

RICHLAND COUNTY BOARD OF ZONING APPEALS



Wednesday, 6 October 2010

1:00 p.m.

Council Chambers



Richland County
Board of Zoning Appeals
Wednesday, October 6, 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 – September, 2010 | |
| IV. PUBLIC HEARING | Geonard Price,
Zoning Administrator |

OPEN PUBLIC HEARING

10-16 V Willard R. Cox 511 Langford Rd. Blythewood SC 29016 17800-01-65	Request a variance to exceed the maximum square footage on an accessory structure on property zoned RU. (Rural)	P. 01
10-17 SE Jeffery Godby Nutcracker Properties, LLC 124 Bombay Dr. Columbia, SC 29209 16100-04-13	Request a special exception to place a manufactured home on property zoned M-1. (Light Industrial)	P. 13
10-18 V Dennis Hunniford Haven Circle Chapin, SC 29036 01409-03-16	Request a variance to encroach into the setbacks on property zoned RU. (Rural)	P. 21
10-19 V Dennis Hunniford Haven Circle Chapin, SC 29036 01409-03-16	Request a variance to encroach into the setbacks on property zoned RU. (Rural)	P. 39

V. RECONSIDERATION OF CASE 10-12 V **P. 57**

VI. ADJOURNMENT

10-16 V

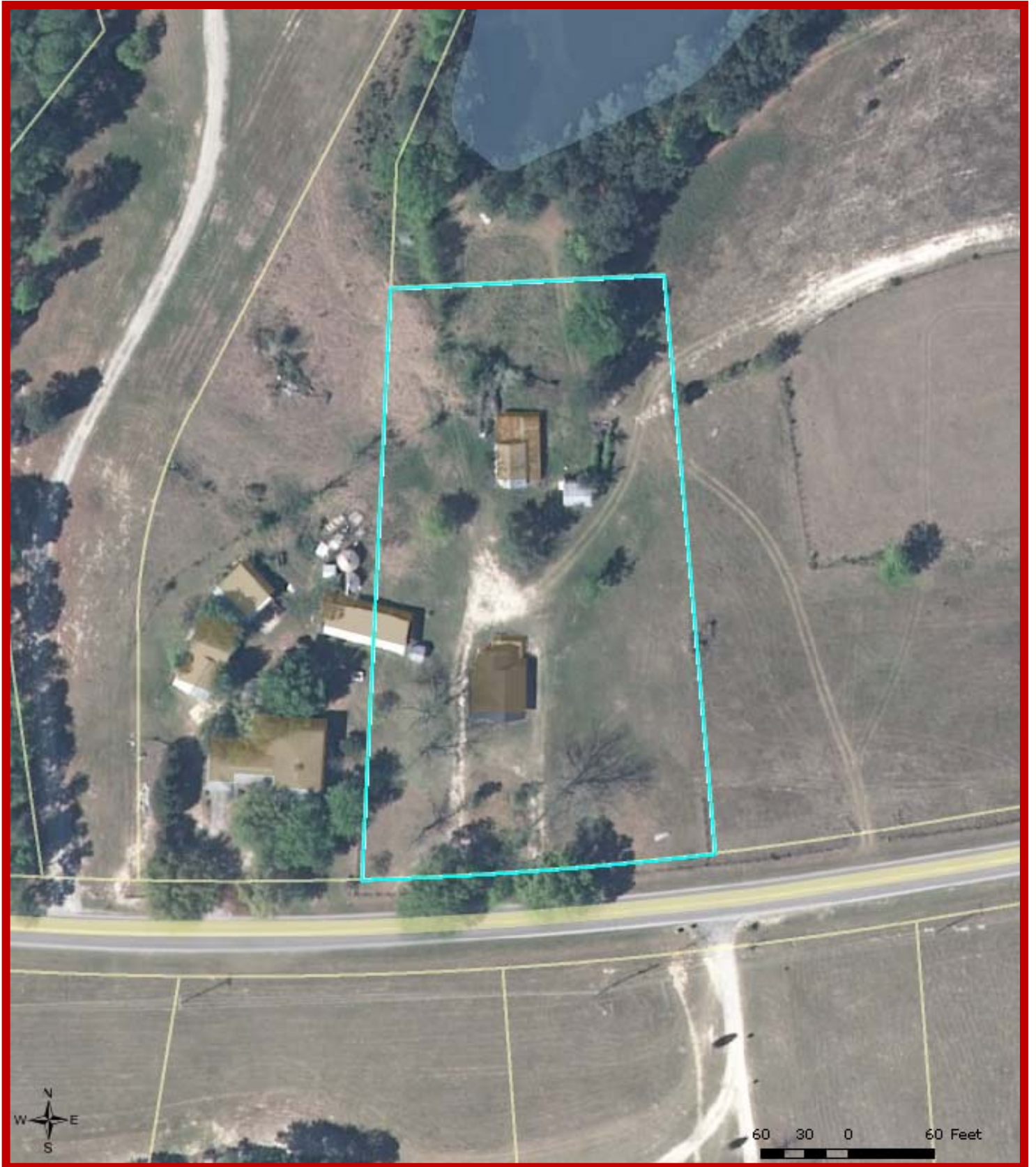
Willard R. Cox

511 Langford Rd.

Blythewood SC 29016

17800-01-65

10-16 V





REQUEST, ANALYSIS
AND
RECOMMENDATION

10-16 Variance

REQUEST

The applicant is requesting the Board of Appeals to grant a variance to exceed the maximum square footage for an accessory structure on property zoned RU (Rural).

GENERAL INFORMATION

Applicant

Willard Cox

Tax Map Number

17800-01-65

Location

Langford Road

Parcel Size

2.03 acre tract

Existing Land Use

Residential

Existing Status of the Property

The subject property has a 1,688 square foot dwelling, which was originally constructed 1940.

Proposed Status of the Property

The applicant is proposing the construction of an accessory structure (barn) which will exceed the maximum allowed square footage.

Character of the Area

The area is comprised of large tracts of land, both vacant and residentially developed.

ZONING ORDINANCE CITATION

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

CRITERIA FOR VARIANCE

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

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

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

DISCUSSION

Staff visited the site.

The applicant is proposing to replace an existing barn with “a new 40’x60’ (2,400) workshop/storage building with a 20’x40’ (800) roof extension (shed).” The 3,200 square foot structure would exceed the allowed square footage for an accessory structure by 2,000 square feet. According to section 26-185 (b) (1) (d) of the LDC, the maximum total area for an accessory structure is 1,200 square feet.

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 **denied**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to establish that extraordinary and/or exceptional conditions exist.

b. How were conditions created

c. Conditions applicable to other properties

d. Application of the ordinance restricting utilization of property

e. Substantial detriment of granting 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

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.

(b) *Accessory uses and structures (customary).*

(1) *General standards and limitations.*

- d. *Size restrictions.* Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard.

ATTACHMENTS

- Application
- Plat

CASE HISTORY

No record of previous special exception or variance request.



BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location 511 Langford Rd. Blythehood SC
TMS Page _____ Block _____ Lot _____ Zoning District _____

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 _____ 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: Remove Existing barn/Storage building and build a new 40'x60' workshop/storage building with a 20'x40' roof extension (shed)

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 existing damaged building will be removed and a new workshop/storage building will be erected which will blend with the property and increase both appearance and value.

b) Describe how the conditions listed above were created: I purchased the property which was listed as rural/unrestricted and was told that putting the desired structure should not be a problem. when I went to zoning/premitting I was informed differently

c) These conditions do not generally apply to other property in the vicinity as shown by: other property in the vicinity have large buildings also.

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 allow me to store my equipment (Farm-boat & work tools) safely and create a financial hardship on me due to having spent the money to purchase this 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: the workshop/storage building will improve the property appearance by replacing the existing eye-sore storage building. It will improve the value of the property and increase the County's tax base.

