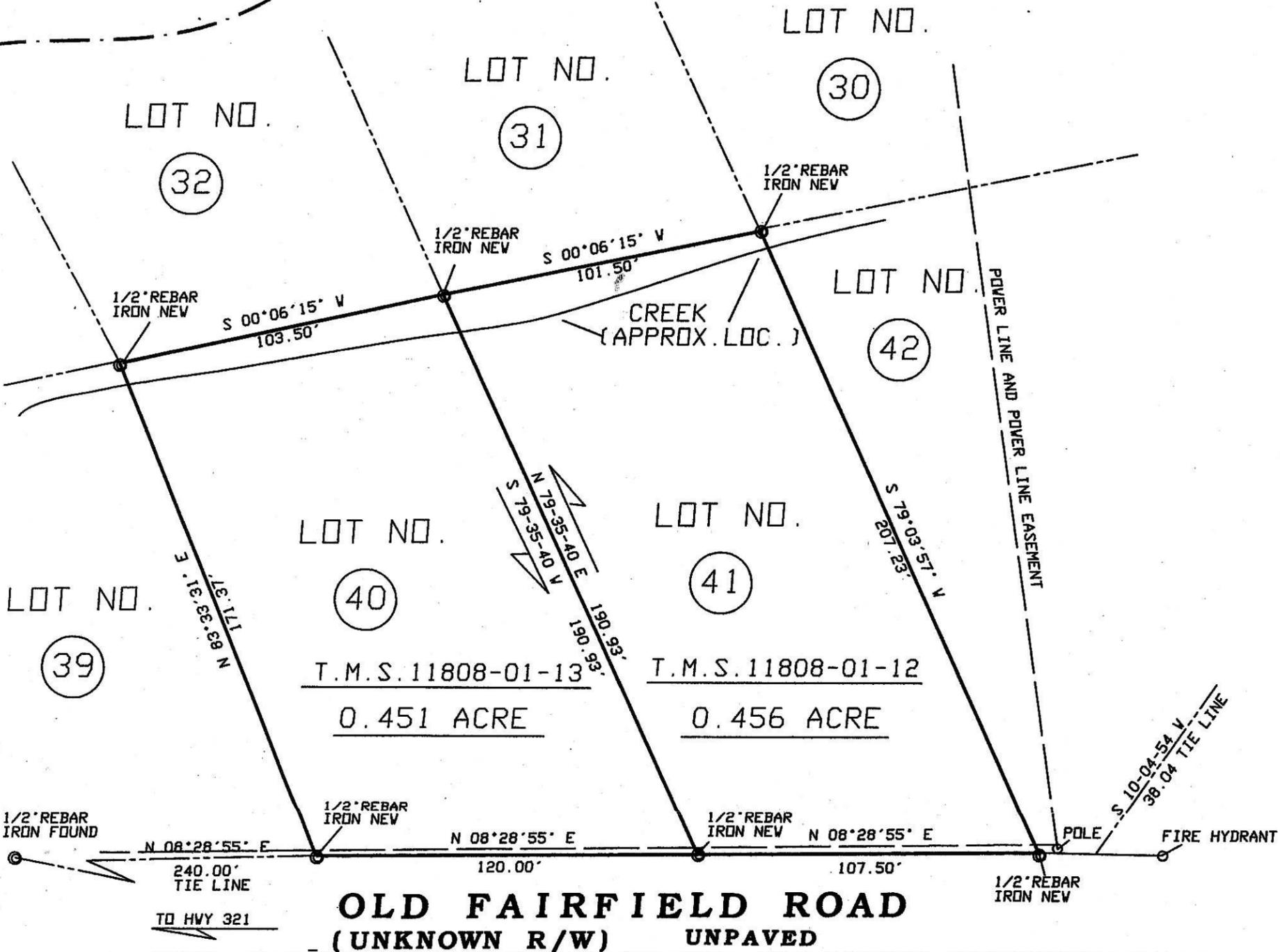
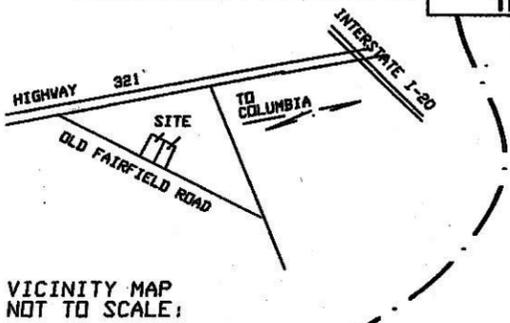
## CASE HISTORY

No record of previous special exception or variance request.

**CASE 08-63 SE**  
**LEROY JENKINS**  
**TMS 11808-01-13**



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



Book 1274-301  
 2007005255 01/18/2007 16:42:44:313 Plat Overized  
 Fee:\$10.00 County Tax:\$0.00 State Tax:\$0.00  
 2007005255 John G. Norris Richland County ROD

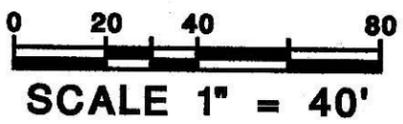
*Plat Prepared For*  
**LEROY M. JENKINS**

LOCATED IN RICHLAND COUNTY, NEAR THE CITY OF COLUMBIA, S.C.

THE SAME BEING DESIGNATED AS LOT NO.40 AND LOT NO.41 ON A PLAT OF CRANE CREEK LOTS SURVEYED FOR SIMON FAUST BY JAS.C.COVINGTON,C.E DATED AUGUST 27,1942 AND RECORDED IN THE OFFICE OF THE REGISTER DEEDS FOR RICHLAND COUNTY IN PLAT BOOK J AT PAGE 53 DEED BOOK REFERENCE D23 AT PAGE 48 TAX MAP REFERENCE # R1808-01-2 AND R1808-01-3

**DECEMBER 15, 2006**

"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.



BY: *Donald G. Platt*  
**Donald G. Platt**  
 R.L.S. No. 4778

PN833

341 GLENN ROAD - WEST COLUMBIA, SC 29169 - PHONE (803) 796-5384



7 January 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

08 - 64 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to establish a manufactured home on property zoned M-1 (Light Industrial).

### GENERAL INFORMATION

**Applicant**

Leroy Jenkins

**Tax Map Number**

11808-01-13

**Location**

Old Fairfield Road

**Parcel Size**

.45 -acre tract

**Existing Land Use**

vacant

**Existing Status of the Property**

The subject parcel is undeveloped and heavily wooded.

**Proposed Status of the Property**

The applicant proposes to place a manufactured home.

**Character of the Area**

The surrounding area is comprised of undeveloped, heavily wooded parcels.

### ZONING ORDINANCE CITATION

Table 20-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize manufactured homes subject to the standards of section 26-152 (d) (13).

### 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 applicant is requesting to establish a manufactured home.

In addition to receiving approval from the Board of Zoning appeals for the establishment of this use, the applicant may need approval for a septic tank from the South Carolina Department of Health and Environmental Control.

