

RICHLAND COUNTY

BOARD OF

ZONING APPEALS



Wednesday, 14 July 2010

1:00 p.m.

Council Chambers



**Richland County
Board of Zoning Appeals
Wednesday, July 14, 2010
2020 Hampton Street
2nd Floor, Council Chambers
Agenda**

I. CALL TO ORDER & RECOGNITION OF QUORUM

**Joshua McDuffie,
Chairman**

II. RULES OF ORDER

**Amelia Linder,
Attorney**

III. APPROVAL OF MINUTES – June 2010

IV. PUBLIC HEARING

**Geonard Price,
Zoning Administrator**

OPEN PUBLIC HEARING

**10-08 V
Mark James
Bluff Rd. & Blair St.
Columbia, SC 29205
11115-06-03**

Request a variance to reduce the required number of parking spaces on property zoned M-1. (Light Industrial)

P. 01

**10-09 V
Robert Fuller
148 Riddle Landing Rd.
Chapin, SC 29036
01315-01-05**

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

P. 11

**10-10 V
Gretchen Lambert
76 Polo Rd.
Columbia, SC 29223
22802-04-29**

Request a variance to exceed the required number of parking spaces on property zoned GC. (General Commercial)

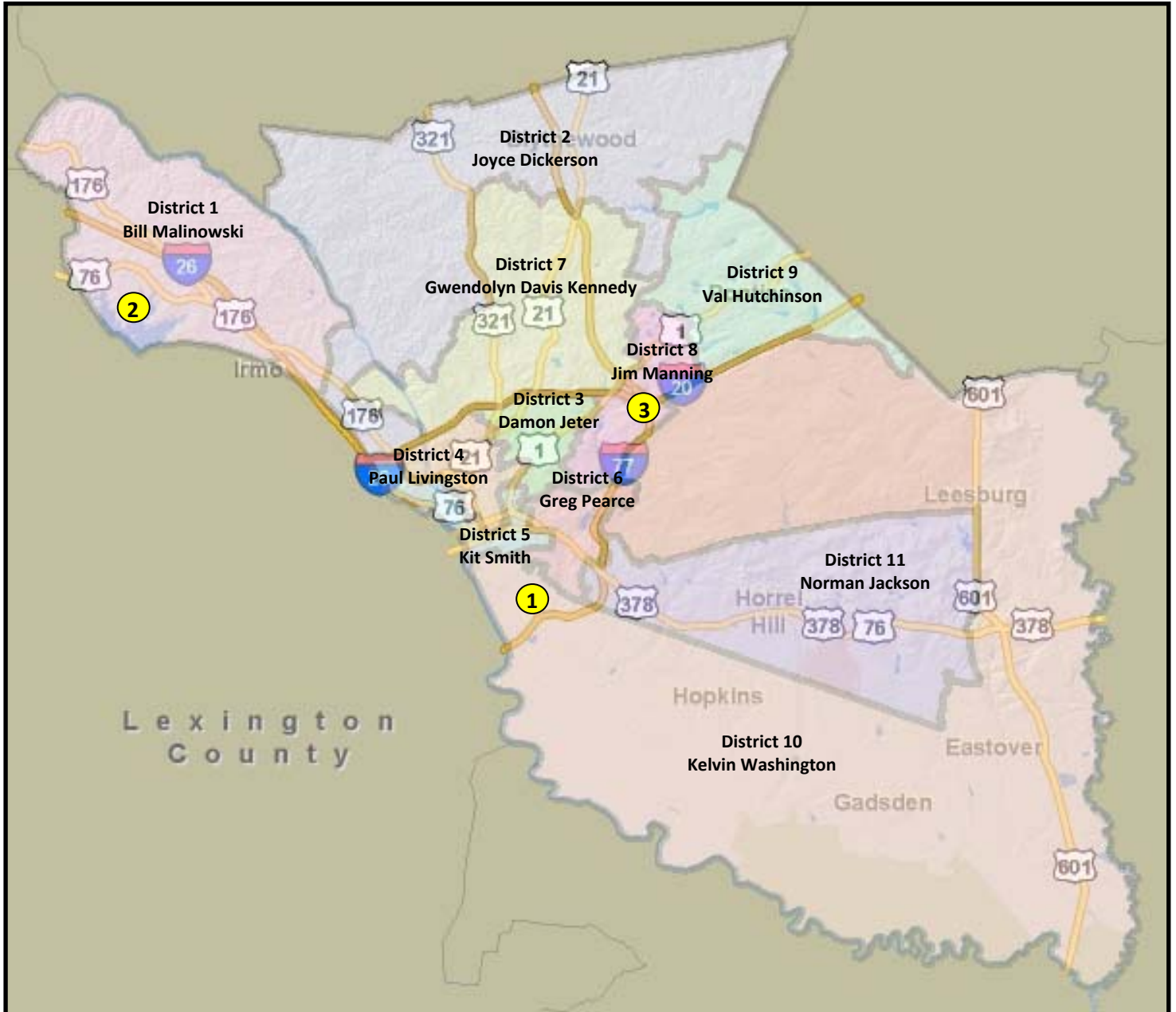
P. 21

V. OTHER BUSINESS

VI. ADJOURNMENT

RICHLAND COUNTY BOARD OF ZONING APPEALS

July 14, 2010



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 10-08 V	Mark James	11115-06-03	Bluff Rd. & Blair St., Columbia, SC	Washington
2. 10-09 V	Robert Fuller	01315-01-05	148 Riddle Landing Rd., Chapin, SC	Malinowski
3. 10-10 V	Gretchen Lambert	20014-04-10	76 Polo Rd., Columbia, SC	Manning



14 July 2010
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

10-08 Variance

REQUEST

The applicant is requesting the Board of Zoning Appeals to reduce the required number of off-street parking spaces on property zoned M-1 (Light Industrial).

GENERAL INFORMATION

Applicant

Mark James

Tax Map Number

11115-06-03

Location

Corner of Bluff Rd. & Blair St.

Parcel Size

1.02± acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is vacant.

Proposed Status of the Property

The applicant is proposing to construct a 9,014 square foot retail building (Dollar General).

Character of the Area

The area is comprised primarily of industrial and residentially (single-family and multi-family) developed parcels.

ZONING ORDINANCE CITATION

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

CRITERIA FOR VARIANCE

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

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and

- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to reduce the number of required off-street parking spaces from 36 to 30. Section 26-173 of the Richland County Land Development Code (LDC) establishes the minimum and maximum off-street parking for a retail sales type land use as:

- Minimum: One (1) per 250 GFA
- Maximum: One (1) per 150 GFA.

According to the applicant, there is a 60” drain line, which, because of its location through the center of the property, will have to be relocated in order to construct the proposed building. The preliminary site plan indicates that the pipe line is to be relocated near the southern end of the property, adjacent to a residential development. The site plan also shows a proposed 30 foot drainage easement near the rear of the property. The applicant has stated that the deed restriction for the property may prohibit the parking of vehicles on the drainage easement.

In addition, based on the location of the pads for loading and the dumpster, it seems that access to the rear of the property is restricted for vehicular traffic.

As previously indicated, it is the applicant’s desire to have the required number of parking spaces reduced by six (6). In lieu of a variance, the square footage of the proposed building could be reduced by 1500 square feet. This reduction would make the proposed 30 parking spaces compliant with the requirements of the LDC. The applicant may address the Board of Zoning Appeals on the practicality of this alternative.

