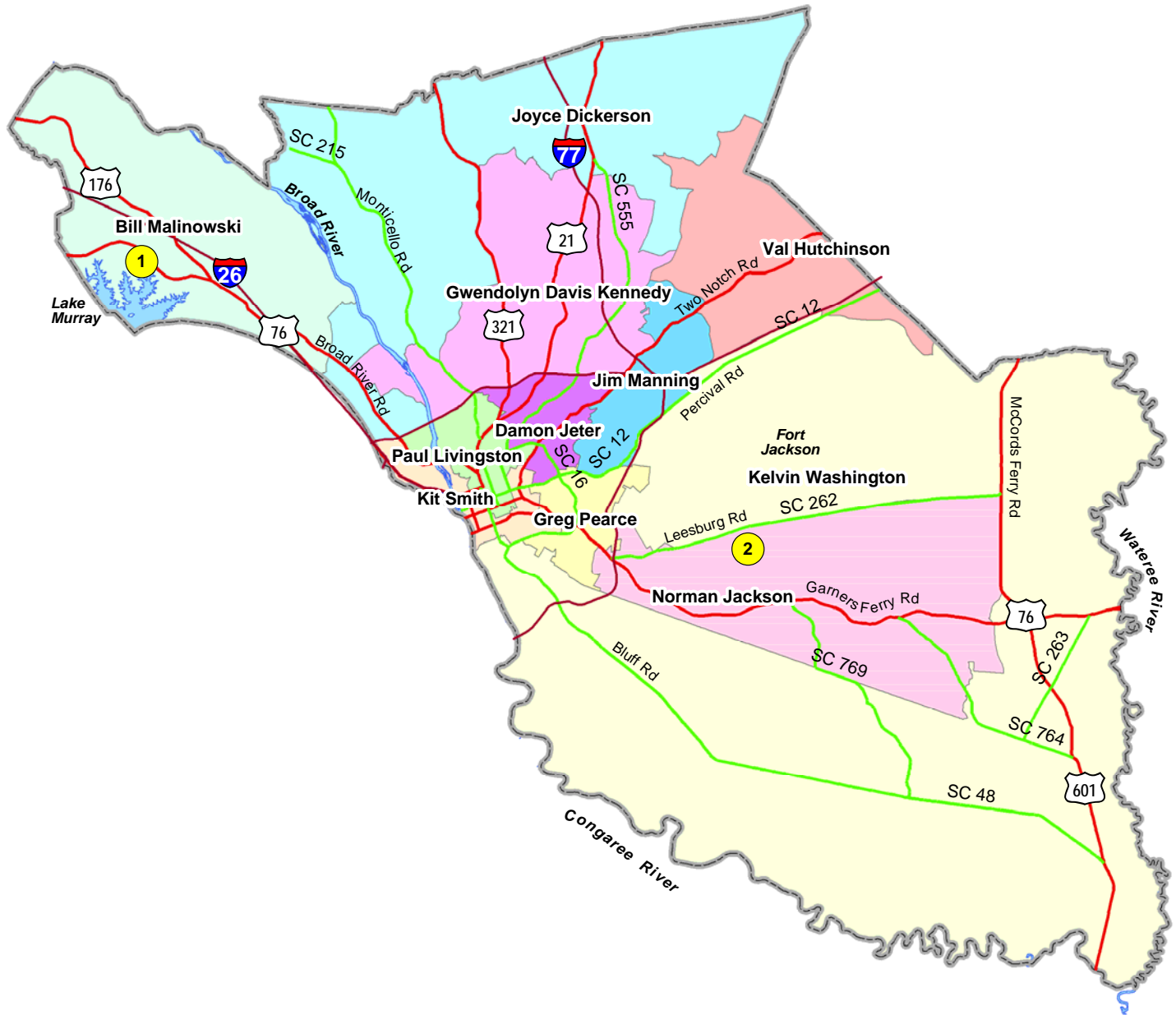


RICHLAND COUNTY
BOARD OF
ZONING APPEALS



Wednesday, 2 September 2009
1:00 p.m.
Council Chambers

RICHLAND COUNTY BOARD OF ZONING APPEALS SEPTEMBER 2, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 09-23 V	Richard Cameron	02501-03-20	89 Mill Creek Rd., Irmo	Malinowski
2. 09-25 V	Prayer and Faith Temple	24903-05-02	1520 Lower Richland Blvd., Hopkins	Jackson



Richland County
Board of Zoning Appeals
Wednesday, 2 September 2009
2020 Hampton Street
2nd Floor, Council Chambers

Agenda

- I. CALL TO ORDER & RECOGNITION OF QUORUM Joshua McDuffie,
Chairman
- III. RULES OF ORDER Amelia Linder,
Attorney
- III. APPROVAL OF MINUTES – August 2009
- IV. PUBLIC HEARING Geonard Price,
Zoning Administrator

OPEN PUBLIC HEARING

09-23 V
Richard Cameron
89 Mill Creek Rd.
Irmo, SC 29063
02501-03-20

Requests a variance to encroach into the setbacks on
property zoned RU. (Rural)

p. 1

09-25 V
Prayer and Faith Temple
Joe Jackson
1520 Lower Richland Blvd.
Hopkins, SC 29061
24903-05-02

Requests a variance to build on addition onto a church on
property zoned RS-HD. (Residential Single Family High
Density)

p. 11

-
- VII. ADJOURNMENT



REQUEST, ANALYSIS
AND
RECOMMENDATION

09-23 Variance

REQUEST

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

GENERAL INFORMATION

Applicant

Richard Cameron, Jr.