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

- a) _____
- b) _____
- c) _____

(Attach additional pages if necessary)

Willard R. Cox
Applicant's Signature

219 Woodhaven Rd.
Address

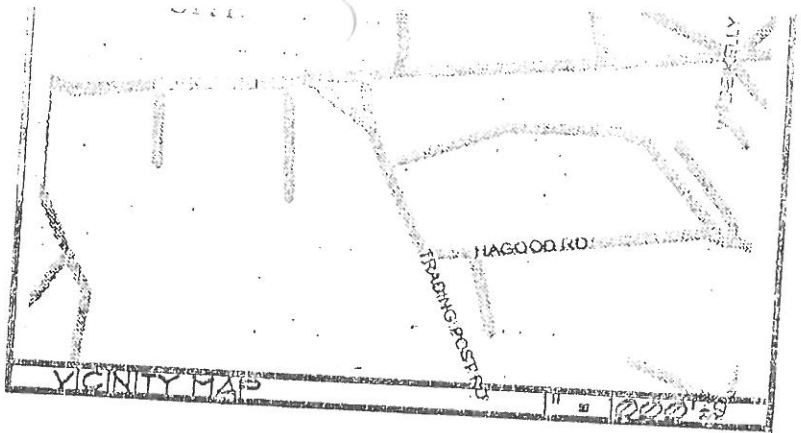
OFFICE 803-754-1907
Cell - 843-385-0800
Telephone Number

Willard R. Cox
Printed (typed) Name

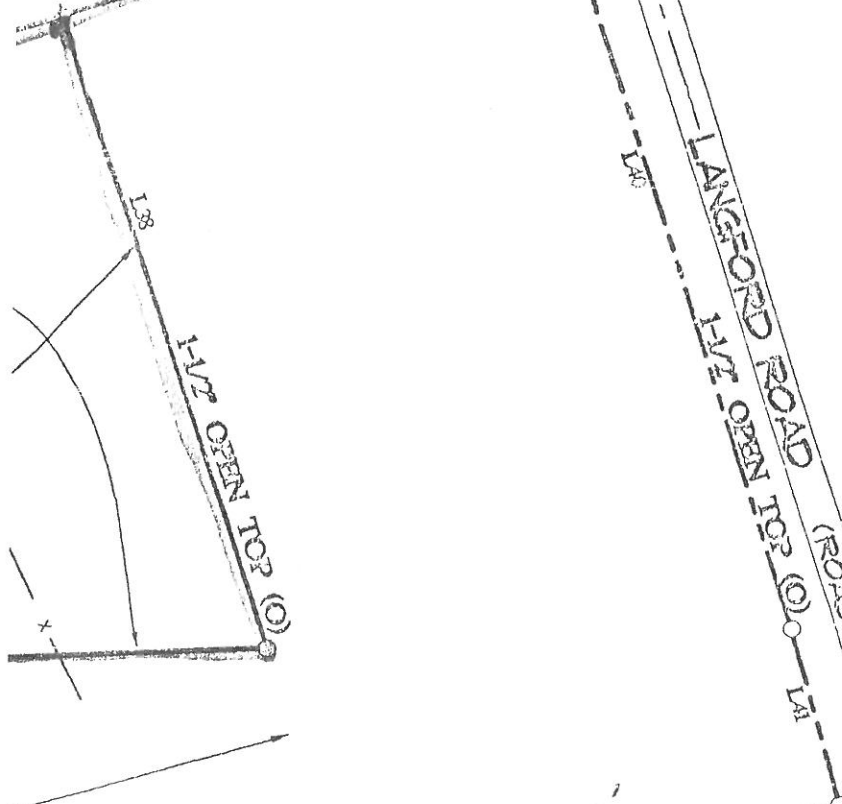
Columbin SC 29203
City, State, Zip Code

503-873-9990 Home
Alternate Number

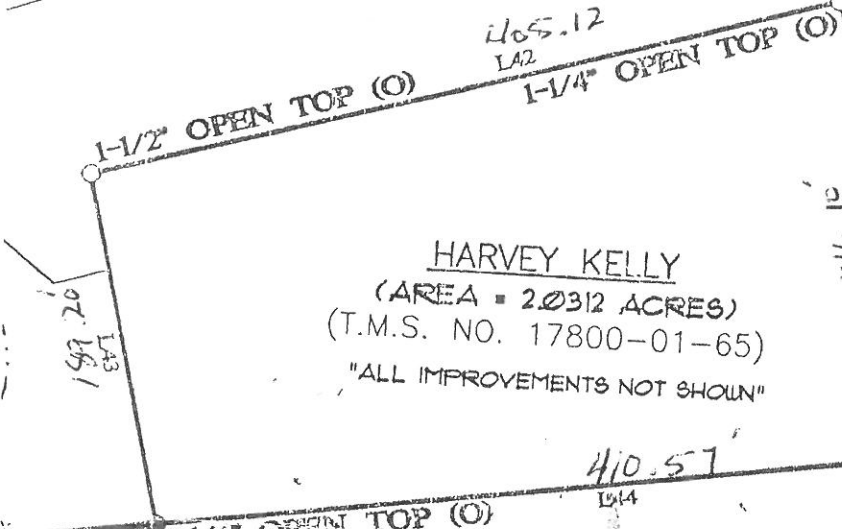
F MOOD KELLY, JR.
S. NO. 7800-01-37)



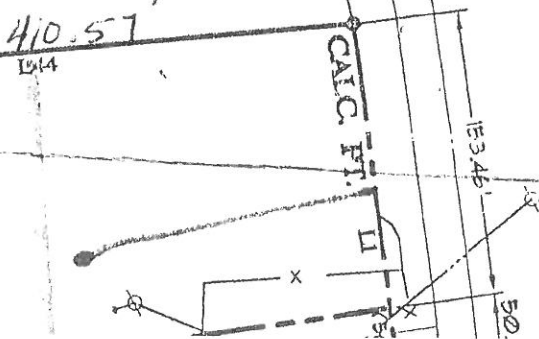
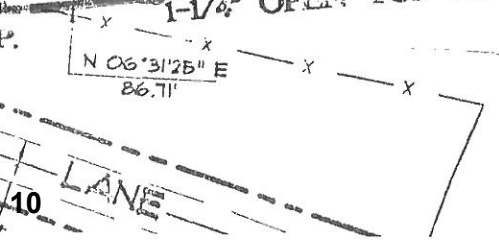
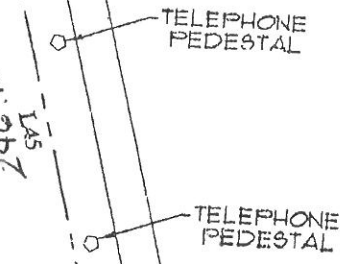
LEGEND/SYMBOLS	
POWER POLE	\odot
CONCRETE	
ASPHALT	
OVERHEAD ELECTRIC LINE	
FENCING	



LEGEND/SYMBOLS	
POWER POLE	\odot
CONCRETE	
ASPHALT	
OVERHEAD ELECTRIC LINE	
FENCING	



HARVEY KELLY
(AREA = 20312 ACRES)
(T.M.S. NO. 17800-01-65)
"ALL IMPROVEMENTS NOT SHOWN"



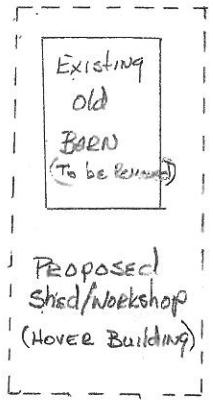
LANGFORD Rd.

→ To Blythewood

246.10'

405.12'

410.57'



HARVEY KELLY
(AREA - 2,0312 ACRES)
(T.M.S. No. 17800-01-65)

189.2'

10-17 SE

Jeffery Godby

Nutcracker Properties, LLC

124 Bombay Dr.

Columbia, SC 29209

16100-04-13

10-17 SE





6 October 2010
Board of Zoning Appeals

REQUEST, ANALYSIS AND RECOMMENDATION

10-17 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

Jeffrey Godby

Tax Map Number

16100-04-13

Location

124 Bombay Drive

Parcel Size

1.67-acre tract

Existing Land Use

Vacant

Existing Status of the Property

The subject parcel is currently vacant.

Proposed Status of the Property

The applicant proposes to place a manufactured home on the subject parcel.

Character of the Area

The adjacent properties along Bombay Drive are primarily industrially developed.

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) (11).

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 to "...house single family..."

Bombay Drive, located off of Bluff Road, is a dead-end road that serves thirteen (13) parcels. Ten (10) of the parcels are industrially developed. The remaining parcels are undeveloped.

The granting of this request should create a minimum impact with regards to the Standards of Review for a special exception. However, staff is concerned that the proposed use is not compatible with the industrial development of the surrounding area.

Staff recommends that the request be denied.

CONDITIONS

Section 26-56 (f) (3)

(3) 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

N/A

ATTACHMENTS

- Application
- Plat

CASE HISTORY

No record of previous special exception or variance request.



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION



1. Location: 124 Bombay Drive, Columbia, SC 29209

TMS Page: 16100 Block: 04 Lot: 13 Zoning District: M-1

2. The Board of Zoning Appeals is requested to consider the granting of a special exception permitting:
placing mobile home on property

3. Describe the proposal in detail: Place mobile home on property to house single family and possibly be used as temporary office in the future.