If it is determined that the reduction of the square footage of the proposed building is practical, then...

According to the standard of review for a variance, the first criterion that must be established is a determination that extraordinary or exceptional conditions to the property are present. Staff was unable to identify any extraordinary or exceptional conditions pertaining to the request. Because the criteria for granting a variance is predicated upon the Board’s findings that all standards of review are present, it is staff’s recommendation that the variance request be denied.

If it is determined that the reduction of the square footage of the proposed building isn’t a practical alternative, then...

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance. Staff recommends that the request be approved. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff concurs that the existence of the drainage easement and the relocated drain pipe restrict the developable area of the property. In addition, the building had to be configured as shown on the plans to allow loading and unloading. This configuration also limits the developable area for parking.

b. How were conditions created

The pipe is an existing utility. Staff is unable to determine the exact time in which the pipe was constructed on the property.

c. Conditions applicable to other properties

Staff is unable to determine if the conditions are applicable to the adjacent parcels.

d. Application of the ordinance restricting utilization of property

The application of the required off-street parking requirements for a retail type land use would prevent the utilization of this parcel for the proposed use.

e. Substantial detriment of granting variance

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district.

CONDITIONS

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

OTHER RELEVANT SECTIONS

26-57 (f) (1) *Formal review.*

- (1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:
 - a. Approve the request;
 - b. Continue the matter for additional consideration; or
 - c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

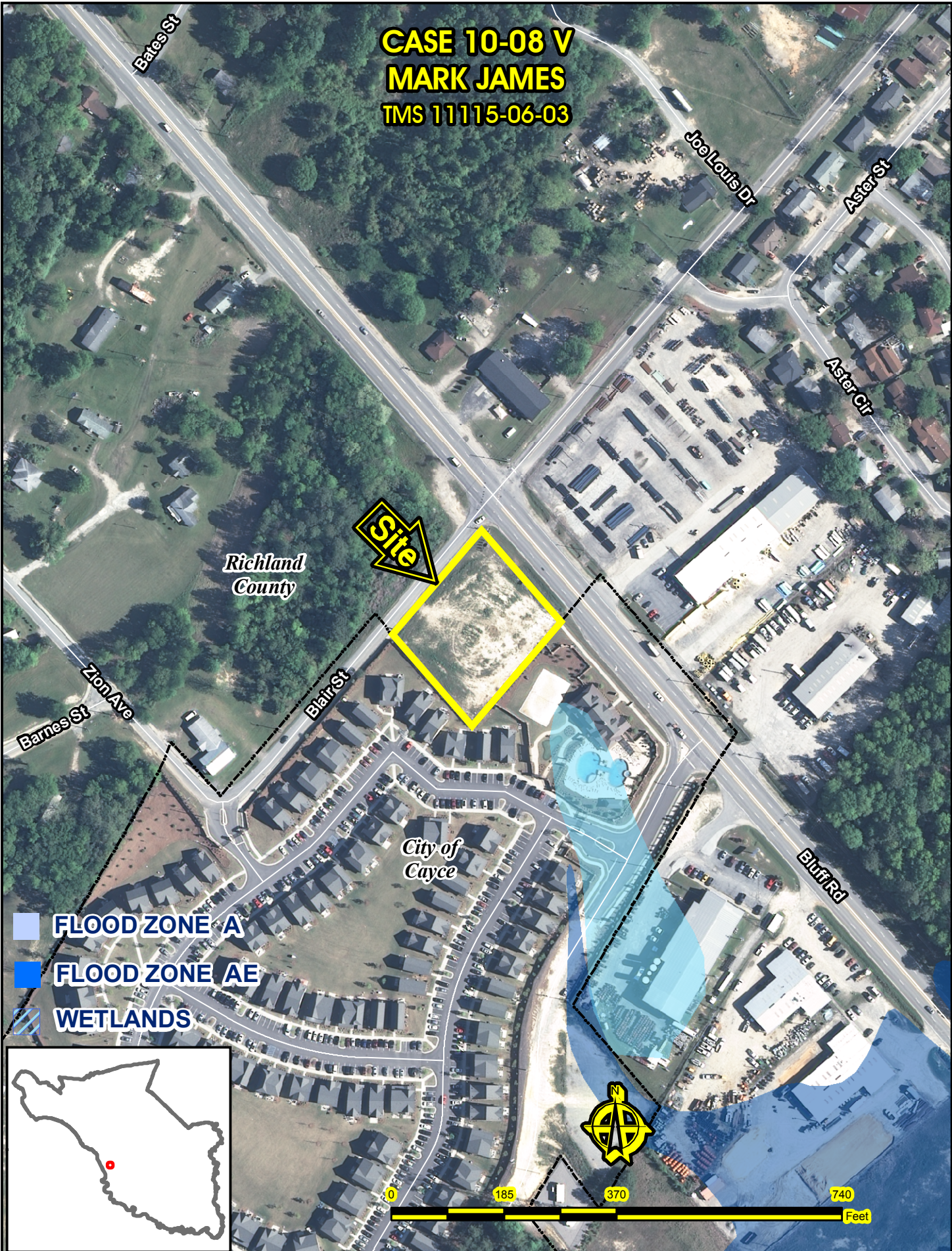
ATTACHMENTS

- Plat

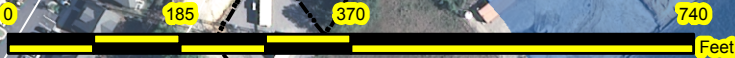
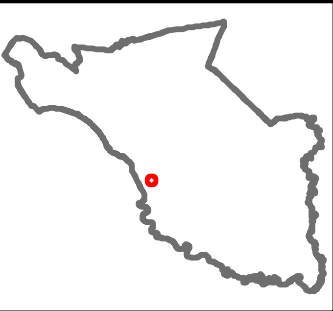
CASE HISTORY

No record of previous special exception or variance request.