Tax Map Number

02501-03-20

Location

89 Middle Creek Road

Parcel Size

1.02 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has an existing residential structure.

Proposed Status of the Property

The applicant is proposing to construct an accessory structure which will encroach into the required side yard setbacks.

Character of the Area

The area is comprised primarily of single-family residential dwellings.

ZONING ORDINANCE CITATION

Section 26-33 (a) (2) of the Land Development Code empowers the Board of Zoning Appeals to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Sec. 26-57 of this chapter.

CRITERIA FOR VARIANCE

Standard of review. The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to encroach into the side yard setback by 14 feet.

The applicant proposes to construct a 24 x 24 two car garage which will be approximately six (6) feet from the side yard property line. As indicated on the submitted plat, this addition will result in an encroachment into the required twenty (20) foot side yard setback.

The subject parcel abuts the Shadowood Cove Subdivision. The parcels in this are zoned RS-LD (Single-Family, Residential – minimum 12,000 square foot lot), but are developed on large tracts (at least one (1) acre). The required side yard setback for the RS-LD district is five (5) feet.

Although the subject parcel was not part of the original Shadowood Cove Subdivision, based on location, access, and development, it is virtually part of the development. The granting of the variance would not create a setback that would be out of charter with the adjacent parcels or community.

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 disapproved. 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 were extraordinary and exceptional conditions to the subject parcel which would limit or restrict the placement of an accessory structure. Although it may not be as ideal as the proposed location, staff believes that there are other areas on the property where the structure could be located and still meet the required setbacks.

b. Conditions applicable to other properties

N/A

c. Application of the ordinance restricting utilization of property

N/A

d. Substantial detriment of granting variance

N/A

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.

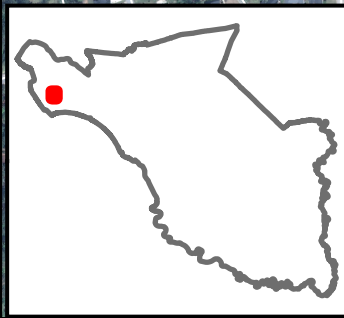
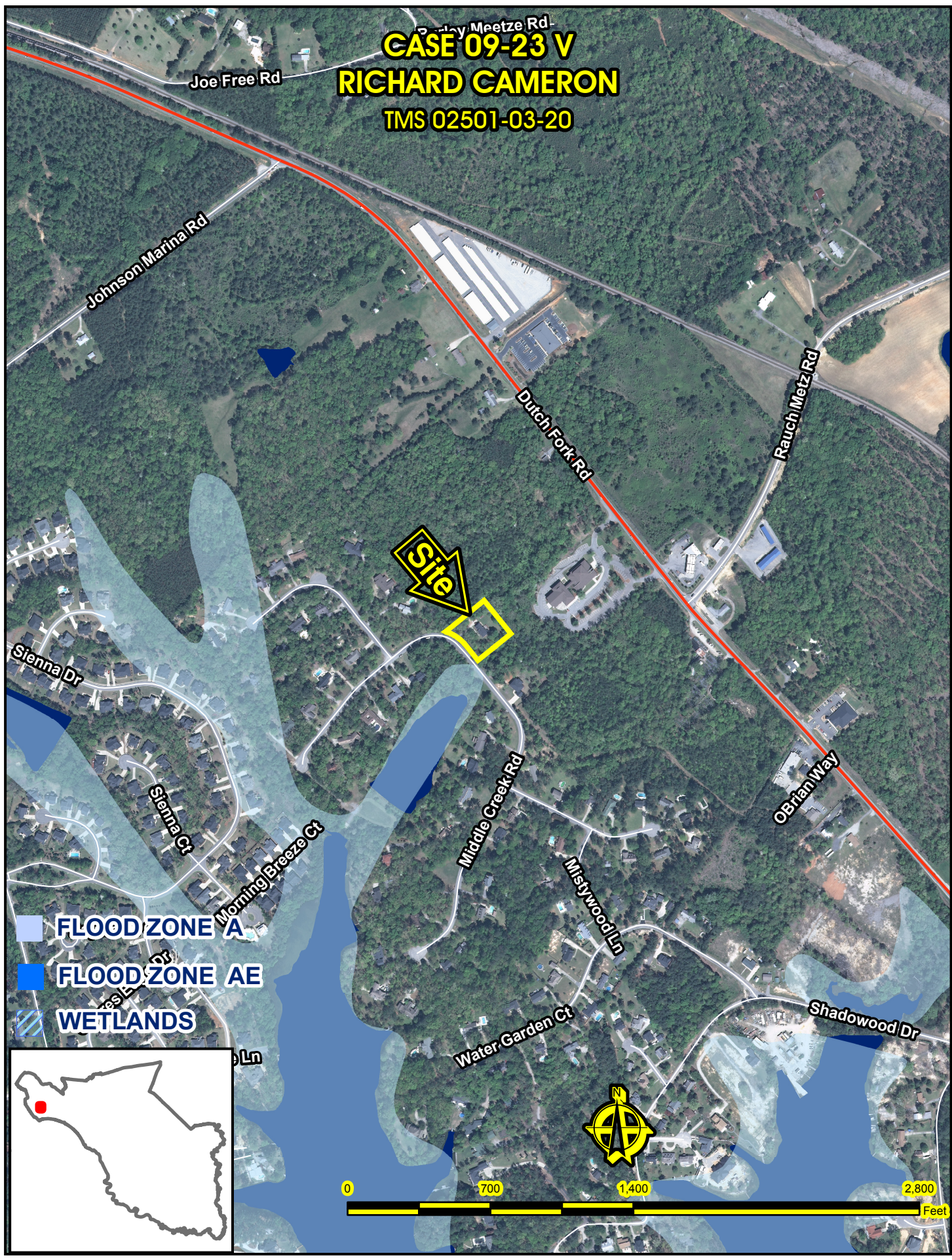
ATTACHMENTS

