

# RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 7 February 2018

3 p.m.

Council Chambers





**Richland County  
Board of Zoning Appeals  
Wednesday, February 7, 2018  
2020 Hampton Street  
2<sup>nd</sup> 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. ELECTION OF OFFICERS**
- V. RULES OF ORDER**      **Chairman**
- VI. APPROVAL OF MINUTES - September 2017**
- VII. PUBLIC HEARING**      **Geonard Price,  
Deputy Planning Director/Zoning Adm.**

### **OPEN PUBLIC HEARING**

**18-001 AR  
Karim Johnson  
9930 Wilson Boulevard  
Blythewood, SC 29203  
TMS# 14800-04-37**

**Administrative Review of the Zoning Administrator's determination that the parking of school buses on property zoned Rural (RU) is in violation of the provisions of the Richland County Land Development Code.**

- VIII. OTHER BUSINESS**  
    **a. Adoption of 2018 calendar**
- IX. ADJOURNMENT**





7 February 2018  
Board of Zoning Appeals

## Administrative Review

### CASE:

18-001 Administrative Review

### REQUEST:

The applicant is appealing the zoning administrator's decision that the parking of school buses on property zoned Rural (RU), is in violation of the provisions of the Richland County Land Development Code (LDC).

The Zoning Administrator has determined that the parking of school buses on residentially development property is in violation of the provisions of section 26-151 (c) (41) - *Home Occupations*. Specifically, subsections 26-151 (c) (41) (e) and (f) prohibit the display of services, products and merchandise from outside the home. Section 26-151 (c) (41) - *Home Occupations*:

#### (41) *Home occupations.*

- a. **Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.**
- b. **Home occupations shall be conducted entirely within the principal dwelling or an accessory structure, if such accessory structure meets all setback requirements for a principal structure in the district in which it is located. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall not change the outward appearance of the structure.**
- c. **An area equal to not more than twenty-five percent (25%) of the floor area of the principal dwelling may be utilized for the home occupation. If the home occupation is housed in an accessory structure, the accessory structure can be no larger than twenty-five percent (25%) the gross floor area of the principal dwelling.**
- d. **Only persons residing on the premises may be employed by the home occupation.**
- e. **The home occupation shall not involve the retail sale of merchandise manufactured off the premises. No display of goods, products, services, merchandise, or any form of advertising shall be visible from outside the dwelling.**
- f. **No outside storage shall be allowed in connection with any home occupation.**
- g. **Instruction in music, dance, art or similar subjects shall be limited to four (4) students at a time.**

- h. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any parking need generated by the home occupation shall be provided for off street and other than in the front yard.**
- i. Signage for the home occupation shall be regulated in accordance with Section 26-180 of this chapter.**

It has also been determined that the parking of buses on a residentially developed site cannot be classified as an ancillary use, as it is not subordinate to the principal use (residential) of the property. The definition for an accessory use, as define in section 26-22 of the LDC is:

***Accessory use/structure (building).* A structure or use that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves that principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.**

In addition, the LDC does not identify a principal use type in the RU district for bus parking.

**GENERAL INFORMATION:**

***Applicant:*** Karim Johnson

**ZONING ORDINANCE CITATION:**

26-33 (a) (1) of the Land Development Code authorizes the Board of Zoning Appeals to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other authorized staff of the planning department in the enforcement of this chapter. Such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made, and must be made in accordance with the procedures and standards set forth in Section 26-58 of this chapter.

**FORMAL REVIEW:**

26-58 (e) Upon receiving the application, the board of zoning appeals or planning commission (as applicable) shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent. After conducting the public hearing, the board of zoning appeals or planning commission (as applicable) shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. These boards shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. These boards in the execution of the duties specified herein may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The decision of these boards must be in writing and permanently filed in the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of these boards, which must be delivered to parties of interest by certified mail.