CASE 10-08 V
MARK JAMES
TMS 11115-06-03



-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS



10-09 V
148 Riddle Landing Rd.
Chapin, SC 29036





BOARD OF ZONING APPEALS

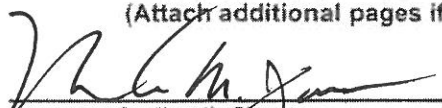
VARIANCE APPEALS



Application #

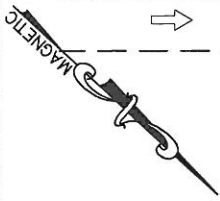
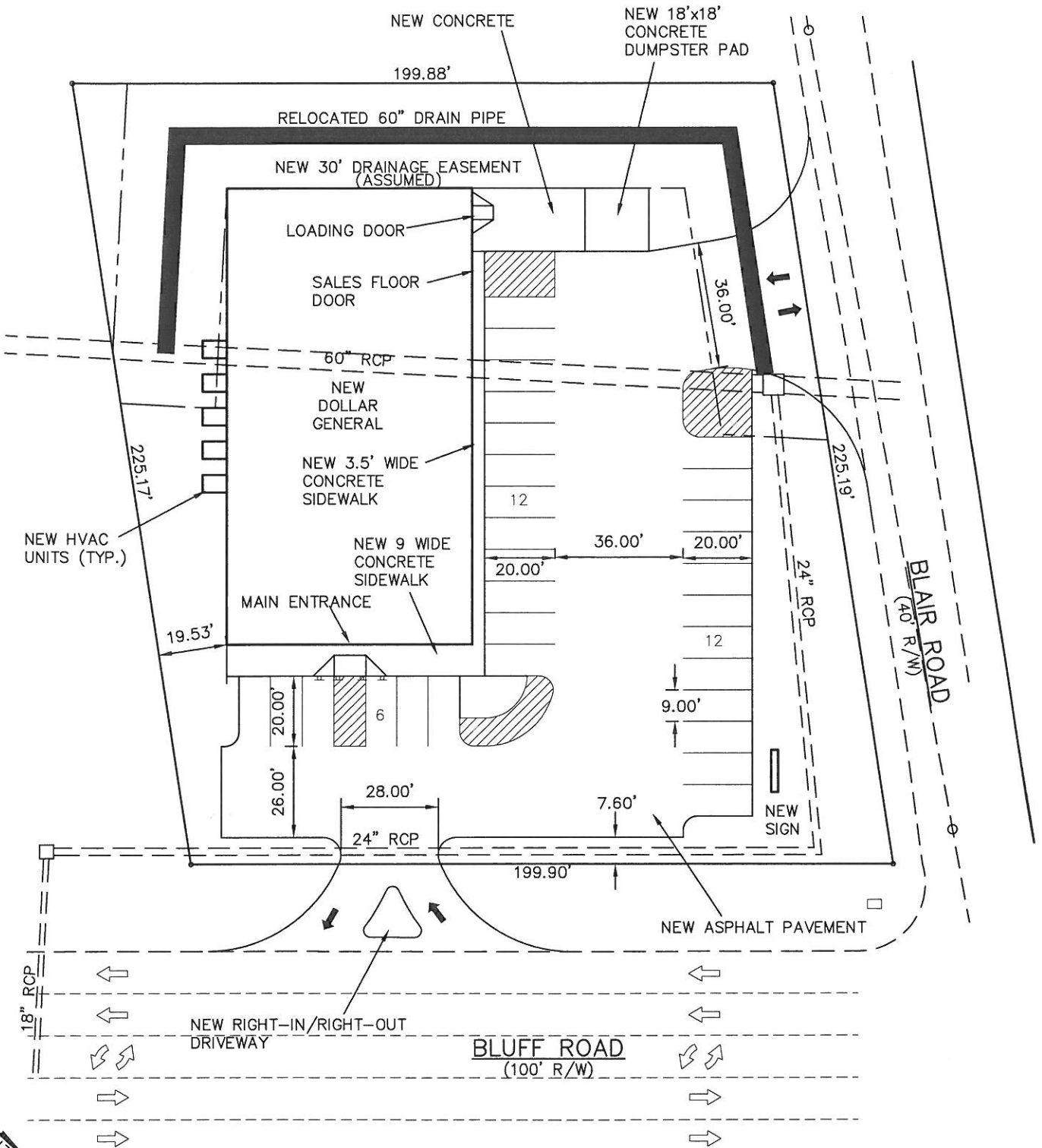
1. Location South side of intersection of Bluff Rd and Blair St
 TMS Page 11115 Block 06 Lot 03 Zoning District M1
2. Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property as described in the provisions of Section 26-173 of the Richland County 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: Reduction of required parking for the 9,014 GFA retail building from 36 spaces to 30 spaces.
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: This parcel has an existing 60" drain line running through the middle of the property that will have to be relocated. The area taken up by this drain pipe reduces the developable area.
 - b) Describe how the conditions listed above were created: The pipe was existing.
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Other parcels don't have this large drain line.
 - 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: The proposed only requires 30 spaces, 36 spaces will not fit on the property with the existing/relocated drain line.
 - 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: Bluff Road is a primarily industrial area, the construction of this project will not be a detriment to adjacent property. It was originally to be developed as a gas station.
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Site Plan
 - b) _____
 - c) _____

(Attach additional pages if necessary)

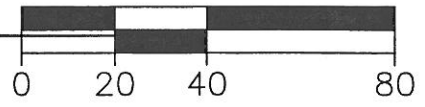
 Applicant's Signature Capital Development Partners, LLC Mark James Printed (typed) Name	<u>1247 Sumter St, Ste 301</u> Address <u>Columbia, SC 29201</u> City, State, Zip Code	<u>803-834-7014</u> Telephone Number <u>803-331-9939</u> Alternate Number
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PRELIMINARY SITE PLAN		STATE - STREET: COLUMBIA, SC - BLUFF ROAD	
PROTOTYPE: B	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 9,014/7,195	COMPANY: CAPITAL DEVELOPMENT PARTNERS, LLC	COMPANY: HB ENGINEERING	5/27/10
ACREAGE: ±1.02 AC.	NAME: MARK JAMES	NAME: MIKE RAY	
PARKING SPACES: 30	PHONE #: 803-834-7014	PHONE #: (803) 957-7027	



GRAPHIC SCALE



SCALE: 1"=40'

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REQUEST, ANALYSIS
AND
RECOMMENDATION

10-09 Variance

REQUEST

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

GENERAL INFORMATION

Applicant

Robert Fuller

Tax Map Number

01315-01-05

Location

148 Riddle Landing Road

Parcel Size

.45 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has a 1,031 square foot dwelling, which was originally constructed circa 1936. According to the applicant, the current structure is not in any condition to rehabilitate.

Proposed Status of the Property

The applicant is proposing to replace the current structure with a manufactured housing unit, which will encroach into the required side yard setbacks.

Character of the Area

The area is comprised of single-family residential dwellings, many of which abut Lake Murray.

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 required 20 foot side yard setbacks by 8.2 and 8.3 feet. The parcel is 19,602 square feet, with a lot width of 53.49 feet. The width at the building line of the structure is 67.5 feet. The minimum square footage for a parcel in the RU zoning district is 33,000 square feet, with a required lot width of 120 feet. The required setbacks are: front – 40 feet; rear – 50 feet; and sides – 20 feet.

Records indicate that the structure was constructed prior to the adoption of Richland County development standards. The existing residential structure is currently encroaching into the required side yard setback.

The applicant also indicates that the septic tank and drain field, located rear of the existing and proposed dwellings, prohibit the proposed structure from being located deeper into the property. This would have served as a possible means to meet the setbacks.

In lieu of a variance, the proposed structure could be oriented where the front of the manufactured home faces either of the side yard setbacks. This could allow the proposed use to meet the required setbacks. However, staff feels that this application would not be in character with the orientation of the adjacent residential structures.

Staff believes that the subject parcel meets all of the criteria required for the granting of a variance. Staff recommends that the request be **approved**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff concurs that the configuration of the parcel, coupled with the required setbacks and current location of the septic tank and drain field residence, presents challenges in the placement of the proposed structure.

b. How were conditions created

Records indicate that the parcel was created and developed prior to the adoption of land development regulations by Richland County.

c. Conditions applicable to other properties

Staff is unable to determine if the conditions are applicable to the adjacent parcels.

d. Application of the ordinance restricting utilization of property

While applying the setback requirements for the RU district to this lot would not prevent the utilization of this parcel, it would complicate the applicant's ability to locate the proposed structure in a manner that is compatible with the surrounding uses.

e. Substantial detriment of granting variance

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district.