- Plat
- Letter from the church

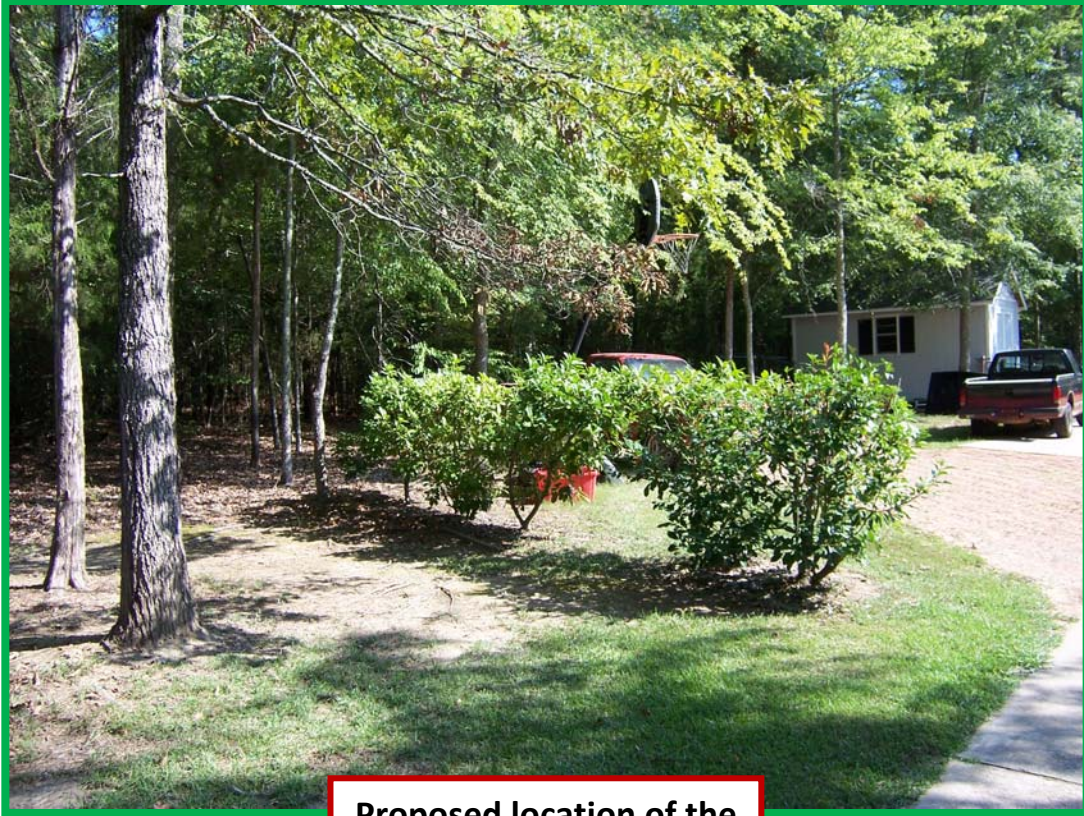
CASE HISTORY

No record of previous special exception or variance request.