4. Area attributed to the proposal (square feet): 1000-1500 sq.ft. (Property is 72,892 sq.ft.)

5. Are other uses located upon the subject property? No Yes (if Yes, list each use and the square footage attributed to each use):

a. Use storage of trucks & trailers square footage 3,000

b. Use _____ square footage _____

c. Use _____ square footage _____

6. Total number of parking spaces on the subject property: 0

7. Total number of employees on shift of greatest employment: 0

8. Address the following **Standards of Review** (Sec. 26-56 (f) (2) of the Richland County Land Development Code). Please note that the members of the Board of Zoning Appeals will use your answers, among other things, as they evaluate your request.

a. Traffic impact: none

b. Vehicle and pedestrian safety: none

c. Potential impact of noise, lights, fumes or obstruction of airflow on adjoining property: none

d. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view: none

e. Orientation and spacing of improvements or buildings: n/a

NOW OR FORMERLY
FRED H. CAMPBELL, SR. et al

T.M.S. 13400-02-12

Barbed Wire Fence Along
 or Near Prop. Line

N 42°42'26" E
 200.18'
 to 3/4" Pipe (o)
 1-1/4" Pipe (o)

1-1/2" Pipe (o)
 N 42°50'00" E
 265.10'

Open Ditch

MAGNETIC

13

7

8

1.67 ACRES / 72,892 SQ. FT.
 VACANT LOT

*Mobile home
 to sit here.*

T.M.S. 16100-04-14

1/2" Rebar (n) C3
 1/2" Rebar (n) C2
 1/2" Rebar (n) C1

Concrete Curb
 (typical)

Fire Hydrant
 Teia. i.b.

Guy Wire
 Utility Pole

1003' ± To
 Bluff Road
 S.C. Hwy. No. 48

N 40°54'49" E
 199.97'
 to 1/2" Rebar (o)
 3/4" Pipe (o)

5/8" Solid Rod (o) S 40°53'31" W 134.80'

BOMBAY DRIVE

(50' R/W)

Centerline of Road
 (Approx. Location)

Overhead Utility
 Line (typical)

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	DELTA
C1	57.37'	90.00'	N 82°45'24" W	56.40'	36°31'14"
C2	58.79'	90.00'	S 60°16'07" W	57.75'	37°25'44"
C3	49.11'	90.00'	S 25°55'23" W	48.50'	31°15'45"

PLAT
 PREPARED FOR

BOMBAY PROPERTIES OF COLUMBIA, LLC

RICHLAND COUNTY, NEAR COLUMBIA, S.C.

THE SAME BEING DESIGNATED AS LOT NO. 7, ON COMPOSITE PLAT OF PROPERTY SURVEYED FOR BOMBAY PIPE DREAMS LAND COMPANY, BY DEWEY H. CAMPBELL, DATED AUGUST 7, 1978. REFERENCE IS ALSO MADE TO RICHLAND COUNTY RECORD BOOK 1029, PAGE 2798, RECORDED IN THE OFFICE OF THE R.O.D. FOR RICHLAND COUNTY.



NO. DRAWER
 COPYRIGHT © 2008 COX AND DINKINS, INC. ALL RIGHTS RESERVED.
 THIS SURVEY IS NOT VALID UNLESS AN ORIGINAL SIGNATURE AND CRIMPED SEAL APPEAR.

10-18 V

Dennis Hunniford

New Haven Circle

Chapin, SC 29036

01409-03-16



REQUEST, ANALYSIS
AND
RECOMMENDATION

10-18 Variance

REQUEST

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

GENERAL INFORMATION

Applicant

Dennis Hunniford

Tax Map Number

01409-03-16

Location

Haven Circle

Parcel Size

.76 acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is heavily wooded and undeveloped.

Proposed Status of the Property

The applicant is proposing to construct a residential structure which will encroach into the required side yard setback.

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 construct a residential structure which will encroach into the required side yard setback by seven feet - four inches (7'4") feet. In the RU district, the required setbacks for a principle structure are:

- Front - 40 feet
- Rear - 50 feet
- Side - 20 feet

The parcel is conforming according to the rural district requirements for lot area (33,000 square feet).

The configuration of the parcel confines the buildable area to roughly the front half of the property. The rear portion is narrow and restricts the buildable width to approximately ten (10); however, the front portion does meet the required width (120') for a RU zoned parcel.

According to the applicant, the encroachment would allow for maximization of the lake.

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 **denied**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to determine that extraordinary and/or exceptional conditions apply to the subject parcel.

b. How were conditions created

c. Conditions applicable to other properties

d. Application of the ordinance restricting utilization of property

e. Substantial detriment of granting 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

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.

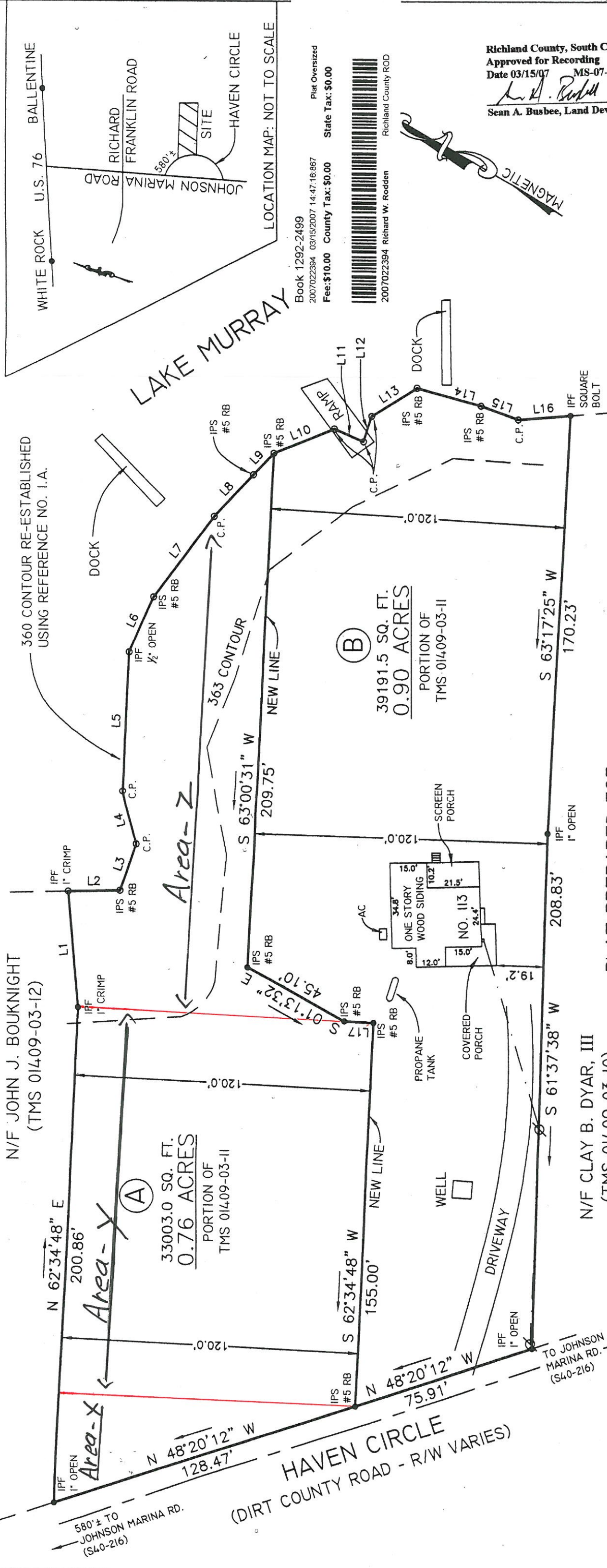
ATTACHMENTS

- Application
- Plats
- Support letters

CASE HISTORY

No record of previous special exception or variance request.

Exhibit 1, Page 1 of 1



LINE	BEARING	DISTANCE
L1	N 54°50'20" E	47.76'
L2	S 31°21'49" E	21.05'
L3	N 78°20'00" E	20.10'
L4	N 46°14'00" E	22.30'
L5	N 62°34'37" E	57.03'
L6	N 84°15'36" E	24.93'
L7	S 82°21'00" E	40.50'
L8	S 76°47'00" E	23.30'
L9	S 52°26'00" E	12.00'
L10	S 62°15'00" E	26.60'
L11	S 06°09'00" E	12.90'
L12	N 77°40'00" E	11.00'
L13	S 62°15'00" E	22.00'
L14	S 14°35'00" E	27.20'
L15	S 09°41'00" E	16.30'
L16	S 34°43'44" E	21.41'
L17	S 27°25'12" E	11.88'

360 CONTOUR RE-ESTABLISHED USING REFERENCE NO. I.A.

(B)
39191.5 SQ. FT.
0.90 ACRES
PORTION OF
TMS 01409-03-II

(A)
33003.0 SQ. FT.
0.76 ACRES
PORTION OF
TMS 01409-03-II

PLAT PREPARED FOR

FELDER M. WEST
IN RICHLAND COUNTY, NEAR WHITEROCK, S.C.

- NOTES:
- REFERENCE MADE TO THE FOLLOWING:
A. DEED FROM S.C.E. & G. CO. TO H.T. FINCHER, JR. RECORDED IN DEED BOOK D465, PAGES 469-474.
B. PLAT FOR W.T. RUCKER BY WOODROW W. EVETT, RLS DATED APRIL 20, 1960, AND RECORDED IN PLAT BOOK 15 AT PAGE 258.