## CONDITIONS

In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS

### **(13) *Dwellings, Manufactured Homes on Individual Lots.***

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

## ATTACHMENTS

- Plat

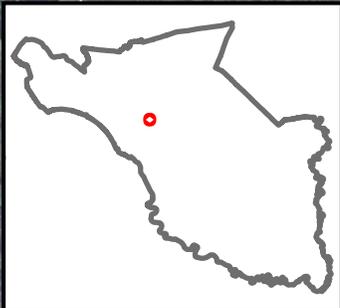
## CASE HISTORY

No record of previous special exception or variance request.

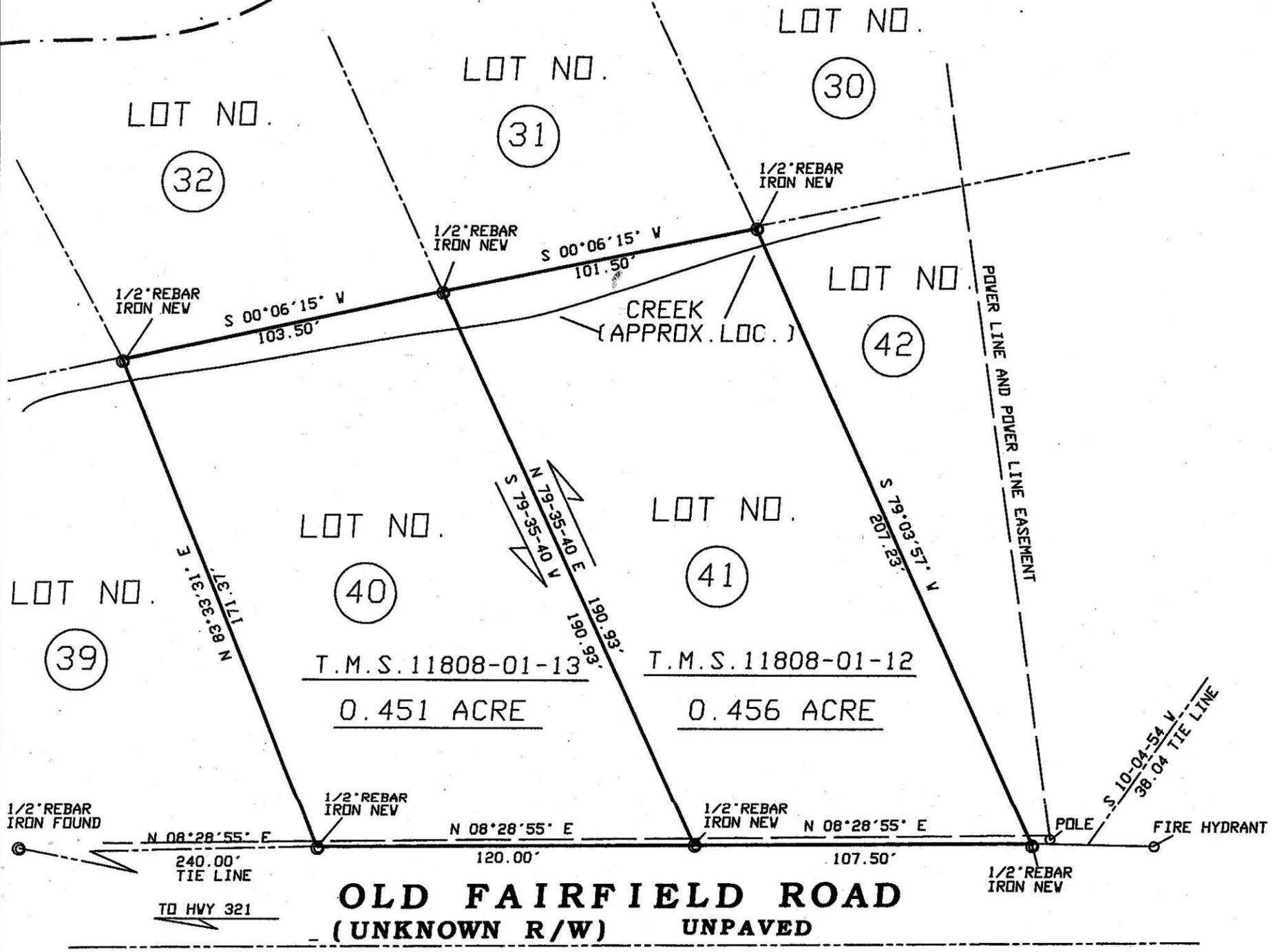
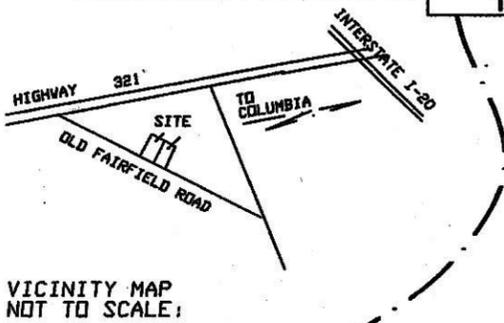
**CASE 08-64 SE  
LEROY JENKINS  
TMS 11808-01-12**



-  FLOODZONE A
-  FLOODZONE AE
-  WETLANDS



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



Book 1274-301  
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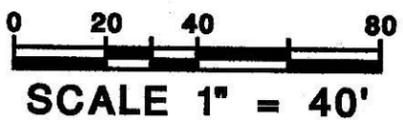
*Plat Prepared For*  
**LEROY M. JENKINS**

LOCATED IN RICHLAND COUNTY, NEAR THE CITY OF COLUMBIA, S.C.

THE SAME BEING DESIGNATED AS LOT NO.40 AND LOT NO.41 ON A PLAT OF CRANE CREEK LOTS SURVEYED FOR SIMON FAUST BY JAS.C.COVINGTON,C.E DATED AUGUST 27,1942 AND RECORDED IN THE OFFICE OF THE REGISTER DEEDS FOR RICHLAND COUNTY IN PLAT BOOK J AT PAGE 53 DEED BOOK REFERENCE D23 AT PAGE 48 TAX MAP REFERENCE # R1808-01-2 AND R1808-01-3

**DECEMBER 15, 2006**

"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.



BY: *Donald G. Platt*  
**Donald G. Platt**  
 R.L.S. No. 4778

PN833

341 GLENN ROAD - WEST COLUMBIA, SC 29169 - PHONE (803) 796-5384



7 January 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

08 - 73 Special Exception

### REQUEST

The applicant is requesting the Board of Zoning Appeals to establish a manufactured home on property zoned M-1 (Light Industrial).

### GENERAL INFORMATION

**Applicant**

Charles Medlin

**Tax Map Number**

16200-03-05

**Location**

1020 Medlin Road

**Parcel Size**

3 -acre tract

**Existing Land Use**

vacant

**Existing Status of the Property**

The subject parcel is primarily vacant, with the exception of a unoccupied camper.

**Proposed Status of the Property**

The applicant proposes to place a manufactured home.

**Character of the Area**

The surrounding area is comprised two residentially occupied structures and a number of commercial/industrial structures and uses.

### ZONING ORDINANCE CITATION

Table 20-V-2 of the Land Development Code authorizes the Board of Zoning Appeals to authorize manufactured homes subject to the standards of section 26-152 (d) (13).

### 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 applicant is requesting to establish a manufactured home.

Medlin Road is a dead-end road that serves six (6) parcels. Five (5) of the parcels are either commercially/industrially or residentially developed. The remaining parcel is vacant.