Meetze Rd
CASE 09-23 V
RICHARD CAMERON
TMS 02501-03-20



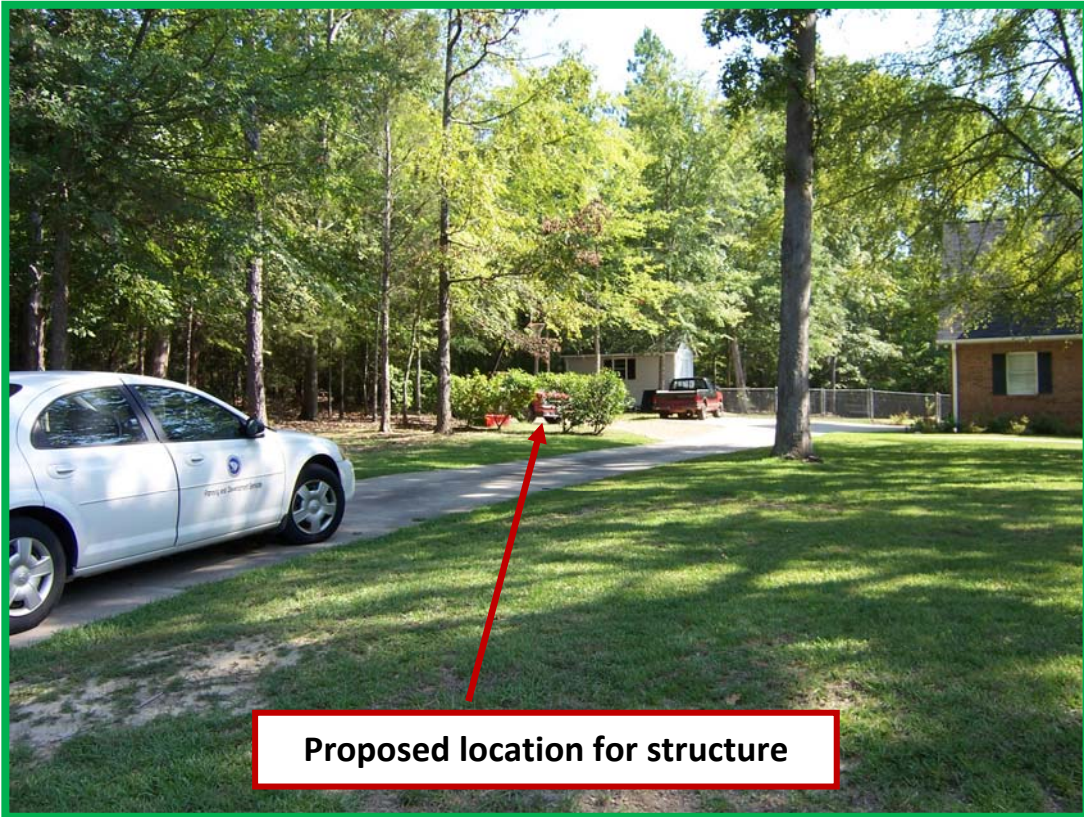
09-23 V
Richard Cameron, Jr.
89 Middle Creek Road
TMS: 02501-03-20



**Proposed location of the
accessory structure**



09-23 V
Richard Cameron, Jr.
89 Middle Creek Road
TMS: 02501-03-20





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 89 Middle Creek Rd, Irmo, SC, 29063
 TMS Page _____ Block _____ Lot 9-A Zoning District RU

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 26-85, 4b of the Richland County Zoning Ordinance.

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: To Construct a 24x24, 2 Car Garage next to Driveway

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: Position of House and Driveway on Lot 15 To The Left of Lot Leaving Limited Area For Detached Garage within 5 feet of Property Line

b) Describe how the conditions listed above were created: When house and Driveway were built, home was set to left of Lot (Level Position)

c) These conditions do not generally apply to other property in the vicinity as shown by How Water Agency was a structure within 20 feet of Property Line (several), 124 Hickory Knob Hill Rd, 69 Middle Creek Rd, 6 Angela Dawn Ct. All Have Structures within or very close to 20 feet restriction

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: Ability to build next to Driveway on Left Side of 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: Property next to my lot 15 owned By Faith Presb. Church And has no Access From middle Creek Rd, and can only be accessed From Dutch Fork Rd, And will be set off Middle Creek by Approx 130 Feet And will be 5 feet From Property Line, I have OK From Church,

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

- a) Site Plan
- b) Letter From Adjacent Property owner(s) Faith Presb Church
- c) _____

(Attach additional pages if necessary)

Richard M Cameron Jr
Applicant's Signature

89 Middle Creek Rd
Address

732-5745
Telephone Number

Richard M Cameron Jr
Printed (typed) Name

Irmo SC 29063
City, State, Zip Code

730-1874 mobile
Alternate Number

-----Original Message-----

From: mattnlynn [mailto:mattnlynn@bellsouth.net]

Sent: Friday, August 17, 2007 8:46 PM

To: dahill64@sc.rr.com

Subject: Proposed garage addition at 89 middle creek

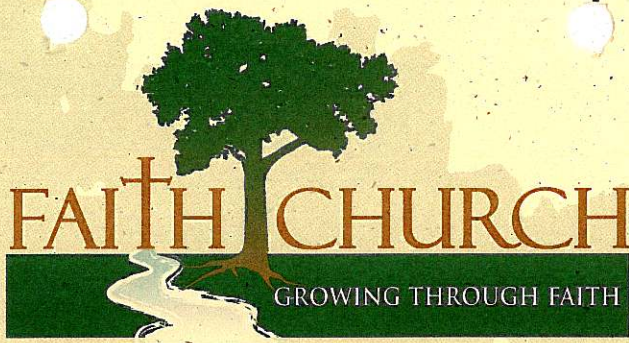
To whom it may concern,

My name is Richard Cameron (call me Matt), I live at 89 Middle Creek Rd, (the former parsonage). I am thinking about building a new two car garage/ workshop (24 X 26) adjacent to the church's property, which is on the Left side of my lot (see plat). I want to put it where you see a square to the left of my driveway across from the house, near the storage shed. This would put the back of the new garage approximately 5 feet off the property line, so that I would have sufficient area for turning in. Also see the picture of the new garage to be purchased from Boozer Lumber as a kit, It will be in keeping with the homes current style and color Grey vinyl siding. I am writing to you as a courtesy, to get an OK from the church, in the form of a letter so that when I go to the zoning committee and ask for a variance for the setback, I will at least have asked for your OK first. If anyone wants to come by and see the area first hand, please let me know, and they have a "Demo" model out at Boozer Lumber on Atlas Rd, its really a nice structure.