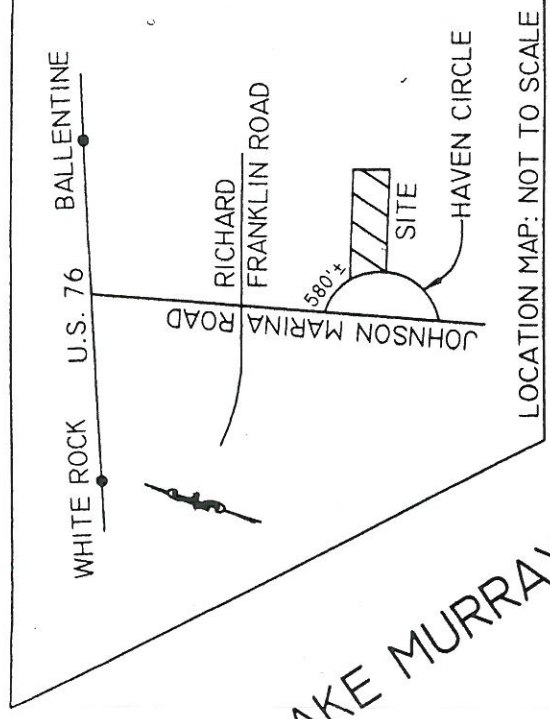


CERTIFICATION:
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON. THAT THE AREA SHOWN HEREON IS LOCATED IN A FLOOD HAZARD AREA.

[Signature]
LUCIUS D. COBB, SR.
LAND SURVEYOR, INC.
S.C. REG. LAND SURVEYOR NO. 6039
110 FIRETOWER ROAD
IRMO, S.C. 29063
(803) 781-6080

N.B. 90 - PG. 51

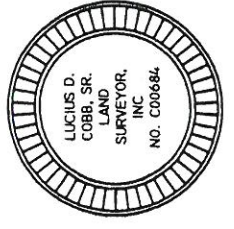
B070115



Book 1292-2499
2007022394 03/15/2007 14:47:16:867
Fee: \$10.00 County Tax: \$0.00 State Tax: \$0.00
Richland County Road
2007022394 Richard W. Rodden



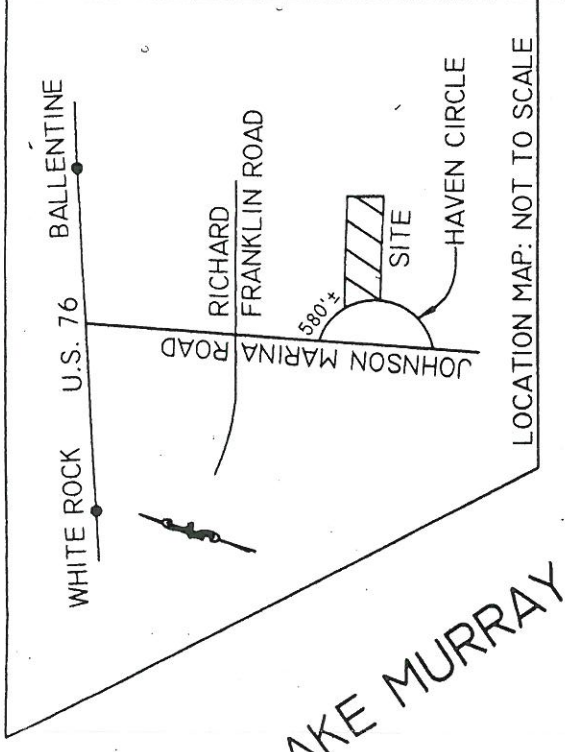
Richland County, South Carolina
Approved for Recording
Date 03/15/07 MS-07-37
[Signature]
Sean A. Busbee, Land Development Plans Reviewer



RICHLAND COUNTY VARIANCE APPEAL
HUNNIFORD LOT - SQUARE FOOTAGE ANALYSIS

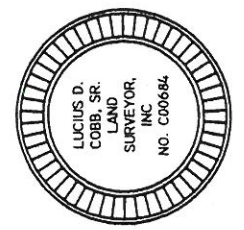
Line No.	Description	Reference	Dimensions	Square Feet
1	Total Square Feet of Lot	Exhibit 1		33,003.00
2	Gross Area of Lot:*			
3	Area X	Exhibit 1	(200.86' -155.0') X (120.0' X .5)**	2,751.60
4	Area Y	Exhibit 1	120.0' X 155.0'	18,600.00
5	Total Gross Buildable Area of Lot	Ln 3 + Ln 4		21,351.60
6	Non-Buildable Area of the Lot - Area Z ***	Line 1 - Line 5	(See Exhibit 1)	11,651.40
7	Area of the Front and Side Setbacks Under Section 26-85 of the Richland County Zoning Code:			
8	Area 1	Exhibit 2, Pg 2	128.47' X 40.0'	5,138.80
9	Area 2	Exhibit 2, Pg 2	7.5' X (20.0' X .5)**	75.00
10	Area 3	Exhibit 2, Pg 2	153.36' X 20.0'	3,067.20
11	Area 4	Exhibit 2, Pg 2	7.5' X (20.0' X .5)**	75.00
12	Area 5	Exhibit 2, Pg 2	115.0' X 20.0'	2,300.00
13	Area 6	Exhibit 2, Pg 2	18.0' X (37.0' X .5)**	333.00
14	Total Area of Front and Side Setbacks	Sum Ln 8 - Ln13		10,989.00
15	Net Buildable Area of Lot	Line 5 - Line14		10,362.60
16	Percent of Total Area of Setbacks to the Total Gross Buildable Area of Lot	Line 14 ÷ Line 5		51.47%
	Notes:			
	* = Gross area here means the area before setbacks on which it is possible to build a permanent structure.			
	** = The area of a triangle is equal to 1/2 the base times the height.			
28	*** = The rear area of the lot is substantially all below the 363 level.			

Exhibit 2, Page 2 of 2



Book 1292-2499
 2007022394 03/15/2007 14:47:16.867
 Fee: \$10.00 County Tax: \$0.00 State Tax: \$0.00
 Richard W. Rodden
 Richard County ROD

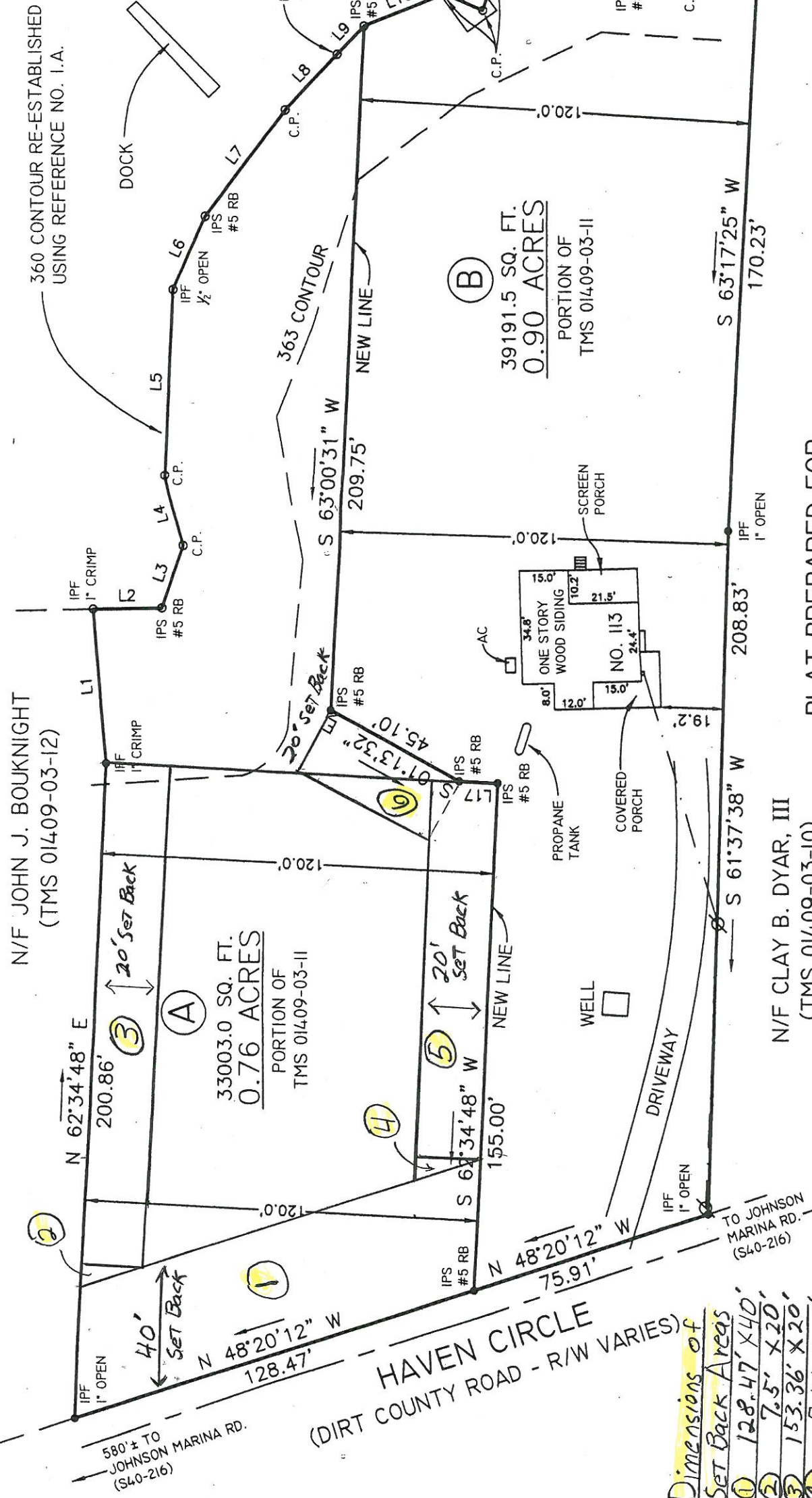
Richland County, South Carolina
 Approved for Recording
 Date 03/15/07 MS-07-37
 Sean A. Busbee, Land Development Plans Reviewer