CONDITIONS

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

OTHER RELEVANT SECTIONS

26-57 (f) (1) Formal review.

(1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

ATTACHMENTS

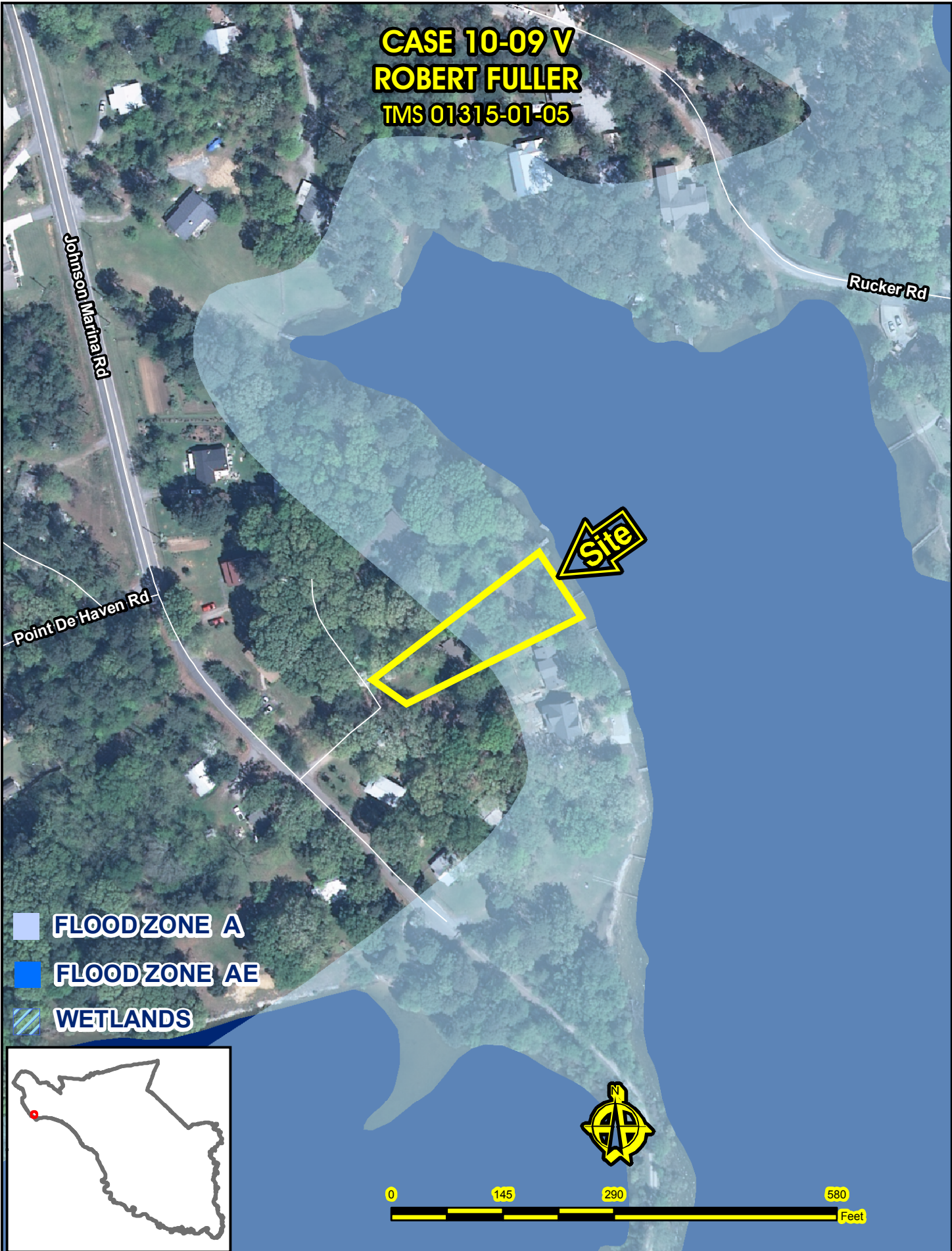
- Plat

CASE HISTORY

No record of previous special exception or variance request.

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CASE 10-09 V
ROBERT FULLER
TMS 01315-01-05



10-09 V
148 Riddle Landing Rd.
Chapin, SC 29036





BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 148 Riddle Landing Road, Chapin, S.C. 29036 [Richland Co., Lake Murray]
 TMS Page 01315 Block 01 Lot 05 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 26-131 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: Replacement of an existing residential structure (21'± x 49.1'±, appx. 1031 sq. ft.) with a manufactured housing unit (28'± x 44'±, appx. 1232 sq. ft.) Existing and replacement structure encroach into 20' sideline setback, per attachment.

4. Requested Variance: Encroachment into sideline setbacks not to exceed 8.3 ft. per plat.
 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: Trapezoidal lot shape creates a diminished lot width at location of the structure; therefore magnifies the adverse impact of the 20' sideline setback at the loacation of the structure. Relocation is prohibited by septic tank & field.
- b) Describe how the conditions listed above were created: The sideline restriction did not exist at the time of placement of the existing structure and septic tank & drainage field, more than 20 years ago. Initial structure is too deteriorated to rehabilitate.
- c) These conditions do not generally apply to other property in the vicinity as shown by: Lot shapes, sizes and topography do not generally restrict the placement of structures in the same manner as is imposed by the constricting sidelines of the subject lot.
- 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: It would essentially prohibit use of the property for residential purposes, even though the sideline encroachment would actually be reduced. The overall structure enlargement is minimal.
- 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: Use of the property remains residential. Replacement of the delapidated structure with "new" construction will enhance the lot and neighborhood. The manufactured home is in keeping with the neighborhood. Location of the structure is no closer to any adjacent use and conforms to the historical home site on the lot.

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

- a) Plat of Lot depicting site improvements
- b) Photographs
- c) Supplement to Application

Robert F. Fuller
 Attorney At Law
 PO Box 441
 Columbia, SC 29202

Attorney for Applicant: (803)256-3557

Charles D. Beaman Jr.
Joni R. Beaman
 Applicant's Signature

2413 Owl Circle
 Address

(803) 796-9859
 Telephone Number

Charles & Joni Beaman
 Printed (typed) Name

West Columbia, SC 29169
 City, State, Zip Code

(803) 296-5042
 Alternate Number

RICHLAND COUNTY BOARD OF ZONING APPEALS

SUPPLEMENT TO APPLICATION FOR VARIANCE

[TMS NO. 01315-01-05]

The property subject of this Application for variance is located at 148 Riddle Landing Road, Chapin, South Carolina, on the shore of Lake Murray. The lot fronts on Riddle Landing Road for approximately 156.0 feet, with approximately 100.0 feet of shoreline on the lake and sideline measurements of 273± feet and 254± feet, respectively. The property has been in continuous ownership of the current owner since 1987.

At the time of acquisition of the lot the owners understood the sideline setback requirement to be 10.0 feet. There was at the time of acquisition a concrete block cabin on the lot, with exterior dimensions of 21.0± feet x 49.1± feet, without encroachment upon the sideline setback.

The owners have been advised that the current sideline setback requirement of the lot is 20.0 feet, which would constitute a small encroachment.