I appreciate you time and help on this matter, and I hope to hear from you soon.

Thank you,

Matt Cameron
89 Middle Creek Rd
Irmo, SC, 29063
803-732-5745 home
803-730-1874 cell



September 17, 2007

Richard Cameron
89 Middle Creek Rd
Irmo, SC, 29063

Dear Matt

The Faith Presbyterian Church Deacon Board has met and has approved your request to build a new two car garage/ workshop (24 X 28) adjacent to the church's property which will be placed approximately 5 feet off the property line.

If you have any further questions, please contact us at 732-1234.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hill".

David Hill
Deacon

NOW OR FORMERLY
KENNETH R. MYERS, JR.

S 34°55'51" E
208.79'

3/4" Pinch Top (o)

1.02 ACRES

Storage

Wood Fence

Deck

A.C.

Concrete Lid

Proposed
24' x 24'
Two door
Car garage

TWO STORY
BRICK VENEER
& VINYL SIDING
DWELLING
NO. 68

Porch

S 55°06'02" W
208.70'

NOW OR FORMERLY
KENNETH L. & CAROLYN R. POIT

N 55°04'00" E
238.55' (Total)

S 15°41'12" W
124.03'

Power Unit (Typ.)

Lamp Post (Typ.)

1" Pinch Top (o)
TV lb. (Typ.)

1.10' Inside Line

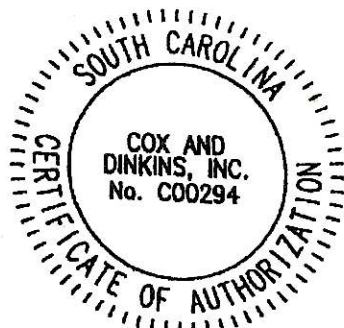
1" Pipe (o)

1/2" Rebar (o) N 34°59'39" W
123.26'

Delta=26°06'46"
Radius=200.15'
Arc Length=91.22'

MIDDLE CREEK ROAD
(50' R/W)

N 76°38'16" W
67.78'
to 1-1/2" Pipe (o)
311' ± To
Hickory Knob Hill Road



PLAT
PREPARED FOR

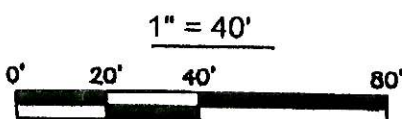
RICHARD M. CAMERON & LYNN T. CAMERON

RICHLAND COUNTY, NEAR BALLENTINE, S.C.

REFERENCES:

- 1) BOUNDARY SURVEY FOR BRUCE E. DAVIS, BY MILLEDGE L. WILSON, DATED APRIL 25, 1986, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK NO. 50, PAGE 9613.
- 2) BOUNDARY SURVEY FOR BRUCE E. DAVIS, BY MILLEDGE L. WILSON, DATED APRIL 25, 1986, REVISED JUNE 19, 1986, AND RECORDED IN PLAT BOOK NO. 51, PAGE 3172.

JANUARY 17 | 2002



614 HOLLY STREET
COLUMBIA, SOUTH CAROLINA 29205
803.254.0518 Fax: 803.765.0993
Email: cdinc@coxanddinkins.com

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein, also there are no visible encroachments or projections other than shown

Ronald W. Fisher
REG. LAND SURVEYOR NO. 17926
RONALD W. FISHER

LB1-9 to 11	CHK: 12	TMS: 2501-3-20	SF NO.: 187	NO.: 11A	PROJ: 2ML81-09.DWG	BY: 4
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REQUEST, ANALYSIS AND RECOMMENDATION

09-25 Special Exception

REQUEST

The applicant is requesting the Board of Zoning Appeals to grant a special exception to establish a gym/family life center as an accessory structure to a place of worship on property zoned RS-HD (Residential, Single-Family, High Density).

GENERAL INFORMATION

Applicant

Joe Jackson, Sr.

Tax Map Number

24903-05-02

Location

1520 Lower Richland Blvd.

Parcel Size

3± -acre tract

Existing Land Use

Church

Existing Status of the Property

The subject property has a 6,208 square foot church that was built in 1960. The church is abutted on the north, south and west by manufactured homes and mobile homes and on the east by single-family residential structures. The subject property has road frontage on Lower Richland Blvd. and Padgett Road.

Proposed Status of the Property

The applicant proposes to construct a place of worship.