Medlin Road is located off of Pineview Road, which connects Bluff Road and Garners Ferry Road. The parcels located along Pineview Road are primarily devoted to industrial use. There are a few residential structures/uses within the area.

## CONDITIONS

In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.

## OTHER RELEVANT SECTIONS

### **(13) *Dwellings, Manufactured Homes on Individual Lots.***

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

## ATTACHMENTS

- Plat

## CASE HISTORY

No record of previous special exception or variance request.

**CASE 08-73 SE**  
**1020 MEDLIN DR.**  
**TMS 16200-03-05**

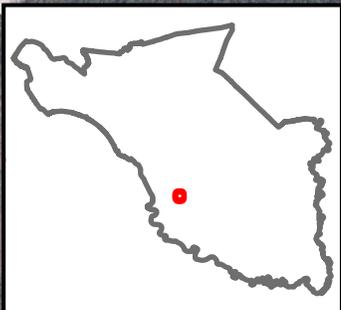
Shop Rd

Pineview Rd

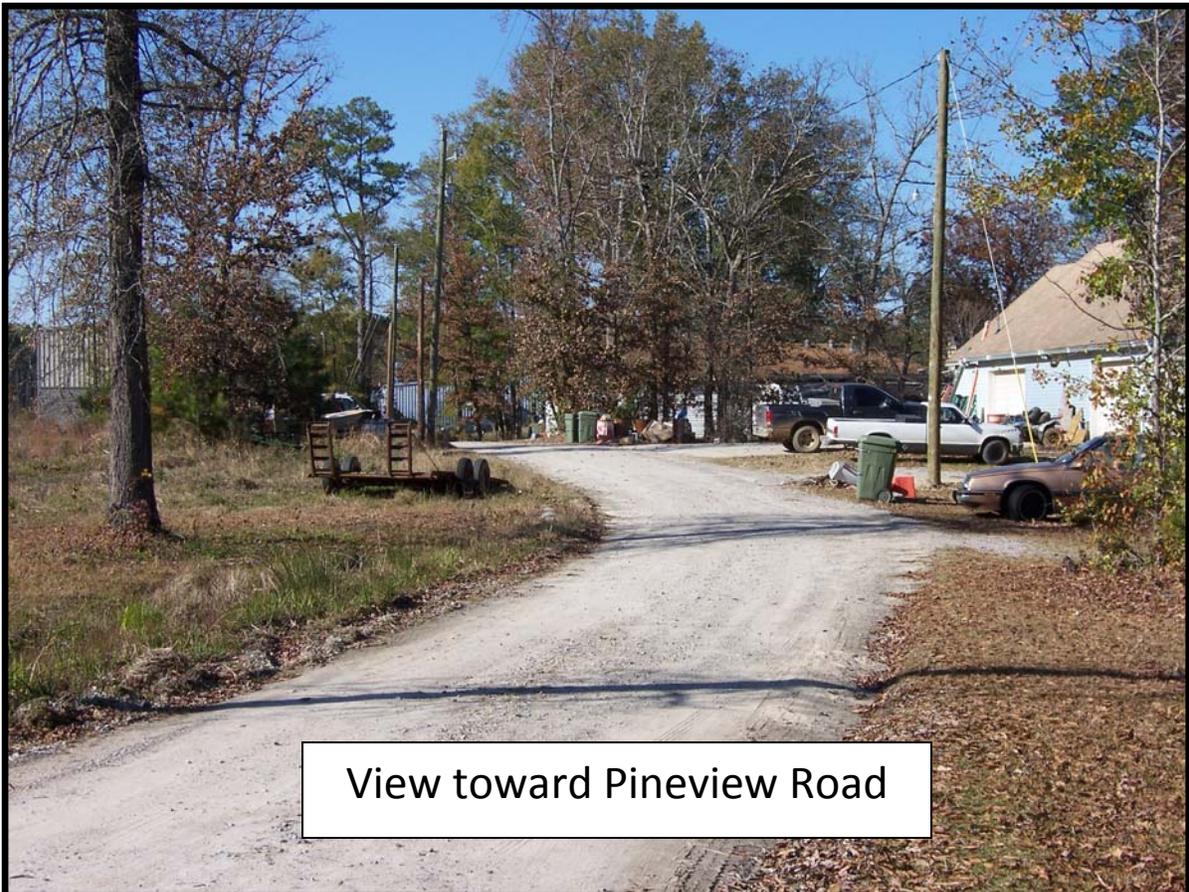
Metal Park Dr

Site

-  FLOODZONE A
-  FLOODZONE AE
-  WETLANDS



# 08-73 SE



View toward Pineview Road

NATURAL GAS, CITY WATER, SEPTIC SYSTEM  
ARE ALLREADY EXISTING ON SITE.

POWER POLE WAS EXISTING BUT ROTTED  
OFF & FELL, SCE+G DISCONNECTED IT.

WE ASK FOR A SPECIAL CONSIDERATION  
TO GRANT US A SPECIAL EXCEPTION, SO  
I CAN MOVE A MOBILE HOME ON THIS  
SITE, SO MY MOTHER COULD RECEIVE SOME  
INCOME TO OFFSET RISING COSTS. SHE  
DOESN'T RECEIVE ENOUGH SOCIAL SECURITY  
TO LIVE ON.

THANK YOU

Charles Fred





7 January 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

09-01 Variance

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the allowable square footage for a wall sign in a GC (General Commercial) district.

### GENERAL INFORMATION

**Applicant**

Identiti Resources (Alltel)

**Tax Map Number**

17400-11-03

**Location**

331 Killian Road

**Parcel Size**

5.05 acre tract

**Existing Land Use**

Retail

**Existing Status of the Property**

The subject property is a newly developed retail shopping strip.

**Proposed Status of the Property**

The applicant proposes to exceed the allowed square footage for a wall sign by 33 square feet (shown – 58, allowed 25).

**Character of the Area**

The surrounding area is dedicated to 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 proposes to exceed the allowable square footage for a wall sign in order to increase advertising visibility.

The applicant states that the increase in allowed signage is necessary in order to provide visibility. The granting of the variance will allow for larger signage to be located on two (2) sides of the building. Staff's view of the request is that the visibility is designed more for vehicular traffic traveling westward on Killian Road. There is a pylon sign located along Killian Road which will advertise for Alltel, as well as the other tenants.