The condition of the block house has deteriorated to the point that it is no longer habitable without extensive renovations, which are cost prohibitive and infeasible. Razing and relocation of a replacement structure elsewhere on the lot is prevented by the location of the septic tank, septic drainage field and topography of the lot.

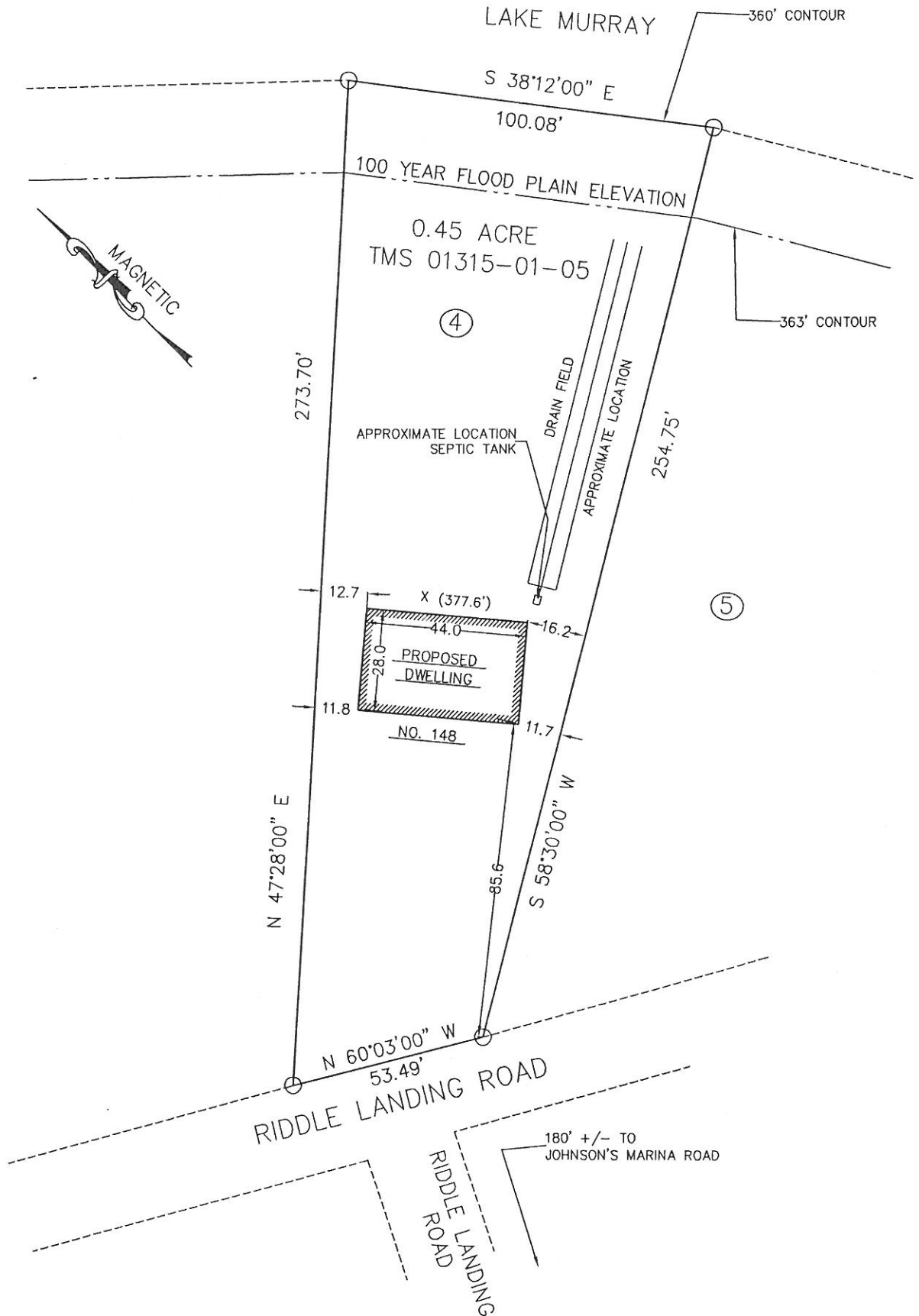
Owners proposal and basis of need for variance is to replace the existing concrete structure with a manufactured housing unit measuring 28.0 feet x 44.0 feet, installed at the same location on the lot as a permanent residential structure. As indicated, the length dimension of the replacement structure is approximately five feet less than the existing and the width dimension of the replacement structure is approximately seven feet greater than the existing. The total area of the proposed manufactured unit is approximately 200 square feet larger than the existing block house. The replacement unit would reduce the overall sideline encroachment by approximately five feet (2.5' on each side).

Owners proposal includes meeting or exceeding all applicable code/ordinance requirements for foundation specifications, roof pitch and front porch requirements on installation and placement of the manufactured housing unit on the lot.

In combination, the trapezoidal shape of the lot, the sideline setback width of twenty (20') feet, the lot topography and the existing location of the septic system on the lot dictate and restrict "where" and "how" a replacement structure may be accommodated. This combination of features is unique to this lot. Utilization of the proposed structure at the proposed location on the lot minimizes the degree of proposed variance of regulation provisions.

The neighborhood vicinity is a combination of diverse lot shapes and sizes, a mixture of manufactured and site-built homes (old and new) of various styles and size. The proposed replacement of the existing concrete structure with the proposed manufactured home of approximately the same size, no closer to the adjacent uses, is compatible with the character of the proximate area.

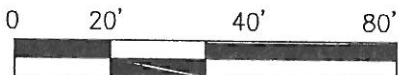
NO LAND SURVEYING WORK WAS PERFORMED ON THIS DATE



PLOT PLAN PREPARED FOR
CHARLES D. BEAMAN, JR. & JONI R. BEAMAN

RICHLAND COUNTY, NEAR WHITE ROCK, SC

THE SAME BEING SHOWN AS LOT NO. 4 ON MAP SHOWING ADDITION TO SUMMER HAVEN BY EVETT & FINLAY, DATED MARCH 2, 1957, AND RECORDED IN THE OFFICE OF REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK 9, PAGE 248. REFERENCE ALSO TO PLAT PREPARED FOR CHARLES D. BEAMAN, JR. & JONI R. BEAMAN BY BAXTER LAND SURVEYING CO., INC., DATED SEPTEMBER 12, 1990.



1" = 40'

MAY 25, 2010

BAXTER LAND SURVEYING CO., INC.

2204 DEVINE STREET
 COLUMBIA, SC 29205
 (803)-252-8564

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8 July 2010
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

10-10 Variance

REQUEST

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

GENERAL INFORMATION

Applicant

Gretchen Lambert

Tax Map Number

22802-04-29

Location

78 Polo Road

Parcel Size

2.69 acre tract

Existing Land Use

Office

Existing Status of the Property

The subject property has an existing 12,038 square foot medical office.

Proposed Status of the Property

The applicant is proposing an addition to the existing structure which would result in the total square footage of 14,700.

Character of the Area

The area is comprised of various commercial uses.

ZONING ORDINANCE CITATION

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

CRITERIA FOR VARIANCE

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

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and

- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

DISCUSSION

Staff visited the site.