Character of the Area

The subject property is located in the southeast part of Richland County (Lower Richland). The surrounding area has a mixture of single-family dwellings and manufactured/mobile homes. In the surrounding area, a majority of the manufactured/mobile homes are west of Lower Richland Blvd., while a majority of the single-family residential dwellings are east.

ZONING ORDINANCE CITATION

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

CRITERIA FOR SPECIAL EXCEPTIONS

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

1. **Traffic impact.**
2. **Vehicle and pedestrian safety.**
3. **Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property.**

4. **Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view.**
5. **Orientation and spacing of improvements or buildings.**

DISCUSSION

Staff visited the site.

The Prayer and Faith Temple is requesting a special exception to construct a 9,800 square foot accessory structure which is to be used as a gymnasium/family life center. Staff did not observe any conditions or factors that would negatively impact the properties in the surrounding area by the establishment of this type of development.

As previously stated, the church has been at its current location since 1960. In 2004, a special exception was granted by the Board of Zoning Appeals to establish the church as a conforming use, along with a 990 square foot addition (the special exception for the addition expired prior to its construction).

Staff believes that the subject parcel meets all of the criteria required for the granting of a special exception. Staff recommends that the request be approved. The Board shall find that the special exception is in harmony with the intent and purpose of this chapter and in making this determination, the board shall consider the following:

a. Traffic impacts.

The Addendum to the Long Range Major Street Plan for Richland County – adopted by the Richland County Planning Commission - Oct.1993 does not contain a traffic study for churches. However, the limited square footage of the church should retain the membership of the church to a level that traffic impact should be minimal.

b. Vehicle and pedestrian safety.

There were no obstacles or conditions present that would seem to present vehicle or pedestrian safety.

c. Potential impact of noise, lights, fumes, or obstruction of airflow on adjoining properties.

There should be a minimal, if any, impact of noise, lights, fumes or obstruction of airflow by the establishment of the proposed use.

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view.

Landscaping is recommended for all sides of the structure, except the front entrance, that abut a road. The landscaping section of the LDC requires structures that exceed 25% of the gross floor area of an existing structure to provide a buffer transition yard (section 26-176 (a) (2) (b) (2)).

e. Orientation and spacing of improvements or buildings.

It is recommended that structure be required to face either Padgett Road or Lower Richland Blvd.

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

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

CONDITIONS

(20) Places of worship.