B070115

360 CONTOUR RE-ESTABLISHED USING REFERENCE NO. I.A.

LAKE MURRAY



LINE	BEARING	DISTANCE
L1	N 54°50'20" E	47.76'
L2	S 31°21'49" E	21.05'
L3	N 78°20'00" E	20.10'
L4	N 46°14'00" E	22.30'
L5	N 62°34'37" E	57.03'
L6	N 84°15'36" E	24.93'
L7	S 82°21'00" E	40.50'
L8	S 76°47'00" E	23.30'
L9	S 76°47'00" E	12.00'
L10	S 52°26'00" E	26.60'
L11	S 06°09'00" E	12.90'
L12	N 77°40'00" E	11.00'
L13	S 62°15'00" E	22.00'
L14	S 14°35'00" E	27.20'
L15	S 09°41'00" E	16.30'
L16	S 34°43'44" E	21.41'
L17	S 27°25'12" E	11.88'

(B)
 39191.5 SQ. FT.
 0.90 ACRES
 PORTION OF
 TMS 01409-03-II

(A)
 33003.0 SQ. FT.
 0.76 ACRES
 PORTION OF
 TMS 01409-03-II

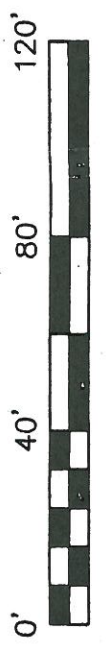
PLAT PREPARED FOR

FELDER M. WEST

IN RICHLAND COUNTY, NEAR WHITEROCK, S.C.

NOTES:

- I. REFERENCE MADE TO THE FOLLOWING:
 A. DEED FROM S.C.E. & G. CO. TO H.T. FINCHER, JR. RECORDED IN DEED BOOK D465, PAGES 469-474.
 B. PLAT FOR W.T. RUCKER BY WOODROW W. EVETT, RLS DATED APRIL 20, 1960, AND RECORDED IN PLAT BOOK 15 AT PAGE 258.



SCALE: 1"=40'

MARCH 14, 2007

Dimensions of Set Back Areas

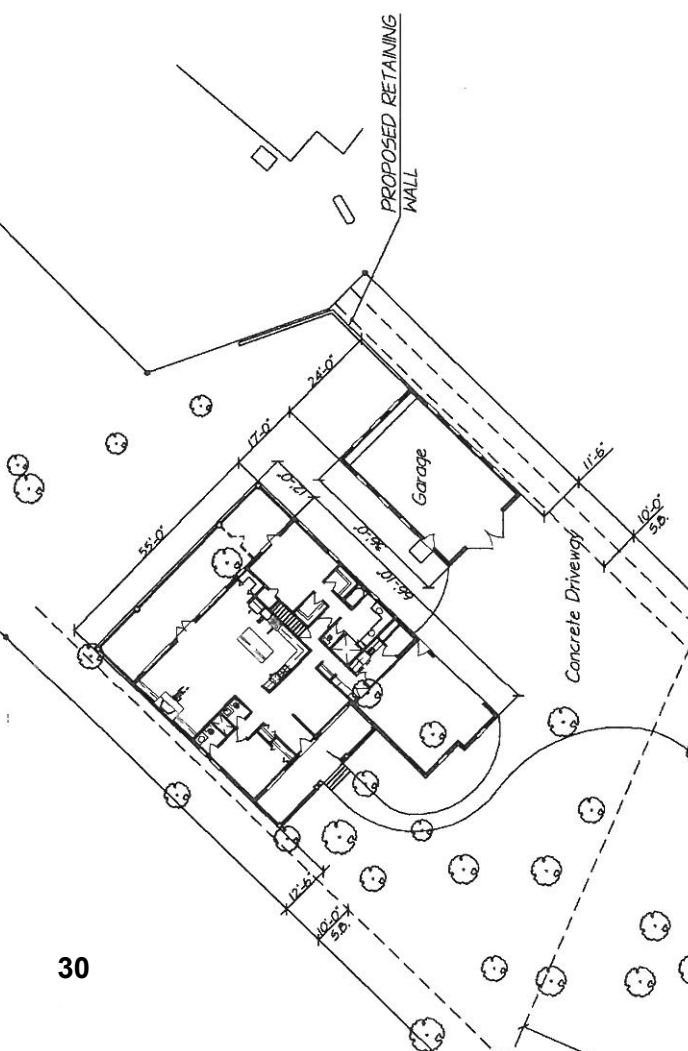
1	128.47' x 40'
2	7.5' x 20'
3	153.36' x 20'
4	7.5' x 20'
5	115.0' x 20'
6	37.0' x 18'

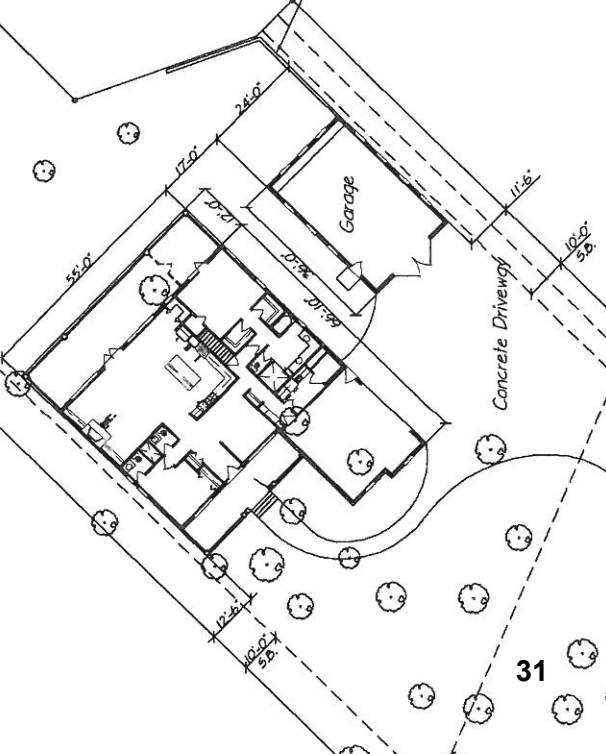
CERTIFICATION:
 I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN. THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON, THAT THE AREA SHOWN HEREON IS LOCATED IN A FLOOD HAZARD AREA.

[Signature]

LUCIUS D. COBB, SR.
 LAND SURVEYOR, INC.
 S.C. REG. LAND SURVEYOR NO. 6039
 110 FIRETOWER ROAD
 IRMO, S.C. 29063
 (803) 781-6080

N.B. 90 - PG. 51





31

THE DRAWING BOARD, INC. IS A PROFESSIONAL, REGISTERED DESIGN SERVICE, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS AND SITE CONDITIONS, THE DRAWING BOARD, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES, LATE TO OMISSIONS, OR DEFICIENCIES ON THESE PLANS, OWNER/BUILDER MUST CONSULT WITH ALL LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY VARIANCES USE OR SPECIFICATION IN WOOD OR IN PAPER, WITHOUT WRITTEN CONSENT, IS STRICTLY PROHIBITED.