The applicant is requesting a variance to exceed the maximum number of off-street parking spaces by twelve (12). Section 26-173 of the Richland County Land Development Code (LDC) establishes the minimum and maximum off-street parking for medical office type land uses as:

Minimum: One (1) per 250 GFA
Maximum: One (1) per 200 GFA.

According to the applicant, the success of the Lexington Family Practice – Northeast practice currently leads to a shortage of parking spaces during peak hours. It is anticipated that with the new addition, and the accompanying services that will be provided, the maximum number of parking spaces allowed by the LDC will not adequately address the needs of the practice.

The applicant states that there are currently 63 parking spaces. It is anticipated that the new addition will require 86 spaces (33 staff, 58 patients). The maximum allowed by the LDC is 74.

Staff believes that the subject request meets all of the criteria required for the granting of a variance. Staff recommends that the request be **approved**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

The off-street parking requirements for medical offices don't take in account the individual needs of various practices.

b. How were conditions created

The standards were adopted as part of the Land Development Code.

c. Conditions applicable to other properties

Staff is unable to determine if the conditions are applicable to other medical offices.

d. Application of the ordinance restricting utilization of property

The application of the required off-street parking requirements for a medical office type land use wouldn't prevent the utilization of this parcel for the proposed use, but may create hazards to vehicular and/or pedestrian traffic.

e. Substantial detriment of granting variance

The granting of the variance will not be of substantial detriment to the adjacent properties or harm the character of the district.

CONDITIONS

26-57(f)(3)

Conditions. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

OTHER RELEVANT SECTIONS

26-57 (f) (1) *Formal review.*

- (1) Action by the board of zoning appeals. Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:
- a. Approve the request;
 - b. Continue the matter for additional consideration; or
 - c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

ATTACHMENTS

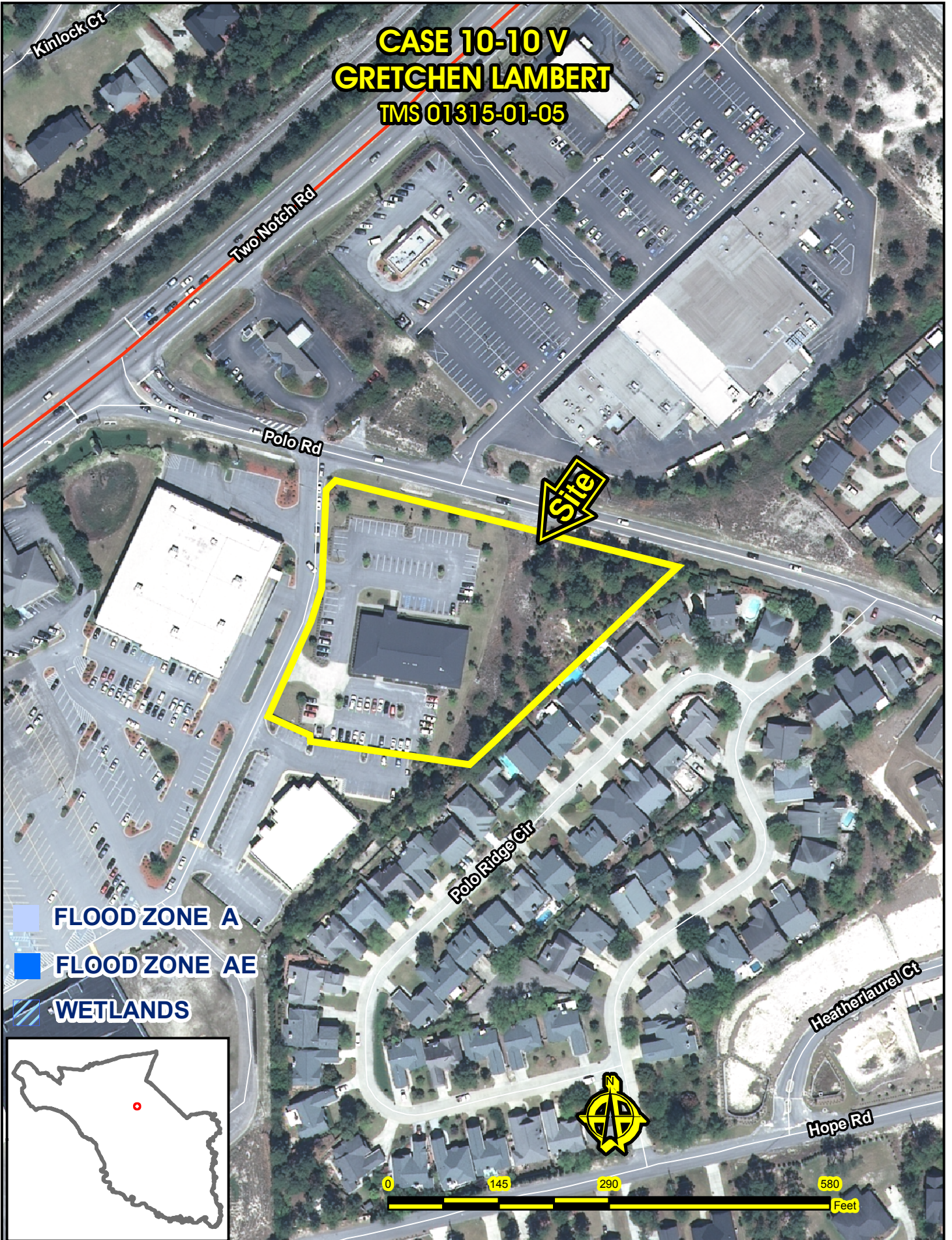
- Plat

CASE HISTORY

No record of previous special exception or variance request.