While staff feels that the granting of the variance will not negatively impact the adjacent properties or the character of the surrounding area, staff believes that the subject parcel does not meet all of the criteria necessary for the granting of a 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**

N/A

**ATTACHMENTS**

- Proposed signage plans
- Application attachments

**CASE HISTORY**

**CASE 09-01 V**  
**IDENTITI RESOURCES**  
**TMS 14781-04-12**

Albert Allen Rd  
Davis Smith Rd

Killian Loop

Lib Lucas Rd

Killian Rd

177

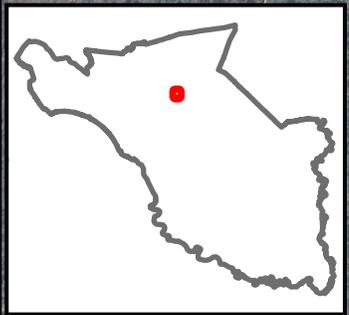
177

77

Diesel Dr



-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS



# 09-01 V

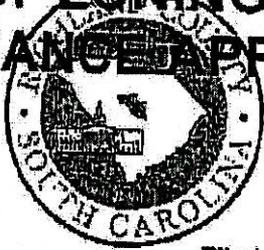


Front of building



View from Killian Road

# RICHLAND COUNTY BOARD OF ZONING APPEALS VARIANCE APPEALS



Receipt# \_\_\_\_\_

Application# \_\_\_\_\_

Paid \$ \_\_\_\_\_

Filed \_\_\_\_\_

1. Location Alltel - 331 Killian Road Space B6
2. Page 14781 Block 04 Lot 12 Zoning District GC
3. 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.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Retail store at Killian Market Place (Space B6) Columbia, SC.
5. 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: Two elevations of space for exterior signage with high visibility to public
  - b) Describe how the conditions listed above were created: Architectural layout for retail center
  - c) These conditions do not generally apply to other property in the vicinity as shown by: The majority of other retail tenants have only (1) elevation
  - 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: would not restrict the utilization of the property
  - 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: End unit not adjacent any other retailer and will not take away from
6. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) Renderings
  - b) LL approval letter
  - c) Alltel letter
  - (Attach additional pages if necessary)
  - d) Site plan
  - e) Application

the integrity of the overall architectural design.



Alltel  
One Allied Drive  
Little Rock, AR 72202

October 17, 2008

City of Columbia, SC

Re. Alltel  
331 Killian Road Space B6  
Columbia, SC

To Whom It May Concern:

Alltel has made a significant investment in developing its national brand identity through a variety of media. Store signage has proven to be one of the most effective methods of promoting that brand. The ability to be able to effectively identify our stores, through maximizing signage opportunities, continues to have a direct correlation in enabling our stores to fully service the local market.

In regards to our location listed above, the existing sign criteria for the city allowed 1 square foot of signage for every 1' foot of frontage which allowed a maximum of 25 square feet. It was determined that while the front elevation was visible to the public, a signage presence on the side elevation would prove to be of great benefit. In this case we chose to split the total square footage between both signs hoping to generate more customer traffic. This decision has left us with signs that are now too small and are out of proportion with the over all size of the building.

We request that you consider allowing a variance so that we may place slightly larger signs on the front and side elevations as shown in the revised drawings. The representative of the property owner, Katie Pugh at Meyers Brothers Properties 100 Glenridge Point Parkway, Suite 530 Atlanta, GA 30342 is in agreement with our request. Please advise our national sign supplier listed below of your decision on this matter.

Sincerely

Jim Grandjean  
Manager, Commercial Construction  
Real Estate and Facility Services

Cc Mr. Tom Vician  
Identiti Resources  
800 W. Lunt ave.  
Schaumburg, IL 60193  
PH. 847.301.0510 Fax 847.301.0518 tvician@identiti.net



Meyers Brothers Properties LLC

October 17, 2008

RE: Alltel, Killian Market Place, Columbia, SC  
Sign Variance

To whom it may concern,

The Landlord, Bright-Meyers Killian Associates, L.P., for Killian Market Place Shopping Center supports Alltel's effort to get a sign variance.

We agree that allowing Alltel to have larger signage on both the front and side of our building would be beneficial to their business, and generate more customer traffic for the shopping center as a whole.

Please feel free to contact me with any questions.

Best Regards,

  
Katie Pugh  
Property Manager





### New Signage

-ALLTEL wireless channel letters on raceway with 36" circle "a" logo.



New Signage - Total SF 30

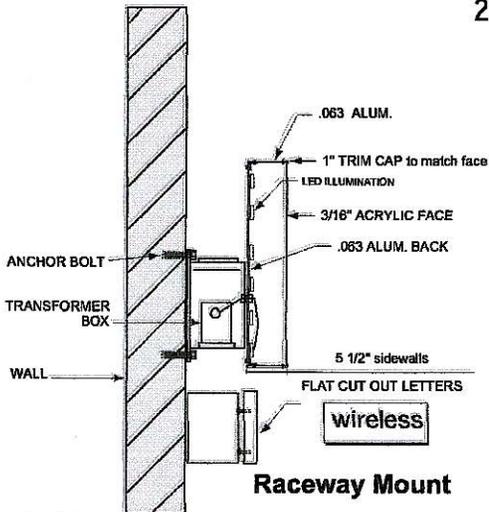


### Existing Signage



Sign 1 Front = 17sf  
 Sign 2 Side = 8sf  
 Total SF 25  
 Total allowed by city 25

Per the city code, end units are allowed 1sf of signage per 1' of storefront. Total sf allowed is 25sf



**Raceway Mount**

 <b>IDENTITY          RESOURCES          LIMITED</b> <small>800 W. Lumt Blvd. Schaumburg, IL 60193          847.301.0510 FAX 847.301.0518</small>	Customer <u>ALLTEL Columbia, SC</u>
	28276
	Scale _____
	Date <u>10.1.08</u> Revision _____





7 January 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

09-03 Variance

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to exceed the allowable square footage for a wall sign in a GC (General Commercial) district.

### GENERAL INFORMATION

**Applicant**

Finuf Sign Co., Inc.

**Tax Map Number**

17109-02-11

**Location**

120 Blarney Drive

**Parcel Size**

2.19 acre tract

**Existing Land Use**

Commercial

**Existing Status of the Property**

The subject property is a newly constructed hotel (Fairfield Inn).

**Proposed Status of the Property**

The applicant proposes to exceed the allowed square footage for a wall sign by 155 square feet (shown – 410 (total), allowed - 255).

**Character of the Area**

The surrounding area is dedicated to 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 proposes to exceed the allowable square footage for a wall sign in order to increase advertising visibility. The total signage is proposed to be 410 square feet (235 square feet has been permitted for the front of the building).

The applicant states that the increase in allowed signage is necessary in order to provide visibility. The granting of the variance will allow for larger signage to be located on two (2) sides of the building. Staff's view of the request is that the visibility is designed more for vehicular traffic traveling along Interstate - 77.

While staff feels that the granting of the variance will not negatively impact the adjacent properties or the character of the surrounding area, staff believes that the subject parcel does not meet all of the criteria necessary for the granting of a 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**