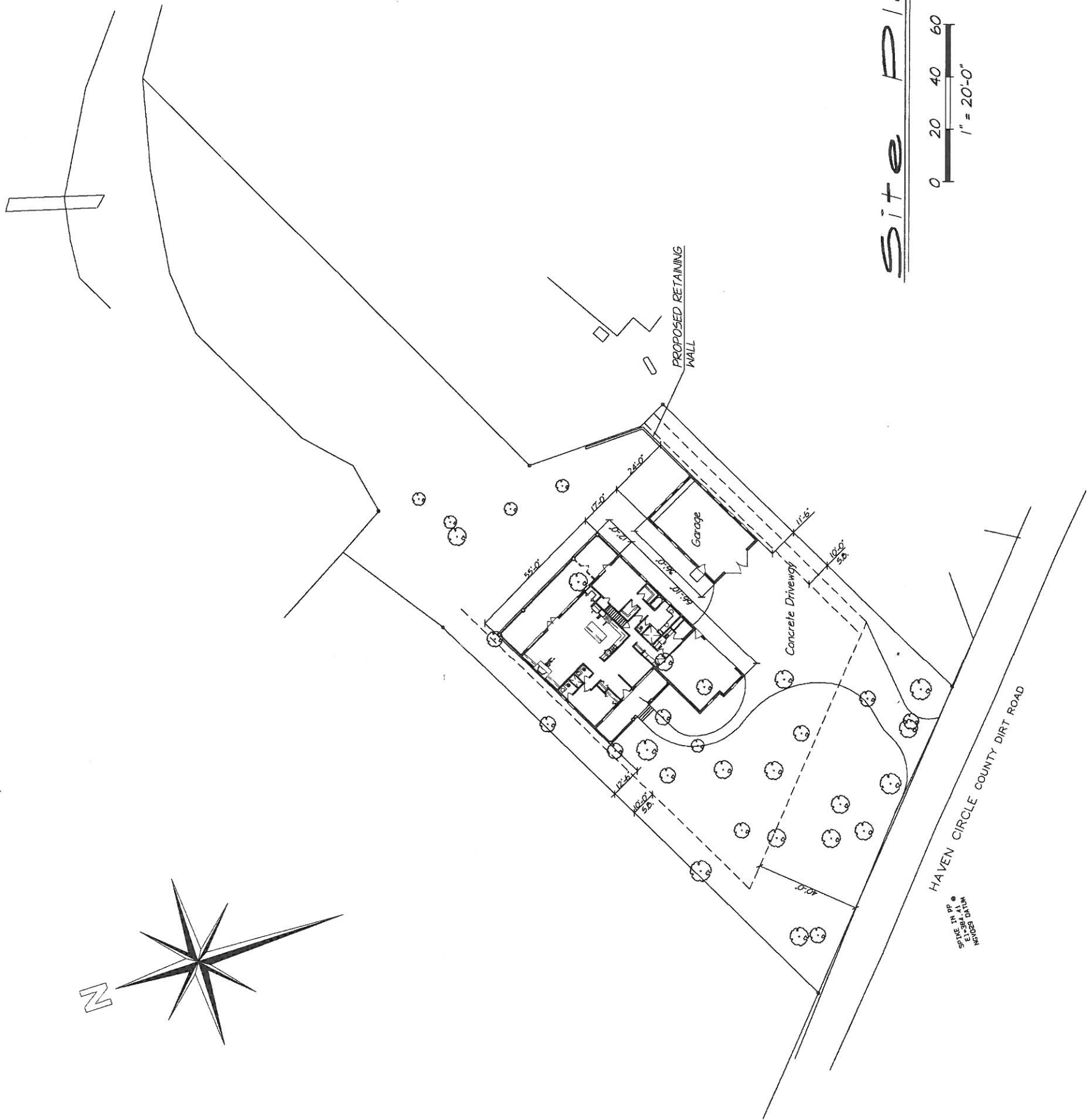
The Drawing Board, Inc.
Drafting and Design Services

711 EAST MAIN STREET
SUITE N
LEXINGTON, SC 29072
(803) 558-0525

where it all
begins...

DRAWING NUMBER	1024SP
DATE	6-19-10
DRAWN	KDG
CHECKED	KDG
REVISIONS:	

SHEET NO:
SP - 1



Site Plan

0 20 40 60
1" = 20'-0"

SPAKE IN W/...
EX-311...
NUMBER DATA

10-18V



BOARD OF ZONING APPEALS VARIANCE APPEALS



Application #

1. Location NW/S HAVEN CIRCLE
TMS Page 01409 Block 03 Lot 16 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 _____ of the Richland County Zoning Ordinance.

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: (SEE PAGE 2 ATTACHED)

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: (SEE PAGE 2 ATTACHED)

b) Describe how the conditions listed above were created: (SEE PAGE 2 ATTACHED)

c) These conditions do not generally apply to other property in the vicinity as shown by: (SEE PAGE 3 ATTACHED)

d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: (SEE PAGES 3 ATTACHED)

e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: (SEE PAGE 3 ATTACHED)

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

a) SITE PLAN

b) EXHIBITS 1 THROUGH 5

c) _____

(Attach additional pages if necessary)

Dennis Hunniford
Applicant's Signature

760 W. KAREN CT.
Address

(217) 877-4987
Telephone Number

DENNIS HUNNIFORD
Printed (typed) Name

DECATUR, ILLINOIS 62526
City, State, Zip Code

(217) 433-4772
Alternate Number

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS**

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows:

Residential home construction: Encroachment of ten (10) feet into the twenty (20) feet side setbacks as set forth in Richland County Zoning Ordinance Sec. 26-85 (c)(4)(b) attached herein as Exhibit 4.

This residence will be used as our new home.

4. a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following:

The area of out lot is 33,003.0 Sq. Ft. (See Exhibit 1) The shape of our lot is referred to as a “flag” lot. The rear of the lot, the narrow portion abutting Lake Murray, contains approximately 11,651 Sq. Ft. (See Exhibit 2, Line 6) Substantially all of the rear portion of the lot falls below the 363 elevation level. As such, we are prevented from building a permanent structure in this area.

The front portion of the lot abuts Haven Circle. The gross area of this front portion contains approximately 21,352 Sq. Ft. (See Exhibit 2, Line 5) And the area, of this front portion, that is contained within the front and side setbacks under Sec. 26-85(c)(4) contains approximately 10,989 Sq. Ft. (See Exhibit 2, Line 14) This leaves only 10,363 Sq. Ft. of net buildable area (21,352 Sq Ft. less 10,989 Sq. Ft.). (See Exhibit 2, Line 15)

Thus, we are currently prevented from building on approximately 51% of the gross area of the front portion of the lot because of the setback requirements under Sec. 26-85(c)(4). (See Exhibit 2, Line 16) As such, the setback requirements clearly restrict and prevent the maximization of the use of the property.

Under Sec. 26-85(c)(4)b. the side setbacks for a residence are twenty (20) feet. These setbacks reduce the 120 foot width of the property to a buildable area only 80 feet wide. This 80 foot width is not wide enough for us to maximize the use of our beautiful lake property.

4. b) Describe how the conditions listed above were created:

We purchase the lot from Felder M. West in March of 2007. The lots were laid out as shown on Exhibit 1 in order to meet the square footage and lot width requirements as set forth under Sec 26-85.

**. RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS**

4. c) These conditions do not generally apply to other property in the vicinity as shown by:

The adjoining lot to the South, owned by Mr. West, is also a flag lot. Its shape is just the opposite of ours. The narrow portion abuts Haven Circle and the buildable area abuts Lake Murray. The remaining lots in the vicinity are not flag lots as can be seen in Exhibit 3, which also shows the placement of various structures in the vicinity of our lot.

The lots directly across the street from us, upon which new houses have recently been built, are zoned RS-LD and under Sec. 26-88(c)(4), attached herein as Exhibit 5, have setbacks of: Front: 25 feet, Sides: 16 feet total width, with 5 feet minimum on any one side, and Rear: 20 feet.

4. 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:

Because of the setback requirements under the RU Zoning, 40 feet in front and 20 feet on the sides we lose approximately 10, 989 Sq. Ft. out of only 21, 352 gross buildable Sq. Ft. or about 51% of the gross buildable area of our lot. These setbacks, in effect, prohibit the siting of our future home so as to maximize the best use of the property. Specifically, the 20 foot side setbacks, of which we are seeking the variance, restrict and prohibit the placement of the home on the site in a manner that best utilizes the site, and provides the best display of the architecture of the home.

4. e) The authorization of a 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 granting of the variance for the following reasons:

The home will be brick and will be a very nice addition to the neighborhood. The home will fit in with the new homes across the street and other new homes in the Johnson Marina Road area. The granting of the variance will allow us to properly place the home and thereby maximize the use of our lake property. The granting of the variance will result in the enhancement of the neighborhood and is not contrary to the public interest. Attached as pages 4 and 5 are letters from the adjacent property owners stating that they have no objections to the ten (10) foot encroachment as being requested.

August 21, 2010

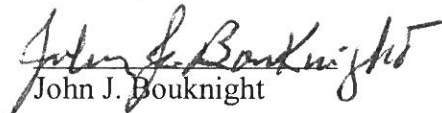
Richland County Board of Zoning Appeals

RE: Hunniford Request for Zoning Variance

I have reviewed the Variance Request and discussed it with Mr. and Mrs. Hunniford and have no objections to the ten (10) foot encroachment that they are requesting.

My property adjoins the Hunniford's on the North. Tax Map No. R01409-03-12.

Sincerely,


John J. Bouknight

August 20, 2010

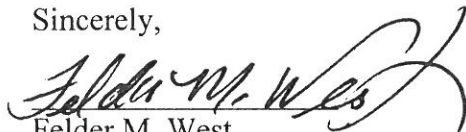
Richland County Board of Zoning Appeals

RE: Hunniford Request for Zoning Variance

I have reviewed the Variance Request and discussed it with Mr. and Mrs. Hunniford and have no objections to the ten (10) foot encroachment that they are requesting.