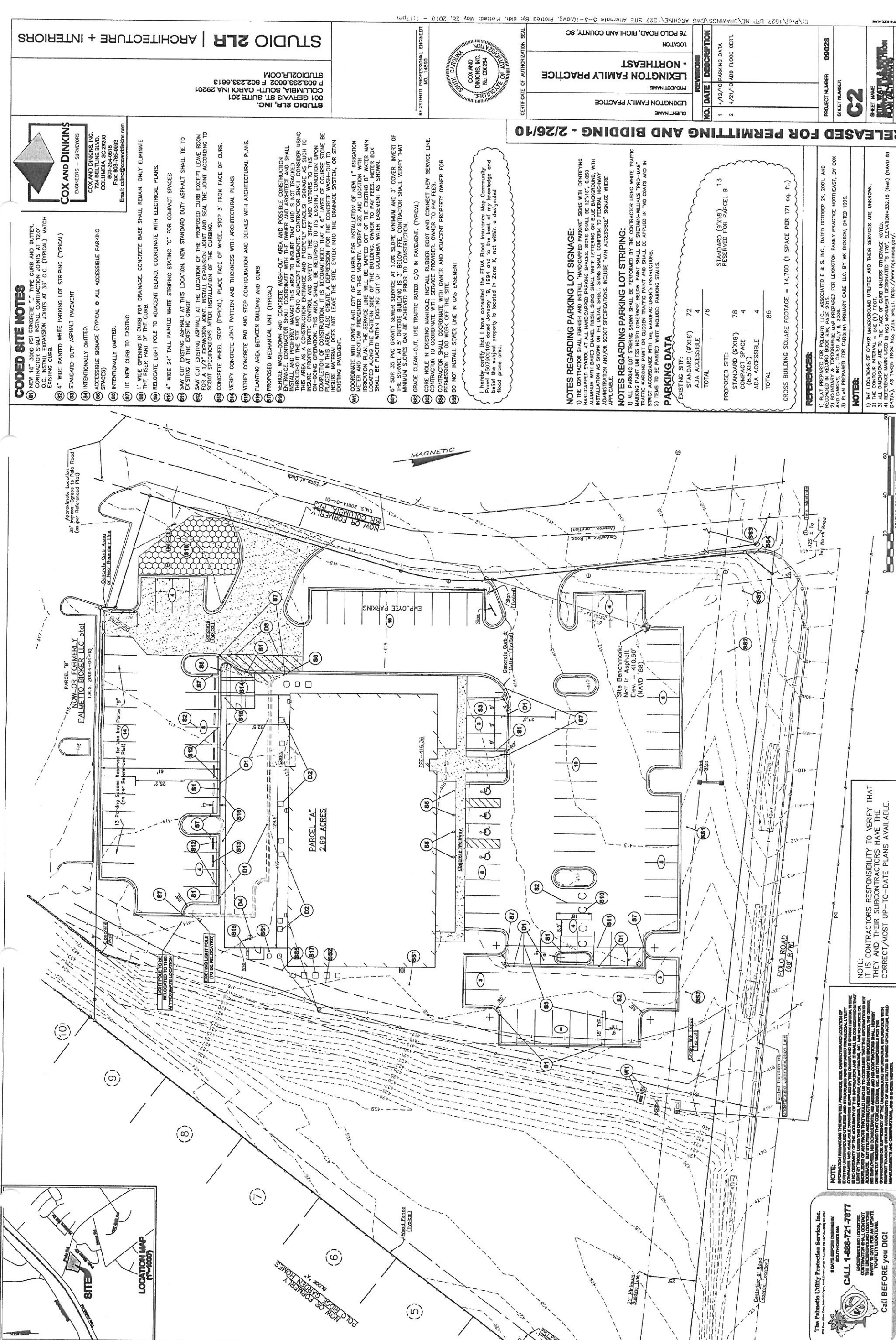
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**CASE 10-10 V
GRETCHEN LAMBERT
TMS 01315-01-05**



10-10 V
Gretchen Lambert
76 Polo Rd.





- CODED SITE NOTES**
- 80 NEW 18" 3000 PSI CONCRETE "L" TYPE CURB AND GUTTER. CONTRACTOR SHALL INSTALL CONSTRUCTION JOINTS AT 12.0' O.C. INSTALL EXPANSION JOINTS AT 36' O.C. (TYPICAL). MATCH EXISTING CURB.
 - 81 4" WIDE PAINTED WHITE PARKING LOT STRIPING (TYPICAL)
 - 82 STANDARD-DUTY ASPHALT PAVEMENT
 - 83 INTENTIONALLY OMITTED.
 - 84 ACCESSIBLE SIGNAGE (TYPICAL) • ALL ACCESSIBLE PARKING SPACES
 - 85 INTENTIONALLY OMITTED.
 - 86 TIE NEW CURB TO EXISTING
 - 87 1" WIDE OPENING IN CURB FOR DRAINAGE. CONCRETE BASE SHALL REMAIN. ONLY ELIMINATE THE RISER PART OF THE CURB.
 - 88 RELOCATE LIGHT POLE TO ADJACENT ISLAND. COORDINATE WITH ELECTRICAL PLANS.
 - 89 4" WIDE 24" TALL PAINTED WHITE STRIPING STATING "C" FOR COMPACT SPACES
 - 90 SAW CUT EXISTING ASPHALT AT THIS LOCATION. NEW STANDARD DUTY ASPHALT SHALL TIE TO EXISTING AT THE EXISTING GRADE
 - 91 SAW CUT EXISTING ASPHALT AT THE LOCATION OF THE PROPOSED CURB EXCEPT LEAVE ROOM FOR A 1/2" EXPANSION JOINT. INSTALL EXPANSION JOINT AND SEAL THE JOINT ACCORDING TO SODOT SPECIFICATIONS AFTER INSTALLATION OF THE CURBING.
 - 92 CONCRETE WHEEL STOP (TYPICAL). PLACE FACE OF WHEEL STOP 3' FROM FACE OF CURB.
 - 93 VERIFY CONCRETE JOINT PATTERN AND THICKNESS WITH ARCHITECTURAL PLANS
 - 94 VERIFY CONCRETE PAD AND STEP CONFIGURATION AND DETAILS WITH ARCHITECTURAL PLANS.
 - 95 PLANTING AREA BETWEEN BUILDING AND CURB
 - 96 PROPOSED MECHANICAL UNIT (TYPICAL)
 - 97 VEHICLE WASH-DOWN AND CONCRETE WASH-OUT AREA AND POSSIBLE CONSTRUCTION TRUCK WASH-DOWN AREA TO BE COORDINATED WITH THE OWNER AND ARCHITECT AND SHALL BE INSTALLED AND PROPERLY MANAGED TO PREVENT POLLUTION. CONTRACTOR SHALL CONSIDER USING THROUGHOUT THE SITE AND ONTO ADJACENT PAVEMENTS. CONTRACTOR SHALL CONSIDER USING THIS AREA AS A CONSTRUCTION ENTRANCE AND PROPERLY ESTABLISH SIGNAGE AS SUCH TO ENSURE PROPER TRAFFIC CONTROL AND SAFETY OF THE STAFF AND VISITORS TO THIS WORKING OPERATIONAL SITE. CONTRACTOR SHALL CONSIDER USING THIS AREA AS A CONSTRUCTION ENTRANCE AND PROPERLY ESTABLISH SIGNAGE AS SUCH TO ENSURE PROPER TRAFFIC CONTROL AND SAFETY OF THE STAFF AND VISITORS TO THIS WORKING OPERATIONAL SITE. CONTRACTOR SHALL CONSIDER USING THIS AREA AS A CONSTRUCTION ENTRANCE AND PROPERLY ESTABLISH SIGNAGE AS SUCH TO ENSURE PROPER TRAFFIC CONTROL AND SAFETY OF THE STAFF AND VISITORS TO THIS WORKING OPERATIONAL SITE. CONTRACTOR SHALL CONSIDER USING THIS AREA AS A CONSTRUCTION ENTRANCE AND PROPERLY ESTABLISH SIGNAGE AS SUCH TO ENSURE PROPER TRAFFIC CONTROL AND SAFETY OF THE STAFF AND VISITORS TO THIS WORKING OPERATIONAL SITE.
 - 98 COORDINATE WITH OWNER AND CITY OF COLUMBIA FOR INSTALLATION OF NEW 1" IRRIGATION METER AND BACKFLOW PREVENTER IN THIS VICINITY. VERIFY SIZE AND LOCATION WITH IRRIGATION PLAN. THE SERVICE LINE WILL BE TAPPED OFF OF THE EXISTING 8" WATER MAIN LOCATED ALONG THE EASTERN SIDE OF THE BUILDING. OWNER TO PAY FEES. METER BOX SHALL BE PLACED WITHIN EXISTING CITY OF COLUMBIA WATER EASEMENT AS SHOWN.
 - 99 6" SDR 35 PVC GRAVITY SEWER SERVICE AT 1.0% SLOPE MINIMUM AND 3' COVER. INVERT OF THE SERVICE AT 5' OUTSIDE BUILDING. CONTRACTOR SHALL VERIFY THAT MINIMUM SLOPES CAN BE ACHIEVED PRIOR TO CONSTRUCTION.
 - 100 GRADE CLEAN-OUT. USE TRAFFIC RATED C/O IN PAVEMENT. (TYPICAL)
 - 101 CORE HOLE IN EXISTING MANHOLE; INSTALL RUBBER BOOT AND CONNECT NEW SERVICE LINE. CONTRACTOR TO COORDINATE WITH SERVICE PROVIDER. OWNER TO PAY FEES.
 - 102 CONTRACTOR SHALL COORDINATE WITH OWNER AND ADJACENT PROPERTY OWNER FOR PERMISSION TO DO WORK OFF THE SITE.
 - 103 DO NOT INSTALL SEWER LINE IN GAS EASEMENT

I hereby certify that I have consulted the FEMA Flood Insurance Map, Community Panel 45079C0105 dated January 19, 1994 and to the best of my knowledge and belief the subject property is located in Zone X, not within a designated flood prone area.