N/A

**ATTACHMENTS**

- Proposed signage plans
- Application attachments

**CASE HISTORY**

**CASE 09-03 V**  
**CHRIS REED**  
**TMS 17109-02-11**



# 09-03 V



Site



Location of proposed sign

# 09-03 V



# RICHLAND COUNTY BOARD OF ZONING APPEALS VARIANCE APPEALS



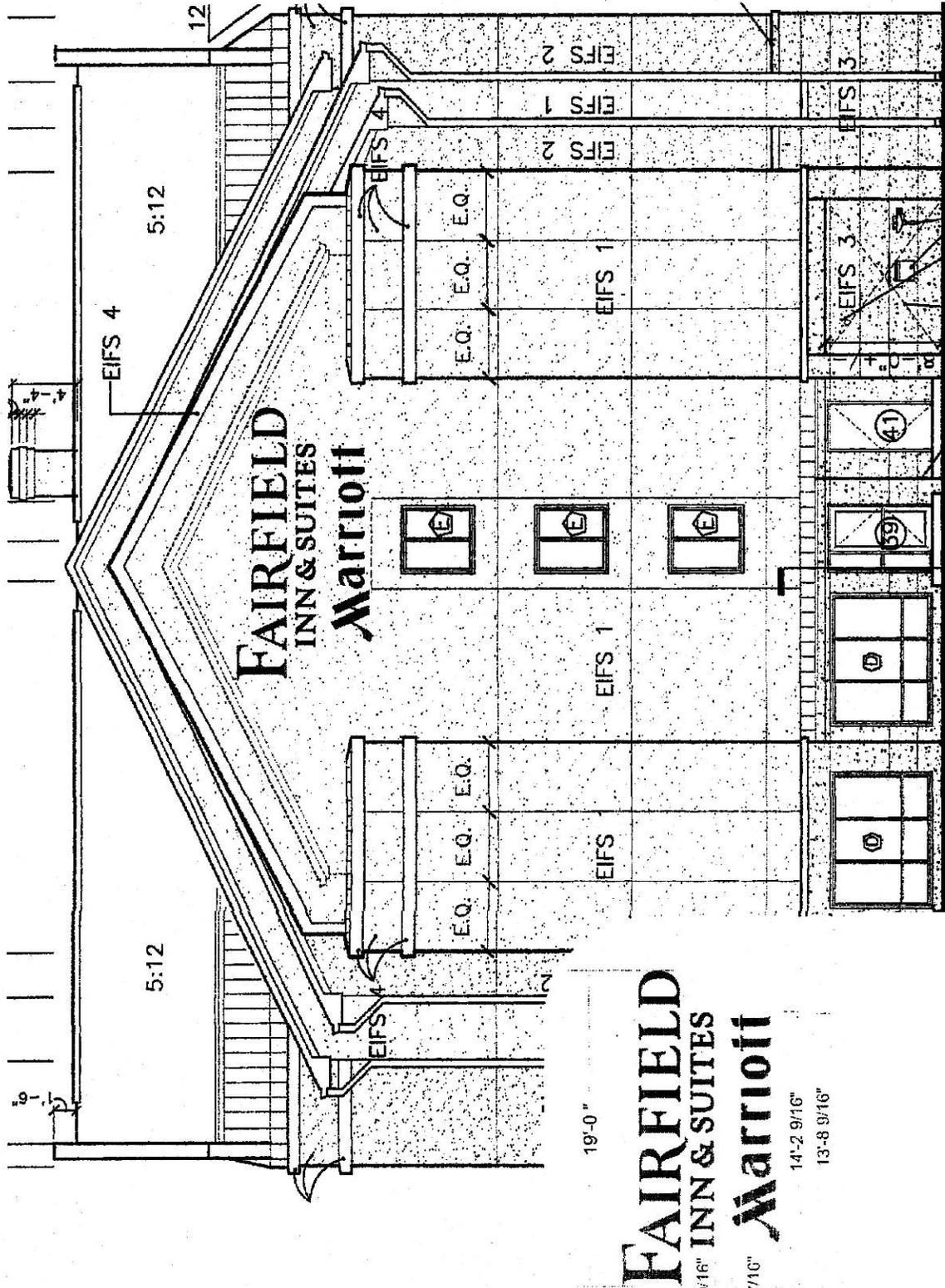
Rcpt# \_\_\_\_\_

Application# \_\_\_\_\_

Paid \$ \_\_\_\_\_ Filed \_\_\_\_\_

1. Location 120 Blarney Drive, Columbia, S.C.
2. Page 17109 Block 02 Lot 07 Zoning District GC
3. 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 26-186 of the Richland County Zoning Ordinance.
4. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: To add a second set of letters to the building. A 42" set on the east elevation facing I-77.
5. 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: The building is unidentifiable from the arterial I-77.
  - b) Describe how the conditions listed above were created: One set of building letters placed on the front of the building totals 165 sq. ft. Calculating each of the 3 lines separately. Front bldg. length is 220'.
  - c) These conditions do not generally apply to other property in the vicinity as shown by: Holiday Inn and Wingate both have lettering on more than one side of the building.
  - 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: Since the east elevation of the bldg. faces I-77, the building has no identification to the passing motorists, which constitutes a majority of our business.
  - 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: Due to the size of bldg., the 2 sets of bldg. letters would be aesthetically pleasing, allowing Fairfield optimal identification without any detriment
6. The following documents are submitted in support of this application [a site plan must be submitted]:
  - a) Site Plan
  - b) Drawing of existing lettering on building.
  - c) Drawings of additional set in variance request.  
(Attach additional pages if necessary)

EAST ELEVATION - Additional letter set is 127.86 sq. ft.



3'-6"  
**FAIRFIELD**  
 INN & SUITES  
 14'-2 9/16"  
**Marriott**  
 13'-8 9/16"

DISTRIBUTED BY SIGN UP COMPANY  
 700 21st STREET SOUTHWEST  
 PO BOX 210  
 WATERTOWN, SD 57201-0210

**PERSONA**  
 Sign Makers / Image Builders  
 Ph: 1-800-843-9888

Prepared By: MWR/AH/RF/KA  
 Date: 11/06/08  
 File Name: 54866 - R4 - 42" CL & 48" CL (2) - 9X14 DF - 7X16 DF - 5X9 DF

ENG: X

Customer: FAIRFIELD INN & SUITES  
 Location: COLUMBIA, SC





7 January 2009  
Board of Zoning Appeals

## REQUEST, ANALYSIS AND RECOMMENDATION

09-04 Variance

### REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a variance to reduce the minimum driveway separation in a GC (General Commercial) district.

### GENERAL INFORMATION

**Applicant**

Kevin Krick

**Tax Map Number**

25608-01-04

**Location**

110 Clemson Road

**Parcel Size**

1.42 acre tract

**Existing Land Use**

Undeveloped

**Existing Status of the Property**

The subject property is undeveloped.

**Proposed Status of the Property**

The applicant proposes to reduce the minimum driveway separation of 250 feet by approximately 144 feet.

**Character of the Area**

The surrounding area is dedicated to 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 staff discussion has been prepared by Carl Gosline, Richland County Transportation Planner.

The applicant requested a variance from Section 26-175 (2) (b) of the County Code regarding the number of driveway access points permitted for a proposed new Firestone facility. The proposed site has 205 feet of frontage on Clemson Rd with existing Clemson Rd access via the extension of Sparkleberry Road along the north side of the site.

The applicant has proposed a new Right-In, Right-Out (RIRO) driveway located 150 feet from the Clemson Rd/Sparkleberry Rd intersection. This intersection is signalized. There is no median opposite the proposed RIRO to prohibit left turns into the site from Clemson Rd.