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

OTHER RELEVANT SECTIONS

N/A

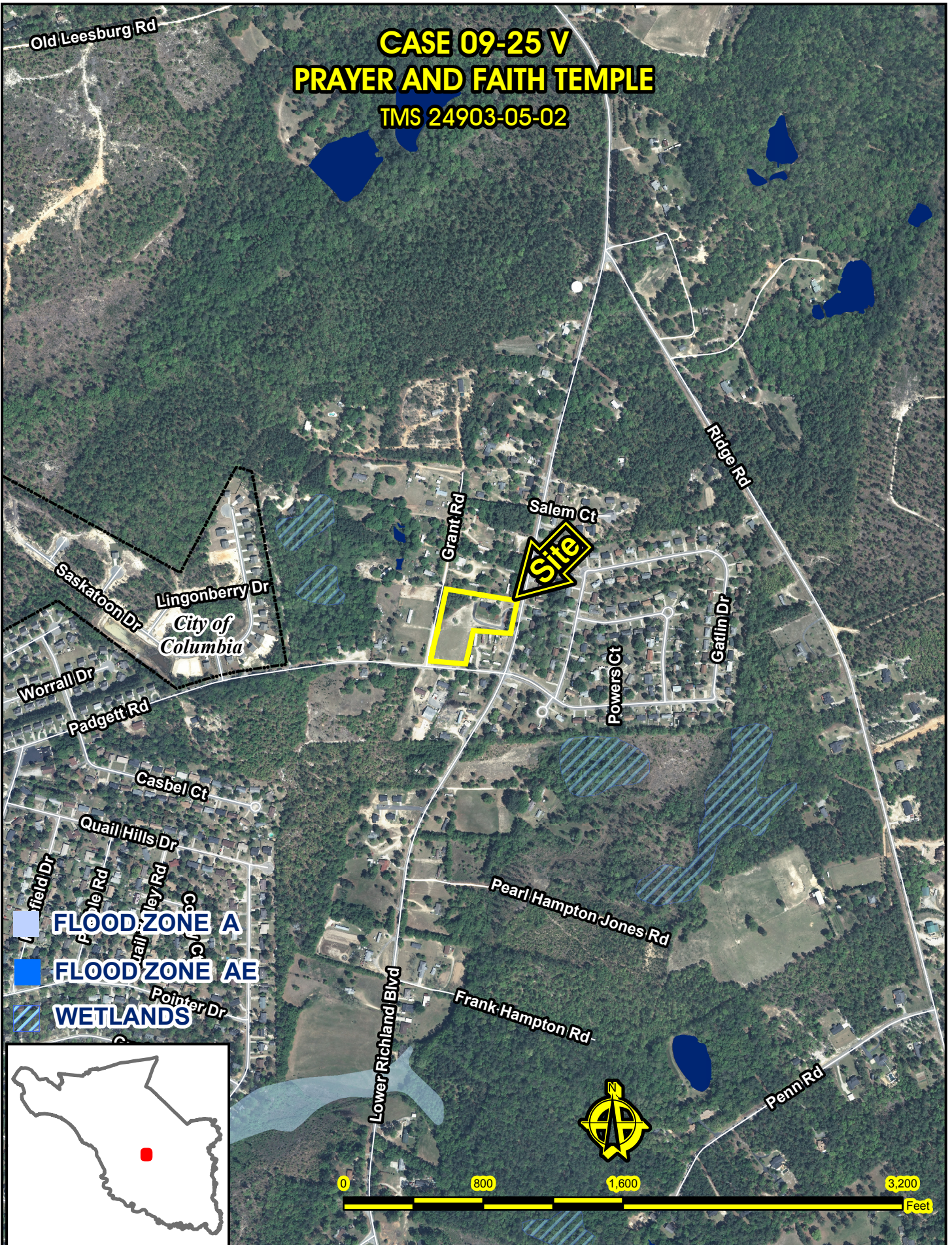
ATTACHMENTS

- Conceptual site plan
- Aerial

CASE HISTORY

No record of previous special exception or variance request.

CASE 09-25 V
PRAYER AND FAITH TEMPLE
TMS 24903-05-02



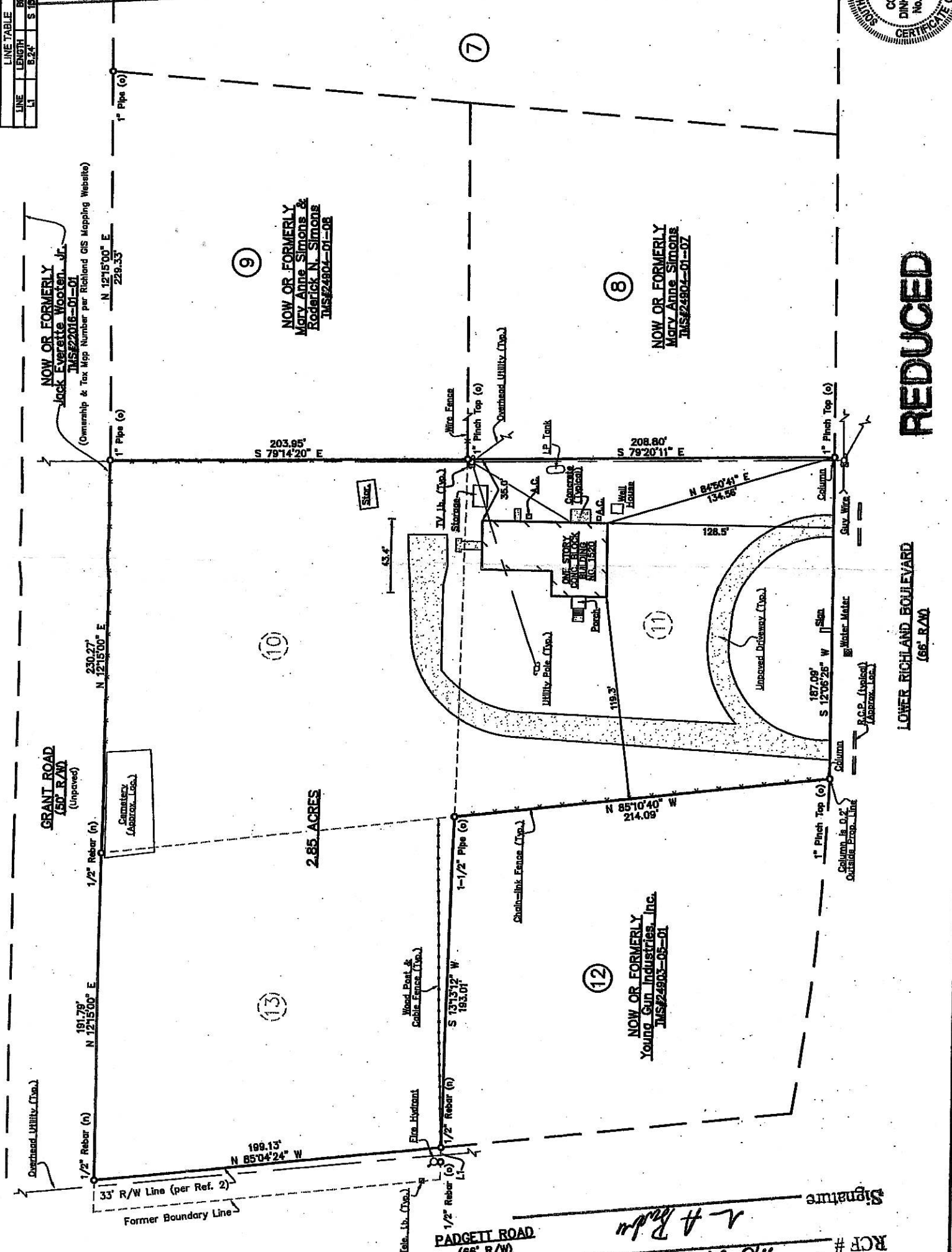
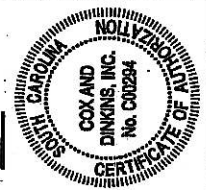
09-25 V
Joe Jackson, Sr.
1520 Lower Richland Blvd.
TMS: 24903-05-02