# BOARD OF ZONING APPEALS ADMINISTRATIVE REVIEW



Receipt #	Application # <u>18-001 AR</u>	Fee Paid \$ <u>105.31</u>
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1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeals on the grounds that:

(CHECK ONE)       GRANTING      **OR**       DENIAL

of an application for a permit to See attached

was erroneous and contrary to provisions of the zoning ordinance in Section 26-141 or other action or decision of the Zoning Official was erroneous as follows:

See attached

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

See attached

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

See attached

4. Applicant requests the following relief:

See attached

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeals on the grounds that:

DENIAL of an application for a permit:

**Petitioner has continuously maintained seven (7) school buses in the operation of Integrity Student Transportation Services, LLC at the property located at 9930 Wilson Boulevard, Blythewood, South Carolina 29016. Geonard Price, the Deputy Planning Director/Zoning Administrator has informed Petitioner that the parking of these school buses on the property violates the LDC for properties zoned 'RU.'**

Was erroneous and contrary to provisions of the zoning ordinance in Section 26-141 or other action or decision of the Zoning Official was erroneous as follows:

**Mr. Price has defined the parking of school buses as "urban bus facilities" under the 2002 NAICS, to include them as a 'prohibited use' on the property zoned RU. These buses are used primarily for the transportation of students to and from school and extracurricular activities.**

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

**Petitioner has maintained these seven school buses at the subject property since 2013, and would face an undue burden and hardship to his business to have to relocate these buses and rent another facility for the storage of the buses.**

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

**The 2002 NAICS defines Urban Bus Facilities as "Establishments primarily engaged in operating local and suburban passenger transit systems over regular routes and on regular schedules within a metropolitan area and its adjacent nonurban areas."**

**This code title of urban bus facility applies to property owned by the CMRTA located 3613 Lucius Road (Parcel #R09102-01-20) or the property owned by the City of Columbia at 1745 Sumter Street (Parcel #R09015-10-05).**

**This title is incorrectly applied to Petitioner's usage of his property as the primary enterprise of the business is for the transportation of students to and from school and extracurricular activities.**

**The proper classification for these seven school buses lies with the 2002 NAICS Definition of School and Employee Bus Transportation 485410, which states "This industry comprises establishments primarily engaged in providing buses and other motor vehicles to transport pupils to and from school or employees to and from work."**



**As the seven school buses are clearly not operating as Urban Bus Facilities, there is no prohibited use under the LDC for properties designated RU.**

4. Applicant requests the following relief:

**For petitioner to be allowed to continue to park the seven school buses on the subject property as he has continuously done since 2013.**



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# North American Industry Classification System

You are here: [Census.gov \(/\)](http://www.census.gov/) | [Business & Industry \(/econ/www/index.html\)](http://econ/www/index.html) | [NAICS \(/eosh/www/naics/index.html\)](http://eosh/www/naics/index.html) | [NAICS Search/Tools](#)

## 2002 NAICS Definition

### 485410 School and Employee Bus Transportation

This industry comprises establishments primarily engaged in providing buses and other motor vehicles to transport pupils to and from school or employees to and from work.

Cross-References. Establishments primarily engaged in--

- Operating local and suburban bus transit systems--are classified in U.S. Industry, [485113 \(/cgi-bin/sssd/naics/naicsrch?code=485113&search=2002\)](http://cgi-bin/sssd/naics/naicsrch?code=485113&search=2002) Bus and Other Motor Vehicle Transit Systems;
- Providing interurban and rural bus transportation--are classified in Industry [485210 \(/cgi-bin/sssd/naics/naicsrch?code=485210&search=2002\)](http://cgi-bin/sssd/naics/naicsrch?code=485210&search=2002) Interurban and Rural Bus Transportation; and
- Providing buses for charter--are classified in Industry [485510 \(/cgi-bin/sssd/naics/naicsrch?code=485510&search=2002\)](http://cgi-bin/sssd/naics/naicsrch?code=485510&search=2002), Charter Bus Industry.