The principal issue in this variance request is whether approval of the variance will result in proper access management to protect both vehicular and pedestrian safety. It is a well documented fact the number of accidents increase with the number of intersections (includes both street and private property driveways) in a given roadway segment. "...Various studies point to one consistent finding...the greater the frequency of driveways and streets, the greater the number of accidents..." (ITE, Traffic Engineering Handbook, 5<sup>th</sup> Edition, pg. 326)

Section 26-175 of the County Code was enacted to "...ensure that access to development...does not impair the public safety..." It based, in part, on the SCDOT Access And Roadside Management Standards (ARMS) document, the revised version of which was published in August 2008. The provisions of this document cited below are among those that are applicable to this variance request:

"...Reasonable access means that a property owner must have access to the public highway system, rather than being guaranteed that potential patrons should have convenient access from a specific roadway to the owner's property..." (pg. 5)

"...Since the primary purpose of highways is to provide for the safe and efficient movement of traffic, control of access points on the roadside is paramount..." (pg. 6)

"...The Department shall not issue a permit for encroachment that meets local standards, but violates the provisions of the ARMS. Similarly, the Department's (SCDOT) issuing of an encroachment permit does not relieve the applicant of the need to comply with local requirements, even if more restrictive..." (pg. 14)

### **Response to Applicant's Variance Arguments**

#### **a. Special conditions and circumstances exist**

The applicant asserts that there is a Code conflict between Table 26-VII-4 and Table 26-VII-5 regarding the number of driveways and the driveway separation requirements. The

applicant further asserts that a RIRO is not considered as full access and should not be subject to the number and separation requirements.

Response:

The requirements Section 26-175 must be considered as a whole. Limiting the number and spacing of driveways is critical to ensuring public safety. Neither the Code, nor the ARMS, distinguishes among the various types of access to be managed. The principal objective of these regulations is to minimize all access points to ensure public safety.

Another portion of this Section allows the County to require joint access between adjacent properties. The subject site has a joint point of access through a signalized intersection. Signalized access is far safer than unsignalized access.

b. Literal interpretation deprives the applicant of rights commonly enjoyed by others similarly situated

The applicant claims that the site is allowed 2 access points in 205 feet of frontage. It is also argued that since the site has a shared access point with the adjacent Frank's Car Wash, they are "entitled" to another access.

Response:

The applicant's cited Code provisions are not an "entitlement", but rather are an "allowance" that must consider other relevant factors prior to approval. Section 26-175 (2) (c) of the Code states "...Driveways will be limited to the number needed to provide adequate and reasonable access to the property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the number of driveways permitted..."

The term "adequate access" means the site is not guaranteed convenient access, but must be provided reasonable access. The sites' joint access with Frank's Car Wash, through a signalized intersection is both reasonable and adequate.

c. Special conditions do not result from the applicant's actions

The applicant argues that since the subject property is the victim of poor planning/engineering at the time the parent tract was subdivided, it has special circumstances beyond their control. It is further argued that the proposed RIRO will provide access for delivery trucks.

Response:

Since the applicant presumably exercised the proper due diligence in purchasing the site for a Firestone facility, they should have recognized the access issues that would occur. Therefore, no special conditions can arise due to their purchase decision.

The proposed RIRO is not "required" for delivery truck access. There is ample access to the site via the Sparkleberry Road Drive joint access roadway.

d. No special privilege will occur

The applicant argues that all the other properties on Clemson Road have full left turn access. It is also argued that the RIRO is safer access than an unrestricted full driveway.

Response:

It is true that all the other sites in this area of Clemson Road have unrestricted access. It is precisely this condition that access management regulations were enacted to prevent.

The Sparkleberry Rd/Clemson Rd area experiences heavy traffic, particularly during the afternoon rush hours. The combination of heavy traffic and a proliferation of access points create numerous opportunities for accidents due to conflicting vehicle turning movements.

It is true that the proposed RIRO is a safer means of access than a full driveway configuration. However, the discussion above has demonstrated that an even safer means of access is available through a signalized intersection.

e. The use is permitted

There are no contested issues

f. Variance requested is the minimum possible to make reasonable use of the site

The applicant claims that the RIRO is “allowed” by the ARMS. It is further argued that since the subject is a relatively low traffic generator, a RIRO is an appropriate type of access.

Response:

It is true that the RIRO is “allowed” by the ARMS and the Code. However, the proposed RIRO is not an “entitlement” to be unconditionally granted. Many other factors, including but not limited to, the traffic volume and proliferation of other unrestricted driveway movements are required to be considered in the decision.

The subject site has a safe point of access through the signalized Clemson/Sparkleberry Rd intersection. Therefore, a variance is not necessary to grant “adequate and reasonable” access to the site.

g. No claims of non-conforming uses in the area

There are no contested issues

Based on the findings of fact discussed above, the variance should be **denied** because the applicant has not demonstrated compliance with the conditions required to grant a variance.

<b>CONDITIONS</b>
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**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

### Sec. 26-175 Access

(a) *General.* The standards contained in this section are designed to ensure that access to development in the unincorporated parts of Richland County does not impair the public safety. All proposed vehicle access points connecting to a public road shall conform to the provisions of this section.

(b) *Driveway permit.*

(1) *Permit required.* Before any proposed vehicular access point connecting to a public road may be constructed, a driveway permit must be obtained from the Richland County Public Works Department. The South Carolina Department of Transportation (SCDOT) is required to review all connections to state system roads. Driveway permits on state system roads should be submitted to SCDOT for the initial review. Upon SCDOT approval, the driveway permit will be forward to Richland County for its approval. Where a conflict arises with respect to these standards, the more restrictive access standards shall apply. Single permits may be issued covering all access within a proposed subdivision.

(2) *Existing driveway approaches.*

a. *Relocation, alteration, or reconstruction.* Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction, and such driveway approaches shall be subject to the provisions of this section.

b. *Changes resulting in closing of driveway.* When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, the owner of the property shall, at his/her expense, replace all necessary curbs, gutters, and sidewalks, and/or correct all nonconforming features.

(c) *Driveway standards.*

(1) *Driveway width.* The width, in feet, of a driveway approach shall be within the minimum and maximum limits as specified below, excluding detached, single-family residential properties. Driveway approach widths shall be measured at the road right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.

a. *One-way drives.* One-way drives shall have a minimum width of twelve (12) feet and shall not exceed a maximum width of eighteen (18) feet.

b. *Two-way drives.* Two-way drives shall have a minimum width of eighteen (18) feet and shall not exceed a maximum width of twenty-four (24) feet.

(2) *Number of drives.*

- a. *Generally.* Generally, one point of access to a given property will be allowed. However, additional access points may be allowed by the Richland County Public Works Department as provided in Table 26-VII-4 below, provided the continuous roadway frontage of the property exceeds two hundred (200) feet.
- b. *Maximum number of drives per frontage.*

**TABLE 26-VII-4  
MAXIMUM NUMBER OF DRIVEWAYS PER FRONTAGE**

<i>Length of Frontage (ft.)</i>	Maximum Number of Driveways
200 or less	1*
+200 to 600	2
+600 to 1000	3
+1000 to 1500	4
More than 1500	4 plus 1 per additional increment of 500 feet of frontage
* On frontages of 200 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists.	

- c. *Additional considerations in number of driveways permitted.* Driveways will be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements (see below) will have a bearing on the number of driveways permitted.
- d. *Joint use of driveways/connectivity.* Wherever feasible, the Public Works Department shall require the establishment of a joint use driveway serving two (2) abutting properties. Additionally, when a property is developed, the public works department may require connectivity with adjoining parking areas or may require that a driveway/parking area be designed for future connection with an abutting property.

- (3) *Driveway separation.* All driveway approaches shall be allocated and spaced as outlined below.