My property adjoins the Hunniford's on the South. Tax Map No. R01409-03-11.

Sincerely,


Felder M. West

August 23, 2010

Mr. K. Brian Cook
Assistant Zoning Administrator
Richland County Planning & Development Services
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202

RE: Zoning Variance Request - Hunniford Future Residence

Dear Mr. Cook:

Attached for filing with the Richland County Board of Zoning Appeals is our request for a variance from the set back provisions of Section 26-85 of the Richland County Zoning Ordinance.

I have also attached my check numbered 2592 in the amount of \$100.00 for the filing fee.

Should you have any questions or need additional information please do not hesitate to call. (217) 877-4987 or cell (217) 433-4772

Sincerely,



Dennis Hunniford

10-19 V

Dennis Hunniford

New Haven Circle

Chapin, SC 29036

01409-03-16

10-19 V





REQUEST, ANALYSIS
AND
RECOMMENDATION

10-19 Variance

REQUEST

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

GENERAL INFORMATION

Applicant

Dennis Hunniford

Tax Map Number

01409-03-16

Location

Haven Circle

Parcel Size

.76 acre tract

Existing Land Use

Undeveloped

Existing Status of the Property

The subject property is heavily wooded and undeveloped.

Proposed Status of the Property

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

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 construct an accessory structure which will encroach into the required side yard setback by eight feet - four inches (8'4"). In the RU district, the required setbacks for accessory structures are:

- Front - 40 feet (cannot be built in front of the building line of the principle structure)
- Rear - 20 feet
- Side - 20 feet

The parcel is conforming according to the rural district requirements for lot area (33,000 square feet).

The configuration of the parcel confines the buildable area to roughly the front half of the property. The rear portion is narrow and restricts the buildable width to approximately ten (10); however, the front portion does meet the required width (120') for a RU zoned parcel.

According to the applicant, the encroachment would allow for maximization of the lake.

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 **denied**. According to the standard of review, a variance shall not be granted until the following findings are made:

a. Extraordinary and exceptional conditions

Staff was unable to determine that extraordinary and/or exceptional conditions apply to the subject parcel.

b. How were conditions created

c. Conditions applicable to other properties

d. Application of the ordinance restricting utilization of property

e. Substantial detriment of granting 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

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

- Application
- Plats
- Support letters

CASE HISTORY

No record of previous special exception or variance request.



BOARD OF ZONING APPEALS

VARIANCE APPEALS



10-19V

Application #

1. Location NW/S HAVEN CIRCLE
 TMS Page 01409 Block 03 Lot 16 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 _____ of the Richland County Zoning Ordinance.

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows: (SEE PAGE 2 ATTACHED)

4. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by Sec. 26-602.3b(1) of the Richland County Zoning Code are met by the following facts.

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following: (SEE PAGE 2 ATTACHED)

b) Describe how the conditions listed above were created: (SEE PAGE 3 ATTACHED)

c) These conditions do not generally apply to other property in the vicinity as shown by: (SEE PAGE 3 ATTACHED)

d) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: (SEE PAGES 3 & 4 ATTACHED)

e) The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: (SEE PAGE 4 ATTACHED)

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

- a) SITE PLAN
- b) EXHIBITS 1 THROUGH 6
- c) _____

(Attach additional pages if necessary)

Dennis Hunniford
 Applicant's Signature

760 W. KAREN CT.
 Address

(217) 877-4987
 Telephone Number

DENNIS HUNNIFORD
 Printed (typed) Name

DECATUR, ILLINOIS 62526
 City, State, Zip Code

(217) 433-4772
 Alternate Number

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS**

3. Applicant requests a variance to allow use of the property in a manner shown on the attached site plan, described as follows:

Accessory building (detached garage): Encroachment of ten (10) feet into the minimum side setbacks of twenty (20) feet as set forth under Richland County Zoning Ordinance Sec. 26-85 (c)(4)b. attached herein as Exhibit 4.

The accessory building will be used for a work shop and boat and lawn mower storage.

4. a) There are extraordinary and exceptional conditions pertaining to the particular piece of property as following:

The area of our lot is 33,003.0 Sq. Ft. (See Exhibit 1) The shape of our lot is referred to as a “flag” lot. The rear of the lot, the narrow portion abutting Lake Murray, contains approximately 11,651 Sq. Ft. (See Exhibit 2, Line 6) Substantially all of the rear portion of the lot falls below the 363 elevation level. As such, we are prevented from building a permanent structure in this area.

The front portion of the lot abuts Haven Circle. The gross area of this front portion contains approximately 21,352 Sq. Ft. (See Exhibit 2, Line 5) And the area, of this front portion, that is contained within the front and side setbacks under Sec. 26-85(c)(4) contains approximately 10,989 Sq. Ft. (See Exhibit 2, Line 14) This leaves only 10,363 Sq. Ft. of net buildable area (21,352 Sq Ft. less 10,862 Sq. Ft.). (See Exhibit 2, Line 15)

Thus, we are currently prevented from building on approximately 51% of the gross area of the front portion of the lot because of the setback requirements under Sec. 26-85(c)(4). (See Exhibit 2, Line 16) As such, the setback requirements clearly restrict and prevent the maximization of the use of the property.

Sec. 26-185(b)(1)b.1. provides that an accessory structure shall not be located in front of the building line of the principal structure. (See Exhibit 6)

Sec. 26-185(b)(1)b.2. provides that accessory uses and structures may be permitted in side yards, provided that their placement shall not exceed the minimum side yard requirements of that district. Under Sec. 26-85(c)(4) the side minimum setbacks for accessory buildings are twenty (20) feet.

These 20 foot setbacks reduce the 120 foot width of the property to a buildable area of only 80 feet wide. This 80 foot width is not wide enough for us to properly place our residence and an accessory structure side by side. A side by side placement provides the best means of taking the boat in and out and requires only a minimal amount of additional driveway. We do not want the house and accessory building placed too close together as this would take away from the architectural qualities of each, would spoil the looks of the

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS**

4. a) continued

property, and would reduce the value of the property.

Sec. 26-185(b)(1)b.3. provides that accessory uses and structures may be permitted in rear yards, provided that they are located not less than ten (10) feet from any property line.

The accessory structure could be placed behind the home but this would require us to move the house forward on the lot and cut down several mature hardwoods. The end result would be that the accessory structure would obstruct our view of the lake and thereby reduce the value of the property. In addition, it would require an extensive driveway to access the structure.

4. b) Describe how the conditions listed above were created:

We purchase the lot from Felder M. West in March of 2007. The lots were laid out as shown on Exhibit 1 in order to meet the square footage and lot width requirements as set forth under Sec 26-85.

4. c) These conditions do not generally apply to other property in the vicinity as shown by:

The adjoining lot to the South, owned by Mr. West, is also a flag lot. Its shape is just the opposite of ours. The narrow portion abuts Haven Circle and the buildable area abuts Lake Murray. The remaining lots in the vicinity are not flag lots as can be seen in Exhibit 3, which also shows the placement of various structures in the vicinity of our lot.

The lots directly across the street from us, upon which new houses have recently been built, are zoned RS-LD (See Exhibit 3) and under Sec. 26-88(c)(4), attached herein as Exhibit 5, the minimum side and rear setback requirement of accessory buildings/structures is only five (5) feet.

4. 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:

Because of the setback requirements under the RU Zoning, 40 feet in front and 20 feet on the sides we lose approximately 10, 989 Sq. Ft. out of only 21, 352 gross buildable Sq. Ft. or approximately 51% of the gross buildable area of our lot.

**RICHLAND COUNTY
BOARD OF ZONING APPEALS
VARIANCE APPEALS**

4. d) continued

These setbacks prohibit and restrict the placement of our future home and accessory building in a side by side position on the lot. We feel that a side by side placement is the best positioning given our lot configuration.

Section 26-185(b)(1)b.1. prevents the placement of an accessory structure in front of the building line of the residential structure.

The placement of the accessory building behind the residence would block the view of the lake and substantially reduce the value of the lake property. We purchased the lot so as to have the view of the lake.

4. e) The authorization of a 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 granting of the variance for the following reasons:

The accessory building (detached garage) is in compliance with the height and size restrictions as set forth under Sec. 26-185(b)(1)(c) and (d). The accessory building is designed so that it fits architecturally with the home. (See page 2 of the Site Plan) The granting of the variance will allow us to place the home and accessory building side by side in an efficient and architectural pleasing manner. The side by side placement will permit easy access to the accessory building and provide for easy storage and retrieval of the boat. The granting of the variance will allow us to maximize the use of the site. The granting of the variance will result in the enhancement of the neighborhood and is not contrary to the public interest. Attached as pages 5 and 6 are letters from the adjacent property owners stating that they have no objections to the ten (10) foot encroachment as being requested.

August 21, 2010

Richland County Board of Zoning Appeals

RE: Hunniford Request for Zoning Variance

I have reviewed the Variance Request and discussed it with Mr. and Mrs. Hunniford and have no objections to the ten (10) foot encroachment that they are requesting.