1997 NAICS	2002 NAICS	Corresponding Index Entries
485410	485410	Bus operation, school and employee
485410	485410	Employee bus services
485410	485410	School bus services

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Source: U.S. Census Bureau | North American Industry Classification System (NAICS) | (888) 756-2427 | [naics@census.gov](mailto:naics@census.gov) | Last Revised: August 17, 2016

## 2002 NAICS – CODE TITLES USED IN RICHLAND COUNTY LDC

### Agricultural Uses

- ◆ **Animal Production** – Industries that raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping grazing, breeding or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture.
- ◆ **Animal Production Support Services** – Establishments primarily engaged in performing support activities related to raising livestock. These establishments may perform one or more of the following: breeding services for animals, including companion animals; pedigree record services; boarding horses; dairy herd improvements activities; livestock spraying; and sheep dipping and shearing.
- ◆ **Crop Production** – Industries that grow crops mainly for food and fiber. This classification comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, primarily engaged in growing crops, plants, vines, or trees and their seeds.
- ◆ **Crop Production Support Services** - Establishments primarily engaged in providing support activities for growing crops. Examples: aerial dusting or spraying; cotton ginning; cultivating services.
- ◆ **Fish Hatcheries** – Establishments primarily engaged in (1) farm raising finfish (e.g. catfish, trout, goldfish) and/or (2) hatching fish of any kind.
- ◆ **Forestry** – Industries that grow and harvest timber on a long production cycle (i.e. 10 years or more). Examples: reforestation; timber production; logging.
- ◆ **Forestry Support Services** – Establishments performing support activities related to forestry. Examples: Forest pest control; forest firefighting.
- ◆ **Poultry Farms** – Establishments primarily engaged in breeding, hatching and raising poultry for meat or egg production.
- ◆ **Swine Farms** – Establishments primarily engaged in raising hogs and pigs for breeding or meat production.
- ◆ **Veterinary Services (Livestock)** – Establishments primarily engaged in the practice of veterinary medicine, dentistry, or surgery for livestock animals.

- ◆ **Bus Facilities, Urban** – Establishments primarily engaged in operating local and suburban passenger transit systems over regular routes and on regular schedules within a metropolitan area and its adjacent nonurban areas.
- ◆ **Charter Bus Industry** – Establishments primarily engaged in providing buses for charter.
- ◆ **Courier Services, Central Facility** – Establishments primarily engaged in providing air, surface, or combined delivery services of parcels generally between metropolitan areas or urban centers. The establishments of this industry form a network including courier local pick-up and delivery to meet customer needs.
- ◆ **Courier Services, Substations** – Establishments where pickup is provided for larger courier operations and establishments primarily engaged in providing local messenger and delivery services of small items within a single metropolitan center which generally do not operate as part of an inter-area network.
- ◆ **Landfills, Sanitary and Inert Dump Sites** – Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste. This also includes “Other Nonhazardous Waste Treatment and Disposal” as classified in NAICS which includes such things as compost dumps or inert dump sites.
- ◆ **Limousine Services** – Establishments primarily engaged in providing an array of specialty and luxury passenger transportation services via limousine or luxury sedans generally on a reserved basis. These establishments do not operated over regular routes and on regular schedules.
- ◆ **Materials Recovery Facilities (Recycling)** – Establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.
- ◆ **Power Generation, Natural Gas Plants and Similar Production Facilities** – Establishments primarily engaged in operating electric, hydroelectric, fossil fuel electric, nuclear electric, and other electric power generation.
- ◆ **Radio and Television and Other Similar Transmitting Facilities** – Establishments primarily engaged in operating broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs. Associated towers are included in a separate LDC classification.

EXAMPLES OF “URBAN BUS FACILITIES” IN RICHLAND COUNTY



1745 SUMTER ST (PARCEL #R09015-10-05)



EXAMPLES OF "URBAN BUS FACILITIES" IN RICHLAND COUNTY

2



3613 LUCIUS RD (PARCEL #R09102-01-20)



# 2018 PLANNING MEETINGS

		<b>Board of Zoning Appeals</b>
		*customarily meets on the 1st Wednesday of the month at 3 pm
		<b>January 3rd</b>
		<b>February 7th</b>
		<b>March 7th</b>
		<b>April 4th</b>
		<b>May 2nd</b>
		<b>June 13th</b>
		<b>July 11th</b>
		<b>August 1st</b>
		<b>September 5th</b>
		<b>October 3rd</b>
		<b>November 7th</b>
		<b>December 5th</b>

**Chambers is unavailable for the June 13th Hearing. An alternative site will used if this date is chosen.**









Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

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