NOTES REGARDING PARKING LOT SIGNAGE:

- 1) THE CONTRACTOR SHALL FURNISH AND INSTALL "HANDICAPPED PARKING" SIGNS WITH IDENTIFYING HANDICAPPED SYMBOL AT ALL HANDICAPPED PARKING SPACES. SIGNS SHALL BE 12"X18", 0.050 ALUMINUM WITH BARED ENAMEL FINISH. SIGNS SHALL BE WHITE LETTERING ON BLUE BACKGROUND, WITH 1/8" BOLD LETTERING. THE SIGN SHALL CONFORM TO FEDERAL HIGHWAY ADMINISTRATION AND/OR SCOT'S SPECIFICATIONS. INCLUDE "VAN ACCESSIBLE" SIGNAGE WHERE APPLICABLE.

NOTES REGARDING PARKING LOT STRIPING:

- 1) ALL PARKING LOT STRIPING SHALL BE PERFORMED BY THE CONTRACTOR USING WHITE TRAFFIC MARKING PAINT. THE STRIPING SHALL BE APPLIED IN TWO COATS AND IN STRICT ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- 2) ITEMS TO BE PAINTED WHITE INCLUDE: PARKING STALLS.

PARKING DATA

EXISTING SITE:	STANDARD (9'X18')	72
ADA ACCESSIBLE	4	
TOTAL	76	

PROPOSED SITE:	STANDARD (9'X18')	78
COMPACT SPACE (8.5'X18')	4	
ADA ACCESSIBLE	4	
TOTAL	86	

GROSS BUILDING SQUARE FOOTAGE = 14,700 (1 SPACE PER 171 sq. ft.)

REFERENCES:

- 1) PLAN PREPARED BY POLMED, LLC, ASSOCIATED E & S, INC., DATED OCTOBER 23, 2001, AND REVISIONS DATED FEBRUARY 2002.
- 2) BOUNDARY & TOPOGRAPHIC MAP PREPARED FOR LEXINGTON FAMILY PRACTICE NORTHEAST, BY COX AND DINKINS, INC., DATED JULY 6, 2009.
- 3) PLAN PREPARED FOR CAROLINA PRIMARY CARE, LLC, BY W. DICKSON, DATED 1998.

NOTES:

- 1) THE LOCATIONS OF OTHER UNDERGROUND UTILITIES AND THEIR SERVICES ARE UNKNOWN.
- 2) ALL DIMENSIONS ARE TO = ONE (1) FOOT UNLESS OTHERWISE NOTED.
- 3) REFERENCE MARK USED IS NGM MONUMENT DESIGNATED "S 174", ELEVATION=432.18 (feet) (NAVD 88 DATUM). AS TAKEN FROM NS DATA SHEET. <http://www.ngs.noaa.gov/>

STUDIO 2LR | ARCHITECTURE + INTERIORS

801 GRAYVIA ST, SUITE 201
COLUMBIA, SOUTH CAROLINA 29201
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COX AND DINKINS
ENGINEERS - SURVEYORS

COX AND DINKINS, INC.
724 BELTLINE BLVD.
COLUMBIA, SC 29205
P 803.765.9883
F 803.765.9883
Email: cdinfo@coxanddinkins.com

RELEASED FOR PERMITTING AND BIDDING - 2/26/10

CLIENT NAME: LEXINGTON FAMILY PRACTICE
PROJECT NAME: LEXINGTON FAMILY PRACTICE - NORTHEAST
LOCATION: 78 POLO ROAD, RICHLAND COUNTY, SC

CERTIFICATE OF AUTHORIZATION SEAL
REGISTERED PROFESSIONAL ENGINEER
NO. 14890

COX AND DINKINS, INC.
DINKINS, INC.
No. C03294
SOUTH CAROLINA
STATE OF ARCHITECTURE

NO. DATE DESCRIPTION
1 4/12/10 PARKING DATA
2 4/21/10 ADD FLOOD CERT.

PROJECT NUMBER: 090028
SHEET NUMBER: 02

SHEET NAME: SITE PLAN (PERMITTING)
DATE: 2/26/10

APPROXIMATE LOCATION OF POLO ROAD (SEE REFERENCED PLAN)

CONCRETE CURB, ALONG EXISTING MANHOLE LINE

CONCRETE CURB & GUTTER (TYPICAL)

CONCRETE CURB & GUTTER (TYPICAL)

CONCRETE CURB & GUTTER (TYPICAL)

CONCRETE CURB & GUTTER (TYPICAL)

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CONCRETE CURB & GUTTER (TYPICAL)

CONCRETE CURB & GUTTER (TYPICAL)



BOARD OF ZONING APPEALS

VARIANCE APPEALS



Application #

1. Location 76 Polo Road, Columbia, SC 29223
 TMS Page 20014 Block 04 Lot 10 Zoning District General Commercial
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 26-173 of the Richland County Zoning Ordinance.
table VII - I
3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: Additional parking spaces to serve the additional exam rooms being added to Lexington Family Practice Northeast. Requested parking will be adjacent to existing parking.
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: the successful operation of LFP-NE currently leads to a shortage of parking at peak hours. With the addition of more exam rooms, this shortage will be further aggravated
 - b) Describe how the conditions listed above were created: Current operations require 28 staff and 38 patient spaces (total needed = 66; current count = 63) New operations will require 33 staff and 58 patient spaces (total needed = 91; requesting 86)
 - c) These conditions do not generally apply to other property in the vicinity as shown by: Surrounding properties are fully developed. Adjacent Pediatric office is currently utilizing 13 parking spaces on subject property
 - 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: Staff and Patients will be forced to seek parking at adjacent developments or face wait times until parking is available
 - 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: The additional parking requested is adjacent to existing parking and will not impact adjacent properties aesthetically or otherwise
5. The following documents are submitted in support of this application [a site plan must be submitted]:
 - a) Site Plan
 - b) applications
 - c) _____

(Attach additional pages if necessary)

Gretchen Lambert, AIA
 Applicant's Signature

Studio ZLR, 801 Gervais St.
 Suite 201 Address

803-233-6602
 Telephone Number

Gretchen Lambert, AIA
 Printed (typed) Name

Columbia, SC 29201
 City, State, Zip Code

 Alternate Number



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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