**TABLE 26-VII-5  
DRIVEWAY SEPARATION STANDARDS**

<i>Road Speed</i> Limit (mph)	Minimum Spacing (ft.)
30 or less	100
35	150
40	200
45	250
50	300
55 plus	350

Access separation between driveways shall be measured between the driveway centerlines. Speed limits are as determined by SCDOT. For single-family lots, the planning department may reduce the spacing requirements of this section if it can be demonstrated that a hardship exists and there is no opportunity to design a conforming access point. Internal roads in single-family detached subdivision developments are exempt from these standards.

(4) *Driveway design.* All driveway approaches, except those to single-family homes, shall be a concrete apron ("ramp" type). Road type driveway entrances may be required to developments that have parking spaces for two hundred (200) or more vehicles when required by the public works department. Driveway approaches must cross any sidewalk area at the sidewalk grade established by the public works department. All concrete aprons shall be installed to the right-of-way line or at least ten (10) feet from the edge of the traveled way and be built to the specifications of the public works department.

(5) *Sight visibility triangles.* At all driveway approaches, a sight area shall be maintained. See Section 26-181(c) of this chapter for sight triangle requirements.

**ATTACHMENTS**

- Site plan
- Application attachments

**CASE HISTORY**

None

# CASE 09-04 V GENESIS CONSULTING GROUP

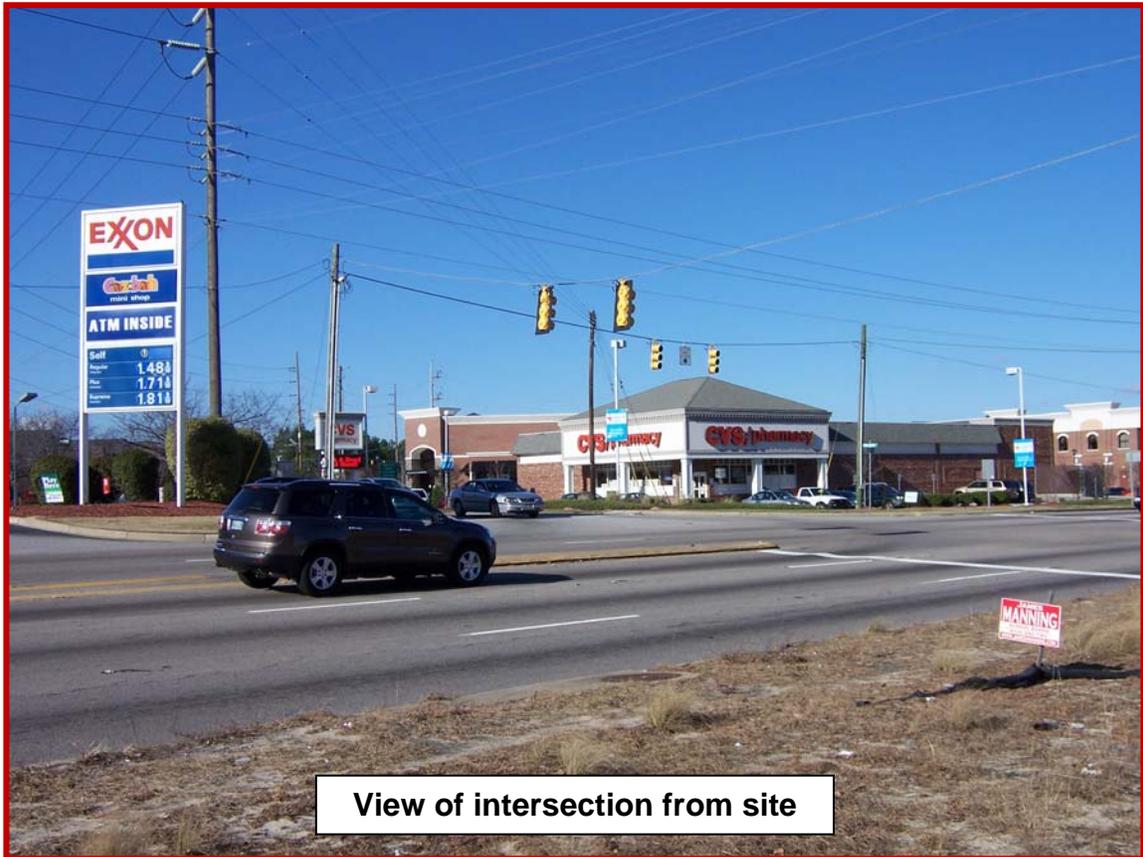
TMS 25608-01-40



# 09-04 V



View of site from Clemson Road and Sparkleberry Road intersection



View of intersection from site

# 09-04 V



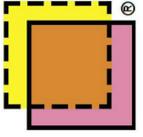
Northern view from site



Southern view from site



**COLUMBIA**  
DEVELOPMENT



**The Shopping Center Group**  
RETAIL REAL ESTATE SPECIALISTS<sup>SM</sup>

A MEMBER OF  
**CHAINLINKS**  
RETAIL ADVISORS

**BUILDING AREA:** 5,000 S.F.  
**SITE AREA:** ±27,400.5 SF (±0.629 AC)  
**LOT COVERAGE:** 9.0 %

**PARKING PROVIDED:** 24 SPACES  
**PARKING RATIO(PER 1000 SF):** 4.8 SPACES

**SITE DATA (SHOP SPACE)**

**TIRE CAPACITY:** 1,200 TIRES  
**PARTS SHELVES:** 630 L.F.

**BUILDING AREAS:**  
CUSTOMER WAITING: 953 S.F.  
SERVICE AREA: 4,141 S.F.  
INVENTORY: 1,872 S.F.  
USED INVENTORY: 160 S.F.  
OTHERS: 449 S.F.