My property adjoins the Hunniford's on the North. Tax Map No. R01409-03-12.

Sincerely,


John J. Bouknight

August 20, 2010

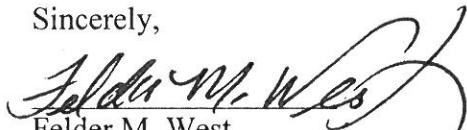
Richland County Board of Zoning Appeals

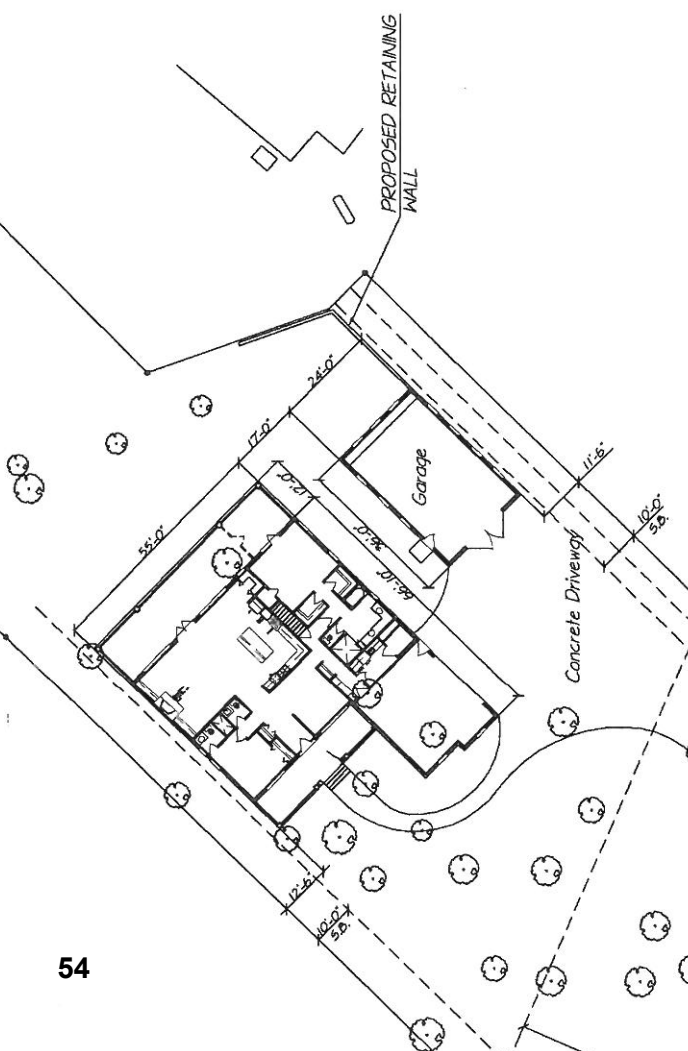
RE: Hunniford Request for Zoning Variance

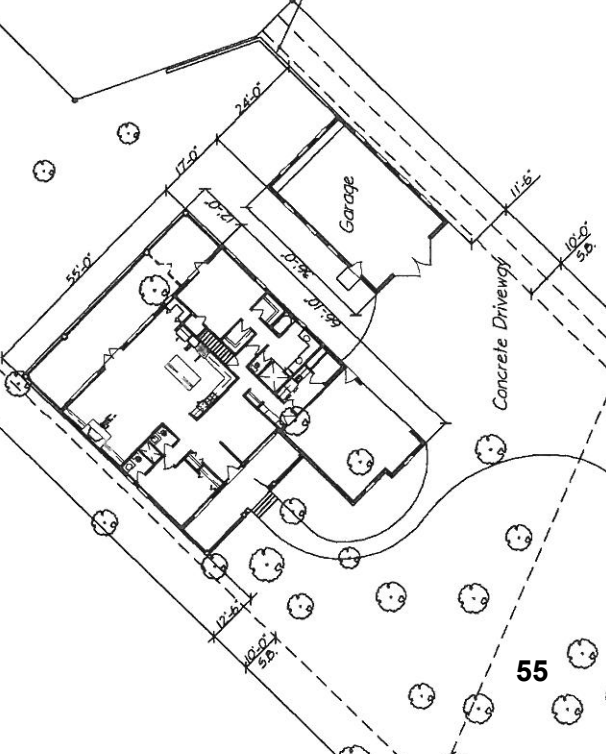
I have reviewed the Variance Request and discussed it with Mr. and Mrs. Hunniford and have no objections to the ten (10) foot encroachment that they are requesting.

My property adjoins the Hunniford's on the South. Tax Map No. R01409-03-11.

Sincerely,


Felder M. West





Reconsideration

Case 10-12 V

Rev. Mark Williams

10220 Garners Ferry Rd.

Eastover, SC 29044

27800-01-03



September 17, 2010

Rev. Mark Williams
 1205 Princeton St.
 Columbia, SC 29205

RE: 10-12 V
 Requests a variance permitting a sign to exceed the maximum allowable
 height on property zoned RU. (Rural)-
 TMS# 27800-01-03

Dear Rev. Williams:

The Richland County Board of Zoning Appeals, at the September 1, 2010 hearing, denied the above referenced request. The Board of Zoning Appeals at it October 6, 2010, will vote on whether to reconsider hearing your case.

3.7a Requests for Reconsideration.

There is no right of reconsideration of any decision by the Board. However, a person who may have a substantial interest in any decision of the Board may request reconsideration at any time prior to the approval of the minutes reflecting the action taken. Requests for reconsideration shall be delivered to the Zoning Administrator in writing, setting forth plainly, fully, and distinctly why the decision of the Board is in error based on the following reasons:

- a) mistake of law;
- b) mistake of fact;
- c) inadvertence;
- d) excusable neglect;
- e) newly discovered evidence which by due diligence could not have been discovered in time for the hearing;
- f) fraud;
- g) misrepresentation;
- h) other misconduct of a party in interest; or
- i) evidence of a material clerical or other error.

Unmeritorious requests for reconsideration or requests based on an aggrieved party's desire simply for another hearing shall be denied.

A request for reconsideration shall be based and acted upon entirely the written request submitted pursuant to this subsection; provided, however, that testimony may be allowed only by leave of the Board. The Board may call witnesses for limited testimony if needed to develop an understanding of the nature of the request.

Please call me if you have any questions or need additional information at 576-2176.

Sincerely,

 Suzie Haynes
 Boards & Committees Coordinator

9/15/10

Mr. Geonard Price
CC: Carol Williams and Suzie Haynes
2020 Hampton St.
Columbia SC 29202

Dear Mr. Price,

Under rule 3.7a, I would like to make a written request for reconsideration by the Board in regards to their decision on our case (#10-12 V) on September 1st 2010. I would like to “set forth plainly, fully, and distinctly why the decision of the board is in error” based on the following three reasons:

a) mistake of the law

At my hearing on September 1st 2010, I was not informed that I had the legal right as a citizen of Richland County to wait and present my case before the presence of a full board. Because of this neglect that occurred, I believe that under the law, I should be granted a second hearing in the presence of a full board.

b) mistake of fact

At my hearing on September 1st 2010, Mr. Marion Duncan, my sign agent, made a *major* mistake when talking about the proposed height of my sign. Throughout the meeting, Mr. Duncan referred to a drawing of a sign that was 15.5 feet tall. The actual proposed height of my sign is 13.5 feet tall. The proposed blueprint for my sign that Mr. Duncan distributed to the board reflected incorrect dimensions. I feel that if the board had considered my case with the correct dimensions of my proposed sign, the outcome of the hearing would have been different.

g) misrepresentation

At my hearing on September 1st 2010, Mr. Marion Duncan, my sign agent, misrepresented my interests by filling out improper paperwork. Specifically, under question 5a of the Richland County Board of Variance Appeals form, Mr. Duncan failed to list the “extraordinary and exceptional conditions pertaining to my property” that were absolutely crucial to my case. The exceptional condition to our property is a valley/dip in our land’s elevation. This valley/dip was originally created when the highway in front of my church was widened and the roadbed was raised to properly bank the curve when approaching the church from the south. Given the rural requirements for signage (a four-foot limit on sign height), the law presents a hardship for my church in that the sign would not be visible from the road from all directions. I need additional height for my sign in order to overcome this hardship. This crucial issue relating to an exceptional condition was largely ignored by Mr. Duncan, whose written response to question 5a revealed a disregard of the matter at hand. Mr. Duncan’s written response to question 5a focused exclusively on zoning issues and had nothing to do with an argument for a height variance.

In sum, I believe that because of these three reasons, I should be granted another hearing. I will be present at the hearing on October 6th 2010, should the board need to “call witnesses for limited testimony in order to understand the nature of my request.”

Sincerely,



Rev. Mark Williams (803) 239-7074 (cell)
1205 Princeton St.
Columbia, SC 29205



Richland County Government
2020 Hampton Street
Columbia, SC 29204

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