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LINE	LENGTH	BEARING
L1	8.24'	S 17°53'21" W

RECEIVED
 JUL 7 2009
 RICHLAND COUNTY PLANNING AND DEVELOPMENT SERVICES



REDUCED

LOWER RICHLAND BOULEVARD (66' R/W)

PLANNING & DEVELOPMENT SERVICES
 RICHLAND COUNTY SOUTH CAROLINA
 APPROVED FOR RECORDING
 Date: 7/9/09
 RCF #: MS-09-69
 Signature: L.A. Padgett

Book 1537-3559
 2009052545 07/09/2009 15:31:49:247
 Fee: \$10.00 County Tax: \$0.00 State Tax: \$0.00
 Plat Oversized

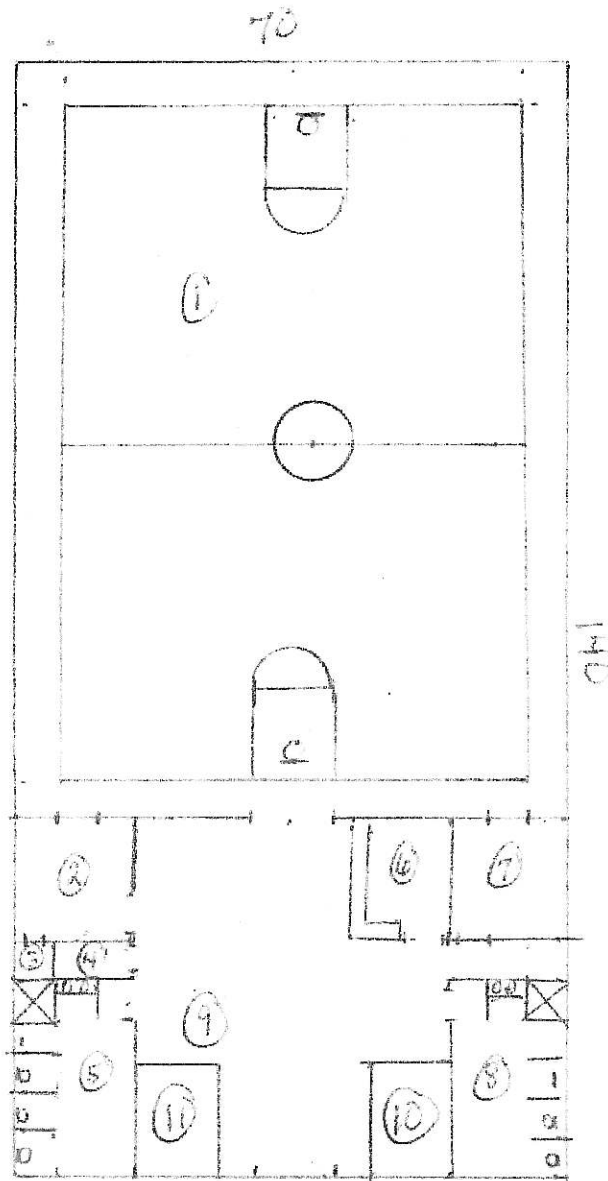
2009052545 Richard W. Rodden
 Richland County R.O.D.

NO.	DATE	DESCRIPTION

PLAT PREPARED FOR PRAYER AND FAITH TEMPLE APOSTOLIC MINISTRIES			
RICHLAND COUNTY, NEAR COLUMBIA, S.C.			
SCALE: 0' = 40' 20' = 40' 40' = 80'	BOOK: W21-53	CHK: 12	SF: 344
DATE: JULY 2, 2009	TAX MAP NUMBER: 24903-05-02	NO.: 6	DTW: 85831-53.dwg
RICHLAND COUNTY SURVEYOR NO. 238-08 DAVID K. BALLARD	NO.: 6	DTW: 85831-53.dwg	BT: 20

CERTIFICATION: I hereby state that to the best of my knowledge, information, and belief, the survey shown herein complies with the provisions of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein; also that every visible encroachment or obstruction has been shown.	REFERENCES: 1) PLAT PREPARED FOR J.K. GRANT AND HENRY T. GRANT, BY COVINGTON & KEELS ENGINEERING CO., DATED OCTOBER 12, 1961, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK "X", PAGE 924. 2) PLAN AND PROFILE OF PROPOSED STATE HIGHWAY, DOCKET NO. 40.512, ROUTE NO. S-70, SHEET NO. B OF 31.
NOTES:	

DA140 Building



- | | |
|---------------------------|-------------------|
| ① Gym | ⑧ Men's Rest Room |
| ② Office with Door to Gym | ⑨ Foyer |
| ③ Closet | ⑩ Waiting Kitchen |
| ④ Storage | ⑪ Office |
| ⑤ Women's Rest Room | |
| ⑥ Front Desk | |
| ⑦ Office | |



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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