**TOTAL** 7,575 S.F.

**SITE AREA:** ±34,568.3 SF (±0.783 AC)  
**LOT COVERAGE:** 21.9 %

**TOTAL REQUIRED:** 27 SPACES  
**PARKING PROVIDED:** 31 SPACES  
**PARKING RATIO(PER 1000 SF):** 4.1 SPACES

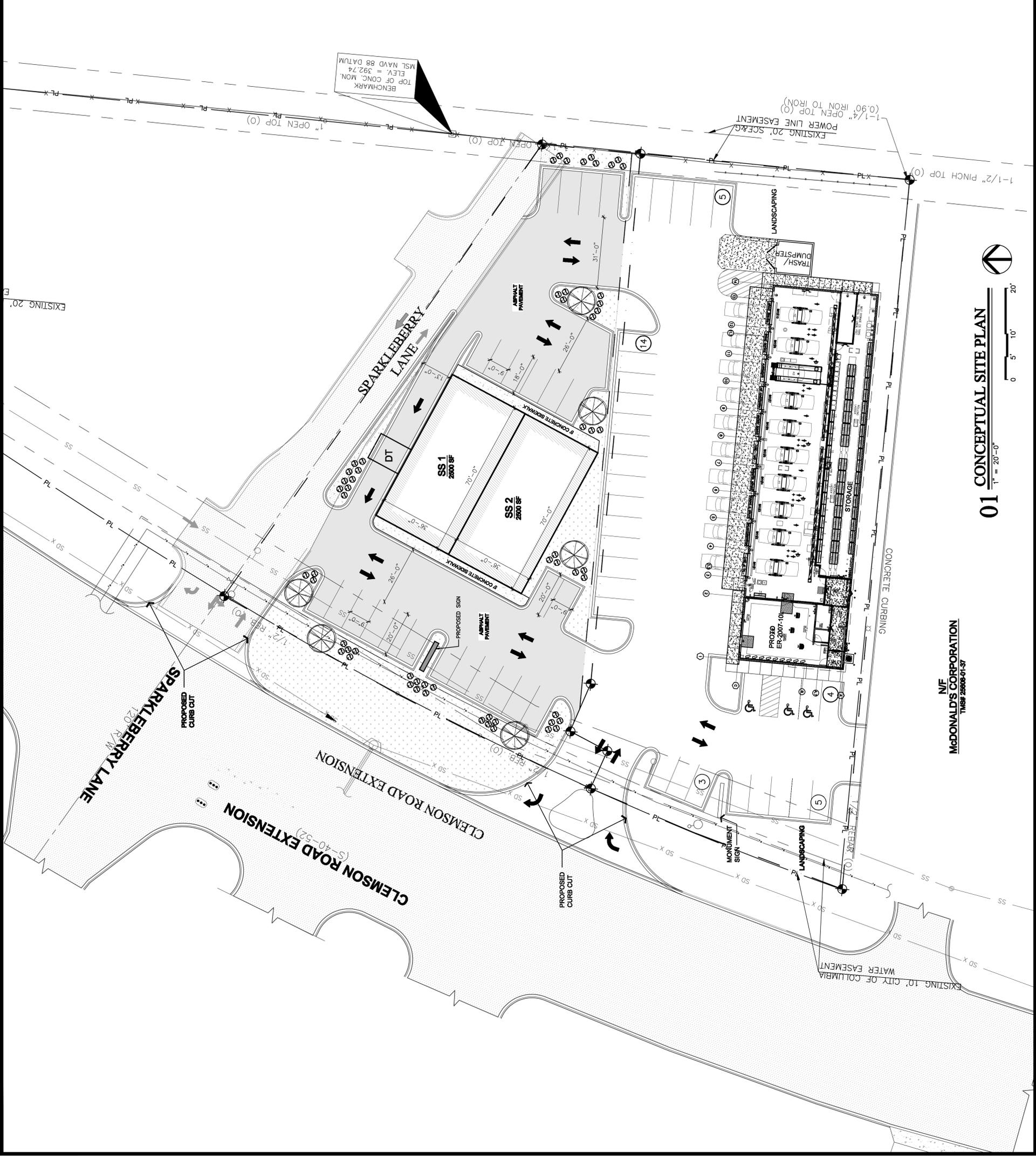
**SITE DATA (FIRESTONE)**

**PARKING PROVIDED:** 55 SPACES  
**PARKING RATIO(PER 1000 SF):** 4.37 SPACES

**TOTAL PARKING**

**PARKING PROVIDED:** 65 SPACES  
**PARKING RATIO(PER 1000 SF):** 5.17 SPACES

**TOTAL PARKING**  
(INCLUDING FIRESTONE BAY STACKING)



**01 CONCEPTUAL SITE PLAN**  
1" = 20'-0"

**NIF**  
**MCDONALD'S CORPORATION**  
TMSR 25008-01-37

## Request for Variance – Richland County Board of Zoning Appeals:

### Background:

The property Owner, Columbia Development, is seeking a variance for the property located at 110 Clemson Road Extension, Columbia, SC., TMS R25608-01-40. The property is approximately 1.42 acres.

The applicant is seeking relief from the County Ordinance section 26-175 which in Table 26-VII-4 allows for frontage of 200' to 600', a maximum of 2 driveways. The frontage along Clemson Road is 204.856' which would allow for two driveways for this property. However, Table 26-VIII-5 states that for 45 mph roads, the minimum spacing measured from centerlines is 250 feet. The applicant is seeking allowance for a right-in right-out only access at a location 191.9' from the centerline of the existing Sparkleberry Road Drive to the new RI/RO and 156.4' to the existing McDonalds Drive. The project does have access to the private drive at Sparkleberry which includes a traffic light this does not allow safe access for delivery trucks to the Firestone store. If accessed by the Sparkleberry Drive, the WB-60 semi trailer would have to back up in the parking lot creating a safety hazard for delivery of the tires. Allowing the truck to enter off Clemson, turn left (a safer movement) at the rear of the property and leave head out of Sparkleberry is a much safer movement.

### Answer to 4) a

Because the street frontage is above 200', the ordinance allows for two driveways, yet because two adjacent properties have constructed driveways close to the edge of their properties, a second driveway to access this property cannot be constructed due to a conflicting section of the code. Additionally, the code does distinguish between right-in/right-out only access which should not be treated as full access. Special provisions in the design of the driveway prevent left turns and provides a different functioning driveway that should be allowed.

### Answer to 4) b

Properties along this road with greater than 200' street frontage are allowed two driveway access points. One of the access points to this property is a shared access with Frank's Car wash. This access will also be a shared access for two developments. Also, literal interpretation of this as a driveway without deference to the right-in/right-out nature of the drive will deprive this property of common rights.

### Answer to 4) c

The configuration of the drives (existing) were not properly considered by the developers of the property and the McDonalds. Also, at the time of sub-dividing, the possibility of connection to Clemson Road for delivery trucks (semi's) should have been considered for safety and a right-in/right-out been developed at this location.

### Answer to 4) d

Other properties along this route have full left turn access to Clemson Road with much less distance between drives. This connection is a much safer connection for truck delivery.

Answer to 4) e

Access is expressly allowed by the ordinance; cite Table 26-VII-4. While in compliance with this portion of the ordinance, another section does not prohibit, merely limits it.

Answer to 4) f

This is the least available variance because the applicant is requesting only right-in and right-out. Note that SCDOT allows this driveway by the 2008 ARMS manual. Additionally, a Firestone store is traditionally very low traffic generator for 7,575 sf of commercial space. A fast food restaurant would generate approximately 987 daily trips (Per ITE trip generation manual), while general commercial shopping center would generate 325 trips. Based on actual traffic counts from Firestones and similar stores, the actual use is much lower, less than 100 trips per day.

Answer to 4) g

No claims as defined by 4) g are being made.

**Additional information:**

This type of access, compared to a full access, is a much smaller impact to traffic. Additionally, because the use as a automotive and tire facility generates far less traffic than corresponding general commercial, the traffic impact, vehicle and pedestrian safety impact is much less. The access is being requested for safety reasons to allow direct, no backup access by a WB-60 semi trailer which will be able to make safer left turns in the parking lot.

This request will have no additional potential impact of noise, lights, fumes, or obstruction of air flow on adjoining properties because the request is not for the use of the building, but for the safer access. A automotive repair facility could existing on this site regardless of the granting of the variance, a Firestone could not due to the access constraint for the tire delivery. Firestone takes great efforts to contain all smoke, fumes, and liquids. All work will be performed inside the facility and no repairs or tires worked on outside the enclosed work bays. Fumes are contained by ventilation systems and liquids contained by a oil/water separator.

There will be no adverse impact of the proposed use on the aesthetic character of the environs, because the area is already a commercial area – no request to change this is being made. The rear will be heavily landscaped to protect the adjacent residential located behind the facility.







**Richland County Government**  
2020 Hampton Street  
Columbia, SC 29204

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

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